

THE FIVB DISCIPLINARY PANEL

composed by

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

Case DP 2017-08

I. PARTIES

1. [Name of the player]¹ (hereinafter the “Player”) is a volleyball player having the Volleyball Federation of [Player’s Country] as her Federation of Origin. [The Player] represented the Volleyball Federation of [Player’s Country] in [an continental event] and [12 years later] [in another continental event]. During the [year-year] season, [the Player] played for the club [club in Player’s Country] and participated in the [continental] Cups.
2. [Club in another country from the same continent] (hereinafter the “Club”) is a volleyball club headquartered in [place and country where the Club is located, hereafter “Club’s Location” and “Club’s Country”]. [The Club] is affiliated with the [Club’s Country] Volleyball Federation and participated in the highest division championship during the [year-year]season. [The Club] women’s team is subject to an international transfer ban at worldwide level since [date]for non-compliance with the [Continental Federation] decisions [of a continental federation, hereafter “Continental Federation”] CC 027/[year]; CC 031/[year] and CC 059/[year]. The international transfer ban was extended to [the Club] men’s team on [date].
3. The [Club’s Country] Volleyball Federation (hereinafter the “National Federation”) is the national federation governing the sport of Volleyball in [Club’s Country]. The [Club’s Country] c Volleyball Federation is affiliated with the Fédération Internationale de Volleyball (FIVB) and the [Continental Federation].

II. FACTUAL BACKGROUND

4. During the [year-year] season (hereinafter “the Season”), the Player played for the Club as a [national from Club’s Country]. No International Transfer Certificate (“ITC”) was issued or

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

even requested for this Player although her Federation of Origin is the Volleyball Federation of [Player's Country].

5. On [date], the Player participated in a match between [the Club] and [another team from the Club's Country] despite the existence of an international transfer ban on the Club (hereinafter "the Match").
6. On 5 May 2017, the FIVB Board of Administration approved the FIVB Disciplinary Regulations 2017, which entered into force on 8 June 2017. Relevant changes to the FIVB Disciplinary Regulations 2017 with regards to the present case related only to the coming into force of new procedural provisions.
7. On [date], the FIVB Disciplinary Panel Secretariat notified the Player – via the Volleyball Federation of [Player's Country] –, the Club and the National Federation of the opening of disciplinary proceedings. The deadline to provide the FIVB Disciplinary Panel with a response was [date].
8. On [date], the Club and the National Federation filed their respective statement of defense (with supporting documents for the [Club's Country] Volleyball Federation) with the FIVB Disciplinary Panel Secretariat. The Player did not file a statement of defense within the set time limit.
9. On [date], the FIVB Disciplinary Panel Secretariat provided the Player with a final deadline to file a statement of defense, i.e. [date], and informed the Player that a failure to answer within the applicable deadline may be considered a waiver of her right to be heard.
10. On [date], the FIVB Disciplinary Panel Secretariat acknowledged receipt of the statement of defense by the Club and the National Federation.
11. The Player did not file an answer within the applicable deadline (i.e. [date]).

12. On [date], the FIVB Disciplinary Panel Secretariat informed the Player – via the Volleyball Federation of [Player’s Country] –, the Club and the National Federation of the composition of the FIVB Disciplinary Panel in the present case, namely:

- Ms. Sabinah Clement (IBV), Chairperson;
- Mr. Mounir Ben Slimane (TUN); and Ms. Margaret Ann Fleming (SCO),
Members;

and that the case would be decided based on the submission by the parties.

III. COMPETENCE

13. 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).

14. The FIVB Disciplinary Panel further notes that the Player, the Club and the National Federation did not challenge the competence of the FIVB Disciplinary Panel to hear the present case.

IV. APPLICABLE LAW

15. 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.

