



FIDE ETHICS COMMISSION

The Ethics Commission (hereafter called the ETH), sitting in the following composition -

Chairman: Mr Francois Strydom
Members: Mr Willy Iclicki
Mr Ion Dobronauteanu
Mr Pedro Dominguez Brito
Mr Rajesh Hari Joshi

during the meeting held in Athens on 26th - 28th of May 2016, made the following-

DECISION

Case n. 4/2015: "Complaints by K Georgiev, S Stoichkov & M Stoynev against the BCF for alleged deprivation of the individuals' rights"

1. The ETH **notes** its previous ruling dated 5 September 2015 that the complaints of Messrs. Georgiev, Stoichkov and Stoynev against the Bulgarian Chess Federation ("BCF") were held to be provisionally admissible.
2. The ETH **notes** that the following documents formed the record of this case:
 - 2.1 the complaint of GM Georgiev received on 25 June 2015, as supplemented on 28 July 2015;

- 2.2 the complaint of Messrs Stoichkov and Stoynev dated 25 August 2015;
 - 2.3 the BCF's answer regarding jurisdictional issues received on 21 August 2015, supplemented by its answer regarding the merits of the complaint on 18 November 2015;
 - 2.4 the judgment of the Sofia-City Administrative Court of 22 December 2015 and the advices of the parties regarding the BCF's appeal against this judgment to the Supreme Administrative Court of Bulgaria to be heard on 8 May 2017.
3. Upon due consideration of the arguments advanced by the parties, the ETH **decides** that:
- 3.1 the jurisdiction of the ETH in the present matter and admissibility of the complaints against the BCF is reconsidered and confirmed;
 - 3.2 the Managing Committee of the BCF, in suspending on 5 June 2015 all the complainants' rights of participation in chess activities in Bulgaria for violation of the BCF Statutes and Code of Ethics, failed to prosecute the alleged violations in compliance with fundamental principles of law;
 - 3.3 in the circumstances the ETH is entitled and does assume jurisdiction over the BCF's case against Messrs. Georgiev, Stoichkov and Stoynev and will conduct an enquiry de novo in regard to the alleged violations in accordance with the procedural directives to be given by the ETH chairman to the parties;
 - 3.4 the sanctions imposed by the BCF on Messrs. Georgiev, Stoichkov and Stoynev on 5 June 2015 is hereby nullified with immediate effect.
4. The ETH **records** the grounds for the decision include findings *inter alia* that the BCF failed to comply with the procedures in its own Code of Ethics for investigating infractions and imposing sanctions, failed to afford Messrs. Georgiev, Stoichkov and Stoynev with a fair opportunity to be heard prior to coming to its decision and failed to provide proper reasons for its decision. In such circumstances Chapter 8 of the FIDE

Statutes vests jurisdiction in the ETH over the national case and permits the ETH to substitute its decision for the decision of the national organ.

5. The ETH **undertakes** to provide the parties with full written reasons for its decision within 15 days from the date hereof.
6. The ETH **requests** the FIDE Secretariat to communicate forthwith the decision to the Messrs. Georgiev, Stoichkov and Stoynev, as well as the Bulgarian Chess Federation, and to publish in due course the decision on the FIDE website.

DATED ON THIS THE 15th DAY OF JUNE 2016

F P Strydom

CHAIRMAN
FIDE ETHICS COMMISSION