

**Play the Game Conference: Global sport: reform or revolution?
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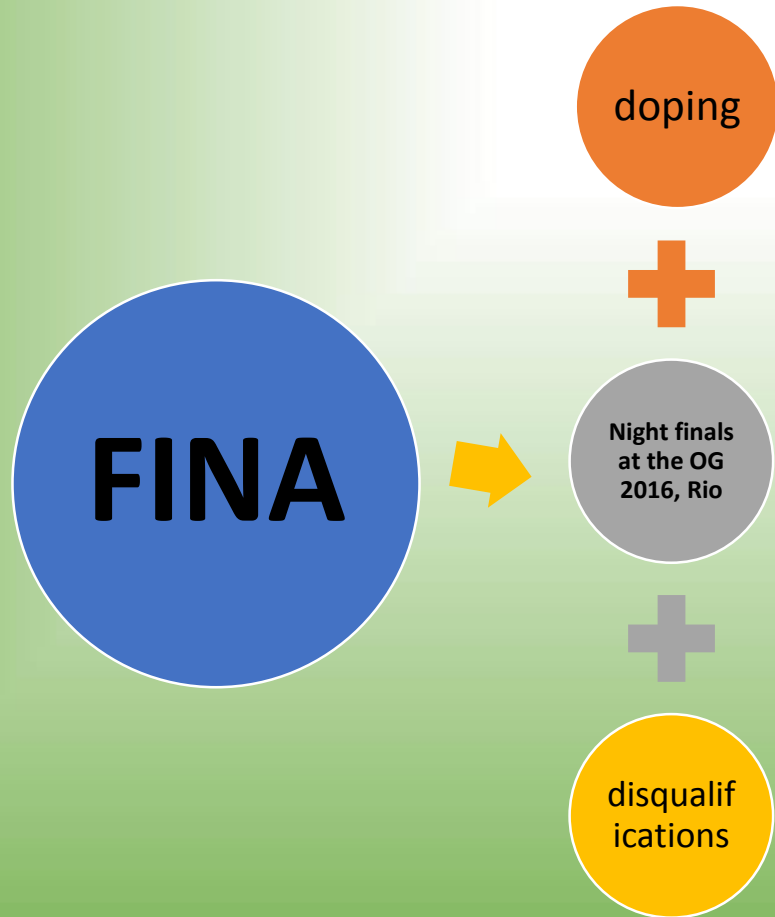
Creating Of An Effective Sports Governing Body In The Russian Federation

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National and International Sports Federations: Current Issues

- 1) Many national and international sports federations are in crisis: FIFA – corruption; FINA – cannot tackle current problems and cannot protect rights of swimmers.
- 2) There are many problems relating to the legal framework for and administration of sport as a type of physical activity.
- 3) Russian national sports federations are not well structured.
- 4) Governing bodies of those sports federations include people who do not have sport / sports law expertise.

