

EDC PROCEDURAL RULES

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PREAMBLE

[Charter art. 7.7 & 26.3]

The FIDE Council approves these Rules related to the functioning and organization of the FIDE Ethics and Disciplinary Commission (EDC) and the procedures to be applied in the resolution of ethical and disciplinary issues where a breach of the FIDE Ethics and Disciplinary Code is alleged to have occurred.

INTERPRETATION

The following terms used in these Rules shall have the meanings ascribed to them herein:

- (i) **“the Code”** means the FIDE Ethics and Disciplinary Code effective from 1 April 2022.
- (ii) **“the Charter”** means the FIDE Charter effective from 1 March 2020.
- (iii) **“the EDC”** means, depending on the context, the FIDE Ethics and Disciplinary Commission or the EDC Panel.
- (iv) **“the EDC FFC”** means the Fact-finding Committee of the EDC.
- (v) **“the EDC Panel”** means, depending on the context, the First Instance Chamber or the Appeal Chamber established for a particular case.
- (vi) **“the FIDE Offices”** means the official administrative offices and secretariat kept by FIDE in Lausanne and other approved places.
- (vii) **“the FPL”** means the FIDE Fair Play Commission.
- (viii) **“the FPL FFC”** means the Fact-finding Committee of the FPL.
- (ix) **“the Members of the FIDE family”** means any of the persons included in the FIDE family in art. 4.2 of the Code.
- (x) **“the Party”** means a person participating in the ethics or disciplinary proceedings, namely a Complainant, a Respondent or a Third Party (in first instance proceedings) and an Appellant and a Respondent or a Third Party (in appeal proceedings); and **“the Parties”** means all the participating persons collectively.
- (xi) **“the Regulations”** means the FIDE rules and regulations referred to in art. 7.1 of the Charter.
- (xii) **“these Rules”** means these EDC Procedural Rules.

In these Rules, unless otherwise specified:

- a) references to a “person” shall be construed to include any natural person and artificial person, such as, but not limited to, a corporation, body corporate, firm, association, partnership, confederation, national federation, or club, (whether having separate legal personality or not), unless the context otherwise requires.
- b) a reference to any of the Regulations, or to any provision or provisions in a Regulation, shall be construed, unless the context otherwise requires, as including a reference to any amendment or replacement made to the same from time to time; and
- c) articles in these Rules must be understood in the context of the relevant

- articles of the Charter and Code, where referenced.
- d) in the event of any inconsistency between these Rules and the Charter, the Charter shall prevail.
 - e) in the event of any inconsistency between these Rules and the Code, the Code shall prevail.
 - f) all headings and titles in these Rules have been inserted for ease of reference only and may not be considered as an aid to its interpretation.

CHAPTER 1 - INTRODUCTORY PROVISIONS

1. Rule 1 - Application

[Code art. 1.12, 3.9, 4.14 & 5.4]

- 1.1. These Rules lay down the procedure to be followed by the EDC and Parties in cases where a complaint or report is received that a breach of the Code has allegedly occurred.
- 1.2. Continents and National Federations have a duty to incorporate disciplinary procedural rules in their regulations which are compatible with the Code and these Rules, either by incorporation by reference, or by adopting similar rules of ethical conduct.

2. Rule 2 - Seat of the EDC

[Code art. 3.3 & 3.4]

- 2.1 The seat of the EDC is based at the FIDE Head Office in Lausanne, Switzerland which shall be the preferred venue for EDC physical meetings and hearings.
- 2.2 If justified by the circumstances, the EDC may hold physical meetings and hearings elsewhere, for example at the venue of a FIDE Congress or anywhere else in the world.

3. Rule 3 - Assistance to the EDC

[Code art. 11.4(d)]

- 3.1 The FIDE Offices shall provide secretarial assistance and administrative, financial and web-site support, to the EDC and provide the EDC with the contact details of Members of the FIDE family upon request.
- 3.2 FIDE Officials and Employees and the members of FIDE Commissions shall provide access to the EDC to official FIDE records and reports, as well as minutes and recordings of FIDE meetings and generally assist the EDC with their inquiries upon request by the EDC.
- 3.3 Subject to the privilege against self-incrimination, the Parties shall assist the EDC with their inquiries in any proceedings upon request.
- 3.4 Members of the FIDE family shall cooperate with any investigation carried out by the EDC in relation to a possible breach of the Code, by providing, without undue delay, accurate and complete information and documentation, access or assistance upon request by the EDC.

4. **Rule 4 - Language of Proceedings**

[Code art 3.5]

- 4.1. The language of the EDC proceedings is English.
- 4.2. Accordingly, all correspondence between the EDC and the Parties, Members of the FIDE family or other persons shall be in the English language and the EDC shall be entitled to disregard any correspondence addressed to it in another language.
- 4.3. The Parties' written submissions and supporting documents, and the EDC's decisions shall be delivered in the English language.
- 4.4. If a Party produces a document written in a different language, this Party shall be responsible for translation of the document into English prior to its submission to the EDC. Upon request of the EDC the document shall be accompanied by a certificate of official translation by a qualified person, or a separate confirmation of the correctness of the translation. The EDC shall be entitled to disregard any document or statement in another language than English.
- 4.5. At any EDC hearing, at the request of any Party, the EDC may authorize a language other than English to be used by any of the Parties, their representatives, witnesses and/ or experts. In such a case, such Party shall be responsible for the costs of an interpreter.
- 4.6. If deemed necessary by and upon request of the EDC Chairman, the FIDE Offices shall offer an interpreting and translation service regarding an oral hearing, or any document and FIDE shall bear all costs in relation thereto.

5. **Rule 5 - Confidentiality**

[Code art. 19.6]

- 5.1. Save as is provided otherwise hereafter, the EDC proceedings, including the Parties' statements and oral evidence, documents and visual images filed, shall be kept confidential.
- 5.2. No one shall publish (on the Internet or in print) or distribute (by e-mail or in any other manner) any part of the EDC case file to persons not involved in the relevant proceedings, save with the written consent of the EDC Chairman which must be sought with due motivation prior to the intended publishing or distribution.
- 5.3. In pronouncing a decision, the EDC may disclose the main points of the decision or proceed to publishing the full reasoned decision, in both instances by including a summary of the relevant facts and evidence. If appropriate, the EDC shall take steps to conceal the identity of the Parties and any other participant in the proceedings or omit sensitive material.
- 5.4. The EDC decision shall be published on the EDC website (unless, in the judgment of the EDC Chairman, the requirements of confidentiality or sensitivity, makes publication inappropriate) and be distributed by e-mail to all the Parties and such further interested parties, including FIDE

Management, the FIDE Council and the national federations to which the Parties belong, as the EDC Chairman may deem appropriate.

5.5. Upon completion of the EDC proceedings, the case file and record of proceedings shall remain confidential and may only be disclosed to Members of the FIDE family other than the Parties with the written consent of the EDC Chairman given upon receipt of a motivated request for access.

6. Rule 6 - Registration of Cases

6.1. All breaches of the Code by Members of the FIDE Family shall be reported to the FIDE Offices (see also Rule 8.9). The FIDE Offices shall keep a record of such complaints and refer the complaints to the EDC Chairman to be dealt with in accordance with the Code and these Rules.

6.2. Registration of EDC cases shall be made by the EDC Chairman if the complaint is found admissible. Each case shall be given a specific number and a subject title.

6.3. The EDC Chairman shall communicate to the FIDE Offices the title and the progressive number assigned to each case.

7. Rule 7 - Record-keeping

[Code art 19]

7.1. Proceedings in front of the EDC First Instance Chamber and Appeal Chamber do not have to be recorded or minutes thereof kept, but all decisions, whether of a provisional or final nature, shall be recorded in writing together with a brief motivation for the decision.

7.2. The FIDE Offices shall keep record of all final decisions of the EDC either electronically or in paper format or both.

7.3. In addition, the FIDE Offices shall keep record of all correspondence received from Complainants and Respondents, and all correspondence sent by the EDC Chairman or the Chairman of a First Instance Tribunal to parties in formal proceedings in front of the EDC.

CHAPTER 2 - COMPLAINTS, REPORTS & INVESTIGATIONS

8. Rule 8 - Submission of complaints

[Code art. 5, 6.27(a), 11.8(e), 16.1 & 16.2]

8.1. A Member of the FIDE family (other than a person mentioned in art. 4.2(e), (i) and (o) - (u) of the Code) may submit a complaint to the EDC against any other Member of the FIDE family if the Complainant is personally or directly affected by the alleged misconduct or otherwise has a direct and substantial interest in the subject-matter of the complaint.

