

# ETHICS and DISCIPLINARY COMMISSION INTERIM RULES

## Table of Contents

### **A. Introduction and Common Provisions 2**

- I) Introduction 2*
- II) Applicability of the EDC Interim Rules 2*

### **B. EDC Procedural Rules 3**

- I) The Ethics and Disciplinary Commission (EDC) 3*
- II) Independence of the EDC 3*
- III) Conduct of the EDC Proceedings 4*
- IV) Filing of a complaint to the EDC Secretariat 6*
- V) Referral to the IIC during the EDC Proceedings 6*
- VI) Hearings 7*
- VII) Evidence, Burden and Standard of Proof 8*
- VIII) EDC Decisions 8*
- IX) Appeals against Decisions rendered by the EDC 9*
- XI) Miscellaneous 10*

### **C. Eligibility Determination Panel and Rules of Procedure 10**

- I) Introduction 10*
- II) Election and Candidate Eligibility rules 11*
- III) Eligibility criteria and procedure 11*
- IV) Eligibility Determination Panel Rules of Procedure 12*

### **D. Ethics and Disciplinary Code 14**

- I) Goals of the Ethics and Disciplinary Code 14*
- II) General Obligations of Good Conduct and Ethics 14*
- III) Specific Obligations of Good Conduct and Ethics 14*
- IV) Measures and Sanctions 16*
- V) Rules relating to sanctions and their determination 16*

## A. Introduction and Common Provisions

### I) Introduction

1. The present Rules are enacted following the Terms of Reference of 8 February 2021 (“Terms of Reference”) and the delegation of certain powers by the IWF Executive Board based on Rule 4.2.9 of the IWF Constitution (2017 Version). They comprise a set of interim procedural rules (Section B) that regulate the functioning of the Ethics and Disciplinary Commission (EDC) and the Independent Investigatory Chamber (IIC), the reporting of alleged breaches and the conduct of the proceedings (hereinafter “EDC Procedural Rules”); an interim Ethics and Disciplinary Code (Section D) providing for the obligation of good conduct, ethics, and sanctions in case of breach of these obligations (hereinafter “Ethics and Disciplinary Code”); and a set of interim eligibility criteria and procedural rules for the candidates seeking election to the IWF Executive Board and other official positions (jointly “Eligibility Determination Rules”, Section C). All the above rules are jointly referred to as the “**EDC Interim Rules**”.

### II) Applicability of the EDC Interim Rules

2. The EDC Interim Rules shall apply to:
  - (a) all full, provisional or associate members, and any individual or entity directly or indirectly connected to them;
  - (b) IWF officers, employees, Executive Board Members, IWF Commission Members, IWF Committee Members, IWF staff and candidates to these positions (collectively referred to herein as “Officials”);
  - (c) Athletes involved in IWF competitions except for the violation of anti-doping rule violations;
  - (d) Coaches, trainers and other athlete support personnel involved in IWF competitions;
  - (e) Referees, judges and officials involved in IWF competitions;
3. The EDC Interim Rules are in line with the general principles of the IWF Constitution in force at the time of their adoption (2017 version, “the IWF Constitution”). The EDC Interim Rules shall enter into force immediately upon their approval by the IWF Executive Board and shall fully apply on an interim basis until the adoption of the new IWF Constitution on 29-30 April 2021. The EDC Interim Rules shall supersede in case of conflict with the IWF By-Laws to the Constitution. The EDC Interim Rules shall be automatically replaced by the new Constitution and the accompanying EDC Procedural Rules that will take place at the next Constitutional Congress.
4. The EDC jurisdiction under the present EDC Interim Rules is in line with the IWF Constitution and is established through the delegation of the Executive Board powers on the EDC as per the EDC Terms of Reference and Rule 4.2.9 of the IWF Constitution; the EDC shall have the authority to recommend to the IWF Executive Board measures and sanctions in case of any violation of the EDC Interim Rules but also of any other provisions referred to it under the IWF Constitution. The EDC recommendations shall be binding on the IWF Executive Board, which shall render a decision in this respect. The EDC shall not have jurisdiction over doping-related matters in accordance with Rule 12.1 of the IWF Constitution.
5. The EDC Interim Rules govern every subject to which the text or the meaning of its provisions refers. The applicable law in case of lacunae in the EDC Interim Rules is Swiss law along with the general principles of law.

