

APPROVED
by the Decision of the Executive Committee
of ALE "Association "Kazakhstan Football
Federation"
dated 02.08.2024 Minutes No. 24-14

**PROCEDURAL RULES OF THE DISPUTE RESOLUTION CHAMBER
OF KAZAKHSTAN FOOTBALL FEDERATION**



Astana, 2024

Article 1. Scope of application

These Rules govern the composition and functioning of the legal body of the Kazakhstan Football Federation (KFF) – the Dispute Resolution Chamber (DRC).

Article 2. Composition

1. The composition of DRC is appointed according to the procedure established by the Statute of KFF.
2. DRC consists of the following members:
 - 1) Two representatives of employees who were appointed at the suggestion of the Players' Trade Union "Alliance of Professional Footballers".
 - 2) Two representatives of the employer who were appointed at the suggestion of the Professional Football League of Kazakhstan (PFLK).
 - 3) The Chairman and Deputy Chairman of DRC are appointed by mutual agreement between the interested parties involved in the appointment of employee representatives, on the one hand, and the appointment of representatives of the employer, on the other.
3. The number of representatives of employees and employer must be equal.
4. The Chairman and Deputy Chairman of DRC shall have a legal qualification. All representatives of employees and employers shall have knowledge of the legislation of the Republic of Kazakhstan, the football regulations of FIFA, UEFA, KFF and/or relevant experience in sports dispute resolution.
5. The official appointment of the members of DRC is carried out by the Executive Committee of KFF for a period of four years, which may be renewed.

Article 3. Chairman and Secretary of DRC

1. The Chairman of DRC within the limits of his/her competence:
 - 1) provides overall direction of the activities of DRC;
 - 2) approves the agenda of DRC meeting;
 - 3) convenes the meetings of DRC and presides over them.
2. In the absence of the Chairman, all his/her powers provided for by these Rules shall be exercised by the Deputy Chairman. DRC meetings are not allowed to be held in the event of the simultaneous absence of the Chairman and Deputy Chairman.
3. The functions of the Secretary of DRC may be performed by one of the members of DRC, who is appointed at the first meeting by the Chairman of DRC and acts on a permanent basis. In the absence of the Secretary of DRC, his/her functions are performed by another member of DRC, appointed by the Chairman of DRC.
4. The Secretary has the right to an advisory vote at the meetings of DRC. If a member of DRC performs the functions of the Secretary, this member of DRC has the usual right to vote at meetings of DRC.
5. The Secretary prepares materials for the meetings of DRC and drafts of their decisions, informs the parties and interested persons about the scheduled date of consideration of the issue and keeps the minutes of the meeting.
6. The Secretary shall conduct the necessary preliminary investigation by virtue of the functions assigned to him/her under the direction of the Chairman.
7. The Secretary of DRC is responsible for the archive of DRC, which must be kept for at least five years.

Article 4. Independence and conflict of interest

1. Members of DRC must not hold any other positions in KFF (whether in the executive committee or as part of the general secretariat).
2. DRC members must not represent players, coaches or clubs in any dispute in DRC.
3. A member of DRC may not take part in resolving an issue if there are any legitimate doubts about his/her impartiality, and must disclose any circumstances that may lead to a conflict of interest. This provision is applicable in the following cases (including):

- 1) if the relevant member of DRC has direct interest in the outcome of the case;
- 2) if he/she is connected (associated) with any of the parties;
- 3) if he/she has already dealt with the case in other circumstances.
4. A party may challenge a member of DRC appointed to resolve the issue if he/she considers that there are legitimate doubts about his/her impartiality. Any party wishing to object to a member of DRC must submit a written petition to the Chairman of DRC within five days of receiving information on the grounds for the objection, otherwise he/she is deprived of the right to do so. The petition must contain an accurate statement of its grounds and relevant evidence.
5. The decision on such a challenge is made by the Chairman or Deputy Chairman of DRC. If any party challenges the Chairman or Deputy Chairman, the decision on such challenge is taken by the members of DRC appointed to make a decision on any issue.

Article 5. Jurisdiction

1. DRC has jurisdiction to consider disputes arising between football clubs, players, coaches and other football entities in connection with the application of KFF Regulations on the status and transfers of players (Regulation), applying disciplinary sanctions for violations of the Regulation, as well as within its powers for violations of other provisions of KFF.
2. DRC has jurisdiction to consider disputes on a national scale. For disputes of an international scale, DRC recognizes jurisdiction only if the relevant employment contract contains a direct provision that grants exclusive jurisdiction of the DRC over disputes arising from (or in connection with) the relevant employment contract to.

Article 6. Adjudication

Disputes considered by DRC are considered either by the Chairman or Deputy Chairman of DRC, sitting as a single judge, or by a panel consisting of at least three members, including the Chairman or Deputy Chairman. If an adjudgment is made by the board, equal representation of members from football clubs and from the players' trade union must be ensured during the meeting.

