



14 June 2009

To The Delegates To The 2009 IDSF Annual General Meeting, Macao/PRC

IDSF Disciplinary Council Annual Report of the Chairman

1. The IDSF DC and its Members

With this 2009 IDSF Annual General Meeting, the first 3-year term of the members of the IDSF Disciplinary Council will be ending and they have to be either re-elected and confirmed or new members have to be elected.

The IDSF Disciplinary Council has been formally installed and organized as a third body within the IDSF at the Annual General Meeting 2006 in Wels/Austria, during which the following persons had been elected as Members of the first IDSF Disciplinary Council:

<u>Chairman</u>	Erich STAELDI	Switzerland
<u>Vice Presidents</u>	Marcos DE ROBLES Christoph RUBIEN	Spain Germany
<u>Ordinary Members</u>	Juris ARAJS Montri CHAIPUN Karina GEERTS Hermann GOETZ Antun MARKI Lars WALLIN	Latvia Thailand Belgium Austria Croatia Sweden

Since the last report, Mr. **Montri Chaipun** from Thailand has informed the Chairman in writing that he wishes to resign from the Council with immediate effect, due to the fact that he is very much timely engaged and can not provide the required resources anymore.

On behalf of the IDSC Disciplinary Council I would like to thank **Mr. Montri Chaipun** for his contribution.

In cooperation with the IDSF Presidium and the Presidium of the Asian Dancesport Federation I have thereafter tried to look for an adequate personality to replace Mr.



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Chaipun, as I would have liked very much to have again a representative of our Asian Members on the Council, although there is no such formal requirement.

I am therefore very pleased being able to present to the Delegates of the 2009 IDSF General Meeting **Mr. Noel A. Laman**, L.L.M, Attorney-at-law, from **The Philippines** as a new member to the IDSF Disciplinary Council. I am convinced that given his great expertise and experience, he will be a valuable member to this Council.

The other members of the Council, including myself, have decided to run for re-election to serve another 3-year term on the Council.

At this point in time, I would like to express my sincerest and utmost gratitude to all the IDSF DC Members for their contribution, for their time, for the many interesting and fruitful discussions we had over the past years and also for their patience with me, if not always everything was right away working, as it should have had. I can not and I do not take it for granted to have found these fine colleagues who are willing to work on this Council with me for the benefit of our beloved sport, being neutral without having an own agenda or representing somebody's interest and trying to take all aspects of a case into consideration. They never forget that behind a "case" there are always persons, individuals who are directly or indirectly affected by a decision and I think it is very important to keep that always in mind in all our activities.

2. The IDSF DC and its Function

According Art. 2 of the IDSF Disciplinary Council Code, the IDSF DC is responsible and entitled to render formal decisions on the following issues:

- Breaches of the IDSF Statutes by a Member Federation, athlete or official
- Breaches of IDSF's rules, regulations, policies and principles
- Breaches of ethical principles and rules, as defined and elaborated by the IDSF Presidium and the Ethics Commission
- Acts of harassment (whether sexual or otherwise)
- Violations of the IDSF Anti-Doping Code

The Scope of the IDSF DC does not include issues and circumstances with regard to disputes between IDSF Member Federations and their members and athletes, unless the IDSF Member federation has explicitly decided to designate the IDSF DC as instance of appeal for national matters and the IDSF DC has agreed to take on this role. This has not been the case so far.

Also in the past year – although there are a variety of issues, which could be submitted to the IDSF Disciplinary Council - only violations of the IDSF Anti-Doping



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Code have been reported to and handled by the IDSF DC (see however, para 3.2 hereafter in this context).

It might be a lack of information or maybe of awareness by the IDSF Member Federations and/or by other persons entitled to approach the IDSF Disciplinary Council that this independent body has been created and might be used to question and/or review decisions taken.

As Chairman of the IDSF Disciplinary Council I have of course thought about, how this could be changed, if it is in fact lack of information. However, it is rather difficult for a body like ours, to proactively "promote" its existence and its activities, as I would not want to be seen, as if the IDSF Disciplinary Council is provoking members to complain and file appeals as - by the end of the day - it would be a good sign for the Dancesport fraternity, if we had no work and open items at all with the IDSF Disciplinary Council we need to deal with.

