

# ***EUROPEAN AQUATICS INTEGRITY CODE***

---

**2023**

*This integrity code will enter into force one day after the first elections for the integrity unit*

Table of Contents

<b>A. INTRODUCTION</b> .....	2
1. <i>DEFINITIONS</i> .....	2
2. <i>PURPOSE AND SCOPE</i> .....	5
<b>B. GENERAL DUTIES</b> .....	7
3. <i>DUTIES OF GOOD CONDUCT</i> .....	7
4. <i>DUTY TO REPORT AND COLLABORATE</i> .....	8
5. <i>CONFIDENTIALITY</i> .....	8
6. <i>DUTY TO AVOID CONFLICTS OF INTEREST</i> .....	9
7. <i>FALSIFICATION AND MISUSE OF FUNDS</i> .....	10
8. <i>OFFERING AND ACCEPTING GIFTS AND HOSPITALITY</i> .....	11
9. <i>BIDDING FOR EVENTS</i> .....	12
10. <i>ELECTIONS</i> .....	13
<b>C. PREVENTING THE MANIPULATION OF AQUATICS COMPETITIONS</b> .....	14
11. <i>ANTI-CORRUPTION RULES</i> .....	14
12. <i>RELATIONSHIPS WITH BETTING ORGANISATIONS</i> .....	15
<b>D. SAFEGUARDING RULES</b> .....	16
13. <i>FORBIDDEN CONDUCT</i> .....	16
<b>E. ENFORCEMENT OF THE INTEGRITY CODE (EUROPEAN AQUATICS INTEGRITY UNIT RULES</b> .....	17
14. <i>THE EUROPEAN AQUATICS INTEGRITY UNIT</i> .....	17
15. <i>MONITORING</i> .....	18
16. <i>REPORTING</i> .....	18
17. <i>PRIMA FACIE CASE</i> .....	19
18. <i>PROVISIONAL MEASURES</i> .....	21
19. <i>INVESTIGATING POTENTIAL INTEGRITY CODE VIOLATIONS</i> .....	21
20. <i>ADJUDICATION</i> .....	22
21. <i>BURDEN AND STANDARD OF PROOF; ADMISSIBILITY OF THE EVIDENCE</i>	22
22. <i>DECISION PROCESS</i> .....	23
23. <i>SANCTIONS</i> .....	24
24. <i>RIGHT OF APPEAL</i> .....	27
25. <i>RECOGNITION OF DECISIONS AND PROVISIONAL MEASURES</i> .....	27
26. <i>STATUTE OF LIMITATIONS</i> .....	27

## A. INTRODUCTION

### 1. DEFINITIONS

1.1 Words and phrases capitalised in this Integrity Code are defined terms. Unless otherwise specified, they have the meaning set out in the Definition section to this Integrity Code. Any other capitalised terms in this Code, if not defined in this Code, shall have the meaning for them set out in the European Aquatics Constitution.

1.2 These terms have the following definitions:

**Adjudicatory Body:** the adjudicatory body of European Aquatics Integrity Unit established in accordance with the European Aquatics Constitution.

**Adjudicatory Panel:** Three members appointed on a case-by-case basis from among the members of the Adjudicatory Body to adjudicate an alleged Integrity Code Violation.

**Aquatics:** all sport disciplines governed by European Aquatics, including Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming, Masters, and any other discipline that may be governed by European Aquatics from time to time.

**AQIU:** the Aquatics Integrity Unit.

**Athlete:** a person (i) who is taking part in aquatics competitions and events at national or international level, organised in accordance with the European Aquatics Constitution, European Aquatics Rules and Regulations and/or regulations of European Aquatics Members or affiliated entities and/or (ii) who is registered by his/her respective national federation.

**Benefit:** The direct or indirect receipt or provision of money or the equivalent by a Covered Person for themselves or a Related Party 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 similar contracts.

**Betting Organisation:** Any person or company or other undertaking (a) that promotes, brokers, arranges or conducts any form of betting activity or that has interests in betting in any form whatsoever; or (b) that can reasonably be perceived as being connected in any way with betting of any kind.

**Bureau:** The European Aquatics Bureau, as defined in the European Aquatics Constitution.

**CAS:** The Court of Arbitration for Sport in Lausanne, Switzerland.

**Claimant:** The Covered Person(s) (or legal guardian in the event the Claimant(s) is a minor or incapacitated) who is alleged to have experienced conduct that constitutes a violation of Article 12 of this Code.

**Commencement Date:** The date on which this Code comes into force, being [\* September 2023]

**Covered Person:** Covered Persons are:

- a) persons who are, or are seeking to become (whether by election or appointment or otherwise) European Aquatics Officials or Other Officials;
- b) any Athlete;
- c) any Athlete Support Person;
- d) any team or other entity participating in any Event;
- e) European Aquatics Members; and
- f) Members and clubs of European Aquatics Members;

**Decision:** A decision rendered by the Adjudicatory Body.

**Demand:** A written demand to a Covered Person to provide any information, record, article or thing in their possession or control that European Aquatics Ethics Officer reasonably believes may evidence or lead to the discovery of evidence of an Integrity Code Violation.

**European Aquatics:** The sole and exclusive European body for the sport of Aquatics.

**European Aquatics Member:** A national body recognised by European Aquatics to be a member of European Aquatics.

**European Aquatics Ethics Officer:** The European Aquatics Ethics Officer as defined in European Aquatics Constitution.

**European Aquatics Integrity Council:** The oversight body of the European Aquatics Integrity Unit as defined in the European Aquatics Constitution.

**European Aquatics Integrity Unit:** The independent European Aquatics Integrity Unit established under the European Aquatics Constitution and comprised of the European Aquatics Integrity Council, the European Aquatics Ethics Officer, the European Aquatics Adjudicatory Body and the European Aquatics Investigatory Body.

**European Aquatics Officials:** Any person elected or appointed to any position within European Aquatics or a European Aquatics Member, including but not limited to:

- a) The President, Vice-Presidents, Bureau members, Honorary Life Presidents, Immediate Past President, Treasurer, and any candidates for election to the Bureau; and
- b) Each person serving as a member of (or candidate for) a committee, working group, unit (including, without limitation, the European Aquatics Integrity Unit), or advisory board of European Aquatics, and each person appointed to represent European Aquatics on any committee or working group or in any similar role.

**European Aquatics Rules and Regulations:** The European Aquatics Rules and Regulations as defined in the European Aquatics Constitution.

**Event:** Any European Championships, European Cups, European Water Polo Cups for Club teams, events and tournaments sanctioned by European Aquatics members and international events within Europe in any of the Aquatics disciplines (for the avoidance of doubt, not those organised by World Aquatics or a European Aquatics Member).

**Forbidden Conduct:** any conduct described in clause 13.

**Gift:** An item for use or advantage by a Covered Person or a Related Party.

**Hospitality:** Means providing or arranging for the provision of food and drink and/or attendance at events, shows, dinners, conferences or other events, including providing or arranging related accommodation and/or transportation for themselves or Related Party, except when this is provided pursuant to a contractual obligation.