16. The FIVB Disciplinary Panel further notes that two set 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”).

17. The Match took place on [date], i.e. when the FIVB DR 2016 were in force. The FIVB Disciplinary Panel notes that the Season concluded on [date] and that the FIVB DR 2017 were not in force at that time. Consequently, the FIVB Disciplinary Panel finds that the conduct of the Player, the Club and the National Federation 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.

18. In the Charge Letter dated [date], the FIVB Disciplinary Panel qualified the alleged violations of the FIVB DR 2016 by the Player, the Club and the National Federation as follows:

- The Player for being registered and being lined up by the Club without the authorization established by the FIVB Sports Regulations.

Relevant provision in the FIVB DR 2016: Article 14.4.2 of the FIVB DR 2016 (Unauthorized registration or line-up of foreign players).

- The Club for registering and for lining up the Player without the official authorization established by the FIVB Sports Regulations and for fielding the Player despite the existence of an international transfer ban (FIVB Decisions dated 7 August 2014 and 8 January 2015).

Relevant provisions in the FIVB DR 2016: Articles 9 and 14.4.2 of the FIVB DR 2016 (Non-observance of sanctions and Unauthorized registration or line-up of foreign players respectively).

- The National Federation for authorizing its League and/or the Club to register and line up the Player as a domestic player without the official authorization established by the FIVB Sports Regulations for the transfer of players between National Federations.

Relevant provision in the FIVB DR 2016: Article 14.4.1 of the FIVB DR 2016 (Unauthorized registration or line-up of foreign players).

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

19. Articles 6.7.2 and 6.7.3 of the FIVB Sports Regulations 2016 (hereinafter "FIVB SR 2016") provided the following regarding the lack of an ITC and the consequences of the transfer regulations:

"6.7.2 Lack of ITC

A player who plays outside his Federation of Origin without a valid ITC shall be suspended for a period of up to one (1) year.

Control Committees of Volleyball tournaments, including Continental competitions, shall carefully examine the transfer certificates of foreign players on a club team and notify the FIVB in case of violation or unclear situation.

6.7.3 *Further consequences in cases of violation*

Sanctions may also be applied to those National Federations and clubs which have violated the established transfer procedure, or have not fulfilled the conditions agreed upon in the ITC.

(see also Article 1.4.4 of the FIVB Financial Regulations and Article 14 of the FIVB Disciplinary Regulations)”

20. Articles 1.4.4 of the FIVB Financial Regulations 2015 (hereinafter “FIVB FR 2015”) provides the following:

“1.4.4 Sanction for Registering Foreign Players Without an International Transfer Certificate

A National Federation registering foreign players of its clubs without having duly completed the ITC procedure will be sanctioned according to the FIVB Sports Regulations and Disciplinary Regulation”.

21. Article 14.4 of the FIVB DR 2016 dealt with the unauthorized registration of foreign players and states the following:

“14.4 Unauthorized registration or line-up of foreign players

14.4.1 NFs that permit their leagues and/or clubs to register or line up players of a different Federation of Origin without the official authorization established by the FIVB Sports Regulations for the transfer of players between NFs, shall be fined up to CHF 30,000 for each player illegally registered or lined up.

14.4.2 The player in question shall be suspended for up to one (1) year. The club in question shall be sanctioned for a major offence; sanctions may include forfeiture of the match(es) played with the illegally registered or lined up player. The league in question shall be fined up to CHF 5,000 for each player illegally registered or lined up”.

22. Article 7.2 of the FIVB DR 2016 provided the following sanctions in case of a major offense:

“7.2 The following sanctions may be imposed for a major offence;

a) Monetary fine of more than CHF 10,000;

- b) *Repeal of a right (for example a suspension, i.e. prohibition from participation, for a given period of time, in any official activity within the sphere of the FIVB) of more than six (6) months;*
- c) *Disqualification;*
- d) *Forfeit of match(es);*
- e) *Deduction of point(s);*
- f) *A combination of the above sanctions”.*

23. Article 18.3 of the FIVB SR 2016 provided the following authority for the FIVB administration to sanction non-compliance with a Financial Dispute:

“If a National Federation, club, coach or player that was a party to proceedings before the FIVB/Confederation, the FIVB Tribunal or before the Court of Arbitration for Sport (CAS) fails to comply with the decision of said body, it commits an offence. The FIVB may impose the following sanctions on this party: [...]” (emphasis added).

