

CEV Legal Chamber Regulations

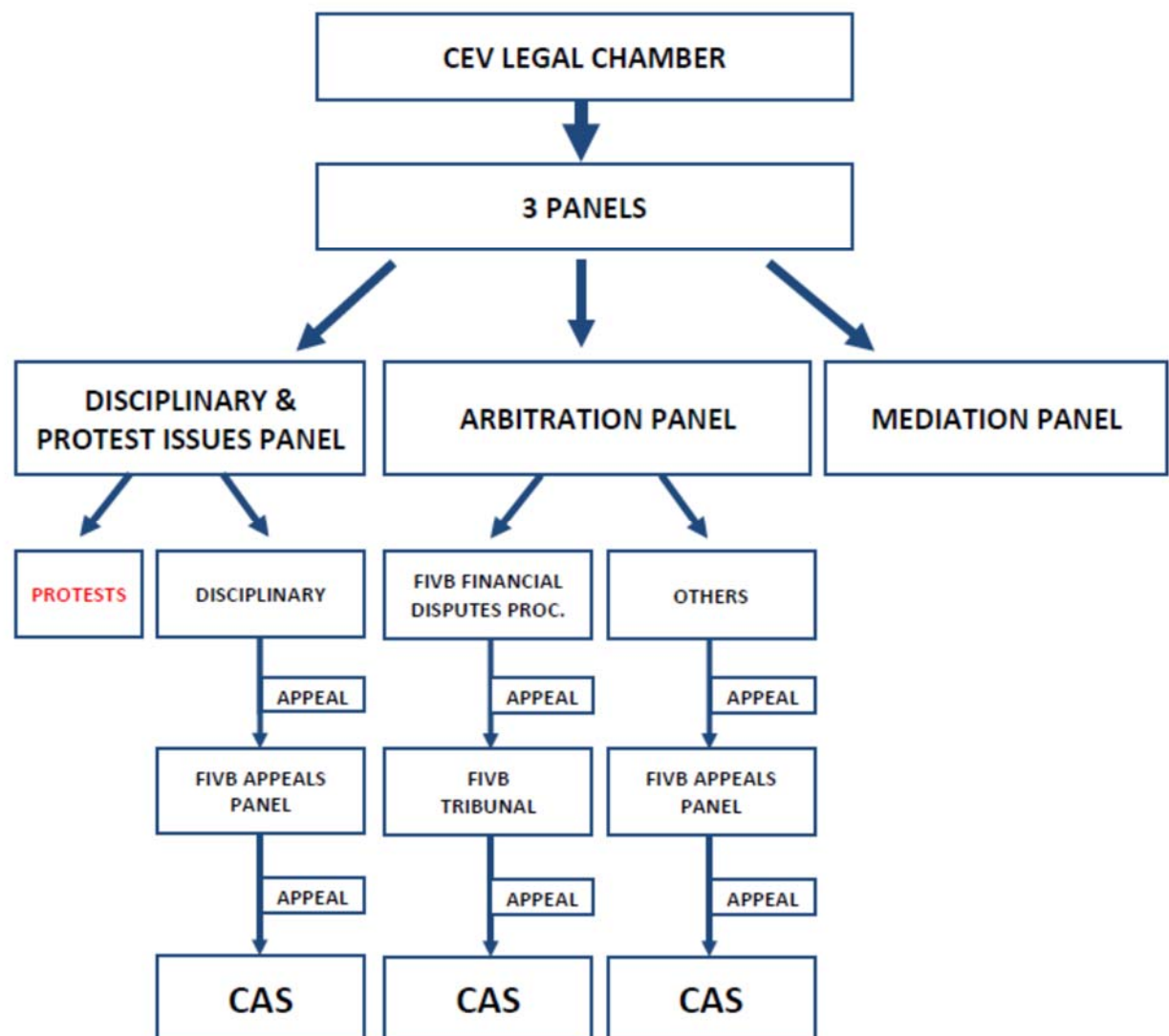
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Section 1. The Legal Chamber

1. Definition

- §1 The terms mentioned in these regulations and defined or referred to in the General Regulations shall have the meaning as defined or referred to in the General Regulations.

