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## ETHICS & DISCIPLINARY CODE

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FIDE

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## **PREAMBLE**

On the basis of Article 7.5 of the FIDE Charter, the FIDE General Assembly has approved and adopted the following ETHICS & DISCIPLINARY CODE (this Code), in order to pursue and achieve the objectives set out in Article 1 of this Code.

This Code consists of two major parts: the Ethics Code (Part III) and the Disciplinary Code (Part IV), together with other provisions in common to both the Ethics Code and the Disciplinary Code (Parts I, II and V).

## **PART I – PRELIMINARY PROVISIONS**

### **Art. 1 - OBJECTIVES OF THIS CODE**

- 1.1 FIDE is the international governing body for the sport of chess.
- 1.2 It is the mission of FIDE and the entire chess family to promote the highest possible ethical values within the sport of chess and to ensure that the spirit of fair play and good sportsmanship prevails.
- 1.3 As such, FIDE bears the responsibility to take all possible measures to eliminate immoral or unethical conduct, methods and practices which might place the authenticity, integrity and reputation of chess at risk. In addition, the game and concept of chess is based on the assumption that everyone involved observes existing rules and regulations, and avoids misbehaviour of any nature.
- 1.4 In addition, FIDE in its governance of the sport of chess subscribes to and seeks to promote the fundamental principles of Olympism as a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles. The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity. Every individual must have the opportunity of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play. Sports organizations within the Olympic Movement shall apply political neutrality. Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the International Olympic Committee. In 1999, FIDE was recognized by the IOC as a Global Sporting Organization.
- 1.5 In furtherance of the above, FIDE has adopted this Code, which obliges all chess parties to ensure that chess is both administered and played worldwide within a framework of ethical, honest, fair, transparent, democratic, credible, dignified and professional, as well as rule-compliant, behaviour.
- 1.6 This Code will assist the FIDE Family members in making consistent choices when faced with ethical dilemmas and sets out ethical values, principles and standards applicable throughout the chess community and sport governed by FIDE. It gives guidance in areas where they need

to make personal and ethical decisions. The aim of this Code is further to make known fair and reasonable standards of conduct for all chess players, and to ensure and maintain an orderly and fair administration.

- 1.7 More particularly, this Code articulates the principles of ethical conduct applicable to FIDE Family members and proscribes unacceptable conduct, compliance with which is enforced both by remedial action and disciplinary action in the form of suitable and proportionate sanctions.
- 1.8 This Code is adopted and implemented as part of the FIDE's continuing efforts to maintain the public image, popularity and integrity of chess by providing: (a) an effective means to deter any participant from conducting themselves improperly at or away from the board or in a manner that is contrary to the spirit of the game; and (b) a robust and proportionate disciplinary procedure pursuant to which all matters of improper conduct can be dealt with fairly, with certainty and in an expeditious manner.
- 1.9 This Code provides the framework to guide all chess participants in their actions. It is impossible to define exactly and in all circumstances the standard of conduct expected from all parties involved in FIDE tournaments and events, or to list all sets which would amount to a breach of this Code and lead to disciplinary sanctions. In most cases common sense will tell the participants the standards of behaviour that are required. If any participants in a FIDE event has any doubt as to the conduct which is expected of him or her, the FIDE officials present should be contacted, or the local organizer who has been put in charge of the event.
- 1.10 It shall be the personal responsibility of every person in the FIDE Family to make themselves aware of the Code, including conduct that constitutes a violation of the Code, and to comply with it.
- 1.11 Chess participants must each be accountable for their own actions and respect the sanctity and obligations of their allegiance to FIDE.
- 1.12 FIDE National Federation members are responsible to safeguard the integrity of competitions, and create a positive environment for the practice of the sport of chess, within their jurisdictions. They shall adopt similar rules of ethical conduct, or incorporate the provisions of this Code, into their own rules.
- 1.13 Fide has a duty to promote awareness of this Code among its members.

## **Art. 2 - INTERPRETATION**

- 2.1 Words used in this Code shall have the same meaning as set out in the FIDE Charter, unless specified otherwise in the Definitions set out in the Appendix hereto.
- 2.2 All capitalized terms shall have the meaning given to them in the Definitions set out in the Appendix hereto.
- 2.3 Unless it appears otherwise from the context, the singular shall include the plural and *vice versa*, and the masculine shall include the feminine and the neuter and *vice versa*, and references to persons shall include legal persons, bodies and organisations.
- 2.4 To the extent of any inconsistency or contradiction between the provisions of this Code read with its Appendix and the FIDE Charter, the relevant provisions of the FIDE Charter shall prevail.

- 2.5 The provisions of this Code shall be governed by and interpreted in accordance with the laws of Switzerland.

## **PART II – PRINCIPAL PROVISIONS**

### **Art. 3 - THE ETHICS & DISCIPLINARY COMMISSION**

- 3.1 The Ethics and Disciplinary Commission (EDC) is constituted by Art. 26 of the FIDE Charter.
- 3.2 The EDC is an independent organ of FIDE and sole adjudicating body within FIDE (next to the FIDE Electoral Commission in relating to matters falling within its competence); its members being elected by the General Assembly, and performs its functions free from any influence and without fear or favour.
- 3.3 The EDC shall have its seat at the FIDE Office in Lausanne, Switzerland.
- 3.4 The EDC may carry out all the actions, which fall within the mission, in any place it deems appropriate.
- 3.5 The proceedings of the EDC shall be conducted in English.
- 3.6 The EDC shall exercise jurisdiction over all members of the FIDE family as defined in this Code.
- 3.7 The EDC shall only consider complaints and reports received which meet the requirements for the admissibility of complaints and reports as set out in this Code.
- 3.8 The EDC has no power to investigate on breaches of this Code on its own initiative, but shall open a case, investigate and judge on it after receiving an admissible complaint by a person or a report by a FIDE organ.
- 3.9 The EDC shall decide complaints and reports of any alleged breach of this Code and impose a sanction or grant other measures as specified in this Code, acting in accordance with the FIDE Charter and EDC Procedural Rules.
- 3.10 During all their operations, the EDC will draw on precedents, *mutatis mutandis*, already established by sports doctrine and jurisprudence.
- 3.11 The EDC may reconsider their decision, either on their own initiative or upon request of one of the parties, when new pertinent facts arise or if new evidence is discovered, unless they could have been brought forward during the proceedings leading to the decision.
- 3.12 In addition, the EDC is charged with the following mission pursuant to the provisions of this Code:
- a) to assist FIDE in developing and updating a framework of ethical principles, including this Code, based upon the values and principles enshrined in the FIDE Statutes, subsidiary rules and in the Olympic Charter, all such values and principles being hereafter referred to as “FIDE Ethical Principles”;
  - b) to help ensure compliance with the FIDE Ethical Principles in the policies and practices of FIDE;

- c) to provide assistance, including advice, proposals and recommendations, upon request by the FIDE President, the Executive Director, the Management Committee, the FIDE Council or the Congress, in order that the FIDE Ethical Principles are applied in practice;
  - d) to investigate complaints or other issues submitted to the FIDE by the FIDE President, the FIDE Council, or the Congress, and raised in relation to the non-compliance with the FIDE Ethical Principles, and, if necessary, to impose sanctions or recommend other action to be taken by FIDE, the President, the Management Committee, the Council or the Congress;
  - e) to bring to the attention of whatever entity it finds appropriate, including but not limited to the FIDE President, the FIDE Council, or the Congress, any matter infringing the FIDE Ethical Principles and recommend actions or sanctions;
  - f) to advise on how to avoid or resolve conflicts of interest;
  - g) to pursue any other tasks relating to the development and implementation of the FIDE Ethical Principles, as requested by the FIDE President, the Executive Director, the Management Committee, the FIDE Council or the Congress.
- 3.13 In the event of vacancy due to death, resignation, incompatibility or long-term inability of an EDC member to perform his or her functions, the member shall be replaced by a new member, elected by the General Assembly. The new member shall complete the term of the member he or she replaces and may be appointed for one new four-year term.
- 3.14 A member of the EDC can only be recalled by the General Assembly if a vote of no confidence is passed against the member by an ordinary majority of votes in a meeting of the General Assembly.
- 3.15 A member of the EDC may only be suspended from office by a unanimous decision of the FIDE Council (which suspension will be limited in time until the first meeting of the Congress thereafter).
- 3.16 Members of the EDC may not take any measure nor exercise any authority in relation to a matter where any conflict of interests or any other form of conflict exist or is justifiably perceived to exist.
- 3.17 A member of the EDC shall decline to participate in a matter or withdraw from a matter he is taking part of in any of the following circumstances:
- a) If he has the same nationality as a party involved in the matter, unless his participation has been agreed to by the parties,
  - b) If he has a direct or indirect interest in the matter,
  - c) If he has dealt with the matter in a different function,
  - d) If he has previously expressed an opinion about the matter,
  - e) If there are other legitimate doubts as to his independence.
- 3.18 Challenges to a member of the EDC Panel in a matter shall be made as soon as the grounds for the challenge become known.

- 3.19 The resolution of such a challenge by a party is in the exclusive power of the chairperson of the EDC.
- 3.20 Members of the EDC serve as volunteers. They are entitled to be reimbursed by FIDE for all their travel expenses as well as an allowance to cover their other costs, and *honoraria* as may be approved by FIDE.
- 3.21 Members of the EDC shall be indemnified by FIDE in relation to any claim by any third party deriving from the carrying out of their duties as members of the EDC. Except in the case of bad faith or gross negligence, no member of the EDC, its Fact-finding Committee or FIDE Office staff may be held personally liable in respect of any act or omission relating to any investigation, case, procedure or decision taken pursuant to the provisions of this Code.
- 3.22 Proceedings before the EDC in the first instance shall be free of charge. However, if the competent FIDE body decides that a hearing shall be organised, it may make the organisation of such hearing dependent upon one or more of the parties paying to FIDE the reasonable administrative costs.
- 3.23 National Member Federations shall deal with alleged breaches of the Code of Ethics within their own jurisdiction through their own processes unless the allegation of breach involves the National Member Federation itself in which case the matter will be for FIDE EDC to consider.
- 3.24 National Federations will incorporate procedural rules in their regulations which will be compatible with this Code and the Procedural Rules of the EDC.
- 3.25 Where the EDC is of the view that a National Member Federation has failed to either appropriately investigate conduct that would amount to a violation of the FIDE Ethics & Disciplinary Code or to impose an appropriate penalty, the EDC itself may undertake its own investigation and/or take a decision in accordance with this Code.
- 3.26 If there is any omission in this Code, the EDC will decide in accordance with rules they would lay down if they were acting as legislators without prejudice to the principle of legality.