8.2. A Member of the FIDE Family (other than a person mentioned in art. 4.2(e), (i) and (o) - (u) of the Code) has a duty to do to submit a complaint to the EDC against any other Member of the FIDE family if the

Complainant is approached or invited to engage in betting, the manipulation of chess results or the use of inside information for such purposes or becomes aware of the involvement of others in such activities.

- 8.3. The complaint shall comprise of a written statement, made and signed by the Complainant, setting out details of the identity, position and contact details of the accused person, details of the relevant act or incident, the nature of the alleged misconduct and the evidence in support thereof. The written document should be submitted in Portable Document Format (PDF).
- 8.4. It is not essential for the Complainant to identify in his or her complaint the specific article in the Code, which is alleged to have been breached, as this is the task of the EDC Chairman on determining the admissibility of the complaint, but the Complainant is free to refer to the relevant article or articles in the Code which he/she believes may have been breached.
- 8.5. It is not required that the written statement shall be confirmed under oath or solemn declaration, but this does not detract from the obligation resting on the Complainant to ensure that his/her statement truthfully, correctly and fairly sets out all the material facts related to the complaint.
- 8.6. Documentary proof such as letters, reports, e-mail exchanges, text messages, Internet articles, webpage images and social media copies may be used as exhibits in the complaint and must be separately marked with an identifying number and submitted in PDF.
- 8.7. Prior to submission of the complaint, the Complainant shall pay a complaint lodgment fee of 200 EUROS to the FIDE Financial Department which may be contacted at accounts@fide.com.
- 8.8. In the case of economic hardship, the EDC may, upon request and motivation by the Complainant, waive the requirement for the payment of a complaint lodgment fee.
- 8.9. All complaints shall be submitted simultaneously by e-mail to the FIDE Offices at office@fide.com and the EDC at ethics@fide.com, together with proof of payment of the prescribed complaint lodgment fee.
- 8.10. Complaints may not be sent to the members of the EDC directly and the Parties shall refrain from corresponding with any individual EDC member directly in connection with the complaint or the following disciplinary proceedings.
- 8.11. The FIDE Offices shall formally acknowledge receipt of the complaints, keep a record of the complaints and send a copy of the complaints to the EDC Chairman to be dealt with in accordance with the Code.
- 8.12. The EDC shall only consider complaints received which meet the substantive requirements for the admissibility of complaints as set out in the Code and satisfy the procedural requirements of these Rules.

- 8.13. At the conclusion of the case, the complaint lodgment fee will be refunded to the Complainant by FIDE if the EDC decides that there was objective merit in the complaint regardless of the outcome of the case.
- 8.14. If the complaint is held by the EDC, either initially when the admissibility of the complaint is considered or at the end of a case heard by an EDC Panel, to be wholly unmeritorious or falling within one of the circumstances mentioned in art. 5.3 of the Code, the fee may be declared forfeited after the Complainant has been given an opportunity to motivate why a forfeiture should not take place.

9. **Rule 9 - Reports by FIDE organs and consultative bodies**

[Charter art. 16; Code art. 5]

- 9.1. The FIDE General Assembly, Council, President and Management Board may submit a report to the EDC concerning any Member of the FIDE family alleged to have breached this Code, seeking to protect or advance FIDE's interests in general.
- 9.2. Other FIDE organs, non-elected FIDE Commissions and *ad hoc* commissions or committees appointed by the General Assembly, Council or President, may submit a report to the EDC concerning any Member of the FIDE family alleged to have breached this Code, seeking to protect or advance FIDE's interests in a specific area of interest or specialization, for example the Fair Play Commission, Qualification Commission and Arbiters Commission.
- 9.3. FIDE Officials, other than the President, may not seek to represent FIDE's interests in making a complaint or report to the EDC in their individual official capacity.
- 9.4. The report shall be in writing and comprise of a statement setting out details of the identity, position and contact details of the accused person, details of the relevant act or incident, the nature of the alleged misconduct, a brief exposition and analysis of the available evidence, the factual findings, the way in which FIDE's interests have been compromised and a recommendation regarding disciplinary action. The report should be submitted in Portable Document Format (PDF).
- 9.5. Documentary proof such as letters, reports, e-mail exchanges, text messages, Internet articles, webpage images and social media copies may be used as exhibits to the report and must be separately marked with an identifying number and submitted in PDF.
- 9.6. There is no fee payable in order to lodge such a report with the EDC.
- 9.7. The report shall be forwarded directly to the EDC Chairman who shall acknowledge receipt. A copy of the copy shall be submitted to the FIDE Offices which shall keep a record thereof.
- 9.8. The EDC shall only consider reports received which meet the substantive requirements for the admissibility of reports as set out in the Code and satisfy the procedural requirements of these Rules.

10. Rule 10 - Investigation by a Fact-Finding Committee

[Charter art. 26.12, 26.13 & 26.14]

- 10.1. The EDC will not be expected generally to act in an investigative capacity to obtain additional evidence not already presented but will only consider the statements and evidence presented by the Parties and make such additional enquiries in relation to such evidence as it believes is reasonably necessary to consider the matter.
- 10.2. The EDC Chairman may, at his discretion, refer cases of a complex factual nature or where the relevant evidence is not easily attainable, to the EDC Fact-finding Committee (EDC FFC), or cases of cheating and other fair play rule violations to the FPL Fact-finding Committee (FPL FFC) for investigation or fact finding.
- 10.3. The relevant fact-finding committee shall investigate the matter according to its mandate within the time period allowed by the EDC Chairman, or such extended period agreed upon and submit the results of its investigation in the form of a written report to the EDC Chairman. The final report shall summarize all relevant facts and evidence and identify all individuals who provided such facts and evidence and shall be accompanied by a copy of the investigation files.
- 10.4. The decision regarding whether the report reveals sufficient evidence to open disciplinary proceedings vests in the EDC and will be considered by the EDC Chairman when he / she considers the admissibility of the matter as an EDC case.
- 10.5. The Chairman of an EDC Panel shall have the right, if satisfied that special circumstances prevail, to request the EDC Chairman that a case serving before the EDC Panel, or a particular aspect of the case, be investigated and reported upon by the EDC FFC or FPL FFC. If in agreement, the EDC Chairman shall instruct the relevant FFC accordingly. The EDC Panel shall in its final decision be entitled to consider the findings of such investigation provided that both the Complainant and the Respondent have had an opportunity to respond to such findings.

CHAPTER 3 - ADMISSIBILITY & INITIAL DIRECTIONS

11. Rule 11 - Commencement of proceedings

- 11.1. Proceedings are opened by the EDC Chairman, or in case of his/her unavailability, the EDC Deputy Chairman based on receiving a written complaint or report as envisaged in the Code.
- 11.2. The EDC shall not proceed with the case if the limitation period established by the Code has elapsed.

12. **Rule 12 - Decision about Admissibility of Complaint or Report**

[Code art. 4 & 5]

- 12.1. Upon receipt of a new complaint, the Chairman of the EDC or another member of the EDC, nominated by the Chairman, shall consider the admissibility of the complaint and the competency of the EDC to hear and decide the complaint on a provisional basis.
- 12.2. The admissibility and jurisdiction issues shall be determined in accordance with the Code.
- 12.3. If the Chairman declares a complaint in order, the Chairman shall identify the charges which the Respondent shall face and forward it to a First Instance Chamber or to a single member formation, for further examination, in accordance with these Rules. The EDC Chairman shall inform the Complainant accordingly.
- 12.4. If the EDC Chairman considers that the complaint is not admissible or the EDC lacks jurisdiction to decide the complaint, he/she shall pronounce a decision of a refusal to proceed and strike out of the EDC's list of cases. The EDC Chairman shall direct in such a case that the complaint lodgment fee be returned to the Complainant, unless he/she decides the complaint is manifestly ill-founded or unsubstantiated, or was brought with an ill motive or constitute an abuse of the proceedings. The EDC Chairman shall inform the Complainant accordingly.
- 12.5. Any agreement between the Parties shall have no effect on the competence of the EDC.
- 12.6. The Chairman or the other EDC member shall endeavour to advise the Complainant his/ her provisional finding within a period of no longer than 30 days from the date of receipt of the complaint. Despite this, it will be the responsibility of the Complainant to follow up and make the necessary enquiries with the FIDE Offices if no decision in this regard is communicated to him/her within the mentioned 30-day period.
- 12.7. If the EDC decides that a complaint referred to it does not properly fall under this Code by way of either Remedial Action or Disciplinary Action, it may refer the complaint to another FIDE Commission in whose mandate the complaint falls for its attention and action, if necessary, or inform the complainant that FIDE declines to deal with the complaint and the reason therefor.
- 12.8. The final decision regarding the admissibility of the complaint and competency of the EDC shall be taken by the First Instance Panel, after having invited the Parties' submissions in this regard, at the end of the proceedings in front of it.

