



Situation 2020/04

DECISION WITH RECOMMENDATIONS

On the situation of

Mr Gianni Infantino, IOC Member in Switzerland, FIFA President,
FIFA
and of
the Court of Arbitration for Sport

Facts and procedure

By letter dated 26 October 2020, the Swiss company Sport 7 represented by a Swiss lawyer, Mr Philippe Renz filed a complaint against Mr Gianni Infantino, IOC Member in Switzerland and FIFA President, the FIFA and the Court of Arbitration for Sport. This complaint was supported by subsequent communications dated 6, 13 and 29 November 2020 and 11 December 2020.

Pursuant to the Rules of Procedure, both FIFA and its President submitted their comments. They have disputed all the allegations and contested the competence of the IOC Ethics Commission in this matter.

Analysis of the jurisdiction and the facts

- With regard to the Court of Arbitration for Sport:

The IOC Ethics Commission notes that the Court of Arbitration for Sport is excluded from the Scope of application of the IOC Code of Ethics.

Therefore, the complaint regarding the Court of Arbitration for Sport falls outside the scope of both the IOC and its IOC Ethics Commission.

- With regard to FIFA:

Concerning the jurisdiction, the IOC Ethics Commission noted that, pursuant to Rule 25 of the Olympic Charter, “each International Federation maintains its independence and autonomy in the governance of its sport”, subject to the condition that their “statutes, practice and activities are in conformity with the Olympic Charter”; and that the IOC Code of Ethics’ Scope of application vis-à-vis the International Federations and their officials is specifically limited to “their relations with the IOC”.



In this complaint, Sport 7 alleges that FIFA failed to act upon the actions of its “indelicate” leaders and incapable of performing its work in strict compliance with Swiss legal orders and with the principles of good governance. The complaint refers to the “legal no-mans’ land” of the football players transfer market which would be at the origin of illicit practice of remuneration of agent’s players clubs and the resulting conflicts of interest; these practices may constitute criminal infractions, such as money laundering, tax evasion, corruption and all kind of abuses of players.

The IOC Ethics Commission noted that the complaint is based on a general analysis but not on specific facts. Moreover, the IOC Ethics Commission took note of the numerous answers regarding to the same allegations, given by the various Swiss Federal Authorities between December 2017 and May 2020, which did not identify any breaches of the Swiss law.

The IOC Ethics Commission noted that the complaint in no way concerns the relations between the IOC and FIFA, but rather the management of this organisation which is the exclusive remit of the International Federation.

Therefore, the complaint regarding FIFA falls outside of the scope of both the IOC and its Ethics Commission.

- With regard to Mr Gianni Infantino, IOC Member and FIFA President:

Mr Gianni Infantino, in his capacity as an IOC Member since 2020, falls under the scope of application of the IOC Code of Ethics at all times and in all circumstances.

Concerning the allegations regarding the management of the International Federation and in particular the players transfer market also brought against Mr Gianni Infantino, the IOC Ethics Commission notes that the complaint refers only to the general analysis linked with the management of this International Federation, which is outside the Scope of application of the IOC Code of Ethics.

Therefore, in the absence of evidence of any specific facts which could be personally reproached to Mr Gianni Infantino, the complaint shall be rejected.

Concerning the allegations regarding the ongoing Swiss Extraordinary Federal Prosecutor’s investigation, the IOC Chief Ethics and Compliance Officer was already informed and continues to monitor this situation within the framework of the Rules of Procedure.



DECISION with recommendations

After deliberating in accordance with its Statutes, the IOC Ethics Commission recommends to the IOC Executive Board to:

1. reject the part of the complaint regarding the Court of Arbitration for Sport and FIFA, which is outside the scope of application of the IOC and its Ethics Commission; and
2. reject the complaint against Mr Gianni Infantino, IOC Member.

Lausanne, 22 January 2021