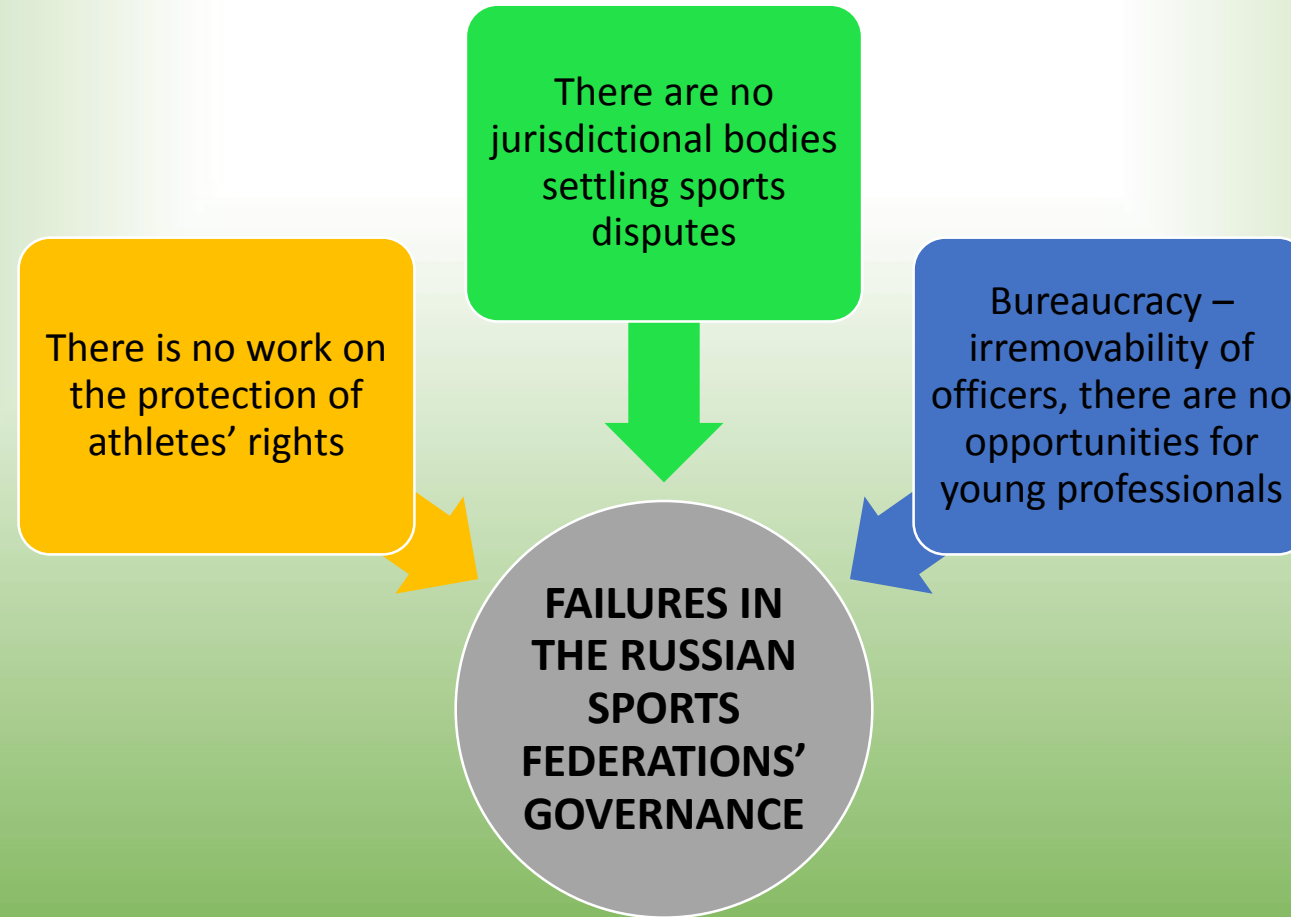
FINA's Crisis



FINA's Crisis (follow-up)

- One of the most important issues is that FINA cannot tackle the commercialization of sport.
- Unfortunately, FINA fails to protect rights of athletes. Thus, FINA does not propose amendments to the OG 2016 Program to provide athletes with a suitable competitions schedule.
- Some people believe that FINA should be dissolved and replaced by a new and effective governing body whose scope will be sports governance in swimming only.

Failures in the Russian Sports Federations' governance



How bad governance affects rights of athletes?

- Athletes do not have the right to compete in sporting competitions.
- Athletes are restricted in dispute resolution opportunities – they cannot recourse to ordinary courts.
- Athletes cannot conclude individual sponsorship contracts (swimming).
- Athletes cannot elect members of governing bodies.
- Sports federations, clubs and other organizations do not enact vital internal statutory acts (relating to athletes' rights and sports disputes).

How bad governance affects the entire sport?

- Russian athletes cannot win medals at the Olympic Games and other international sporting competitions.
- Russian mid-level athletes cannot enhance their athletic performance (results) as far as they are not provided with appropriate training conditions and do not have a real right to take part in sporting competitions.
- Facing a risk of suspension/disqualification (ant-doping rule violation, competition Rules and Regulations violation), an athlete should rely on himself because there are no sports lawyers who could protect his rights. Therefore he should collect evidence and prepare procedural documents on his own.

Bodies to be constituted in every sport's governing body - I



Bodies to be constituted in every sport's governing body - II



Sports Ombudsman - I

- Sports Ombudsman (“**Ombudsman**”) is *an officer responsible for the initial sports disputes resolution procedure and for the protection of athletes' rights.*
- As **a sports dispute resolution body** the Ombudsman should resolve “daily” (i.e. disputes arising from the training procedure and individual civil contracts) disputes and provide parties to those disputes with main findings (a brief). Such a brief should include facts of a case, statements of parties, evidence and references to applicable rules.