2. Jurisdiction

- §1 The Legal Chamber is the body of the CEV with jurisdiction for settling disputes via arbitration or mediation and deciding on the breach of the CEV Regulatory Framework; as first instance.

3. Seat

- §1 The seat of the Legal Chamber is in Luxembourg, Grand Duchy of Luxembourg; at the registered office of the CEV.

4. Members

4.1 Composition

- §1 The Legal Chamber is composed of 10 members with among them 1 President and 1 Vice-President. The list of the members is made available to the public.
- §2 The President represents the Legal Chamber, appoints members to cases and takes all necessary actions for the smooth running of the Legal Chamber.
- §3 When the President is unable to fulfil its tasks or upon its request, the Vice-President shall act on behalf of the President. When both are prevented from acting, the senior member shall fulfil the tasks of the President.

4.2 Profile

- §1 The members are natural persons who fulfil all of the following requirements:
- Have a relevant Law degree,
 - Have comprehensive verbal and written skills in one or more of the CEV official languages,
 - Have an involvement with sports, preferably Volleyball,
 - Be in full possession of their civil rights and/or are not restricted by the legislation applicable to them in the exercise of their professions,
 - Are not definitely condemned by any court of law for a severe penal crime or expelled from any sports institution,
 - Have no function within the bodies of the FIVB or CEV,
 - Signed the document with regard to their availability, independence, impartiality and competence.

4.3 Election

- §1 The European Legal Commission checks the candidatures based on the requirements mentioned in article 4.2 and report to the Board of Administration.
- §2 The General Assembly elects the members. The members seat for a renewable period of 4 years, synchronised with the CEV elective cycle. The General Assembly shall appoint the President and the Vice-President of the Legal Chamber among the elected members, on proposal of the Board of Administration.
- §3 The General Assembly may remove a member from its position for just cause.

4.4 Duties

- §1 The members shall fulfil the tasks entrusted to them and comply with the requirements mentioned in articles 5. §1, 6. and 10.7.

4.5 Meeting

- §1 The Legal Chamber meets upon invitation of its President or upon request from a quarter of its members.
- §2 The quorum is a third of its members. Decision is taken by a simple majority of those present; with the President having the casting vote.

5. Appointment to a panel

- §1 The members are appointed to a case so the requirements of independence, impartiality and competence are fulfilled.
- §2 Once appointed, the members shall confirm, within four days of the communication of the appointment to the Legal Chamber Secretariat, their acceptance. A lack of confirmation is understood as a refusal of the appointment.
- §3 The appointed members shall also submit, to the Legal Chamber Secretariat, any items which are likely to rise doubts regarding the fulfilment of the requirements mentioned in article 5. §1. The Legal Chamber Secretariat shall invite the parties involved in the proceedings to submit their opinion. The President shall decide then.
- §4 Once all preliminaries of the appointment are accomplished, the panel is installed.
- §5 When a member is unable to fulfil the tasks related to the appointment or fulfil them according to the requirements mentioned in the present regulations, a new member is appointed.
- §6 A party challenging the appointment of a member shall send its claim no later than 10 days after the notification of the appointment of the member or the occurring of the event, with its statement and explanations.

6. Independence

- §1 The Legal Chamber and its members are independent from the other bodies of the CEV.
- §2 This independence is financially guaranteed by the allocation of all the costs before the Legal Chamber to the exclusive use of the latter.
- §3 The bodies of the CEV ensure its independence and shall provide the Legal Chamber with the required financial resources to fulfil its tasks.
- §4 The Legal Chamber shall have the power to rule on its own jurisdiction.

7. Legal Chamber Secretariat

- §1 The Secretariat of the Legal Chamber provides administrative and organizational assistance and supports the Legal Chamber in fulfilling its tasks.
- §2 It is composed of the adequate workforce from the Secretariat of the CEV. Its Head is the CEV Legal Coordinator.
- §3 It shall comply with the confidentiality mentioned in article 10.7.

8. Regulations

- §1 The General Assembly shall approve any amendment to these regulations.

