



Dispute Resolution and Disciplinary Code

**Adopted by the Board of Directors on March 31, 2017 as amended on
January 30, 2021**

Introduction

In accordance with the sporting ideals and principles of the Sport of Kickboxing, WAKO expects its affiliated Members, there including WAKO Continental Divisions, and their respective members or affiliated entities (i.e. officials, referees, doctors, coaches, athletes, other) as well as the members of WAKO Committees or any WAKO bodies (collectively, "**Members**") and all persons who participate or assist in WAKO events and activities (collectively, "**Related Parties**") and, together with the Members, the "**Subjects**") to respect the WAKO Statutes, By-laws, rules, any additional provisions, the WADA-Code and the principles of the WAKO Code of Ethics (collectively, the "**Rules**").

In order to guarantee the above-mentioned provisions and principles, this Dispute Resolution and Disciplinary Code (hereinafter, the "**Code**") determines the sanctions which may be applied, regulates the organization and function of the bodies responsible for taking decisions and the procedures to be followed before these bodies.

This Code is promulgated in accordance with and as a supplement to the provisions of WAKO Statutes and WAKO By-laws.

- (A) Unless otherwise provided herein, appeal under this Code is the sole mean for resolution by any Subject (persons or legal entities) of any relevant WAKO-related disputes or disciplinary actions.
- (B) Unless otherwise provided herein, resolutions or actions under this Code are final.
- (C) Except as provided herein, appeal of decisions taken under this Code can be made only to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland.

Scope of application

This Code provides for resolution of WAKO-related disputes among Members and Related Parties or between Members or Related parties and WAKO.

WAKO-related disputes include but are not limited to disputes that arise related to WAKO membership, participation in WAKO events, promoted or sanctioned championships, and that involve the application and/or violation of the WAKO Rules.

This Code governs offences submitted for the assessment of WAKO. Such offences include, but are not limited to, the following:

- (A) Violation of WAKO Statutes, By-laws, Competition Rules, Code of Ethics or other WAKO rules, regulations, policies, guidelines or directives;
- (B) Unsportsmanlike conduct, libel, defamation, misconduct against opponents, persons or organizations;
- (C) Aggressive behavior, including verbal, physical or sexual abuse;
- (D) Corruption, embezzlement or conflict of interests;
- (E) False declarations when entering a competition or as a candidate for an election.

Dispute Resolution and Disciplinary Bodies

Art.1 Disciplinary Committee

1. The body responsible for the application and implementation of the provisions of this Code regarding disciplinary matters is the Disciplinary Committee. It is authorized to sanction the Subject for any violation of the Rules of WAKO in accordance with the provisions of this Code.
2. In the framework of the competence of the Disciplinary Committee as defined in WAKO By-laws and in the present Code, the terms of reference of the Disciplinary Committee are:
 - (A) To deal with disciplinary matters beyond those where the Referee Committee has jurisdiction, such as what is not covered by the application of the competition rules. This would include, for example, but would not be limited to, disciplinary offences in relationship with the opening and closing ceremonies, incorrect behavior of delegation members inside or outside the competition area, or any behavior that is considered contrary to the good sportsmanship;
 - (B) To impose disciplinary measures upon any subject in the form of verbal or written warnings, impose sanctions or penalties in application of WAKO Rules, or measures of suspension from participation in WAKO sanctioned events in accordance with the present Code.
3. The Disciplinary Committee is composed of 5 (five) members (among whom the Chairman and the Vice Chairman) who are elected by the Board of Directors and whose decision must be ratified by the General Assembly.
4. The Disciplinary Committee is duly held when all its members are present (either physically or through conference call/Skype).
5. However, proceedings may be validly held even without a quorum in the circumstances (i) provided by paragraph 6 below, when there is a successful challenge of a member of the Disciplinary Committee and (ii) in case one or two members cannot attend the proceedings for good and justified reasons.
6. The Disciplinary Committee passes its decisions entirely independently; in particular, it shall not receive instructions from any other body of WAKO and shall immediately disclose any circumstances which may affect its independence.
7. A member of the Disciplinary Committee may be challenged if the circumstances give rise to legitimate doubts over his/her independence or over his/her impartiality. Challenges shall be determined and ruled by the Chairman when the circumstances give rise to legitimate doubts over a member's independence or over his/her impartiality and determined by the members when the chairman's independence or impartiality is affected.
8. The official language is English. The members of the Disciplinary Committee shall bear all of the costs of their translation and interpretation on their own. The Disciplinary Committee may order that all documents submitted in languages other than English be filed together with a certified English translation.