## B. EDC Procedural Rules

### I) The Ethics and Disciplinary Commission (EDC)

6. The EDC consists of five (5) independent members of 5 continents and 2 reserve members as per the Terms of Reference and as follows: the EDC Chair, the EDC Vice-Chair, the EDC Secretary and two EDC Members (together, the EDC Members or the EDC). The reserve members are not active members and may only be called upon to replace an EDC member in the event that the EDC cannot raise a quorum for a particular case due to unavailability, conflicts of interests or other reasons.
7. The IWF shall compensate the members of the EDC for their work and the time spent on particular matters as per the Terms of Reference; however, the EDC Members shall be and remain independent of the IWF and shall carry out their responsibilities in an independent and impartial manner at all times.
8. The EDC is assisted in its function by the EDC Secretariat. Sport Resolutions (UK), an independent body, has been selected to fulfill this role. The EDC Secretariat shall also carry out its functions independently of the IWF Executive Board. It shall provide support for the completion of tasks as required by the EDC.
9. Where a matter is brought to the EDC, the Chair of the EDC (or the Vice-Chair, in case of incapacity or conflict of the former to act as Chair) will call the EDC Members to sit as a tribunal for that particular matter. The EDC will hear matters either as a five-member tribunal or as a three-member tribunal, designated by the EDC Chair (or the Vice-Chair, in case of incapacity or conflict of the former to act as Chair).
10. The EDC Chair (or the Vice-Chair, in case of incapacity or conflict of the former to act as Chair) has the power to consolidate two or more separate proceedings and / or order concurrent hearings or exercise any other power in the case of urgent matters that require a Decision before the tribunal has been convened.
11. The EDC may order an investigation, adjudicate and sanction reported infringements of the EDC Interim Rules and the IWF Constitution and By-Laws (adjudicating jurisdiction).
12. The EDC shall also act as the Eligibility Determination Panel as specified in the EDC Interim Rules (vetting jurisdiction).

### II) Independence of the EDC

13. The EDC members shall make their Decisions entirely independently and shall not receive instructions from any IWF body. A member of another IWF body or Commission may neither attend the EDC hearings nor the EDC deliberations unless such member has been explicitly summoned to attend by the EDC.
14. The EDC members should have no prior involvement with the matter in question and act with independence and impartiality at all times. Prior to their appointment to a matter, they must sign a Declaration of independence and impartiality for disclosure to parties, disclosing any facts or circumstances known to them that might call into question their impartiality or independence in the matter in the eyes of reasonable observer. If any such facts or circumstances arise after their appointment, the EDC members must spontaneously provide an updated Declaration.

15. Such circumstances include – but are not limited to - the following:
  - (a) if the member has a direct interest in the outcome of the case;
  - (b) if the member is associated with any of the parties;
  - (c) if the member has the same nationality as the party implicated in the matter;  
and,
  - (d) if the member has already dealt with the matter under different circumstances.
16. Any objection to a member of the EDC must be filed with the EDC Secretariat without delay and no later than 7 days after becoming aware of the facts or circumstances giving rise to the objection. Failure to do so will constitute a waiver of that objection. The EDC Chair (or the Vice-Chair, in case of incapacity or conflict of the former) will rule on the objection. Such Decision is final and cannot be challenged.
17. If an EDC member is unable or unfit to hear the matter for any reason, the EDC Chair (or the Vice-Chair, in case of incapacity or conflict of the former) may appoint another EDC member to replace him on the EDC Tribunal.
18. In the exceptional situation where the members of the EDC cannot raise a quorum, one or both of the reserve members may be called upon by the Chair to fill the vacuum.

### III) Conduct of the EDC Proceedings

#### 19. Initiation of the proceedings

Ethics and Disciplinary Commission proceedings (“proceedings”) may commence

- (a) *ex officio* by the EDC, e.g. on the basis of official reports or external investigations;
  - (b) through a complaint lodged by any person through the EDC complaints platform, in case of conduct deemed incompatible with the EDC Interim Rules or the IWF Constitution. Such complaint should be filed in English and include a summary of facts and available evidence to support any allegations.
20. The EDC will meet regularly or as the need may be in order to determine the matters in accordance with the applicable EDC Interim Rules.
  21. There is no entitlement for ethics / disciplinary proceedings to be opened following the submission of a complaint. In principle, only the accused are considered to be parties to the proceedings. The EDC may determine the parties at the outset of the proceedings.
  22. Prior to the opening of ethics / disciplinary proceedings, the IWF EDC, through the EDC Secretariat, shall perform a preliminary control based on the information received. It may also collect written information and request documents and relevant witness statements.
  23. If, following such preliminary control, the EDC deems that there is no *prima facie* case (particularly in case of inadmissibility and / or manifest lack of merit of the complaint / notice) it may Decide not to open ethics / disciplinary proceedings for a particular matter.
  24. **Prima facie case without the need for an external independent investigation:** If, following the preliminary control, the EDC considers that there is a *prima facie* case

and the elements at its disposal are sufficient, it shall open ethics / disciplinary proceedings. It shall then forward the charges and the file to the party concerned and shall require such a party or parties to respond to the charges within fourteen (14) working days. Thereafter, the EDC shall set a date for a hearing. The EDC will hear and determine the case based on the elements at its disposal.

