Implementing Provision of the IOC Code of Ethics Rules for the Application during the XXII Olympic Winter Games in Sochi of Articles A.5 and A.6 of the Code of Ethics

BREACHES OF ARTICLES A.5 AND A.6 OF THE IOC CODE OF ETHICS AND THEIR IMPLEMENTATION

**Article 1**
Scope of application and definitions

**1.1 Scope of Application**

The Code of Ethics applies in the framework of the Olympic Games and in particular during the period that the Olympic Village is open, i.e. from 24 January to 26 February 2014 (the “Period of the Olympic Games”), to all Olympic Games participants.

The Olympic Games participants (hereafter “Participants”) are all those listed under Rule 59.2 of the Olympic Charter, namely:

- individual competitors and teams,
- officials, managers and other members of any delegation,
- referees and jury members,
- all other accredited persons.
1.2 Definitions

For the purpose of Articles A.5 and A.6 of the IOC Code of Ethics and these Rules:

– “Bet” means a wager of money or any other form of financial speculation;

– “Betting” means making, accepting, or laying a Bet and shall include, without limitation, activities commonly referred to as sports betting such as fixed and running odds, totalisator/toto games, live betting, betting exchange, spread betting and other games offered by betting operators;

– “Benefit” means the direct or indirect receipt or provision (as relevant) of money or money’s worth (other than payments to be made under sponsorship or other contracts);

– “Competition” means any official event, whether qualifying or otherwise, in the Olympic Games;

– “Inside Information” means any non-public information (not already published or a matter of public record) about a Competition or Participant (including, but not limited to, information concerning the weather and/or condition of the field of play or strategy or any injury or other factor affecting a Competition or a Participant) held by or known to a Participant by virtue of his or her position, participation or other form of involvement in the Olympic Games;

– “Person” shall include natural persons and any form of bodies corporate.
Article 2
Articles A.5 and A.6 of the IOC Code of Ethics

The texts:

Article A.5 of the IOC Code of Ethics provides that:

All forms of participation in, or support for betting related to the Olympic Games, and all forms of promotion of betting related to the Olympic Games are prohibited.

Article A.6 of the Code of Ethics provides that:

Also, in the context of betting, participants in the Olympic Games must not, by any manner whatsoever, infringe the principle of fair play, show unsporting conduct, or attempt to influence the course or result of a competition, or any part thereof, in a manner contrary to sporting ethics.

Article 3
Implementation of the Texts

The following conduct shall constitute a violation of these Texts (in each case whether effected directly or indirectly):

3.1 Betting

1. Betting related to a Competition (whether one in which the Participant is directly participating or any other Olympic event), including Betting with another Person on the result, progress, outcome, conduct or any other aspect of such an event or Competition.

2. Participation in or support for the promotion of any form of Betting related to the Olympic Games.

3. Inducing, instructing, facilitating or encouraging a Participant to commit a violation set out in these Rules.
3.2 Manipulation of results in the context of Betting

1. Fixing or contriving in any way or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of an event or Competition.

2. Ensuring or seeking to ensure the occurrence of a particular incident in an event or Competition which occurrence is to the Participant’s knowledge the subject of a Bet and for which he or another Person expects to receive or has received a Benefit.

3. Failing in return for a Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to perform to the best of one’s abilities in an event or Competition.

4. Inducing, instructing, facilitating or encouraging a Participant to commit a violation set out in this Article 3.2.

3.3 Corrupt conduct in the context of Betting

1. Accepting, offering, agreeing to accept or offer, a bribe or other Benefit (irrespective of whether such Benefit is in fact given or received) to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of an event or Competition.

2. Providing, offering, giving, requesting or receiving any gift or Benefit (irrespective of whether such Benefit is in fact given or received) in circumstances that the Participant might reasonably have expected could bring him or the sport into disrepute.

3. Inducing, instructing, facilitating or encouraging a Participant to commit a violation as set out in this Article 3.3.
3.4 Inside information

1. Using Inside Information for Betting purposes or otherwise in relation to Betting.

2. Disclosing Inside Information to any Person with or without Benefit where the Participant might reasonably be expected to know that its disclosure in such circumstances could be used in relation to Betting.

3. Inducing, instructing, facilitating or encouraging a Participant to commit a violation set out in this article 3.4.

3.5 Other violations

1. Any attempt by a Participant, or any agreement by a Participant with any other Person, to engage in conduct that would culminate in the commission of any violation of this Rules of Application shall be treated as if a violation had been committed, whether or not such attempt or agreement in fact resulted in such violation.

2. Knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described in these Rules of Application committed by a Participant.

3. Failing to disclose to the IOC Integrity contacts (integrityprotection@olympic.org and/or Olympic hotline +41 (0) 800 12 14 16), without undue delay, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that would amount to a violation as set out in these Rules of Application.

4. Failing to disclose to the IOC Integrity contacts (integrityprotection@olympic.org and/or Olympic hotline +41 (0) 800 12 14 16), without undue delay, full details of any incident, fact or matter that comes to the attention of the Participant that may evidence a violation under
these Rules of Application by a third party, including (without limitation) approaches or invitations that have been received by any other party to engage in conduct that would amount to a violation of these Rules of Application.