13. **Rule 13 - Notifications and Communication**

- 13.1. Upon registration of a new EDC case, both the Complainant and the Respondent shall be informed of this fact and the registration details.

13.2. Notification shall take place in accordance with the requirements of these Rules.

14. Rule 14 - Remedial Action in Terms of the Ethics Code

[Code art 10.5 - 10.25]

14.1 For offences (if proven) deemed less serious, the EDC Chairman may appoint a single EDC member to decide remedial action. Remedial action is limited to corrective counselling which may result in exoneration, a warning or a reprimand.

14.2 If the Respondent or a Third Party directly affected by the finding is aggrieved by the outcome of the Remedial action, he/she may apply for a review of the finding within 21-days from receipt by the Respondent of notification of the outcome and by paying first a review lodgment fee of **150 EURO** to the FIDE Financial Department. The review lodgment fee will be fully returned should the review to all intents and purposes be justified, or partially returned in the event of partial justification.

14.3 The Complainant of the complaint which led to remedial action has no right of review or appeal if dissatisfied with the outcome of the Remedial action.

14.4 The EDC Chairman shall, upon receiving a compliant request for review, nominate a review committee consisting of two EDC members to consider the review. If the members of the review committee cannot reach consensus regarding the outcome of the review, the review would be deemed to have been successful and the relevant remedial action set aside. The decision of the EDC review committee shall be final and binding, with no right of appeal.

15. Rule 15 - The EDC sitting in single member formation

[Charter art. 26.4]

15.1. The EDC Chairman or, in case of his/her absence, the Deputy Chairman can rule alone as a single judge and may delegate his/her functions to another member of the EDC.

15.2. The Chairman, Deputy Chairman or such other member may take the following decisions alone with respect to any of the following matters:

(a) deciding whether the proceedings shall be initiated, suspended or terminated.

(b) urgent cases, namely where a decision is definitely required in a period of less than a month and proceedings in the ordinary course cannot produce a decision timeously, e.g., when sanction may affect continuation of the competition, but in such cases the sanction to be imposed (if any) shall not exceed a suspension for up to three months or a fine of up to CHF 10,000.

(c) ruling on extending a sanction worldwide in terms of Rule 78.

(d) taking Remedial action in terms of art. 10.3, 10.5 and 10.6 of the Code.

- (e) minor and simpler cases, but in such cases the sanction to be imposed (if any) shall not exceed a suspension for up to three months or a fine of up to CHF 10,000.

16. Rule 16 - Joinder and Separation of Cases

- 16.1 The EDC Chairman, acting alone or in consultation with the EDC Panel Chairmen where already nominated, may decide to merge two or more individual cases, with the same Respondent(s), already registered or to be registered with the EDC, if these cases are in the opinion of the EDC Chairman of similar or overlapping nature or concern topics that have characteristics in common.
- 16.2 The EDC Chairman may refer separate cases, involving different Complainants and Respondents, to the same EDC Panel for simultaneous consideration or hearing if these cases are in the opinion of the EDC Chairman of similar or overlapping nature or concern topics that have characteristics in common.
- 16.3 The EDC Chairman, in consultation with the relevant EDC Panel Chairman, may decide to split up an existing case involving more than one Respondent into separate cases for the different Respondents if deemed appropriate.

17. Rule 17 - Stay of Proceedings

- 17.1. The EDC may, of its own accord or upon request, stay its own investigations or proceedings pending the outcome of investigations or proceedings being conducted by other relevant sport authorities or bodies, such as the International Olympic Committee (IOC), a National Olympic Committee (NOC) or the sports justice organ of a national federation. However, the mere existence of another investigation or proceeding does not entitle the subject thereof, as of right, to a stay of investigations or proceedings being carried out by the FIDE under the Code.
- 17.2. This power will not be exercised, save for in special and compelling circumstances, in instances of pending investigations by a national government or its department of sport, or pending legal proceedings in national civil or criminal courts.

18. Rule 18 - Provisional Measures

[See Code art 12]

- 18.1. According to the circumstance of the case, the EDC may order any necessary provisional measures on their own initiative or on that of the EDC Chairman or, in case of his/her unavailability, the EDC Deputy Chairperson, or following the request of one of the Parties.
- 18.2. In urgent cases, and particularly in relation to matters that occur during a FIDE competition where immediate action may be required, provisional measures may be directly ordered without a prior hearing of the Party affected by them.

- 18.3. If the provisional measures were requested by one of the Parties (other than a FIDE organ or consultative body), the EDC or the EDC Chairman or, in case of his absence, Deputy Chairman may order the payment of an additional fee of **50 EUROS** over and above the payment of the complaint lodgment fee, or order other safeguards to limit any potential prejudice for the party against whom the provisional measures shall apply. The additional fee may be forfeited if the EDC Panel, at the end of the case, determines that the request for provisional measures was unwarranted in all of the circumstances, otherwise it will be refunded to the party concerned.
- 18.4. Application of the provisional sanctions shall be regulated by the relevant provisions of the Code.

19. **Rule 19 - Intervention by Third Parties**

- 19.1. A Member of the FIDE family whose interests may be affected with a decision to be issued by the EDC Panel may submit a reasoned request on participation or intervention in the proceedings.
- 19.2. The EDC Panel Chairman shall decide whether to accept or reject the request on participation or intervention after having given the Parties an opportunity to be heard on the matter. If the request is granted, the Third Party shall be given access to all the documents filed in the proceedings.
- 19.3. If the request on participation or intervention in the proceedings is granted, a person who has submitted such request becomes a Third Party to the case and the EDC Panel Chairman shall fix a deadline for that Third Party to provide the EDC with a written submission and supporting documents.
- 19.4. If the Third Party associates him/herself with the Complainant and the existing charges brought against the Respondent, or seeks to support the position of the Respondent, no fee is payable by the Third Party. If the Third Party seeks any other decision by the EDC, a complaint lodgment fee of **75 EUROS** shall first be paid to the FIDE Financial Department.

CHAPTER 4 - IMPARTIALITY AND INDEPENDENCE OF PANEL MEMBERS

20. **Rule 20 - Ineligibility to serve as EDC Panel member**
[Code art. 3.13 & 3.14]

An EDC Panel member may be considered ineligible to serve as a Panel member in any of the following circumstances:

- 20.1. If he/she has the same nationality as either the Complainant or Respondent in the matter, unless his/her participation has been agreed to by the Parties.

- 20.2. If he/she is a relative of either the Complainant or Respondent in the matter, or stands in a close business, sporting, or friendship relationship with one or both of them.
- 20.3. If he/she has a direct or indirect interest in the outcome of the matter.
- 20.4. If he/she has dealt with the matter in a different function, provided that the fact that the he/she has witnessed the relevant incident or conduct or have some personal knowledge thereof shall not by itself make the member ineligible.
- 20.5. If he/she has previously expressed an opinion about the matter.
- 20.6. If there are other legitimate doubts as to his/her impartiality or independence.

21. Rule 21 - Automatic recusal of EDC member

[See Code art 3.13 & 3.14]

- 21.1. Any member of the EDC shall withdraw from the proceedings in the following circumstances:
 - (a) They have a personal interest in the outcome of the case.
 - (b) They have previously taken part in the same case in a different role, notably having acted as counsel to one of the Parties or having participated in the case as an expert or witness.
 - (c) They do not consider themselves able to reach a decision in a totally independent and impartial manner due to other circumstances.
 - (d) There is an actual or perceived conflict of interest.
 - (e) The EDC member is considered ineligible in terms of Rule 20.
- 21.2. The mere fact that the EDC member concerned personally knows one of the parties or has had previous dealings with one or both (other than in a close personal, sporting or business relationship) is insufficient on its own to give rise to a duty to withdraw from the proceedings.
- 21.3. A member of the EDC Panel, being aware of personal knowledge or involvement on his/her part or other circumstances which may possibly affect the perception of his/her independence and impartiality in the eyes of the Parties in the proceedings, shall consult the EDC Chairman at the first available opportunity following his/her nomination. Disclosure to the Parties of the relevant knowledge, involvement or other circumstances shall occur if the EDC Chairman so advises.

22. Rule 22 - Challenge of Member of EDC

- 22.1. A Party may request that a member of the EDC Panel handling the case be removed from the case if any serious reason or reasons cast doubt on the impartiality or the independence of the person concerned.
- 22.2. The Party that wishes to challenge a member shall do so in writing to the relevant EDC Panel within 5 days from the discovery of the grounds of the challenge, otherwise it shall forfeit the right to challenge. Challenges

must be substantiated.

22.3. Should grounds for a challenge arise during the proceedings, the Party shall make them known immediately and without delay.

23. Rule 23 - Decision regarding Challenge

23.1. If the challenge of a member of the EDC appears to be neither unfounded nor without merit, the EDC Chairperson or, in case of his absence, Deputy Chairperson shall transmit the request to the member being challenged and shall set a time limit for the said member to respond to the challenge.

