



EUROPEAN SAILING FEDERATION

THE CONTINENTAL ASSOCIATION FOR SAILING IN EUROPE
SUPPORTING SAILING IN EUROPE SINCE 1998

Proposals to the General Assembly

17 April 2021

Good Governance

Since end 2017 the Executive Board has set out to improve EUROSAF's governance by following the principles of good governance set forth by the Association of Summer Olympic International Federations (ASOIF) for its members, namely transparency, integrity, democracy, sports development/solidarity, and control mechanisms.

In 2018 the Executive Board conducted an initial, conservative self-assessment by checking EUROSAF's compliance with the ASOIF criteria defined in the ASOIF Governance Task Force International Federation Self-Assessment Questionnaire. Because EUROSAF is not an international federation comparable in scope with ASOIF members, it emerged that some criteria are not directly applicable to EUROSAF and many policies, structures, and procedures recommended for ASOIF members exceed EUROSAF goals or capabilities.

During the World Sailing Annual Conference in October 2019, the president took the opportunity to comment the situation with James Carr, head of Administration & Projects at ASOIF, who explained that as the ASOIF criteria are not compulsory for its members and rather form a set of guiding rules for international federations to adapt to their needs and reality, the more so for non-ASOIF members.

Nevertheless, the Executive Board believes the ASOIF criteria set a course for improvement and provide a yardstick to measure it. Hence, the Executive Board has identified a wide set of actions that will improve EUROSAF's governance, as measured by compliance with ASOIF criteria, and has decided to apply them as an on-going improvement process.

Some such actions entail adopting the guiding codes listed in the *ASOIF Governance Task Force International Federation Self-Assessment Questionnaire*. These are documents, all but one issued by the International Olympic Committee (IOC), ASOIF expects its members to comply with:

- The IOC *Olympic Charter*, and in particular the missions set out in its Rule 26.
- The WADA *World Anti-Doping Code*.
- The IOC *Code of Ethics*, or an internal code of ethics specifically referring to it.
- The IOC Basic Universal Principles of Good Governance of the Olympic and Sports Movement.
- The *Olympic Movement Code Against the Manipulation of Sport Competitions*, or an internal code addressing betting, match fixing, and the manipulation of competitions specifically referring to it.
- The (IOC) *Agenda 2020* recommendations, now updated into the *Agenda 2020+5* set of 15 recommendations.



1. Rule 26 of the Olympic Charter

The missions set out in Rule 26 of the Olympic Charter are:

1. The mission and role of the IFs [International Federations] within the Olympic Movement are:

1.1. to establish and enforce, in accordance with the Olympic spirit, the rules concerning the practice of their respective sports and to ensure their application;

1.2. to ensure the development of their sports throughout the world;

1.3. to contribute to the achievement of the goals set out in the Olympic Charter, in particular by way of the spread of Olympism and Olympic education;

1.4. to support the IOC in the review of candidatures for organising the Olympic Games for their respective sports;

1.5. to assume the responsibility for the control and direction of their sports at the Olympic Games;

1.6. for other international multisport competitions held under the patronage of the IOC, IFs can assume or delegate responsibility for the control and direction of their sports;

1.7. to provide technical assistance in the practical implementation of the Olympic Solidarity programmes;

1.8. to encourage and support measures relating to the medical care and health of athletes.

2. In addition, the IFs have the right to:

2.1. formulate proposals addressed to the IOC concerning the Olympic Charter and the Olympic Movement;

2.2. collaborate in the preparation of Olympic Congresses;

2.3. participate, on request from the IOC, in the activities of the IOC commissions.

The provisions of Rule 26 are clearly related to rights and obligations of International Federations of Olympic sports, mainly in their relationship with the IOC. Therefore the Executive Board believes they are not directly applicable to EUROSAF and thus they need not be formally adopted as a way to improve EUROSAF's governance.

2. Olympic Agenda 2020+5

These are the titles of the *Olympic Agenda 2020+5* set of 15 recommendations:

1. Strengthen the uniqueness and the universality of the Olympic Games

2. Foster sustainable Olympic Games

3. Reinforce athletes' rights and responsibilities

4. Continue to attract best athletes

5. Further strengthen safe sport and the protection of clean athletes

6. Enhance and promote the Road to the Olympic Games



7. *Coordinate the harmonisation of the sports calendar*
8. *Grow digital engagement with people*
9. *Encourage the development of virtual sports and further engage with video gaming communities*
10. *Strengthen the role of sport as an important enabler for the UN Sustainable Development Goals*
11. *Strengthen the support to refugees and populations affected by displacement*
12. *Reach out beyond the Olympic community*
13. *Continue to lead by example in corporate citizenship*
14. *Strengthen the Olympic Movement through good governance*
15. *Innovate revenue generation models*

The full 37-page document can be downloaded here:

[https://stillmedab.olympic.org/media/Document Library/OlympicOrg/IOC/What-We-Do/Olympic-agenda/Olympic-Agenda-2020-5-15-recommendations.pdf](https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Olympic-agenda/Olympic-Agenda-2020-5-15-recommendations.pdf).