**Inside Information:** Information that a Covered Person possesses by virtue of their position in relation to Aquatics or any Event, 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 Event.

**Integrity Code Violation:** Where a Covered Person:

- a) fails to comply with any of the requirements set out in this Integrity Code, or any integrity requirements of the European Aquatics Constitution or European Aquatics Rules and Regulations; or
- b) attempts or agrees with any other person to engage in conduct (whether by act or omission) that would culminate in a breach of any requirement of this Integrity Code (unless the Covered Person renounces their attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement);
- c) solicits, induces, instructs, persuades or encourages any person to engage in conduct (whether by act or omission) that would amount to a breach of any requirement of this Integrity Code if committed by the Covered Person themselves; and/or
- d) authorises, causes, or knowingly assists, encourages, aids and abets, covers up or attempts to cover up, or is otherwise complicit in, any act or omission by any person that would amount to a breach of any requirement of this Integrity Code if committed by the Covered Person themselves.

**Investigatory Body:** The Investigatory Body of the European Aquatics Integrity Unit established in accordance with European Aquatics Constitution.

**Minor:** Person under the age of 18 years or, where applicable, a person who is under the age of majority and meets the definition of a child for the purposes of protection in the country where the predominant nature of the alleged misconduct occurred.

**Other Officials:** Other Officials are:

- a) members of European Aquatics executive bodies, committees, units, panels and advisory boards of European Aquatics Members, European Aquatics Member team or delegation members (or other persons accredited to attend any Event on behalf of any European Aquatics Member);
- b) persons who act, or are entitled to act, for or on behalf of European Aquatics and/or European Aquatics Members, including (without limitation), staff, consultants, agents and advisors;

- c) each person appointed/selected to work/volunteer at an Event and/or attending an Event on behalf of European Aquatics or a European Aquatics Member including (without limitation) any technical official, technical committee member, specialised committee members delegate, and any other person who receives accreditation to an Event as a representative of European Aquatics or a European Aquatics Member;
- d) persons or entities organising and/or promoting an Event, including any candidate/host city seeking to host or hosting an Event, local organising committee(s), and any of its officials, employees, volunteers and/or other persons entitled to act or attend an Event on its behalf; and
- e) any other persons who agree in writing to be bound by this Integrity Code.

**Party(ies):** European Aquatics and the European Aquatics Integrity Unit on one side and the Covered Person on the other side.

**Related Party:** Immediate family member, being a partner/spouse, parent, sibling, child or dependant and in all cases whether natural, adoptive or step.

**Reports:** All reports of any potential Integrity Code Violation, including any approaches or requests to engage in conduct that may constitute an Integrity Code Violation.

**Respondent:** The Respondent shall be the Covered Person subject to the filing.

**Staff Member:** Each person employed (whether full-time, part-time, permanently, for a fixed-term or temporarily) or engaged as an agent, consultant or contractor for, or otherwise functioning as a member of the staff of European Aquatics or a European Aquatics Member.

**Substantial Assistance:** Means (a) the Covered Person's provision to European Aquatics (or European Aquatics Integrity Unit) of truthful, accurate and complete information about potential Integrity Code Violations and/or other similar laws or regulations of which the Covered Person has knowledge; and (b) full cooperation with the investigation and prosecution (whether by European Aquatics Integrity Unit/European Aquatics or by another body, including a criminal or regulatory body) of such violations, including (without limitation) by testifying at a hearing if required to do so.

**World Aquatics:** The sole and exclusive world governing body for all Aquatics, formerly known as the Fédération Internationale de Natation (FINA).

## 2. PURPOSE AND SCOPE

- 2.1 European Aquatics has adopted this Integrity Code to establish clear integrity standards for persons involved in the activities of European Aquatics, to protect the health, safety and well-being of Athletes, to prohibit conduct that might undermine public confidence in the integrity of Aquatics and/or in the uncertainty of outcome of Events, and to establish effective mechanisms for enforcement of this Integrity Code and sanctions for any violation.

- 2.2 European Aquatics is committed to uphold integrity in the governance and administration of Aquatics as a basic principle of good governance and as a fundamental precept of its autonomous role as the European governing body of Aquatics, in the best interests of the sport and its stakeholders.
- 2.3 European Aquatics is also committed to uphold the integrity of Aquatics on the field of play. The essence of the Aquatics disciplines is the contest between competing athletes and teams as an honest test of skill and ability, the outcome of which is determined by (and only by) the contestants' relative sporting merits. Any manipulation of sports competitions or other conduct that might undermine public confidence in the integrity of the sporting contest and/or in the uncertainty of its outcome is fundamentally at odds with that essence of the Aquatics disciplines and must be eradicated at all costs.
- 2.4 Conduct prohibited under this Integrity Code may also amount to a criminal offence and/or a violation of other applicable laws or regulations, including employment laws, in national jurisdictions. This Integrity Code is not intended to replace such laws and regulations, but to supplement them with further rules of professional conduct for those involved in the governance and administration of Aquatics, and/or in the staging and conduct of Aquatics events. It operates without prejudice to such laws and regulations, and vice versa.
- 2.5 Conduct prohibited under this Integrity Code may also amount to violation of other European Aquatics rules. This Integrity Code is not intended to replace these regulations, but to supplement them with further rules of professional conduct. It operates without prejudice to these regulations, and vice versa. In particular, any rule of a disciplinary nature applicable to a certain discipline and/or a certain event, such as the disciplinary rules in Water Polo that apply to offensive and violent conduct during water polo matches, remain reserved and are not set aside by the present Integrity Code.
- 2.6 For the avoidance of doubt, this Integrity Code shall not replace or in any way affect or alter European Aquatics' ability to pursue appropriate disciplinary action against a Staff Member under the terms of any employment or consultancy contract with such Staff Member, including to any of European Aquatics' employment policies in force from time to time. Where conduct prohibited under this Integrity Code also amounts to a violation of the terms of a Staff Member's employment or consultancy arrangement with European Aquatics, European Aquatics shall be entitled, at its absolute discretion, to elect to pursue contract and/or disciplinary action against such Staff Member pursuant to the applicable employment or consultancy contract. There shall be no requirement on European Aquatics to have first instituted, or to subsequently institute, any action under this Integrity Code.
- 2.7 For the avoidance of doubt, matters of doping are not part of this Integrity Code and shall be enforced by World Aquatics in accordance with the provisions set out in the World Aquatics Doping Control Rules.

- 2.8 In the case of conflict between the provisions of World Aquatics Doping Control Rules on one side and the provisions of this Integrity Code on the other side, the provisions of the World Aquatics Doping Control Rules shall prevail.
- 2.9 This Integrity Code will come into full force and effect on the Commencement Date. Its procedural provisions will apply to matters where the violation is alleged to have occurred before the Commencement Date, but its substantive provisions will not, unless they are more favourable to the person(s) involved.