Art. 2 Arbitration Committee

1. The Arbitration Committee is competent to deal with any juridical and legal matter or dispute which is submitted to its attention and which may arise in connection with the application and/or violation of WAKO Statutes, By-laws or any regulation, policies, guidelines, directive, operations and decisions of WAKO's bodies which cannot be resolved through the standard operational procedures of WAKO. The Arbitration Committee also considers and renders decisions on the matters referred to it by each Member (as defined above) or Related Parties (as defined above).
2. The Arbitration Committee is also responsible to handle all negotiations, mediations and protests due to decisions taken by other Committees, situations that occur relating to WAKO activities in general. The Committee must assure fair, neutral and democratic treatment of every case presented to it. If conflicts of interest of any kind, a member can take part in discussion but he/she will not have a voting right.
3. It consists of 3 (three) up to maximum 5 (five) members, as appointed by the Board of Directors, who must all be qualified lawyers independent and external to WAKO.
4. The rules on the functioning of the Arbitration Committee are those provided under this Code and article 43 of WAKO Statutes.
5. The Arbitration Committee is authorized to sanction the relevant Subject for any violation of the Rules of WAKO in accordance with the provisions of this Code.

Art. 3 Ethics Committee

1. As provided in WAKO Code of Ethics, the independent WAKO Ethics Committee (the "**Ethics Committee**") is charged, among others, with the following mission: to assist WAKO in developing and updating a framework of ethical principles, including those contained in the Code of Ethics, based upon the values and principles enshrined in the Code of Ethics as well as WAKO Rules and in the Olympic Charter ("**WAKO Ethical Principles**"); to help ensure compliance with the WAKO Ethical Principles in the policies and practices of WAKO; to investigate complaints or other issues submitted to the Ethics Committee by the WAKO President, the WAKO Board, the Disciplinary Committee, the Arbitration Committee or the General Assembly, and raised in relation to the breach of the WAKO Ethical Principles, and, if necessary, to recommend sanctions or other action to be taken by WAKO, its President, its Board, its Disciplinary Committee, its Arbitration Committee or its General Assembly.
2. The rules on the composition and functioning of the Ethics Committee are provided under article 10 of WAKO Code of Ethics.
3. Any breach of the Code of Ethics which is ascertained by the Ethics Committee will be sanctioned pursuant to the sanctions set forth in this Code directly by the Ethics Committee or, if so requested and directed by the Ethics Committee, by the Disciplinary Committee.

Art.4 Conditions for sanctions under this Code

1. Unless otherwise specified, infringements are punishable upon written request of the Claimant (as hereinafter defined), regardless of whether they have been committed deliberately or negligently.
2. With regard to matches and competitions not organized by WAKO, the organizing associations, confederations and sports organizations are responsible for enforcing sanctions imposed against infringements committed in their area of jurisdiction.

3. Disciplinary decisions based on Rules regarding events or competitions taken by the Referee during fights and competitions are final according to the applicable WAKO Rules. An appeal or request under this Disciplinary Code may apply except if it is a case of fight result. Serious infringements may be sanctioned additionally.
4. WAKO Board members are under the jurisdiction of the Disciplinary Committee but they are accountable only towards WAKO General Assembly.