24. Article 9 of the FIVB DR 2016 instituted the non-observance of a sanction issued by a FIVB Body as an offence:

“Non-observance of sanctions imposed by the FIVB bodies shall be subject to the sanctions provided under Article 7.2 above”.

V. PROCEDURE

25. By letter dated [date], the FIVB Disciplinary Panel informed the Player, the Club and the National Federation (hereinafter collectively “the Respondents”) that disciplinary proceedings were opened against them and that the FIVB Disciplinary Panel would adjudicate this case. The FIVB Disciplinary Panel provided the Respondents with the opportunity to submit their respective position in writing by no later than [date].

26. On [date], the Club and the National Federation submitted their position directly to the FIVB Disciplinary Panel Secretariat, whereby the Club declared the following:

“(a) The athlete participated in our team as a member of it, only after having followed the legal procedure. The Player was represented by legal and sport agent who provided our Club with the necessary documentation, as it was required by Law.

(b) The transfer was approved by the [Club’s Country] Federation accordingly as it was set and completed according the Law.

(c) The Player was and still is in [Club's Country] since 2006 and the procedure followed was the same that was followed every single year that she was declared as a Player. In conclusion, our Club has no responsibility for the method used for the transfer of the athlete into our team, and in addition, we also believe that the whole process was completely legal and no violation has been committed. Furthermore and in relation to the attached documents of the case regarding the debts of our Club to some female athletes, we inform you that we have already fully and completely paid up the demands of these athletes, who have already sent relevant requests to [the Continental Federation] for lifting our sanctions were imposed",

and whereby the National Federation declared the following:

"The above player [i.e. [the Player]] was registered as a "domestic player" in the records of the [Club's Country] Volleyball Federation within [year], according to the 11535/2000 (article 1) Ministerial Decision of Minister of Sports [Club's Country], under which "citizens of the European Union who reside in [Club's Country] (employees, students, etc.), are eligible to join [Club's Country] volleyball clubs and participate in all kinds of games and championships".

Since [Player's Country]'s Volleyball Federation informed us that the player was deleted from their records (kindly find attach the respective [Player's Country]'s Federation letter dated on [date]) the [Club's Country] Volleyball Federation followed the national legal registration process and not the transfer process.

Apparently, the case does not refer to a wilful misconduct. Moreover, we would like to ensure you that the procedure of ITC is followed to all transfer cases of foreign players".

The National Federation also produced a letter by the Volleyball Federation of [Player's Country] dated [date] stating the Player "is deleted from our records". The Player did not file a statement of defense within the applicable deadline (i.e. [date]).

27. On [date], the FIVB Disciplinary Panel Secretariat provided the Player with a final opportunity to file a statement of defense by no later than [date]. The Player did not file a statement of defense with the applicable deadline.

VI. LEGAL CONSIDERATIONS

(a) Violations

(1) Illegal Transfer of the Player

28. The FIVB Disciplinary Panel notes that the National Federation, the Club and the Player did not challenge the fact that i) the Player has the Volleyball Federation of [Player's Country] as her Federation of Origin and ii) the Player was fielded during the Match.

* * *

29. The FIVB Disciplinary Panel notes the National Federation has recognized not to have followed the transfer procedure set forth in the FIVB SR 2016 because the National Federation decided to follow the national legal registration process instead. The National Federation relied upon a decision by the Minister of Sports of [Club's Country] with regards to the participation of citizen of the European Union in domestic competitions and a communication by the Volleyball Federation of [Player's Country] to decide on this course of action.