23.2. If the member admits the validity of any of the grounds for the challenge, that member shall withdraw from the case.

23.3. If the reason for challenge is contested, the other members of the EDC Panel shall decide on the challenge, in the absence of the member concerned. The decision can be pronounced without having heard the Complainant.

24. Rule 24 - Replacement

24.1 In the event of the resignation, death, recusal or successful challenge of an EDC Panel member, such member shall be replaced by the EDC Chairman in accordance with these Rules.

24.2 Unless otherwise decided by the EDC Panel, and subject to Rule 25, the proceedings shall continue without repetition of any aspect thereof prior to the replacement.

25. Rule 25 - Consequences of Challenge

25.1. Any act of procedure involving an EDC member who has recused him/herself or has withdrawn upon a successful challenge must be cancelled and repeated, provided that the Party challenging a member so requests when filing a request for challenge. However, any evidence submitted during the proceedings (including witnesses' statements, expert opinions, etc.) shall remain valid if the challenged member was not able to influence such evidence.

25.2. If the grounds to challenge are only discovered once the case has been closed, the reconsideration of the decision is admissible.

CHAPTER 5 - PARTICIPATION OF PARTIES

26. Rule 26 - Parties

Generally, the Complainant participates in the proceedings as accusing party, and a person bound by the Code, who allegedly committed a breach of the Regulations, as accused party in the capacity of Respondent.

27. **Rule 27 - Representation and Assistance**

- 27.1. Unless the EDC requested a Party to appear personally, the Party may participate in the hearing in person or through a duly authorized representative of their choice.
- 27.2. The Parties are free to have representation by a lawyer or another person at their own cost, provided that a duly signed power of attorney shall be submitted.
- 27.3. Persons under the age of 18 years shall be represented by his or her parent or natural guardian, or by a lawyer or another person appointed by such parent or natural guardian at their own cost.
- 27.4. If the protection of an overriding private interest makes it necessary, the EDC may accept that evidence be presented to them in the absence of the Parties. If the EDC intends to use this evidence against one of the Parties, it shall indicate the nature of the evidence and provide the Party with an opportunity to respond and present counterevidence.
- 27.5. The names, addresses, telephone and e-mail addresses of the persons representing the Parties shall be communicated to the FIDE Offices at the earliest opportunity.

28. **Rule 28 - Addresses of Parties**

- 28.1. The Parties and other concerned participants of the proceedings are obliged to inform the EDC of their current address or headquarters, as well as their email addresses. Failing that, the EDC may send any correspondence to the last known address or refrain from sending any correspondence.
- 28.2. The Parties and other concerned participants of the proceedings shall provide the EDC with notice of any change of address.

29. **Rule 29 - Basic Procedural Rights and Duties**

- 29.1. The fundamental procedural rights are guaranteed to the Parties, including:
 - (a) the right to equal treatment without discrimination.
 - (b) the right to be informed of the commencement of any disciplinary proceeding concerning them and the nature of the charges.
 - (c) the right to access all contents of the case file.
 - (d) the right to be heard and make representations.
 - (e) the right to provide and present evidence.
 - (f) the right to obtain a reasoned decision; and
 - (g) the right to legal representation or other assistance at their own expense.
- 29.2. Each person charged with a violation of the Code has the right to be informed in writing of the pending case and has the right to present to the EDC statements and evidence in support of his/her position before the final decision of the EDC.
- 29.3. Each Party has the right, within the limits provided herein, to ask to appear in front of the EDC in an oral hearing.

- 29.4. If a Party declines or fails to exercise any of his/her procedural rights, upon being allowed a reasonable opportunity to do so, he/she shall be deemed to have waived the right in question. This shall apply with force in the case of a Party who declines or fails to put his/her version forward, respond to the EDC's enquiries or correspondence, or attend an oral hearing when so required.
- 29.5. Parties shall not attempt to prescribe to the EDC regarding any aspect of the proceedings, especially regarding the dates to be fixed for any procedural steps and shall take no action which is aimed at undermining the authority of the EDC in the proceedings.
- 29.6. Without prejudice to the right of reasonable criticism of an EDC decision, a Member of the FIDE family may not engage in any actions that may bring disrepute to FIDE or to the sport of chess in one or more of the following ways: public ridicule of an EDC decision; personal attacks against, or threatening, insulting or vulgar language directed toward the EDC as a body or of an individual member of the EDC. A Member of the FIDE family who engages in any such conduct will be liable to a summary investigation and sanctioning in accordance with the Code by the EDC *ex officio*.

CHAPTER 6 - PROCEEDINGS OF THE FIRST INSTANCE CHAMBER

30. Rule 30 - Nomination of EDC Panel

- 30.1 The EDC Chairman will nominate at his/her discretion a First Instance Panel consisting of the First Instance Panel Chairman and two additional members, all of whom must be eligible to serve on the EDC Panel.
- 30.2 If circumstances require same, the EDC Chairman may replace during the proceedings the originally appointed First Instance Panel Chairman with one of the other EDC members already serving on the EDC Panel and may nominate a substitute member or members to the EDC Panel if the originally appointed member or members are not willing or able to complete the proceedings.

31. Rule 31 - Notice of receipt of complaint & initiation of disciplinary proceedings

Upon appointment of the First Instance Panel and receipt of the directions of the EDC Chairman, the Chairman of the First Instance Panel shall address a notification to the Respondent(s) in which he/she/they are notified of the receipt of the complaint, the initiation of disciplinary proceedings, their procedural rights and obligations and the further steps to be followed in the proceedings.

32. **Rule 32 - Respondent's answering statement and supporting documents**
- 32.1 Upon receipt of the Notice of Receipt of Complaint, the Respondent shall be given a deadline granted by the First Instance Panel, with a maximum of three (3) weeks, to answer the Complaint issued against him/her and to provide any requested and relevant supporting documents.
- 32.2 The Respondent may request, on motivated grounds, an extension of the deadline which the EDC Panel, in its discretion, may grant or refuse. Only in exceptional circumstances will a Party be afforded more than one extension of time.
33. **Rule 33 - Second round of exchange of submissions**
- If the EDC First Instance Panel requires further information or clarification on issues, or if the Respondent's statement raises new issues that were not canvassed in the Complainant's statement and such issues may be material to the outcome of the case, the EDC First Instance Panel may request a second round of the exchange of statements and supporting documents, with a maximum of two (2) weeks to submit requested documents from either Party. The Respondent shall be given the last opportunity to respond.
34. **Rule 34 - EDC Panel's right to direct enquiries & ask for documents**
- If the EDC First Instance Panel requires clarification on a particular point, they may address enquiries to either Party or request particular documents from any of the Parties concerning the issue.
35. **Rule 35 - Intervention by other parties**
- If a Third Party other than the Complainant and the Respondent claims to have an interest in an ongoing matter or claim to be affected, the EDC Chairman or EDC Panel Chairman may permit such party to participate in the proceedings in accordance with the provisions of Rule 19.
36. **Rule 36 - Oral hearings**
- The EDC First Instance Panel, may at the request of one of the Parties or at its own initiative, decide to organize an oral hearing. Such oral hearing shall take place in accordance with the requirements of Rule 62.
37. **Rule 37 - Deliberations by Panel members**
- 37.1. After the hearing, the EDC First Instance Panel shall deliberate on its decision in private. If there is no hearing, the Chairperson shall schedule the deliberations.
- 37.2. The deliberations and decision-taking may be conducted, if not in person, via telephone conference, video conference or any other feasible method.
- 37.3. If not unanimous, the EDC First Instance Panel shall render a majority decision and the dissenting member shall render a minority opinion on the points of difference.

38. Rule 38 - Written decision

- 38.1 After the Panel has deliberated and come to a decision on the case, the First Instance Panel Chairman or another Panel member at the request of Panel Chairman will produce a written decision outlining the facts of the case, the issues before the Panel and the decision taken.
- 38.2 If the decision is not reached by consensus of all the EDC Panel members, the dissenting member shall provide separate reasons on the point of difference from the majority members.

