



WAKO Disciplinary Code

Adopted by the Board of Directors on 23rd July 2022

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WAKO DISCIPLINARY CODE

PREAMBLE

1. OBJECT

1.1. The WAKO Disciplinary Code (hereinafter, also the “**Code**”) describes infringements of the various WAKO rules, regulations, codes, policies and procedures and determines the sanctions incurred and regulates the organization and functioning of the body responsible for taking decisions and the procedures to be followed before this body.

This Code is adopted 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 means for resolution by any Subjected Parties (as defined below) 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.

2. PERSONS SUBJECT TO THE APPLICATION OF THE CODE

2.1. The following natural and legal persons are subject to the application of the Code under the terms herein established (hereinafter referred to as the “**Subjected Parties**”):

- a) The President;
- b) Members of the Board of Directors;
- c) Participants of the General Assembly;
- d) Continental Federations and Associations and relevant members;
- e) National Federations and Associations;
- f) Regional Federations and Associations;
- g) Persons elected or appointed to a position in any WAKO’s governing institution or bodies;
- h) Persons holding an honorary title granted by WAKO;
- i) Members of the Organizing Committees of WAKO events as well as of any other WAKO’s Committees;
- j) All Officials;
- k) All Referees;
- l) All Athletes, Coaches and technical and support personnel;
- m) Any person or any entity affiliated to a Member;
- n) Any person or any entity accredited by WAKO;

o) All persons who participate or assist in any WAKO events and/or activities and/or official meetings.

2.2. The provisions of this Code shall apply to the above-mentioned Subjected Parties whenever an offense, a breach and/or a violation as provided under Article 1 above is committed during a WAKO Event and/or any activity organized by WAKO and/or any official meeting of WAKO and/or its bodies and Committees.

3. DEFINITIONS

3.1. DEC: Disciplinary and Ethical Committee, competent to deal with any disciplinary and ethical matters.

3.2. Event: Any tournaments and other events organized or recognized by WAKO, included on the WAKO's sports calendar.

3.3 Match: A match organized under the auspices of WAKO or a Member of WAKO.

3.4. Member: A Member of WAKO as defined in WAKO's Statutes.

3.5. Participants: athletes, coaches, referees, members of delegations or other persons accredited for any Event.

3.6. Subjected Parties: natural and legal persons subject to the application of the Code as provided in Article 2 above.

4. GENERAL PRINCIPLES

4.1. Violations of the WAKO Statutes, By-Laws, Rules, Regulations and decisions of the Board of Directors or the General Assembly, including the ethical principles outlined in the WAKO Ethical Code, may be sanctioned in accordance with the terms of this Code save as otherwise provided under the respective provisions of the aforementioned legal documents whereby the competence of another Committee (i.e. the Arbitration Committee) may be provided.

4.2. A violation of the Kickboxing Competition Rules may also constitute a disciplinary offense, punishable under this Code.

4.3. Unless otherwise specified, offenses and infringements are punishable regardless of whether they have been committed intentionally or negligently.

4.4. 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 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.

4.5. The present Code does not apply to the exercise of disciplinary authority in terms of antidoping. Violations of the WAKO Anti-Doping Rules are to be dealt with under the procedure provided therein.

4.6. Continental Federations, their respective bodies and officials have to apply the present Code to their events, activities and their administration work to the extent and within the limits provided under the applicable laws.

4.7. Any Subjected Parties can request to DEC to initiate an inquiry on any matter which is under the application of this Code.

5. DISCIPLINARY MEASURES

5.1. The following sanctions may be imposed on a natural person:

- a) Reprimand and Warning;
- b) Ban from participation in events for a defined period of time;
- c) Fine;
- d) Forfeit of matches;
- e) Disqualification;
- f) Withdrawal of medals, titles or Master grading;
- g) Suspension or ban from taking part in specifically determined, or all, Kickboxing related activity for a defined period of time, including life bans;

5.2. The following sanctions may be imposed on legal persons;

- a) Reprimand and Warning;
- b) Ban from participation in events for a defined period of time
- c) Fine;
- d) Forfeit of matches;
- e) Prohibition on official activity within the WAKO for a defined period of time.

