



# Rules for the Application during the XXIII Olympic Winter Games PyeongChang 2018 of the Articles 7, 9 and 10 of the Code of Ethics and of the Olympic Movement Code on the Prevention of the Manipulation of Competitions

## VIOLATIONS OF ARTICLES 7, 9 AND 10 OF THE CODE OF ETHICS

### **Article 1**

#### Scope of application

The Code of Ethics applies to all Olympic Games participants in respect to the Olympic Winter Games and in particular during the period which the Olympic Village is opened, i.e. from 09 February to 25 February 2018 the “Period of the Olympic Games”).

These Rules shall apply until all potential cases are officially closed.

The Olympic Movement Code on the Prevention of the Manipulation of Competitions was approved by the IOC Executive Board on 8 December 2015. These Rules implement this Code and were approved by the IOC Executive Board on 9 June 2017.



## Article 2 Definitions

For the purpose of Articles 7, 9 and 10 of the Code of Ethics and the present Rules:

- 2.1** “Benefit” means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts;
- 2.2** “Competition” means any Olympic event, organised during the XXIII Olympic Winter Games PyeongChang 2018;
- 2.3** “Inside Information” means any information relating to any participant in the Olympic Winter Games or Olympic Competition that a person possesses by virtue of his or her position in relation to the Olympic Winter Games, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition;
- 2.4** “Participant” means all those listed under Rule 59.2 of the Olympic Charter;
- 2.5** “Sports Betting, Bet or Betting” means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to an Olympic Competition.



## Article 3

### Articles 7, 9 and 10 of the IOC Code of Ethics

The texts:

Article 7 of the IOC Code of Ethics provides that:

*The Olympic parties shall commit to combat all forms of cheating and shall continue to undertake all the necessary measures to ensure the integrity of sports competitions.*

Article 9 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 10 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 4

### Violations

For the purposes of the implementation of Articles 7, 9 and 10 of the IOC Code of Ethics, the following conduct constitutes a violation of the Code of Ethics and of these Rules:



#### 4.1 Betting

1. Betting in relation to any Olympic Competitions, whether the Participant is directly participating or not.
2. All forms of promotion of betting related to the Olympic Games.

#### 4.2 Manipulation of sports competitions

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.

#### 4.3 Corrupt conduct

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of an Olympic Competition or any other form of corruption.

#### 4.4 Inside information

1. Using Inside Information for the purposes of Betting, any form of manipulation of the Olympic Competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.
2. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of Olympic Competitions or any other corrupt purposes.
3. Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.



#### 4.5 Failure to report

1. Failing to report to the IOC Integrity and Compliance Hotline at: [www.olympic.org/integrityhotline](http://www.olympic.org/integrityhotline), at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation these Rules.
2. Failing to report to the IOC Integrity and Compliance Hotline at: [www.olympic.org/integrityhotline](http://www.olympic.org/integrityhotline), at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant, including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of these Rules.

#### 4.6 Failure to cooperate

1. Failing to cooperate with any inquiry or investigation carried out by the IOC in relation to a possible breach of these Rules, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or assistance requested by the IOC as part of such investigation.
2. Obstructing or delaying any inquiry or investigation that may be carried out by the IOC in relation to a possible violation of these Rules, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.



#### 4.7 Application of Articles 4.1 to 4.6

1. For the determination of whether a violation has been committed, the following are not relevant:
  - a. Whether or not the Participant is participating in the particular Olympic Games Competition;
  - b. The outcome of the Olympic Games Competition on which the Bet was made or was intended to be made;
  - c. Whether any Benefit was actually given or received;
  - d. The nature or outcome of the Bet;
  - e. Whether or not the Participant's effort or performance in the Olympic Games Competition concerned were (or could be expected to be) affected by the particular acts or omissions;
  - f. Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question;
  - g. Whether or not the manipulation included a violation of a technical rule of the respective International Federation part of the Olympic Games;
  - h. Whether or not the competition was attended by an official representative of the Sports Organisation.
2. Any form of aid, abetment or attempt by a Participant that could culminate in a violation of these Rules shall be treated as if a violation had been committed, whether or not such an act in fact resulted in a violation and/or whether that violation was committed deliberately or negligently.



