

THE FIVB DISCIPLINARY PANEL

composed by

Ms. Sabinah Clement (IVB)	Chairperson
Ms. Margaret Ann Fleming (SCO)	Member
Mr. Mounir Ben Slimane (TUN)	Member

I. FACTUAL BACKGROUND

1. The [event]¹ match between [team from a European Country, hereafter “Team 1”,] and [team from another European Country, hereafter “Team 2”] [results of the match] took place on [date of the match], at 19:00, in [place, where Team 1 is located, hereafter “Team 1 Place”] , [Country, where Team 1 is located, hereafter “Country 1”] (hereinafter “the Match”).
2. On [date of the Match], the International Olympic Committee (IOC) Integrity Betting Intelligence System (IBIS) received an alert with regards to an alleged breach of sports integrity in the sport of Volleyball and, accordingly, informed the IBIS Single Point of Contact for FIVB, [name]. The alleged breach of the FIVB regulatory framework arose from bets which have been placed on the Match.
3. On [date of the Match], the FIVB and [the continental federation that organized the event, hereafter “Continental Federation”] requested the [Continental Federation] Supervisor on site to read a declaration concerning betting and manipulation of matches before the start of the Match and to have it signed by the captain and the team manager of each team. The captain and the team manager of each team signed the declaration.
4. On [date], the IOC Ethics and Compliance Office provided the FIVB with a Report (hereinafter “the First Report”) confirming that [player of Team 2, hereafter “the Player”] had placed three (3) bets using two (2) separate betting operators. The details of the bets were as follows:
 - a) Bet 1 was placed on [date, one day prior to the Match]at 09:35:32. Type of bet: 3-0 sets for [Team 1] (Odds: 3.75). Stake: EUR 241.98. Winnings: EUR 907.43

¹ In the interest of the protection of privacy, this is a redacted version of the decision. Any reductions are marked with bold brackets.

- b) Bet 2 was placed on [date, one day prior to the Match] at 14:52:02. Type of bet: Total Points – under 181.50 points (Odds 1.83). Stake: EUR 8.02. Winnings: EUR 14.70
- c) Bet 3 was placed on [date of the Match] at 15:02:48. Type of bet: Number of sets to be exactly 3 (Odds 2.65). Stake: RON 400 (approximately EUR 90). Winnings: RON 1060.00 (approximately EUR 236).

Player account login details show that Bet 1 and 2 were placed from an IP address located in [country, where Team 2 is located, hereafter “Country 2”] whereas Bet 3 was placed from [“Country 1”].

- 5. On [date], the IOC Ethics and Compliance Office provided the FIVB with another Report (hereinafter “the Second Report”) confirming that [the Player] had placed bets against his own team.
- 6. On [date], the FIVB Board of Administration approved the FIVB Disciplinary Regulations 2017, which entered into force on [date]. Relevant changes to the FIVB Disciplinary Regulations 2017 with regards to the present case were as follows:
 - The FIVB Board of Administration confirmed FIVB’s exclusive jurisdiction to adjudicate disciplinary cases with regards to betting and match manipulation; and
 - The FIVB Board of Administration adopted new procedural provisions with regards to disciplinary cases.
- 7. On [date], the FIVB Disciplinary Panel Secretariat notified [the Player] of the opening of disciplinary proceedings. The deadline to provide the FIVB Disciplinary Panel with a response was [date].
- 8. On [date], [the Player] filed his statement of defense (including supporting documentation) with the FIVB Disciplinary Panel Secretariat.
- 9. On [date], the FIVB Disciplinary Panel Secretariat informed [the Player] of the next steps of the procedure (i.e. whether he would be heard in person or in writing).
- 10. On [date], the FIVB Disciplinary Panel Secretariat informed [the Player] of the following:
 - a) Date of the hearing: [date];

