



FÉDÉRATION
INTERNATIONALE
DE NATATION

FINA RULES ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS

Implementing provision of article V.C.4 of the FINA Code of Ethics

Approved by the FINA Bureau on 30 January 2016

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INTRODUCTION

The integrity of sport depends on the outcome of sporting events and competitions being based entirely on the competing merits of the participants involved.

In furtherance of that objective, FINA has adopted these rules which are in harmony with the Council of Europe Convention on the Manipulation of Sports Competitions and the Olympic Movement Code on the Prevention of the Manipulation of Competitions.

The FINA Member Federations shall implement similar rules and regulations or incorporate these Rules into their rules, as modified appropriately for national level competition, in order to safeguard the integrity of competitions held under their respective jurisdictions.

PMC 1 APPLICATION AND SCOPE

PMC 1.1 These Rules shall apply to all Participants who participate, assist in or prepare Athletes to participate in FINA Competitions or Competitions of Major Event Organisations, provided that if a Major Event Organisation has its own rules on the prevention of the competition manipulation those rules shall apply to violations committed in relation with the competitions of the Major Event Organisation. Each Participant shall be automatically bound by, and be required to comply with, these Rules by virtue of such participation, assistance or preparation.

PMC 1.2 It shall be the personal responsibility of every Participant to make himself or herself aware of these Rules including, without limitation, what conduct constitutes a violation of the Rules and to comply with those requirements. Participants should also be aware that conduct prohibited under these Rules may also constitute a criminal offence and/or a breach of other applicable laws and regulations. Participants must comply with all applicable laws and regulations at all times.

PMC 1.3 Each Participant submits to the exclusive jurisdiction of the FINA Ethics Panel to hear and determine charges brought by FINA and to the exclusive jurisdiction of the Court of Arbitration for Sport in Lausanne to determine any appeal from the FINA Ethics Panel decision in accordance with the FINA Rules C 12.7 and C 12.11.4.

PMC 1.4 Notice under these Rules to a Participant who is under the jurisdiction of a Member Federation may be accomplished by delivery of the notice to the Member Federation concerned. The Member Federation shall be responsible for making immediate contact with the Participant to whom the notice is applicable.

PMC 2 DEFINITIONS

PMC 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;

PMC 2.2 "Competition" means a FINA Competition or a Competition of a Major Event Organisation;

PMC 2.3 "Inside Information" means information relating to any Competition that a person possesses by virtue of his or her position in relation to a Competition, 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;

PMC 2.4 "Major Event Organisation" means any international multi-sport organisation that acts as the ruling body for any continental, regional or other international Competition.

PMC 2.5 "Member Federation" means the national federations affiliated to FINA in a country or a sport country recognised by FINA in accordance with C 7, C 8, C 9 and C 10.

PMC 2.6 "Participant" means any natural or legal person belonging to one of the following categories:

- a. "Athlete" means any person or group of persons, participating, or qualified to participate in a Competition;
- b. "Athlete Support Personnel" means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating Athletes participating in or preparing for a Competition, and all other persons working with the Athletes;
- c. "Official" means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organise and/or promote a Competition, as well as referees, jury members and any other accredited or engaged persons. The term also covers the executives and staff of the international sports organisation, or where appropriate, other competent sports organisation or club which sanctions a Competition.

PMC 2.7 "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 a Competition.

PMC 3 VIOLATIONS

The following conduct shall constitute a violation of these Rules:

PMC 3.1 Betting

PMC 3.1.1 Betting in relation:

- a. to a Competition in which the Participant is directly participating; or
- b. to a Competition in the Participant's sport; or
- c. to any event of a multisport Competition in which he/she is a Participant.

PMC 3.2 Manipulation of Competitions

Directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Competition with the goal of obtaining a Benefit for oneself or for others.

PMC 3.3 Corrupt Conduct

Providing, requesting, receiving, seeking, or accepting a Benefit either to manipulate a Competition or any other form of corruption.

PMC 3.4 Misuse of Inside Information

PMC 3.4.1 Using Inside Information for the purposes of Betting, any form of manipulation of any Competition or any other corrupt purposes whether by the Participant or via another person and/or entity.

PMC 3.4.2 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 any Competition or any other corrupt purposes.

PMC 3.4.3 Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

PMC 3.5 Failure to report

PMC 3.5.1 Failing to report to FINA or other sports organisation concerned or a relevant disclosure/reporting mechanism or authority, 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 of these Rules.

PMC 3.5.2 Failing to report to FINA or other sports organisation concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which the Participant ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of these Rules.

PMC 3.6 Failure to cooperate

PMC 3.6.1 Failing to cooperate with any investigation carried out by FINA or other sports organisation 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 access or assistance requested by FINA or the competent sports organisation as part of such investigation.

PMC 3.6.2 Obstructing or delaying any investigation that may be carried out by FINA or other sports organisation 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.