Sports Ombudsman - II

As an **advisory body** the Ombudsman should:

- provide advice and guidance on many issues relating to the world of sport (*free of charge*);
- consider complaints against actions/inactions and decisions of officials working in sports federations, sports clubs and other sports organizations;
- represent athletes before sports arbitration and state ordinary courts, sports jurisdictional bodies;
- participate in the legislation procedure;
- draft and file requests to government bodies on issues affecting rights of athletes; and
- assist sports federation's (organization's) officials in drafting internal statutory acts and regulations

Bodies to be constituted in every sport's governing body - III



Legal Committee

- Legal committee (“**LC**”) of every sport’s governing body should draft internal statutory acts and propose respective amendments, should provide advice on legal issues and should participate in adjudicating of sports disputes to ensure that the procedure is conducted in due course.
- More importantly, members of the LC should participate in decision making. No decision can be taken without recommendations/comments/revisions of the LC.

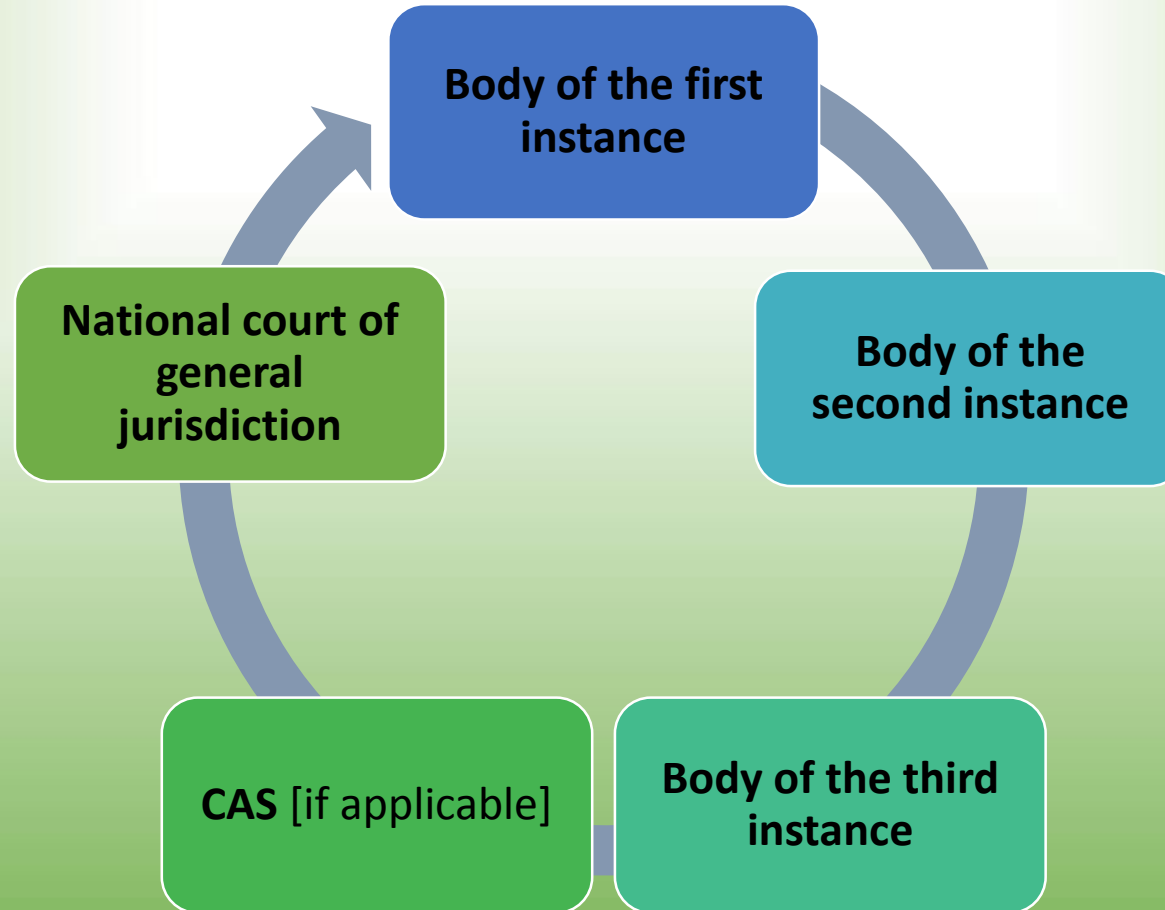
Bodies to be constituted in every sport's governing body - IV

- *Lawyer No.1* – should deal with doping issues (doping rules violations; represent athletes; analyze cases; draft recommendations).
- *Lawyer No.2* - should deal with “general” legal issues including civil contracts, labor relationships etc.
- *Lawyer No.3* – should deal with internal statutory acts (draft, revise)
- *Lawyer No.4* – should deal with internal statutory acts (draft, revise)
- *Lawyer No.5* – should deal with ongoing sports related legal issues (consultations, round tables, alerts, reports etc.)