## **B. GENERAL DUTIES**

### **3. DUTIES OF GOOD CONDUCT**

- 3.1 Covered Persons must always act honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency.
- 3.2 Covered Persons must avoid any conduct that is inconsistent with, or that undermines in any way the objectives of this Integrity Code.
- 3.3 Covered Persons must avoid acts or omissions that give the appearance of impropriety, or that disparage European Aquatics, or that bring (or have the potential to bring) European Aquatics, Aquatics and/or sport generally into disrepute.
- 3.4 Covered Persons must not be involved with entities or persons whose activities or reputations are inconsistent with the principles set out in this Integrity Code. For this provision to apply, it is necessary that the Covered Person has previously been advised in writing by European Aquatics, a European Aquatics Member, or other relevant authority with jurisdiction over the Covered Person, that there should be no more association with such entity/person, and of the consequences that will apply if any association continues.
- 3.5 Covered Persons must avoid any offensive, violent or disrespectful behaviour towards other participants, including, the officials, other athletes, media, and/or spectators during the entire conduct and reasonable aftermath of a competition. Such behaviour towards a doping control official is also prohibited at any time.
- 3.6 Covered Persons must avoid any act of discrimination against anyone on the basis of race, skin colour, gender, religion, sexual orientation, language, political or other opinion, national or social origin, property, birth, disability or any other ground.
- 3.7 Covered Persons must avoid interference, disobedience or obstruction to the orderly conduct of any sporting event within or outside of the venue(s).
- 3.8 Covered Persons must avoid interference with any aspect of the field of play.



- 3.9 Covered Persons must actively participate in the full conduct of the competition, including victory ceremonies and, if applicable, presentations and/or press conferences. Any political or religious statement or behaviour is strictly prohibited during these times.

#### 4. DUTY TO REPORT AND COLLABORATE

- 4.1 Each Covered Person must:
- a) report to the European Aquatics Integrity Unit without delay all knowledge concerning any approach or invitation received by them to engage in a conduct that would amount to an Integrity Code Violation;
  - b) report to the European Aquatics Integrity Unit without delay all knowledge concerning any incident, fact or matter that comes to their attention that might evidence a potential Integrity Code Violation by another person; and
  - c) cooperate fully with all investigations carried out by the European Aquatics Integrity Unit in relation to possible Integrity Code Violations (including, without limitation, by providing any information and/or documentation requested by the European Aquatics Integrity Unit as part of that investigation, including by way of a Demand).
- 4.2 Covered Persons have a continuing obligation to report any new incident, fact, or matter to European Aquatics Integrity Unit, even if the Covered Person has already reported their prior knowledge in relation to the matter.
- 4.3 For the avoidance of doubt, obstructing or delaying any investigation carried out by (or on behalf of) European Aquatics in relation to a possible Integrity Code Violation, including without limitation concealing, tampering with or destroying any documentation or other information that might be relevant to the investigation, will constitute an Integrity Code Violation.

#### 5. CONFIDENTIALITY

- 5.1 Covered Persons must not disclose to any third party (whether for personal gain or advantage) any information disclosed to them in confidence as a result of their activities or dealings with European Aquatics, save where (1) required by law; (2) European Aquatics agrees in writing in advance; or (3) that information is already in the public domain (other than by reason of their violation of this Article 5). Any duties of confidentiality on Covered Persons under this Integrity Code shall continue in perpetuity even after such Covered Person ceases to be bound by this Integrity Code.

## 6. DUTY TO AVOID CONFLICTS OF INTEREST

- 6.1 All Covered Persons owe a duty of undivided loyalty to European Aquatics. They must make decisions (including as to how to vote on a specific motion) based solely on their independent and objective judgement, made in good faith, of what is in the best interests of European Aquatics and the sport of Aquatics as a whole. They must not allow themselves to be influenced by and they must not seek to advance any conflicting interests.
- 6.2 Where there is an actual, apparent, or potential conflict between the interests of European Aquatics and personal interests of a European Aquatics Official or of the relatives, friends or acquaintances of a European Aquatics Official, European Aquatics Officials must disclose all relevant information about that conflict promptly, accurately, and fully to (i) the European Aquatics Ethics Officer, or if this is not practicable in the circumstances, (ii) to the chair of the meeting in which the conflict has been raised, or if neither are practicable in the circumstances, (iii) to any member of the LEN Integrity Unit. In the case of (ii) or (iii), the recipient of the report shall then refer the matter to the European Aquatics Ethics Officer.
- 6.3 Each European Aquatics Official (except legal persons) shall file a disclosure statement with the European Aquatics Integrity Unit in the form prescribed by European Aquatics Integrity Unit, listing any actual, apparent or potential conflicts known to European Aquatics Official at that time. Each European Aquatics Official will be under a continuing duty to update that statement in writing as and when changes or additions are required to ensure the disclosure remains accurate and complete. The European Aquatics Integrity Unit will maintain a register of such disclosures.
- 6.4 If a conflict arises during a meeting, the European Aquatics Official concerned must disclose the conflict to the European Aquatics Ethics Officer and the chair of the relevant meeting (even if it has already been declared in a disclosure statement). The European Aquatics Ethics Officer or the chair of the relevant meeting will advise the meeting of the conflict and cause the conflict to be recorded in the register maintained by the European Aquatics Integrity Unit (and, where applicable, in the minutes of the relevant meeting) if it has not been recorded there already.
- 6.5 In every case, unless otherwise specified by the European Aquatics Integrity Unit or the chair of the meeting, the European Aquatics Official who is the subject of the conflict must:
- a) excuse themselves from any discussions relating to the conflict;
  - b) abstain from voting and/or from seeking to influence the vote on any matter impacted by the conflict; and
  - c) refrain from taking any other part in the handling of the conflict or of the matter impacted by the conflict.

- 6.6 European Aquatics Officials must also disclose in the same manner any ‘institutional’ conflicts of interest, i.e., actual, apparent or potential conflicts between the interests of European Aquatics and the interests of World Aquatics, a European Aquatics Member or other body with which the European Aquatics Official is associated (whether by virtue of employment or otherwise). Such conflicts may not be waived. European Aquatics Officials:
- a) may present the perspective of a particular stakeholder (such as a European Aquatics Member) or of any third party, where they consider it relevant to the matter at hand, but they must not pursue the interests of that stakeholder or third party in a manner that would conflict with their overriding duty to act in the best interests of European Aquatics and the sport of Aquatics as a whole;
  - b) must not agree to act or allow themselves to be influenced to act in a manner that conflicts with their duty of undivided loyalty to European Aquatics (e.g., by agreeing to vote in a particular manner in respect of a particular issue); and
  - c) must disclose to European Aquatics Ethics Officer any matter that may reasonably be construed as impacting or potentially impacting upon their decision and must provide such further information in relation thereto as European Aquatics Ethics Officer may request.
- 6.7 Covered Persons must not abuse their position within Aquatics in any way, especially for their own aims or objectives.
- 6.8 Office holders and staff of a European Aquatics Member, in their dealings with European Aquatics, including when representing a European Aquatics Member at Congress and/or otherwise deciding how to exercise the rights of a European Aquatics Member as a European Aquatics Member, must act with undivided loyalty to the European Aquatics Member. They must not allow themselves to be influenced by and they must not seek to advance any conflicting interests, including the interests of any contractual partner of European Aquatics and/or a European Aquatics Member.