#### **Art. 4 - APPLICATION & SCOPE OF THIS CODE**

- 4.1 All members of the *FIDE family* shall be subject to this Code and fall under the jurisdiction of the EDC.
- 4.2 The *FIDE family* consists of the following members:
  - a) FIDE Member Federations;
  - b) FIDE Continents and Zonal Councils;
  - c) FIDE Affiliated Organisations;
  - d) Delegates and other representatives of FIDE Member Federations, Continents and Zonal Councils, and Affiliated Organisations;
  - e) Representatives of chess associations, leagues and clubs associated to FIDE Member Federation members, Continents and Zonal Councils, and Affiliated Organisations;



- f) Members of FIDE organs, non-elected commissions and other FIDE officials;
  - g) FIDE Honourable dignitaries;
  - h) Electoral candidates in FIDE elections;
  - i) FIDE employees;
  - j) FIDE titled players;
  - k) Players, organisers, arbiters, trainers and administrators who are registered in the FIDE database;
  - l) Competitors in FIDE tournaments and events who are not yet registered in the FIDE database;
  - m) Persons officiating at FIDE tournaments and events, including those who are not yet registered in the FIDE database;
  - n) Participants in FIDE congresses, including those not yet registered in the FIDE database;
  - o) Persons accompanying players in FIDE tournaments and events, such as agents, managers, team captains, personal or team coaches, parents and chaperones;
  - p) Match agents and sponsors of FIDE tournaments, events and congresses;
  - q) Persons who are bidding to host or are hosting a congress or an international competition, and anyone working for such persons;
  - r) Any member of an organising committee of a FIDE tournament or event;
  - s) Consultants and contractually-connected persons/firms representing or serving FIDE;
  - t) Any other persons who agree to be bound by this Code;
  - u) Any person who is otherwise an actor or participant in the sport of chess or its governance / administration.
- 4.3 For the avoidance of any doubt, members of the general public and persons who have no connection with the sport of chess, are not exposed to any action under this Code.
- 4.4 This Code governs every subject to which the text or the meaning of its provisions refers.
- 4.5 This Code shall apply in respect of any and all conduct proscribed in this Code if performed by a member of the FIDE family and such conduct takes or took place on an occasion in one of the following spheres:
- a) The international sphere, meaning FIDE tournaments, events and congresses, as well as other tournaments and events which has a multi-national participation, or are FIDE rated, or at which norms for FIDE titles can be earned, or serve as a qualifying event for a FIDE tournament or event including the World Cup, or the relevant conduct in some manner affects the interests of other national federations or the international chess community as a collective;

- b) The national sphere, meaning tournaments, events and meetings organised or hosted or under the auspices of a national federation which fall outside the international sphere, but only in the following circumstances:
      - i. the case on which the alleged violation is based has international implications or affects various national member federations of FIDE and has not been judged at national level through the national federation's own ethics process; or
      - ii. the national ethics process has operated in a manner that in itself is a breach of this Code or of the fundamental principles of law and fair trial.
- 4.6 Every person and body in the FIDE Family submits to the exclusive jurisdiction of the EDC to hear and decide complaints of violations of this Code and to the exclusive jurisdiction of the Court of Arbitration for Sport (CAS) to determine any final appeal from a final decision of the EDC.
- 4.7 Every person in the FIDE Family shall be deemed to have agreed:
- a) to be bound by and to comply at all relevant times with the requirements of this Code that are applicable to them, as a condition of their participation or other involvement in the sport of Chess;
  - b) that they have a personal and non-delegable responsibility (a) to familiarise themselves with all of the requirements of this Code that are applicable to them; and (b) to comply with those requirements. Ignorance of the Code will be no defence to proceedings for violation of the Code;
  - c) that they will violate this Code:
    - i. if they fail to comply with any requirement of this Code that is applicable to them;
    - ii. if they attempt, or agree with another person, to act in a manner that would constitute or culminate in a violation of this Code, whether or not such attempt or agreement actually results in a violation. However, there will be no violation if the participant renounces the attempt or the (not yet performed) agreement prior to it being discovered by a third party not involved in the attempt or agreement; or
    - iii. if they assist, encourage, aid, abet, conspire, cover up or engage in any other type of intentional complicity in respect of any violation or attempted violation of this Code;
  - d) to submit to the investigative and prosecutorial jurisdiction of the FIDE and to the exclusive adjudicative jurisdiction of the EDC and the Court of Arbitration for Sport (CAS) arising under this Code, and that they may not bring any proceedings in any court or other forum that are inconsistent with that submission; and
  - e) that they remain bound by this Code and subject to the jurisdiction of FIDE, the EDC and the CAS under this Code, even after the date that they cease to be or cease to seek to become a member of the FIDE family, in respect of: (i) any confidentiality obligations set out in this Code or elsewhere in the Rules; and (ii) enforcement of the Code in respect of any matter occurring prior to such date.
- 4.8 Breaches of this Code shall be sanctioned whether acts of commission or omission, whether they have been committed deliberately or negligently, whether the breach constitutes an act or attempted act, and whether the parties acted as principal, participant, accomplice or instigator, aiding or abetting.

- 4.9 Disputes arising during a game or tournament shall be resolved in accordance with the laws of Chess in existence at the time and with the tournament regulations.
- 4.10 The EDC is also responsible for imposing sanctions in respect of serious violations of this Code during a game or Tournament which have escaped the Arbiter's attention during a Competition.
- 4.11 All violations and sanctions relating to doping cases will be handled according to the applicable FIDE Anti-doping Rules, overseen by the FIDE Medical Commission and decided by the FIDE Doping Hearing Panels nominated for specific cases.
- 4.12 With regard to competitions and events organized by Member Federations, Continents and Associated Organisations within its own domestic sphere, such bodies are responsible for enforcing sanctions imposed against infringements committed in their area of jurisdiction. If requested, the sanctions passed may be extended by the EDC to have worldwide effect.
- 4.13 The EDC has the right to sanction serious infringements if Member Federations, Continents and Associated Organisations fail to prosecute serious infringements or fail to prosecute in compliance with the fundamental principles of law.
- 4.14 Where it deems it appropriate, FIDE may stay its own investigations or proceedings under this Code pending the outcome of investigations or proceedings being conducted by other relevant authorities or bodies. However, the mere existence of another investigation or proceeding does not entitle the subject thereof to a stay of investigations or proceedings being carried out by the FIDE under this Code.
- 4.15 FIDE shall not enter into business relationships with partners which do not accept to comply with the principles listed in this Code. FIDE is under an obligation to ensure that the business partners comply with the said principles.

#### **Art. 5 - ADMISSIBILITY OF COMPLAINTS AND REPORTS**

- 5.1 In order for a complaint or report to be accepted and adjudicated by the EDC, it must meet the following minimum substantive requirements:
  - a) The complainant must have the necessary standing to submit the complaint;
  - b) The person or body against whom the complaint is directed, i.e. the respondent, must be a member of the FIDE family;
  - c) The allegations made and documents furnished as part of the complaint must disclose, at least on a *prima facie* basis, conduct which amounts to one or more violations of this Code;
  - d) The conduct complained of must have been committed in the international sphere, or if in the national sphere, fall within one of the exceptions on the basis of which the EDC will exercise jurisdiction;
  - e) The conduct complained of must have been committed during the course of a period of no more than five (5) years immediately preceding the date on which the complaint is received by FIDE in instances of fraud, corruption and cheating, and no more than three (3) years preceding such date in all other instances.
- 5.2 A complainant shall have the necessary standing to submit a complaint if –
  - a) he, she or it is a member of the FIDE family other than a person mentioned in 4.2(e), and 4.2(o) – (u) ; and

- b) in the case of an individual complainant, he or she is personally and directly affected by the alleged misconduct; or
- c) in the case of the General Assembly, FIDE President, FIDE Council and Management Board representing FIDE's interests in general; or
- d) in the case of another FIDE organ submitting a report to the EDC, such organ represents the general interests of FIDE in a specific area of interest or speciality within FIDE's governance of the sport of chess.

5.3 A complaint may be declared as non-admissible if, in spite of meeting the above minimum requirements, it suffers from one or more of the following defects:

- a) if the complaint is not brought by the real complainant, but by some-one else on his or her behalf, save for instances where the complainant is a legal body duly represented by an authorised representative;
- b) if the complaint is substantially the same as a complaint submitted to and pending before a national federation's ethics and disciplinary body or another sport law tribunal;
- c) if the complaint is substantially the same as a complaint already considered and decided by the EDC;
- d) if the complaint relates to a personal affair between the complainant and the respondent or is otherwise unrelated to the practise or the governance of the sport of chess;
- e) if the complaint is manifestly ill-founded or unsubstantiated or can be described as confused or far-fetched, or was brought with an ill-motive or constitute an abuse of the ethics and disciplinary proceedings.; or
- f) if the complainant has suffered no significant disadvantage or the complaint can be described as trivial, or purely technical and insignificant.

5.4 Procedural requirements for the filing of reports and complaints may be set out in the EDC Procedural Rules.

### **PART III – ETHICS CODE**

#### **Art. 6 - ETHICAL VALUES & PRINCIPLES**

6.1 The FIDE members undertake at all times to respect and ensure respect of the following values and principles:

- a) Human dignity;
- b) Equality;
- c) Safety;
- d) Integrity;
- e) Good faith;
- f) Loyalty;
- g) Fair Play;
- h) Responsibility;

- i) Priority of interests of chess above personal financial interests;
- j) Communication and Transparency.

#### **A. HUMAN DIGNITY (Respect)**

- 6.2 Members of the FIDE Family shall respect the right of all individuals to dignity and to be treated with respect in order to maintain and enhance the self-esteem of others by demonstrating respect for others, at all times, regardless of race, colour, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, physical attributes, playing ability or other status.
- 6.3 Safeguarding the dignity of the individual is fundamental and all forms of harassment, vilification, and abuse by any member of the FIDE Family, be it physical, professional, or sexual, and inflicting, facilitating or tolerating any non-accidental physical or mental injuries are strictly prohibited.
- 6.4 Harassment refers to systematic, hostile and repeated acts intended to isolate or ostracise a person or group and affect the dignity of a person or group. In particular, but without limitation, members of the FIDE Family shall not engage in the following forms of harassment:
- a) **Bullying.** Bullying, including cyber bullying, may include without limitation unwanted, repeated and intentional, aggressive behaviour usually among peers, and can involve a real or perceived power imbalance. Bullying may also include actions such as making threats, spreading rumours or falsehoods, attacking someone physically or verbally and deliberately excluding someone;
  - b) **Homophobia.** Homophobia may include without limitation antipathy, contempt, prejudice, aversion or hatred towards lesbian, gay, transgender, bisexual individuals or other individuals who identify with a non-binary gender;
  - c) **Neglect.** Neglect means the failure of a coach or another person with a duty of care towards a player or other person to provide a minimum level of care, which causes harm, allows harm to be caused, or creates an imminent danger of harm, and which may include without limitation:
    - i. depriving a player of food/or drink;
    - ii. depriving a player of sufficient rest and recovery;
    - iii. failure to provide a safe physical training environment; or
    - iv. or age-inappropriate training methods.
  - d) **Physical abuse.** Physical abuse means non-accidental violence towards a player or other person, which may include, deliberate trauma or physical injury caused by punching, beating, kicking, biting, burning or otherwise harming a player. This could include forced or mandated inappropriate physical activity; forced alcohol consumption; or systematic doping practices;
  - e) **Psychological abuse.** Psychological abuse means any treatment that may diminish the sense of identity, dignity or self-worth, and may include without limitation any

unwelcome act such as confinement, isolation, verbal assault, humiliation, or infantilization;

- f) **Sexual abuse.** Sexual abuse means conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given; and
- g) **Sexual harassment.** Sexual harassment means unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal, or physical. The assessment is based on whether a reasonable person would regard the conduct as undesirable or offensive.