5.3. The DEC may also suggest to the Board of Directors to suspend or expel a Member of WAKO in the cases provided by 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.

5.4. In the cases other than those indicated in paragraph 5.3 above, the DEC may temporarily suspend a Subjected Parties for a 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.

5.5. The DEC may impose to the Subjected Parties to return an award gained so that he/she shall return the benefits, in particular sums of money and symbolic objects (trophy etc.).

5.6. The DEC 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.

5.7. The DEC may impose that a fine is to be paid by the Subjected Parties. 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 or Club.

5.8. 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 DEC

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.

6. COMMON RULES

6.1. Sanctions provided for above in Article 5 may be combined, where deemed appropriate by the DEC.

6.2. Sanctions may be limited to a geographical area or to one or more specific categories of matches or competitions.

6.3. Pending the resolution of a disciplinary matter, the WAKO President or the Chairman of the DEC may impose a provisional suspension on those concerned until the case is dealt with by the DEC. The DEC will decide whether to keep or to lift this suspension until the final decision.

6.4. The DEC is permitted, where appropriate, to impose a partial suspension of the sanction imposed. In doing so, the person or entity is subject to a probationary period from three months up to three years. If during the probationary period the sanctioned person commits another offense, the suspended portion of the sanction will be served in addition to the sanction imposed for the subsequent offense in accordance with Article 6.5.

6.5. The otherwise applicable sanction may be increased in the case of repeat infringement (second or further offense). A repeat infringement occurs if a subsequent sanction has to be imposed within five years of a previous offense. If the repeated offense is of a similar nature to the first offense, this will be treated as an aggravating circumstance mandating a higher increase in sanction than a mere repeated offense not of a similar nature.

6.6. If several sanctions are pronounced against a person or entity as a result of more than one offense, the DEC, at its discretion, may increase the sanction imposed for the most serious offense.

7. EXECUTION OF SANCTIONS

7.1. The DEC that imposes the sanctions under this Code decides the scope and terms of the same and, where applicable, the time limits for the payment of any fine.

7.2. 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.

7.3. Fines must be paid to the WAKO bank account – as indicated by WAKO Administration - no later than two (2) months after receipt of the notification of the imposed sanction.

7.4. Should the person or entity fined not pay within the time limit set in the preceding paragraph, payment due will incur a twenty per cent (20%) per annum arrear interest each twelve-month delay and cause prohibition from participation in Competitions until the entire fine is paid.

7.5. Disqualification will be applied to the person participating in a WAKO and/or other events immediately following the notification of such disqualification.

7.6. If a coach or competitor participates in a match while he/she is suspended or disqualified, his/her results will be forfeited and the sanction will be doubled or restart, as decided by the DEC.

7.7. Suspension commences the day after receipt of the written notification of the sanction unless decided otherwise by the decision of the DEC.

7.8. The forfeit of a match, a reversal of results or an adjustment of the ranking of a competition must be notified to the competitor(s) concerned by the WAKO Representative of the respective event, if such sanctions are imposed during the course of such event, or by WAKO, if such sanctions are imposed after the end of the event.

8. NON-OBSERVANCE OF SANCTIONS

8.1. Anyone who fails to observe sanctions imposed by the DEC or the Court of Arbitration for Sport shall:

8.1.1. be fined for failing to comply with a decision;

8.1.2. in the case of failure to pay a fine, be granted a final deadline by the Chairman of the DEC within which he/she shall pay the amount due;

8.1.3. be warned and notified that, further failure to comply with a decision of the DEC or the Court of Arbitration for Sport may result in suspension or disqualification from competition for a period of time or indefinitely until the relevant decision is complied with.