PMC 3.7 Application of PMC 3.1 – 3.6

PMC 3.7.1 In determining whether a violation of these Rules has been committed, the following are not relevant:

- a. Except as to PMC 3.1.1(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. Whether any Benefit or other consideration 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 Competition concerned was (or could be expected to be) affected by the acts or omission in question;
- 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 sports organisation
- h. Whether or not the Competition was attended by the competent national or international representative of the sports organisation.

PMC 3.7.2 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.

PMC 4 PROCEDURE

PMC 4.1 Any allegation or suspicion of a violation of these Rules shall be promptly reported to FINA for investigation and possible charge in accordance with these Rules.

PMC 4.2 Anonymous reporting will be facilitated. The anonymity of any reporting person(s) who desires to remain anonymous will be respected by the organisation to whom they report. The identity of any reporting person may only be disclosed if such disclosure is both necessary for the purposes of any investigation into an alleged violation of these Rules and the agreement in writing of the person to the disclosure of his or her identity has been obtained, or as may be required by law.

PMC 4.3 FINA may conduct an investigation into the activities of any Participant that it believes may have committed a violation of these Rules and may appoint one or more persons for this purpose. Such investigation may be conducted in conjunction with relevant competent national or international authorities (including criminal, administrative, professional and/or judicial authorities) and all Participants must co-operate fully with such investigations. FINA shall have discretion, where it deems it appropriate, to stay its own investigation pending the outcome of investigations conducted by other competent authorities.

PMC 4.4 By participation or assistance in a Competition, or preparing an Athlete for a Competition, each Participant shall be deemed to have agreed for 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 other use of information

relating to his activities (including without limitation personal information) to the extent permitted under these Rules and shall confirm such agreement in writing upon demand.

PMC 4.5 Where following investigation FINA decides to charge a Participant with a violation of these Rules, FINA shall transfer any such matter to the FINA Ethics Panel for determination in accordance with FINA Rules C 12.7, C 12.9 – 12.11, C 24.6 – 24.8, and the FINA Code of Ethics.

PMC 4.6 The principle of confidentiality shall be strictly respected by all involved organisations and any persons concerned with respect to any report, investigation, hearing and determination of any alleged violation of these Rules until it is determined by FINA that any public disclosure of the matter should occur. Information with respect to such procedures shall only be exchanged with entities having a need to know.

PMC 4.7 In any case where FINA decides to charge a Participant with a violation under these Rules, the FINA Executive shall have a discretion, in circumstances where FINA considers that the integrity of the sport could otherwise be seriously undermined, to provisionally suspend the Participant pending the FINA Ethics Panel's expedited determination of the alleged violation. Alternatively, the Participant may accept a voluntary suspension from Competition provided that it is confirmed in writing to FINA. A voluntary suspension shall be effective only from the date of receipt of the Participant's written confirmation of such to FINA.

PMC 4.8 Where a provisional suspension is imposed, this shall be taken into consideration in the determination of any further period of suspension or other sanction which may be ultimately imposed on the Participant.

PMC 4.9 If a Participant retires whilst a disciplinary procedure under these Rules is underway, FINA shall retain jurisdiction to complete the relevant procedure and to impose any appropriate sanction. If the Participant retires before any disciplinary procedure has begun, FINA shall nevertheless have jurisdiction to conduct the relevant procedure and impose any appropriate sanction.

PMC 5 SANCTIONS

PMC 5.1 If the FINA Ethics Panel decides that a Participant has committed a violation of these Rules, the FINA Ethics Panel shall be entitled to impose sanctions in accordance with C 24.8 and C 24.9 and these Rules.

PMC 5.1.1 Financial Sanctions

The FINA Ethics Panel shall have discretion to impose a fine up to a maximum amount of the value of any Benefit received by the Participant as a result of, or in relation to, any violation(s) of these Rules.

PMC 5.1.2 Disqualification of Results

PMC 5.1.2.1 A violation of these Rules by an Athlete occurring during or in connection with a Competition in which the Athlete is participating may lead to disqualification of the Athlete and the annulment of all the Athlete's results

obtained in that Competition with all consequences, including but not limited to forfeiture of all titles, medals, ranking points and/or prizes.

PMC 5.1.2.2 Where any provision of these Rules has been violated by a member of a relay in swimming, or a team in open water swimming, or a duet or team in synchronised swimming or diving, the relay, duet or team may be disqualified from the Competition in question, with consequences including but not limited to forfeiture of all titles, medals, ranking points and/or prizes.

PMC 5.1.3 Education and Rehabilitation

The FINA Ethics Panel may direct, as a condition of eligibility to participate in the sport of Aquatics after any period of ineligibility imposed in respect of a violation of these Rules has expired, that a Participant complete an appropriate anti-corruption education or rehabilitation programme.