39. Rule 39 - Sanctions & Probation

[Code art 13 - 15]

- 39.1 In the case of a guilty verdict, the determination of an appropriate sanction as regards the type, duration and severity shall be in the discretion of the EDC Panel but with due regard to the factors in art. 14.2 and 14.3 of the Code and Rules 39.6 and 39.7 of these Rules.
- 39.2 In each case where a guilty verdict is brought out, the EDC Panel shall impose one of the sanctions permitted in art. 13.1(a) - (f) of the Code as a primary sanction.
- 39.3 In any such case, the EDC Panel shall be entitled, but not obliged, to impose one or more of the supplementary sanctions permitted in art. 13.2 (a) - (g) of the Code, in combination with the primary sanction.
- 39.4 The EDC Panel may, in its discretion, suspend the enforcement of the sanction, either partially or wholly, and attach conditions for the sanction to remain suspended and not to be activated.
- 39.5 In any case, if a Member of the FIDE family is found guilty of a subsequent breach of the Code committed whilst he/she was under probation, the suspension shall be automatically revoked and the suspended sanction shall be activated and added to the sanction imposed for the subsequent breach, provided that the affected member is first allowed an opportunity to make representations to the EDC Panel as to why the suspended sanction should not be activated.
- 39.6 In considering a suitable sanction, the EDC Panel may consider *inter alia* the following aggravating factors:
- A failure to co-operate by the Respondent with any investigation or requests for information.
 - Any previous violations by the Respondent involving the same or a similar offence, in which case the severity of the otherwise applicable sanction may be at least doubled. This only applies if a decision imposing a sanction for the subsequent same or similar offence is issued within five (5) years of the occurrence of the previous offence at stake.
 - The Respondent received or will receive a significant benefit in connection with the conduct which constitutes a violation.
 - The Respondent displays a lack of remorse; and

- Any other aggravating factor the EDC Panel deems relevant.
- 39.7 In considering a suitable sanction, the EDC Panel may consider *inter alia* the following mitigating factors:
- Co-operation by the Respondent with any investigation or requests for information.
 - A timely admission of wrongdoing by the Respondent.
 - Substantial assistance provided by a Respondent that results in the discovery or establishment of a violation of these Rules by another Member of the FIDE family.
 - The Respondent's clean disciplinary record.
 - The youth or inexperience of the Respondent.
 - The Respondent displays remorse; and
 - Any other mitigating factor the EDC Panel deems relevant.
40. **Rule 40 - Notification of decision**
Once the EDC First Instance Panel has approved the written decision, this is signed by the Panel Chairman and communicated to the Complainant and Respondent (and Third Party, if any) through the FIDE Offices, as well as to such other interested parties as the EDC Chairman may direct.
41. **Rule 41 - Time frame for finalising proceedings**
The EDC First Instance Panel shall endeavour to release its decision no later than two months from the date on which the EDC First Instance Panel was nominated in the instance of a single round of exchange of submissions, and within three months in the instance of two or more exchanges of submissions.

CHAPTER 7 - INTERNAL APPEAL

42. **Rule 42 - Right of Appeal to the EDC Appeal Chamber**
[Charter art. 26.4; Code art. 17.1 & 17.4]
- 42.1. There shall be a right of appeal to the EDC Appeal Chamber, only as provided for hereafter, against the final decision of any First Instance Chamber of the EDC.
- 42.2. Any Member of the FIDE family who had been found guilty of a violation of this Code and sanctioned in any form, has a right of appeal against the conviction and/or the sanction imposed based upon a wrong application of the law, an incorrect or incomplete finding of legally relevant facts, and/or an inappropriate decision either less or beyond the charged offence.
- 42.3. Any Member of the FIDE family who acted as the Complainant in the first instance proceedings has a right of appeal against the acquittal of the Respondent on any charge in the first instance proceedings. Such

member also has a limited right to appeal against the sanction imposed, only if the sanction can be described as grossly disproportionate, or clearly inappropriate, or affected by a serious misdirection regarding material facts.

- 42.4. Any Member of the FIDE family, other than the Complainant and Respondent in the first instance proceedings, who is directly affected by the decision in the first instance proceedings, has a right of appeal as a Third Party on the same basis as the Complainant in the first instance proceedings, whether he/she participated in the first instance proceedings or not.
- 42.5. There is no right of appeal against decisions or rulings of the EDC of a provisional nature, including but not limited to decisions related to the provisional admissibility of a complaint and the provisional suspension of a Respondent.
- 42.6. All decisions by the EDC First Instance Panel shall remain in effect while under appeal unless the EDC Appeal Chamber directs otherwise.

43. **Rule 43 - Filing requirements for an internal appeal**

- 43.1. The right to appeal must be exercised by the submission of a Statement of Appeal, clearly identifying the grounds of appeal (in other words, the aspects of the EDC First Instance Panel's decision with which issue is taken) and setting out the facts and arguments in support of the grounds of appeal. All documents submitted must be in Portable Document Format (PDF).
- 43.2. New evidence may only be submitted if it was not available to the Appellant at the time of filing his/her statements in front of the First Instance Panel or, if it was available at that time, the relevance of such evidence was not readily apparent. The EDC Appeal Chamber has the power to declare any new evidence as not admissible, on application of the other Party or on its own accord.
- 43.3. The right to appeal an EDC first instance decision must be exercised within 21 calendar days from the date on which the appealable decision is communicated to the Parties in the first instance proceedings.
- 43.4. The right of appeal must be exercised by submitting the appeal documents to the EDC Chairman at ethics@fide.com, with a copy to the FIDE Offices at office@fide.com.
- 43.5. Prior to or simultaneous with the lodgment of the appeal, an appeal lodgment fee of 500 EUROS must be paid by the Appellant to the FIDE Financial Department.
- 43.6. If another Party wishes to cross-appeal, he/she shall submit his/her appeal documents to the EDC Chairman, with a copy to the FIDE Offices within the same 21 day-period and pay an appeal lodgment fee of 500 EUROS and furnish the EDC with proof of payment.

- 43.7. At the conclusion of the appeal, the appeal lodgment fee will be refunded by FIDE to the Appellant or Respondent (in the case of a cross-appeal) or the Third Party if the EDC Appeal Panel decides that there was objective merit in the appeal or cross-appeal regardless of the outcome thereof. If the appeal or cross-appeal is dismissed by the EDC Appeal Panel, the appeal lodgment fee may be declared forfeited after the Appellant or Respondent, as the case may be, has been given an opportunity to motivate why a forfeiture should not take place.
- 43.8. In the case of economic hardship, the EDC may, upon request by the relevant Party, waive the requirement for the appeal lodgment fee.

44. **Rule 44 - Admissibility of appeal and Composition of the Appeal Panel**
[Charter art. 26.4]

- 44.1. On receipt of the Statement of Appeal, the Chairman of the EDC shall satisfy him/herself of the admissibility of the appeal on a provisional basis.
- 44.2. If so satisfied, the Chairman of the EDC shall register the appeal case and form an Appeal Panel in accordance with these Rules to hear and determine the appeal. The EDC Appeal Panel shall always include the Chairman of the EDC who shall chair the Appeal Panel.
- 44.3. When a case judged on the merits by a First Instance Panel is appealed in front of the Appeal Chamber, no members of the relevant First Instance Panel shall sit in the Appeal Panel.
- 44.4. If the Chairman of the EDC is of the clear view that the appeal or cross-appeal is inadmissible, for being filed out of the prescribed time or by a person who has no right of appeal, he/she shall notify the prospective Appellant accordingly and the matter will be regarded as finalised. The EDC Chairman shall direct in such a case that the appeal lodgment fee be returned to the Appellant, unless he/she decides the appeal or cross-appeal is manifestly ill-founded or unsubstantiated or was brought with an ill motive or constitute an abuse of the proceedings.
- 44.5. The final decision regarding the admissibility of the appeal shall be taken by the EDC Appeal Panel, after having invited the Parties' submissions in this regard, at the end of the proceedings in front of it.

45. **Rule 45 - Proceedings of the Appeal Panel**

- 45.1 Upon registration of the appeal case, the Chairman of the EDC Appeal Panel shall notify the Chairman of the First Instance Panel which decided the appealable decision and the latter shall provide the members of the Appeal Panel with copies of or access to the complete case file of the First Instance Panel in the relevant matter.
- 45.2 Upon registration of the appeal case, the Chairman of the EDC Appeal Panel shall notify all parties to the appeal proceedings of the commencement of the proceedings and fix timelines for the exchange of further statements.