9. LIMITATION PERIODS

9.1. Unless specifically otherwise specified herein, offenses committed during an Event may no longer be prosecuted after a lapse of two years; as a general rule, other infringements as provided in Article 2.2 above may not be prosecuted after a lapse of seven years (collectively, the "**Limitation period**").

9.2. Anti-doping rule violations may be prosecuted within the terms provided in the WAKO Anti-Doping Rules.

9.3. Prosecution for corruption is not subject to a Limitation period.

9.4. The Limitation period runs as follows:

9.4.1. from the day on which the perpetrator committed the infringement;

9.4.2. if the infringement is recurrent, from the day on which the most recent infringement was committed;

9.4.3. if the infringement lasted a certain period, from the day on which it ended.

10. VIOLENT CONDUCT

10.1. Any action, attitude or public statement displaying an improper use of physical or emotional force in order to injure, intimidate or defame WAKO, its guests or any of the persons listed in Article 2 above is considered a violent conduct which shall be sanctioned in accordance with the seriousness of the violation in compliance with the provisions of this Code.

10.2. Violent conduct in connection with an Event or in general a Kickboxing activity shall be sanctioned with a minimum suspension of two months. Sanctions shall be imposed on the persons involved and/or the National Federation or club accountable for such actions.

10.3. If such incidents irremediably compromise the normal course of a match, the team held responsible for the public's conduct shall be additionally sanctioned with forfeiture of the match.

10.4. Harassment, insults, verbal or physical abuse by a coach, competitor, team delegation member, official to or against a competitor or any other team member or official present, shall

be sanctioned with suspension for one or more matches or exclusion from the tournament depending on the seriousness of the violation. The DEC, by evaluating the case, may impose any other sanction it deems appropriate in compliance with the provisions of this Code and the WAKO Safeguarding Policy.

10.5. All Subjected Parties as well as the Organizing Committee of a WAKO-sanctioned Event must deal courteously and considerately with WAKO, its officials, referees, participating team delegations and guests. Any commentary or remark expressed publicly through the media, detrimental to the image or the reputation of WAKO, its bodies and institutions or any of its officials is considered a violent conduct.

11. INELIGIBILITY

11.1. If a competitor takes part in an official match despite being ineligible, his team or National Association will be sanctioned by forfeiting the match and paying a minimum fine of Euro 5,000 (five thousand Euro).

12. FORGERY AND FALSIFICATION

12.1. Anyone who, in Kickboxing-related activities, forges a document, falsifies an authentic document or uses a forged or falsified document to deceive in legal relations will be sanctioned with a fine.

12.2. If the perpetrator is a competitor, a suspension of at least six months will be imposed.

12.3. If the perpetrator is a Continental or a National Federation, a ban on taking part in any Kickboxing-related activity for a period of a minimum of twelve months will be imposed.

12.4. An association or a club may be held liable for an infringement as defined in Article 12.1 committed by one of its officials and/or competitors. In such a case, an expulsion from a competition may be imposed in addition to a fine for the association concerned.

13. CORRUPTION

13.1. Anyone who offers, promises or grants an unjustified advantage to a body of WAKO, a match official, a referee, a competitor or an official on behalf of himself or a third party in an attempt to incite violation of the regulations of WAKO will be sanctioned:

13.1.1. with a fine of at least Euro 8,000 (eight thousand Euro) and/or;

13.1.2. with a ban on taking part in any Kickboxing-related activity, and/or;

13.1.3. with a ban on entering any Event area.

13.2. Passive corruption (soliciting, being promised or accepting an unjustified advantage) will be sanctioned in the same manner.

13.3. In serious cases and in the case of repetition, a ban from Kickboxing-related activity may be imposed for life.

13.4. In any case, the DEC will order the confiscation of the assets involved in committing the infringement. These assets will be used for WAKO development programs.

14. DOPING

14.1. Doping is prohibited. Doping and anti-doping rule violations are defined in the WAKO Anti-Doping Rules and sanctioned in accordance with the WAKO Anti-Doping Rules.

