

**ETHICS and DISCIPLINARY COMMISSION  
PROCEDURAL RULES  
(01/04/22)**

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## **I INTRODUCTION**

1. These Procedural Rules of the Ethics and Disciplinary Commission (*EDC Procedural Rules*) are enacted by the EDC pursuant to Rule 34.3 and Schedule 13 of the IWF Constitution (2021).
2. They apply to all proceedings conducted by the EDC. For the avoidance of doubt proceedings conducted by the EDC acting as the Eligibility Determination Panel (EDP) are governed by the Eligibility Determination Panel Rules of Procedures set forth in Schedule 11 of the Constitution.
3. This version of the *EDC Procedural Rules* shall supersede any previous version as of its issuance by the EDC on April 1, 2022.
4. Notwithstanding the above and without prejudice to their immediate applicability, these *EDC Procedural Rules* will be forwarded, as decided by the EDC, for approval by the Executive Board.

## **II CONSTITUTION AND ORGANIZATION**

5. The EDC consists of five (5) members of 5 continents and 2 reserve members who are otherwise entirely independent of the Federation and the Sport, appointed by the Executive Board and then ratified by an Ordinary Resolution of the Congress.
6. The composition of the EDC is as follows: the EDC Chair, the EDC Vice-Chair, and three EDC Members (together, the EDC Members or the EDC). The Vice-Chair is appointed by the EDC. The Vice-Chair may be called to replace the Chair in all matters provided for under the EDC Procedural Rules in case of incapacity or conflict of the Chair. The reserve members are not active members. They may be called upon to replace an EDC member in the event of unavailability, conflicts of interests of members and/or for ad hoc missions in the event the EDC is confronted with a high workload.
7. In the event of a casual vacancy arising in the position of any EDC Member the remaining members of the EDC can appoint a reserve member as an EDC Member in his or her stead. Such an appointment is subject to ratification by the Congress in accordance with rule 34.2 (b) (i) of the IWF Constitution.
8. The EDC is assisted in its function by the Secretariat of the Chair who is appointed by the Chair himself. The EDC Secretariat shall also carry out its functions independently of the IWF Executive Board. It shall provide support for the completion of tasks as required by the EDC.

9. Where a matter is brought to the EDC, the Chair of the EDC will call the EDC Members to sit as a panel for that particular matter. The EDC will in principle hear matters as a three-member panel appointed by the EDC Chair. In some cases, the EDC may act as a five-member panel. Simple matters may be entrusted by the Chair to a sole member. If the Chair is one of the panel members, he/she acts as chair of the panel. Otherwise, the Chair designates the chair of the panel amongst the appointed panel members.
10. The EDC Chair has the power to consolidate proceedings.
11. The EDC Chair can exercise any other power in the case of urgent matters that require a Decision before a panel can be convened.
12. The EDC may order an investigation, adjudicate and sanction reported infringements of the EDC Rules and the IWF Constitution (adjudicating jurisdiction).
13. The EDC may consult legal experts to support it in its work.

### **III INDEPENDENCE OF THE EDC - REMUNERATION**

14. The EDC Members shall make their Decisions entirely independently and shall not receive instructions from any IWF body. A member of another IWF body or Commission may neither attend the EDC hearings nor the EDC deliberations unless such member has been explicitly summoned to attend by the EDC.
15. The EDC Members should act with independence and impartiality at all times. Prior to their appointment to a matter, they must sign a Declaration of independence and impartiality for disclosure to parties, disclosing any facts or circumstances known to them that might call into question their impartiality or independence in the matter in the eyes of a reasonable observer. If any such facts or circumstances arise after their appointment, the EDC Members must spontaneously provide an updated Declaration.
16. Such circumstances include – but are not limited to - the following:
  - a. if the member has a direct interest in the outcome of the case;
  - b. if the member is associated with any of the parties;
  - c. if the member has the same nationality as the party implicated in the matter.
17. Any objection to a member of the EDC must be filed with the EDC Secretariat without delay and no later than 7 days after becoming aware of the facts or circumstances giving rise to the objection. Failure to do so will constitute a waiver of that objection. The EDC will rule on the objection. Such Decision is final and cannot be challenged.