Article 7. Applicable law

When considering disputes, DRC is guided by the legislation of the Republic of Kazakhstan, the Statute of KFF, the regulatory documents of FIFA, UEFA and KFF, as well as the specifics of football as a sport.

Article 8. Language of the proceedings

1. The proceedings shall be held in Kazakh and/or Russian languages.
2. If necessary, the DRC, or any participant in the proceedings, may use the services of an interpreter.

Article 9. Information exchange between the parties

1. All information exchange with the parties in the proceedings of the relevant case is carried out by e-mail. Notification by e-mail is considered an appropriate means of communication and will be sufficient to establish deadlines and comply with them. In addition, the case file can also be sent by regular mail or courier.
2. Materials shall be sent by e-mail to prs@kff.kz. The case materials will have a legal effect only if they are submitted as PDF files, indicating the appropriate date and signed with a valid and mandatory signature of an authorized person.
3. During the proceedings, DRC must send information to interested parties using the provided e-mail addresses. The parties must ensure that their contact details are valid and remain up-to-date at all times.
4. The parties are obliged to comply with the instructions sent by DRC to the e-mail address provided by the parties during the proceedings.

Article 10. Procedural rights and obligations

1. A party may make submissions, present evidence and examine the case file before any decision is made.
2. Parties to the dispute shall be treated equally.
3. A party must always act in good faith, tell the truth and cooperate with any request for information sent by DRC. The same obligations apply to any natural or legal person under the jurisdiction of KFF who is not a party to the procedure, but who has been invited to contribute to the DRC procedure.

Article 11. Submissions

1. Any submission to DRC submitted not in the official language of DRC in accordance with Article 8 will be ignored.
2. Each party to the dispute has the right to examine and comment on the allegations made by the other party and try to refute them with their own statements and evidence.
3. A party that receives a submission made by another party as part of the procedure must maintain strict confidentiality with respect to that submission, except in cases where such disclosure is made to professional consultants or is required by law.

Article 12. Evidence

1. Evidence of any kind may be presented.
2. Evidence obtained through illegal actions, evidence degrading human dignity, or evidence that clearly does not contribute to the establishment of relevant facts must be rejected.
3. DRC has exceptional discretion with regard to the weight it attaches to evidence and with regard to the admissibility of the evidence presented. DRC acts at its own discretion and makes decisions based on its own judgments and internal beliefs.
4. All evidence on which the party intends to rely must be presented in the original language and translated into the official language of DRC in accordance with Article 8.
5. DRC may consider and rely on any evidence not provided by the parties, including, but not limited to, evidence obtained through or within Transfer Matching System (TMS) and/or the national registration or transfer system, provided that each party has the right to comment on such evidence.
6. The party making the statement on the basis of the alleged fact bears the burden of proof.
7. If obtaining evidence leads to expenses related to testimony or expert opinions, the costs are borne by the party requesting evidence.
8. DRC may, at the request of either party, refuse to receive evidence that it does not consider relevant or that would otherwise lead to an unjustified delay in the proceedings.

Article 13. Time limits

1. The parties must submit their materials within the time limits established by these Rules. The term begins the day after receiving the relevant message.
2. The terms set by DRC may not be shorter than 5 days or longer than 20 days. The term will start counting on the next day after receiving the relevant document from DRC.
3. In cases where the last day of the term falls on a non-working day, the day of the end of the term is considered to be the working day following it.
4. The term is met only if the required action is completed before its expiration. Applications and evidence submitted beyond the term are not taken into account.
5. The terms set by DRC may be extended upon a reasoned request submitted before the expiration of the relevant period.

Article 14. Confidentiality

DRC members must ensure that all information they receive in the course of their duties remains confidential.

Article 15. Procedural costs

Cases are considered free of charge in DRC.

Article 16. Efficient proceedings

DRC must do everything possible to promptly resolve all pending cases. The decision must be made within no more than two months after the completion of the investigation in the case.

Article 17. Parties

1. Football clubs, players, coaches and other persons included in the application lists for participation in competitions organized by KFF and registered at the time of submitting the application to KFF or registered with KFF as the last registration in the National Association have the right to apply to DRC.

2. Applicants are deprived of the right to appeal to the DRC from the moment they apply to the courts of general jurisdiction, the arbitration courts of the Republic of Kazakhstan, the FIFA judicial authorities or the Court of Arbitration for Sport in Lausanne (Switzerland) in a dispute between the same parties, on the same subject matter and on the same grounds.

Article 18. Representation

1. The parties may seek the assistance of a third party through representation.

2. Their interests may be represented if they are not required to appear in person.

3. The parties have the right to freely choose the option of representing their interests and providing assistance to them.