#### **B. EQUALITY (Non-Discrimination)**

- 6.5 There shall be no discrimination in chess on the basis of race, gender, ethnic origin, colour, culture, religion, political opinion, marital status, sexual orientation or any unfair or other irrelevant factor, except as permitted by law, including in the election or appointment of persons in the FIDE Management Board, FIDE Council, Zonal Council, Commissions, Committees, or other elected or appointed bodies of the FIDE.
- 6.6 In electing or appointing persons to positions within FIDE, both genders must be equally considered.

#### **C. SAFETY (Non-Violence)**

- 6.7 Everyone has the right to participate in chess in an environment that is safe and enjoyable. FIDE encourages healthy and safe procedures, and is committed to protecting player welfare, including non-discrimination and the prevention of harassment and abuse.
- 6.8 Members of the FIDE Family shall respect and promote the rights of Vulnerable Groups.
- 6.9 Members of the FIDE Family shall familiarise themselves and comply with their safeguarding obligations, which include the following:
  - a) Ensure the safety of any Vulnerable Groups in their care;
  - b) Always act in the best interests of Vulnerable Groups;
  - c) Maintain appropriate and professional boundaries at all times;
  - d) Treat all persons, especially Vulnerable Groups, equally, with respect, dignity and fairness;
  - e) Ensure that the same professional standards are applied regardless of ethnic origin, colour, nationality, race, religion, gender, sexual orientation, age or disability;
  - f) Recognise the development needs of minors and the capacity of Vulnerable Groups, empower and educate vulnerable groups on their rights, and ensure that any concerns or allegations concerning the welfare of Vulnerable Groups are acted upon and recorded in accordance with this policy;
  - g) Promote an environment that is safe and enjoyable;

- h) Guarantee the players conditions of safety, mental and physical well-being, and medical care appropriate for chess;
- i) Endeavour to protect the environment on the occasion of any chess competitions that they organise.

#### **D. INTEGRITY (Honesty)**

- 6.10 Persons subject to this Code shall act with the utmost integrity, honesty and responsibility in fulfilling their respective roles in the sport of chess and shall not act in a manner likely to adversely affect the reputation of the FIDE, or the sport of chess generally, nor shall they act in a manner likely to bring the sport into disrepute.
- 6.11 Doping in Chess is strictly prohibited in accordance with the FIDE Anti-Doping Rules.
- 6.12 Persons subject to this Code, shall not offer, promise, give, solicit or accept any personal or undue pecuniary or other benefit (or the legitimate expectation of a benefit irrespective of whether such benefit is in fact given or received) in connection with their activities or duties in chess.
- 6.13 Persons subject to the Code are prohibited from misappropriating FIDE assets.
- 6.14 Members of the FIDE Family may receive or accept gifts only as a mark of respect or friendship and of nominal value in accordance with prevailing local customs. Any gifts offered to a third party must have been previously authorized by FIDE. Gifts may only be offered by FIDE or on behalf of FIDE; the Parties shall refrain from offering any gifts in their personal names. An overall sense of moderation should prevail concerning hospitality and accommodation.

#### **E. GOOD FAITH**

- 6.15 Members of the FIDE Family shall act in good faith towards each other with mutual trust and understanding in all their dealings.
- 6.16 Individuals in positions of trust have a duty –
  - a) To never abuse, misuse the relationship of trust, position of power and influence held by a coach or official;
  - b) To avoid situations where individuals in a supervisory capacity are in a one-to-one or unobserved situation with a minor;
  - c) When travelling for chess activities, to always follow the protocols and rules for transportation and accommodation laid out by appropriate authorities;
  - d) To act as a role model and ensure demonstration of consistent standards of behaviour;
  - e) To communicate with minor players openly and publicly and not send private messages to minors.

**F. LOYALTY**

- 6.17 Loyalty means to show continuous allegiance to FIDE, its rules and principles. To this end:
- a) FIDE Family members shall always abide strictly by the FIDE Charter and Bylaws, Regulations, Codes, Decisions and Directives, including the sports and ethics principles upheld by FIDE.
  - b) FIDE Family members shall have a duty of loyalty to FIDE, National federations and clubs.

**G. FAIR PLAY**

- 6.18 Fair play is the basic guiding principle in the sport of chess. It is operating within the spirit of the rules, never taking unfair advantage and making informed and honourable decisions at all times.
- 6.19 The principle of fair play is further supported by the requirements of friendship and mutual aid to other members of the FIDE Family.
- 6.20 Chess parties shall refrain from activities that might improperly affect the outcome of Chess Competitions, including without limitation, Acceptance of Benefits and Offering of Benefits.
- 6.21 Betting on chess and other corrupt practices relating to the sport of chess by any person being subject to this Code, including improperly influencing the outcomes and results of an event or competition are prohibited. It is not precluded to bet on the outcome of a chess game, tournament, or match if one is not in any way involved in the event or attached to a player in the event.
- 6.22 Any person being subject to this Code shall exercise due care and diligence in fulfilling their roles for, or on behalf of FIDE and not disclose information received if such disclosure is made maliciously in order to damage the interests of FIDE.
- 6.23 No FIDE staff or Federation member shall make adverse comments on a policy adopted by FIDE once a FIDE decision has been taken.

**H. RESPONSIBILITY (Accountability)**

- 6.24 Each member of the FIDE Family must take responsibility for his or her own actions and be a positive role model at all times.
- 6.25 Responsibility means the performance by an individual without supervision of the tasks and functions held with care, in the best interest and full respect of chess and of the FIDE Charter, Bylaws and Regulations/Codes. To this end:
- a) FIDE Family members shall not act in a manner likely to damage FIDE's reputation or bring chess into disrepute.
  - b) FIDE Family members shall not give, make, issue, authorize or endorse any statements and/or declarations (including through print, broadcast, internet and/or any social media) that violate any provision of this Code of Conduct specifically including, but not limited to, any statements that have or are designed to have an effect prejudicial to the welfare of the FIDE, any FIDE Family member or the game of chess, or bring chess into disrepute.



## 6.26 Individual Responsibility

- a) To always uphold and follow the policies and rules of one's club, the national federation and FIDE.
- b) To respect the confidentiality of information between players and coaches, coaches and officials, coaches and parents or authorities.
- c) To be organized, prepared and on time for chess activities.
- d) To work co-operatively, in a fair and impartial manner within a club or national team situation, understanding the specific roles and tasks of all members, and the rules and regulations guiding the activity.
- e) To comply with the rules and regulations of the club and the national federation.
- f) To refrain from substance abuse and excessive smoking while attending official activities.

## 6.27 Reporting Obligation- The persons subject to this Code:

- a) shall immediately report any potential breach of this Code to the FIDE Secretariat (without undue delay), in the strictest confidentiality and by using the appropriate mechanisms, with a view to referral to the EDC full details of any approaches or invitations received by the person subject to the Code to engage in conduct that would amount to a violation of this Code, or the full details of any incident, fact or matter that occurred in the presence of the person subject to this Code that may evidence a violation under this Code by a third party. Any disclosure of information must not be for personal gain or benefit, nor be undertaken maliciously to damage the reputation of any person or organization.
- b) are obliged to contribute to clarifying the facts of a case, or clarifying possible breaches and to provide evidence requested by the EDC.

## **I. PRIORITY OF INTERESTS OF CHESS ABOVE PERSONAL FINANCIAL INTERESTS**

- 6.28 Members of the FIDE Family shall refrain from asking, accepting or proposing, either directly or indirectly, any payment or commission, any advantages or services of any kind, in exchange for the performance of their duties for FIDE or for their work carried out for FIDE, unless they have previously obtained an express authorization in writing from the competent FIDE authority.
- 6.29 FIDE must be informed of any offers of this kind which are made to a party. FIDE shall adopt proper measures to ensure protection of such parties, so that they can inform FIDE without risk of reprisal.

## **J. COMMUNICATION AND TRANSPARENCY**

- 6.30 Gifts or hospitality shown to members and staff of FIDE and its National Federations, and to the persons accompanying them shall be declared and shall not exceed the standards prevailing in the host country.

- 6.31 Members of the FIDE Family, or their representatives, shall 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 bidding for the organisation of a chess competition.
- 6.32 Those members of the FIDE Family wishing to organise an Official chess competition shall refrain from approaching another chess Party or other third party with a view to obtaining any financial or political support inconsistent with the provisions of such manuals and/or this Code at any point in the bidding process.
- 6.33 In addition, players and officials shall have the following duties:
- a) To ensure that all statements and other forms of communication about others are factual and/or not deliberately hurtful including all forms of social media.
  - b) To ensure that players, coaches, officials and others are appropriately informed and have accurate information for decisions.
  - c) To ensure that all e-mails, texts, messaging and posts are transparent, professional and related solely to chess activities or events.
  - d) To report promptly any concerns of abuse or neglect of a participant in chess to the appropriate authorities in line with applicable safeguarding Policies and Procedures, and to ensure action has been taken.
  - e) To refrain from public negative criticism of volunteers, coaches, officials and others involved in a chess activity. Report difficulties or concerns in the appropriate manner.
  - f) When providing feedback to any chess participant, to be honest, but positive and ensure a factual and constructive approach which allows player's feedback.
  - g) To keep emotions in check and maintain composure and use language that is unlikely to cause offense.

#### **Art. 7 - DUTY TO COMPLY WITH FIDE PRINCIPLES AS SET OUT IN FIDE CHARTER**

- 7.1 Article 4 of the FIDE Charter sets out the fundamental principles followed by FIDE and which principles have to be respected and complied with by all members of the FIDE Family.
- 7.2 Non-compliance with the FIDE Principles by any members of the FIDE Family shall constitute a breach of the Ethics Code and be subject to Remedial Action or Disciplinary Action in terms of this Code.

#### **Art. 8 - DUTIES OF FIDE OFFICIALS**

- 8.1 In furtherance of the promotion of the above ethical values and principles, FIDE Officials have the following specific duties and responsibilities:
- a) Fiduciary duty;

- b) Avoidance of improper benefits;
- c) Avoidance of improper association;
- d) Good governance and transparency;
- e) Avoidance of conflicts of interest;
- f) Loyalty;
- g) Neutrality;
- h) Confidentiality.