PMC 5.1.4 Costs

The FINA Ethics Panel may order a Participant it determines has committed a violation of these Rules to pay to FINA such amount as the FINA Ethics Panel thinks appropriate in respect of the costs and expenses of and incidental to any investigation, hearing and determination of the matter.

PMC 5.2 Aggravating and Mitigating Factors

PMC 5.2.1 In imposing sanctions in accordance with these Rules, the FINA Ethics Panel shall be entitled to consider the existence of any aggravating and/or mitigating factors.

PMC 5.2.2 Aggravating factors which may be considered by the FINA Ethics Panel shall include (without limitation and where applicable):

PMC 5.2.2.1 a failure to co-operate by the Participant with any investigation or requests for information;

PMC 5.2.2.2 any previous violations by the Participant;

PMC 5.2.2.3 the Participant receiving or being due to receive a significant Benefit in connection with the violation;

PMC 5.2.2.4 the violation affecting or having the potential to affect the course or result of a Competition;

PMC 5.2.2.5 the Participant displaying a lack of remorse (including, for example, refusing to take part in anti-corruption educational programs organised by FINA); and

PMC 5.2.2.6 any other aggravating factor the FINA Ethics Panel deems relevant.

PMC 5.2.3 Mitigating factors which may be considered by the FINA Ethics Panel shall include (without limitation and where applicable):

PMC 5.2.3.1 co-operation by the Participant with any investigation or requests for information;

PMC 5.2.3.2 a timely admission of a violation by the Participant;

PMC 5.2.3.3 the Participant's clean disciplinary record;

PMC 5.2.3.4 the youth or inexperience of the Participant;

PMC 5.2.3.5 the violation not having affected or not having the potential to affect the course or result of a Competition;

PMC 5.2.3.6 the Participant displaying remorse (including, for example, agreeing to take part in anti-corruption educational programs organised by FINA); and

PMC 5.2.3.7 any other mitigating factor the FINA Ethics Panel deems relevant.

PMC 5.3 Substantial assistance provided by a Participant that results in the discovery or establishment of a violation of these Rules by another Participant may be taken into account by the FINA Ethics Panel to reduce any period of ineligibility or limit any other sanction which may be imposed under these Rules.

PMC 5.4 If a Participant violates any prohibition on participation in a Competition imposed in accordance with these Rules, such Participant shall be disqualified immediately from the relevant Competition and the period of ineligibility originally imposed in accordance with these Rules shall recommence from the date of such violation.

PMC 5.5 These Rules shall continue to apply to any ineligible Participant and any violation committed during a period of ineligibility shall be treated as a distinct violation and separate proceedings shall be brought against the Participant in accordance with these Rules.

PMC 5.6 Reinstatement

Once the period of the Participant's ineligibility has expired, he or she will become automatically re-eligible to participate in the sport of Aquatics provided that he or she has:

PMC 5.6.1 completed to FINA's satisfaction any official betting and anti-corruption education or rehabilitation programme imposed on him or her as a sanction by the FINA Ethics Panel;

PMC 5.6.2 has paid, in full, any fine imposed under these Rules and/or any order of costs made against him or her by the FINA Ethics Panel; and

PMC 5.6.3 has agreed to subject himself or herself to any reasonable and proportionate monitoring of his or her future activities in connection with the sport of Aquatics as FINA may reasonably consider necessary given the nature and scope of the violation that he or she has committed.

PMC 6 RECOGNITION OF DECISIONS

Final decisions of a Major Event Organisation or other sport organisation in relation to a Participant that are within the Major Event Organisation's or other sport organisation's jurisdiction and based on the same or similar rules as these Rules may be recognised and respected by FINA upon receipt of notice of the same. Any disciplinary process, so far as determining a Participant's sanction beyond the sanction imposed by the Major Event Organisation is concerned, shall be determined by FINA Ethics Panel in accordance with these Rules.

PMC 7 AMENDMENTS AND INTERPRETATION

PMC 7.1 These Rules may be amended from time to time by the FINA Bureau.

PMC 7.2 Rules on the prevention of the manipulation of Competitions are, by their nature, Competition rules governing the conditions under which the sport of Aquatics is to be held. They are not intended to be subjected to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and standards set out in these Rules as a basis for the fight against corruption and manipulation in the sport of Aquatics represent a broad consensus of those with an interest in fair sport and should be respected by all courts and adjudicating bodies.

PMC 7.3 Other than where reference is made to FINA Rules set out hereunder, these Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

PMC 7.4 The headings and sub-headings in these Rules are for convenience only and shall not be deemed to be part of the substance of these Rules or to affect in any way the language of the provisions to which they refer.

PMC 7.6 If any Rule or provision of these Rules is held to be invalid, unenforceable or illegal for any reason, it shall be deemed to be deleted and the Rules shall otherwise remain in full force and effect.

PMC 7.7 These Rules have come into full force and effect on 30 January 2016.