25. **Prima facie case with referral to an external independent investigation:** If, following the preliminary control, the EDC considers that there is a *prima facie* case and such case requires additional investigation, the EDC shall also have the authority to refer the matter to the Independent Investigatory Chamber (IIC) for an independent investigation. The Terms of Reference (ToR) for such investigation shall be laid down on a case-by-case basis and in accordance with Section (V) of these Procedural Rules.
26. The EDC Secretariat shall then inform the parties concerned that the ethics / disciplinary proceedings have been opened.
27. Once the investigation has been completed, the investigator(s) shall prepare a final report on the investigation proceedings. Such report, together with the related investigation files, shall be forwarded to the EDC.
28. Should a hearing be conducted, the investigator(s) may present the case before the EDC should the EDC deem it necessary.
29. Once the investigation by the IIC has been completed and the EDC deems that there is insufficient evidence to proceed, the EDC may Decide to close the ethics / disciplinary proceedings and inform the parties concerned.
30. Once the investigation by the IIC has been completed and the EDC deems that there is sufficient evidence to proceed, it shall forward the file to the parties concerned and shall require such parties to respond within fourteen (14) days. The EDC will hear and determine the case based on the elements at its disposal and in accordance with the IWF Constitution, the By-Laws and the EDC Interim Rules (jointly the IWF Rules).
31. If ethics / disciplinary proceedings have been closed, the EDC may still reopen the investigation if new facts or evidence are discovered at a later stage, subject to the statute of limitations of ten years.
32. The EDC may publish a press release about the reasons for the closure of the ethics / disciplinary proceedings.
33. The EDC will have the power to carry out its mandate under the applicable IWF Rules, whether upon request by a party or ex officio. The EDC can in particular:
  - (a) establish its jurisdiction on a given case;
  - (b) order an independent investigation through the IIC as the need may be, the costs of which shall be borne by the IWF.
  - (c) expedite or suspend its ethics / disciplinary proceedings, as fairness may require;
  - (d) extend or shorten any time-limit set in the IWF Rules, either upon request or on its own motion;
  - (e) order any party to produce evidence in its possession or under its control;
  - (f) allow third parties to intervene or be joined in the ethics / disciplinary proceedings; and
  - (g) order provisional measures.

34. Any procedural orders or directions may be made by the EDC Chair upon consultation with the EDC Tribunal. The latter, through the EDC Secretariat, will issue directions with respect to the procedure and set a timetable, fixing the date, time and place of the hearing (if such hearing is requested by the parties) and establish a schedule for the exchange of written submissions.
35. The parties to an EDC procedure have in particular the right to
  - (a) be legally represented;
  - (b) refer to the file;
  - (c) present their legal and factual arguments;
  - (d) request production of evidence;
  - (e) get involved in the production of evidence; and
  - (f) obtain a reasoned Decision.

#### IV) Filing of a complaint to the EDC Secretariat

36. A person or organization is entitled - and encouraged - to report any actual or suspected breach or violation of the IWF Rules by filing a complaint. All reports will be treated confidentially by the EDC Secretariat.
37. Wherever a person or organization wishes to file a complaint anonymously, the EDC Secretariat will respect the anonymity wishes and treat the complaint in a confidential manner.
38. Reports of actual or suspected breaches or violations of any of the provisions of the Ethics and Disciplinary Code may be made to the EDC Secretariat by lodging a complaint by email to [\*\*iwfcomplaint@sportresolutions.co.uk\*\*](mailto:iwfcomplaint@sportresolutions.co.uk). The complainants shall be kept appropriately informed of the status of their complaint.
39. Any person bound by the EDC Interim Rules who files a complaint against a person knowing them to be innocent or taking malicious steps related to the initiation of ethics / disciplinary proceedings may be subject to disciplinary proceedings under the IWF Constitution and the EDC Interim Rules as a result.

#### V) Referral to the IIC during the EDC Proceedings

40. The IIC shall conduct investigations on a given matter upon referral from the EDC (in accordance with Rule 12.3 of the IWF Constitution). The investigator(s) for each particular matter will be selected by Sport Resolutions (UK) from a specific list of IIC investigators drawn from its Panel of Arbitrators. Such list shall comprise legal – and non-legal members for the optimal conduct of said investigations.
41. The exact Terms of Reference (“IIC Terms of Reference”) and the scope of the investigation are defined at the outset of each investigation by the EDC and the EDC Secretariat.
42. The investigators of the IIC shall conduct their investigations entirely independently of any third-party influence or the IWF. Such investigators and their immediate family members shall not belong to any IWF body or commission. The investigators may not have a personal relationship with parties to matters they are appointed to, nor can they have been involved in the matter at hand. They shall Decline to participate in any investigation concerning a matter where there are serious grounds for questioning their impartiality.

43. The investigation proceedings shall be kept confidential. Notwithstanding the above, the IIC or the EDC may, if it deems necessary and appropriate, inform the public about an ongoing or closed investigation. Such information must respect the presumption of innocence and the personality rights of the parties concerned.
44. The EDC Secretariat shall provide the IIC and the investigators with the necessary administrative and logistical assistance for the completion of its tasks.
45. The investigator(s) designated to conduct the investigation shall, with the assistance of the EDC Secretariat, investigate by means of written enquiries and written or oral questioning of the parties and witnesses. They may also undertake any further investigative measures relevant to the case, in particular verify the authenticity of documents by procuring affidavits.
46. After terminating the investigation, the investigator(s) will forward the final report together with the investigation files to the EDC. Such report shall contain all the relevant facts and evidence gathered in accordance with the ToR.