#### **A. FIDUCIARY DUTY**

- 8.2 In discharging their duties to FIDE, all Officials shall act in good faith, for a proper purpose and in the best interests of FIDE when making decisions that affect, or may affect, FIDE and to do so without reference to their own personal interests, either financial or otherwise, and without knowingly causing harm to FIDE, the Continents or any National Federation.
- 8.3 Members of the FIDE Management Board, FIDE Council and FIDE Commissions have responsibilities of the highest order for the promotion of chess and for stewardship of the resources of FIDE. In the execution of these responsibilities, they are expected to act lawfully and in accordance with FIDE Charter, and to adhere consistently to the principles of fairness, honesty, and respect for the rights of others. They are expected to conduct themselves in a professional manner throughout the performance of all duties, contributing thereby to maximum effectiveness in the achievement of the goals of FIDE.
- 8.4 FIDE Officials shall apply due care, skill and diligence in fulfilling their roles for and on behalf of the FIDE, displaying the necessary competence and act without any negligence or gross dereliction of duty.

#### **B. AVOIDANCE OF IMPROPER BENEFITS**

- 8.5 Except where specifically approved by the General Assembly, no member of the FIDE Management Board and FIDE Council, or a member of his immediate family, may receive financial compensation from FIDE for any reason, except for standard reimbursement of expenses, during his tenure on the Board or Council, or for one year after completing his tenure if such compensation results from bids accepted or agreements made by the Board or Council during his tenure. In claiming expense reimbursement, a Board or Council member must claim only that portion of expenses that were incurred in non-political activities that were a legitimate exercise of the Board or Council member's duties. Any unusual expenses for which reimbursement is questionable must be referred to the full Board or Council for consideration. Board or Council members are expected to exercise all reasonable frugality in incurring expenses to be reimbursed.
- 8.6 Office-holders and staff of a National Federation Member and members of organising committee of Chess Competitions, in their dealings with FIDE, including when representing the National Federation Member at Congress and/or otherwise deciding how to exercise the rights of the National Federation Member as an FIDE Member, must not directly or indirectly solicit or accept from anyone, or offer to anyone, any form of undue remuneration or commission, or

any concealed benefit or service of any nature, connected in any way with their official activities.

- 8.7 No FIDE Official shall, directly or indirectly, offer, pay or arrange any concealed remuneration, commission, benefits, entertainment, gifts or service of any nature to be given to another FIDE Official or a FIDE Employee connected with their participation in chess or with their function as a FIDE Official or FIDE Employee.
- 8.8 No FIDE Official shall solicit or accept any concealed remuneration, commission, benefits, entertainment, gifts or service of any nature in exchange for, or as a condition of, the exercise of their duties, or as an inducement for performing an act associated with their duties or responsibilities save for what is permitted herein after.
- 8.9 Gifts, hospitality or other benefits associated with a FIDE Official's official duties and responsibilities may be accepted subject to the limit stipulated herein below, if such gifts, hospitality or other benefits:
- a) are within the bounds of propriety, a normal expression of courtesy or friendship, or within the normal standards of hospitality in accordance with prevailing local customs and are not excessive; or
  - b) reasonable, proportionate, and *bona fide* corporate gifts and hospitality (including event accreditations or tickets), solely as a mark of respect or friendship; and
  - c) would not bring suspicion on the Official's objectivity and impartiality; and
  - d) would not compromise the integrity of FIDE.

provided that any such gift, hospitality or other benefit that is worth less than 250 Euros need not be disclosed (or the equivalent in any other currency) need not be disclosed to FIDE If the Gift or other benefit it is not approved by FIDE it must be withdrawn or returned (as applicable).

#### **C. AVOIDANCE OF IMPROPER ASSOCIATION**

- 8.10 No FIDE Official may be involved with any company, association, firm, sports body or person whose activity is inconsistent with the objectives or interests of FIDE. If it is unclear, whether this kind of a connection exists in any given situation, the matter shall be submitted to the EDC for a ruling.

#### **D. GOOD GOVERNANCE AND TRANSPARENCY**

- 8.11 Management Board and FIDE Council members must be motivated solely by the best interests of FIDE in exercising their duties. Any potential conflict of interest, whether due to financial, political, personal, geographical, organizational, familial, or other considerations, must be prevented from affecting any Board or Council member in the discharge of his or her duties.
- 8.12 Management Board and FIDE Council members are expected to contribute to the functioning of the Board and Council as cohesive units, with information flowing comfortably among all its members. Actions that interfere with comfortable and open communication among all Board and Council members should be avoided. In particular:

- (a) All Board and Council members have the right to receive all information pertinent to the making, monitoring, and implementation of FIDE policy. Board and Council members should not withhold full and accurate information from other Board or Council members, when that information is relevant to Board or Council decisions or potential decisions. Where decision-making authority has been given to a specific Official by the Board or Council, or the Bylaws, that Official must keep all Board or Council members, as the case may be, fully and accurately informed of all decisions made and factors influencing those decisions.
  - (b) All Board and Council members have the right to be involved in the determination of all Board and Council decisions respectively. A Board or Council majority has no authority except as a majority vote within the context of a properly called Board or Council meeting. Board or Council decisions must result from discussions in which all Board or Council members, as the case may be, have had the opportunity to participate.
  - (c) Board and Council members are responsible for contributing to constructive communication within the Board or Council. Members are responsible to communicate directly with each other whenever there is misunderstanding or ill will, making strenuous efforts to resolve the issue amicably through such communication, before making the dispute public.
- 8.13 A Board or Council member should not pressure any FIDE Employee by means of stated or implied threats to employment. Specific criticism of FIDE Employees should be conveyed discreetly to the FIDE Executive Director.
- 8.14 The Management Board and FIDE Council are responsible for conducting business in an efficient, constructive, and open manner.
- 8.15 All actions taken by the Management Board and Council must be consistent with the Charter and Bylaws of FIDE, and with all policy established by FIDE General Assembly.
- 8.16 Management Board and Council members must respect the dignity of all persons in all statements and actions. Any derogatory and/or sarcastic statements attacking an individual in a personal manner, or intended to bring scorn or ridicule on an individual, shall be considered out of order at any and all times in a Management Board or Council meeting, whether in open or closed session. Any angry and heated exchanges in a Board or Council meeting should be considered out of order. The Chair of the meeting shall be responsible for promptly ruling such utterances out of order or any member may raise a point of order to that effect. Personal differences must be privately resolved without disturbing the efficient conduct of FIDE business in a Board or Council meeting.
- 8.17 A closed session should be held only when the best interests of FIDE are definitely served by doing so. Examples of when closed sessions are proper would include the discussion of matters that are legally sensitive, issues involving sensitive negotiations, or matters in which the privacy rights of any individual may be at risk. Closed sessions should not be scheduled to permit the airing of heated or derogatory comments, which should be out of order in any meeting discussion, or to avoid the necessity of Board or Council members' dealing with unpopular issues publicly. The Board or Council may invite other persons into the closed session if such persons possess special information or expertise needed by the Board or Council, but a Management Board or Council candidate who is not currently on the Board or Council, as the case may be,

should not be included in a closed session unless all Board or Council candidates present at the meeting are also invited.

- 8.18 Board and Council members should be sensitive to the feelings of volunteers and staff members whose names may be mentioned, or whose work may be criticized, during Board or Council discussion.
- 8.19 All Board and Council members must strictly observe confidentiality of closed sessions. In the case of a conference call, the Board and Council members must clearly understand what portions of the call are considered open or closed, for the purpose of determining what information in the call must be considered confidential.

#### **E. AVOIDANCE OF CONFLICTS OF INTEREST**

- 8.20 FIDE is committed to maintaining the highest standards of good governance and conducts its business in an open and transparent manner. The aim of these provisions on Conflict of Interest is to protect both FIDE and the individuals concerned from any appearance of improper behaviour. Chess Parties shall strive to reduce and eliminate instances of conflict of interest by being aware, prudent, and forthcoming about the potential conflicts.
- 8.21 An “interest” for the purposes of the Code and this Rule means and includes any interest, direct or indirect, whether private or personal, financial or otherwise related to the FIDE Official concerned. This also includes the interest of a third person (such as a parent, spouse or other immediate family, or dependent).

#### **Potential conflicts of interests internally FIDE**

- 8.22 FIDE Officials shall not be involved in the executive day-to-day running of Continental/National federations of Chess sports whilst holding FIDE office, but may be the official delegate of his or her home federation.
- 8.23 A member of the FIDE Verification Commission, Constitutional Commission and Ethics & Disciplinary Commission shall, in addition to the above, not be a member of the FIDE Management Board or FIDE Council, or be employed as a FIDE Employee.

#### **Potential conflicts of personal interests**

- 8.24 FIDE Officials shall not, unless the personal business, transaction, benefit or other interest is properly disclosed and approved in advance by the FIDE President or FIDE Council:
  - a) Have, or appear to have, private or personal interests that detract from their ability to perform their duties with integrity in an independent and purposeful manner.
  - b) Misuse their position as a FIDE Official (including any information provided to them in their capacity as an FIDE Official) in any way or engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with FIDE;
  - c) Knowingly place themselves in a position where they are under an obligation to any person who might benefit from special consideration or who might seek preferential treatment;

- d) if the opinion or decision of an Official, acting alone or within an organisation, is influenced by, or may be reasonably considered as liable to be influenced by relations that such Official has, has had or is on the point of having, with another person or organisation that would be affected by the person's opinion or decision;
  - e) In the performance of their official duties, give preferential treatment to family members, personal friends, colleagues, or organizations in which their family members, personal friends, or colleagues have an interest, financial or otherwise;
  - f) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with FIDE, if such information is confidential or not generally available to the public;
  - g) Engage in any outside work, activity, or business or professional undertaking that conflicts or appears to conflict with their official duties with FIDE, or in which they have an advantage or appear to have an advantage on the basis of their association with FIDE;
  - h) Use FIDE's property, equipment, supplies, or services for activities not associated with the performance of their official duties with FIDE without the approval of FIDE. They shall use the resources and assets of FIDE only for lawful purposes and within the authority granted to them;
  - i) Claim reimbursement from FIDE for expenses otherwise than for expenses properly and reasonably incurred in the course of their FIDE activities;
  - j) Place themselves in positions where they could, by virtue of being a FIDE Official, influence decisions or contracts from which they could derive any direct or indirect benefit; or
  - k) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being a FIDE Official.
- 8.25 In the following non-exhaustive list of examples, the circumstances in which a conflict of interests could arise are personal and/or material involvement (salary, shareholding, various benefits) with:
- a) suppliers of the party concerned;
  - b) sponsors, broadcasters, independent chess platforms and various contracting parties;
  - c) Organizations liable to benefit from the assistance of the party concerned (including subsidy, approval clause or election).

### **Objections**

- 8.26 Officials shall not perform their duties in matters with an existing or potential conflict of interest. Should a conflict of interest, or the appearance of a conflict of interest, arise, or if there is a danger of such conflict arising, the individual concerned must refrain from taking any further part in the handling of the matter. If it is unclear whether such a conflict of interest exists in any given situation, the matter may be submitted to the EDC for a ruling.