## 7. FALSIFICATION AND MISUSE OF FUNDS

- 7.1 Covered Persons must not forge a document or falsify an authentic document, or knowingly use a forged or falsified document.
- 7.2 Covered Persons must not knowingly give false information, including false results, nationality and/or date of birth.

- 7.3 Covered Persons shall not take or omit to take any action in furtherance of an offer, payment, promise to pay, or authorisation of the payment of money or giving of anything of value, either directly or indirectly, to any third party, while knowing that all or some portion of the item of value will be offered, given or promised to anyone to improperly influence any action or decision, to obtain or retain business or otherwise to secure any improper advantage.
- 7.4 Covered Persons shall not misappropriate or misuse funds, whether directly or indirectly through, or in conjunction with, third parties. Covered Persons must use the resources of European Aquatics or European Aquatics Members only for lawful and ethical purposes authorised by the relevant body.
- 7.5 Covered Persons may only claim reimbursement for expenses properly and reasonably incurred in the course of their activities. Requesting, authorising, and/or accepting any undue pecuniary or other advantage is strictly prohibited.

## 8. OFFERING AND ACCEPTING GIFTS AND HOSPITALITY

- 8.1 Covered Persons may never offer or accept:
- a) any Gift, Hospitality or other benefit in their capacity as Covered Person that is given secretly, not openly;
  - b) any Gift, Hospitality or other benefit that creates an actual or apparent or potential conflict of interest for the recipient or that is intended or may reasonably be construed as being intended to influence the recipient improperly in their official activities (such as Gifts offered to technical officials, and Gifts offered by candidates to voting delegates); or
  - c) any other Gift, Hospitality or other benefit (whether of a monetary value or otherwise) in circumstances that give rise to an appearance of impropriety or lead to the recipient's impartiality or integrity being called into question or to European Aquatics and/or the sport of Aquatics being brought into disrepute.
- 8.2 Without prejudice to Article 8.1, in their capacity as Covered Person, Covered Persons may offer and accept:
- a) tokens of consideration or friendship of nominal value, in accordance with prevailing local customs; and
  - b) reasonable, proportionate, and bona fide corporate Gifts and Hospitality (including event accreditations or tickets), solely as a mark of respect or friendship;

provided that any such token, Gift, or Hospitality of more than a nominal value is disclosed to the European Aquatics Ethics Officer, and if it is not approved by the European Aquatics Ethics Officer it must be withdrawn or returned (as applicable).

## 9. BIDDING FOR EVENTS

9.1 Candidate and host cities seeking to host an Event organised by European Aquatics and its local organising committee(s), and any of its officials, employees, volunteers and/or other persons entitled to act or attend an Event on its behalf must conduct their candidacies with honesty, dignity, moderation and respect for their opponents, and in accordance with applicable law and any applicable European Aquatics Rules and Regulations and/or guidelines, including this Integrity Code. They must also:

- a) Respect the bidding process established by European Aquatics;
- b) Refrain from soliciting or accepting any undue support or promotion from European Aquatics sponsors and other European Aquatics marketing partners;
- c) Refrain from making any agreement, coalition or collusion with other candidates; and
- d) Refrain from covering any costs and expenses of European Aquatics Bureau Members, in particular travel and accommodation until such bid is accepted.

Note: For the avoidance of doubt, in addition to any other information European Aquatics may require in any particular bidding procedure, European Aquatics may, at its discretion, require all candidate entities submitting bids to provide details of any financing or other support agreed with any third party, whether or not such financial or other support has actually been paid or is forthcoming.

9.2 Covered Persons must:

- a) respect the integrity of the bid process, allowing equal conditions and opportunities for each candidate and potential candidate, treating each candidate and potential candidate in a fair and equal manner;
- b) not directly or indirectly solicit or accept any form of advantage from the process;
- c) not use the resources of European Aquatics to back any candidate; and
- d) be neutral in respect of bids for the grant of hosting rights, commercial rights and/or other rights, including refraining from making any public declaration appearing to give an opinion on one or more candidates.

## 10. ELECTIONS

- 10.1 Candidates for elected European Aquatics positions must conduct their candidacies (and must ensure that persons assisting them with their candidacies conduct themselves) with honesty, dignity and respect for their opponents, and in accordance with applicable law and any applicable European Aquatics Regulations and/or guidelines, including this Integrity Code.

Note: A candidate is identified as such when his/her nomination is submitted to European Aquatics. Additionally, an individual shall be regarded as a candidate, and subject to European Aquatics Rules and Regulations and this Integrity Code, if he/she states his/her intention in public to be a candidate or campaign in such a way that gives the appearance of being a candidate, even if he/she has not been nominated.

- 10.2 Candidates may outline and describe in a written document their plans and views. Copies of any document used to support a candidature shall be provided by the candidates to the European Aquatics Integrity Unit. Directives of the European Aquatics Ethics Officer in respect of the content of the document shall be immediately observed and implemented by the candidates.
- 10.3 Candidates may grant interviews to the media. All communications undertaken by a candidate shall strictly respect the other candidates and shall in no way be prejudicial to any other candidate.
- 10.4 Candidates must refrain from:
- entering into any form of undertaking with any individual or organisation that is likely to affect the candidate's freedom of decision or action if elected;
  - engaging in any act, coalition, collaboration or collusion by or between candidates with the intent to defraud or unduly manipulate the result of the vote; and
  - Requesting or using support, resources or services from European Aquatics in connection with their candidacies, even if they currently occupy elected or appointed positions within European Aquatics.
- 10.5 Covered Persons and in particular voting delegates must:
- respect the integrity of the candidacy process, allowing equal conditions and opportunities for each candidate and potential candidate, treating them in a fair and equal manner, and avoiding any risk of conflict of interest;
  - not accept Gifts or Hospitality on behalf of themselves nor any organisation that they represent from any candidate, unless permitted under this Integrity Code;
  - not directly or indirectly solicit or accept any form of undue advantage from the process; and

- d) not use the resources of European Aquatics to assist or back any candidate.