Again, the recommendations are clearly directed to International Federations of Olympic sports, mainly regarding their role in the Olympic Games. Although some may serve as guidance for EUROSAF in its Continental role (e.g. recommendations from titles 3, 4, 5, 7, 8, 9, 13, and 15), the Executive Board believes they need not be formally adopted as a way to improve EUROSAF's governance.

3. EUROSAF Code of Ethics

All remaining ASOIF guiding codes are directly referred to in the IOC *Code of Ethics*, that also serves as a model for the WS *Code of Ethics*. The Executive Board believes that adopting a EUROSAF *Code of Ethics* incorporating the references to the remaining guiding codes would improve EUROSAF's governance. Therefore it has drafted a EUROSAF *Code of Ethics* closely following the IOC's, adapted to EUROSAF's Continental role. The proposal has been reviewed by the Legal Committee and is presented to the General Assembly for approval. If approved, EUROSAF will also comply with further ASOIF criteria (namely 3.1, 3.2, and 3.3).



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EUROSAF Code of Ethics ⁽¹⁾

1. PREAMBLE

According to Article 2 – *Objects and Aims* of EUROSAF's Constitution, the aims of EUROSAF are:

2.2.b) *To promote fair play and other ethical values in sport and to fight against all forms of doping;*

2.2.c) *To fight against any discrimination, be it based on race, colour, gender, physical ability, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other.*

According to Article 3 – *Relationship with World Sailing*:

3.1. *EUROSAF recognises World Sailing as the world authority of the sport of sailing.*

3.2. *EUROSAF is the Affiliate Continental Member of World Sailing responsible for fostering sailing in Europe and will fulfil and maintain the obligations that entails.*

As an affiliate member to World Sailing, EUROSAF, in its activities related to World Sailing, must comply with the rules and obligations set by World Sailing upon its members, including the *World Sailing Code of Ethics* and all its related regulations. ⁽²⁾

As a principal actor in European sport and following the basic principles set out in its Constitution, EUROSAF states firmly its commitment to maintaining the highest level of ethics compliance and therefore adopts, for its internal activities, a code of ethics based on the principles and rules of the *IOC Code of Ethics*.

2. FUNDAMENTAL PRINCIPLES

Article 1

1.1. Respect for the universal fundamental ethical principles is the foundation of EUROSAF ethical commitment. These include:

- a. Respect for the sporting spirit, which requires mutual understanding and respect with an attitude of friendship, solidarity, and fair play.
- b. Respect for the principle of the universality and political neutrality of sport.
- c. Maintaining harmonious relations with state authorities, while respecting the principle of autonomy.
- d. Respect for international conventions on protecting human rights insofar as they apply to sport activities and which ensure in particular:
 - Respect for human dignity;
 - Rejection of discrimination of any kind on whatever grounds, be it race, colour, gender, physical ability, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, or other status; ⁽³⁾

¹ Footnotes are comments that are not part of the *Code of Ethics* and will not appear in the Code.

² From here on, the text follows the *IOC Code of Ethics*, edited to fit EUROSAF's Continental role.

³ As listed in Article 2.2.c of the Constitution.



- Rejection of all forms of harassment and abuse, be it physical, mental, professional, or sexual, and any physical or mental injuries.
- e. Ensuring the participants' conditions of safety, wellbeing, and medical care favourable to their physical and mental development and equilibrium.

3. INTEGRITY OF CONDUCT

Article 2

2.1. EUROSAF parties must use due care and diligence in fulfilling their mission. At all times, they must act with the highest degree of integrity, and particularly when taking decisions, they must act with impartiality, objectivity, independence, and professionalism. They must refrain from any act involving fraud or corruption. They must not act in a manner likely to tarnish the reputation of the sport of sailing, EUROSAF, World Sailing, or any Executive Board member. ⁽⁴⁾

Article 3

3.1. EUROSAF parties or their representatives must not, directly or indirectly, solicit, accept, or offer any form of remuneration or commission, nor any concealed benefit or service of any nature, connected with EUROSAF events and activities.

Article 4

4.1. Only tokens of consideration or friendship of nominal value, in accordance with prevailing local customs, may be given or accepted by EUROSAF or third parties. Such tokens may not lead to the impartiality and integrity of EUROSAF parties being called into question. Any other form of token, object, or benefit constitutes a gift that may not be accepted, but must be passed on to the organisation of which the beneficiary is a member.