- §2 Any proposal of amendment is submitted according to the procedure set in the Statutes. This proposal shall be communicated to the European Legal Commission and the Legal Chamber for opinion, in order to be considered as valid.

9. Miscellaneous

- §1 The Legal Chamber shall use its financial resources with the aim to improve the work and skills of the members and the Legal Chamber Secretariat.
- §2 The members and the Secretariat of the Legal Chamber cannot be held liable for any act or omission in connection with proceedings hereunder, except in cases of grossly negligent or willful acts or omissions.

Section 2. Proceedings before the Legal Chamber

10. General provisions

10.1 Scope

- §1 Any proceedings are conducted according to these regulations, with the edition in force at the time of the start of such proceedings.
- §2 Any emergency proceedings are conducted in the spirit of these regulations within a time as short as possible. The emergency is evaluated by the President and based on the documents submitted by the parties.
- §3 Any arbitration or mediation proceedings are conducted according to these regulations.

10.2 Place

- §1 Proceedings are held at the seat of the Legal Chamber.
- §2 Notwithstanding the above mentioned, upon agreement of the parties and the President, the proceedings may be held in another place more appropriate.

10.3 Fundamental procedural rights

- §1 Any proceedings are conducted in accordance with fundamental procedural rights, such as the right to be heard or the right to review evidences.

10.4 Language

- §1 The language used is English.
- §2 Any documents not in English are submitted with an official or certified translation.

10.5 Notification

- §1 Any notice, request, decision or other information is notified in writing. It is either sent by post, email, facsimile, or delivered personally; electronic communication is preferred.
- §2 The sender shall be able to evidence the receipt.

10.6 Time limit

- §1 Any proceedings are conducted within the time limits set by the panel or as mentioned in these regulations. A panel may extend the time limit.
- §2 The computation of a time limit starts the day of the decision, request or event, at midnight. It ends the last day, at midnight.
- §3 When a time limit is expressed in weeks, it ends the day of the last week which name corresponds to the day of the decision, request or event.
- §4 When a time limit is expressed in months or years, it ends the day of the last month or last year which has the same date than the day of the decision, request or event. Without any date it ends on the last day of the month.
- §5 When a time limit is expressed in months and days, full months are counted first, then the days or part of the months. For the calculation, a month is considered to be composed of 30 days.
- §6 Public holidays are taken into account for the calculation of a time limit. A time limit ending on a Saturday, Sunday or legal public holiday is extended until the next working day.
- §7 A time limit is suspended during the period of the General Assembly, FIVB Congress and closing of the Secretariat and Legal Chamber Secretariat.

10.7 Confidentiality

- §1 Unless otherwise agreed by the parties, the proceedings are confidential. Any data, document, communication or decision processed during the proceedings or related to them and for the needs of these proceedings are confidential and communicated only to the parties, the Legal Chamber Secretariat and the members of the Legal Chamber.
- §2 Nevertheless, the Legal Chamber may issue a press release summarising the facts and mentioning the decision and its grounds. The Legal Chamber may also authorise the process of data related to proceedings if previously rendered anonymous.

10.8 Costs

- §1 The costs are composed of a filing fee.
- §2 The Legal Chamber shall start proceedings only after the effective receipt of the payment to the Legal Chamber Secretariat of the relevant costs.
- §3 Unless decided otherwise by the panel, costs and expenses related to the request of a party are borne by this party.

10.9 Counsel and representation

- §1 Each party may be represented or assisted by an individual of its choice, without any specific personal requirements.
- §2 A power of representation shall evidence such representation or assistance and be communicated to the Legal Chamber Secretariat.
- §3 Upon request of the panel, a party shall be personally present.

10.10 Data, evidence and burden of proof

- §1 Any evidence submitted to the panel by a party is communicated to the other party through the Legal Chamber Secretariat.
- §2 Any evidence not submitted by a party but collected by the panel is communicated to both parties through the Legal Chamber Secretariat.
- §3 Any kind of evidence may be submitted.
- §4 The party with a right, claim or pleading an objection or defence leading to the dismissal of a claim, has the burden of proof. The other party shall cooperate with regard to the proof of negative facts. The panel shall decide on a balance of probabilities regarding such facts.