## C. PREVENTING THE MANIPULATION OF AQUATICS COMPETITIONS

### 11. ANTI-CORRUPTION RULES

11.1 Each of the following, when committed by a Covered Person (whether directly or indirectly through any third party), will constitute an Integrity Code Violation by that Covered Person:

- a) Betting in relation to:
- any Aquatics Event, whether or not the Covered Person is directly participating in that Aquatics Event; and
  - any non-Aquatics sport event, if it features in a multi-sport competition in which Aquatics Events are featured, if the Covered Person is directly participating in that multi-sport competition. For example, an Athlete participating in the Olympic Games is not allowed to bet on tennis at the Olympic Games.
- b) Manipulation of Events – i.e. An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of any Event in order to remove all or part of the unpredictable nature of such Event with a view to obtaining an undue Benefit for oneself or for others. This includes (without limitation) match-fixing and spot-fixing.
- c) Providing, requesting, receiving, seeking, or accepting a Benefit related to the Manipulation of Event or any other form of corruption. Without limiting the generality of the foregoing, this includes:
- fixing or contriving in any way or otherwise improperly influencing (or being a party to the fixing, contriving or other improper influencing of) the result, progress, outcome, conduct or any other aspect of an Event;
  - ensuring the occurrence of a particular incident in an Event, the occurrence of which is to the Covered Person's knowledge the subject of a Bet and for which the Covered Person or another Person expects to receive or has received a Benefit;
  - failing to perform to the best of one's abilities in an Event, in return for a Benefit or the expectation of a Benefit (irrespective of whether such Benefit is in fact given or received) or further to another agreement with a third party;

- seeking, accepting, offering, or agreeing to accept or offer, a bribe or other Benefit to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of an Event (irrespective of whether such bribe or other Benefit is in fact given or received); and/or
- providing, offering, giving, requesting or receiving any Benefit in circumstances that the Covered Person knew or should have known could undermine public confidence in the integrity of any Event or the sport of Aquatics generally (irrespective of whether such Gift or other Benefit is in fact given or received).

d) Inside Information:

- Using Inside Information for the purposes of Betting, manipulating Events or any other corrupt purposes, whether such use is by the Covered Person or via another person and/or entity.
- Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Covered Person knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, manipulating Events or any other corrupt purposes.
- Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

- 11.2 Committing any act not otherwise prohibited under this Integrity Code that amounts to a violation of any applicable criminal or other law or regulation where such violation could undermine public confidence in the integrity of an Event or the sport of Aquatics generally.

## 12. RELATIONSHIPS WITH BETTING ORGANISATIONS

- 12.1 A Covered Person may not have a business association or enter into any business arrangement (whether formal or informal) with any Betting Organisation that involves the payment of any monies to or by, or the conferring of any benefit(s) or advantage(s) upon or by, the Covered Person, either directly or indirectly, as a result of such association or arrangement.
- 12.2 As an exception to Article 12.1, a Covered Person will not be in Integrity Code Violation if he/she is employed by, or have a business association with, a parent company that has a Betting Organisation as a subsidiary company (or Betting is a business interest of any subsidiary company), provided that the Covered Person can prove that (i) he/she has no direct involvement with the subsidiary, (ii) that he/she derives no direct or indirect benefit from the subsidiary, and (iii) that the parent company's business does not involve Betting.



- 12.3 A Covered Person shall be considered to have acted in violation of Article 12.1 if any Related Party has a controlling interest in a Betting Organisation, or a substantial relationship with a Betting Organisation, or is employed in the day-to-day operational control of a Betting Organisation, unless this is disclosed to, and recorded and approved by, the European Aquatics Ethics Officer.

## D. SAFEGUARDING RULES

### 13. FORBIDDEN CONDUCT

- 13.1 The following Forbidden Conduct shall constitute an Integrity Code Violation:
- a) Harassment: Any acts of hazing, neglect, psychological abuse, physical abuse, and sexual harassment.
  - b) Hazing: Any intentional action taken or any situation created that causes embarrassment, harassment or ridicule, and risks emotional, physical or sexual harm to a Covered Person, regardless of the individual's willingness to participate.
  - c) Neglect: The failure of a Covered Person with a duty of care towards another Covered Person to provide a minimum level of care to that Covered Person which is causing harm, encouraging harm, allowing harm to be caused, or creating imminent danger of harm – for example, forced training in unsafe training venues/equipment; failure to provide adequate nutrition/ fluids while training; or failure to protect the athlete from environmental risks (heat/cold/dangerous open water swimming environments).
  - d) Psychological Abuse: A pattern of deliberate, prolonged, repeated non-contact behaviours within a power differentiated relationship.
  - e) Physical Abuse: Any deliberate and unwelcome act – such as, for example, punching, beating, kicking, biting and burning – that causes physical trauma or injury. Such act can also consist of forced or inappropriate physical activity (e.g., inappropriate age or physique training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.
  - f) Sexual Harassment: Any verbal or physical conduct of a sexual nature which is unwelcome. Sexual Harassment includes sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when such conduct is made either explicitly or implicitly.
  - g) Sexual Abuse: Any conduct of sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given.

## E. ENFORCEMENT OF THE INTEGRITY CODE (EUROPEAN AQUATICS INTEGRITY UNIT RULES)

### 14. THE EUROPEAN AQUATICS INTEGRITY UNIT

- 14.1 The European Aquatics Integrity Unit is responsible for the enforcement of this Code, including assessment, investigation, adjudication and sanctioning of potential Integrity Code Violations. European Aquatics shall not be responsible for enforcing the integrity code of any European Aquatics Member or World Aquatics.
- 14.2 The European Aquatics Integrity Unit shall be responsible for enforcing this Code insofar as it relates to Integrity Code Violations in respect only of a European Aquatics Event or matter related specifically to European Aquatics, and not World Aquatics or European Aquatics Member Events or matters. To the extent that an Integrity Code Violation also amounts to a breach of the World Aquatics Integrity Code or the integrity code of a European Aquatics Member, the European Aquatics Integrity Unit shall liaise with those parties to ensure that the matter is dealt with by the responsible body. European Aquatics shall defer to the AQIU who shall take primacy over matters deemed to be within its jurisdiction.
- 14.3 The European Aquatics Integrity Unit's functions are:
  - a) The European Aquatics Integrity Council – comprised of three members independent of European Aquatics, and responsible for oversight of strategy and operations of the unit;
  - b) The European Aquatics Ethics Officer – responsible for supporting the administration of the European Aquatics Integrity Unit, the operation of a reporting hotline and assessment of reported cases and allocation for appropriate follow-up;
  - c) The Investigatory Body – expert panel or organisation appointed by the European Aquatics Integrity Council on a case-by-case basis to investigate potential Integrity Code Violations; and
  - d) The Adjudicatory Body – comprised of five members, 3 of whom shall comprise the Adjudicatory Panel.
- 14.4 The European Aquatics Integrity Unit may use functions and services provided by European Aquatics staff on agreed terms, provided that at all times the independence of the European Aquatics Integrity Unit is not compromised, and the confidentiality of the European Aquatics Integrity Unit's work is maintained.
- 14.5 All European Aquatics Integrity Unit staff and service providers will be employed or engaged by European Aquatics but will report to the European Aquatics Integrity Council.