## VI) Hearings

47. In accordance with the Rules 12.6 *et seq.* of the IWF Constitution, the EDC may decide, either upon request or on its own motion, to hold a hearing in a given matter. Such hearing may take place in person in Lausanne (Switzerland) or at another venue, or virtually, or a combination of the above, as the need may be. This Decision is not subject to appeal.
48. Hearings are in principle behind closed doors and are only attended by the parties and their representatives, witnesses or experts or any other individual allowed to participate by the EDC.
49. The proceedings and hearing will be conducted in English. Documents provided in another language must be accompanied by certified translations at the costs of the person / entity submitting them. Any person / entity wishing to call witnesses or give evidence in another language must be accompanied by an independent translator during the hearing, at their own cost.
50. The EDC shall conduct the hearing as it sees fit, respecting at all times the due process and the parties' right to be heard. Evidence submitted late shall not be admitted by the EDC save for exceptional circumstances or if all parties to the procedure agree.
51. The parties' right to be heard may be restricted in exceptional circumstances, to be determined and reasoned by the EDC Chair as the case might be.
52. The parties can be represented by a person of their choice (subject to a power of attorney) and at their own expense.
53. A party, duly notified to participate in the procedure and attend the hearing, who fails to do so shall be bound by the EDC and its Decision. The EDC may proceed in a party's absence or non-engagement.
54. Parties have an obligation to abide by any timelines set by the EDC or by agreement of the parties.

## VII) Evidence, Burden and Standard of Proof

55. The EDC will have absolute discretion regarding the admissibility of evidence and its assessment. It may appoint – upon request or on its own motion - any individual with special competence / expert in order to assist its assessment. Unless otherwise specified in the IWF rules, the burden of proof lies with the party asserting the claim or fact in issue, and the standard of proof shall be the comfortable satisfaction of the EDC, bearing in mind the seriousness of the allegation which is made.
56. The same burden of proof shall apply to disciplinary or ethics infringements initiated *ex officio* lies with the EDC.
57. Facts may be established by any reliable means. Evidence may include, in particular, documents, official reports, expert opinions, Declarations from parties or witnesses, audio and video recordings, expert opinions and the outcome of the investigations.
58. Facts established through a court Decision that is not subject to appeal constitutes irrefutable evidence for the EDC.
59. Evidence obtained through violation of human dignity or which does not serve to establish relevant facts shall not be admitted.
60. Witnesses shall tell the truth and shall answer the questions raised by the EDC to the best of their knowledge and judgment, subject to the sanction of perjury. Any party requesting the examination of witnesses shall be responsible for their appearance at the hearing and shall bear the costs and expenses incurred in connection with their testimony.
61. Requests for special measures (e.g. to protect the anonymity of a vulnerable witness) may be considered by the EDC Chair. When an individual's testimony could endanger his/her life or health or their professional standing or livelihood, the EDC Chair may order (upon request or *ex officio*) that such person not be identified in the presence of the parties or not appear at the hearing. To ensure the safety of such person, the EDC may confirm his/her identity behind closed doors and in the absence of the parties.
62. The EDC may draw adverse inferences from a party that refuses to appear at a hearing and / or answer questions.
63. The ethics / disciplinary proceedings are confidential and no person / entity involved in the proceedings in any capacity may disclose any facts or other information relating to the proceedings, save as provided for within these Rules.

## VIII) EDC Decisions

64. The EDC shall render its Decisions as soon as possible after the termination of the hearing or the parties' written submissions, in principle not later than four (4) weeks.
65. After the parties' respective submissions, the EDC will deliberate and shall render its Decision either unanimously or by majority, without the right to abstain. Dissenting opinions are not published.
66. The EDC Decisions shall be written, dated and signed by at least the EDC Chair. Unless otherwise provided in the IWF rules, the EDC Decisions shall contain the following:

- (a) The composition of the EDC;
  - (b) The names of the parties and their representatives;
  - (c) Jurisdictional basis;
  - (d) A summary of the facts;
  - (e) Legal framework;
  - (f) Arguments of the parties;
  - (g) Analysis and Decision;
  - (h) Grounds for the Decision;
  - (i) The channels for appeal; and
  - (j) Any applicable cost orders.
67. If the circumstances warrant, the EDC may issue the operative part of the Decision prior to the release of the full reasoned Decision.
68. The EDC Decisions are then forwarded to the IWF Executive Board in accordance with Rule 12 of the IWF Constitution (2017 version). The IWF Executive Board shall then issue a final decisions incorporating the EDC Decision, which are notified by email to the person / entity inclusive of the right to appeal, with a copy to the respective Member Federation if applicable. Where the contact details of the party cannot be established or service is impossible, the IWF Executive Board can notify the Decision by publication on the IWF website.
69. The EDC may issue a Decision as it deems fit. Where the EDC determines that a breach of the EDC Interim Rules or the IWF Constitution / By-Laws has been established, the EDC may impose sanctions (with immediate or suspended effect) as it deems appropriate, as specified in the Ethics and Disciplinary Code.
70. Under certain exceptional circumstances, the EDC may award costs against a party. Otherwise, the proceedings shall be borne by the IWF but the parties have to bear their own legal costs, particularly in relation to legal representation, experts and interpreters.
71. The EDC may rectify any mistakes in calculation or any other obvious errors in its Decisions at any time.
72. It is the responsibility of the member federations, as well as of the relevant officials, to make sure that the final EDC Decisions are properly implemented.
73. The EDC Decisions may be published on the IWF website, unless the IWF Rules provide otherwise.