- b) Composition of the FIVB Disciplinary Panel in the present case, namely: Ms. Sabinah Clement, Chairperson, Mr. Mounir Ben Slimane and Ms. Margaret Ann Fleming, Members; and
 - c) Presence of an expert during the hearing: Mr. Friedrich Martens, Head of Integrity Betting Intelligence System at the IOC.
11. On [date], the FIVB Disciplinary Panel heard [the Player]. [The Player] was assisted by [another person] during the hearing. During the hearing, the Respondent admitted having placed a bet against his own team. Conversely, the Respondent denied seeking to ensure the occurrence of a particular incident, i.e. the defeat of [Team 2], for his own benefit and the benefit of [another person, hereafter "Person 2"] and [a third person, hereafter "Person 3"]. Further, the Respondent denied disclosing inside information to [Person 2] and [Person 3] and being complicit of any action by [a fourth person, hereafter "Person 4"].
12. On [date], the IOC confirmed that [the Player] used the same device as [Person 2]. The device was a computer/laptop with operating system Windows 10 and the browser was Chrome 55.0. Both used the device to a) deposit the funds and b) place the bets (hereinafter "the Third Report").
13. On [date], the FIVB Disciplinary Panel decided to provisionally suspend [the Player].
14. On [date] [the Player] requested the FIVB Disciplinary Panel to lift the provisional ban imposed upon him by the FIVB Disciplinary Panel.
15. On [date], the FIVB Disciplinary Panel Secretariat acknowledged receipt of the request by [the Player].
16. On [date], the FIVB Disciplinary Panel Secretariat informed [the Player] that the FIVB Disciplinary Panel had dismissed his request.

II. COMPETENCE

17. The FIVB Disciplinary Panel is competent to hear this case as per Article 17.5 of the FIVB Disciplinary Regulations 2016 (now Article 26.5 of the FIVB Disciplinary Regulations 2017).

18. In addition to the above, the FIVB Disciplinary Panel notes that the FIVB Board of Administration clarified the exclusive jurisdiction of the FIVB with regards to betting and match manipulation cases in May 2017. Article 26.7 of the FIVB Disciplinary Regulations 2017 reads as follows:

“The Confederations are competent to impose sanctions at the continental level provided that the matter does not fall within the competence of an FIVB body that has been delegated expressly to them by the FIVB in a specific case. For this purpose, they must adopt the same procedural provisions as provided herein. FIVB has exclusive jurisdiction in:

- [...]
- Cases of betting and manipulation of competitions” (emphasis added).

19. The FIVB Disciplinary Panel further notes that the Respondent did not challenge the competence of the FIVB Disciplinary Panel to hear the present case.

III. APPLICABLE LAW

20. The FIVB Disciplinary Panel notes that the FIVB Constitution and Regulations apply to this case. Since FIVB has its seat in Switzerland, Swiss law may apply subsidiarily.

21. The FIVB Disciplinary Panel further notes that two sets of FIVB Disciplinary Regulations may apply to the resolution of the case at hand:

- The FIVB Disciplinary Regulations 2016, which were approved by the FIVB Board of Administration on 7 April 2016 and entered into force on 8 April 2016 (hereinafter “FIVB DR 2016”); and
- The FIVB Disciplinary Regulations 2017, which were approved by the FIVB Board of Administration on 5 May 2017 and entered into force on 8 June 2017 (hereinafter “FIVB DR 2017”).

22. The Match took place on [date of the Match], i.e. when the FIVB DR 2016 were in force. Consequently, the FIVB Disciplinary Panel finds that the conduct of [the Player] is to be reviewed under the FIVB DR 2016. The FIVB Disciplinary Panel finds however that the FIVB DR 2017 apply to the present case insofar as they concern the procedure governing these proceedings.

23. In the Charge Letter dated [date], the FIVB Disciplinary Panel reserved its right to expand factually the disciplinary proceedings against [the Player] and to refer to other regulations.

24. In light of the statement of defense submitted by [the Player] and the declarations by [the Player] during the disciplinary hearing, the FIVB Disciplinary Panel has decided to requalify the alleged violation of the FIVB DR 2016 by [the Player] as follows:

- Article 12 of the FIVB DR 2016 in conjunction with Appendix B, Article B.2.1 of the FIVB DR 2016; and
- Article 13 of the FIVB DR 2016 in conjunction with Appendix B, Article B.2.5(b) and (d)(i) of the FIVB DR 2016.

The substantives rules which are relevant for the resolution of this dispute are quoted in the following paragraphs.

25. Article 12.1 of the FIVB DR 2016 prohibited the following conduct:

“The conduct described in Appendix B, Articles B.2.1 and B.2.2, shall be sanctioned as a major offence, subject the specific provisions set out below”.