3. The IDSF DC and its Cases

An important part of this Report is also to outline and provide some information on the cases the IDSF Disciplinary Council had or is about to deal with.

For the sake of clarity and correctness, please be informed at this point that all the details relating to individuals and names you find below are public knowledge as all these details have been officially published on the IDSF Website. The protection of the personality of each individual and the respective data is very important and I want to outline that these basic principles are observed by the DC at all times.

This year, the IDSF Anti-Doping Director had submitted only one new case to the IDSF Disciplinary Council.

One of the reason for this might be that, due to the initiative of and in cooperation with the IDSF Anti-Doping Director, **Ko de Mooy**, we have been able to become more effective in the IDSF as the IDSF Anti-Doping Director has started issuing "formal warnings" to couples who miss to comply with their duties in providing timely whereabouts information.

The formal warnings include the possibility for the affected athletes to escalate/appeal a warning to the IDSF Disciplinary Council to assure an independent review, should this be necessary.

However, no such warning has been challenged/appealed to the IDSF Disciplinary Council in the past year, which is also a sign for the excellent and careful work the IDSF Anti-Doping Director, **Ko de Mooy**, is performing in this context.



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3.1 Closed^(*) Case with the IDSF Disciplinary Council

IDSF DC Formal Decision as of **3 June 2009**: Violation of the IDSF Anti-Doping Code
"Boris Maltsev – Zarina Shamsutdinova / Kazakhstan"

<u>Chamber in Charge:</u>	Christoph Rubien, Chamber Chairman Antun Marki Lars Wallin	Germany Croatia Sweden
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On the occasion of the IDSF Asian Championships on 7 December 2008 an anti-doping control was performed by the Anti-Doping Office of Chinese Taipei Olympic Committing and according to the rules of the IDSF Anti-Doping Code.

The winning couple from Kazakhstan, **Boris Maltsev/Zarina Shamsutdinova**, had been selected for a control and thereafter refused to submit to Doping Control and to provide a urine sample as requested.

Following the respective official report to the IDSF Anti-Doping Director he provisionally suspended the couple from all IDSF and/or national competitions, according to his powers, and officially submitted the case to be formally decided by the IDSF Disciplinary Council.

The provisional suspension had not been appealed within the given period and therefore remained in force until the final decision was taken.

The Chamber in Charge of the IDSF Disciplinary Council decided on 3 June 2009 that the athletes were **guilty of a violation of the IDSF Anti-Doping Code** and declared the couple **ineligible for all competitions for a period of one year**, starting from 7 December 2008, the date of the sample collection. In addition the couple has **to pay CHF 200.00** as the minimum costs for the proceedings to the IDSF.

The DC Chamber in Charge *primarily* took the following in consideration for its decision:

- Pursuant to Art. 1.VII.3. of the IDSF Anti-Doping Code, "*Refusing, or failing without compelling justification, to submit to sample collection after notification as authorized by this Code...*", constitutes an anti-doping rule violation;
- Participants in IDSF competitions and/or championships have to recognize, that the IDSF Competition Rules and the IDSF Anti-Doping Code are applicable and therefore have to be accepted by all of them;



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- According to this, all athletes are subject to Doping Controls and must tolerate the carrying out of Doping Controls and, insofar as is necessary, must actively participate in these activities;
- This obligation to tolerate controls leaves no opportunity for something like a “free will” to cooperate as claimed by the athletes in this case. Their statement, not to have received an IDSF Consent Form about free will doping control passing before the start of the competition and not to have signed any document like this, has to be rejected as irrelevant, respectively does not qualify as an excuse to refuse Anti-Doping Controls;
- Nevertheless, the Chamber in Charge expressed its serious doubts, that the procedure at this event did fulfill the standards set by the IDSF Anti-Doping Code in its entirety;
- The statement of the athletes, not having been asked about a form of consent and the declaration of the competition chairman together do show, that the procedure at least in this point has not been followed as required. A consequent and accurate handling of this rule would have had the result that the athletes could have signed such missing form before the start of the competition and on the strength of it, no refusal to undergo Doping Control might have occurred. So this failure by the organizers has to be taken into consideration substantially;
- The Chamber in Charge, when taking the decision that the period of ineligibility shall be reduced to its minimum, took this lack of compliance with all required formalities into account for the benefit of the couple.

