

## **Bye-Law to Article 5: SANCTIONED AND UNSANCTIONED EVENTS**

### **A Introduction**

1. These regulations have been adopted in recognition of the following fundamental sporting imperatives:
  - 1.1 The governance of the sport of Hockey, like most other sports, is organised in a pyramid structure, with the FIH as the sole and exclusive international governing body, one Continental Federation recognised as the sole and exclusive governing body for each continent, and one National Association recognised and admitted into membership of the FIH as the sole and exclusive national governing body for each country where the sport is played.
  - 1.2 This pyramid governance structure is mandatory within the Olympic Movement and is necessary to protect and promote the sport, for a number of reasons. In particular:
    - a. The pyramid governance structure is vital to the regulatory integrity of the sport, enabling the FIH, the Continental Federations and the National Associations to ensure the uniform application of rules protecting the sport and its stakeholders throughout the sport, wherever it is played, and to hold all participants accountable under those rules -- including anti-doping rules and other rules and regulations designed to protect participants and/or to preserve the integrity of the sport -- in a fair and transparent fashion.
    - b. The pyramid governance structure is also vital to the proper organisation and conduct of the sporting calendar, and to the primacy of national representative competition within that calendar as the showcase for and the main driver of development of the sport. The FIH, the Continental Federations and the National Associations have the right and the responsibility to maintain and control the sporting calendar so as to ensure that events are organised and staged in a coordinated fashion that does not undermine but rather promotes and furthers the development of the sport as a whole.
    - c. In particular, National Associations depend on their National Representative Teams qualifying for the finals of International Events and especially the Olympic Games to drive the popularity of and participation in the sport in their respective territories. The FIH seeks insofar as practicable to avoid fixture clashes so as to ensure that its National Associations have their best Athletes fully available for the preparatory periods spent in the lead-up to those events, and throughout the events themselves. And for the same reasons, the FIH recognises the right of every National Association to require its Athletes to give precedence to national representative competition over other Events.
  - 1.3 Unsanctioned Events threaten to undermine these fundamental sporting imperatives:
    - a. They are not developed as an integrated and coordinated part of the official sporting calendar, in furtherance of the best interests of the sport as a whole. Instead they cut across that calendar and the imperatives it is designed to protect, including potentially clashing with Sanctioned Events and undermining the primacy of national representative

competition within that calendar, and thereby creating potential conflicts between different stakeholders that could be very damaging to the sport.

- b. They fall outside the jurisdiction of the FIH, the Continental Federations and National Associations, and so the organisers of and participants in Unsanctioned Events are not properly accountable for compliance with the rules and regulations of the sport. This poses a significant risk to the sport, because the public is unlikely to appreciate fully the distinction between Unsanctioned Events and Sanctioned Events, and so if problems occur in Unsanctioned Events the reputation of the entire sport will suffer, and public confidence in the ability of the FIH, the Continental Federations and National Associations to maintain the integrity of the sport will be undermined.
2. In order to further the aforementioned fundamental sporting imperatives, these regulations:
  - 2.1 confirm the right of the FIH, the Continental Federations and the National Associations to maintain and control the official sporting calendar of International Events (see clause B.1, below) and Domestic Events (see clause B.2, below);
  - 2.2 confirm the primacy of national representative competition over other types of competition by requiring an Athlete to obtain a No-Objection Certificate from his Home National Association, confirming that it has no objection to his participation in an Event organised or sanctioned by another National Association, as a condition of participation in such Event (see clause C, below); and
  - 2.3 require a National Association:
    - a. not to participate in Unsanctioned Events (see clause D.1.1, below);
    - b. to prohibit participation by Athletes and other organisations and individuals under its jurisdiction in Unsanctioned Events (see clause D.1.2, below); and
    - c. not to permit an Athlete from another National Association to participate in an Event that it organises or sanctions unless he has first obtained a No-Objection Certificate from his Home National Association confirming that it has no objection to his participation in such Event (see clause D.2, below).
3. These regulations are to be interpreted and applied (including where an issue arises that is not expressly provided for in these regulations) by reference to the need to protect and advance the fundamental sporting imperatives described above. This purposive interpretation and application will take precedence over any strict legal or technical interpretations that may otherwise be proposed.
4. These regulations come into force immediately and National Associations must implement them by 31 March 2011 (the Effective Date). The prohibitions will apply to all Events taking place after that date, but they shall not have retrospective effect, and therefore no action will be taken under these regulations or any National Association's implementing regulations against any National Association, organisation or individual on account of any legally binding commitment that the National Association, organisation or individual made prior to the Effective Date. Instead, the regulations in effect prior to the Effective Date shall apply in respect of any such commitments.