26. Appendix B, Article B.2.1 of the FIVB DR 2016 read as follows:

“Direct or indirect involvement of a Participant in any form of Betting related to a Competition, including Betting with another Person on the result, progress, outcome, conduct of any other aspect of such a Competition” (emphasis added).

27. Appendix B, Article B.1 of the FIVB DR 2016 defined the terms underlined above as follows:

[...]

“Betting”: shall mean making, accepting, or laying a wager of money or any other form of financial speculation and shall include, without limitation, activities commonly referred to as sports betting such as fixed and running odds, totalizator/toto games, live betting exchange, spread betting and other games offered by sports betting operators;

“Competition” shall mean any competition organised or recognised by FIVB, as mentioned in the Sports Regulations;

[...];

“Participant” means any Player, Player Support Personnel, judge referee, delegate, technical official, FIVB representative, Control Committee or Appeal Sub-Committee member, competition official, National Federation team or delegation member and any other accredited person; [...]”.

28. Article 12.4 of the FIVB DR 2016 provided the following sanction with regards to betting and manipulation of results:

“Individual persons found responsible for a violation under this Article shall be sanctioned with a fine of a minimum of CHF 50,000 and a suspension from participation in any official activity within the sphere of the FIVB at national, continental and world-wide level for a period of between five (5) years and a life ban”.

29. Article 13 of the FIVB DR 2016 prohibited the following conduct:

“The conduct described in Appendix B, Articles B.2.3, B.2.4 and B.2.5, shall be sanctioned as a major offence, subject to the specific provisions set out below”.

30. Appendix B, Article B.2.5(b) and (d) of the FIVB DR 2016 read as follows:

“(b) Any attempt by a Participant, or any agreement by a Participant with any other person, to engage in conduct that would culminate in the commission of any violation of this Article shall be treated as if a violation had been committed, whether or not such attempt or agreement in fact resulted in such violation. However, there shall be no violation under this Appendix where the Participant renounces his attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement.

[...]

“(d) Failing to disclose to FIVB or other competent authority without undue delay full details of

i. any approaches or invitations received by the Participant to engage in conduct or incidents that would amount to a violation as set out in this Article;

ii. any incident, fact or matter that comes to the attention of the Participant that may evidence a violation under this Article by a third party, including, without limitation, approaches or invitations that have been received by any other party to engage in conduct that would amount to a violation of this Article; (emphasis added)”.

31. The term “Participant” underlined above shall have the same meaning as in Para. 27 above.
32. Article 13.3 of the FIVB DR 2016 provided the following sanction with regards to corruption and related violations:
- “In case of corruption proven to the comfortable satisfaction of the deciding body, the referee or other Participant and all other persons who have participated in the illegal activity shall be sanctioned with a fine of a minimum of CHF 50,000 and a suspension from a participation in any official activity within the sphere of the FIVB at national, continental and world-wide level for a period between five (5) years and a life ban”.*

IV. PROCEDURE

33. By letter of [date], the FIVB Disciplinary Panel informed [the Player] (hereinafter “the Respondent”) that disciplinary proceedings were opened against him and that the FIVB Disciplinary Panel would adjudicate this case. The FIVB Disciplinary Panel provided the Respondents with the opportunity to submit his position in writing by no later than [date].
34. On [date], the Respondent submitted his position directly to the FIVB Disciplinary Panel Secretariat, whereby he wrote “I admit that I did it and that I violated/breached article 12 FIVB Disciplinary Regulations 2016 in relation with B.2.1Appendix”. The Respondent explained the circumstances behind the bets, in particular that:
- he did not seek to influence the result of the game and was informed by the [Continental Federation] Supervisor that the Match would be monitored by the FIVB;
 - he was certain that [Team 2] would lose the Match because six of the best players of the team did not make the trip to [Country 1];
 - he did not know [Person 2] and [Person 3]; and
 - he is not complicit of any action by [Person 4].

The Respondent contested any violation of Article 13 of the FIVB DR 2016 in relation with Appendix B, Articles B.2.4(b) and B.2.5(c) of the FIVB DR 2016. [The Player] did not request a specific sanction.