## DISCIPLINARY PROCEDURE

### **Article 5** Initial Review

The IOC Chief Ethics and Compliance Officer may be informed by any means of any possible breach of these Rules.

The IOC Chief Ethics and Compliance Officer makes an initial review of the situation, including, if necessary, a preliminary inquiry by using the investigation means mentioned in Article 9 of these Rules. Such inquiry 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 inquiry.

### **Article 6** Referral to the IOC President

If the likelihood of a breach of these Rules is established, the IOC Chief Ethics and Compliance Officer shall officially forward the file to the IOC President.

### **Article 7** Creation of a Disciplinary Commission

The IOC President, pursuant to paragraph 2.4 of Rule 59 of the Olympic Charter, shall create a dedicated Disciplinary Commission, composed of IOC Members, including a representative of the IOC Athletes Commission.



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 Chief Ethics and Compliance Officer.

## Article 8 Disciplinary Commission

**8.1** 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 7 above (the “Disciplinary Commission”), all its powers, except:

- a. the power to pronounce, with regard to IOC Members, the Honorary President, Honorary Members and Honor Members, a reprimand or suspension (Rule 59.1.1 of the Olympic Charter);
- b. 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);
- c. 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);



- d. 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).

**8.2** 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 particular 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 9 to 18 below.

## Article 9 Investigation

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

Upon request by the IOC Chief Ethics and Compliance Officer or the Disciplinary Commission, a Participant must provide any information which may be considered as 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/or a statement setting out the relevant facts and circumstances around the potential breach.



## **Article 10**

### **Data protection**

By signing the Conditions of Participation, the Participant 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.

## **Article 11**

### **Notification to the Participants**

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

If the Participant concerned by the breach of these Rules 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 12**

### **Right to be heard**

In all procedures linked to potential breaches of these Rules, the right of any person to be heard pursuant to the Bye-law to Rule 59 of the Olympic Charter shall be exercised either before the IOC Chief Ethics and Compliance Officer during the initial review or before the Disciplinary Commission.

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

## **Article 13**

### **Burden and standard of proof**

The IOC shall have the burden of establishing that a violation has been committed. The standard of proof shall be the balance of probabilities, a standard which implies that on the preponderance of the evidence it is more likely than not that a breach of these Rules has occurred.

## **Article 14**

### **Confidentiality**

The principle of confidentiality shall be strictly respected by the IOC throughout the procedure; information should only be exchanged with entities on a need to know basis. Confidentiality shall also be respected by any person concerned by the procedure until there is public disclosure of the case.



## Article 15

### Disciplinary Commission hearing

In the notification referred to in article 11 above, the IOC President, or a person designated by the IOC President, shall offer the Participant the option of appearing at a hearing of the Disciplinary Commission or of submitting a defense in writing.

If the Participant affected 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 defense 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 defense in writing, which should be delivered to the Disciplinary Commission within the deadline established by the Disciplinary Commission.

If the Participant has already left the Olympic host city, the Chair of the Disciplinary Commission shall take reasonable measures that he or she considers appropriate in the circumstances to enable a decision to be made as quickly as possible in accordance with these Rules.



## **Article 16**

### **Provisional suspension**

The Chair 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 17**

### **Opinion of experts; adducing other evidence**

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

## **Article 18**

### **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.

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 in line with the sanctions provided in the applicable rules of the relevant International Federation.



## Article 19

### Measures and sanctions

- 17.1** In all cases of breaches of these Rules arising during the Period of the Olympic Games for which the IOC Executive Board has delegated its powers to the Disciplinary Commission, the Disciplinary 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.
- 17.2** In all cases of breaches of these Rules arising during the Period of the Olympic Games for which the IOC Executive Board has retained its powers pursuant to article 8 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.
- 17.3** Any breach of these Rules on the occasion of the Olympic Games shall be subject to the measures and sanctions provided under Rule 59 of the Olympic Charter.



## **Article 20**

### Notification of decision

The IOC President, or a person designated by the IOC President, shall promptly notify the Participant affected by a breach of these Rules 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 21**

### 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 22**

### Mutual recognition

Subject to the right of appeal, any decision by the Disciplinary Commission or the IOC Executive Board in application of these Rules must be recognised and respected by all other sports organisations.

## **Article 23**

### 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.