

# INTERNATIONAL SKATING UNION

## Communication No. 2171

### Open International Competitions

This Communication replaces with immediate effect ISU Communication No. 1974 as a consequence of the EU Commission Decision dated December 8, 2017 and subsequent implementation discussions with the EU Commission.

Based on the powers granted to the ISU Council as per the ISU Constitution, Article 17.1.q), this Communication includes a reference to an amendment of Rule 107 paragraph 13 of the 2016 ISU General Regulations that the Council adopted with immediate effect and which will be included in the Agenda of the 2018 Congress for approval by the ISU Members.

With respect to Open International Competitions, the amended Rule 107 paragraph 13 of the ISU General Regulations states:

#### **13. Open International Competitions**

- a) *An Open International Competition is a competition organized by a third party and/or co-organized by a third party and an ISU Member and/or a competition in which eligible and ineligible persons (as defined in Rule 102, paragraph 2) may compete together and/or a competition containing any novelty in format.*
- b) *The event must be sanctioned by the ISU, whereby the following provisions must be observed:*
  - i) *the entry of eligible Skaters may be made only under the control of the respective ISU Member of the eligible participating Skater, or in a country, where there is no ISU Member or no ISU Member for the respective Branch, under the control of the ISU with any approval by the respective ISU Member or ISU not to be unreasonably withheld or denied.*
  - ii) *the competition must be conducted in accordance to ISU Regulations subject to any novelty approved by the ISU Council thus exempting them from the otherwise applicable ISU rule.*

This Communication rules on the procedure applied by the ISU for sanctioning an Open International Competition.

Applications by third parties or by ISU Members that are co-organizing events with third parties must be made pursuant to this Communication and will be dealt with based on this Communication. For the avoidance of doubt, any application submitted by a third party pursuant to this Communication will be treated in a transparent and non-discriminatory manner as compared to applications submitted by ISU Members for any corresponding event on the ISU Calendar.

In the event of two or more competitions being organized on conflicting dates on the same continent, the Director General shall immediately inform the ISU Members and/or third party organizers concerned to co-ordinate the dates between them.

This Communication is also applicable to any application by third parties or ISU Members for an event with a novelty format, including those made pursuant to Rule 200 paragraph 4 Special Regulations Speed Skating or Rule 287 paragraph 4 Special Regulations Short Track Speed Skating or Rule 367 Special Regulations Single & Pair Skating and Ice Dance or Rule 857 paragraph 1 Special Regulations Synchronized Skating.

## **A. APPLICATIONS**

The application to organize an Open International Competition (the “Application”) must be submitted by ISU Members or third parties in writing with all available supportive documentation to the ISU Secretariat at least six months prior to the intended starting date of the competition. The ISU cannot guarantee the approval of any applications received within six months of the proposed date of the event.

Applications need to include the following information:

### **1. Details of the Applicant and General Information**

- (i) Name of the ISU Member or alternatively name, contact address, address, phone number, email address of the third party Applicant.
- (ii) If a legal entity: registered address, registration number, tax number(s), name and function of representative for Applicant, direct contact number, direct contact email address.
- (iii) Venue and facilities.
- (iv) Intended list of invited Skaters (eligible and non-eligible).
- (v) Where the event is organized by an ISU Member or co-organized by a third party with an ISU Member, the planned TV coverage (Host Broadcaster and right holding TV companies for each territory) and tentative telecast schedule in each territory.
- (vi) Prize Money and/or appearance fees.
- (vii) A Draft Announcement for the Open International Competition (see ISU General Regulations, Rule 112) including the format of competition.
- (viii) A clear description of any proposed novelty (e.g. different shape of track that also requires different skates to be used).

### **2. General Criteria**

- (i) In order to ensure the proper functioning of Open International Competitions by third parties, proof of sufficient financial standing for organizing the planned Open International Competition must be provided. Applicants are requested to provide a copy of the previous annual financial report filed with the relevant companies’ registry and a letter from a reputable accountancy firm confirming that the organizer is in good financial standing for the organization of the event and in particular has sufficient funds to pay all prize monies or payments due to participating Skaters and Officials.
- (ii) Evidence of relevant professional risk liability insurance for the third party Applicant involved in the organization of the Open International Competition.

- (iii) Written declaration confirming that the Applicant conforms to the ISU Rules as well as to their enforcement by the ISU as applicable to Open International Competitions (subject to any novelties approved by the ISU Council).