- 8.27 If an objection is made concerning an existing or potential conflict of interest of an Official, it shall be reported immediately to the EDC for appropriate measures.
- 8.28 If an Official neglects to declare a situation of a potential conflict of interest, the FIDE President or the FIDE Management Board may refer the matter to the EDC.
- 8.29 No member of the FIDE Management Board and FIDE Council, or a member of his immediate family, may profit financially from organizing or directing a national tournament or activity organized or co-organized by FIDE, or from any business activity of FIDE, if the Management Board or FIDE Council is involved in determining the arrangements; such restriction applies during the Board or Council members' tenure and for two years thereafter, with respect to actions taken during his or her tenure on the Board or Council. This provision does not apply if the bid, and all relevant financial arrangements, were finalized before the member was elected to the Board or Council, and are not changed to his advantage during his tenure.
- 8.30 No Board or Council member may participate in consideration of bids for any event or for any expenditure of FIDE funds if he or his immediate family member has any office or other interest in any entity offering a bid. He is required to inform the Board or Council whenever there is a conflict of interest. However, the Board or Council member may provide information on behalf of such a bid, provided that his opportunity to provide information is the same as for those involved in other bids. The Board or Council member with a potential conflict of interest may not make or second motions, enter into debate or discussion in the capacity of a Board or Council member, or vote on the bids or on any issue reasonably related to the bid consideration. If consideration of the bid involves sensitive matters that require a closed session, a Board or Council member who has a potential conflict of interest may not attend the portion of the closed session involving that bid, unless all parties representing competing bids are permitted to attend.
- 8.31 Any Board or Council member who believes that he or another Board or Council member may have a conflict of interest on any matter is expected to inform immediately all members of the Board or Council, as the case may be.

#### **Disclosure of Conflict of Interests**

- 8.32 All FIDE Officials shall disclose, in the format required by FIDE, any and all Conflicts of Interests that they might have at the beginning of any appointment.
- 8.33 In addition, FIDE Officials shall disclose, in writing, any new Conflicts of Interest immediately upon becoming aware that a Conflict of Interest may exist. FIDE Officials shall also disclose to FIDE any and all affiliations with any and all other organizations involved with Chess. These affiliations include any of the following roles: player, coach, manager, official, employee, volunteer, or director.
- 8.34 FIDE may request a FIDE Official to submit a formal declaration of Conflict of Interest at any time. Each FIDE Official will file an annual disclosure statement with FIDE in the form prescribed by FIDE, listing any actual, apparent or potential conflicts known to the FIDE Official at that time. Each FIDE 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 FIDE Secretariat will maintain a register of such disclosures.
- 8.35 When performing an activity for FIDE or before being elected or appointed, a Candidate or Official shall disclose to the EDC any personal interests that could be linked with their



prospective FIDE activities. The EDC may draw the attention of the Candidate or Official to potential conflicts of interest that it identifies.

- 8.36 Where there is an actual, apparent, or potential conflict between the interests of the FIDE and the personal interests of an FIDE Official or of the relatives, friends or acquaintances of an FIDE Official, the FIDE Official must disclose all relevant information about that conflict promptly, accurately, and fully to the FIDE President.
- 8.37 At the outset of every Management Board, FIDE Council, and Zonal Council meeting, the members of each may be asked if they wish to declare any new Conflict of Interest not previously declared.
- 8.38 In every case, unless otherwise specified by FIDE or the Chair of the meeting, the FIDE 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.
- 8.39 FIDE Officials must also disclose in the same manner any 'institutional' conflicts of interest, i.e. actual, apparent or potential conflicts between the interests of the FIDE and the interests of an National Federation Member or other body with which the FIDE Official is associated (whether by virtue of employment or otherwise). Such conflicts may not be waived. FIDE Officials may present the perspective of a particular stakeholder (such as a National Federation 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 the FIDE and the FIDE Members and the sport of chess as a whole.

## **F. LOYALTY**

- 8.40 FIDE Officials owe a duty of undivided loyalty to FIDE.
- 8.41 FIDE Officials 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 the FIDE and the FIDE Members and the sport of Chess as a whole. They must not allow themselves to be influenced by and they must not seek to advance any conflicting interests.
- 8.42 FIDE Officials shall –
  - a) demonstrate loyalty to FIDE and its principles, including the FIDE governance structure, and to the sport of chess, and not do anything that would bring discredit or disrepute to FIDE and the sport of chess;
  - b) Embrace honesty, integrity, and respectability as being core to all chess activities and never knowingly provide false information to others;

- c) Not engage in any criminal or conduct otherwise contrary to the law or improper activities, either within or outside chess;
  - d) 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 the FIDE (e.g. by agreeing to vote in a particular manner in respect of a particular issue); and
  - e) must disclose to FIDE any matter that may reasonably be construed as impacting or potentially impacting upon their decision-making (e.g., side-agreements between National Federation Members, or financial support or loans given by one National Federation Member to another), and must provide such further information in relation thereto as FIDE may request, so that there is full transparency and its effects are understood. The FIDE Official will then comply with the decision of the FIDE President as to how to address the matter.
- 8.43 Office-holders and staff of a National Federation Member, in their dealings with FIDE, including when representing the National Federation Member at Congress and/or otherwise deciding how to exercise the rights of the National Federation Member as a FIDE Member, must act with undivided loyalty to the National Federation 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 FIDE and/or of the National Federation Member.

#### **G. NEUTRALITY**

- 8.44 FIDE Officials shall remain politically neutral in their dealings on behalf of FIDE with government institutions, national and international organisations.

#### **H. CONFIDENTIALITY**

- 8.45 Individuals shall not at any time disclose information entrusted to them in confidence in connection with their role or activities in chess, except as required by this Code or by law.
- 8.46 Information, which is not confidential and is obtained in connection with their role or activities in chess, shall not be disclosed for personal gain or benefit, nor be used maliciously to damage the reputation of any individual or legal entity.
- 8.47 Members of the FIDE Management Board may be asked to sign Non-Disclosure Agreements.
- 8.48 The obligation of confidentiality shall continue in force indefinitely regardless of whether or not the individual concerned remains subject to this Code or has any connection or mission for or on behalf of FIDE.

### **Art. 9 - ADVICE & RULINGS IN ETHICAL DILEMMAS BY EDC**

- 9.1 Any FIDE Official, Member Federation, Player, Arbiter or Coach may, in writing with full disclosure of all relevant circumstances, seek advice from the EDC if he/she finds themselves in a moral dilemma, where they are unsure as to whether their actions may amount to a breach of this Code.

- 9.2 The EDC shall give a non-binding ruling in writing in any such case. Provided that all relevant circumstances had been disclosed to the EDC at the time of seeking such advice or a ruling, a party will be immune from any disciplinary proceedings later if the EDC ruling finds that there will be no ethical violation in the proposed situation and the party proceeds on the basis of the EDC's advice or ruling.
- 9.3 The EDC shall publish its non-binding rulings on the EDC website for general benefit, but in a form where the identity of the parties or other identifying details have been anonymized.

#### **Art. 10 - DISCIPLINARY OR REMEDIAL ACTION FOR INFRINGEMENTS OF ETHICAL VALUES, PRINCIPLES AND DUTIES**

- 10.1 The safeguarding of the ethical values and principles in the Ethics Code is of paramount importance for FIDE.
- 10.2 Serious infringements of the Ethics Code will be subject to Disciplinary Action by a duly nominated EDC First Instance Chamber, subject to a right of appeal to a duly nominated EDC Appeal Chamber.
- 10.3 Other infringements of the Ethics Code considered to be of a less serious nature will be subject to Remedial Action by the FIDE President. This is an administrative proceeding, following an alternative, more informal and expedient process.
- 10.4 The FIDE Charter states, Article 18.2, that the President shall aim to foster a positive image of FIDE and ensure that *inter alia* the values are protected and advanced. The FIDE President shall also, Article 18.3, seek to maintain and develop good relations between and among *e.g.* FIDE Member Federations. As follows from the FIDE Charter, Article 18.10, the FIDE President furthermore has the authority to hire and dismiss employees of FIDE as well as appoint and terminate the powers of Directors of FIDE.
- 10.5 The FIDE President, has, through the abovementioned articles in the FIDE Charter, been given a special position to persuade and encourage other members of the family to comply with the ethical values and principles in the Ethics Code, thereby acting as the *paterfamilias* of the FIDE Family.
- 10.6 When determining the severity of an alleged transgression of the Ethics Code, the following factors shall be taken into account:
- a) Whether the transgression was made with intent or not;
  - b) The potential impact of the conduct or incident on the general confidence in FIDE management;
  - c) The actual or potential harm suffered by the complainant or FIDE or third party as a result of the conduct or incident concerned;
  - d) The potential impact on the reputation of FIDE;
  - e) Whether the Respondent earlier has been subject to Disciplinary or Remedial action for similar acts or omissions;

- f) Whether the facts of the case are simple and clear, or if additional fact-finding is required.

#### **Remedial Action by the FIDE President**

- 10.7 In addition to his powers under the Charter, the FIDE President is given the authority to use Remedial Action in case of such infringements of the Ethics Code as laid out hereunder.
- 10.8 The following Remedial Actions are available to the FIDE President and may be applied against any of the persons, federations and organizations covered by the Ethics Code:
  - a) Corrective counselling resulting in an exoneration;
  - b) Corrective counselling resulting in a warning;
  - c) Corrective counselling resulting in a reprimand.
- 10.9 A warning shall be regarded as a signal of concern from the FIDE President and may, in case of a failure by the Respondent to correct or not to repeat his/her behaviour, result in a subsequent reprimand by the FIDE President or a referral to the EDC for Disciplinary Action.
- 10.10 A reprimand shall be regarded as a strong signal of disapproval by the FIDE President and a failure by the Respondent to correct or not to repeat his/her behaviour, may result in a referral to the EDC for Disciplinary Action or dismissal or termination of powers in appropriate cases.
- 10.11 A warning lapses after 12 months and a reprimand after 24 months from the date on which it was issued. After the expiry of said period, the warning and/or reprimand must not be relied upon, otherwise used or referred to, to the detriment of the Respondent.
- 10.12 The FIDE President may delegate his/her authority with respect to Remedial Action to the FIDE Deputy President, Deputy Chairman of the FIDE Management Board or FIDE Executive Director.

#### **General Rules of Procedure**

- 10.13 It is the duty of the Chairman of the EDC to make a *prima facie* evaluation of the contents of a complaint and in his/her sole discretion decide whether the alleged infringement of the Ethics and Disciplinary Code shall be referred to the EDC to be dealt with by way of Disciplinary Action under the General Rules of procedure of the EDC, as set out under the Disciplinary Code and the EDC Procedural Rules, or if the matter shall be referred to the FIDE President for Remedial Action.
- 10.14 The Chairman of the EDC may, where the facts in the complaint are unclear and/or requires a reply or a clarification from the Respondent, request the Respondent to provide the Chairman of the EDC with such reply or a statement setting out the Respondent's position.
- 10.15 In a case where a complaint directly or indirectly accuses the FIDE President and/or the FIDE Deputy President of transgression of the Ethics Code, regardless of the degree of seriousness of the complaint, the Chairman of the EDC shall refer the matter to the EDC for Disciplinary Action by a duly nominated EDC First Instance Chamber, subject to a right of appeal to a duly nominated EDC Appeal Chamber.
- 10.16 If the Chairman of the EDC decides that a matter should be referred to the FIDE President for Remedial Action, the Respondent shall be informed thereof in writing by the FIDE Secretariat

and may, if so allowed by the Chairman of the EDC, forward a written reply to the allegations made in the complaint within a timeframe set by the Chairman of the EDC.