35. On [date], the FIVB Disciplinary Panel heard [the Player] by telephone. During the hearing, [the Player] admitted to have bet against his own team but denied having sought the defeat of [Team 2]. [The Player] acknowledged that placing bets against his own team was a mistake

and stated numerous times that he regretted his actions. [The Player] indicated that he had bet on the sport of Volleyball in the past but never on his own team (for the sake of completeness, bets on other sports included basketball, football, tennis and handball). [The Player] further indicated that he was unaware of the disciplinary consequences of placing bets on the sport of Volleyball before the day of the Match (i.e. until after the [Continental Federation] Supervisor read the declaration in the locker room). [The Player] acknowledged however that betting on his own match was morally wrong. [The Player] decided not to come forward when the [Continental Federation] Supervisor read the declaration because he thought that a victory by [Team 2] would allow him to get away with his actions. [The Player] denied being aware of any actions by [Person 4] and acting in connection with a third party. In particular, [the Player] denied using the same device as [Person 2] to place Bet 3 while in [Country 1]. [The Player] stated that the sport of Volleyball was his only source of income and that he had not signed a new contract at the time of the hearing. [The Player] studies at the University of [place, where Team 2 is located, hereafter "Place 2"] automatics and computer engineering.

36. On [date], the IOC Ethics and Compliance Office confirmed to the FIVB Disciplinary Panel that the Respondent used the same device as [Person 2] to place the bet from the IP address located in [Country 1]. The Third Report evidenced that the device referred to previously was a computer/laptop with operating system Windows 10 and the browser was Chrome 55.0. The Respondent and [Person 2] used the same device to a) deposit the funds and b) place the bets.
37. On [date], the FIVB Disciplinary Panel decided to provisionally suspend the Respondent from all volleyball related-activities at world-wide level.
38. On [date], the FIVB Disciplinary Panel dismissed a request by the Respondent to have the provisional suspension lifted.

V. LEGAL CONSIDERATIONS

(a) Violations:

(1) Betting

39. The FIVB Disciplinary Panel notes that Appendix B, Article B.2.1 of the FIVB DR 2016 requires the direct or indirect involvement of a Participant in any form of Betting related to a Competition.
40. The FIVB Disciplinary Panel is satisfied that the Respondent is a Participant under the definition of Appendix B, Article B.1 of the FIVB DR 2016 because the Respondent is a volleyball player ([link to the player details](#)).
41. The FIVB Disciplinary Panel is satisfied that the Respondent participated in a Betting activity under the definition of Appendix B, Article B.1 of the FIVB DR 2016 because the Respondent placed three (3) separate bets with two (2) betting operators (the First Report; the Second Report and the Third Report).
42. The FIVB Disciplinary Panel is satisfied that the Respondent placed bets in relation with a Competition under the definition of Appendix B, Article B.1 of the FIVB DR 2016 because the Match is recognized by the FIVB. The FIVB Disciplinary Panel notes that the Match was part of the [event] organised by the [Continental Federation] and Article 2.7.3 of the FIVB Event Regulations 2016 stated that international competitions, such as the [event], must be approved by the relevant Confederation (i.e. [Continental Federation] in the present case). Thus, the FIVB Disciplinary Panel finds that the FIVB delegated the authority to [Continental Federation] to recognize international competitions within its jurisdiction and, by doing so, that the Match is a competition recognized by the FIVB for the purpose of the application of the FIVB DR 2016.
43. The Respondent has recognized the violation. The Respondent challenged however having sought to ensure that the team [Team 2] would lose the Match. The FIVB Disciplinary Panel would like to clarify that the intent of the Respondent not relevant in relation with the present rule violation because intent is not a constitutive element of said rule violation. The FIVB Disciplinary Panel acknowledges that intent may be relevant in relation with another rule violation in the case at hand.

44. Based on the above, the FIVB Disciplinary Panel finds that the Respondent is liable for the violation of Article 12.1 of the FIVB DR 2016 in connection with Appendix B, Article B.2.1 of the FIVB DR 2016 due to bets placed against his own team, namely [Team 2].