- 45.3 Given that the issues were already canvassed in the first instance proceedings, there shall usually only be a single round of exchange of submissions. If a second round is required in the discretion of the Chairman of the EDC Appeal Panel, this right may be afforded.
46. **Rule 46 - Exchange of further statements and documents**
The Chairman of the EDC Appeal Panel will fix a term, normally not exceeding a period of three weeks, for the submission of statements and documents, failing which no further documents will be accepted by the EDC. This term may be extended, if requested.
47. **Rule 47 - Appeal Panel's right to direct enquiries & ask for documents**
The EDC Appeal Panel may direct enquiries to and obtain documents and statements from FIDE organs and officials, national federations, arbiters, players, organisers and tournament directors.
48. **Rule 48 - Oral hearings**
If the issues on appeal cannot be satisfactorily decided on a consideration of the statements filed by the Parties only, in the decision of the EDC Appeal Panel, or one of the Parties requests this, the Chairman of the EDC Appeal Panel may direct an oral hearing. Such oral hearing shall take place in accordance with the requirements of Rule 62.
49. **Rule 49 - Deliberations by Panel members**
49.1. After the hearing, the EDC Appeal Panel shall deliberate on its decision in private. If there is no hearing, the Chairperson shall schedule the deliberations.
49.2. The deliberations and decision-taking may be conducted, if not in person, via telephone conference, video conference or any other feasible method.
49.3. If not unanimous, the EDC Appeal Panel shall render a majority decision and the dissenting member shall a minority opinion on the points of difference.
50. **Rule 50 - Written decision**
50.1. The Appeal Panel shall announce its decision in writing, with reasons, as soon as possible after the conclusion of the hearing or, if there is no hearing, as soon as possible after the Panel has considered the evidence and submissions.
50.2. The written decision shall contain the composition of the Panel, the names of the parties, the date of the decision, a summary of the facts, the terms of the decision, the provisions on which the decision was based and notice of the relevant provisions for appeal to CAS.

- 50.3. The decision shall be signed by the Chairperson of the Panel and notified to the Parties, with a copy to the FIDE Offices and, if applicable to the relevant Member Federation concerned.
- 50.4. The decision shall be made public.
- 50.5. Otherwise, the record of the proceedings shall remain confidential, unless there are exceptional reasons to disclose some part of the record at this time or a subsequent point in time in accordance with the requirements of Rule 5.

51. Rule 51 - Notification of decision on appeal

The EDC shall without delay instruct the FIDE Offices to notify in writing both Parties of the decision of the Appeal Panel as well as such other interested parties as the EDC Chairman may direct.

52. Rule 52 - Time frame for finalising proceedings

The EDC Appeal Panel shall endeavour to give its decision within two months from the date on which the EDC Appeal Panel was nominated in the instance of a single round of exchange of submissions, and within three months in the instance of two or more exchanges of submissions.

CHAPTER 8 - GENERAL PROCEDURE APPLICABLE TO BOTH FIRST INSTANCE AND APPEAL PROCEEDINGS

PART A - PROCEDURE

53. Rule 53 - Notification

- 53.1. All notifications and communications that the EDC or EDC Panel intends for the Parties shall be made by e-mail through the FIDE Offices, unless the urgency of the matter demands direct communication by the EDC Chairman or EDC Panel Chairman (for example, over a week-end).
- 53.2. All communications from a Party intended for the EDC or EDC Panel shall be sent by courier or e-mail to the FIDE Offices at offices@fide.com, with a copy to the EDC at ethics@fide.com, failing which they may be declared inadmissible.
- 53.3. The notifications and communications shall be written in English and sent to the address provided by the Party, and in the absence thereof his or her address on record with FIDE or provided by his or her national federation.
- 53.4. The EDC shall notify the Parties of their acts of procedure, as well as their decisions, in writing at the address that has been indicated as contemplated in Rule 28. The notification is validly made at that address if notice of any change of address has not been provided to the EDC.
- 53.5. Unless otherwise decided by the EDC in the exceptional circumstances,

notifications shall be made by e-mail.

53.6. If someone is represented by a counsel or another person, the EDC are to notify their acts of procedure to the relevant counsel or other person. When two or more counsel represent the same Party, the notification is valid when made to one of them.

53.7. A refusal to accept the notification is still considered to be correctly notified.

53.8. Faulty notification shall not cause any damage to or lead to loss of procedural rights.

54. **Rule 54 - Time limits**

54.1. Time limits which the Parties shall comply with commence the day after they have received the relevant document.

54.2. Official holidays and non-working days are included in the calculation of time limits. Time limits are interrupted from 20 December to 5 January each year inclusive.

54.3. When a deadline expires on a Saturday, Sunday or public holiday in Lausanne (Switzerland), where the FIDE Head Office is domiciled, it is carried forward to the first subsequent business day.

54.4. If a time limit is not observed, the Party in default loses the procedural right in question, unless the EDC Panel grants an extension of time, even *ex post facto*, upon the receipt of a motivated request.

54.5. Regulatory time limits may not be extended.

54.6. The time limits that are set by the EDC shall run for no less than five (5) days and no more than twenty-one (21) days. In urgent cases, or when deemed reasonable, time limits may be reduced. If a motivated request is submitted before the time limit expires, an extension of a maximum of ten (10) days may be granted, but generally only once.

55. **Rule 55 - Meetings**

55.1. The EDC Panel Chairperson shall determine the date and mode of each meeting and call the members of the EDC Panel to such meeting.

55.2. The EDC Panel Chairperson shall chair the meetings.

55.3. Each member of the EDC Panel is entitled to participate in the meetings.

55.4. A meeting may take place in person or by videoconference or teleconference.

56. **Rule 56 - Powers of Panel Chairperson**

56.1. The Panel Chairperson conducts the proceedings and may take any action required of the EDC Panel by acting alone without the presence of the additional members of the EDC Panel, except decision making. Decisions shall be made in the presence of all Panel members.

56.2. The Panel Chairperson ensures the smooth running of the proceedings and is competent to call to order.

- 56.3. The Panel Chairperson may decide on his own initiative and under a simplified procedure, to declare that a procedural request is manifestly inadmissible and may directly reject it without further process. Such a decision must be summarily substantiated, and the cause of rejection shall be indicated.
- 56.4. The Panel Chairperson may at his own initiative or upon request, suspend or adjourn the proceedings at any point if he/she considers it necessary to do so.

57. Rule 57 - Exchange of Submissions

- 57.1. Once the EDC have received the first submission of the Complainant, the Respondent is invited to reply. If the circumstances or the complexity of the case makes it justifiable, the EDC may require a second round of submission exchange.
- 57.2. At any point in the proceedings, the EDC is free to require a clarification of standpoints on one or several issues.
- 57.3. The Chairman of the EDC will fix a term, at a maximum of twenty-one days, for the submission of statements and documents, failing which no further documents will be accepted by the EDC. This term may be extended, if requested. Upon expiry of this term, the EDC may decide upon the case.
- 57.4. The EDC may acquire documents and statements from FIDE organs, FIDE Federations, arbiters, players, organisers, tournament directors.
- 57.5. Any submissions provided within the proceedings must contain an explanation of the facts pertinent to the case, indicate the means of evidence relied upon, contain conclusions and be signed. Written submission shall be provided by email within the deadline stipulated by the EDC.
- 57.6. If a submission does not meet all the formal requirements, the EDC shall fix a short deadline to correct it while indicating that, failing to do so, the submission shall not be taken into consideration.
- 57.7. Documents shall be submitted to the EDC in PDF format, subject to that each document shall be clearly identified.

58. Rule 58 - Proof of Notification or Transmission

The burden of proof for the transmission lies with the one sending it. The burden of proof of notification or transmission by the EDC lies with the EDC through the FIDE Offices. An email sent to the address indicated by the recipient shall be deemed duly transmitted upon proof of the successful delivery to the mail server of the Party addressed.

PART B - ADMINISTRATION OF EVIDENCE

59. **Rule 59 - Evidence, Evaluation of evidence and Standard of proof**

[See Code art 16.7 - 16.9]

59.1. Any type of evidence may be provided, except for evidence obtained in bad faith or with a clear breach of the laws. Evidence must be relevant to prove or disprove the pertinent facts of the case.

59.2. The EDC has absolute discretion regarding the evaluation of evidence.

59.3. The standard of proof to be applied in the ethics and disciplinary proceedings is the comfortable satisfaction of the EDC Panel seized with the matter.

60. **Rule 60 - Burden of Proof**

Any Party relying on alleged fact shall carry the burden of proof of this fact. During the proceedings, the Party shall submit all relevant facts and evidence of which the Party is aware at that time, or of which the Party should have been aware by exercising due care.

61. **Rule 61 - Competition Officials' Reports**

[Code art 16.12]

Facts contained in Competition Officials' reports and in any additional reports or correspondence submitted by the Competition Officials are presumed to be accurate, unless proven otherwise by the Parties.

62. **Rule 62 - Oral hearings**

62.1. The procedure before the EDC comprises an oral hearing only if the EDC deems it appropriate and necessary.

62.2. If a Party asks for a hearing and the EDC deems it not necessary, the Party insisting on having the hearing will be required to pay a fee as a contribution for FIDE expenses and for the expenses of the other parties, in the event he loses the case. An appropriate amount of money to cover these expenses must be posted with the FIDE Offices prior to the hearing.

62.3. The Chairman of the EDC Panel shall issue directions relating to the hearing and shall set the hearing date.

62.4. The hearing shall be public, unless the EDC decides otherwise.

62.5. The hearing may take place in person or via video or other electronic means. Part the procedure may still be held in writing.