30. The FIVB Disciplinary Panel notes that Article 6.8.1 of the FIVB SR 2016 makes it clear that *"Decisions concerning international transfers of players based on domestic laws or regulations and against the rights of a (foreign or local) National Federation or against the FIVB Constitution or Regulations are not binding on the FIVB"* (emphasis added). Thus, the FIVB Disciplinary Panel finds that the existence of a decision by the Minister of Sports of [Club's Country] with regards to the participation of citizen of the European Union in domestic competitions does not bind the FIVB and, as such, is irrelevant to the case at hand.

31. The FIVB Disciplinary Panel notes that Article 6.1.5 of the FIVB SR 2016 makes it clear that *"The transfer procedure laid down in this Chapter [i.e. Chapter 1 – Status of Player] is compulsory and applicable to all international transfers"* (emphasis added). Thus, the FIVB Disciplinary Panel finds that the transfer of the Player was subject to the rules referred to herein.

32. The FIVB Disciplinary Panel understands that an international transfer relates to the transfer of a player outside his/her Federation of Origin (Article 6.1.1 let. c and d of the FIVB SR 2016). It is undisputed that the Federation of Origin of the Player is [Player's Country] and that the Match was organized by and held on the territory of the National Federation, i.e. in [Club's Country]. The FIVB Disciplinary Panel wishes to highlight that without a valid Change of Federation of Origin to [Club's Country] from [Player's Country] (Article 5 of the FIVB SR

2016), the Player was required to have an International Transfer Certificate (hereinafter "ITC") to play in the territory under the jurisdiction of the National Federation. Because the Player was fielded in the Match, the FIVB Disciplinary Panel is satisfied that the Player performed services in the territory under the jurisdiction of the National Federation and that the Player ought to have had a valid ITC in order to do so.

33. Articles 6.7.2 and 7.7.3 of the FIVB SR 2016, Article 1.4.4 of the FIVB FR 2015 and Article 14.4.1 of the FIVB DR 2016 provided for sanctions if a player was fielded without a valid ITC.

34. The FIVB Disciplinary Panel finds that the National Federation is liable for the violation. The National Federation is liable because it i) decided not to apply the international transfer procedure by the FIVB and ii) had the responsibility to ensure that the Club did not field a player who did not have a valid ITC. Further, the National Federation did not consult with the FIVB and [the Continental Federation] with regards to the status of the Player before allowing her to play nor the status of the Club with regards to compliance with FIVB and [the Continental Federation] decisions in relation with Financial Disputes.

35. Based on the above, the National Federation is liable for the violations of Articles 6.7.2 and 6.7.3 of the FIVB SR 2016, Article 1.4.4 of the FIVB FR 2015 and Article 14.4.1 of the FIVB DR 2016 due to the Player's improper transfer.

* * *

36. The FIVB Disciplinary Panel notes that the Club denies any wrongdoing and deflect any responsibility to the National Federation. The Club further claim that the transfer procedure was made according to the Law.

37. The FIVB Disciplinary notes that the findings of the FIVB Disciplinary Panel with regards to domestic laws or regulations (see para 29 above) apply *mutatis mutandis* to the Club. Thus, the FIVB Disciplinary Panel finds that that the existence of a decision by the Minister of Sports of [Club's Country] with regards to the participation of citizen of the European Union in domestic competitions does not bind the FIVB and, as such, is irrelevant to the case at hand.

38. The FIVB Disciplinary Panel notes that that Article 6.1.5 of the FIVB SR 2016 made it clear that "*Players and clubs must abide by the rules of their National Federations for national transfers and by the FIVB Regulations for all international transfers*" (emphasis added). Thus,

the FIVB Disciplinary Panel finds that the Club had a direct and personal duty to follow the applicable rules with regards to transfers and cannot deflect any responsibility thereto to the National Federation.

