



To the Delegates to the 2013 WDSF Annual General Meeting, Shanghai

WDSF Disciplinary Council Annual Report of the Chairman

1. The WDSF Disciplinary Council (DC) and its members

The WDSF Disciplinary Council (DC), installed and organized as a third body within the WDSF, consists of the following members, which have been elected or reelected on the occasion of the 2012 WDSF Annual General Meeting in Berlin, Germany:

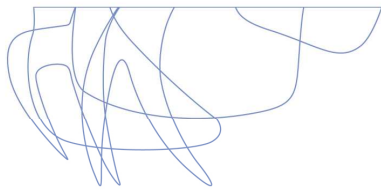
Chairman	Daniel STEHLIN	Switzerland	elected 2012
Vice Presidents	Marcos DE ROBLES	Spain	reelected 2012
	Christoph RUBIEN	Germany	reelected 2012
Extraordinary Vice President	Erich STAELDI	Switzerland	elected 2012 until 2013
Ordinary Members	Karina GEERTS	Belgium	reelected 2012
	Hermann GOETZ	Austria	reelected 2012
	Noel A. LAMAN	The Philippines	reelected 2012
	Peter LOJA	Slovakia	reelected 2012
	Antun MARKI	Croatia	reelected 2012
	Lars WALLIN	Sweden	reelected 2012

The Chairman and the ordinary Vice Presidents and Members of the DC have been elected or reelected for a term of three years, which means until the 2015 AGM. The unanimous reelection of the former DC members by the 2012 AGM is a sign of confidence for the individual members, but also for the institution of the WDSF Disciplinary Council as an independent power within WDSF. I would like to thank all the Delegates for their trust and support.

At the same time, I thank all the members of the WDSF Disciplinary Council for their expertise, for the time they invested in favour of WDSF, for their readiness to react quickly when a new case came in and for their enthusiasm and faith throughout the year. No one could wish to have a better team than this is.

As I already underlined before my election in 2012, the most important value of the WDSF DC is judicial independence. This may mean that members of the DC will not give judicial advice if they are asked for. But this is only a sign of avoiding prejudice and preserving impartiality.

The members of the WDSF Disciplinary Council and myself are very well aware of the fact that we are elected by you, and that we are only accountable to you, the Delegates of the WDSF Member Bodies. On that you can count at all time.



2. Expression of gratitude to Mr. Erich Stäldi

Mr. Erich Stäldi, founder and first Chairman of the WDSF Disciplinary Council, served WDSF in this function since the creation of the DC in the year 2006. All that is well-practised in the work of the WDSF Disciplinary Council today once had to be thought out and written down. And most of this work has been done by Erich Stäldi.

Erich Stäldi explained in last year's WDSF DC report, why he had to resign. Nevertheless, he agreed to serve one more year as an Extraordinary Vice President to make the handing-over of office as smooth as possible.

For his enormous work, I would like to express my gratitude to Erich Stäldi. He will continue serving WDSF as an adjudicator and so we will all have the chance to see him again, but as much more, we will miss his legal advice, on which no one in WDSF ever hesitated to rely on.

Speaking for all members of the WDSF Disciplinary Council, I wish Erich Stäldi the very best for his professional and private future. He can be sure of the gratefulness of us all.

3. The procedures of the WDSF Disciplinary Council in the year 2012

3.1 Formal complaint of the Federació Catalana de Ball Esportiu (Catalan Dance Sport Federation, FCBE)

3.1.1 Facts of the case

On 25 June 2012 the Federació Catalana de Ball Esportiu (Catalan Dance Sport Federation, FCBE) submitted a formal complaint to the WDSF Disciplinary Council. The complaint was formally directed against the Spanish Dance Sport Federation (Federación Española de Baile Deportivo – FEBD). The Chairman of the WDSF DC appointed the following Chamber in Charge for this case:

Daniel Stehlin Switzerland (Chamber Chair)
Noel A. Laman The Philippines
Antun Marki Croatia

The complainant stated that in September 2011, Spanish athletes received their annual sports licenses from FEBD, covering the period from 1 September 2011 until 31 August 2012. Later, FEBD decided to change the period of the national sports season. The sports year should end on 30 June already and new licenses should be issued, valid from 1 July 2012. The Catalan Dance Sport Federation did not agree with this decision and did not buy the new licenses from FEBD. Therefore, FEBD warned all athletes that those who would fail to buy a new license, in case of need even directly from the FEBD, would not be eligible anymore to represent Spain at some WDSF International Championships.

FCBE asked the WDSF Disciplinary Council to protect the validity of the licenses issued in September 2011 and covering the period until August 2012 in order to ensure the participation of holders of such licenses in WDSF Championships in July and August 2012. The Catalan Dance Sport Federation stated that it should be mandatory that licenses should be provided by the local dance sport federations and not by the FEBD.