15. COMPETENCE OF THE WAKO DISCIPLINARY AND ETHICAL COMMITTEE (DEC)

15.1. The WAKO Disciplinary and Ethical Committee (DEC) is the body responsible for the application and the implementation of the provisions of (i) this Code regarding disciplinary matters and (ii) the Code of Ethics regarding the ethical matters related to the Subjected Parties under Article 2 above as a consequence of an offense or a breach as provided in Article 1 above.

15.2 The DEC is also competent to resolve all conflicts, other than those under the competence of the Arbitration Committee as provided by WAKO rules, between National Federations, between WAKO and National Federations, and officials and National Federations and/or WAKO. The DEC is competent regarding all of the international issues on both the World and Continental level.

15.3. The goal of the WAKO DEC is to adjudicate all disputes arising from the breach of the Rules and other regulations of WAKO related to the sporting activities and any unethical behavior of the Subjected Parties in violation of the provisions of the Code of Ethics, without prejudice for the competence of the Arbitration Committee as provided in WAKO's Statutes and By-laws.

15.4. In the framework of the competence of the DEC as defined in the WAKO's Statutes, By-laws and the present Code, the terms of reference of the DEC are:

15.4.1. To deal with disciplinary matters beyond those where the Referee Commission has jurisdiction, such as what is not covered by the application of the competition rules. This would include, for example, but not be limited to, disciplinary offenses in relation with the opening and closing ceremonies, incorrect behavior of delegation members inside or outside the Event area, or any behavior that is considered contrary to the good sportsmanship and which is in violation of the provisions of this Code.

15.4.2. To impose disciplinary measures upon any Subjected Parties in the form of verbal or written warnings, impose sanctions or penalties in application of this Code, or measures of suspension from participation in WAKO sanctioned Events.

15.5. The DEC may apply the WAKO Rules denying access to event areas or to the stadium to those individuals or delegations that refuse to accept the WAKO Rules or the instructions of the Board of Directors.

15.6. The DEC meetings will be convened and called for by the Chairman.

15.7. The DEC can proceed with any investigation, interview or correspondence for the purpose of obtaining necessary information prior to taking any appropriate action.

16. COMPOSITION OF THE WAKO DEC

16.1. The DEC is composed of at least 5 (five) members (among whom the Chairman) who are elected by the Board of Directors for a term of 4 (four) years. Such a term is renewable.

16.2. The DEC is headed by the Chairman who must be a WAKO Affiliated Member (as defined in WAKO's Statutes).

16.3. The DEC will act in disciplinary matters either on its own initiative or upon request of the President or of the Board of Directors or of any Subjected Parties or of a third party. In these latter cases, the DEC Chairman will decide upon the acceptability of the request.

16.4. The Chairman of the DEC manages the Commission. The Chairman's responsibility is to control the development and regularity of the procedures, and to take appropriate measures to ensure the fair operation of the process.

16.5. The members of the DEC cannot take part in any case in which they have any personal interest and/or which involves in any way, their federation, family members or relatives, or persons having a direct link or involvement with them. In such a case, it is incumbent on the DEC member/s concerned, to declare the interest and/or the connection to the Chairman of the DEC.

16.6. The DEC is duly held when all its members are present (either physically or through conference call/Skype).

16.7. However, proceedings may be validly held even without a *quorum* in the circumstances (i) provided by paragraph 16.8. below, when there is a successful challenge of a member of the DEC and (ii) in case one or two members cannot attend the proceedings for good and justified reasons.

16.8. The DEC resolves on the matters 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.

16.9. A member of the DEC 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.

16.10. The official language is English. The members of the DEC shall bear all of the costs of their translation and interpretation on their own. The DEC may order that all documents submitted in languages other than English be filed together with a certified English translation.

16.11 The DEC reports regularly to the WAKO President and WAKO Board on the conduct of its activities and at least once a year or whenever requested by the WAKO President. If the Committee considers it as necessary, it may submit a report directly to the WAKO Board of Directors, the General Assembly, or any other individual or entity within WAKO. In such a case, the Committee informs the WAKO President before it submits its report.