5. Failing to cooperate with any reasonable investigation carried out by the IOC in relation to a possible breach of these Rules of Application, including failing to provide any information and/or documentation requested by the IOC that may be relevant to the investigation.

**Article 4**

**Application**

1. For a breach to be committed, it is sufficient that an offer, agreement or solicitation in respect of conduct prohibited in these Rules of Application was made; it is not necessary that any money, Benefit or other consideration was actually paid or received.

2. To determine Betting related to the Olympic Games by a Participant, the direct or indirect interests of the Participant are taken into consideration; this may include, but is not limited to, whether the Participant has a personal or material interest linking him or her with the individual or body participating in, supporting or promoting betting on the Olympic Games. The same will apply to determine the participation in or support for the promotion of any form of Betting related to the Olympic Games.

3. For the determination of any breach, the following are not relevant:
   a) Whether or not the Participant is participating in the Competition concerned;
   b) The outcome of the Competition on which the Bet was made or intended to be made;
c) The nature or outcome of the Bet;

d) Whether or not the Participant’s effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;

e) Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question.

**DISCIPLINARY PROCEDURE**

**Article 5**

Referral to the IOC President

The Secretary of the IOC Ethics Commission is informed, in particular through the IOC Integrity contacts (integrityprotection@olympic.org and/or Olympic hotline +41 (0) 800 12 14 16) of any possible breach of these Rules of Application.

The Secretary of the IOC Ethics Commission makes an initial review of the situation, including if needed an investigation by using the investigatory powers mentioned in Article 8 of these Rules of Application. Such investigation may be conducted in conjunction with relevant competent national and international authorities (including criminal, administrative, professional and/or judicial authorities) and all Participants must cooperate fully with such investigation.

After this initial review by the Secretary of the IOC Ethics Commission, the file is forwarded to the IOC President for the appropriate decision.
**Article 6**

**Creation of a Disciplinary Commission**

The IOC President, pursuant to paragraph 2.4 of Rule 59 of the Olympic Charter, will create a Disciplinary Commission, composed of IOC Members.

The Disciplinary Commission will determine the nature and circumstances of any breach of these Rules of Application, which may have been committed during the Period of the Olympic Games.

The Disciplinary Commission may take into consideration any concurrent, or potential, judicial investigation arising out of the same, or related, facts.

The Disciplinary Commission will be assisted by the Secretary of the IOC Ethics Commission.

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**Article 7**

**Disciplinary Commission**

7.1 Pursuant to paragraph 2.4 of Rule 59 of the Olympic Charter, the IOC Executive Board delegates to a Disciplinary Commission, as established pursuant to article 6 above (the “Disciplinary Commission”), all its powers, except:

1. the power to pronounce, with regard to IOC Members, the Honorary President, Honorary Members and Honour Members, a reprimand or suspension (Rule 59.1.1 of the Olympic Charter)

2. the power to pronounce, with regard to IFs, the withdrawal from the programme of the Olympic Games of a discipline or event (Rule 59.1.2a of the Olympic Charter) as well as the withdrawal of provisional recognition of an IF or of an association of IFs (Rules 59.1.2.b and 59.1.3.a of the Olympic Charter)
3. the power, with regard to NOCs, to pronounce the suspension, or the withdrawal of provisional recognition of an NOC or of an association of NOCs or another recognised association or organisation (Rules 59.1.4.a and b, 59.1.5.a and 59.1.8.a of the Olympic Charter)

4. in the context of the Olympic Games, with regard to individual competitors, teams, officials, managers, other members of any delegation as well as referees and members of the jury: the power to pronounce permanent ineligibility or exclusion from future Olympic Games (Rules 59.2.1 and 59.2.2 of the Olympic Charter).

7.2 However, the IOC President, when setting up a Disciplinary Commission pursuant to Article 6 above, may decide, at his discretion, that all measures and sanctions in a given case will be pronounced by the IOC Executive Board, in which case the Disciplinary Commission’s powers will be those as set forth in articles 8 to 11 below.

Article 8
Investigatory powers

Any Participant who a Disciplinary Commission believes may have committed a breach of these Rules of Application shall co-operate fully with any inquiry undertaken by it.

Upon request by the Disciplinary Commission, a Participant must provide any information which the Disciplinary Commission considers relevant to investigate the potential breach, including records relating to the alleged breach (such as betting account number and information, itemised telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and a written statement setting out the relevant facts and circumstances around the alleged breach.
Article 9
Data protection

By signing the Eligibility Condition Form, the Person shall be deemed to have agreed to the purposes of applicable data protection laws and other laws and for all other purposes, to have consented to the collection, processing, disclosure or any use of information relating to his/her activity to the extent permitted under these Rules of Application.

Article 10
Right to be heard

In all procedures linked to breaches of these Rules of Application arising during the Period of the Olympic Games, the right of any person to be heard pursuant to the Bye-law to Rule 59 of the Olympic Charter shall be exercised solely before the Disciplinary Commission.