18. If an EDC Member is unable or unfit to hear the matter for any reason, the EDC Chair may appoint another EDC Member to replace him on the EDC Panel. In case of need, reserve members may also be called.
19. The IWF shall compensate the members of the EDC (including reserve members) and the EDC Secretariat for their work and/or the time spent on particular matters as per the Terms of Reference (ToR). This remuneration is without prejudice to their independence which must be preserved.

#### **IV CONDUCT OF THE EDC PROCEEDINGS**

##### **20. Initiation of the proceedings**

Ethics and Disciplinary Commission proceedings ("proceedings") may commence

- a. *ex officio* by the EDC, e.g. on the basis of official reports, publicly available information or external investigations;
- b. through a complaint lodged by any person, in case of conduct deemed incompatible with the EDC Rules or the IWF Constitution.
- c. Upon submission of relevant circumstances by the IWF Integrity Officer appointed by the Independent Investigative Chamber (IIC) among themselves.

21. The EDC will meet regularly or as the need may be in order to determine the matters in accordance with the applicable EDC Rules.
22. There is no entitlement for ethics / disciplinary proceedings to be opened following the submission of a complaint. In principle, only the incriminated parties are considered to be parties to the proceedings.
23. Persons subject to the application of the Ethics and Disciplinary Code (Schedule 1 of the IWF Constitution) thereof and against which a potential violation of the Code has been asserted or another issue pursuant to the Code raised are parties to proceedings in front of the Ethics and Disciplinary Commission.
24. For the avoidance of doubt, persons or entities reporting potential violations the Code to the Ethics and Disciplinary Commission or to any other body of IWF are not parties to proceedings in front of the Ethics and Disciplinary Commission.
25. Prior to deciding the formal opening of ethics / disciplinary proceedings, the EDC may perform a preliminary review based on the information received. For this purpose, it may also collect or request additional information.
26. If, following preliminary review if any, the EDC considers that there are sufficient prima

facie elements, it shall open formal ethics / disciplinary proceedings.

27. The concerned party(ies) shall be notified of the opening of the proceedings.
28. The EDC shall determine the conduct of the proceedings and inform the parties accordingly.
29. If notably the EDC considers that the case requires additional investigation, the EDC shall have the authority to refer the matter to the Independent Investigative Chamber (IIC) for it to implement an independent investigation. This referral can occur before or after the formal opening of proceedings. The referral sets the scope of the investigation.
30. Once the requested investigation has been conducted, the IIC shall prepare and submit to the EDC a report. Interim reports may be provided to the extent appropriate.
31. The EDC Panel determines the conduct of the proceedings. The right to be heard of the parties must be respected in any event. It may be exercised in writing and / or during a hearing (in presence or virtual).
32. Should a hearing be conducted, the investigator(s) and / or the Integrity Officer may be invited to present the evidence before the EDC should the EDC deem it necessary.
33. The EDC will have the power to carry out its mandate and issue its decisions pursuant to the applicable IWF Rules.
34. The EDC may in particular:
  - a. establish its jurisdiction on a given case;
  - b. order an independent investigation through the IIC as the need may be, the costs of which shall be borne by the IWF;
  - c. expedite or suspend its ethics / disciplinary proceedings;
  - d. order any party to produce evidence in its possession or under its control;
  - e. allow third parties to intervene or be joined in the ethics / disciplinary proceedings, provided that they are bound by the IWF Constitution; and
  - f. order provisional measures.
35. The parties to an EDC procedure have in particular the right to
  - a. be legally represented;
  - b. refer to the file;
  - c. present their legal and factual arguments;
  - d. request production of evidence;
  - e. get involved in the production of evidence; and
  - f. obtain a reasoned Decision.

36. Notwithstanding the fact that complainants are not parties to the proceedings, the EDC incites at its discretion may provide complainants who are directly affected by the violation(s) at stake with information on the conduct of the proceedings and their outcome and/or grant them specific procedural rights.

#### **V FILING OF A COMPLAINT TO THE EDC SECRETARIAT**

37. A person or organization is entitled to report any actual or suspected breach or violation of the IWF Rules by filing a complaint. Such complaint should include a summary of facts and any available evidence supporting the allegations. The complaint and the documents shall be in English or translated in English. The EDC, at its discretion, may accept documents in other languages. All reports will be treated confidentially by the EDC Secretariat.