### **3. Technical & Sporting Criteria**

In order to ensure the proper functioning of Open International Competitions, the following technical and sporting information must be provided in the Application to demonstrate that the Applicant is capable of organizing the event:

- (i) Proposed dates including an indication of any potential conflicts with events on the ISU Calendar (having regard in particular to the proposed dates, level of Skaters to be invited, and location of the proposed event).
- (ii) Proposed number and qualification of Officials or officials to be approved by the ISU (such approval not to be unreasonably withheld).
- (iii) Health & Safety specific to Skating: Provide details and confirmation that the venue and medical staff shall conform to the standards in the ISU Statutes in particular but not limited to ISU General Regulations Rule 119, 140, 141 & 142 plus the relevant ISU Communications (subject to any approved novelty). Any evidence or test runs conducted by the organizer relating to the health and safety of any proposed novelty.
- (iv) Confirmation of compliance at the full expense of the organizers with ISU Anti-Doping Rules, i.e. ISU General Regulations, Rule 139, ISU Communication 1922 (in particular but not limited to paragraph 5.3) and ISU Communication 2117 (which include Skating specific rules for tackling doping). The confirmation must particularly include the assurance to provide Anti-Doping equipment, facilities for collection of samples, personnel to conduct the testing, transportation of samples and analyses of the samples at an accredited WADA laboratory in accordance with the ISU Anti-Doping Rules and the ISU Anti-Doping Procedures.

The ISU reserves the right to request further information on the above points relating to the technical organization of the proposed Open International Competition that is proportionate to the objective to be achieved.

### **4. Ethical Criteria**

In order to protect ethical integrity, the Applicant and any party/person cooperating with the Applicant in the organization and conduct of the event shall agree to the ethical principles as set out in the Declaration on Ethics provided in an annex to this Communication.

The ISU reserves the right to request further information relating to the Ethical Criteria that is proportionate to the objective to be achieved. In particular, the ISU reserves the right to request information concerning the directors, shareholders or *de facto* owners of a third party or sponsor of the event in order to ensure that there is no conflict of interest or integrity risk (e.g. a person involved in the organization of the event is flagged up by IOC Integrity Betting Intelligence System (IBIS) or the information is not in the public domain).

**Note:** It is recommended that an Applicant consult with the ISU if it has any doubts whether a particular activity conforms to the Declaration on Ethics.

## **B. SOLIDARITY CONTRIBUTION**

The third party agrees to pay a Solidarity Contribution in the amount of up to 10 % of its net profit of the approved Open International Competition to the ISU in favor of the development of the ISU Sports (which for the avoidance of doubt is used for solidarity and development purposes and not for any commercial activities of the ISU or its Members). The ISU has a right to request an audit of the books of the Organizer after the event.

## **C. AUTHORISATION PROCEDURE**

The Council tasks the Director General to verify the completeness of documentation contained in the Application and in case of incompleteness to grant the applicant the right to supplement its documentation. Failure to complete the Application with the requested time frame (or revised time frame agreed with the Applicant) shall result in the rejection of the Application for being manifestly incomplete.

Complete Applications will be submitted by the Director General together with a recommendation to the Council. The Council shall decide on the Application in a Council meeting or by circular vote not later than two months upon receipt of the complete Application. In the event of no response from the Council within this timeframe then the event shall be deemed approved.

The Council shall accept or reject the Application on a non-discriminatory basis between third parties and ISU Members having regard to its objectives as set out in Rule 102 of the ISU Regulations and based on the following criteria:

- (i) General Criteria; and/or
- (ii) Ethical Criteria; and/or
- (iii) Technical and Sporting Criteria

Approval by the Council of a novelty shall be subject to a test run to ensure the health and safety of Skaters participating in an event with the proposed novelty (if a test run has not otherwise taken place under ISU supervision). The ISU Council shall approve a novel element following a successful test run (subject only to the approval of any other outstanding Criteria to address a minor concern as outlined below).

The ISU Council shall also give the Applicant the opportunity to address any minor concern and to re-submit an application within two months for a final decision.

The Council's decision shall be communicated to the Applicant in writing. In the event that the Application is rejected, the ISU shall provide the Applicant with the reasons for the decision. Any appeal of an ISU decision relating primarily to the application of the Ethical Criteria or Technical and Sporting Criteria as set out above (in particular to decisions concerning the ISU's anti-doping, health and safety or ethical rules) shall be brought before the Court of Arbitration for Sport (CAS) in Lausanne. The rules for the appeal arbitration procedure of the Code of Sports Related Arbitration shall apply. For any other dispute relating to the ISU's decision, the ISU shall enter into an arbitration agreement at the request of the Applicant to refer the matter

to the ordinary arbitration procedure at CAS in accordance with the Code of Sports-Related Arbitration.