10.11 Hearings and pleadings

- §1 Upon request of a party or the panel, the panel may allow hearings and/or pleadings to take place.
- §2 The parties are responsible for the appearance of the witnesses.
- §3 The panel shall take the minutes of any hearing or pleading and sign them.

10.12 End of the proceedings

- §1 The panel ends the proceedings when one of the following situation happens (non-exhaustif):
 - a. The Claimant withdraws its claim,
 - b. The parties agree on the end of the proceedings or reach an agreement,
 - c. The proceedings have no more valid ground.
- §2 One original of the final decision or the statement is distributed to each party and one original is kept by the Legal Chamber Secretariat. The Legal Chamber Secretariat sends a copy to the relevant National Federations.

10.13 Good faith

- §1 Any persons involved in proceedings before the Legal Chamber shall act in good faith and cooperate in determining the facts of the case.

10.14 Breach of the regulations

- §1 The consequences of a breach of these regulations are decided by the panel, if not mentioned in these regulations. Such breach may also be considered as a disciplinary offence.

10.15 Res judicata

- §1 Any proceedings shall be dismissed when a binding and final – with no possible recourse – decision, involving the same parties with the same cause of action and/or claim, was issued by a competent body, in respect of the rights mentioned in article 10.3.

10.16 Litis pendens

- §1 Any proceedings shall be put on hold when other proceedings are running at the same time, involving the same parties with the same cause of action and/or claim; and serious reasons to put the proceedings on hold are evidenced.

10.17 Miscellaneous

- §1 When a member is replaced according to article 5. §5, the stages of the proceedings prior to the replacement remain valid.
- §2 When a situation is not settled by these regulations, the panel shall settle it in accordance with the FIVB's practice, sports doctrine and CAS's case law.

11. Arbitration

11.1 FIVB Financial Dispute procedure

- §1 This procedure and the decision are managed according to the relevant FIVB regulations. The provisions of article 10 do not apply to the FIVB Financial Dispute procedure.
- §2 The panel is composed of one member. The President may allocate one or three members.
- §3 The Legal Chamber Secretariat is competent to gather all necessary information and submits its findings to the President of the Legal Chamber who will further decide.

11.2 Other arbitration proceedings

11.2.1 Scope of application: Persons

- §1 The Legal Chamber is competent for a dispute between the following persons:
- The Zonal Associations,
 - The National Federations,
 - The Clubs,
 - The Coaches,
 - The Assistant coaches,
 - The Players.
- §2 The Legal Chamber is competent for a dispute between the above mentioned persons not being from the same National Federation; at the sole exception of Players and Clubs holding a CEV licence from a CEV competition.

11.2.2 Scope of application: dispute

- §1 The Legal Chamber is competent for any dispute related to a CEV competition or Player's or Coach's or Assistant coach's contractual situation; which is not of the FIVB competence.
- §2 The Legal Chamber is competent of issuing a report concerning the application and respect of the Good Governance Code in relation to specific cases brought to their attention.

11.2.3 Scope of application: Law

- §1 The arbitrator shall decide as an Amiable compositeur; taking into account the CEV Regulatory Framework, the principles of justice and fairness (*ex aequo et bono*), the general principles of Law and any other data, principle, agreement or rule the arbitrator deems relevant to the case.
- §2 Scope of application: Period of action
- §3 The period of action is as follows:
 - a. For a dispute related to a CEV competition: 1 year after the end of the CEV competition,
 - b. For a dispute related to a Player's or Coach's or Assistant coach's contractual situation: 2 years after the end of the CEV competition.

11.2.4 Arbitrator

- §1 The panel is composed of one or three arbitrators.
- §2 The arbitrator is removed from the dispute upon agreement of the parties or according to articles 5. §5 and 5. §6. The new arbitrator is appointed as mentioned above.

11.2.5 Claim form

- §1 The Claim form contains the following items:
 - a. Full identification of the parties.
 - b. Full identification of the counsel and/or representative with the relevant documentation,
 - c. Documentation evidencing the competence of the Legal Chamber,
 - d. Detailed explanation of the facts and grounds,
 - e. Request for relief,
 - f. Evidences supporting the claim,
 - g. Acknowledgement of the requirements related to the proceedings,
 - h. Date and signature.