38. Wherever a person or organization wishes to file a complaint and remain anonymous, the EDC Secretariat will ensure that the anonymity is respected.

39. Reports of actual or suspected breaches or violations of any of the provisions of the Ethics and Disciplinary Code may be made to the EDC Secretariat by lodging a written complaint. Complaints may be filed by email to [EDC@iwfnet.net](mailto:EDC@iwfnet.net).

40. Any person bound by the EDC Rules who reports facts which are knowingly wrong or incorrect and which may lead to the initiation of ethics / disciplinary proceedings constitutes a violation and may be subject to disciplinary proceedings under the IWF Rules as a result.

#### **VI REFERRAL TO THE IIC BY THE EDC**

41. The IIC shall conduct or organize the conduct of investigations on a given matter upon referral from the EDC.

42. The scope of the investigation is defined at the outset of each investigation by the EDC.

43. The IIC and/or the investigators appointed by the IIC shall conduct their investigations entirely independently of any third-party influence or the IWF. Appointed investigators and their immediate family members shall not belong to any IWF body or commission. The investigators may not have a personal relationship with parties to matters they are appointed to and they should not have any prior involvement in the matter at hand. They shall decline to participate in any investigation concerning a matter where there are serious grounds for questioning their impartiality.

44. The investigation proceedings shall be kept confidential. Notwithstanding the above, the IIC may report to the EDC at any stage of the investigation and the EDC may, if necessary and appropriate, inform the public about an ongoing or completed investigation. Such information must respect the presumption of innocence and the personality rights of the parties concerned.
45. The EDC Secretariat shall provide the IIC with the necessary administrative and logistical assistance for the completion of its tasks.
46. The investigator(s) appointed to conduct the investigation shall, conduct the investigation in accordance with the Terms of Reference by any legitimate means, including written enquiries and written or oral questioning of the parties and witnesses, if applicable.
47. The parties shall cooperate in context of the investigation. Failure to cooperate shall be reported. The EDC may draw adverse inferences therefrom.
48. Upon completion of the investigation, the IIC shall prepare a final report and submit it to the EDC together with the IIC investigation file. The report shall contain all the relevant facts and evidence along with any relevant observation regarding the conduct of the investigation and its outcome.

## **VII HEARINGS**

49. The EDC may decide, either upon request or on its own motion, to hold a hearing in a given matter. Such hearing may take place in person in Lausanne (Switzerland) or elsewhere. It may also be held virtually, in whole or in part.
50. Hearings are in principle held *in camera*. They are only attended by the parties and their representatives, witnesses and/or experts and or any other person allowed to attend by the EDC including, if applicable the Integrity Officer on behalf of the IIC and/or investigators involved in the preparation of a report of the IIC.
51. The proceedings are conducted in English. Subject to a different decision at its discretion, documents provided in another language must be accompanied by certified translations at the costs of the person / entity submitting them. Any person / entity wishing to call witnesses or give evidence in another language must be accompanied by an independent translator during the hearing, at their own cost.

## **VIII EVIDENCE, BURDEN AND STANDARD OF PROOF**

52. The EDC may upon request or on its own initiative appoint experts in order to assist

its assessment of factual or legal issues.

53. Facts may be established by any reliable and legitimate means. Evidence may include, in particular, documents, official reports, expert opinions, declarations from parties or witnesses, audio and video recordings, expert opinions and the outcome of the investigations.
54. Witnesses shall tell the truth and shall answer the questions raised by the EDC to the best of their knowledge and judgment, subject to sanction of perjury. Any party requesting the examination of witnesses shall be responsible for their appearance at the hearing and shall bear the costs and expenses incurred in connection therewith.
55. The parties shall have full access to the evidence. This notwithstanding special protective measures may be decided by the EDC to protect prevailing legitimate interests. Without limitation the EDC may order appropriate measures to protect witnesses (for example separate identification of witnesses).
56. The parties have to cooperate in good faith in the proceedings and in particular to provide relevant evidence under their control upon request. The EDC may draw inferences from a failure to duly cooperate in good faith in the proceedings, in particular to provide evidence under the party's control and/or to answer questions.
57. The EDC freely evaluates all the available evidence.
58. The burden of proof in regard of the establishment of the violation lies on the EDC. The burden of proof in regard of exculpating circumstances lies on the concerned party.
59. The applicable standard of proof is, unless otherwise stipulated, the standard of comfortable satisfaction of the EDC.