5. For the purpose of these regulations:
- 5.1 A Domestic Event is any Event that does not involve National Representative Teams.
- 5.2 An Event is any indoor or outdoor Hockey match, tournament, competition or other event, at whatever level played, whether international, continental, national or local, and including age-group events such as “Masters” events.
- 5.3 A Home National Association is the National Association in membership of the FIH for whose National Representative Team the Athlete in question plays or last played or (if he/she has not yet played for any National Representative Team) is qualified to play.
- Explanatory note:*** *If the Athlete is eligible to play for the National Representative Team of more than one National Association, but has not yet played for any of them, he must designate one of those National Associations for purposes of these regulations, and that will be the National Association from whom a No-Objection Certificate must be obtained to allow him to play in Events organised by another National Association.*
- 5.4 An International Event is an Event in which National Representative Teams compete. It includes (without limitation) Events staged as part of a multi-sport event such as the Olympic Games.
- 5.5 A National Representative Team is a team selected to represent a National Association, including age-group teams from Under-16s up to “Masters”.
- 5.6 A No-Objection Certificate means a document issued by an Athlete’s Home National Association, certifying that it has no objection to his participation in an Event organised or sanctioned by another National Association.
- 5.7 A Sanctioned Event is:
- a. any International Event organised or sanctioned by the relevant Continental Federation(s) and/or the FIH in accordance with clause B.1, below; and
  - b. any Domestic Event organised or sanctioned by the relevant Continental Federation(s) and/or National Association(s) and/or the FIH in accordance with clause B.2, below.
- 5.8 An Unsanctioned Event is any Event that is not a Sanctioned Event.
6. Terms beginning with capitals that are not defined above have the meaning given to them in Article 3 of the FIH Statutes. In addition, the principles of interpretation set out in Article 3 of the FIH Statutes apply to these regulations.
7. These regulations may be amended and/or supplemented from time to time by the FIH, and/or it may issue further guidance as to their operation and implementation, as it sees fit.
8. The powers granted to the FIH under these regulations (including, without limitation, the power to grant or deny applications for sanction made to it pursuant to clause B.1, below), shall be exercised on its behalf by the FIH Executive Board. Between meetings of the FIH Executive Board, the power to grant or deny applications for sanction made to

the FIH pursuant to clause B.1, below, may be exercised by the CEO, in consultation with the Chairman of the Competitions Committee. Any such decisions shall be duly ratified at the next meeting of the FIH Executive Board.

**B. Procedures for sanctioning a particular Event**

1. Sanctioning of International Events:

1.1 Where a proposed International Event would be open to any National Association, if necessary through qualification events (as in the case, for example, of the FIH World Cup, the FIH Champions Trophy, and the FIH World League), in order for that event to be recognised as a Sanctioned Event, it must be organised or sanctioned by the FIH.

1.2 Where a proposed International Event would involve only National Associations from one Continental Federation, and would be staged entirely within that continent, in order for that event to be recognised as a Sanctioned Event (a) it must be organised by the Continental Federation itself, or by one or more of those National Associations with the sanction of the Continental Federation; and (b) it must be sanctioned by the FIH.

1.3 Where a proposed International Event would involve National Associations from more than one Continental Federation, and/or would be staged in more than one continent, in order for that event to be recognised as a Sanctioned Event (a) it must be organised by the Continental Federations involved, or by one or more of those National Associations with the sanction of those Continental Federations; and (b) it must be sanctioned by the FIH.

