



## **Olympic Council of Asia (OCA) Code on the Prevention of the Manipulation of Competitions**

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## 1- Preamble

- a. Acknowledging the danger to sports integrity from the manipulation of sports competitions, the Olympic Council of Asia (OCA) restate their commitment to safeguarding the integrity of sport, including the protection of clean athletes and competitions as stated in Olympic Agenda 2020;
- b. Due to the complex nature of this threat, the OCA recognises that they cannot tackle this threat alone, and hence cooperation with public authorities, in particular law enforcement and sports betting entities, is crucial;
- c. The OCA declares their commitment to support the integrity of sport and fight against the manipulation of competitions by adhering to the standards set out in the Olympic Movement Code on the Prevention of the Manipulation of Competitions.

## 2- Application and Scope

- a. *This Code will come into force on 7<sup>th</sup> May 2021.*
- b. *It shall be the personal responsibility of every Participant to make himself or herself aware of this Code including, without limitation, what conduct constitutes a violation of this Code and to comply with those requirements. Participants should also be aware that conduct prohibited under this Code may also constitute a criminal offence and/or a breach of other applicable laws and regulations. Participants must comply with all applicable laws and regulations at all times.*

## 3- Article 1 - Definitions

- 1.1. "Benefit" means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts;
- 1.2. "Competition" means any sports competition, tournament, match or event, organised in accordance with the rules of the OCA or its affiliated

organisations;

- 1.3. “Inside Information” means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition;
- 1.4. “Participant” means any natural or legal person belonging to one of the following categories:
- a. “athlete” means any person or group of persons participating in any major event under the umbrella of the OCA
  - b. “athlete support personnel” means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions, and all other persons working with the athletes;
  - c. “official” means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organise and/or promote sports competitions, as well as referees, jury members and any other accredited or engaged persons. The term also covers the executives and staff of OCA, or where appropriate, other competent sports organisation or club that recognises the major event.

1.5 “Sports Betting, Bet or Betting” means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition.

#### **4- Article 2 – Violations**

The following conduct as defined in this Article constitutes a violation of this Code:

##### **2.1 Betting**

Betting in relation to any event related to the OCA in which he/she is a Participant.



## **2.2 Manipulation of sports competitions**

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.

## **2.3 Corrupt conduct**

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of a competition or any other form of corruption.

## **2.4 Inside information**

2.4.1. Using Inside Information for the purposes of Betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.

2.4.2. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of competitions or any other corrupt purposes.

2.4.3 Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

## **2.5 Failure to report and reporting mechanism**

2.5.1 Failing to report to the OCA or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of this Code.

2.5.2 Failing to report to the OCA or concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of this Code.



2.5.3 Anyone encountering any suspicious approaches or activities related to competition manipulation, should directly report to OCA using the below report mechanism.

EMAIL: [reportmanipulation@ocasia.org](mailto:reportmanipulation@ocasia.org)

## 2.6 Failure to cooperate

2.6.1 Failing to cooperate with any investigation carried out by the OCA or its designate in relation to a possible breach of this Code, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the OCA or its designate as part of such investigation.

2.6.2 Obstructing or delaying any investigation that may be carried out by the OCA or its designate in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

## 2.7 Application of Articles 2.1 to 2.6

2.7.1 For the determination of whether a violation has been committed, the following are not relevant:

- a. Whether or not the Participant is participating in the Competition concerned;
- b. The outcome of the Competition on which the Bet was made or intended to be made;
- c. Whether or not any Benefit or other consideration was actually given or received;
- d. The nature or outcome of the Bet;
- e. Whether or not the Participant's effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;
- f. Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question;
- g. Whether or not the manipulation included a violation of a technical rule of the OCA or its affiliated organization.
- h. Whether or not the competition was attended by the competent national or international representative of the OCA or its affiliated organization.



2.7.2 Any form of aid, abetment or attempt by a Participant that could culminate in a violation of this Code shall be treated as if a violation had been committed, whether or not such an act in fact resulted in a violation and/or whether that violation was committed deliberately or negligently.

## 5- Article 3 - Disciplinary Procedures

### 3.1. Investigations

3.1.1 The Participant who is alleged to have committed a violation of this Code must be informed of the alleged violations that have been committed, details of the alleged acts and/or omissions, and the range of possible sanctions.