- 14.6 If at any time the position of a member of the European Aquatics Integrity Unit is vacated prior to the expiry of his/her term of office, it will be filled until the next Congress by a person appointed by European Aquatics Bureau, with such appointment to be put to Congress for ratification at its next meeting.

## 15. MONITORING CORRUPTION

- 15.1 All European Aquatics Integrity Unit staff and service providers will be employed or engaged by European Aquatics but will report to the European Aquatics Integrity Council.
- 15.2 The European Aquatics Integrity Unit may take all practical steps within its power to prevent and investigate potential Integrity Code Violations, including:
- a) monitoring Betting, including monitoring any irregular Betting patterns that might occur;
  - b) operating a reporting / whistleblowing hotline;
  - c) establishing effective channels for cooperation (including but not limited to the exchange of intelligence and information) between European Aquatics, the AQIU and World Aquatics, or European Aquatics and other competent authorities (including national and international criminal, administrative, professional and/or judicial agencies) in relation to the investigation and prosecution of conduct that is prohibited under this Integrity Code and/or under other applicable laws or regulations;
  - d) exchanging information with other relevant sports organisations (for example, the International Olympic Committee) in relation to corruption in sport; and
  - e) Introducing education programmes.

## 16. REPORTING

- 16.1 Any person may report an alleged Integrity Code Violation to European Aquatics Integrity Unit via the official channels described on the European Aquatics website.

- 16.2 The European Aquatics Integrity Unit shall acknowledge receipt of the report, although the person submitting the report shall have no entitlement for proceedings to be opened, to be involved in the proceedings or to be informed of any decision made. The European Aquatics Integrity Unit will ensure that upon full discretion of the European Aquatics Integrity Unit any person who can be deemed to be directly concerned is duly consulted, in particular as regards establishing facts. The European Aquatics Integrity Unit shall also inform the complainant, provided he/she/it is directly concerned by the facts of the case, of (i) the opening of proceedings, (ii) imposition of Provisional Measures, (iii) the findings of the decision, as well as any considerations related to the facts which concern such person directly. Upon request, such information may also be provided by the European Aquatics Integrity Unit to any other person who is directly concerned and has a legitimate interest. The information shall be provided at the same time as notification to the Parties to the proceedings.
- 16.3 The report, including all accompanying documents, can be filed in any language and the European Aquatics Ethics Officer shall conduct a preliminary assessment of the case, to the best of their ability with the use of available translation tools where necessary.
- 16.4 Reporting under this Code may be made anonymously. Anonymity means that European Aquatics Integrity Unit Officials will not know the personally identifying information of the reporter. The identity of any Claimant may only be disclosed if such disclosure is both necessary for the purposes of any investigation into an alleged Integrity Code Violation and the consent in writing of the person to the disclosure of his or her identity has been obtained.
- 16.5 The transfer of a potential Integrity Code Violation reported directly to European Aquatics to the European Aquatics Integrity Unit shall be deemed to be a report under this Integrity Code.

## 17. PRIMA FACIE CASE

- 17.1 The European Aquatics Ethics Officer shall first assess whether the report relates to an alleged Integrity Code Violation. In carrying out a preliminary analysis, the European Aquatics Ethics Officer will assess whether the European Aquatics Integrity Unit has prima facie jurisdiction to investigate the report and whether the report has any reasonable prospect of establishing one or more Integrity Code Violations. Where the European Aquatics Ethics Officer considers that the European Aquatics Integrity Unit does not have jurisdiction or that the report has no reasonable prospect of establishing one or more Integrity Code Violations, the European Aquatics Ethics Officer may decide, in his/her full discretion, to take no further action other than informing the European Aquatics Integrity Council that the case is closed. Such decision is not subject to appeal.

- 17.2 Where the conduct reported to it could be pursued as either an Integrity Code Violation by the European Aquatics Integrity Unit, the AQIU or a European Aquatics Member Federation, the European Aquatics Integrity Unit shall decide whether to pursue the matter under this Integrity Code or to refer the matter to the AQIU or European Aquatics Member (as applicable). Where a European Aquatics Member fails to act effectively in respect of the matter, the European Aquatics Integrity Unit may (at its absolute discretion) pursue the matter under this Integrity Code. In the case where a matter is already under consideration by the AQIU, the AQIU shall take primacy over proceedings.
- 17.3 If the European Aquatics Ethics Officer considers it appropriate to do so, they may ask any person filing a report to provide further information, or make other enquiries.
- 17.4 If the evidence submitted with, or subsequent to, any report is considered by European Aquatics Ethics Officer to establish a prima facie case of an Integrity Code Violation, the European Aquatics Ethics Officer will cause an investigation to be commenced, unless in the view of the European Aquatics Ethics Officer, there is a good reason not to cause an investigation to be commenced either immediately or at all.
- 17.5 Grounds do not need to be given for the initiation of an investigation for an alleged Integrity Code Violation and the decision may not be contested. The Covered Person may be notified of the commencement of such an investigation and of the possible Integrity Code Violation(s) to which the investigation relates and may be afforded the right to make a written submission as part of the investigation or may be asked to participate in an interview. The Covered Person must cooperate with any request for an interview under this Code and any refusal to do so shall be deemed to be an Integrity Code Violation.
- 17.6 The European Aquatics Ethics Officer may write to any Covered Person against whom a prima facie case has been found to exist, to ask whether or not that person wishes to admit any Integrity Code Violation(s) and enter an agreed-upon sanction. In this case, the European Aquatics Ethics Officer will submit the matter to the Adjudicatory Body via the European Aquatics Integrity Council for ratification of a settlement agreement.
- 17.7 At any time, either before, during or after an investigation, they may refer any information received from a report or otherwise, to the appropriate criminal authorities or other regulatory or law enforcement bodies, whether required by law or not.

## 18. PROVISIONAL MEASURES

- 18.1 The European Aquatics Ethics Officer may suggest the imposition of provisional measures on the Covered Person pending completion of the investigation and a decision if they consider that the safety or well-being of a person, and/ or public confidence in the integrity of the sport of Aquatics is at risk pending the outcome of the investigation. The Covered Person may not be given an opportunity to submit their position before provisional measures are imposed. Any provisional measures imposed will take effect from the date of receipt of notice of provisional measures. The decision on whether to impose those measures will be referred to the Adjudicatory Body. A copy of the decision to impose provisional measures on the Covered Person shall be notified to the Covered Person, as well as his/her/its European Aquatics Member.
- 18.2 There shall be no appeal against a decision to impose provisional measures.
- 18.3 During the period of any provisional suspension, a Covered Person will be subject to the same restrictions that apply during a period of ineligibility, as set out in the Code.
- 18.4 A Covered Person may at any time accept a voluntary provisional suspension pending determination of the charge(s) against him/her/it. Such voluntary provisional suspension will come into effect only upon receipt by the European Aquatics Integrity Unit of written confirmation of the Covered Person's acceptance of the provisional suspension.
- 18.5 No admission may be inferred, or other adverse inference drawn, from a Covered Person's acceptance of voluntary provisional suspension.
- 18.6 Any period of provisional suspension served and complied with (whether voluntarily or otherwise) shall be credited against any period of suspension subsequently imposed on the Covered Person.