39. It is undisputed that the Club fielded the Player in the Match.
 40. Articles 6.7.2 and 6.7.3 of the FIVB SR 2016 and Article 14.4.2 of the FIVB DR 2016 provided for sanctions if a player is fielded without a valid ITC.
 41. The FIVB Disciplinary Panel finds that the Club is liable for the violation. The Club is liable because it i) decided not to apply the international transfer procedure by the FIVB and ii) had the responsibility to request an ITC for the Player before fielding the Player in the Match. Further, the Club did not consult with the FIVB and [the Continental Federation] with regards to compliance with FIVB and [Continental Federation] decisions in relation with Financial Disputes before fielding the Player.
 42. Based on the above, the Club is liable for the violations of Articles 6.7.2 and 6.7.3 of the FIVB SR 2016 and Article 14.4.2 of the FIVB DR 2016 due to the Player's improper transfer.
- * * *
43. The FIVB Disciplinary Panel notes that the Player did not file any statement of defense.
 44. The FIVB Disciplinary Panel notes that the findings of the FIVB Disciplinary Panel with regards to Article 6.1.5 (see para 38 above) apply *mutatis mutandis* to the Player. Thus, the FIVB Disciplinary Panel finds that the Player had a direct and personal duty to follow the applicable rules with regards to transfers and cannot deflect any responsibility thereto to the Club.
 45. It is undisputed that the Player participated in the Match.
 46. Articles 6.7.2 and 6.7.3 of the FIVB SR 2016 and Article 14.4.2 of the FIVB DR 2016 provided for sanctions if a player was fielded without a valid ITC.
 47. The FIVB Disciplinary Panel finds that the Player is liable for the violation. The Player is liable because she i) decided not to apply the international transfer procedure by the FIVB and ii) had the responsibility to request an ITC before being fielded by the Club in the Match.

Further, the Player is an experienced player who participated in multiple international competitions before the Match.

48. Based on the above, the Player is liable for the violations of Articles 6.7.2 and 6.7.3 of the FIVB SR 2016 and Article 14.4.2 of the FIVB DR 2016 due to the Player's improper transfer.

(2) Non-observance of a sanction

49. The FIVB Disciplinary Panel understands that the Club was a party to the Financial Disputes CC 027/[year]; CC 031/ [year]; and CC 059/ [year] decided by [continental Federation] and did not to appeal said decisions to the FIVB Tribunal. Thus, the decisions CC 027/[year]; CC 031/ [year]; and CC 059/[year] are final. The FIVB Disciplinary Panel further understands that Article 18.3 of the FIVB SR 2016 allowed for sanctions in the event of non-compliance with a decision in a Financial Dispute.

50. The FIVB Disciplinary Panel notes that the Club was sanctioned by [Continental Federation] for failing to comply with the decisions referred to in paragraph 49 above. The sanctions were first an international transfer ban at [a continental] level for the women's team of the Club and second an extension of the sanction to the men's team of the Club. Upon request of [Continental Federation], the FIVB subsequently extended the international transfer ban imposed by [Continental Federation] at worldwide level. The FIVB-[Continental Federation] Financial Disputes Sanction table ban shows the list of sanctions against the Club, time of entry into force and that the sanctions referred to in this paragraph are currently in place (publicly available on the FIVB website: http://www.fivb.org/EN/FIVB/Document/Legal/FIVB_Financial_Disputes_Sanctions_Table_2018-04-04.pdf).

51. The FIVB Disciplinary Panel notes that the Club stated in the statement of defense that "in relation to the attached documents of the case regarding the debts of our Club to some female athletes, we inform you that we have already fully and completely paid up the demands of these athletes, who have already sent relevant requests to [Continental Federation] for lifting our sanctions were imposed".