62.6. The Chairman of the EDC Panel shall conduct the hearing and ensure that the statements made are concise and limited to the subject of the case.

62.7. In case the EDC Panel has decided to hold a hearing with presence of the Parties, generally, the Parties are allowed to make two rounds of oral presentations.

62.8. The Complainant (or Appellant) shall make first its presentations, to be followed by the Third Party (if any) and then the Respondent shall make its presentations last.

- 62.9. In their opening speech the Parties shall briefly outline their case with reference to the main issues in the matter and then proceed to call their witness or witnesses. The other Parties, as well as the members of the EDC Panel has the right to direct questions to any witness called for a limited period as determined by the EDC Panel Chairman.
- 62.10. Any person who has made a written statement in the proceedings, including the Complainant (or Appellant) or Respondent, may be required to give oral evidence at the hearing and be cross-examined. Other witnesses may be called by the Parties but cannot be compelled by the EDC Panel or the other Party to call any witness other than a person who has made a written statement in the proceedings.
- 62.11. In a physical hearing, the EDC Panel may exceptionally authorize the hearing of witnesses and experts via tele- or video- conference.
- 62.12. At the end of the proceedings each Party shall present his/her closing speech, where the legal position and request for relief shall be represented to the EDC Panel.
- 62.13. Thereafter the EDC Panel Chair shall close the proceedings and the members of the EDC Panel shall deliberate about their findings and decision in private, either immediately or later.
- 62.14. Minutes of the proceedings shall be made at each oral hearing.
- 62.15. Each party is responsible for all the costs directly or indirectly associated with their presence.

63. Rule 63 - Witnesses

- 63.1. Witness shall be examined on the facts which he/she knows.
- 63.2. The EDC shall be entitled to exclude from the case file any written testimonies of the witness, if this witness is not present in person to answer the questions of the EDC and the Parties.
- 63.3. Witnesses shall not be required to make their statements on oath but shall tell the absolute and whole truth and answer the questions put to them to the best of their knowledge and judgement.
- 63.4. It is the responsibility of the Parties to ensure the appearance of the witnesses summoned by them and to pay all costs and expenses in connection with their appearance.

64. Rule 64 - Anonymous Witnesses

- 64.1. When a person's testimony in proceedings conducted in accordance with these Rules could lead to threats on his/her person or put him/her or any person close to him/her in physical danger, the EDC Panel Chairperson may order, *inter alia*, that:
- (a) the person is not identified in the presence of the Parties.
 - (b) the person does not appear at the hearing.
 - (c) the person's voice be distorted.

- (d) the person be questioned outside the hearing room.
 - (e) the person be questioned in writing.
 - (f) all or some of the information that could be used to identify the person be included only in a separate, confidential case file.
- 64.2. If no other evidence is available to corroborate the testimony provided by the person concerned, such testimony may only be used in the context of imposing sanctions under these Rules if:
- (a) the Parties and their legal representatives have had the opportunity to pose questions to the person concerned in writing; and
 - (b) the members of the EDC Panel have had the opportunity to interview the person concerned directly and in full awareness of his identity and to assess his/her identity and record in full.
- 64.3. Disciplinary measures shall be imposed on anyone who reveals the identity of any person granted anonymity under these Rules or any information that could be used to identify such person. A Member of the FIDE family who engages in any such conduct will be liable to a summary investigation and sanctioning in accordance with the Code by the EDC *ex officio*.
- 64.4. To ensure their safety, persons granted anonymity shall be identified behind closed doors in the absence of the Parties. This identification shall be conducted alone by the EDC Panel Chairperson and shall be recorded in minutes containing the relevant person's personal details. These minutes shall not be communicated to the Parties.
- 64.5. The Parties shall receive a brief notice which confirms that the person concerned has been formally identified, which contains no details that could be used to identify such person.

65. Rule 65 - Experts

- 65.1. Where special knowledge is required, the Parties or the EDC may summon an expert.
- 65.2. The EDC Panel shall be entitled to exclude from the case file any expert written opinion, if this expert is not present in person to answer the questions of the EDC Panel and the Parties.
- 65.3. It is the responsibility of the Parties to ensure the appearance of the expert summoned by them and to pay all costs and expenses in connection with their appearance. Any costs related to the appearance of the expert called by the EDC shall be covered by FIDE.
- 65.4. The rules concerning the withdrawal and challenge of members of the EDC shall also apply to the expert.

66. Rule 66 - Closing of Proceedings

When the EDC Panel Chairperson finds the proceedings completed, he/she shall close the proceedings. No further submissions, documents and speeches are allowed after closing of the proceedings.

PART C - DECISION

67. Rule 67 - Deliberations

- 67.1. Except when the case is being considered by a single EDC member, deliberations are mandatory before the EDC Panel shall issue the decision. Such deliberations may be held in form of personal meetings, teleconference, videoconference, by email or any other method of communication.
- 67.2. The deliberations of the EDC shall be taken in private and remain secret. Nobody except for members of the EDC Panel may be present while the EDC Panel deliberates.
- 67.3. Save for the situations envisaged in rule 67.5, all questions shall be decided by the majority of members present.
- 67.4. In the event of an equality of votes, the EDC Panel Chairman shall have the right to cast the decisive vote.
- 67.5. Any decision of the First Instance Chamber to impose either the sanction of an exclusion from a participation in the next FIDE General Assembly, or the sanction of the temporary exclusion from membership of a FIDE Member Federation or a FIDE Affiliated Organisation shall require unanimity of all members of the First Instance Panel, but in the case of an appeal to the Appeal Chamber against such sanction, the decision on appeal may be taken by the majority of members of the Appeal Chamber present.

68. Rule 68 - Reversing Precedent

[Code art 3.10]

- 68.1. In its decisions the EDC shall apply, with the necessary changes, precedents already established by international sports law and jurisprudence and further strive to maintain consistency with its own previous decisions if the matters are not materially distinguishable.
- 68.2. Whenever the EDC Panel is of the opinion that the legal position adopted in previous cases should be changed, they are required to obtain the agreement of all the members of the EDC Panel. This requirement for consensus does not apply in cases where the EDC Panel is bound to apply a decision of a competent Court or Tribunal.

69. Rule 69 - Unforeseen Cases

In matters not foreseen or not regulated by these Rules, the EDC are called upon to decide a case according to customary law and failing that, according to the procedural rules the EDC would establish if they were a legislator.

70. Rule 70 - Decision

- 70.1 All decisions of the EDC shall be issued in written form and signed by the EDC Chairman or EDC Panel Chairperson on behalf of the competent EDC Panel.
- 70.2 The decision shall state in a written form the reasons on which it is based. It shall contain the names of the members of the EDC who have taken part in the decision.
- 70.3 Generally, the EDC Panel issues the terms of its decision with brief motivated grounds, and only these terms of the decision are notified to

- the Parties. The EDC Panel may alternatively, in its discretion, deliver its decision with full motivated reasoning, either immediately or later.
- 70.4 In matters of urgency, the EDC Panel may publish the operative part of its decision first, and brief or full motivated grounds by no more than one month later.
- 70.5 Once the terms of the decision are notified to the Parties, the decision becomes binding and enforceable. If the decision is accompanied by motivated grounds, the right to appeal arises immediately. If the decision is announced initially without motivated grounds, the right to appeal arises only upon the publishing by the EDC Panel of its motivated grounds.
- 70.6 The FIDE Offices publishes decisions issued by the EDC on the FIDE official website. Where such a decision contains confidential information, FIDE may decide, *ex officio* or at the request of a Party, to publish an anonymized or a redacted version.
- 70.7 If the decision does not represent in whole or in part the unanimous opinion of the members of the EDC Panel who heard the matter, any dissenting member shall be obliged to deliver a separate opinion on the point or points of difference.
- 70.8 A written copy of the judgment of the EDC shall be delivered to each party (by letter, e-mail or otherwise) no later than ten days after the date of the decision.

PART D - COSTS

71. Rule 71 - Costs of Proceedings

Unless otherwise provided in these Rules, FIDE shall cover all costs related to the proceedings, except for the Parties' costs. No procedural costs shall be imposed on the Parties.

72. Rule 72 - Costs of the Parties

No costs of the Parties related to the proceedings, including counsel's and expert's fees, are awarded. Therefore, the losing Party shall not pay any costs of the winning Party.

CHAPTER 9 - RIGHT OF APPEAL TO CAS

73. Rule 73 - Court of Arbitration for Sport (CAS)

[Charter art. 35; Code art 17.2 - 17.4]

73.1. Decisions passed by the EDC Appeal Chamber may be appealed against before the Court of Arbitration for Sport (CAS) within twenty-one (21) days following notification of the motivated decision.