The right to be heard includes the right to be acquainted with the charges and the right to appear personally in front of the Disciplinary Commission or to submit a defence in writing, at the option of the person exercising his or her right to be heard.

Article 11
Measures and sanctions

11.1 In all cases of breaches of these Rules of Application arising during the Period of the Olympic Games for which the IOC Executive Board has delegated its powers to the Disciplinary Commission, such Commission shall decide on
the measure and/or sanction to be pronounced. Such decision, which the Disciplinary Commission shall promptly communicate to the IOC President and Executive Board, shall constitute the decision by the IOC.

11.2 In all cases of breaches of these Rules of Application arising during the Period of the Olympic Games for which the IOC Executive Board has retained its powers pursuant to article 7 above, the Disciplinary Commission shall provide the IOC Executive Board with a report on the procedure conducted under the authority of the Disciplinary Commission, including a proposal to the IOC Executive Board as to the measure and/or sanction to be decided upon by the IOC Executive Board. In such case, the proposal of the Disciplinary Commission shall not be binding upon the IOC Executive Board, whose decision shall constitute the decision by the IOC.

11.3 Any breach of these Rules of Application on the occasion of the Olympic Games shall be subject to the measures and sanctions provided under Rule 59 of the Olympic Charter.

Article 12
Notification to the Participants

The IOC President, or a person designated by him, shall, in confidence, promptly notify the Participant and the International Federation concerned of the fact that a Disciplinary Commission is investigating a potential breach of these Rules of Application.

If the Participant concerned by the breach of these Rules of Application is an athlete or member of an NOC delegation, the NOC must be notified.
Notification to an athlete or other person accredited pursuant to the request of the NOC may be accomplished by delivering a notice to the NOC. Notification to the Chef de Mission or the President or Secretary General of the NOC shall be deemed to be a delivery of notice to the NOC.

**Article 13**

**Disciplinary Commission hearing**

In the notification referred to in article 12 above, the IOC President, or a person designated by him, shall offer the Participant the option of appearing at a hearing of the Disciplinary Commission or of submitting a defence in writing.

If the Participant concerned by the breach of these Rules of Application is an athlete or member of an NOC delegation, the option of appearing at a hearing of the Disciplinary Commission or of submitting a defence in writing shall be offered to the NOC Chef de Mission.

If the Participant elects to appear before the Disciplinary Commission, he or she may be accompanied at the hearing by a maximum of three persons of his or her choice (lawyer, etc.).

The President of the International Federation concerned, or his representative, is invited to attend the hearing and make observations.

If the Participant elects not to appear before the Disciplinary Commission, he or she may submit a defence in writing, which should be delivered to the Disciplinary Commission within the deadline set forth by the Disciplinary Commission to that effect.

If the Participant has already left the Olympic host city, the Chairman of the Disciplinary Commission shall take reasonable measures that he or she considers appropriate in the circumstances in order that a decision can be made as quickly as possible in accordance with these Rules of Application.
Article 14
Provisional suspension

The Chairman of the Disciplinary Commission may suspend the Participant until the decision has been pronounced by the Disciplinary Commission or the IOC Executive Board, as the case may be.

Article 15
Opinion of experts; adducing other evidence

The Disciplinary Commission may seek the opinion of experts or obtain other evidence on its own motion.

Article 16
Intervention by the International Federation concerned

The International Federation concerned will be invited to intervene as an interested third party and adduce evidence. The International Federations, particularly those having a specific procedure in place concerning betting activities, a monitoring system or an investigation/intelligence system, must cooperate with the Disciplinary Commission during its investigation. This cooperation includes disclosure of any information they might have in relation to the breach or potential breach of these Rules of Application.

To the extent that the Participant is a member of a team sport, or is participating in a sport that is not a team sport but where awards are given to teams, the International Federation shall help ensure that the sanctions imposed by the IOC are as provided in the applicable rules of the relevant International Federation.
Article 17
Notification of decision

The IOC President, or a person designated by him, shall promptly notify the Participant concerned by a breach of these Rules of Application of the decision by the Disciplinary Commission or the IOC Executive Board, as the case may be, by sending a full copy of the decision. A copy of the decision shall also be sent to the International Federation.

If the Participant is an athlete or a member of an NOC delegation, notification shall also be made to the NOC. Notification to the Chef de Mission or the President or Secretary General of the NOC shall be deemed to be a delivery of notice to the NOC.

Article 18
Consequences of a disciplinary procedure

The decision by the Disciplinary Commission or the IOC Executive Board, as the case may be, does not prevent the International Federation concerned from applying its own Rules and Regulations, including its own sanctions, in addition to those related to the Olympic Games.

Therefore, the Disciplinary Commission will disclose the results of its investigations to the relevant authority of the International Federation concerned.
**Article 19**

**Swiss law**

In addition to these Rules, all the rules related to disciplinary actions as provided by the Swiss law related to Swiss associations (article 60 of the Swiss Civil Code) are applicable.