52. The FIVB Disciplinary Panel acknowledges that the Club may have taken steps to remedy its financial situation at a certain point in time, e.g. by negotiating with the players a settlement agreement or by contacting [Continental Federation]. The FIVB Disciplinary Panel notes however that the Club has provided no evidence to that effect to the FIVB Disciplinary Panel. In any event, the FIVB Disciplinary Panel notes that a sanction under Article 18.3 of the FIVB SR 2016 (currently Article 21 of the FIVB Sports Regulations 2017) was in place not until the Club had complied with the decisions in the Financial Disputes CC 027/2014; CC 031/201; and CC 059/2015 but until after the FIVB had lifted all international transfer bans in place. In other words, the right to transfer players internationally could only resume after a decision by the FIVB. Again, the FIVB Disciplinary Panel notes that the Club has provided no evidence of a decision or a series of decisions (if any) by the FIVB lifting all the international transfer bans in relation with the Financial Disputes CC 027/2014; CC 031/201; and CC 059/2015. Thus, the FIVB Disciplinary Panel finds that the FIVB had not lifted the international transfer bans imposed upon the Club at the time the Player was fielded in the Match.

53. Article 9 of the FIVB DR 2016 provided for a sanction if a person under the jurisdiction of the FIVB did not comply with a previous sanction imposed by the FIVB.

54. The FIVB Disciplinary Panel finds that the Club is liable for the violation. The Club is liable because the Club fielded the Player in the Match (i.e. a player having a Federation of Origin different from that of the Club and, as such, requiring an ITC to play in [Club's Country]) despite the existence of a series of international transfer bans being in place against the Club.

55. Based on the above, the Club is liable for the violation of Article 9 of the FIVB DR 2016 due to the Player's fielding in the Match.

(b) Sanction

56. When determining the applicable sanctions, the FIVB Disciplinary Panel must look at the sanctions provided in the applicable regulations as well as in Article 7 of the FIVB DR 2016.

57. In addition to the above, the FIVB Disciplinary Panel notes that Article 28.4.1(a) of the FIVB DR 2017 now clarifies 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 in the writing decision”.

58. Consequently, the FIVB Disciplinary Panel will use the sanctions provided for in the relevant provisions as the starting point for the sentencing of the Respondents and adapt the final sanction taking into consideration the principle referred to in Article 28.1.4(a) of the FIVB DR 2017.

(1) The National Federation

59. Article 14.4 of the DR 2016 provided that a national federation could be fined up to CHF 30'000.- for each player illegally registered and lined up. In the case DP 2015-02, the FIVB Disciplinary Panel acknowledged that “the DR have been intentionally designed to punish transfer violations severely in order to protect the status of athletes and the integrity of the competitions” and sanctioned a national federation with a fine of CHF 10'000.- because the national federation’s “violation occurred due to an administrative error, cause primarily by the lack of diligence by the then Club’s management”. The FIVB Disciplinary Panel notes that in the case at hand, the National Federation i) decided not to apply the international transfer procedure by the FIVB and ii) failed to assume the responsibility to ensure that the Club did not field a player who did not have a valid ITC during the Match. The FIVB Disciplinary Panel finds that the degree of fault of the National Federation is higher than that of the national federation in the case DP 2015-02.

60. Therefore, the National Federation shall be sanctioned with a monetary fine of CHF 20'000 for its violation.

(2) The Club

61. Article 14.4 of the DR 2016 provided that a violation for illegally registering and lining up a player must be treated as a major offense. Likewise, Article 9 of the DR 2016 provided that non-observance of a decision must also be treated as a major offense. Under Article 7.2 of the DR 2016, a major offense required, amongst other sanctions, a monetary fine of more than CHF 10,000. Of note, sanctions listed in Article 7.2 of the DR 2016 could be combined (Article 7.2 let. f of the FIVB DR 2016). In the case DP 2015-02, the FIVB Disciplinary Panel acknowledged that “violation occurred due to an administrative error in paying the