## 19. INVESTIGATING POTENTIAL INTEGRITY CODE VIOLATIONS

- 19.1 Where a prima facie case is established and an investigation is required, the European Aquatics Integrity Council shall appoint an appropriate panel of investigators or third party to investigate the case and report to the European Aquatics Integrity Council.
- 19.2 The Investigatory Body, having been appointed by the European Aquatics Integrity Council, may make a written Demand to a Covered Person to provide any document, information, or item that European Aquatics Investigatory Body reasonably believes may evidence or lead to the discovery of evidence of an Integrity Code Violation.
- 19.3 The Investigatory Body shall have the power to call any Covered Person or other person as a witness to participate in an interview. Any Covered Person shall be obliged to cooperate with such interview and may be accompanied by a legal representative.

- 19.4 A refusal or failure by a Covered Person to comply immediately with a request for interview shall constitute a separate violation of this Integrity Code. Any attempted or actual damage, alteration, destruction or hiding of any documents, information, or item relevant to the investigation, whether before or after a Demand is issued, shall constitute a further separate violation of this Integrity Code.
- 19.5 The Investigatory Body shall be responsible for investigating the case and supplying a written report to the European Aquatics Integrity Council including an assessment of whether there has been an Integrity Code Violation.
- 19.6 Where it is determined that an Integrity Code Violation has occurred, the matter shall be referred to the Adjudicatory Body for sanctioning under the Code.
- 19.7 Where it is determined that no investigation shall be opened, the matter shall not proceed and any provisional measures previously imposed shall be lifted. A decision that a matter shall not proceed is not subject to appeal.

## 20. ADJUDICATION

- 20.1 Proceedings are initiated when a report is submitted to the properly constituted Adjudicatory Body by the European Aquatics Integrity Council.
- 20.2 Upon receipt of a report from the Investigatory Body, which shall be referred via the European Aquatics Integrity Council, the Chair of the Adjudicatory Body shall nominate the Adjudicatory Panel to adjudicate the case and apply any sanction under the Code.
- 20.3 Once the case has been referred to the Adjudicatory Body, the proceedings are conducted by the Adjudicatory Panel to which the case has been assigned.
- 20.4 European Aquatics Integrity Unit members shall not be appointed to the Adjudicatory Panel to adjudicate a case if circumstances exist that give rise to justifiable doubts as to their ability and availability to ensure a timely, fair and impartial hearing. In principle, no European Aquatics Integrity Unit member shall be appointed to the Adjudicatory Panel to hear a specific case if he/she is a citizen of the country of the Respondent. Exceptions to such limitation may be made where necessary or appropriate. The Chair of the Adjudicatory Body may also determine situations in which a member of the Adjudicatory Body should not be appointed due to a potential conflict.

## 21. BURDEN AND STANDARD OF PROOF; ADMISSIBILITY OF THE EVIDENCE

- 21.1 The European Aquatics Integrity Unit will have the burden of establishing that an Integrity Code Violation has been committed on the balance of probabilities.

- 21.2 Facts shall be established by any reliable means. The Adjudicatory Panel shall at its own discretion determine the admissibility, relevance, materiality and weight of the evidence offered.
- 21.3 The principle of strict liability applies. Therefore, violations are punishable regardless of whether they have been committed intentionally, recklessly, and/or negligently.
- 21.4 The Adjudicatory Body may draw an adverse inference against any Covered Person who fails to comply with any request for information, documentation or assistance, or fails to cooperate with the investigations process.

## 22. DECISION PROCESS

- 22.1 Once the Parties have made their submissions and investigation is complete, the Adjudicatory Body shall determine whether it accepts the assessment of the Investigatory Body as to whether an Integrity Code Violation has been committed. Where the Adjudicatory Body determines that a violation has been committed, the Body shall also determine, in its discretion, the appropriate sanction(s), in accordance with the Code.
- 22.2 The Adjudicatory Body shall issue a decision in writing to the Parties as soon as reasonably practicable setting out, in principle, the following:
- a) the name of the members(s) who decided the case;
  - b) the name of the Parties;
  - c) a summary of the relevant facts;
  - d) an account of the procedure followed;
  - e) the decision on jurisdiction;
  - f) the provisions or a reference to the provisions on which the Decision is based;
  - g) the reasons for the Decision, including the Integrity Code Violation(s) committed, the applicable consequences and start date (if applicable);
  - h) the operative part of the Decision;
  - i) the decision, if any, in regard to costs; and
  - j) a notice indicating any possibility to file an appeal in CAS and the relevant time limit.
- 22.3 In rendering the Decision, the Adjudicatory Panel shall apply this Integrity Code as well as European Aquatics Rules and Regulations and, subsidiarily, Swiss law.
- 22.4 The Adjudicatory Panel will make its decision unanimously or by majority. No members of the Adjudicatory Panel may abstain.
- 22.5 Decisions are enforceable as soon as the operative part is communicated to the Parties by email.



- 22.6 A copy of the decision will be sent to the Covered Person's European Aquatics Member (where applicable). The decision may, at European Aquatics' discretion, be made public upon receipt, including by posting a copy on European Aquatics' website. If the Decision rules that no Integrity Code Violation was committed, the Decision will only be published with the consent of the Covered Person. However, the fact that the charge has been dismissed may be publicly disclosed without such consent. The Adjudicatory Body may decide to redact specific parts of the Decision before any publication.
- 22.7 The Adjudicatory Panel may decide to communicate the operative part of the Decision prior to the delivery of the full Decision including the reasons.

### 23. SANCTIONS

- 23.1 Any one or more of the following sanctions may be imposed for an Integrity Code Violation:
- a) a warning as to future conduct;
  - b) a reprimand;
  - c) a fine in an amount proportionate to the seriousness of the violation;
  - d) an order of reimbursement or restitution;
  - e) a suspension from carrying out specific activities on behalf of European Aquatics and/or European Aquatics Member for a specified period;
  - f) a period of ineligibility, the length of which is to be determined based on what is proportionate in the circumstances of the case, taking into account in particular (i) the nature of the violation(s), (ii) the degree of fault of the Covered Person, (iii) the harm that the violation(s) has/have done to the sport, (iv) the need to deter future violations, and (v) any specific aggravating or mitigating factors;
  - g) other loss of privileges, no contact directives, requirement to complete educational or other programs, return of European Aquatics awards, or any other restrictions or conditions as deemed necessary or appropriate; and
  - h) any other sanction deemed appropriate, including, but not limited to disqualification of results, annulment of results of any Event, removal from office, forfeiture of points and/or of quota places and/or of hosting rights, other loss of privileges, no contact directives, requirement to complete educational or other programs, and return of European Aquatics awards.
- 23.2 The sanction(s) to be imposed in a particular case shall be determined by reference to all the relevant circumstances of the case, including an assessment of the seriousness of the violation, and any mitigating or aggravating factors that may be present.