3.1.2 Procedural Decision of the Chamber in Charge

On 3 August 2012, the Chamber in Charge of the WDSF DC decided that the complaint of the FCBE should be dismissed without entering into the substance of the case. Therefore no measures or sanctions were imposed. This decision was based on the following reasons:

Art. 5.1 of the DC Code legitimizes WDSF Member Bodies to actively approach the WDSF Disciplinary Council. FCBE is no direct Member Body of WDSF. Furthermore, the DC was not authorized to act as first instance in this case, as the subject of the complaint was not covered by Art. 9 of the DC Code. In order to be entitled to act as second instance, the Disciplinary Council would have needed a prior decision of the WDSF Presidium or a WDSF Presidium Member (Art. 10 of the DC Code). As there was no such decision in this case, the DC could neither decide as second instance. As a matter of fact, the Disciplinary Council had no jurisdiction to hear such a complaint at all. Therefore, the procedure could not proceed.

3.1.3 Conclusions out of this case

Art. 2 of the DC Code states: *"The scope of the WDSF Disciplinary Council shall not include issues and circumstances with regard to disputes between WDSF Member Bodies and their members and athletes, unless the WDSF Member Body has explicitly decided to designate the WDSF Disciplinary Council as instance of appeal for such matters and the WDSF Disciplinary Council has agreed to take on this role."* The decision of the WDSF Disciplinary Council is therefore consistent with his general scope, defined by the WDSF Delegates.

If local federations, clubs or athletes want the possibility to have a case like this examined by an impartial institution, they might consider creating a judicial power within their jurisdictions, in order not to leave anybody unprotected.

3.2 Formal complaint of the Hrvatski Športski Plesni Savez (Croatian DanceSport Federation, CDSF)

3.2.1 Facts of the case

On 12 July 2012, a formal complaint of the Hrvatski Športski Plesni Savez (Croatian DanceSport Federation, CDSF) was addressed to the WDSF Disciplinary Council. The complaint was directed against the DanceSport Federation of Slovenia (DSFS). The Chairman of the WDSF DC appointed the following Chamber in Charge for this case:

Daniel Stehlin	Switzerland (Chamber Chair)
Peter Loja	Slovakia
Lars Wallin	Sweden

The Chamber in Charge examined the jurisdiction of the WDSF Disciplinary Council as a preliminary question in this case. On 06 August 2012, the Chamber in Charge decided in a procedural decision that despite of the mentioned appellee, the complaint was directed against the decisions of the WDSF Sports Director *as well*.

The complainant stated the following: On 10 December 2011, the amateur couple Zoran Plohl / Tatsiana Lahvinovich (hereinafter referred to as: "the couple") danced their last championships as amateurs for Croatia and announced the next day to turn to professionals. On 03 April 2012, the couple wrote to the CDSF and stated to represent Slovenia in the future. On 07 April 2012, Plohl/Lahvinovich participated in Ljubljana Open, representing Slovenia.



CDSF, the Croatian Federation, informed the WDSF Sports Director. CDSF said they did not agree with the change of country representation of the couple in question and therefore gave no formal consent (Rule 13, paragraph 3.3 of the former Competition Rules). DSFS, the Slovene Federation, replied and stated, as the couple turned into a Professional couple, there was no waiting period for a change of country representation and therefore no need for asking the Croatian Federation for their consent. The WDSF Sports Director did not prevent the couple from changing their country of representation, emphasizing that WDSF has no power to decide which country a couple with mixed citizenship wants to represent.

CDSF asked the WDSF Disciplinary Council to decide whether the DSFS violated Rule 13, Paragraph 3.2.1 of the WDSF Competition Rules. Because of the procedural decision of 06 August 2012, the Chamber in Charge also examined a possible breach of the WDSF Statutes or Rules by the WDSF Sports Director.

3.2.2 Procedural Decision of the Chamber in Charge

On 25 September 2012, the Chamber in Charge of the WDSF DC decided that the complaint of the CDSF should be dismissed without entering into the substance of the case. Therefore no measures or sanctions were imposed. This decision was based on the following reasons:

As in the procedure mentioned under paragraph 3.1 above, WDSF DC was not authorized to act as first instance in this case (Art. 9 of the DC Code). Neither the DSFS nor the couple itself was legitimated to be appellee in this case, and therefore, the complaint could not be targeted directly at the activities of DSFS. Without examining if the WDSF Sports Director was involved in the case, the complaint had to be dismissed on this level already.

But as the facts of the case had revealed that the WDSF Sports Director had been involved in the case, that he had acted or maybe *should have* acted, he would have been passively legitimated according to Art. 5.2 of the DC Code. The complaint just did not mention his contribution *as an object of challenge*. The Chamber in Charge therefore decided on 06 August 2012 to handle this matter as a case of Art. 10 of the DC Code which allows the WDSF DC to act as second instance.

