

Financial Dispute Resolution Guide

Step-by-Step Procedural Guide for the
Resolution of Financial Disputes between
Clubs, Players, FIVB Licensed-Agents and
Coaches in International Volleyball



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Step 1: Gather information on www.fivb.org

To initiate a Complaint procedure:

- Review FIVB Sports Regulations, Art. 18.1
- Download the Complaint Template

The dispute shall be:

- Of financial nature
- Of international dimension
- Involving two or more of the following persons or supporting institutions under FIVB's jurisdiction:
player/FIVB-Licensed Agent/coach/club
 - Also: coach v NF (or vice versa)

Step 2: Complete the Complaint Template

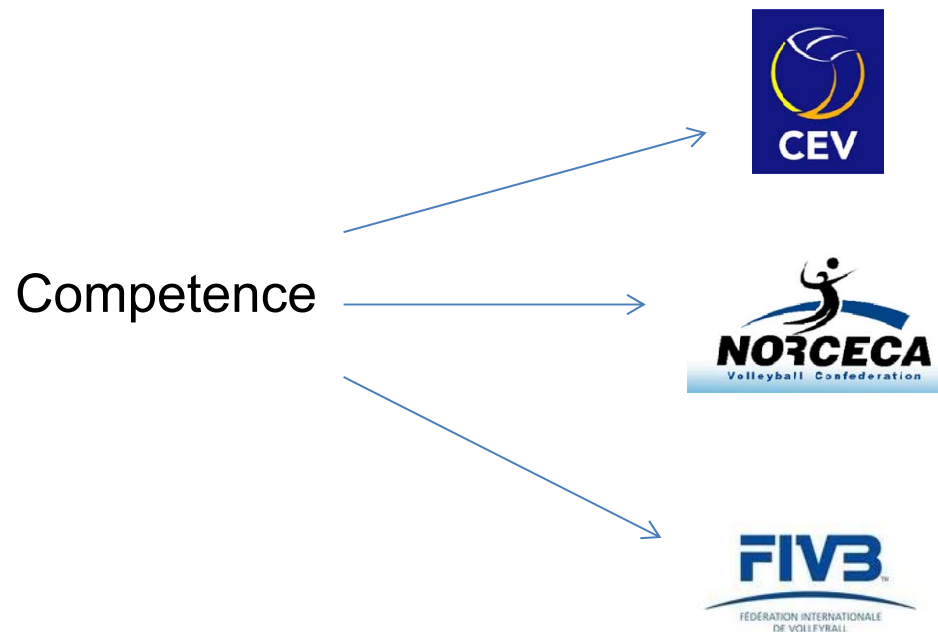
The Complaint shall contain:

- Names, full contact details of the Claimant and the Respondent and of their respective counsel (if any);
- Summary of facts;
- Legal arguments (if any);
- Request for Relief (with a specific amount);
- Claimant's bank details;
- Copy of signed Contract(s); and
- **All** written evidence (including correspondence, bank slips etc.) in **English**

Claimant has the burden of proving his/her allegations!

Step 3: File the Complaint (I)

Determine if the FIVB or a Confederation is competent to decide on the Complaint



If both Parties (except if an FIVB Licensed-Agents is involved) come from Europe, CEV will administer and decide on the Complaint.

If both Parties (except if an FIVB Licensed-Agents is involved) come from North - Central Americas and Caribbean, NORCECA will administer and decide on the Complaint.

In all other cases (including cases involving FIVB Licensed-Agents), FIVB will administer and decide on the Complaint.



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Step 3: File the Complaint (II)

Fax or email the completed and signed Complaint together with accompanying documentation to:



Email: legal@FIVB.org

Fax: +41 21 345 35 45

or

Email: transfers@CEV.lu

Fax: +352 25 46 46 10

or

Email:

Fax: +1 809 227 32 42



Step 4: Procedure initiated

Once the Complaint is received, the FIVB/Confederation

- Confirms with the Claimant that the Complaint was received and whether any documentation is missing
- Opens a case file*

*For Financial Disputes falling under the competence of the **FIVB/CEV**, the Claimant will be requested to pay the amount of **CHF 500/EUR 400** as non-reimbursable handling fee for the procedure.

Note: at any stage of the process the FIVB/Confederation may decide to refer the case directly to the FIVB Tribunal

Step 5: Respondent is informed

- FIVB/Confederation informs the Respondent of the Complaint
- A time limit to file the Reply is established and communicated to Respondent

Note: at any stage of the process the FIVB/Confederation may assist the parties in reaching a settlement

Step 6: Respondent files Reply

The Reply shall contain:

- Name and full contact details of the Respondent and its counsel (unless this information has already been set out in the Complaint);
- A statement of defence, including a statement of facts;
- Legal arguments (if any);
- Requests for relief;
- Any counterclaim; and
- **All** written evidence on which the Respondent intends to rely.

Step 7: Decision by FIVB/Confederation

FIVB/Confederation evaluates the submissions and takes a decision

- based on a balance of probabilities; and
- applying general principles of justice and fairness

The decision may

- set a final time limit for the parties' compliance;
- determine which party (if any) will bear the costs of the handling fee; and
- determine that non-compliance will result into sanctions (*see* list of sanctions in Step 10)

Step 8: Request for Review by the FIVB Tribunal

Once a Decision is issued by the FIVB/Confederation:

- Any affected Party may request that the case be reviewed by the FIVB Tribunal
- The Party must file the Request for Review with the FIVB Tribunal Secretariat within 14 days from notification of the decision and pay the relevant handling fee. Counterclaims are subject to the same requirements.
- See Articles 20.1 ff FIVB Sport Regulations for the Request for Review procedure.

Step 9: Appeal before CAS

- Decisions of the FIVB Tribunal can only be appealed to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland.
- Only decisions from the FIVB Tribunal can be appealed to the CAS (no direct appeal against decision of FIVB/Confederation)
- Appeals must be lodged within 21 days from receipt of FIVB Tribunal's decision.

Step 10: Disciplinary Sanctions

- Failure by a NF, club, FIVB Licensed-Agent, coach or player to comply with a decision of FIVB/Confederation/FIVB Tribunal/CAS may be sanctioned as follows:
 - Warning;
 - Fine up to CHF 50,000;
 - Prohibition of receiving an ITC (for clubs) or prohibition to transfer internationally (for players);
 - Withdrawal or temporary suspension of a license (for coaches and FIVB Licensed-Agents);
 - Prohibition of registering and lining-up foreign players in any competition (for clubs);
 - Prohibition of participating in international competitions.
- The above sanctions can be applied more than once.