- 10.17 The FIDE Secretariat shall thereafter transfer the case to the FIDE President for his/her findings. The Respondent shall be given reasonable time and possibility to forward an explanation and give his/her views on the allegations.
- 10.18 The FIDE President may at his/her sole discretion decide on a suitable format (correspondence through e-mail, telephone, digital meetings, meetings in person or other ways of communication) for the contacts between the FIDE President and the Respondent.
- 10.19 The proceedings shall be recorded in writing. The FIDE President may acquire documents and statements, i.e. from FIDE organs, FIDE federations, arbiters, players, organisers, and tournament directors.
- 10.20 In case the Respondent declines to communicate or otherwise fails to meet reasonable standards in cooperation during the proceedings, the FIDE President is entitled to go forward and make findings on the matter at hand.

#### **Review of the findings of the FIDE President**

- 10.21 A finding of the FIDE President, or by a member of the Management Board of FIDE, resulting in Remedial Action under the Ethics Code may be subject to review by the EDC insofar it concerns caution/warning or reprimand.
- 10.22 An application for a review of the finding of the FIDE President under this section can only be made by the party/parties directly affected by the finding, i.e. the Respondent or such third party that may be directly affected by the finding. The time limit for applying for a review is twenty-one days from receipt by the Respondent of the minute recording the finding.
- 10.23 An application for a review must be made to the FIDE Secretariat together with a deposit of 100 Euros. The deposit will be returned should the review to all intents and purposes be justified.
- 10.24 The Chairman of the EDC shall, upon receiving a request for review of the finding of the FIDE President, nominate a review committee consisting of two members of the EDC to make the review. Such review shall be made on the merits and documents of the case and according to the FIDE Charter and the Ethics Code and the EDC review committee has the power to seek further clarification on any aspect from the FIDE President or the Respondent.
- 10.25 The EDC review committee has the power to overrule the finding or to make any adjustment or amendment to the said finding that the EDC review committee deems suitable. In case of a deadlock within the EDC review committee, the Chairman of the EDC will decide the outcome of the review.
- 10.26 The decision of the EDC review committee shall be final and binding on the parties. Appeals to CAS are consequently not allowed.

#### **PART IV – DISCIPLINARY CODE**

##### **Art. 11 - DISCIPLINARY OFFENCES**

- 11.1 This Code describes infringements of the rules in FIDE regulations, determines the sanctions incurred, regulates the organisation and function of the bodies responsible for taking decisions and the procedures to be followed before these bodies.
- 11.2 The list of offences presented hereunder represents commonly recognized concrete forms or manifestations of unethical behaviour, as proscribed in more general terms in Part III of this Code, in satisfaction of the principle of legality: an offender must know or foresee in advance which conduct is marked as unacceptable and what sanction may be imposed for such unacceptable conduct.
- 11.3 The list of offences is not intended to be exhaustive, and any action or behaviour that is unlawful or violates Chess rules and regulations, or is inconsistent with the ethical values and principles mentioned in Part III, may be considered to fall within the scope of this Code.
- 11.4 The following conduct shall constitute a violation of these Rules (in each case, whether effected directly or indirectly) if committed by any person subject to this Code:

#### **11.5 Regulatory offences**

- a) **Violation of Statutes or GA decisions:** Violation of any duty or obligation imposed by the FIDE Charter or by decision of the FIDE General Assembly.
- b) **Violation of FIDE regulations:** Violation of any FIDE regulations approved by the FIDE Council.
- c) **Violation of Chess laws or tournament regulations:** Gross or repeated violations of FIDE Laws of Chess or other approved tournament regulations.
- d) **Failure to Respect Judicial Decisions:** Anyone who fails to respect an enforceable decision of the EDC or the Court of Arbitration for Sport (if applicable). Non-observance of sanctions imposed under this Code by any member of the FIDE Family and non-enforcement by Member federations shall be sanctioned.
- e) **Relationship with a Suspended or Excluded National Federation:** Any Continent or National Federation that maintains sporting relationships with a suspended or excluded National Federation or participates in a FIDE Competition with a suspended or excluded National Federation.

#### **11.6 Administrative offences**

- a) **Unworthy of confidence or trust:** Office bearers who through their behaviour no longer inspire the necessary confidence or have in other ways become unworthy of trust.
- b) **Lack of impartiality and responsibility:** Organizers, tournament directors, arbiters or other officials who fail to perform their functions in an impartial and responsible manner.
- c) **False reports:** Any official who knowingly makes a false report or provides misleading information to FIDE or any-one of its organs.
- d) **Inciting a Boycott of a FIDE Competition:** Any Official, Continent or National Federation or who incites a boycott of a FIDE Competition or withdraws from a FIDE Competition without a valid reason.

- e) **Cancellation of a FIDE Competition:** A Continent or National Federation that cancels a FIDE competition - which it was obliged by FIDE to organize by virtue of a contractual or other agreement entered into between the parties - without FIDE's authorization.
- f) **Unsatisfactory Organization of a FIDE Competition:** Without limitation to any of the other legal rights and remedies of FIDE, an organizing National Federation that fails to fulfil its obligations in respect of the organization of a FIDE Competition or organizes a FIDE Competition in a manner contrary to the FIDE Technical & Competition Rules or the event management/operation guidelines issued by FIDE from time to time.
- g) **Refusal or late Participation of a National Federation in a FIDE Competition:** If, without any objectively justifiable reason, a National Federation refuses to participate in a FIDE Competition in which that National Federation is obliged to take part in, or refuses to continue taking part or is late in participating in, the National Federation and the person who is held by the EDC to be responsible for the non-participation will be subject to this Code.

#### **11.7 Offences causing reputational harm**

- a) **False or unjustified accusations:** Players or members of their delegations must not make unjustified accusations of any nature towards other players, officials, organisers or sponsors.
- b) **Disparagement of FIDE's Reputation and Interests:** Any action which is held by the EDC to have adversely affected the reputation or interests of FIDE, its Continents or National Federations, either internally amongst its National Federations and Continents or externally amongst the general public or which has harmed the image of chess generally.
- c) **Potential harm of reputation :** Any conduct likely to improperly injure or discredit the reputation of FIDE, its events, organizers, participants, sponsors or that will enhance the goodwill which attaches to the same; provided constructive and founded criticism of FIDE, its events, organizers, participants or sponsors are permitted as an expression of the freedom of speech
- d) **Discrimination and Racism:** A National Federation that discriminates against a country, group or person on account of religion, politics, ethnicity, sexual orientation or gender, or any individual who publicly displays discriminatory or racist behaviour.
- e) **Gifts:** Anyone who provides, offers, promises, accepts or grants, requests or receives any unjustified (beyond the common prevailing local customs) gift or benefit (or the legitimate expectation of a benefit, irrespective of whether such benefit is in fact given or received) in circumstances that the person might reasonably have expected could bring him or the sport of chess into disrepute, or inducing, instructing, facilitating or encouraging a person subject to this Code to commit such a violation.

#### **11.8 Offences involving dishonesty**

- a) **Fraudulence in the administration:** Any Official who is responsible of a fraudulence in the administration any FIDE office or national federation office that affects other federations.
- b) **Bribery:** Any FIDE family member, who offers, or attempts to offer or accepts any consideration or bribe (or the legitimate expectation of a benefit, irrespective of whether

such benefit is in fact given or received) to fix or contrive in any way, or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect in a game of chess or election into FIDE office.

- c) **Corruption:** Anyone who offers, promises, accepts or grants an unjustified advantage to a body of FIDE, its Continents or National Federations, an Official, an Arbiter, a Player or any other party related to the Competition and/or to an FIDE election procedure in an attempt to incite a violation of the Charter, Bylaws and Rules of FIDE, its Continents or National Federations or unduly influences the outcome of a FIDE Competition with the aim to procure an advantage for him/herself through any means whatsoever (including violence, threats, coercion, offers of any kind of Benefit or advantage - whether financial or otherwise - or other inducement)
- d) **Cheating:** Any player, or any person assisting a player, who deliberately -
  - (i) Uses or attempts to use electronic devices or other sources of information or advice during a game;
  - (ii) Commits a manipulation of a chess competition such as, including but not limited to, result manipulation, sandbagging, match fixing, rating fraud, false identity, falsification or alteration of birth certificates, and deliberate participation in fictitious tournaments and games or any other false information with the purpose of obtaining an unfair advantage for a player or a team.
- d) **Reckless or manifestly unfounded accusation of chess cheating:** Any player or official who, or National Federation which, makes public or private allegations of cheating against another player or official without acceptable grounds existing for a reasonable suspicion of cheating; provided that a player is not precluded from reporting in private to an arbiter or anti-cheating official during a competition any suspicion of cheating by another person for the purposes of monitoring the behaviour of such person.
- e) **Failure to cooperate:** The failure of a person or national federation, without compelling justification, to cooperate -
  - (i) with any investigation carried out in relation to a possible breach of these Rules, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by FIDE or the competent officials as part of such investigation without prejudice to the right of a party suspected of an offence under this Code not to be compelled to incriminate him/herself
  - (ii) with arbiters and anti-cheating officials, or to subject himself to official anti-cheating measures, during or at a competition.
- f) **Failing to report:** Failing to report to the FIDE or other competent sports authority (without undue delay) full details of any approaches or invitations received by the person subject to this Code to engage in conduct that would amount to a violation of this Code, or the full details of any incident, fact or matter that took place in the presence of a person subject to this Code that may evidence a violation under this Code by a third party if such incident, fact or matter is not already known to FIDE;



- g) **Obstructing or delaying any investigation:** Any person who knowingly obstructs or delays any investigation that may be carried out by FIDE or other sports organization in relation to a possible violation of these Rules, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.
- h) **Forgery and Falsification:** If a person, in connection with chess related activities, in order to deceive or procure an advantage for itself or another, forges or falsifies an authentic document, such as a license, certificate, passport, identification paper, medical certification, record book or any other document of this nature, or uses such a document, or misleads or bribes a third party to falsify an authentic document. Altering the age of players at competitions that are subject to age limits is also considered as forgery.