11.2.6 Procedure

- §1 The Claimant sends the Claim form to the Legal Chamber Secretariat. The proceedings start after the fulfilment of the requirement mentioned in article 10.8 §2 and last 4 months. The President may extend this period upon request of the arbitrator.
- §2 The Legal Chamber Secretariat communicates the Claim form to the Respondent and invites the latter to send its reply to the Legal Chamber Secretariat. This reply includes also the proposal for the appointment of the arbitrator.
- §3 The arbitrator may request and/or allow additional replies and, according to article 10.11, hearing and/or pleading from the Claimant and Respondent. The Respondent is always the last party to reply.
- §4 The arbitrator shall declare the closing of the discussion. After such closing, no more data shall be accepted; unless requested or approved by the arbitrator.

11.2.7 Costs

- §1 The filing fee is in the amount as calculated according to the following scale:
 - a. For a request of relief with a value of up to EUR 10,000: up to 5% of this value,

- b. For a request of relief with a value higher than EUR 10,000 and up to 100,000: up to 3% of this value,
- c. For a request of relief with a value higher than EUR 100,000: up to 1% of this value.

§2 Costs shall be distributed among the parties, taking into consideration the success of the claim and the behaviour of the parties. The panel invites the parties to submit their list of costs.

11.2.8 Settlement

§1 When the parties settle the dispute during the proceedings, they shall issue a written and dated agreement and sign it. The parties shall provide the panel with it so the panel ends the proceedings.

11.2.9 Award

§1 The award is issued only after it is approved, on the form, by the Legal Chamber Secretariat.

§2 The arbitrator issues a written and dated award based only on the evidences produced during the proceedings and sign it.

§3 The award contains the following items:

- a. Full identification of the parties, counsels and/or representatives and arbitrator,
- b. Summary of the claims, facts, arguments raised by the parties and proceedings,
- c. Grounds of the decision,
- d. Distribution of the costs and interests,
- e. Decision,
- f. Channel for appeal,
- g. Date and place of arbitration,
- h. Signature of the arbitrator.

§4 Obvious mistakes in the award may be corrected by the Legal Chamber Secretariat.

11.2.10 Appeal

§1 The parties may lodge an appeal before the FIVB Appeals Panel within 14 days from the notification of the award.

12. Mediation

12.1 Scope of application: persons

§1 The Legal Chamber is competent for a dispute between the following persons:

- a. The Zonal Associations,
- b. The National Federations,
- c. The Clubs,
- d. The Coaches,
- e. The Assistant coaches,
- f. The Players.

12.2 Scope of application: dispute

§1 The Legal Chamber is competent for any disputes.

12.3 Mediator

§1 One mediator is appointed per case. The mediator is a member of the Legal Chamber. Unless agreed by the parties within a period of 10 days from the filing of the mediation, the President appoints the mediator.

- §2 The mediator conducts the proceedings according to the understanding of the parties and has no investigation powers. Upon agreement of the parties, the mediator organises a meeting. The mediator may also hear third parties which previously agreed.

12.4 Agreement

- §1 When the mediation is successful, a written and dated agreement is signed by the parties. Upon request from the parties, the mediator shall sign the agreement. The agreement includes all the agreed commitments. Upon request from the parties, the Legal Chamber Secretariat makes available an agreement template.
- §2 When the mediation is unsuccessful, the mediator reports it.

12.5 Other items

- §1 The parties define the modalities of the organisation of the mediation before the start of the proceedings. The Legal Chamber may decide to not accept a mediation under its umbrella if it considers that its organisation is not in the spirit of the mediation.
- §2 Upon request from the parties, the Legal Chamber Secretariat makes available a mediation organisation agreement template.

13. Disciplinary issues and Protests

13.1 Disciplinary issues

- §1 The proceedings are managed according to the CEV Disciplinary Regulations.

13.2 Protests

- §1 The proceedings are managed according to the different CEV Competitions Regulations.



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