(2) Other Violations

45. The FIVB Disciplinary Panel notes that Appendix B, Article B.2.5(b) of the FIVB DR 2016 requires the direct or indirect involvement of a Participant in any form of Betting related to a Competition. The FIVB Disciplinary Panel further notes that Appendix B, Article B.2.5(d)(i) of the FIVB DR 2016 requires a Participant not to disclose to FIVB or the competent authority without undue delay any approaches or invitation received by said Participant to engage in conduct or incidents that would amount to a violation of Appendix B, Article B.2.5 of the FIVB DR 2016.

46. The FIVB Disciplinary Panel is satisfied that the Respondent is a Participant under the definition of Appendix B, Article B.1 of the FIVB DR 2016 because the Respondent is a volleyball player ([link to the player details](#)).

47. With regards to Appendix B, Article B.2.5(b) of the FIVB DR 2016, the FIVB Disciplinary Panel is satisfied that the Respondent engaged with [Person 2] in an agreement to place bets on the team of the Respondent, namely [Team 2]. The conduct of the Respondent is evidenced by the report submitted by the IOC in which a betting operator confirmed that the same device (i.e. a computer/laptop with operating system Windows 10 and a Chrome 55.0 browser) was used by [the Player] and [Person 2] to a) deposit the funds and b) place the bets from their respective betting account (the Third Report).

48. With regards to Appendix B, Article B.2.5(d)(i) of the FIVB DR 2016, the FIVB Disciplinary Panel is satisfied that the Respondent did not inform the competent authority (i.e. the [Continental Federation] Supervisor) of any approach by [Person 2] when presented the opportunity to do so before the start of the Match. The FIVB Disciplinary Panel notes that the FIVB and [Continental Federation] requested the [Continental Federation] Supervisor on site to read a declaration concerning betting and manipulation of matches before the start of the Match and to have it signed by the captain and the team manager of each team. On

the contrary, The FIVB Disciplinary Panel notes that the Respondent declared during the hearing that he thought it could get away with his actions in the event that the club [Team 2] would win the Match. In other words, the Respondent decided to conceal his actions.

49. Based on the above, the FIVB Disciplinary Panel finds that the Respondent is liable for the violation of Article 13.1 of the FIVB DR 2016 in connection with Appendix B, Article B.2.5(b) and (d)(i) of the FIVB DR 2016 due to bets placed against his own team, namely [Team 2], and by not reporting the approach by [Person 2].

(b) Sanction

50. When determining the applicable sanctions, the FIVB Disciplinary Panel must look at the sanctions provided in Articles 12.4 and 13.3 of the FIVB Dr 2016.

51. The FIVB Disciplinary Panel notes that Articles 12.4 and 13.3 of the FIVB Dr 2016 provide for the exact same sanction in relation with the violation of Appendix B, Articles B.2.1, B.2.5(b) and (d)(i) of the FIVB DR 2016, namely i) a suspension from participating in any official activity within the sphere of the FIVB at national, continental and world-wide level for a period between five (5) years and a life ban and ii) a minimum fine in the amount of CHF 50'000.-.

52. The FIVB Disciplinary Panel notes that the present case is a case of concurrent sentencing (i.e. a case of multiple offences punished by the same sanction) and further notes that the FIVB DR 2016 and FIVB DR 2017 are silent on the way to handle such cases.

53. The FIVB Disciplinary Panel notes however that Article 28.4.1(a) FIVB DR 2017 states that “When determining the appropriate sanctions applicable, the competent FIVB body shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction that the sanction”.

54. Consequently, the FIVB Disciplinary Panel will use the sanctions provided for in Articles 12.4 and 13.3 of the FIVB Dr 2016 as the starting point for the sentencing of the Respondent and adapt the final sanctions taking into consideration the principles referred to in Article 28.4.1(a) FIVB DR 2017, which includes that of proportionality in the opinion of the FIVB Disciplinary Panel.