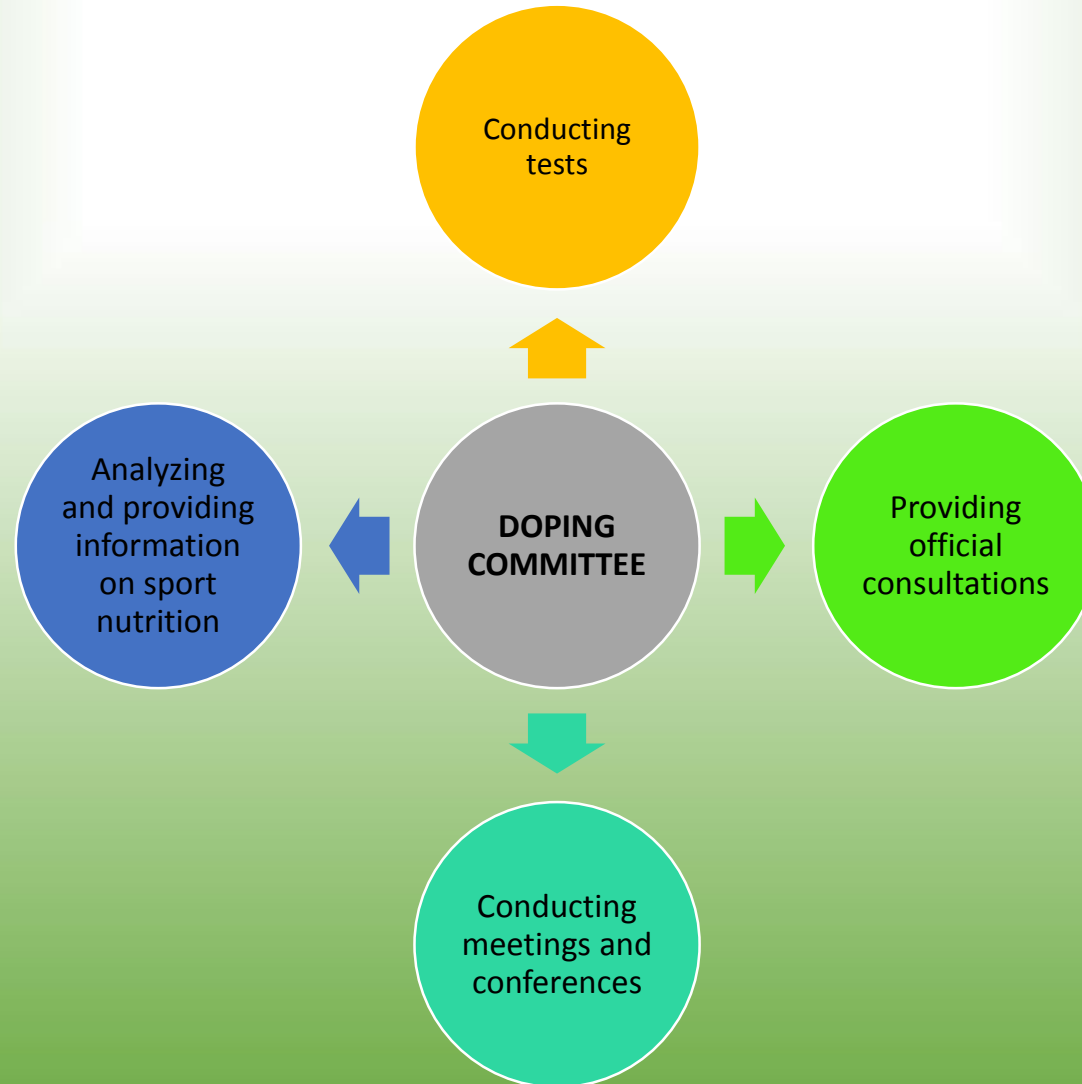
Sports disputes resolution bodies

- Every sport's governing body should constitute a dispute resolution system consisting of at least 3 stages.
- Internal statutory acts of every sports governing body should prescribe that athletes can appeal decisions to sports arbitration and/or state ordinary courts.