### **11.9 Betting & manipulation of results**

- a) **Betting:** Any form of Betting related to an Event or Competition in Chess, including Betting with another Person on the result, progress, outcome, conduct or any other aspect of such an Event or Competition, or inducing, instructing, facilitating or encouraging a person subject to this Code to commit such a violation (excluding any form of betting considered acceptable by art. 6.21 above).
- b) **Misuse of Inside Information:** Anyone who is deliberately -
  - (i) Using Inside Information for Betting purposes or otherwise in relation to Betting or for the purposes of the manipulation of the result of an Event or Competition;
  - (ii) Disclosing Inside Information to any Person (with or without Benefit) where the Person might reasonably be expected to know that the disclosure of such information in such circumstances could be used for Betting purposes or otherwise in relation to Betting or for the purposes of the manipulation of the result of an Event or Competition;
  - (iii) Inducing, instructing, facilitating or encouraging a person subject to the Code to commit such a violation.
- c) **Manipulation of aspects of a chess event or competition:** Any intentional arrangement:
  - (i) Fixing or contriving in any way, or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of an Event or Competition;
  - (ii) Ensuring or seeking to ensure the occurrence of a particular incident in an Event or Competition, which occurrence is to the person subject to the Code's knowledge the subject of a Bet and for which he or another Person expects to receive or has received a Benefit;
  - (iii) Failing, in return for a Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to perform to one's abilities in an Event or Competition;

- (iv) Inducing, instructing, facilitating or encouraging a person subject to the Code to commit such a violation.

#### **11.10 General misbehaviour**

- a) **Courtesy & etiquette:** Failure to comply with normally accepted standards of courtesy and chess etiquette.
- b) **Socially unacceptable behaviour:** Misbehaviour of a personal nature which is generally unacceptable by normal social standards;
- c) **Withdrawal from tournaments:** Players withdrawing from a tournament without valid reason or without informing the tournament arbiter;
- d) **Dress code:** In any top level tournament, players, delegations or teams must comply with a high standard dress code. Delegations includes both a player's seconds and any other individual who the player allows to conduct business on behalf of the players. Players are responsible for the actions of acknowledged members of their delegations.
- e) **Acts of misbehaviour :** All acts of misbehavior including but not limited to abusive, violent conduct in a disturbing, ugly or provocative manner, unjustified interference including disobedience with obstruction of the orderly conduct of any chess event within or outside of the venue(s), malicious alteration, damage or destruction of property or infliction of physical or mental harm on others;
- f) **Abuse and obscenity:** Players must refrain from audible or visible obscenity, verbal, emotional or physical abuse toward any other player, tournament official or spectator;
- g) **Misconduct towards a Competition Official:** Any person subject to this Code who acts improperly towards an Arbiter, Judge or other Competition Official or engages in misconduct towards an Arbiter, Judge or other Competition Official, in particular unsporting behaviour, spitting and physical assault.
- h) **Threats and Coercion:** Any person who intimidates an Arbiter, Judge, Competition Official or Player with serious threats in order to influence their decision making and/or hinder them from acting
- i) **Provoking the General Public:** Any person subject to this Code who provokes the general public during a FIDE Competition
- j) **Inciting Hatred or Violence:** Any person subject to this Code who publicly incites others to violence or hatred
- k) **Attempt to Undermine Honour:** Any person who attempts to undermine the honour of another person subject to this Code in any way, especially by using offensive language, gestures or signs;
- l) **Complicity in offences:** Knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described in this Code;

#### **11.11 Other offences**

- a) **Liability for Spectator Conduct:** An organizing National Federation is strictly liable for the misconduct of spectators at a FIDE Competition organized by such National Federation.

Misconduct shall include violence against persons, vandalism, throwing of objects, displaying banners with offensive language or images.

- b) **Conspiracy:** Any agreement between two or more persons to act in a manner that would culminate in the commission of a violation of these Rules shall be treated as if a violation has been committed, whether or not such attempt or agreement in fact resulted in such violation. However, there shall be no violation under this Rule where the person the subject of this Code renounces his attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement;
- c) **Criminal offence and/or a breach of other applicable laws or regulations:** This Code is not intended to replace but rather to supplement such laws and regulations with further rules of conduct for those involved in the sport of chess. It should not be interpreted or applied to prejudice or undermine in any way the application of such laws or regulations. Where it deems it appropriate, the FIDE may stay its own investigations or proceedings under this Code pending the outcome of investigations or proceedings being conducted by other relevant authorities or bodies. However, the mere existence of another investigation or proceeding does not entitle the subject thereof to a stay of investigations or proceedings being carried out by the FIDE under this Code.

#### **Art. 12 - PROVISIONAL SUSPENSION AND OTHER MEASURES**

- 12.1 Once a case has been instituted and registered, the EDC chairman or the relevant EDC Chamber can prescribe at any time, *ex officio* or upon request of one of the parties, the FIDE Management Board or the FIDE Council, and if they consider that circumstances or urgency so require, any provisional measures deemed appropriate to:
  - a) Preserve the respective rights of either party;
  - b) Safeguard the integrity of the proceedings/or the evidence;
  - c) Suspend norms and/or not rating a tournament until the case is definitively judged;
  - d) Suspend licenses of implicated Arbiters, Trainers and Organizers;
  - e) Suspend the alleged offender from participating in chess activities, either specific or in general;
  - f) Cease an existing prejudice or prevent an imminent harm;
  - g) Maintain the *status quo* or preserve the return to the *status quo ante*.
- 12.2 Unless otherwise decided, the duration of Provisional measures end with the final decision of the EDC.
- 12.3 Further conditions about issuing provisional measures are governed by the EDC Procedural Rules.
- 12.4 A Respondent who is provisionally suspended, or subject to any other provisional measure, has the right to apply to the EDC for an order lifting or limiting the provisional suspension or

measure. The provisional suspension or measure may be lifted or limited if the Respondent demonstrates to the satisfaction of the EDC that:

- a) the facts alleged in support of the charge(s) do not give rise to a *prima facie* case;
- b) the case against the Respondent has no reasonable prospect of success, e.g., because of a material defect in the evidence on which the case is based; or
- c) other facts exist that make it clearly unfair, in all of the circumstances of the case, to make the Respondent serve a provisional suspension prior to determination of the charge(s) against the Respondent. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. The fact that the provisional suspension would prevent the Respondent from participating in a particular chess competition will not qualify as exceptional circumstances for these purposes.

12.5 In any event, the EDC will proceed with any case in which a provisional suspension imposed on a Respondent expeditiously, so that the charges against the Respondent are determined as quickly as possible, consistent with the requirements of justice and due process.

12.6 A Respondent who is not provisionally suspended by the FIDE may at any time notify FIDE that the Respondent will accept a voluntary provisional suspension pending determination of the charge(s). Such voluntary provisional suspension will come into effect only upon receipt by FIDE of written confirmation of the Respondent's acceptance of the provisional suspension. No adverse inference will be drawn from such acceptance.

12.7 Any period of provisional suspension served by a Respondent will be credited against any final period of ineligibility imposed on the Respondent.

## Art. 13 - SANCTIONS

Breaches of the FIDE Code of Ethics are punishable by one or more of the following sanctions:

### 13.1 Common Sanctions

- a) **Warning:** A warning is a written notice issued in respect of a minor infringement of any rule. In the event of further infringements, a heavier sanction may be imposed and the EDC may take into account the fact that the person in question has previously received a warning.
- b) **Reprimand:** A reprimand is a formal severe disapproval, pronounced against an offender. In the event of further infringements, a heavier sanction may be imposed and the EDC may take into account the fact that the person in question has previously received a reprimand.
- c) **Fine:** A fine up to a maximum of 50,000 may be issued in Euros (€). It must be paid in said currency within the time limit and according to the methods specified by the EDC.
- d) **Ban:** A ban is the removal of the right to taking part, in a chess competition, or any chess-related activity, as a player, arbiter, organizer, or representative of a chess federation; A ban will ordinarily be for a period between a minimum of one month and a maximum of 15 years, but in exceptional cases upon the occurrence of a recurring offence, and

depending on the circumstances or the gravity of the case, a lifetime ban from all chess activities may be imposed by the EDC.

- e) **Temporarily exclusion from membership:** Exclusion from membership is the removal of the right of a national federation or any other affiliated organization to participate in the activities, functions, and FIDE events in which all other members do participate by virtue of the Charter for a period up to a maximum of five years.
- f) **Exclusion from office** is the immediate suspension of an official from the exercise of certain chess activities including his administrative and executive functions.

### 13.2 Supplementary Sanctions

In combination with any sanction in terms of art. 13.1, one or more of the following sanctions may also be imposed on the offender:

- a) **Return of awards:** A sanctioned person called to return an award must not only return the trophy, prize, award or the medal received but also any benefit arising from said award.
- b) **Revocations of titles and sports results** including FIDE titles, awards, competition results, qualification rights, points, or other honour bestowed on the individual by FIDE may be withdrawn or nullified.
- c) **Withdrawal of a license or registration;** Cancellation of a license or registration relating to a member of the FIDE family responsible for an offense;
- d) **Removal of a player's historical data from the FIDE ratings site;** The deletion, from the FIDE official rating site, of all collected and saved data about past results and participation for a player during his chess career.
- e) **Service to the benefit of Chess community** (Social work); Community service is unpaid work performed by a person or group of people for the benefit and betterment of their chess community without any form of compensation, it can also be performed as part of a rehabilitation program, up to a maximum of 12 months.
- f) **Ineligibility for an appropriate period** (determined by the EDC up to a maximum of two terms): Ineligibility is depriving a person of his capacity to be lawfully elected or candidate for any office in FIDE.
- g) **Reimbursement of expenses and/or damages** incurred by FIDE and affected National Member Federation(s) as a direct result of the violation.

### **Art. 14 - RULES FOR DETERMINING SANCTION**

- 14.1 The EDC First Instance Chamber entrusted with a case shall decide in its discretion the type and duration of any sanction it believes appropriate to the offence committed.
- 14.2 The sanction shall take into account the relevant factors pertaining to the offence, including but not limited to:

- (a) the gravity of the infringement;
  - (b) the degree of the offender's culpability; and
  - (c) the harm caused by the infringement, whether or not such harm is pecuniary in nature.
- 14.3 The sanction shall take into account the personal circumstances of the offender, as well as any aggravating and mitigating factors.
- 14.4 Further guidelines for determining an appropriate sanction shall be included in the EDC Procedural Rules.

#### **Art. 15 - PROBATION**

- 15.1 If a sanction is imposed, the EDC First Instance Chamber may examine whether there are grounds to totally or partially suspend the enforcement of the sanction, if the relevant circumstances allow it, in particular the previous record of the person sanctioned.
- 15.2 By suspending enforcement of the sanction, the EDC subjects the person sanctioned to a probationary period of anything from six months up to three years.
- 15.3 If the person benefiting from a suspended sanction commits another breach during the probationary period, the suspension shall automatically be revoked and the original sanction completely applied and added to the sanction imposed for the new breach.