- 23.3 Aggravating factors may include (without limitation):
- a) the age or experience or position of trust or authority of the Covered Person (e.g., as coach of the team);
  - b) the Covered Person's previous disciplinary record, including in particular any prior violations of this Integrity Code or similar offences;
  - c) any finding that the Covered Person violated more than one Article of this Integrity Code or violated the same Article more than once;
  - d) any finding that the Covered Person received or expected to receive a significant Benefit as a result of their violation;
  - e) any finding that the Covered Person's violation affected or had the potential to affect the course or outcome of an Event;
  - f) any finding that the violation was part of a broader scheme involving other Covered Persons, including evidence of coercion backed up by threats;
  - g) the Covered Person's deceptive and/or obstructive behaviour during the course of European Aquatics' investigation and/or the proceedings before the Adjudicatory Body, such as providing no (or incomplete or inaccurate) information in response to questions or requests for information, or pursuing frivolous arguments or defences; and/or
  - h) a lack of remorse on the part of the Covered Person (including, for example, refusing to take part in Integrity educational programs organised by European Aquatics).
- 23.4 Mitigating factors may include (without limitation):
- a) the youth or inexperience of the Covered Person and/or any finding that there was taken advantage of them by more experienced or more senior Covered Persons;
  - b) the Covered Person's good previous disciplinary record;
  - c) any finding that the Covered Person did not receive or expect to receive any significant Benefit as a result of the violation(s);
  - d) any finding that the Covered Person's violation(s) did not affect or have the potential to affect the course or outcome of an Event;
  - e) the Covered Person's timely admission of a violation when confronted with the alleged violation(s);
  - f) the Covered Person's cooperative behaviour during the course of the investigation and/or the proceedings before the Adjudicatory Body, such as providing information requested on a timely and complete basis, and/or volunteering information;

- g) the Covered Person's provision of Substantial Assistance (provided that the extent of the mitigation will depend mainly on the extent to which the Substantial Assistance enabled the European Aquatics Integrity Unit or other relevant authority to establish other violations of this Integrity Code or other applicable laws or regulations); and
  - h) the Covered Person displaying remorse (including, for example, by agreeing to take part in integrity educational programmes organised by European Aquatics).
- 23.5 Where more than one violation has been committed, the sanction will be based on the most serious violation and increased as appropriate depending on the specific circumstances.
- 23.6 Any period of ineligibility imposed under the Code will commence on the date it is imposed by the Adjudicatory Body, or otherwise accepted by the Covered Person, with credit given for any period of provisional suspension served and complied with.
- 23.7 Where the Adjudicatory Panel sees fit, it may suspend the implementation of all or part of any sanction(s) imposed for so long as specified conditions are satisfied.
- 23.8 During any period of ineligibility or provisional suspension, a Covered Person may not (i) participate in any Event; (ii) attend any other Aquatics-related activity organised by or on behalf of European Aquatics or any Continental Organisation or European Aquatics Member, save that at European Aquatics' invitation the attendance is allowed in an educational capacity as part of an integrity programme organised by European Aquatics ; and (iii) hold or be a candidate for any position (or have any dealings) as a European Aquatics Official or Other Official. Any potential violation of the period of ineligibility shall be considered an Integrity Code Violation and shall be pursued in accordance with Chapter D.
- 23.9 If a Covered Person is found to have violated this Code, the period of ineligibility originally imposed in accordance with this Integrity Code shall recommence from the date of such violation (disregarding the period of ineligibility served prior to such violation) and (where applicable) the Covered Person shall be immediately disqualified from the relevant Event.
- 23.10 This Integrity Code shall continue to apply to any ineligible Covered Person and separate proceedings may be brought against the Covered Person under this Integrity Code for any violation committed during the period of ineligibility.
- 23.11 As part of an informal or formal resolution of any matter, a Covered Person may be required to complete an appropriate education or rehabilitation programme pertaining to the prevention of harassment and abuse as a condition of eligibility or as an independent sanction.

## 24. RIGHT OF APPEAL

- 24.1 Decisions of the Adjudicatory Body determining that an Integrity Code Violation has been committed may be appealed by any party to the proceedings in question and shall be filed exclusively to the CAS.
- 24.2 To be admissible, an appeal to CAS must be filed with the CAS within twenty-one (21) calendar days of the appealing Party's receipt of the written reasoned decision in question by email. A copy of the appeal shall be served at the same time on the other Part(ies). Only the notification by email of the full Decision is relevant for the purposes of calculating the time limit to appeal in CAS. The appeal shall comply with the applicable rules and requirements of the CAS Code of Sports-related Arbitration.
- 24.3 An appeal to CAS shall not have any suspensive effect. Accordingly, pending the resolution of the appeal by the CAS, the decision being appealed (including any sanction(s) imposed) will remain in full force and effect (unless the CAS orders otherwise).
- 24.4 The appeal proceedings before CAS shall be conducted in English and the procedure will be governed by the procedural rules of the CAS Code of Sports-related Arbitration. The substantive issues on appeal will be governed by this Integrity Code (and any other applicable European Aquatics Rules and Regulations and/or guidelines) and subsidiarily by Swiss law.

## 25. RECOGNITION OF DECISIONS AND PROVISIONAL MEASURES

- 25.1 Decisions taken under this Integrity Code, including decisions on provisional measures and decisions of CAS on appeals submitted to CAS, are applicable worldwide and must be recognised, respected and given effect by European Aquatics and all European Aquatics Members, without the need for any further formality.
- 25.2 European Aquatics, and all European Aquatics Members shall recognise and take all necessary and reasonable steps within their powers to enforce and give effect to all decisions taken under the regulations of a European Aquatics Member adopted in accordance with this Code.
- 25.3 The European Aquatics Integrity Unit shall be able to consult with the AQIU, subject to confidentiality arrangements, when it becomes aware of a case being investigated by a European Aquatics Member.

## 26. STATUTE OF LIMITATIONS

- 26.1 Except in the case of Sexual Abuse, which is not subject to any statute of limitations, the statute of limitation period for claims filed under this Code is ten (10) years from the last date when the Forbidden Conduct or Integrity Code Violation is alleged to have occurred.

- 26.2 In the case of Forbidden Conduct, if the Forbidden Conduct is alleged to have occurred while the Claimant was a Minor, the statute of limitation period is ten (10) years from the date upon which the Claimant turns the age of majority in the country where the alleged Forbidden Conduct mainly occurred.