

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**Decision with recommendations
No. D/02/2010**

CASE No. 1/2009

Mr René Fasel, IOC member,
IIHF President
Brandschenkestrasse 50, Postfach 1817, Zürich

FACTS and PROCEDURE:

Mr René Fasel has been an IOC member since 1995 as President of the International Ice Hockey Federation (IIHF), a position he has held since 1994.

On 10 May 2009, the Swiss *SonntagsZeitung* newspaper published an article revealing the existence of a contract between the company Infront Sport Media (Infront), which holds the IIHF's marketing and television rights, and the company Proc AG, which belongs to a childhood friend of Mr René Fasel. The article implied that Mr René Fasel had used the services of this front company to obtain commissions from Infront. The article also claimed that CHF 1,900,000 had been paid to Mr Fasel's friend under the terms of this contract and other alleged contracts.

On 11 May 2009 in a press release, Mr René Fasel denied having received any commissions, but admitted having helped a long-standing friend to offer his services to Infront and having privately helped him to implement his mandate. On the same day, the IIHF Council decided to appoint a neutral expert to help it elucidate these allegations, and Mr René Fasel asked the IOC President to refer the case to the Ethics Commission.

The IIHF tasked the company Deloitte-Zürich (Deloitte) with the investigation, and the company performed this task between 2 June and 4 September 2009. The IIHF Council agreed to provide the IOC Ethics Commission with a copy of the final report by Deloitte in the strictest confidence.

On 6 August 2009, the Ethics Commission Chairman appointed a rapporteur from among the members.

On 19 October 2009, Mr René Fasel was heard by the Ethics Commission rapporteur, and provided various documents concerning the business relations between the IIHF and Infront.

At its meeting on 16 November 2009, the Ethics Commission asked for additional information.

At its meeting on 20 April 2010, the Ethics Commission heard the report from the rapporteur.

OPINION:

The IOC Ethics Commission took into consideration the various public documents, such as the *SonntagsZeitung* article; Mr René Fasel's press release; and that of the IIHF on 17 September 2009 following its half-yearly Congress; as well as the confidential report by Deloitte. It observes that this company, the independent expert appointed by the IIHF, claims to have had the greatest difficulty in obtaining the information, testimony and documents needed for it to perform its task properly. The hearings by the Ethics Commission, in particular that of Mr René Fasel, did not succeed in obtaining any further evidence.

The Ethics Commission recalls that IOC members undertake to respect the Olympic Charter and the Code of Ethics; that the standards of conduct for IOC members are particularly high, as the IOC's entire action is based on respect for the philosophical and ethical principles of Olympism; that the Code of Ethics has incorporated these principles by confirming that members must not act in a manner likely to tarnish the reputation of the Olympic Movement or place themselves in any conflict of interests situation (points B.4 and B.5 of the IOC Code of Ethics); and that the perception of conduct by the public and within the Olympic Movement may alone constitute tarnishing of its reputation.

According to the IIHF press release, the Deloitte report states that no evidence of any unjustified or improper payment to Mr René Fasel was found.

The Ethics Commission nonetheless notes that Mr René Fasel declares in his public statement that "there has never been any consulting agreement between myself and Infront. I have, however, helped a long-time friend to offer his services to Infront, and I have privately supported him in the implementation of his mandate. For example, I have helped him with opening doors in the Asian market to get access to the Asian sports network. Today, I realise that this likely was a case of poor judgment. For this I apologise."

Mr René Fasel did not deny this position during his hearing. Nor did he deny that, between September 2004 and September 2006, there was a consulting contract between Infront and the company Proc AG set up by his friend. He also admitted being a close friend of the person in question, and having in the 1990s created business relationships with him in the area of real estate investing.

The Ethics Commission observes that, based on the information provided to it, and in particular the hearing of Mr René Fasel and the documents he provided, as IIHF President he was personally involved in the various marketing contract negotiations, particularly with Infront.

Based on this evidence, the Commission holds that, by helping a person with whom he was friends to offer his services to the company responsible for exploiting the television and marketing rights of the IF of which he is President, and thereby obtaining substantial financial advantages for him, Mr René Fasel was in breach of the Rules Concerning Conflicts of Interests Affecting the Behaviour of Olympic Parties and his conduct was likely to tarnish the reputation of the Olympic Movement.

The Commission considers that this reputational damage is all the greater given Mr René Fasel's important responsibilities within the IOC, in particular his membership of the Executive Board as the winter sports IF representative and his position as Chairman of the Coordination Commission for the XXI Olympic Winter Games in Vancouver.

As a result, respecting the principle of proportionality and taking into consideration the apologies offered by Mr René Fasel, the Ethics Commission considers it necessary to recommend that the Executive Board remind Mr René Fasel of his duty to respect the Olympic Charter and the Code of Ethics and to issue him with a reprimand.

RECOMMENDATIONS:

After deliberating in accordance with its Statutes, the Ethics Commission recommends that, pursuant to Rule 22 of the Olympic Charter, the Executive Board:

- 1° decides to remind Mr René Fasel of his duty to respect the Olympic Charter and the IOC Code of Ethics
- 2° issues a reprimand against Mr René Fasel.

Done in Lausanne, 20 April 2010

For the Chairman,
Pâquerette Girard Zappelli
Special Representative