Article 19. Filing a claim

1. Claims in the DRC must be submitted in Kazakh or Russian languages through the Secretariat/The Secretary of the DRC. In case of submitting a claim in another language, a certified translation into Kazakh or Russian languages must be attached to the application. The claim must contain at least the following:

1) full name of DRC;

2) full name (name), e-mail and postal address, contact phone number of the parties;

3) full name (name), e-mail and postal address, contact phone number of the representative(s) (in case of participation) with an attachment of a duly executed power of attorney for each representative;

4) a statement of arguments, the basis for making a claim, the amount of the claims, compulsorily attaching and indicating (in the list) all documents on which the applicant substantiates its claims. The attached documents must be submitted in Kazakh or Russian;

5) confirmation of sending a written claim to the defendant in order to settle the dispute before its consideration by DRC with an attached response (if any);

6) date of submission and signature of the applicant;

7) the applicant's bank account, confirmed by the bank.

2. Claims failing to meet the requirements of paragraph 1 of this Article are not accepted by DRC for consideration. At the same time, DRC gives to the applicant a period to correct the inconsistencies. If the claim is not corrected within the specified period, it will be considered withdrawn. However, the claim can be submitted again.

Article 20. Response to the claim and counterclaim

1. Upon the stated request, the defendant has the right to give written explanations and submit objections, which are sent to DRC within the period established by DRC. Explanations and objections must meet the requirements of paragraph 1 of article 19.

2. If the defendant wishes to file a counterclaim, the latter must be submitted within the time period provided for submitting explanations and objections, and must meet all the

requirements contained in paragraph 1 of this article. In case of failure to provide explanations and additions within the time limits set by DRC, DRC makes a decision based on the materials available in the case.

3. If the response to the counterclaim mentions issues that were not part of the counterclaim, DRC will not consider these issues.

Article 21. Second round of submissions

If necessary, DRC will decide to hold a second round of applications.

Article 22. Closure of submission phase

1. DRC will notify the parties of the completion of the application stage within the framework of the procedure. After such notification, the parties may not supplement or modify their submissions or requests.

2. DRC may request additional information and/or documentation at any time as part of the procedure.

Article 23. Deliberations

1. DRC makes a decision based on written documentation provided by the parties. The hearings will be conducted only by the decision of the Chairman.

2. Discussions can be conducted electronically or in person and must be kept confidential.

3. Decisions are made by a simple majority of votes of the members of DRC present. The Chairman of the meeting and other members present have one vote each. If the votes are equal, then the Chairman has the right to cast the deciding vote.

Article 24. Form and content of decision

In the decision made by the DRC and containing the reasoned part, the following should be indicated:

- 1) date and place of the decision;
- 2) the composition of DRC that made the decision;
- 3) parties and representatives (in case of participation);
- 4) the position of the parties in the case;
- 5) circumstances established during consideration of the case;
- 6) the decision on the case;
- 7) the procedure and terms of appeal;
- 8) terms of voluntary payment of a fine or execution of another type of disciplinary punishment;
- 9) the amount and procedure for payment of expenses for the consideration of the case (if necessary);
- 10) consequences of failure to comply with the decision;
- 11) signature of the Secretary and the Chairman.

Article 25. Notifications of decisions

1. The parties must be notified of the decision within a reasonable time and without delay.

2. The notification is considered completed when the decision is brought to the attention of the party. The notification of the authorized representative will be considered as notification of the party he/she represents.

3. The decisions shall enter into force upon receipt of the notification.

4. As a rule, the party will be notified of the operative part of the decision as soon as possible after the relevant decision is made. The decisions of the DRC that lead to the application of sports sanctions (disqualification, ban on registration of players, etc.) must contain a reasoned part.

5. The Party has the right to request in writing a decision with a reasoned part (full decision) within 10 calendar days from the date of receipt of the initial decision. Failure to comply with

this term will result in the decision becoming final and binding, and it will be considered that the party has waived its right to appeal. The time limit for filing an appeal begins from the moment the party receives the full decision.

6. Obvious errors in decisions and obvious procedural errors discovered after the decision is rendered can be corrected by DRC. If the decision has been corrected, the terms begin from the moment of notification of the corrected decision.

Article 26. Publication decisions

1. DRC publishes its decisions on the KFF website. If the decision contains confidential information, the party may, within five days from the date of notification of the decision, request from DRC to publish an anonymized or edited version. The decision on granting or rejecting the request is made by the Chairman.

3. In decisions concerning minors, DRC may publish only an anonymized or edited version that protects the identity of the minor concerned.

Article 27. Appeals

1. Decisions made by DRC may be appealed to KFF Appeal Committee.

2. The parties have a 7-day period to appeal the decision made by DRC. The 7-day period for appeal begins from the date of receipt of the reasoning part of the decision.

Article 28. Exemption from liability

The members of DRC cannot be held responsible for any actions or omissions related to any decision or procedure taken in accordance with the applicable rules.

Article 29. Disciplinary matters

1. KFF Disciplinary, control and ethics Committee are competent to impose sanctions on DRC members who violate the DRC Procedural Rules in accordance with the KFF Disciplinary Regulations and the Code of Ethics.

2. Any decision taken by DRC must be enforced by KFF in accordance with the principles established by Article 61 of the KFF Disciplinary Code.

Article 30. Acceptance and enforcement

These Rules come into force from the date of their approval by the decision of the Executive Committee and apply to any proceedings initiated from that date.