***Explanatory note:** A match may be sanctioned pursuant to clause B.1.2 or clause B.1.3 notwithstanding that it is an 'unofficial' match, i.e., a 'training match' between two National Representative Teams for which no caps are awarded.*

1.4 Once an International Event has been sanctioned by the FIH and included in the FIH International Calendar, any changes to the date(s), venue(s), participants and/or format of that event require the approval of the FIH.

2. Sanctioning of Domestic Events:

2.1 Where a proposed Domestic Event would be open only to teams in membership of or affiliated to one National Association, and would be staged entirely within that National Association's territory, then in order for that event to be recognised as a Sanctioned Event it must be organised or sanctioned by that National Association.

2.2 Where a proposed Domestic Event would be open to more than one National Association's teams and/or Athletes, and/or would be staged by one National Association in another National Association's territory or in more than one National Association's territory, then in order for that event to be recognised as a Sanctioned Event:

a. if the event is open only to teams and/or Athletes in membership of or affiliated to National Associations within one Continental Federation, and the event would be staged entirely within that continent, then it must be sanctioned by that Continental Federation; while

- b. if the event is open to teams and/or Athletes in membership of or affiliated to National Associations from different Continental Federations, and/or it would be staged (in whole or in part) outside of the teams' continent, it must be sanctioned by the relevant Continental Federations and by the FIH.
3. Acting of its own accord or on application by a Continental Federation, a National Association, an Event organiser or other person, the FIH may review any decision of a body to sanction or not to sanction a particular Event, and may reverse or amend that decision as it sees fit where it considers that the original decision was not in the best interests of the sport. Any such reversal or amendment shall be final and binding on all parties, provided that the FIH shall not issue any such decision without first giving the body whose decision is being reviewed a full and fair opportunity to be heard.
4. Applying for sanction for an Event:
- 4.1 It is the responsibility of the organiser of a proposed Event to apply to the body or bodies specified in clauses B.1 or B.2 (as applicable) to sanction the Event. It is the responsibility of each such body to establish a mechanism for the processing of such applications.
- Explanatory note:** The FIH will issue guidance on how to apply to the FIH for any sanction required under clause B.1. Continental Federations and National Associations may develop their own processes for applying for any sanction required of them, and/or may adapt the FIH process and forms to suit their own requirements.*
- 4.2 Applications may be granted on a conditional basis. In particular (but without limitation), the FIH may require that specified Events must be played in accordance with and subject to FIH-compliant codes of conduct, anti-corruption rules, anti-doping rules and/or other rules or regulations. It shall be the responsibility of the Continental Federation(s) and/or National Association(s) organising or sanctioning the Event to ensure compliance with that requirement.
- Explanatory note:** Any sanction granted under clause B.1 or clause B.2 shall amount solely to recognition of the Event as a Sanctioned Event, and shall not amount to or be construed as approval by the granting body of any of the safety or security or other arrangements for the Event. Instead, those arrangements shall remain the sole responsibility of the Event organiser.*
- 4.3 The Event organiser should not issue any formal invitations to participate in the Event unless and until all necessary sanctions have been granted and any relevant conditions have been satisfied.
- 4.4 In determining whether to sanction a proposed Event, conditionally or otherwise, the FIH, Continental Federations and National Associations shall act in accordance with their obligations as custodians of the sport, and shall comply with all applicable laws relating to the proper exercise of regulatory powers by a sports governing body.
- Explanatory note:** Because decisions of the FIH, Continental Federations and National Associations as to whether or not to sanction an Event are to be recognised and given effect by the FIH and all other Continental Federations and National Associations (see clause D.1, below), in making such decisions the FIH, Continental Federation and/or National Association in question must ensure that it exercises its discretion consistently, validly, appropriately and lawfully.*

