

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION
No. D/04/06**

CASE No. 2/2006

Mr Franco Carraro, IOC member,
Domiciled at Rome 000187, Italy, Via Piemonte 51

FACTS:

In the spring of 2006, the Italian press reported on the so-called "Italian football league match-fixing scandal" which began after the Italian justice authorities sent the Italian Football Federation (FIGC) a copy of the tapped telephone conversations of a large number of football club leaders, referees and local and national leaders of this sport, including the then FIGC President, Mr Franco Carraro. On 8 May 2006 Mr Franco Carraro resigned as President of the FIGC.

In a letter dated 21 June 2006, Mr Franco Carraro, IOC member and former President of the Italian Football Association (FIGC), contacted the Ethics Commission to ask it to examine his situation vis-à-vis his obligations as an IOC member owing to his implication in a sports fraud concerning various matches of the Italian football league. In a letter dated 26 June 2006, the IOC President associated himself with this request.

As provided for in the statutes of the FIGC, the case was brought for possible sanctioning before an internal arbitration committee of the FIGC.

After this committee had demonstrated that the selection of referees for matches had been rigged, a large number of Italian football clubs (including FC Juventus of Turin, AC Milan, ACF Fiorentina of Florence and SS Lazio of Rome) were sanctioned.

On 25 July 2006, ruling as a first instance tribunal, the FIGC arbitration body found Mr Franco Carraro guilty, pursuant to article 6 of the Code of Sports Justice (CGS), of acting with a view to altering the results of a match, and banned him from exercising any kind of sporting responsibility for four-and-a-half years.

Following an appeal by Mr Franco Carraro, the FIGC appeals arbitration body altered the decision to a warning plus a fine of 80,000 euros for failure to comply with article 1 of the CGS, which states: "All those bound by the federal regulations must conduct themselves in accordance with the principles of honesty, fair play and moral integrity in all relations in any way connected with sport".

Mr Franco Carraro challenged this internal arbitration decision of the Italian Football Federation before the conciliation and arbitration body of the Italian National Olympic Committee (CONI).

On 8 November, this body issued a decision modifying the previous decision. The CONI arbitration body first declared itself to have no jurisdiction to rule on the pecuniary sanction of the fine, then found that Mr Franco Carraro's conduct "*fell within the complete politico-administrative discretion of the Federal Chairman*"; as a result, "*lacking an adequate legal basis*", it annulled the warning but left the fine of 80,000 euros.

As the CONI conciliation and arbitration body rejected, in a decision dated 22 November 2006, Mr Franco Carraro's final application for conciliation with the FIGC concerning the 80,000 euro fine, the decision of 8 November 2006 by the sports arbitration body is therefore final.

On 1 December 2006, Mr Franco Carraro informed the Chairman of the IOC Ethics Commission of his wish to lodge an appeal with the Regional Administrative Court of Latium in order to challenge the lack of legal foundation for the fine, based on the grounds of the sports arbitration decision of 8 November 2006. In the same letter, he asked for the Ethics Commission to give its opinion on his situation in light of the final decision by the sports arbitration body.

On 11 December 2006, Mr Franco Carraro sent his written observations, and on 12 December 2006, he added to them orally before the members of the IOC Ethics Commission.

OPINION:

After taking cognisance of all the sports arbitration decisions and the written and oral observations provided by Mr Franco Carraro, the IOC Ethics Commission finds that:

- in its decision of 8 November 2006 which has become final, the CONI arbitration body held that the conduct of Mr Franco Carraro *fell within the complete politico-administrative discretion of the Federal Chairman* and as a result annulled the sanction of the warning, as it lacked legal foundation;
- the grounds of this decision concern all the acts of which Mr Franco Carraro is accused.

In view of these findings, and as the situation currently stands, the IOC Ethics Commission has no recommendation to make to the IOC Executive Board.

DECISION:

The IOC Ethics Commission, after deliberating in accordance with its Statutes, makes no recommendation to the IOC Executive Board.

Done in Lausanne, 15 December 2006

For the Chairman,
Pâquerette Girard Zappelli
Special Representative