#### **Note:**

***Notice to a Participant may be accomplished by delivery of the notice to the Member Federation concerned. If the Participant concerned by a breach of these rules is an athlete or member of a National Olympic Committee (NOC) or National Team delegation, the NOC President/Secretary General/Chef de Mission or National Team Chef de Mission must be notified. The Member Federation and/or the NOC shall be responsible for immediately communicating the notice to the Participant.***

**The timing of the notice is at the prerogative of OCA.**

3.1.2 Upon request by the OCA or its designate, the concerned Participant must provide any information which the OCA or its designate considers may be relevant to investigate the alleged violation, including records relating to the alleged violation (such as betting account numbers and information, itemised telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and/or a statement setting out the relevant facts and circumstances around the alleged violation.

***Where following investigation, the OCA decides to charge a Participant with a violation of this Code, the OCA shall transfer any such matter to the disciplinary***

***panel for determination in accordance with the Rules of the OCA.***

### **3.2 Rights of the concerned person**

In all procedures linked to violations of the present Code, the following rights must be respected:

3.2.1 The right to be informed of the charges; and

3.2.2 The right to a fair, timely and impartial hearing either by appearing personally in front of the OCA disciplinary panel and/or submitting a defence in writing; and

3.2.3 The right to be accompanied and/or represented.

### **3.3 Burden and standard of proof**

The OCA shall have the burden of establishing that a violation has been committed. The standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred.

### **3.4 Confidentiality**

The principle of confidentiality must be strictly respected by the OCA during all the procedure; information should only be exchanged with entities on a need to know basis. Confidentiality must also be strictly respected by any person concerned by the procedure until there is public disclosure of the case.

### **3.5 Anonymity of the person making a report**

Anonymous reporting is facilitated through the OCA anonymous reporting mechanism.

### **3.6 Appeals**

1. The OCA has an appropriate appeal framework within the organisation through the OCA Executive Board, the concerned person has the right to appeal to OCA Executive Board within 21 days, and then he/she can appeal to the Court of Arbitration (CAS) within 21 days from Executive Board's decision.



2. The general procedure of the appeal framework shall include provisions such as, but not limited to, the time limit for filing an appeal and the notification procedure for the appeal.

The concerned person has the right to appeal to OCA Executive Board within 21 days and then he/she can appeal to the Court of Arbitration (CAS) within 21 days from OCA Executive Board's decision.

## 6- Article 4 - Provisional Measures

4.1 The OCA may impose provisional measures, including a provisional suspension, on the participant where there is a particular risk to the reputation of the sport, while ensuring respect for Articles 3.1 to 3.4 of this Code.

4.2 Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

## 7- Article 5 - Sanctions

5.1 Where it is determined that a violation has been committed, the OCA shall impose an appropriate sanction upon the Participant from the range of permissible sanctions, which may range from a minimum of a warning to a maximum of life ban.

**E.g. for sanctions: Disqualification of results, forfeiture of medals or prizes won, education, costs, and any other sanctions OCA may impose.**

**Note: The OCA adopts and applies the International Olympic Committee's "Guidelines for Sports Organizations on the Sanctioning of Competition Manipulation" when imposing sanctions on the concerned person.**

5.2 When determining the appropriate sanctions applicable, the OCA shall take





into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.

5.3 Substantial assistance provided by a Participant that results in the discovery or establishment of an offence by another Participant may reduce any sanction applied under this Code.

- ***If a Participant violates any prohibition on participation in a Competition imposed in accordance with this Code, such Participant shall be disqualified immediately from the relevant Competition and the period of ineligibility originally imposed in accordance with this Code shall recommence from the date of such violation.***
- ***This Code shall continue to apply to any ineligible Participant and any violation committed during a period of ineligibility shall be treated as a distinct violation and separate proceedings may be brought against the Participant in accordance with this Code.***

### **Reinstatement**

- *Once the period of the Participant's ineligibility has expired, he or she will become automatically re-eligible to participate in OCA events provided that he or she has:*
  - *completed to OCA 's satisfaction any official integrity education imposed on him or her as a sanction by the OCA disciplinary body;*
  - *has paid, in full, any fine imposed under this Code and/or any order of costs made against him or her by OCA disciplinary body; and*
  - *has agreed to subject himself or herself to any reasonable and proportionate monitoring of his or her future activities in connection with his/her sport as the OCA may reasonably consider necessary given the nature and scope of the violation that he or she has committed.*

## **8- Article 6 - Mutual recognition**

6.1 Subject to the right of appeal, any decision in compliance with this Code by any other Sporting Organisation will be recognised and respected by the OCA.



6.2 The OCA will recognise and respect the decision(s) made by any other sporting body or court of competent jurisdiction which is not a Sporting Organisation as defined under this Code.