## **IX CONFIDENTIALITY, PUBLICATION**

60. The proceedings are confidential and no person / entity involved in the proceedings in any capacity may disclose any facts or other information relating to the proceedings, save as provided for within these Rules. Violations of this duty of confidentiality may constitute a violation and may be subject to disciplinary proceedings under the IWF Rules.
61. Notwithstanding the above, the EDC may issue communications in regard of the opening / conduct/ outcome closure of proceedings and their outcome to the extent appropriate. Information of the complainants as decided by the EDC is also reserved.



## X EDC DECISIONS

62. After the parties' respective submissions, the EDC shall deliberate and render its Decision either unanimously or by majority, without the right to abstain. Dissenting opinions shall not be communicated nor published.
63. The EDC shall render its Decision as soon as possible, and, in principle, not later than two months after completion of the proceedings.
64. The EDC Decisions shall be in writing, dated and signed by at least the EDC Chair. Unless otherwise provided in the IWF Rules, the EDC Decisions shall contain the following:
- a. The composition of the EDC Panel;
  - b. The names of the parties and their representatives;
  - c. The jurisdictional basis;
  - d. A summary of the facts;
  - e. A summary of the arguments of the parties;
  - f. The legal framework;
  - g. The grounds and the Decision;
  - h. Any applicable cost orders; and
  - i. The instructions for appeal.
65. If the circumstances warrant, the EDC may issue the operative part of the Decision prior to the release of the full reasoned Decision.
66. The proceedings are normally free for the parties. Under certain exceptional circumstances involving incorrect procedural behaviour, the EDC may however decide that a party has to pay a contribution to the costs of the proceedings.
67. Parties have to bear their own costs, including fees of counsels, experts and interpreters.
68. The EDC may rectify any obvious mistakes in a Decision which do not affect the substance of the Decision at any time upon request of a party or ex officio (e.g. typos).
69. The EDC Decisions may be published on the IWF website, unless the IWF Rules provide otherwise. Upon request, the published may be redacted as appropriate, notably to protect third parties.

## **XI APPEALS AGAINST DECISIONS RENDERED BY THE EDC**

70. Preliminary or procedural orders by the EDC or the EDC Chair are not subject to appeal prior to issuance of the Decision, unless such order terminates the proceedings.
71. In accordance with Rule 43 of the IWF Constitution (2021 version), the Decisions of the EDC may only be appealed by a party before the Court of Arbitration for Sport (the CAS). The Code of Sports- related Arbitration (CAS Code) shall apply to the appeal proceedings.
72. The appeal does not have a suspensive effect to the EDC Decisions, which are immediately enforceable, unless such suspensive effect is granted by the CAS in accordance with Article R37 CAS Code.
73. The Member Federations and the IWF shall ensure the enforcement and implementation of the EDC Decisions that are executory.

## **XII MISCELLANEOUS**

74. Notices or communications are valid if sent in writing by registered mail. They may be sent by email. However, if sent by email, the sender bears the burden of proof of actual sending of the email within the deadline. All correspondence shall only be sent to the EDC Secretariat and not to the EDC Members. Communications addressed to EDC Members shall not constitute valid communications pursuant to these Rules.
75. If sent by registered mail, the notice of communication is deemed to have been sent on the date of the stamp of the postal office or the courier. Communications transmitted by email are deemed to have been sent on the same day if sent at or prior to 23:59 in the time zone of the sender and to the correct email address.
76. Time limits under the EDC Rules commence on the day following the day when a notice or other communication is sent. If a dead-line expires on a non- working day in the location of the party required to comply with such time limit, then the time limit expires on the next working day.
77. Where a procedural matter arises that is not otherwise provided for in the Procedural Rules, the EDC shall decide it based on general principles applicable under Swiss Law.
78. Possible deviations or procedural irregularities will not invalidate the findings and Decision of the EDC unless it can be established that these have caused a miscarriage of justice.

79. Neither the EDC nor the EDC Secretariat may be held liable for any action or omission relating to any procedure conducted pursuant to these procedural rules, unless otherwise provided by law.

*EDC Procedural Rules, Version 010422 – as issued by unanimous resolution of the EDC on April 1, 2022*

*The EDC Chair*



*Gabriel Nigon*