



9th EBL NBO Officers' Seminar

Cheating Cases – CAS Decision

Yves AUBRY - EBL President



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- Rumours and Allegations started during the summer of 2015 before WBF Bermuda Bowl
 - Fisher-Schwartz
 - Fantoni-Nunes
- Then Piekarek-Smirnov admitted some ethical infraction
- Later: allegations against Balicki-Zmudzinski



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- 15 September 2015
 - On behalf of the EBL, I appointed an EBL Investigating Committee (*Eric Laurant, Jan Kamras, Jean-Paul Meyer*)
- Mission
 - Collect all evidence
 - Present evidence to those accused
 - Form a panel to evaluate evidence
 - Arrive at conclusions for me, as EBL President, to take forward



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- Israel: August 2015
 - IBF Special Ethics Committee
- Germany: October 2015
 - Disciplinary Committee
- Monaco:
 - Asks EBL to proceed with its investigation
- FIGB started Disciplinary process in F/N case



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- Conclusions of IC
 - In case of each of the 4 pairs, a recommendation was made to transfer these cases to the EBL Disciplinary Commission
- Following their advice, this was done,
- With due respect for the
 - full independence of IC recommendation,
 - full independence of the work and decision of the DC
 - the rights of the defendants



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- Disciplinary Commission
 - No cases for the last 15 years
 - Appointment of *Jurica Caric (President), Rex Anderson, Gabor Winkler and P.O. Sundelin*
 - In accordance with the EBL statutes at that time, the DC President was an EBL EC Member



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- Disciplinary Commission Decisions
 - Fisher-Schwartz: ban of 5 years on each individual, banned for life from playing together and a financial penalty - (May 2016)
 - Piekarek-Smirnov: ban of 4 years on each individual, banned for life from playing together - (April 2016)
 - Fantoni-Nunes: ban of 5 years on each individual, banned for life from playing together and financial penalty - (July 2016 after 2 postponements)



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- Disciplinary Commission Decisions
 - Balicki-Zmudzinski: not guilty
- Appeal:
 - No appeal: F/S, P/S & B/Z
 - Appeal: F/N



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- NBOs' Disciplinary Decisions
 - Israel: F/S Guilty - Sentenced
 - Germany: P/S Guilty - Sentenced
 - Monaco: delegated to EBL
 - Italy: F/N Guilty – Sentenced
 - Poland: No legal way – facts proscribed by Polish laws



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- EBL new Statutes
- EBL new Code of Discipline
 - Approved in Budapest GA (June 2016)
 - Full separation between EBL Executive and EBL Disciplinary Commission
 - New EBL DC President: *Gabor Winkler*
 - Members: *Rex Anderson, P.O. Sundelin & Peter Schaltz*



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- Fantoni-Nunes appeal to CAS
 - 3 Arbitrators on the panel
 - Hearing on 26 April 2017
 - Decision normally to be made within 3 months
 - 7 postponements
 - Final Arbitral Award issued by the CAS on 10 January 2018



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Extracts from Judgement

- “The majority of the Panel does not consider that the EBL proved.....
- Such conclusion does not mean that the players are innocent of any wrongdoing.....
- Future investigation (...) may lead to a different outcome”



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AND NOW ?



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- 1/ Questions about the Disciplinary Process
 - Did the EBL fail and where?
 - Questions on CAS ability to adjudicate on Bridge
 - Is an appeal possible?
- 2/ Questions regarding the Future
 - What should be done?
 - Amend regulations, disciplinary rules, investigation process, appeal procedure, credential rules?
 - Withdraw from CAS?
 - Other?



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- 3/ Are NBOs concerned?
 - NBOs' disciplinary rules and Anti-Cheating structure
 - Competence
 - Reciprocity of sentences
- 4/ Prevention of cheating
 - Disciplinary texts
 - Technical measures
 - Cooperation between WBF, Zones, ACBL, NBOs
- 5/ Cost



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–To try to answer to all your questions

- *Eric Laurant & Jan Kamras*, EBL Investigating Committee President and Member
- *Rex Anderson*, EBL Disciplinary Committee Member
- *Gilad Ofir*, IBF Chairman