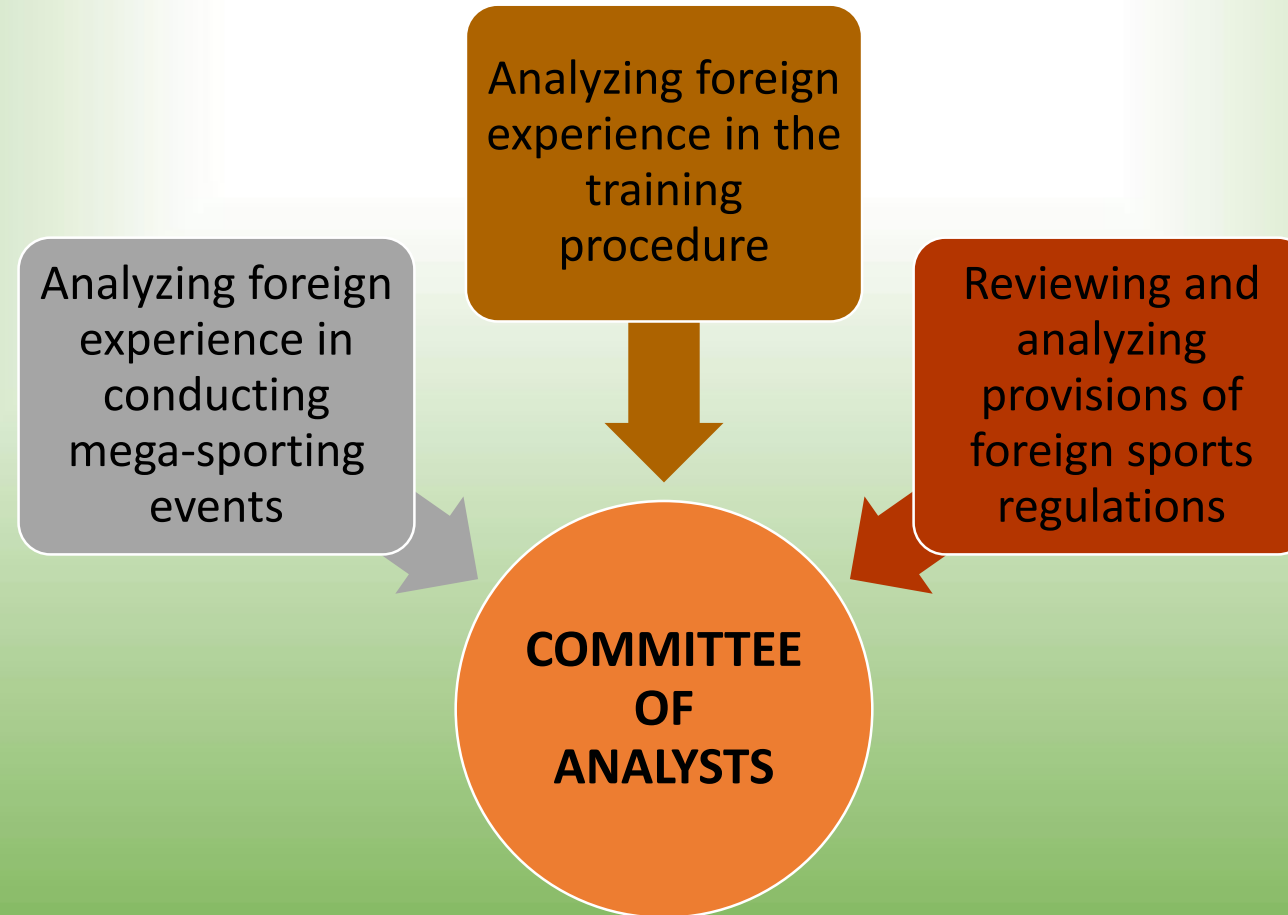
Bodies to be constituted in every sport's governing body - IV



Bodies to be constituted in every sport's governing body - V



Bodies to be constituted in every sport's governing body - VI



The future of the Russian sports governance

- Some professionals believe that a new supervisory body should be constituted – “Rosspornadzor”.
- This body should supervise compliance with the Russian Law on Sport, other federal laws and statutory acts of the Russian Ministry of Sport.
- It is anticipated that the Rosspornadzor will be entitled to impose sanctions on sports federations, clubs and other organizations and will conduct inspections.

**MANY THANKS FOR YOUR
ATTENTION !!!**

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