#### IX) Appeals against Decisions rendered by the EDC

74. Preliminary or procedural orders by the EDC or the EDC Chair are not subject to appeal, unless such order resolves or terminates the matter or is subsequently incorporated into a final Decision.
75. In accordance with Rule 12.8 of the IWF Constitution (2017 version), the Decisions of the EDC, after their adoption by the IWF Executive Board, may only be appealed either by a party to the proceedings or by a party having legal interest in the outcome of the case before the Court of Arbitration for Sport (the CAS).
76. The deadline for filing an appeal to CAS shall be twenty-one (21) days from the date of receipt of the Decision in question by the appealing party. The Code of Sports-related Arbitration (CAS Code) will apply to the proceedings.

77. The appeal does not have a suspensive effect to the EDC Decisions, which are immediately enforceable, unless such suspensive effect is requested - and granted – by the CAS in accordance with Article R37 CAS Code.

78. The Member Federations are responsible to ensure the enforcement and implementation of the EDC Decisions that are no longer subject to appeal.

## XI) Miscellaneous

79. Notices or communications are valid if sent in writing by registered mail or email. All correspondence should only be sent to the EDC Secretariat and not to the EDC Members. If sent by registered mail, the notice of communication is deemed to have been sent on the date of the stamp of the postal office or the courier. Communications transmitted by email are deemed to have been sent on the same day if sent at or prior to 23:59 in the time zone of the sender and to the correct address.

80. Time limits under the EDC Interim Rules commence on the day following the day when a notice or other communication is sent. Non-Working Days during the period of a time limit are included in the calculation of that period; if the time limit expires on a non-working day in the place of domicile of the party required to comply with such time limit, then the time limit expires on the next working day.

81. Where a procedural matter arises that is not otherwise provided for in the Procedural Rules, the EDC will resolve it as it sees fit.

82. Possible deviations or procedural irregularities will not invalidate the findings and Decision of the EDC unless it can be established that these have caused a miscarriage of justice.

83. Neither the EDC nor the EDC Secretariat may be held liable for any action or omission relating to any procedure conducted pursuant to these procedural rules, unless otherwise provided by law.

## C. Eligibility Determination Panel and Rules of Procedure

### I) Introduction

84. In accordance with the Terms of Reference and the By-Law to 12 (Rule 12.1 and 12.7 c) of the IWF Constitution, the EDC may recommend measures to be taken by the Executive Board in case of any relevant violations of the IWF Constitution and the IWF By-Laws, including the EDC Interim Rules. Within this framework, the EDC shall delegate the functions of the Eligibility Determination Panel to Sport Resolutions (UK), who will appoint the members from its panel of independent arbitrators, prior to the Electoral Congress of 26-27 March 2021. The Eligibility Determination Panel (EDP) shall apply the specific eligibility criteria set out below.

85. The general eligibility criteria of the individuals who filed their candidacy for the IWF Elections of 26-27 March 2021 specified in the IWF By-Law 8.1.4 et seq. (“Candidate”) are controlled and verified directly by the IWF Secretariat before transmitting the “Candidature Form” and the full file to the EDC Eligibility Determination Panel as per the Terms of Reference and the EDC Interim Rules.

86. The EDC Eligibility Determination Panel shall then examine the Candidature Form along with the eligibility verification documentation available on the nominees; if it considers that their profile is not in line with the IWF Constitution, the By-Laws and particularly the EDC Interim Rules (including the Interim Eligibility Criteria set out below), it shall declare these Candidates to be ineligible for the Electoral Congress of 26-27 March 2021 and inform the IWF Executive Board in accordance with Rule 12.1 and 12.7 of the IWF Constitution and the Terms of Reference.
87. In order to comply with By-Law to 4.1 (Rule 8) of the IWF Constitution, the following timeline shall be followed:
- The present EDC Interim Rules shall be enacted by the IWF Executive Board by 8 February 2021;
  - The EDC Secretariat, shall immediately invite all Candidates to submit their consent form and declaration form as per the EDC Interim Rules, with a deadline of Monday 15 February 2021;
  - The Eligibility Determination Panel shall submit its determinations on the final verified list of eligible candidates to the IWF Executive Board by 15 March 2021.