The Chamber in Charge did not take this decision inconsiderately: Generally, the WDSF Disciplinary Council has no power to widen the subject matter of a complaint. It can only reinterpret a complaint *if the legal basis for the required formal facts is already included in the original complaint and the intention of the complaint can be maintained*. Both was given in the present case and the reinterpretation was also in the interest of the complainant.

On 08 June 2012, the WDSF Sports Director had stated clearly that he could not do anything against the change of country representation of the couple as this is a matter between the two federations involved. Regardless whether this was a formal decision or the moment in which he should have taken further actions and/or measures (see Art. 10 of the DC Code), this was the moment in which the time limit of Art. 13 of the DC Code had been set in motion. Thus, the latest moment to file a complaint to the WDSF Disciplinary Council was 06 July 2012. The powers of the WDSF Disciplinary Council are restricted to a time limit of 28 days since the alleged misconduct has taken place or since the complainant has been made aware of the relevant incident. The complainant therefore failed to submit the complaint within the time limit of Art. 13 of the DC Code. The reinterpretation outlined above did not put CDSF at a disadvantage, because any activities of the DSFS had happened even before 08 June 2012, so that the complaint would have missed the time limit of the DC Code also if it had been considered as targeted at the activities of DSFS directly.



3.2.3 Conclusions out of this case

With supplementary remarks, published on 30 October 2012, the Chamber in Charge recommended to the Presidium of the WDSF Professional Division to post all governance documents affecting the Professional Division, including the Professional Division Competition Rules, on the WDSF Professional Division web page at the WDSF website. As the WDSF PD Competition Rules do not know a waiting period as stated in Rule D.2, paragraph 2.2.3 and 2.2.4 of the Competition Rules for the amateurs, the complaint in this case would not have been successful even if the Chamber in Charge could have entered into the facts of the case. Based on the Rules in force at the moment, a change from the amateurs into WDSF PD means that there is no waiting period for a change of country representation.

The Delegates of the WDSF PD will have to decide if they want to leave the situation as it is at the moment or if they want to establish a waiting period, too. The WDSF Member Bodies often represent both amateurs and Professional Division in their country. The waiting period is designed to protect Member Bodies if they disagree with a change of country representation, as they may have invested a lot of time and money in a couple.

Moreover, there is no clear rule that gives the WDSF Sports Director the power to intervene if a WDSF Member Body violates Rule D.2, paragraphs 2.2.3 and 2.2.4. In order to strengthen the protection of the Member Bodies, their Delegates will have to decide if they want to adopt measures so as to make sure that couples violating the mentioned Rule can be prevented by the WDSF Sports Director from taking part in WDSF competitions during the waiting period.

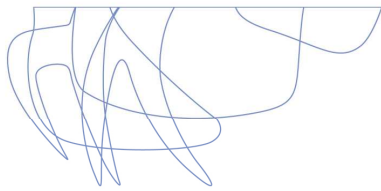
3.3 General conclusions out of both cases decided in 2012

Especially the first case mentioned above and many other letters directed to the WDSF DC in the year 2012 show that groups of persons or athletes who found themselves in a problem situation in their home countries had hoped that the WDSF Disciplinary Council could help them by examining the legal situation and maybe order the involved parties to act according to WDSF's Rules and Regulations. It is a highly political question, how much power the Member Bodies want to give to the judicial power within the federation. But I would appreciate if this report could start a discussion process on this subject.

To avoid disappointments, it is generally very important that those who consider filing a complaint to the WDSF Disciplinary Council carefully check the formal requirements. For example: WDSF DC can only include documents written in or translated into English in the consideration of evidence (Art. 4 of the WDSF DC Code). WDSF is an international organization and the members of the DC will never be able to speak all languages spoken in its Member Bodies.

The most important formal requirements for a complaint are stated in Articles 5, 9, 10, 12 and 13 of the WDSF DC Code. It is indispensable that athletes or Member Bodies carefully review if those preconditions are met in a specific case. The Delegates are free to change each of these provisions at any time, but the WDSF Disciplinary Council can and shall only act within the limitations of the DC Code.

After all, as well as indicating my openness for the assignment of new duties, I do underline that it is not the intention of the Disciplinary Council to challenge WDSF's Member Bodies to file appeals to the DC when an issue can be solved by understanding talks between the parties involved. Viewed in this light, it can be seen as a good sign for dance sport fraternity that the WDSF Disciplinary Council did not have more work in the past year.



4. Acknowledgements

At the end of this report, I would like to thank the Delegates, the legislative power, as well as the Members of the WDSF Presidium, the executive power, for allowing the WDSF Disciplinary Council to make its independency a reality within the WDSF structure.

Submitted with respect on 9 May 2013 on behalf of the

WDSF Disciplinary Council

Daniel Stehlin
Chairman