The decision of CAS shall be final and binding to the exclusion of jurisdiction of any civil court. This is without prejudice to the right of appeal before the Swiss Federal Tribunal in accordance with Swiss law and the right to challenge the enforcement or recognition of an award on grounds of public policy in accordance with any applicable national procedural laws.

#### **D. CONDITIONS FOLLOWING AUTHORISATION**

Upon ISU authorization, the Event Announcement may be posted by the Organizers on the Internet and the ISU will include the Event in its Event Calendar on the ISU website.

The successful Applicant has permission to use the following statement “Approved by the International Skating Union” or “ISU Approved Open International Competition” in any correspondence or advertising associated with the Open International Competition.

The ISU reserves the right to conduct an inspection before the authorized Open International Competition and to maintain an inspection team on site at all times during the event.

The Applicant shall submit a protocol including all competition results immediately after completion of the Open International Competition to the ISU Secretariat.

#### **E. INFORMATION FOR APPLICANTS**

The provisions from ISU Statutes and Communications referred to above can be downloaded from the official ISU website <http://www.isu.org/>. Please note that any update to the rules and Communications cited in this Communication (e.g. Anti-Doping or Health & Safety) are automatically applicable unless otherwise specified in the revised rules. The Applicant is invited to raise any queries and engage in a dialogue with the ISU Secretariat during the application process.

Tubbergen,  
May 29, 2018  
Lausanne,

**Jan Dijkema**, President

**Fredi Schmid**, Director General

**ANNEX**  
**DECLARATION ON ETHICS**

[NAME AND DETAILS] (the “Organizer”) declares to the ISU that it shall adhere to the following ethical principles in order to protect the integrity of the Open International Competition(s) authorized by the ISU:

- (i) The Organizer is required to adhere to the highest standards of fair play, honesty, respect, truth, fairness, ethical behavior and sporting attitude. The Organizer shall refrain from any attempt to influence the course and/or results of any ice skating event in a manner contrary to sporting ethics.
- (ii) The Organizer will apply best practices to protect young Skaters from sexual exploitation (notably with respect to employees, service providers and Officials acting under its direction).
- (iii) The Organizer agrees to treat all Skaters, Officials, volunteers and employees, including the young and vulnerable, in a respectful and non-discriminatory manner.
- (iv) The Organizer will not exploit young Skaters and will ensure that any minor Skater (under 18) is represented by a competent person.
- (v) The Organizer commits to disclose any interest that could reasonably be considered to involve a conflict of interest and to refrain from any activity directly or indirectly giving rise to a conflict of interest.
- (vi) The Organizer will not engage in any conduct which brings Skating into disrepute or jeopardises the integrity of Skating.
- (vii) The Organizer confirms that it does not hold a conviction by final judgment for one of the following reasons: participation in an organized criminal organization; corruption; fraud; offences linked to terrorist activities; offences linked to illegal drugs; and money laundering.
- (viii) The Organizer confirms that it will not engage in advertising of tobacco products or hard liquor (above 20% alcohol by volume ABV) at the venues for its events or on its website or its social media platforms.
- (ix) The Organizer confirms that it is not a sports betting operator\* and that it shall refrain from any sports betting activity at the venues for its events or on its website or social media platforms.
- (x) The Organizer commits to disclosing to the ISU President or to the IOC on the IOC Integrity and Compliance Hotline ([www.olympic.org/integrity\\_hotline](http://www.olympic.org/integrity_hotline)) at the first available opportunity, full details of any knowledge or approaches as to any kind of betting, manipulation, corruption and/or misuse of inside information. The Organizer shall also report improper or irregular conduct or proposals concerning Officials at any event according to Rule 125, paragraph 3 of the ISU Constitution.

The Organizer hereby acknowledges to the ISU that any breach of the ISU Code of Ethics may result in the withdrawal at any time of the authorization to hold the Open International Competition and that any losses incurred as a result of such a withdrawal shall be borne solely by the Organizer.

**[ORGANIZER]**

**[DATE]**

\* For the purpose of this Declaration, “betting” relates to sports betting activities whereby a wager is placed on the outcome of a sporting event in order to win money. Except where specifically stated, this Declaration does not apply to other gambling activities (poker and casino services) or games of chance (such as lottery services, bingo services, scratch cards or sales promotion services consisting of promotional games).