#### **Art. 16 - GENERAL RULES OF PROOF AND PROCEDURE**

##### **Administrative Procedures**

- 16.1 All breaches of this Code by members of the FIDE Family shall be reported to the FIDE Secretariat.
- 16.2 The FIDE Secretariat shall keep a record of such complaints and refer the complaints to the EDC Chairman to be dealt with in accordance with this Code.
- 16.3 If the EDC decides that a complaint referred to it does not properly fall to be dealt with under this Code by way of either Remedial Action or Disciplinary Action, it may refer the complaint to another FIDE Commission in whose mandate the complaint falls for its attention and action, if necessary, or inform the complainant that FIDE declines to deal with the complaint and the reason therefor.
- 16.4 Proceedings initiated and conducted in front of the EDC shall take place according to the EDC Procedural Rules.
- 16.5 The EDC reports to the FIDE Executive Director. If the EDC considers it as necessary or upon request, it may submit a report directly to the Management Board, the FIDE Council, the General Assembly, or any other individual or body within FIDE. In such a case, the EDC informs the FIDE Executive Director before it submits its report.

- 16.6 The Commission shall present every year a report to the Congress on the conduct of its activities and interim reports to the FIDE Council if appropriate.

#### **Standards of Proof and Evidence**

- 16.7 The standard of proof in all cases brought under this Code shall be whether the EDC is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.
- 16.8 The EDC shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an offence committed under this Code may be established by any reliable means, including admissions.
- 16.9 The EDC panel may draw an inference adverse to the person who is asserted to have committed an offence under this Code based on his/her refusal, without compelling justification, after a request made in a reasonable time, to present his/her case in reply to the allegation, and/or to answer any relevant questions.
- 16.10 The EDC will not be expected generally to act in an investigative capacity to obtain additional evidence not already presented but will only consider the evidence presented and make what additional enquiries in relation to such evidence as it believes is reasonably necessary to consider the matter. The alleged offender shall be given the right to make their representations on the matter in all cases.
- 16.11 It is however in the prerogative of the EDC to refer matters of complex factual nature to the EDC Fact-finding Committee or the Fair Play Fact-finding Committee for investigation or fact finding in accordance with Articles 26.12 – 26.14 of the FIDE Charter.
- 16.12 Facts contained in reports of FIDE Organs are presumed to be accurate. Any party may prove their inaccuracy on a balance of probabilities, in which case the burden of proof shall revert to FIDE.

#### **Special Standards of Proof and Evidence for Cheating**

- 16.13 FIDE and all competent organs shall have the burden of establishing that a cheating offence has occurred. The standard of proof shall be to the comfortable satisfaction of the relevant EDC Chamber bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
- 16.14 **Assumed cheating:** There shall be a presumption of cheating if statistical analysis by a FIDE validated and approved algorithm and/or other methodology applied to a player's performance in a single game, or a series of games or tournaments in competitive play shows a Z-score (reflective of the deviation between the player's actual performance and the projected fair play for a player having comparable Elo rating) above the official Z-score threshold published in the FIDE Anti-Cheating Regulations from time to time. In such a case, if FIDE institutes disciplinary proceedings against the player in question, the burden to rebut the presumption of cheating and show his or her innocence shall be on the player.
- 16.15 In any proceedings before the EDC on charges of cheating, the respondent may be found guilty and sanctioned to the full extent permitted by this Code by virtue of the inability of the

respondent to discharge the presumption of cheating on the balance of probabilities, whether or not there are any other evidence corroborating the statistical evidence.

**16.16 Assumed match-fixing:** There shall be a presumption of match-fixing if, upon the request of the FIDE Fair-Play Commission (FPL), an organizer, arbiter, player or any other person involved in a FIDE-rated competition is unable, individually or jointly, within a reasonable period determined by the FPL, to provide the necessary proof to the reasonable satisfaction of the FPL that the competition took place in a *bona fide* and regular manner that produced results that are not fake, pre-determined or otherwise manipulated, and the FPL formally advises the interested parties of its dissatisfaction. In such a case, if FIDE institutes disciplinary proceedings against the organizer concerned or any arbiter or player or other person alleged to have participated in the relevant competition, the burden to rebut the presumption of match-fixing and show his or her innocence shall be on the organizer, arbiter, player and/or other person. In addition, the FPL may refer such a case to the FIDE Qualification Commission (QC) which, in its discretion, may refuse to recognize such competition for title, norms and rating purposes, or as credits for the organizers or arbiters involved.

16.17 In any proceedings before the EDC on charges of match-fixing, the respondent may be found guilty and sanctioned to the full extent permitted by this Code by virtue of the inability of the respondent to discharge the presumption of match-fixing on the balance of probabilities, whether or not there are any other evidence corroborating the grounds which gave rise to the FPL's suspicions in the first place.

## **Art. 17 - APPEALS**

17.1 There shall be a right of appeal to the EDC Appeal Chamber for the unsuccessful party, whether complainant or respondent, and any other affected member of the FIDE family against the final decision of any First Instance Chamber of the EDC.

17.2 There shall be a right of appeal to the Court of Arbitration in Sport (CAS) for any unsuccessful respondent, but not the complainant or any other person or body, against the final decision of any Appeal Chamber of the EDC. Appeals to the CAS shall be subject to this Code and the relevant provisions of the CAS Code: Procedural Rules.

17.3 Recourse to CAS is excluded until the dissatisfied party has exhausted his internal right of appeal.

17.4 Such rights to appeal an EDC decision, internally and externally to FIDE, must be exercised within 21 calendar days from the date on which the appealable decision is communicated to the party concerned. If the last day of the 21 day-period falls on a Sunday or public holiday in the country of the appellant, the period shall be extended until the first day thereafter which is not a public holiday in that country.

17.5 There is no right of appeal against decisions or rulings of the EDC of a provisional nature, including decisions related to the provisional admissibility of a complaint and the provisional suspension of a respondent.

17.6 All decisions taken by the EDC First Instance Chamber shall remain in effect while under appeal unless the EDC Appeal Chamber orders otherwise.



- 17.7 All decisions taken by the EDC Appeal Chamber shall remain in effect while under appeal unless CAS orders otherwise.
- 17.8 The decision of CAS shall be final and binding on all parties and all members of the FIDE family and there shall be no right of appeal from the CAS decision.
- 17.9 No claim may be brought in the ordinary civil courts of Switzerland or any other court concerning or related to any matter governed by this Code or any decision taken pursuant to this Code and recourse to any other tribunal or dispute resolution procedures or mechanisms is similarly excluded.
- 17.10 The manner of exercising the above-mentioned rights of appeals is governed by the EDC Procedural Rules, including any requirement for the payment to FIDE of an appeal fee for or the costs for any internal appeal.

## **PART V – COMMON PROVISIONS**

### **Art. 18 - VICARIOUS RESPONSIBILITY**

- 18.1 Each person to whom this Code applies is responsible for his/her individual conduct at all times, irrespective of whether such conduct occurs under the direction of any other person, and may be sanctioned appropriately.
- 18.2 National Federations are responsible for the behaviour of their players, coaches, trainers, seconds, managers and administrative officials, as well as any other person or body exercising a function on behalf of the National Federation during a FIDE tournament or event. A National Federation is liable to be sanctioned for the behaviour of the aforementioned persons regardless of whether or not such persons are sanctioned separately in respect of their behaviour.
- 18.3 The organizer of a FIDE tournament or event is liable for the order and security inside and around the competition venue. Such organizers are liable for incidents of any kind, which could reasonably have been avoided by the due exercise of supervision and control, and may be subject to the sanctions set out in this Code.

### **Art. 19 - RECORD-KEEPING**

#### **Remedial action**

- 19.1 Minutes shall be kept of all Remedial Action taken by the FIDE President or his delegate which shall reflect, as a minimum, the date and mode of communication / meeting used, the participants and the outcome, as well as brief grounds for the finding made.
- 19.2 The Minutes of Remedial Action are confidential and kept by the FIDE Secretariat either electronically or in paper format or both.
- 19.3 The EDC Chairman, members of the FIDE Management Board and the FIDE Secretariat shall have access to such minutes at any time if necessary to carry out the provisions of this Code and they may also be disclosed to members of any EDC First Instance Chamber and Appeal Chamber if,

in the judgment of the EDC Chairman, it is relevant to a disciplinary case being considered in relation to the same member of the FIDE Family to which the relevant previous Remedial Action relates.

#### **Action by the EDC**

- 19.4 Proceedings in front of the EDC First Instance Chamber and Appeal Chamber do not have to be recorded or minuted, but all decisions, whether of a provisional or final nature, shall be recorded in writing together with the motivation for the decision.
- 19.5 The requirements and format of EDC decisions shall be prescribed by the EDC Procedural Rules.
- 19.6 All final decisions of the EDC First Instance Chamber and Appeal Chamber shall be published on the FIDE website in the domain reserved for the EDC, unless the EDC Chairman rules that there are good reasons not to publish the decision at all, or that the decision concerned should be published in redacted form or the identity of any party to the proceedings should be kept secret in the published decision.
- 19.7 The FIDE Secretariat shall keep record of all final decisions of the EDC either electronically or in paper format or both.
- 19.8 In addition, the FIDE Secretariat shall keep record of all correspondence received from complainants and respondents, and all correspondence sent by the EDC chairman or the chairman of a First Instance Tribunal to parties in formal proceedings in front of the EDC.

#### **Art. 20 - ENFORCEMENT OF DECISIONS**

- 20.1 Decisions by the EDC shall be enforceable immediately once notified.
- 20.2 All decisions or adjudications made and all sanctions imposed by the EDC under this Code must be recognised and upheld where appropriate and necessary by all members of the FIDE Family.
- 20.3 It shall be the responsibility of the FIDE Management Board and FIDE Secretariat to take all necessary steps to enforce the decisions made and sanctions imposed by the EDC.
- 20.4 Member federations have a particular responsibility to monitor and enforce compliance with any EDC decision and sanction in relation to any player and official registered with the Member federation.
- 20.5 Non-observance of sanctions imposed under this Code by any member of the FIDE Family and non-enforcement by Member federations constitutes a separate Disciplinary Offence and shall be subject to an appropriate sanction by the EDC as provided for in this Code.
- 20.6 In addition to or instead of such EDC sanction, the FIDE Council may suspend the offending person or body from FIDE tournaments and events until compliance occur and the General Assembly may suspend the membership of a Member federation or Continent or affiliation of an Affiliated Organisation until compliance occur, or permanently expel such Member federation, Continent or Affiliated Organisation.
- 20.7 Where a sanction is imposed by EDC and the person concerned avoids the application of the relevant decision for a period of time (e.g. by participating in activities of an organisation that

does not recognise or implement the FIDE decision), such period shall not be credited against the period of sanction unless the FIDE Management Board decides otherwise.

**Art. 21 - COMING INTO FORCE**

- 21.1 This Code comes into effect on \_\_\_\_\_ and is applicable to all facts occurring and all violations under this Code committed on or after that date.
- 21.2 Offences committed prior to this Code coming into effect will be subject to the FIDE Code of Ethics in force at the relevant time, unless all parties to the EDC proceedings agree to submit themselves to the provisions of this Code.