- 4.5 Subject always to clause B.4.4, the FIH, Continental Federations and National Associations should base their decisions whether or not to sanction a proposed Event on the following factors:
- a. Whether the organiser of the proposed Event is prepared to make a binding, unqualified and unconditional commitment to stage the Event in accordance with and subject to all applicable FIH, Continental Federation and/or National Association regulations;
  - b. Whether that commitment will be enforceable against the Event organiser, i.e., whether the Event organiser will be transparent and accountable to the FIH, the Continental Federation(s) and/or National Association (as applicable) as regards its application and enforcement of those regulations in relation to all organisations and individuals participating in the Event;
  - c. The maintenance and promotion of the health, safety and welfare of Athletes, including by the prevention of overplaying (Athletes must have adequate time to rest and recover, as well as train, between Events), and by ensuring the safety and suitability of the venue(s) intended to be used for the proposed Event;
  - d. The extent to which the proposed Event may be accommodated within the existing calendar of Events without conflicting with or otherwise compromising (i) Events already in the calendar, and/or (ii) agreements to which the FIH and/or one or more Continental Federations or National Associations is a party;

**Explanatory note (1):** *Hockey, like any other sport, depends for its long-term growth on the ability of its stakeholders to make decisions and take actions in the best interests of the sport as a whole, including in relation to the exploitation of the limited fixture opportunities offered by a finite calendar. A properly structured fixture calendar, with coherent windows allowing the development in an orderly and balanced way of Events that are attractive to participants and spectators alike, is of paramount importance to the long-term future of the sport. In this context, the role of the FIH, Continental Federations and National Associations who are asked to sanction proposed Events is to balance the interests of all of the sport's stakeholders, including protecting the primacy of national representative competition and respecting the history of longstanding Events, while at the same time encouraging innovation and entrepreneurship in the development of new forms of competition that will generate further interest in the sport.*

**Explanatory note (2):** *The reference to 'agreements to which the FIH and/or one or more Continental Federations or National Associations is a party' is included because it is common for a sport's commercial partners to require certain commitments to protect their respective investments in the sport. For example, a commercial partner investing significant sums in an Event may require assurances that competing events will not be organised or sanctioned. Any breach of those commitments may threaten the generation of commercial income that is required for the development of the sport.*

- e. The extent to which the proposed Event would have any meaningful role in the promotion and development of the sport or any other charitable or benevolent purpose;

- f. Any previous decision(s) by the body in question regarding recognition or otherwise of any similar Event;
  - g. The degree to which the proposed Event does or does not further the objectives set out in Article 4 of the FIH Statutes; and
  - h. Any other factor that is considered to be relevant.
- 4.6 To minimise administrative burden, the FIH, a Continental Federation and/or a National Association (as applicable) may grant advance sanction to categories of Events meeting the relevant criteria.

***Explanatory note:*** For example, a National Association may recognise in advance as Sanctioned Events all matches to be staged in its territory (a) by specified teams; (b) as part of specified Events; and/or (c) at or below a specified level of competition.

- 4.7 If an Event does not fall within a category of Events that have been recognised in advance as Sanctioned Events, and the Event organiser fails to apply for and obtain the necessary sanction for the Event, in accordance with clause B.1 (International Events) or B.2 (Domestic Events), then the Event shall be an Unsanctioned Event.
- 4.8 To ensure clarity as to the status of an Event, all decisions to sanction an Event pursuant to clause B.1 and/or B.2 shall be confirmed in writing. An application for sanction may not be deemed approved unless and until such written confirmation is received. In addition, the FIH shall include details of all Events that it organises or has sanctioned in the FIH International Calendar; and Continental Federations and their National Associations shall include details of all Events that they organise or have sanctioned in their own respective official fixture calendars. These calendars should be (a) made available by publication on the Internet or similar, and (b) updated regularly as necessary to ensure they include details of all Sanctioned Events.

### **C. Primacy of National Representative Competition**

1. An Athlete who wishes to participate for a team other than his National Representative Team in a Sanctioned Event that his Home National Association has not organised or sanctioned must first obtain a No-Objection Certificate from his Home National Association in respect of that Event. If he fails to do so, he is not permitted to participate in the Event in question.
2. It is the responsibility of each National Association to establish a mechanism for the processing of applications for a No-Objection Certificate. Applications may be granted on a conditional basis.