73.2. The appeal is noted by filing a Statement of Appeal with the CAS Court

Office in accordance with the requirements of the CAS Code.

73.3. The Appellant shall simultaneously send a copy of his/her Statement of Appeal to FIDE at the e-mail addresses of the FIDE Offices, the FIDE Legal Adviser and the EDC Chairman.

74. Rule 74 - Effect of Appeal

[Code art 17.7]

74.1. Save as provided hereafter, the appeal does not have a suspensive effect except regarding orders to pay a fine or other sum of money.

74.2. A decision of the EDC shall be only suspended if the CAS issues the relevant provisional measures upon the request of the Parties.

CHAPTER 10 - OTHER EDC COMPETENCIES

75. Rule 75 - Reconsideration of decision

[Code art. 3.11]

75.1 The EDC may reconsider a decision made by an EDC Panel, either on their own initiative or upon request of one of the parties within a period of five (5) years from the date of the original decision.

75.2 A request to the EDC for reconsideration must be submitted to the FIDE Offices, together with a reconsideration lodgment fee of **150 EUROS**, within thirty (30) days of the discovery of the need to have the decision reconsidered.

75.3 The FIDE Offices shall forward the request for reconsideration to the EDC Chairman who shall make a preliminary decision as to the admissibility of the request.

75.4 Provided that the EDC Chairman finds the request admissible, he/she shall forward the case to the EDC Panel members who made the decision against which the request is addressed. Should any of these members not be available, due to conflict of interest or other reasons, the EDC Chairman shall appoint a replacement among the members of the EDC.

75.5 The EDC Panel, thus nominated, shall, in accordance with these Rules, decide on the merits of the request. The EDC Panel shall base its decision on the facts, circumstances and evidence presented by the parties in the previous decision together with the new facts, circumstances and evidence submitted in the request for reconsideration. The counterparty shall be given ample time to respond to any new facts, circumstances and evidence submitted by the requesting party.

75.6 At the conclusion of the reconsideration proceedings, the reconsideration lodgment fee will be refunded by FIDE to the Applicant for

reconsideration if the EDC Panel decides that there was objective merit in the reconsideration request regardless of the outcome of the process. If the reconsideration request is dismissed by the EDC Panel, the reconsideration lodgment fee may be declared forfeited after the Applicant has been given an opportunity to motivate why a forfeiture should not take place.

75.7 The decision made after reconsideration process shall be final.

76. Rule 76 - Appeal competence in respect of national or continental disciplinary decisions

[Charter art. 26.10]

76.1. Provided that the relevant Member Federation or Continent has resolved to attribute an appeal competence to the EDC over decisions of its national or continental ethics committee or other sports justice organ, either generally or *ad hoc* in a specific case, an aggrieved party, belonging to the FIDE Family, has the right to appeal against national or continental disciplinary decisions to the EDC.

76.2. Such appeal shall be heard and decided by the EDC Appeal Chamber in accordance with the provisions of these Rules, with the necessary changes, related to internal appeal proceedings.

77. Rule 77 - Review of National Federation disciplinary decisions

[Charter art. 26.9; Code art. 4.7(b)]

77.1 A Member of the FIDE Family, being personally and directly affected by a decision made by a national disciplinary body, relating to domestic affairs, may file a complaint against such decision on the grounds that the decision has been made in breach of fundamental principles of law and fair trial.

77.2 A complaint shall, together with a complaint lodgment fee of **75 EUROS**, be submitted to the FIDE Financial Department and thereafter forwarded to the EDC Chairman who shall make a preliminary decision as to the admissibility of the complaint.

77.3 Provided that the EDC Chairman finds the complaint admissible, he/she shall forward the case to a First Instance Chamber consisting of a panel of three members of the EDC.

77.4 The EDC Panel shall decide on the merits of the complaint.

77.5 The decision by the EDC Panel shall be forwarded to both Parties through the FIDE Offices.

77.6 Should the EDC Panel find against the Complainant, the national decision shall stand, and the case is thereafter closed but subject to the right of internal appeal.

77.7 In case the EDC Panel on the other hand finds in favour of the Complainant, the EDC Panel may declare the national decision null and

void with immediate effect. Such decision is not subject to the right of internal appeal, but it is open to the National Federation to follow the procedure set out hereafter.

- 77.8 In case that the EDC Panel has declared the national decision null and void, the National Federation may submit to the EDC a complaint against the original Complainant, based on the same grounds and circumstances as in the national case. Such complaint must be submitted to the FIDE Secretariat within 21 days from the date on which the EDC's decision is communicated to the national federation, failing to do so, the National Federation is thereafter prevented from raising a new complaint against the original Complainant based on the same facts and circumstances covered in the previous national decision.
- 77.9 In case the national federation submits a complaint in due time, the EDC shall handle such complaint as a *de novo* case, meaning that the proceedings foregoing and leading up to the national decision are disregarded by the EDC Panel.
- 77.10 The proceedings shall be conducted in accordance with these Rules and the decision of the First Instance Panel shall be subject to a right of appeal in accordance with these Rules.

78. Rule 78 - Worldwide extension of the scope of a national disciplinary decision
[Charter art. 26.10]

- 78.1. Any FIDE Member Federation which conducted disciplinary proceedings in relation to a person, who is a Member of the FIDE family, resulting in a conviction of a disciplinary offence which corresponds with a breach of the Code, may approach the EDC with a formal request that the conviction must be recognized, and the sanction applied by FIDE worldwide.
- 78.2. Such a request shall be decided by the EDC Appeal Chamber upon a consideration of the terms of the national decision, together with all documents filed in the national procedure. The EDC Appeal Chamber may direct enquiries to the National Federation if any matter requires clarification but has no obligation to investigate the facts of the matter any further.
- 78.3. The EDC Appeal Chamber shall attribute general validity within FIDE's jurisdiction of the national decision, if adequately motivated and decided in compliance with the fundamental principles of law and fair trial. If the national decision does not meet these standards, the EDC Appeal Chamber shall refuse to ratify and extend territorially the national decision.
- 78.4. In straight-forward or urgent requests for extension, this function may be performed by the EDC sitting in a single member formation.

79. **Rule 79 - Advisory opinions**

[Charter art. 26.11; Code art. 3.12]

79.1. The EDC may give an advisory opinion on the interpretation of the Code and related issues, at the request of any FIDE organ, and shall be consulted on any proposed change of the Code.

79.2. The EDC shall also provide advice, upon request by the FIDE President, the Management Committee, the FIDE Council or the Congress, to ensure that the FIDE Ethical Principles are applied in practice.

79.3. Any request for the EDC's advisory opinion shall be directed to the EDC Chairman who shall nominate one or more EDC members to attend to the task. Any advice given by the EDC shall be signed off by the EDC Chairman.

CHAPTER 11 - FINAL PROVISIONS

80. **Rule 80 - Enforcement of EDC decisions**

[Code art. 11.4(f)]

80.1. Decisions by the EDC shall be enforceable immediately once notified.

80.2. All decisions or adjudications made, and all sanctions imposed by the EDC under the Code must be recognised and upheld where appropriate by all Members of the FIDE Family.

80.3. Such decisions or adjudications shall be communicated by the FIDE Secretariat to the Parties involved in the proceedings and, upon conclusion, published on the FIDE website.

80.4. It shall be the responsibility of the FIDE Management Board and FIDE Offices to take all necessary steps to publicise and enforce the decisions made and sanctions imposed by the EDC.

80.5. Member federations have a particular responsibility to monitor and enforce compliance with any EDC decision and sanction in relation to any player and official registered with the Member federation. Any such EDC decision and sanction shall be communicated by the FIDE Offices to the national federation concerned.

80.6. Non-observance of sanctions imposed under the Code by any Member of the FIDE Family or non-enforcement by Member federations constitutes a separate disciplinary offence under the Code and shall, after the Respondent(s) having been provided with the opportunity to give its view, be subject to an immediate and appropriate sanction by the EDC acting *ex officio* as provided for in the Code.

81. **Rule 81 - Exclusion of Responsibility**

[See Code 3.15]

The members of the EDC shall not be held personally liable to the Parties for any error or harm caused by its decisions, or a refusal to entertain any complaint.

82. **Rule 82 - Matters not provided for**

In case of any *lacuna* in the Code, the FIDE Council shall be responsible to decide upon the missing issue upon the request of the EDC.

83. **Rule 83 - Adoption and Enforcement**

83.1. These Rules are adopted by the FIDE Council in Chennai on 4 August 2022 and comes into force on **1 September 2022**.

83.2. These Rules shall replace the Procedural Rules of the Ethics Commission approved by the FIDE Presidential Board in 2007.

83.3. The procedures which are pending on 1 September 2022 remain subject to the former Procedural Rules of the Ethics Commission, unless both Parties request the application of these Rules.