Disciplinary Sanctions

Art. 5. General principles

1. Violations of WAKO Statutes, By-laws, rules, the additional provisions, the WADA-Code and the principles of the WAKO Code of Ethics (the “**Rules**”, as above defined) may be sanctioned as provided herein and in the respective provisions of the aforementioned legal documents.
2. In addition to personal responsibility, National Federations and clubs are accountable, and may be sanctioned accordingly, for the conduct of their competitors, members, officials, supporters and any persons exercising a function within the National Federation or the club and/or during the organization of a match on behalf of the National Federation or club, irrespective of whether a fault has been committed.
3. Violations of WAKO Anti-doping Rules are to be dealt with under the procedure provided by such Rules. In any event, the WAKO Anti-doping Committee may decide to apply the sanctions provided by this Code at its discretion or it can mandate the application of the sanctions to the Disciplinary Committee.
4. WAKO Continental Divisions and their respective bodies shall apply the present regulations to their competitions.
5. Any affected Subject can request to WAKO to initiate an inquiry on the concerned matter which is under the application of this Code.

Art. 6. Sanctions

1. The following sanctions may be imposed by the competent WAKO Committees either on a natural person or a legal person, as applicable.
2. 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.
3. Suspension/expulsion: the competent WAKO Committee may suggest to the Board of Directors to suspend or expel a Subject in the cases provided by WAKO Rules (WAKO Statutes). In such a case, the suspension and the expulsion from WAKO shall be further resolved by the competent body in compliance with the provisions of WAKO Statutes.
4. In the cases other than those indicated in paragraph 3 above, the competent WAKO Committee may temporarily suspend a Subject for a maximum period from 2 up to maximum 5 years from exercising the following rights:
 - a) The right to organize any international WAKO competition or event;
 - b) The right to vote in a Committee of WAKO;
 - c) The right to compete or take part in any international event or Championship of WAKO or in any other international competition recognized by WAKO.

5. Return of a gain: the competent WAKO Committee may impose to the Subject to return an award gained so that he shall return the benefits, in particular sums of money and symbolic objects (trophy etc.).
6. The competent WAKO Committee can make recommendations to the General Assembly and/or the Arbitration Committee (as applicable) to take actions and apply sanctions towards the members of the Board of Directors.
7. Fine: the competent WAKO Committee may impose that a fine is to be paid by the Subject. The fine shall be no more than EUR 2,500 per individual, per infringement, and not be more than EUR 5,000 per sanctioned National Federation.
8. In case of infringements of the WAKO Statutes, Rules and additional provisions of WAKO or WADA-Technical Code which entail legal/juridical and/or technical issues, the Disciplinary Committee requested to initiate a disciplinary proceeding under this Code may submit the relevant case to the Arbitration Committee and/or the WAKO Anti-doping Committee, as applicable.
9. Sanctions provided under this Code may be combined.
10. Sanctions shall be published on the world wide webpage of WAKO and respective Continental Divisions.
11. The body that imposes the sanction decides the scope and terms of it and, where applicable, the time limits for payment of any fine.
12. National Federations are jointly liable for fines imposed on their referees, officials and team delegation members, regardless of whether the person has left the National Federation after the fine was imposed. The same applies *mutatis mutandis* to clubs in respect of their competitors and team delegation members.

Art. 7. Proceedings

1. Save as provided in paragraph 6 below, the proceeding under this Code is initiated by written notification (or by e-mail) to WAKO President and WAKO Administration. This request has to be filed within 30 days after the day of knowledge of the infringements sanctioned under this Code but, in any event, no later than 1 year.
2. The claim of the petitioner (the “**Claimant**”) must contain:
 - the name and full address of the Claimant and Respondent;
 - a brief statement of the facts and legal argument, including a statement of the issue to be submitted to the competent Committee for determination;
 - any relevant information or proof; (the “**Complaint**”).
3. The Complaint must be accompanied by a non-refundable \$500 (or the equivalent amount in Euro) processing fee net of any bank charges. This fee can be waived based on special circumstances. To receive such a waiver the Claimant must provide adequate grounds. The above fee will be reimbursed in case of positive outcome of the Complaint in favor of the Claimant.
4. The WAKO Administration, after having received the Complaint, shall promptly send the same to the WAKO Legal Committee for appropriate knowledge and review. WAKO - through the collaboration of WAKO Legal Committee shall - within 20 days from the submission of

the Complaint - determine whether or not to start a proceeding related to the same. The decision to proceed is solely at the discretion of WAKO. WAKO shall do one of the following:

- (A) Decide not to proceed and issue a letter to the Claimant 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 Claimant and the Respondent regarding the initiation of a proceeding, and the details of the subsequent process, in compliance with the provisions of this Code; or
 - (C) Decline to proceed and suggest that the parties seek an alternative, more appropriate venue in which the dispute should be handled.
5. If the decision is to proceed, WAKO Administration - subject to the receipt of the payment of the \$500 (or the equivalent amount in Euro) processing fee by the Claimant as per paragraph 3 above - will send a written notice to the Claimant and the competent WAKO Committee (and namely to the Disciplinary Committee, or the Ethics Committee or the Arbitration Committee), depending upon the subject matter of the Complaint, by informing them on the start of the relevant proceeding in accordance with this Code and the applicable WAKO Rules.
6. As regards to the Complaints having as subject matter juridical and legal matters related to the violation of WAKO Rules or, in general, any matter which falls within the competence of the Arbitration Committee under article 2 above, the Claimant can directly send the Complaint to the attention of the Arbitration Committee. In such a case, the Arbitration Committee may assess and communicate to the Claimant and WAKO Administration – within 30 days from receipt of the relevant Complaint – whether it deems to have competence to handle the case or, alternatively, if the case must be submitted to the attention of another WAKO Committee. In the last case, the Arbitration Committee will inform the Claimant and send the Complaint to the relevant Committee for appropriate consideration.

Art. 8. Conduct of the disciplinary procedure

1. As regards to the disciplinary proceedings which are under the competence of the Disciplinary Committee, the Chairman of the Disciplinary Committee shall inform the parties involved, except when the case may not be treated in which case the Claimant will be informed in writing. The Disciplinary Committee gives the accused party (Respondent) the possibility to provide an answer to the Complaint within 30 days. The same right is given to the Claimant upon receipt of the Respondent's answer.
2. If in the answer of the Respondent there are new facts or proofs, the Chairman of the Disciplinary Committee can order a second round of statements of the parties.
3. The Chairman of the Disciplinary Committee conducts the meetings. If he/she is prevented from attending, the Vice Chairman shall conduct the meeting.

Circular resolutions are equivalent to a meeting of the Disciplinary Committee, provided that all members of the Disciplinary Committee agree and a personal meeting is not required by any member.

4. The parties shall be heard before any decision is passed. They may, in particular:
 - a) refer to the file;
 - b) present their arguments in fact and in law;

- c) request production of proof;
 - d) be involved in the production of proof;
 - e) obtain a reasoned decision. During the course of their activities, the parties shall ensure that the personal rights of those persons whom they contact and with whom they deal are protected, respected and safeguarded.
5. The facts can be investigated by the Disciplinary Committee ex officio. Any type of proof may be claimed, in particular: reports from Referees, declarations from the parties and witnesses, material evidence, expert opinions and audio or video recordings. Proof that violates human dignity or obviously does not serve to establish relevant facts shall be rejected. The parties are obliged to collaborate to establish the facts. In particular, they shall comply with requests for information from the Disciplinary Committee.
 6. If the parties fail to collaborate, especially if they ignore the stipulated time limits, the Disciplinary Committee will reach a decision on the case using the file in its possession.
 7. Decisions are passed by a simple majority of the members. The members are obliged to cast their vote in the matter. Abstention is not allowed. The Disciplinary Committee passes its decision independently. In particular the Disciplinary Committee is not bound by the parties' arguments.
 8. The Disciplinary Committee shall determine which party shall bear the proceeding costs or in which proportion the parties shall share them.
 9. The Chairman of the Disciplinary Committee shall inform the parties about the decision which shall be taken no later than 3 (three) months from the date in which the case was submitted to the Disciplinary Committee. The award shall state reasons, be written, dated and signed. It's to be sent to the parties, to their National Federations (if they are Athletes or Officials or other member of any WAKO body) and for information to WAKO Administration.
 10. Decisions come into force after missed time limit for the appeal (when provided) or after rejected appeal and within communication.