Article 5

5.1. For hospitality shown to EUROSAF parties, as well as those accompanying them, a sense of measure must be respected.

Article 6

6.1. EUROSAF parties must refrain from placing themselves in any conflict of interests and must respect any regulation enacted to that effect.

Article 7

7.1. EUROSAF Members, members of the Executive Board, members of EUROSAF consulting bodies, the auditors, and any person or entity depending upon EUROSAF or acting on its behalf are considered EUROSAF parties. Elected or appointed EUROSAF parties shall sign a declaration whereby they agree to be bound by the present Code.

4. INTEGRITY OF COMPETITIONS

Article 8

8.1. EUROSAF parties shall commit to combat all forms of cheating and shall continue to undertake all the necessary measures to ensure the integrity of sailing competitions.

⁴ As listed in Article 38.1.c of the Constitution.



Article 9

9.1. EUROSAF parties must respect the provisions of the *World Anti-Doping Code* and of the *Olympic Movement Code on the Prevention of the Manipulation of Competitions*.

Article 10

10.1. All forms of participation in, or support for betting related to EUROSAF events and all forms of promotion of betting related to EUROSAF events are prohibited.

Article 11

11.1. Participants in EUROSAF events must not, by any manner whatsoever, manipulate the course or result of a competition, or any part thereof, in a manner contrary to sporting ethics, infringe the principle of fair play, or show unsporting conduct.

5. GOOD GOVERNANCE AND RESOURCES

Article 12

12.1. All EUROSAF parties must respect the Basic Universal Principles of Good Governance of the Olympic and Sports Movement, in particular transparency, responsibility, and accountability.

Article 13

13.1. EUROSAF resources of EUROSAF parties must be used only for EUROSAF-approved purposes.

Article 14

14.1. The income and expenditure of EUROSAF parties must be recorded in their accounts in accordance with generally accepted accounting principles. An auditor independent from management shall check these accounts.

14.2. When EUROSAF gives financial support to EUROSAF parties:

- a. The use of these EUROSAF resources for EUROSAF-approved purposes must be clearly demonstrated in the accounts.
- b. The accounts of EUROSAF parties may be subjected to auditing by an expert designated by the EUROSAF Executive Board.

Article 15

15.1. EUROSAF parties recognise the significant contribution that broadcasters, sponsors, partners, and other supporters make to the development and prestige of the sailing sport. However, such supporters must not interfere in the running of sports organisations. EUROSAF parties shall be watchful against such interference, active or otherwise.

6. CONFIDENTIALITY

Article 16

16.1. All persons involved in any proceedings as provided for in Article 18 shall strictly respect the principle of confidentiality in all their activities.



7. REPORTING OBLIGATION

Article 17

17.1. EUROSAF parties shall inform the Secretary General or any other member of the Executive Board, in the strictest confidentiality and by using the appropriate mechanisms, of any information related to a violation of the present Code, with a view to a possible referral to an *ad hoc* Ethics Commission.

17.2. Any disclosure of information must not be for personal gain or benefit, nor be undertaken maliciously to damage the reputation of any person or organisation.

8. IMPLEMENTATION

Article 18

18.1. In accordance with Article 24.2.d of the Constitution, the Executive Board establishes an *ad hoc* Ethics Commission to implement the present Code when a violation or suspected violation is reported by a third party or known by one of its members.

18.2. If the violation or suspected violation concerns a member of the Executive Board, this member shall not take part in any proceedings provided for in this article, without prejudice to their right to make representations or to appeal any decision in accordance with Articles 38.3 and 38.4 of the Constitution.

18.3. The chair of the Legal Committee is the chair of the *ad hoc* Ethics Commission, unless the reported violation or suspected violation concerns a member of the Legal Committee, in which case the chair is nominated by the President.

18.4. The role of the *ad hoc* Ethics Commission is to ascertain the violation of the present Code and refer its findings to the Executive Board. In such a role it has as ample capability as needed to gather and request information of any kind from EUROSAF parties.

18.5. The *ad hoc* Ethics Commission may set out provisions for the implementation of the present Code as regulations proposals, subject to the approval by the Executive Board in accordance with Article 24.2.i of the Constitution.

18.6. Once the *ad hoc* Ethics Commission has examined the violation or suspected violation of the present Code and reported its findings to the Executive Board, it shall be disbanded.

18.7. Upon reporting of the findings by the *ad hoc* Ethics Commission, the Executive Board may launch an internal disciplinary procedure under Article 38 of the Constitution or refer the violators to World Sailing's Compliance Officer, to the World Anti-Doping Agency, or to law enforcement authorities.

Article 19

19.1. The EUROSAF Office is available to the *ad hoc* Ethics Commission in its role to implement the present Code.