Important: Please note that the information and considerations on this case are very much simplified and shortened in this report. To get the full and detailed context on the case, please refer to the officially published IDSF DC Decision on www.idsfn.net !

() Please be further advised that, although this case has been closed with the IDSF Disciplinary Council, it has not (yet) entered into its final status due to the fact that the period of time for the parties to this case to file an appeal with the Court of Arbitration for Sport (“CAS”) in Lausanne has not yet elapsed.*



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3.2 Pending Case with the IDSF DC

Appeal by the "Malaysian Dancesport Berhad" against revocation of IDSF Membership by the IDSF Presidium

Only on 4 June 2009 this new case has been submitted to the IDSF Disciplinary Council for decision. The official proceedings have started by appointing the Chamber in Charge dealing with this case on 7 June 2009.

<u>Chamber in Charge:</u>	Erich Staeldi, Chamber Chairman	Switzerland
	Karina Geerts	Belgium
	Antun Marki	Croatia

Given the importance of this appeal in order to clarify the situation for all involved parties as well as the ultimately affected couples, the Chamber in Charge is committed to reach a formal decision as soon as possible.

Under the light that this is an open case, I am sure the Delegates of the IDSF Annual General Meeting do understand that I am not able to outline further details of the circumstances at this moment in time.

This will be the first formal case the IDSF Disciplinary Council is dealing with, which is not related one way or another to Anti-Doping rules violations.

4. The IDSF DC and its Outlook

Such an annual report should – in my view – not only be listing the activities performed and achievements reached, but should also contain some self-criticism.

The members of the IDSF Disciplinary Council, but especially me as Chairman of this Council had to undergo a certain period of time in order to get used to the right processes as well as to "how to get things done". Although I believe we did make improvements, we still can be better and here I not only include myself, but intend to take the main part of "improvement potential and needs".

In my view we need to try to be more efficient. Although the cases we had to deal with showed a great variety and complexity in the details, we need to reach our decisions faster. This is clearly not easy and a challenge. On one hand we all are very engaged and busy in our normal lives and often cases "pop-up" right at a moment in time where the members are under pressure in their jobs as well, on the other hand, the fact that we are forced to deal with our cases via phone and email only and can not just simply meet for one day and discuss and deal with a case intensively does not make it less challenging. I am very clear that there are no other options, as the IDSF Budget would not allow the IDSF Disciplinary Council to generate such costs, but nevertheless it is a fact, which makes it more difficult to



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work timely and efficiently. But, as I said, we are working very hard to make further improvements on this.

Another topic is sharing of information and ensuring that everybody gets the required and necessary information in time. Although this is a challenge not only for the IDSF Disciplinary Council, we need to become better on this. For example I have only noticed some weeks ago, that documents, which should be publicly available, are not published anymore on the IDSF Website, maybe since the change to the new layout (but I am not sure). I have forwarded all relevant documents to the IDSF's Webmaster ensuring that those will be available again in the very near future. Should the members of the IDSF Disciplinary Council be confirmed and re-elected, I do have specific ideas how I would want to address this issue together with my colleagues to make significant improvements also in this respect.

Should the Delegates of this Annual General Meeting support my re-election as Chairman of this Council, I can assure you that I will work hard to further develop this Council into the right direction in very close cooperation not only with my DC colleagues but also with the **IDSF Presidium** and the IDSF Anti-Doping Director, **Ko de Mooy**, who is an incredible important partner to us.

5. The IDSF DC and its Thanks

Let me finish my report to thank the members of the **IDSF Presidium** for their continuous support, and especially for allowing the IDSF Disciplinary Council to really live its independency as foreseen by the IDSF Statutes and for not trying to take any influence in the decisions to be taken by the DC. I am very pleased the way we are supported and with the cooperation I was able to receive.

Once more I would like to thank **my colleagues** for their contribution and cooperation as well as Mr. **Ko de Mooy**, the IDSF Anti-Doping Director for being such a good partner.

The gratitude of all of us in the IDSF Disciplinary Council finally shall be expressed to the **IDSF Delegates** and the **IDSF Members** for the trust and the honor that has been given to us being able to serve on this Council.

Submitted with respect on behalf of the

IDSF Disciplinary Council

Erich Staeldi, Chairman