17. DISCIPLINARY PROCEDURE

17.1. The proceeding under this Code is initiated by written notification (or by e-mail) to the DEC by the petitioner (the "**Claimant**"). This request has to be filed within 30 days after the day of the knowledge of the infringements sanctioned under this Code but, in any event, no later than 1 year.

17.2. The claim of 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 submitted to the DEC for determination;
- any relevant information or proof;

(the "**Complaint**").

17.3. 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.

17.4. The DEC appoints one of its members as secretary, studies the Complaint, transmits it to the parties concerned, requests an answer, and fixes a reasonable deadline for the procedural stages.

17.5. Any person implicated in a case submitted to the DEC shall be immediately informed. Such a person may make his/her observations if he/she deems it necessary to do so. If the person in question is a legal person, the DEC will inform its representative. Such a representative may make his/her observations if he/she deems it necessary to do so.

17.6. After having examined the Complaint, the DEC may transmit the Complaint to the Arbitration Committee (or any other WAKO's Committee) in case it deems that it has not the competence on the relevant matter.

17.7. The information exchanged between the parties and the DEC may be made through all modern media including telephone, fax, e-mail, video-call etc.

17.8. Except for urgent matters, a sanction may not be imposed before the person concerned has had the opportunity to be heard and to present his/her case. In general, the proceedings will be presented in writing. However, the Chairman of the DEC may decide to call those concerned in person to appear before the DEC.

17.9. The DEC shall evaluate the evidence and the written briefs and observations, take into consideration the specific conditions under which the events occurred, the previous conduct of the person(s)/or institution(s) concerned and all other relevant circumstances in order to determine whether, and to what extent, a sanction is required.

17.10. Parties shall be responsible for, and bear the expenses of, their respective lawyers, representatives, experts, witnesses etc.

17.11. 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.

17.12. As a general rule the members of the DEC will make every effort to resolve all matters at hand within a reasonable time, that with exception to justified cases, this cannot exceed 3 (three) months.

17.13. The minutes will be signed by the Chairman of the DEC. The Circular resolutions are equivalent to a meeting of the DEC, provided that all members of the DEC agree and a personal meeting is not required by any member.

17.14. At the end of the deadline granted for the exercise of the right to be heard, or following the hearing at which the right to be heard was also exercised orally, the DEC will take its decision which will be notified to the concerned parties.

17.15. 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 DEC passes its decision independently. In particular the DEC is not bound by the parties' arguments.

17.16. Notification of the decision shall be given directly to the parties concerned, which shall be taken no later than 3 (three) months from the date in which the case was submitted to the DEC. Notice will be sent to those concerned in such a manner that receipt can be proven. In the event that the contact details of the person concerned are not known to WAKO or in the case of other address difficulties, it will be considered sufficient that notification is sent to the National Federation(s) to which those concerned are affiliated or a member of. However, in cases of urgency, in particular when the facts may cause scandal, the DEC can abbreviate the procedure and render its decision on site.

17.17. Decisions of the DEC may be published on the WAKO official website and/or Continental Divisions website and/or the official WAKO publications.

17.18. Decisions come into force after notification to the relevant parties.

18. APPEALS

18.1. Decisions passed by the DEC may be appealed before the Arbitration Committee within 21 (twenty-one) 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 the WAKO bank account. This sum will be reimbursed to the appellant in the case of a favorable decision. The appeal will not suspend the decision of the DEC.

18.2. 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.

19. ENTRY INTO FORCE

19.1. This Code was approved by the WAKO Board of Directors on the 23rd July 2022 and entered into force on the same day, save otherwise decided by the DEC with respect to pending proceedings.

19.2. This Code can be amended by a decision of the WAKO Board of Directors.

20. TRANSITIONAL MEASURES

20.1. Any case that has been brought before the WAKO DEC before these regulations come into force shall be assessed according to the previous regulations.