(1) Suspension from participating in any official activity within the sphere of the FIVB at national, continental and world-wide level

55. Articles 12.4 and 13.3 of the FIVB Dr 2016 provide for a suspension from participating in any official activity within the sphere of the FIVB at national, continental and world-wide level for a period between five (5) years and a life ban.
56. The FIVB Disciplinary Panel recognizes that the wording of the FIVB DR 2016 make it clear that five (5) year constitutes the minimum duration of the suspension. A life ban being the maximum sanction in the present case. In light of the foregoing, the FIVB Disciplinary Panel finds that Articles 12.4 and 13.3 of the FIVB DR 2016 institute a scenario of mandatory sentencing.
57. The FIVB Disciplinary Panel understands and accepts that the concept of separation of powers applies in disciplinary proceedings and that the selection of sanctions to be applied for a specific offence does not lie with the FIVB Judicial Bodies but with another branch of the FIVB, i.e. with the FIVB Board of Administration.
58. The FIVB Disciplinary Panel is however concerned that the suspension provided for in Articles 12.4 and 13.3 of the FIVB DR 2016 (and by the same in Articles 21.1 and 22.1 of the FIVB DR 2017) may prove to be extremely severe compared to the seriousness of the infringements by the player. In other words, the FIVB Disciplinary Panel would like to stress the importance of the concept of proportionality in the application of the FVB DR 2016 by the FIVB Disciplinary Panel [TAS 2007/A/1252 Fédération Internationale de Natation (FINA) c. M. & Fédération Tunisienne de Natation (FTN) dated 11 September 2007, at para 32 ff].
59. When determining the appropriate sanction, the FIVB Disciplinary Panel shall take into consideration all aggravating and mitigating circumstances (i.e. behavior of the athlete, past betting history, personal situation). The FIVB Disciplinary Panel shall also take into consideration the fact that a violation of Articles 12.4 and 13.3 of the FIVB DR 2016 carries a mandatory fine. Thus, the suspension shall be appraised as part of a global sanction (i.e. the duration of the suspension and the amount of the fine shall not be disproportionate) [TAS

2011/A/2325 UCI c/ Roel Paulissen & Royale Ligue Vélocipédique Belge (RLVB) dated 23 December 2011, at para 185].

60. The FIVB Disciplinary Panel notes that the Respondent admitted during the hearing that betting on the sport of Volleyball was a mistake and regretted his actions. The Respondent pointed out that a five (5) year suspension would – in effect – end his professional career, which is his only revenue stream. The FIVB Disciplinary Panel further notes that the FIVB and [Continental Federation] had not conducted any integrity seminar with regards to betting and match-manipulation before the Match.
61. In light of the above, the FIVB Disciplinary Panel finds that the minimum five (5) years suspension provided for in Articles 12.4 and 13.3 of the FIVB DR 2016 is not proportionate to the violation by the Respondent, especially in connection with the monetary fine provided in the same provisions.
62. Therefore, the Respondent shall be sanctioned with a suspension from participating in any official activity within the sphere of the FIVB at national, continental and world-wide level for a period of eighteen (18) months. The *dies a quo* of the suspension shall be discussed next.
63. Article 28.7.2 of the FIVB DR 2017 mandates that where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.
64. For the record, the FIVB Disciplinary Panel has provisionally suspended [the Player] as of [date].
65. In light of the above, the FIVB Disciplinary Panel finds that the time already served by [the Player] shall be taken into account and, accordingly, that the *dies of quo* of the suspension shall be [date].

66. Therefore, the Respondent shall be sanctioned with a suspension from participating in any official activity within the sphere of the FIVB at national, continental and world-wide level until [date].

(2) Minimum fine

67. Articles 12.4 and 13.3 of the FIVB Dr 2016 provide for a minimum fine in the amount of CHF 50'000.- (fifty thousand Swiss Francs).

68. The FIVB Disciplinary Panel recognizes that the wording of the FIVB DR 2016 make it clear that CHF 50'000.- (fifty thousand Swiss Francs) constitutes the minimum amount of the fine. There is no maximum amount indicated in the FIVB DR 2016. In light of the foregoing, the FIVB Disciplinary Panel finds that Articles 12.4 and 13.3 of the FIVB DR 2016 institute a scenario of mandatory financial sentencing.

69. The FIVB Disciplinary Panel reiterates the general concerns exposed in the previous section but this time with a particular focus on the existence of a regime of mandatory financial sentencing and the application of the principle of proportionality. For instance, the FIVB Disciplinary Panel notes that the national minimum wage is of EUR 500 (five hundred Euros) per month in [Country 2] (http://ec.europa.eu/eurostat/statistics-explained/index.php/Minimum_wage_statistics).