Art. 9 Conduct of the arbitration procedure

1. As regards to the arbitration proceedings which are under the competence of the Arbitration Committee, the Arbitration Committee, once appointed for a case, appoints one of its members as secretary, studies the dossier, transmits it to the parties concerned, requests an answer if deemed necessary, and fixes a reasonable deadline for the procedural stages by communicating them in writing to the parties.
2. The Arbitration Committee, respectively its members acting as panel members or sole arbitrators shall fix, subject to later changes, the amount, the method and the time limits for the payment of the advance of costs. The filing of a counterclaim, or a new claim, may result in the calculation of additional advances. In order to determinate the amount that shall be paid in advance, the Arbitration Committee shall fix an estimate of the costs of arbitration, which shall be borne by the parties. The Arbitration Committee may demand to the petitioner who submitted the Complaint to make an advance payment up to the amount of the total expected court costs, or request an equal participation from all parties. If a party fails to pay, another may substitute for it; in case of non-payment of the entire advance of costs within the time limit fixed by the Arbitration Committee, respectively its members acting as panel members or sole arbitrators, the Complaint shall be deemed withdrawn and the Arbitration Committee shall terminate the arbitration; this provision applies mutatis mutandis to any counterclaim.

At the end of the proceedings, the Arbitration Committee shall determine the final amount of the cost of arbitration, which shall include:

- the costs and fees of the arbitrators;
- the final account of the arbitration costs may either be included in the award or communicated separately to the parties.
- The advance of costs already paid by the parties are not reimbursed by the Arbitration Committee with the exception of the portion which exceeds the total amount of the arbitration costs.

The scale of fees of the Arbitrators is based on an hourly rate of CHF 250. Depending on the complexity of the matter, this may be increased to CHF 300 per Arbitrator. Each party shall advance the cost of its own witnesses, interpreters and experts.

In the arbitral award, the Arbitration Committee shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Arbitration Committee has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Arbitration Committee shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.

3. Any person implicated in a case submitted to the Arbitration Committee shall be immediately informed in writing by the Arbitration Committee on the start of the arbitration proceedings.
4. The merits of the case will be decided on the basis of the written briefs submitted by the relevant parties within the deadlines indicated by the Arbitration Committee in its communications and of the hearings of the parties and the witnesses which may be requested by the Arbitration Committee.
5. The case language will be English.
6. The applicable legislation will be that of the country where WAKO's domicile is registered unless the Arbitration Committee determines otherwise.
7. The Arbitration Committee will decide by majority vote of its members.
8. Notification of the arbitration award will be sent to the parties concerned in such a manner that receipt can be proven pursuant to the applicable laws.

Art. 10 Appeal

1. Decisions passed by the Disciplinary Committee or the Ethical Committee may be appealed before the Arbitration Committee within 30 days of notification of the decision to the parties. The appeal must contain the reasons that justify the appeal. The appellant must deposit a sum of \$500 (five hundred \$ or the equivalent amount in Euro) net of any bank charges to WAKO bank account. This sum will be reimbursed to the appellant in the case of a favourable decision. The appeal will not suspend the decision of the Disciplinary Committee, except when the Disciplinary Committee decides so, upon justified and grounded request of the appellant. The appeal procedure to be followed will be the same as for the first instance.
2. Decisions passed by the Arbitration Committee may be appealed only before CAS within 30 days from the date of issuance of the relevant arbitration award.

3. Time limits to which the party shall adhere commence the 1st day after the party has received the relevant document.
4. The appeal has suspensive effect. While performing their duties, the parties shall remain loyal to WAKO and the decisions of its competent bodies and various Committees.