## II) Election and Candidate Eligibility rules

88. A person must not accept any nomination to become a candidate knowing that he/she will not be able to satisfy each of the requirements of the eligibility criteria of the IWF Constitution and the ones listed below.
89. A Candidate is entitled to promote their candidacy provided that the candidate does at all times act with the utmost honesty and dignity.
90. Under no circumstances may a Candidate display conduct which is or could reasonably be construed to be insulting or defamatory towards any other Candidate, or Members of the IWF.
91. A Candidate may speak publicly, give interviews and issue written statements and responses to questions provided that such Candidate complies at all times with the aforementioned principles and the IWF Rules.
92. If the Eligibility Determination Panel determines to its comfortable satisfaction that a Candidate has breached the obligations under 88, 89, 90 and 91 above, it may, depending on the seriousness of the breach, propose to the IWF Executive Board that such Candidate is ineligible to stand for the elections.

## III) Eligibility criteria and procedure

93. The general eligibility criteria are set out in Rule 8 of the IWF Constitution and are controlled by the IWF Secretariat prior to the submission of the Candidature Form and the eligibility verification documentation to the Eligibility Determination Panel.
94. The specific eligibility criteria are set out below and must be evidenced and confirmed through the eligibility verification documentation:
- The Candidate is not bankrupt;
  - The Candidate is not a mentally incapacitated person;

- The Candidate is not an employee of the IWF, on whatever terms;
- The Candidate has not been convicted of an offence which is punishable by a period of imprisonment of four (4) years or greater, by a court or tribunal of competent jurisdiction;
- The Candidate has not been charged with or convicted of any offence relating to a child or a minor;
- The Candidate is not and has not at any time within the last five (5) years been disqualified or banned from being a director of a corporation as a result of any Decision made by any court or tribunal of competent jurisdiction;
- The Candidate is not currently serving in any country any period of ineligibility longer than twelve (12) months for any breach of any rules of the IWF Constitution or By-Laws or the Olympic Charter, including any rules relating to ethics and conduct;
- The Candidate has not at any time within the last ten (10) years been determined by the CAS or any court or tribunal of competent jurisdiction as being guilty of an anti-doping rule violation;

95. The Candidate shall submit a properly filled out declaration confirming the specific eligibility criteria listed above and shall confirm that he/she is a fit and proper person and that, to the best of his/her knowledge, there is no fact, matter or circumstance which would reasonably cause the Eligibility Determination Panel to conclude otherwise.
96. The Candidate shall submit certified copies of any documents relied on to prove the truth and the accuracy of the matters declared.
97. The Candidate shall submit a signed consent and waiver whereby he/she:
- (i) Consents to the jurisdiction of the Eligibility Determination Panel and any determination of such Panel under the EDC Interim Rules.
  - (ii) Consents to the use of his/her personal data for the assessment and determination of the candidature by the Eligibility Determination Panel for the elections of 26-27 March 2021.
  - (iii) Acknowledges and agrees that he/ she is bound by the IWF Constitution and the EDC Interim Rules.
  - (iv) Shall comply fully and in a timely manner with any request for further information called for by the Eligibility Determination Panel in relation to the Candidate.

#### IV) Eligibility Determination Panel Rules of Procedure

98. The Eligibility Determination Panel shall determine whether, in its opinion, a Candidate is eligible to stand as a Candidate for election in the next Electoral Congress of 26-27 March 2021 including:
- (a) Any elected position on the Executive Board;
  - (b) Any elected position on any IWF Commission;
  - (c) Any elected position on any IWF Committee;
99. The Eligibility Determination Panel can determine whether, on the balance of probabilities, a person is eligible to be a Candidate for election on the IWF Executive Board, an IWF Commission or an IWF Committee, having regard to the requirements of the IWF Constitution and By-Laws, the aforementioned eligibility criteria and also the position or office concerned. More specifically, and even if the eligibility criteria are *a priori* met, the Eligibility Determination Panel may still determine, based on all available elements of the file, including documents and official reports, that the Candidate is not eligible if such candidature brings the sport of weightlifting into disrepute under Rule 4.2.11 of the IWF Constitution.