administration fee for the [p]player's change of Federation of Origin" and, accordingly, imposed the minimum fine possible, i.e. a fine in the amount of CHF 10'001.-. The FIVB Disciplinary Panel notes that in the case at hand, the Club deliberately i) fielded a player without a valid ITC during the Match and ii) decided to ignore the decisions in the Financial Disputes CC 027/2014; CC 031/201; and CC 059/2015. The FIVB Disciplinary Panel finds that the degree of fault of the Club is higher than that of the club in the case DP 2015-02 because the violation of Articles 6.7.2 and 6.7.3 of the FIVB SR 2016, Articles 9 and 14.4.2 of the FIVB DR 2016 can be qualified as intentional. Accordingly, the FIVB Disciplinary Panel opines that the Club must be punished more severely.

62. Therefore, the Club shall be sanctioned with a monetary fine of CHF 20'000 for its violations.

(3) The Player

63. Article 14.4 DR of the DR 2016 provided that the Player shall be suspended for up to one year based on the fact that she was registered illegally with a [Club's Country]club and played without the necessary ITC. In the case DP [year]-02, the FIVB Disciplinary Panel stressed that the player ought to have accessed the VIS and found out that his Federation of Origin was still the Volleyball Federation of [third country] before playing for a club in [a fourth country] during the [year-year]season. The FIVB Disciplinary Panel found that this error did not warrant the maximum allowable sanction under the FIVB DR in force at the time of the violation but, rather, justified a significantly lower sanction. The FIVB Disciplinary Panel sanctioned the player with a suspension of fifteen (15) calendar days. The FIVB Disciplinary Panel notes that the case at hand is disconnected from the case DP [year]-02 because the Player did not enter into the process of changing her Federation of Origin to [Club's Country] from [Player's Country] and, as such, could not have understood that she was no longer required to have an ITC to play in [Club's Country]. On the contrary, the FIVB Disciplinary Panel notes that the Player is an experienced player and that the Player deliberately ignored i) the international transfer procedure by the FIVB and ii) the fact that the Club was under suspension according to the publicly available FIVB-[Continental Federation] Financial Disputes Sanction table ban. The FIVB Disciplinary Panel finds that the degree of fault of the Player is higher that of the player in the case DP 2015-02 because the violation of Articles 6.7.2 and 6.7.3 of the FIVB SR 2016 and Article 14.4.2 of the FIVB DR 2016 cannot be qualified

of a mere negligence. Accordingly, the FIVB Disciplinary Panel opines that the Player must be punished more severely.

64. Therefore, the Player 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 three (3) months for her violations. The *dies a quo* of the suspension shall be discussed next.

65. The FIVB Disciplinary Panel notes that no provisional sanction has been imposed upon the Player and, as such, finds that Article 28.7.2 of the FIVB DR 2017 is irrelevant in the present case.

66. Therefore, the FIVB Disciplinary Panel finds that the period of suspension referred to in para 64 shall start the day following the notification of the present decision (Article 17.6 of the FIVB DR 2017).

* * *

Taking all the above into consideration

THE FIVB DISCIPLINARY PANEL

Concludes and Decides

1. The [Club's Country] Volleyball Federation has committed multiple rule violations (Articles 6.7.2 and 6.7.3 of the FIVB SR 2016; Article 1.4.4 of the FIVB FR 2015 and Article 14.4.1 of the FIVB DR 2016) and shall be sanctioned with a monetary fine in the amount of CHF 20'000.
2. [The Club] has committed multiple rule violations (Articles 6.7.2 and 6.7.3 of the FIVB SR 2016 and Articles 9 and 14.4.2 of the FIVB DR 2016) and shall be sanctioned with a monetary fine in the amount of CHF 20'000.
3. [The Player] has committed multiple rule violations (Articles 6.7.2 and 6.7.3 of the FIVB SR 2016 and Article 14.4.2 of the FIVB DR 2016) and shall be sanctioned with a suspension of three (3) months, starting the day following the notification of the present decision.
4. 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.