

Brussels, 9th of January 2020

Statement on Bye-law 3 to Rule 40 of the Olympic Charter

Following the developments related to the modification of the Olympic Charter's Bye-law 3 to Rule 40 (Rule 40) and inquiries about its incompatibility with the European Union (EU) law, we would like to underline our opposition to the above-mentioned rule, emphasize our support for the European Commission for protecting athletes' rights against the abuse and express an openness to a dialogue and negotiations on this matter.

Athletes that we represent are among those that are obliged to comply with Rule 40 in order to compete at the Olympic Games. Following the German Bundeskartellamt ruling earlier this year, it is increasingly clear the Olympic Rule 40 is in breach of the EU competition law. Despite the recent changes, Rule 40 remains unduly restrictive of athletes' economic rights and their commercial opportunities.

We are strongly of the opinion that Rule 40's continued excessive restrictions are a result of the flawed decision-making process within the Olympic movement. Independent athlete associations, who do not support Rule 40, were excluded from the process. Mere consultation of athlete commissions, which are a part of the Olympic movement themselves, is unacceptable when it comes to rules that affect all athletes participating at the Olympic Games. By choosing to ignore independent athlete associations, the IOC's approach is not compatible with the principles of good governance and the fundamental right of freedom of representation.

While the IOC indicates that the athletes should negotiate directly with their National Olympic Committees (NOCs), it is apparent to EU Athletes, and probably the European Commission, that it is Rule 40 itself that is under question as a source of infringement of athletes' rights. IOC, as the leader of the Olympic Movement and organizer of the Olympic Games, must assure that the athletes' rights



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are respected in this context. At the same time, the European Commission has a responsibility to help protect the economic rights of European athletes and is uniquely placed to do so by ensuring that sport organizations comply with EU competition law. It is unacceptable for sport organisations to abuse their dominant positions to pursue their own commercial interests to the detriment of the rights of athletes.

From our side, EU Athletes is committed to advancing the rights of the athletes in Europe and is committed to discussion and negotiation in order to reach a long-term solution that is compatible with the EU law and fundamental rights as well as the interests of the stakeholders.