100. The IWF must promptly make available to the Eligibility Determination Panel all documents, reports and information obtained in relation to the nomination of a person.
101. The Eligibility Determination Panel may make any request to the IWF, the person nominated or any other person to provide to the Eligibility Determination Panel any further information, including but not limited to documents or official reports reasonably required for the purpose of determining whether or not a person is or remains eligible.
102. The Eligibility Determination Panel shall have all necessary jurisdiction and power to obtain all necessary documents, official reports and information from third parties, for the purpose of discharging its functions. Lack of cooperation or failure to disclose requested information shall be taken into consideration by the Eligibility Determination Panel in relation to any determination which the latter has been requested to make.
103. The Eligibility Determination Panel shall have the right to instruct and engage external third-party advisors and experts to assist the Eligibility Determination Panel to carry out its mandate in relation to any determination which the Eligibility Determination Panel has been requested to make.
104. The Eligibility Determination Panel shall, in relation to any question of any eligibility of any person, determine that the person is either:
  - (a) Eligible, by reference to the applicable provisions of the EDC Interim Rules; or
  - (b) Ineligible, by reference to the applicable provisions of the EDC Interim Rules.
105. A determination of the Eligibility Determination Panel is not appealable by the person concerned or the nominating Member Federation.
106. Although it is preferable that determinations and Decisions of the Eligibility Determination Panel be made by consensus, a determination shall be made by at least a majority of the Eligibility Determination Panel members.
107. A member of the Eligibility Determination Panel must recuse himself/ herself from taking any part in the consideration of the eligibility of a Candidate in any circumstances where the member of the Eligibility Determination Panel has any personal connection with the person under consideration, or any interest in the dealings with such Candidate.
108. The Eligibility Determination Panel shall meet – in person or virtually - as often as is necessary for the purpose of complying with the present EDC Interim Rules.
109. The Eligibility Determination Panel shall have minutes kept of all of its meetings. Those minutes shall remain confidential to the Eligibility Determination Panel, and all minutes of all meetings shall be kept in the safe custody of EDC Secretariat. The latter may destroy and obliterate any records, documents and information obtained not less than twelve (12) months since the date of the Eligibility Determination Panel final determination, unless there are intervening circumstances to the contrary.
110. The Eligibility Determination Panel shall submit its final determinations to the IWF Executive Board within the applicable time limits set out above; the IWF Executive Board shall then finalize the list of eligible candidates following the Eligibility Panel's determinations.

## D. Ethics and Disciplinary Code

### I) Goals of the Ethics and Disciplinary Code

111. The following Ethics and Disciplinary Code is in line with the By-Law to 12 of the IWF Constitution. The present Ethics and Disciplinary Code aims at safeguarding the integrity of weightlifting at an international level and defines the core values for conduct both within the IWF but also with external parties. It does so by implementing the Governance Principles of
- (a) Democracy;
  - (b) Transparency;
  - (c) Accountability;
  - (d) Fair play;
  - (e) Sportsmanship; and
  - (f) Clean sport.

### II) General Obligations of Good Conduct and Ethics

112. Any person or organisation bound by the EDC Interim Rules has a personal duty and responsibility to ensure that they do take all necessary steps to understand and comply with the provisions of the Ethics and Disciplinary Code that apply to the person or organisation.
113. Any person or organisation bound by this Ethics and Disciplinary Code will violate or breach the Ethics and Disciplinary Code in any of the following circumstances:
- (a) If the person or organisation fails to comply with an applicable provision of the Ethics and Disciplinary Code or fails to cooperate truthfully and in good faith with the EDC at all times and regardless of whether they have been involved in a particular matter in any role;
  - (b) If the person or organisation assists or is complicit with any other person in relation to a breach of the Ethics and Disciplinary Code; or
  - (c) if the person or organisation conceals or intentionally fails to report a breach or violation of the Ethics and Disciplinary Code by any other person or organisation bound by the Ethics and Disciplinary Code.
114. Any person or organization bound by this Ethics and Disciplinary Code of Ethics must at all times:
- (a) comply with all applicable rules, including – but not limited to - the Governance Principles and the fundamental principles of Olympism;
  - (b) act in accordance with the highest standards of integrity and honesty;
  - (c) not engage in any conduct which is detrimental to, brings into disrepute or is materially inconsistent with the best interests or welfare of the Federation, the Sport, the Olympic Movement, the members of the Federation as a collective or the person or organization concerned; and
  - (d) not engage in any conduct which amounts to harassment or discrimination of any kind against any person.

### III) Specific Obligations of Good Conduct and Ethics

115. **Duty of confidentiality :** Confidential information received by any person bound by this Ethics and Disciplinary Code – and particularly an Official – in the exercise of his functions remains the property of the Federation and shall not be disclosed unless explicitly permitted by the President of the IWF or such information

violates principles of the IWF Constitution and the EDC Interim Rules. In the latter case, such information should be disclosed through the established channels under the EDC Interim Rules. Such obligation is not terminated with the termination of any relationship that binds such a person or organization to this Ethics and Disciplinary Code.

116. **Duty to report breaches of the Ethics and Disciplinary Code:** A person or Organization bound by this Ethics and Disciplinary Code – and particularly an Official – shall inform, in writing, the IWF EDC Secretariat of any infringements of the Ethics and Disciplinary Code as soon as they become aware of them.

117. **False reporting of breaches of the Ethics and Disciplinary Code:** Persons bound by the Ethics and Disciplinary Code shall refrain from making any report of actual or suspected breaches under the Ethics and Disciplinary Code where (a) the report is knowingly false or knowingly incorrect or (b) the person or organization impersonates any other person or organization in the making of the report.

118. **Conflicts of interests :** Officials shall not perform their duties in case of an existing or potential conflict of interest. A conflict of interest arises if a person bound by the Ethics and Disciplinary Code has, or appears to have, secondary interests that could influence his ability to perform his duties in an independent manner. Secondary interests include, but are not limited to, gaining any advantage for the persons bound by this Code themselves or other, related parties. Conflicts of interest shall be immediately disclosed and notified to the organisation for which the person bound by the Ethics and Disciplinary Code performs his duties.