70. The Respondent indicated to the FIVB Disciplinary Panel that the sport of volleyball was his only source of income and that he had not signed a new contract at the time of the hearing.

71. The FIVB Disciplinary Panel notes that the Respondent would not have been in a position to (ever) pay the minimum fine had the Respondent been sanctioned with a five (5) year suspension. Thus, the FIVB Disciplinary Panel shall fine the Respondent in an amount which is proportionate and does not jeopardize the financial future of the Respondent while being a proper sanction at the same.

72. Because the sanction must be assessed globally (i.e. the duration of the suspension and the amount of the fine shall be appraised together by the FIVB Disciplinary Panel), the FIVB Disciplinary Panel held that the amount of the fine shall correspond to the amount betted by the Respondent and the winnings stemming from the three (3) bets the Respondent has

placed had they been paid by the betting operators. For the sake of clarity, the bets and potential winning were as follows:

- Bet 1: EUR 241.98. Winnings: EUR 907.43 = Total Bet 1: EUR 1'149, 41.-
- Bet 2: EUR 8.02. Winnings: EUR 14.70 = Total Bet 2: EUR 22,72.-
- Bet 3: RON 400 (approximately EUR 90). Winnings: RON 1060.00 (approximately EUR 236) = Total Bet 3: EUR 326.-

The total of amount of Bet 1, Bet 2 and Bet 3, including the respective potential winnings, was of EUR 1'498.13 (one thousand four hundred ninety eight Euros and thirteen cents).

73. Based on the principle and amount stated above, the FIVB Disciplinary Panel finds that the fine to be paid by the Respondent shall be EUR 1'498.13 (one thousand four hundred ninety eight Euros and thirteen cents).

* * *

Taking all the above into consideration

THE FIVB DISCIPLINARY PANEL

Concludes and Decides

1. The athlete [the Player] ([Country 2]) has committed a disciplinary rule violation (betting and manipulation of results: Betting; corruption and related violations: Other Violations) according to Article 12 of the FIVB DR 2016 in conjunction with Appendix B, Article B.2.1 of the FIVB DR 2016 and Article 13 of the FIVB DR 2016 in conjunction with Appendix B, Article B.2.5 (b) and (d)(i) of the FIVB DR 2016.
2. A sanction of eighteen (18) months of ineligibility shall be imposed on [the Player].
3. The period of ineligibility shall start on [date]end on [date], as per Article 28.7.2 of the FIVB DR 2017.
4. A monetary fine of EUR 1'498.13 shall be imposed on [the Player].
5. This decision may be appealed in accordance with the attached Notice of Appeals.

Lausanne, [date]

For the FIVB DISCIPLINARY PANEL

Ms. Sabinah Clement

Chairperson

NOTICE OF APPEALS

1. Parties who are affected by a decision of a FIVB body (e.g. the President, the Board of Administration, the Disciplinary Panel etc.) can file an appeal to the FIVB Appeals Panel unless otherwise provided in the FIVB Constitution and Regulations.
2. Appeals must be made in writing and must be received by the FIVB Secretariat within fourteen (14) days from notification of the decision, failing which the appeal will be considered inadmissible.
3. Appeals shall be accompanied by a copy of the decision appealed against and a bank certificate confirming payment of the administrative fee of CHF 2,000 into the following account:

Banque Cantonale Vaudoise (BCV)

Place Saint-François 14

CH-1001 Lausanne / Switzerland

Account: T 5344.53.25

IBAN: CH33 00767 000T 5344 5325

BIC Code (Swift Address): BCVLCH2LXXX

Bank clearing: 767

4. Failure to pay the administrative fee within the deadline fixed by the FIVB Secretariat will result in considering the appeal withdrawn. The FIVB Appeals Panel may decide that the administrative fee be reimbursed in the event that the appeal is successful.
5. The appeal can be filed by a proxy if he/she presents a written power of attorney.
6. For details of the appeals procedure please refer to Section III of the FIVB Disciplinary Regulations (<http://www.fivb.org/EN/FIVB/Legal.asp>).
7. A further appeal against the decision by the FIVB Appeals Panel can only be lodged with the Court of Arbitration for Sport in Lausanne, Switzerland, within twenty-one (21) days following receipt of the decision.