

# **International Judo Federation**

## **Disciplinary Appeals Commission**

David PAPAUX (presiding)

Case Number DIS2025-01 (POR)

### **Interlocutory decision by the Appeals Commission on the suspensive effect**

#### Background – The Decision of the Disciplinary Commission

The Disciplinary Committee/Commission (“Commission”) was convened to conduct the disciplinary proceedings relating to the charge issued by the Secretary General of the International Judo Federation with respect to the National Judo Federation of Portugal (“NJFP”) regarding NJFP’s failure to pay amounts owed to the International Judo Federation (“IJF”) related to agreements between the parties for NJFP to host the 2023 World Championships Juniors (Coimbra) and the 2022 to 2025 Grand Prix (Odivelas).

In the Disciplinary Decision, issued on May 23, 2025, the Commission held that:

*The NJFP remains in default for the following amounts:*

- licence fee for 2023 World Championships Junior, in the amount of EUR 300 000.*
- licence fee for 2023 Grand Prix, in the amount of EUR 250 000.*
- licence fee for 2024 Grand Prix, in the amount of EUR 250 000.*

*In total: EUR 800 000 + accrued interest.*

The Commission imposed the following sanction:

*The Commission finds that the Defendant's conduct in admitting to the charges and providing written explanations about its unfortunate financial circumstances has demonstrated sincerity in its intentions. However, the offenses of not fulfilling contractual obligations and not paying debts are no less violations of the IJF Statutes and IJF Disciplinary Code.*

*The IJF Disciplinary Code Article 8.1 sets out the sanctions that may be imposed on a member (National Federation). These include a ban from participating in sporting events for a maximum period of two (2) years, a suspension from the IJF for a maximum of one (1) year, and a fine of up to HUF 50 million.*

*The Commission decides to apply against the Defendant the sanction of suspension of the NJFP for a period of one (1) year. If the NJFP pays its debts to the IJF in full before the end of this period, then this suspension may be lifted before the full one-year period has passed.*

*The Commission decides not to impose a ban from participating in sporting events, because a ban would have consequences to POR judo athletes. Further, the Commission recommends that athletes of the NJFP (POR judo athletes) who wish to compete at IJF events be provided by the IJF with the opportunity to participate in IJF events under the IJF flag.*

*The Commission also decides not to impose a fine, considering the financial circumstances of the NJFP.*

*The period of suspension commences on May 23, 2025, which is the date of the Commission's decision.*

### Background – New Facts

An agreement between the International Judo Federation (IJF) and the NJFP was signed on June 4, 2025.

The agreement states that if the NJFP proceeds with the payment of EUR 200,000 to the IJF, the suspension will be lifted.

The NJFP has made the said payment, and the IJF has confirmed receipt.

Furthermore, the IJF has formally confirmed that it is in favour of lifting the suspension.

On June 5, 2025, an appeal was filed by the NJFP against the decision of the Commission.

On June 7, 2025, the NJFP was granted a deadline until June 8, 2025, at 12:00 (CET) to complete the formalities of the request to appeal and to clarify its interlocutory motion pending appeal.

On the evening of June 7, 2025, the NJFP submitted a detailed appeal petition, notably requesting:

*Grant immediate suspensive effect to this appeal, allowing the NJFP to continue its judo activities while this appeal is pending.*

#### Background – Legal Basis

Pursuant to Article 38.1 of the Disciplinary Code:

*The proceeding sports disciplinary body shall declare the decision immediately enforceable if it is necessary to prevent, avert or mitigate the harmful consequences of a situation which threatens to cause serious harm or to significantly violate the rights relating to personality or which is prejudicial to the objectives of the IJF Statutes, or to protect a person subject to the IJF Rules and Regulations or to protect the public interest.*

Pursuant to Article 40.6 of the Disciplinary Code:

*The appeal shall have suspensory effect, unless the proceeding disciplinary committee of first instance has declared its decision immediately enforceable.*

Pursuant to Article 40.8 of the Disciplinary Code:

*New facts and evidence may be introduced in the appeal only if the appellant proves that he/she was unable to present them at first instance through no fault of his/her own.*

The Disciplinary Code contains no provision concerning an automatic suspensive effect by lodging an appeal to the Appeals Commission.

### Findings

It must first be determined whether the new facts are admissible.

As the agreement between the IJF and the NJFP was signed after the first instance decision, this element is admissible.

The disciplinary committee of first instance has declared its decision immediately enforceable.

As the Disciplinary Code does not expressly provide for automatic suspensive effect of filing an appeal to the Disciplinary Appeals Committee, it is necessary to determine whether the regulatory intent was to preclude the appellate body from reinstating the suspensive effect or whether this constitutes a lacuna (a gap) in the regulations, namely the IJF Statutes and the IJF Disciplinary Code.

The appellate authority holds that, pursuant to the general principle that an appeal has suspensive effect, if such effect has been withdrawn by the first instance, it ought to be capable of being reinstated by the appellate body in accordance with fundamental procedural principles. Consequently, this represents a regulatory gap in the Disciplinary Code that may be remedied by the appellate authority.

Accordingly, given the urgent nature of a request for reinstatement of the suspensive effect, the Chairperson of the Appeals Commission is competent to rule on such a request, in their sole capacity.

Furthermore, the appellate authority considers that the suspensive effect may be reinstated subject to the following conditions:

- The existence of a particular urgency.
- The appellant has a concrete and current interest in the reinstatement of the suspensive effect.
- The absence of reinstatement would cause harm to the appellant that is difficult to remedy.
- The appeal is not devoid of merit. Such a request if the appeal is devoid of merit would be an abuse of process.
- A balancing of convenience favours granting the suspensive effect.

The Judo World Championships as well as the IJF Congress are scheduled to take place in the coming days, thereby establishing both the urgency and the appellant's concrete and current interest.

Without the reinstatement of the suspensive effect, the Portuguese athletes will be unable to represent their country at the Judo World Championships, and the NJFP will be prevented from participating in the IJF Congress. Therefore, the condition of irreparable harm is satisfied.

Having signed the agreement with the IJF in good faith and having made the required payment after the Disciplinary Decision, the NJFP's case is not devoid of merit.

In terms of the balance of convenience, I have weighed the potential harm to the appellant if the injunction is denied against the potential harm to the IJF if the injunction is granted. I find that the balance of convenience favours the appellant NJFP.

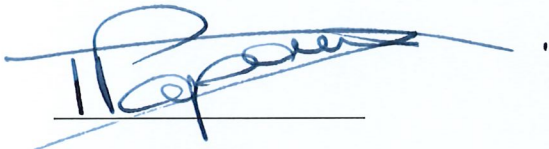
Accordingly, the Chairperson of the IJF Disciplinary Appeals Committee makes the following decision:

**The suspensive effect is reinstated for the duration of the appeal proceedings.**

Pursuant to Article 42.2 of the Disciplinary Code, this interlocutory decision is final and enforceable upon its publication.

The Defendant is informed that this decision is subject to appeal to the Court of Arbitration for Sport.

The time limit for appeal shall be thirty days from the receipt of the decision appealed against.



David PAPAUX

Chairperson of the IJF Disciplinary Appeals Committee

Today the 9<sup>th</sup> of June 2025