Before being elected, appointed or employed, all Officials shall disclose any relations and interests that could lead to situations of conflicts of interest in the context of their prospective activities. They must use due care and diligence in fulfilling their functions of office.

119. **Undue commission :** Persons bound by the Ethics and Disciplinary Code shall not accept, give, offer, promise, receive, or request commission for themselves or third parties for conducting business in connection with their duties, unless so covered by a valid and legal commercial agreement.

120. **Abuse of position:** Persons bound by the Ethics and Disciplinary Code shall not abuse their position in any way, especially to take advantage of their position for private aims or gains. Officials bound by the Ethics and Disciplinary Code shall never attempt to improperly influence the outcome of any official Decision.

121. **Public statements of a defamatory nature:** Persons bound by the Ethics and Disciplinary Code are forbidden from making any public statements of a defamatory nature towards the Federation and/or towards any other person or Organization bound by the Ethics and Disciplinary Code in the context of IWF events. Officials bound by the Ethics and Disciplinary Code shall refrain from making any public statement (including in the media or social media) in respect or in connection with the Federation, its Members, the Sport, the Olympic Movement any Athlete or official of the Federation without the express permission of the President or the Executive Board.

122. **Threats, harassment and sexual abuse:** Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are prohibited. Persons bound by the Ethics and Disciplinary Code (a) shall protect, respect and safeguard the integrity and personal dignity of others; (b) shall not use offensive gestures and language in order to insult someone in any way or to incite others to

hatred or violence; (c) must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracize or harm the dignity of another person.

123. **Acceptance and offering of an undue advantage:** Persons bound by the Ethics and Disciplinary Code shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone within or outside the Federation. It is immaterial whether these offences were committed directly or indirectly through, or in conjunction with, third parties. In particular, persons bound by the Ethics and Disciplinary Code shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities and is contrary to their duties or falls within their discretion.
124. **Misappropriation or misuse of funds:** Persons bound by the Ethics and Disciplinary Code – and particularly Officials - shall not misappropriate or misuse funds of the Federation or any of its Members, whether directly or indirectly through, or in conjunction with, third parties. Persons bound by the Ethics and Disciplinary Code shall refrain from any activity or behaviour that might give rise to the appearance or suspicion of a breach of this article.
125. **Manipulation of competitions:** Persons bound by the Ethics and Disciplinary Code shall not be involved in the manipulation of competitions through match fixing or in any other way, and shall immediately report to the IWF EDC Secretariat any approach in connection with activities and/ or information directly or indirectly related to the possible manipulation of a competition.

#### IV) Measures and Sanctions

126. In accordance with By-Laws 12.1, 12.7 of the IWF Constitution and the Terms of Reference, after determining that a violation of the Ethics and Disciplinary Code has been established, and except where a sanction is expressly provided for, the IWF EDC may take any of the following measures and sanctions or a combination of several such measures and sanctions :
- (a) Reprimand;
  - (b) Suspension;
  - (c) Temporary or permanent ineligibility ;
  - (d) Disqualification;
  - (e) Withdrawal from the IWF Development Program;
  - (f) Imposition of financial sanctions, including fines
  - (g) Exclusion from the competition; and/or
  - (h) Expulsion from the IWF and from any of its bodies.

All measures and sanctions are taken without prejudice to any other rights of the IWF and of any other body of the IWF.

#### V) Rules relating to sanctions and their determination

127. Unless otherwise provided in the IWF Constitution and the Ethics and Disciplinary Code, the IWF EDC shall Decide the scope and duration of any sanction.
128. When imposing a sanction, the IWF EDC shall take into account all relevant factors in the case, including:

- (a) the nature of the offence and all the surrounding circumstances;
- (b) the interest in deterring similar offence; and
- (c) the degree of the offender's fault and any mitigation grounds.

129. In case of mitigating circumstances, including - in particular - the return of the advantage received or the offender's substantial assistance to the EDC in uncovering additional offences, the latter may go below the minimum sanction, if deemed appropriate taking into account all circumstances of the case.

130. Repeated offenses or the fact that a person holds a high position in the sport of weightlifting shall be considered aggravating circumstances, allowing the IWF EDC to go beyond the maximum limit provided for a violation of the relevant rules foreseen in the Ethics and Disciplinary Code.

131. In case of multiple breaches, the non-monetary sanction shall be based on the most serious breach, and will be increased as appropriate, depending on the specific circumstances.

132. The EDC will be prevented from prosecuting breaches of the Ethics and Disciplinary Code after five (5) years from the date they were allegedly committed. For offences relating to bribery and corruption, misappropriation and misuse of funds, sexual abuse and protection of physical and mental integrity, the prescription time will be ten years.

133. The limitation period shall be interrupted in case of a criminal procedure opened against a person bound by the Ethics and Disciplinary Code and shall be extended by half if an investigation has been initiated before the expiration of the limitation period.