***Explanatory note:*** For example, a Home National Association may agree to the Athlete's participation in parts of an Event as long as he is released from other parts of the Event for specified periods so that he can train/prepare for and/or participate in International Events as part of his National Representative Team.

3. In determining whether to issue a No-Objection Certificate, conditionally or otherwise, National Associations shall act in accordance with their obligations as custodians of the sport, and shall comply with all applicable laws relating to the proper exercise of regulatory powers by a sports governing body.

**Explanatory note:** Because a National Association's decisions as to whether or not to issue a No-Objection Certificate have to be recognised and given effect to by all other National Associations (see clause D.2, below), in making such decisions the National Association must ensure that it exercises its discretion consistently, validly, appropriately and lawfully.

4. Subject always to clause C.3, further to the need to preserve the primacy of national representative competition, National Associations may take the following (non-exhaustive) list of factors into account in deciding whether or not to grant a No-Objection Certificate to an Athlete for a particular Event:

- 4.1 Whether the Athlete in question has been, or is likely to be, selected to play for his National Representative Team in an Event that is to take place (or the preparation for which is to take place) at or around the same time as the Event in question;

- 4.2 Whether the Athlete's form, fitness and/or upcoming commitments to a National Representative Team might be compromised by his participation in the Event in question;

- 4.3 Whether the Athlete announced his retirement from playing for his National Representative Team during the year leading up to the Event in question; and/or

**Explanatory note:** This provision is intended to deter Athletes from seeking to circumvent these regulations by retiring from national representative competition simply in order to participate in Events organised by other National Associations.

- 4.4 Whether participation by the Athlete in the Event in question would compromise in any way the ability of the Athlete to comply with any contractual obligations owed by that Athlete, including obligations owed by the Athlete to his Home National Association.

5. Acting of its own accord or on application by a National Association, an Event organiser, or an Athlete, the FIH may review any decision of a National Association to issue or not to issue a No-Objection Certificate in relation to a particular Event, and may reverse or amend that decision as it sees fit where it considers that the original decision was not in the best interests of the sport. Any such reversal or amendment shall be final and binding on all parties, provided that the FIH shall not issue any such decision without first giving the National Association in question a full and fair opportunity to be heard.

#### **D. National Association Obligations**

- 1 A National Association must, to the greatest extent permitted by applicable law:

- 1.1 not participate in any way in any Unsanctioned Event;

- 1.2 prohibit the participation by organisations, Athletes, technical officials, umpires, coaching or management staff, and other individuals under its jurisdiction in any Unsanctioned Event;

**Explanatory note:** The integrity and efficacy of the pyramid structure of governance and regulation depends on National Associations respecting each other's territorial authority by declining to participate in (or to allow persons under their jurisdiction to participate in) Unsanctioned Events taking place in another National Association's territory.

- 1.3 take disciplinary action against any organisation, Athlete, technical official, umpire, coaching or management staff, or other individual under its jurisdiction who fails to comply with that prohibition;

**Explanatory note (1):** *Those who benefit from the development activities of National Associations (e.g., Athletes and other individuals who are identified by, and gain experience, expertise and status from, those activities) owe commensurate duties of loyalty and solidarity to those National Associations. They breach those duties by taking steps that undermine the collective efforts of the National Associations to promote the best interest of the sport, such as by participating in Unsanctioned Events. In such circumstances, National Associations are entitled to deny such persons the opportunity to take further benefit from the collective (sanctioned) enterprise for a specified period, and must amend and/or supplement their rules and regulations in order to enable them to do the same.*

*It is not possible to specify fixed or minimum periods of exclusion or ineligibility that should be imposed in such cases. The facts and circumstances of each particular case will have to be taken into account, as well as the constraints of applicable law. However, considering the importance of solidarity among the National Associations to the long-term future of the sport, the need to protect the strength of their collective effort for the benefit of the sport as a whole, and the need to deter free-riding by private entrepreneurs on the development efforts and other contributions of the FIH, Continental Federations and National Associations, it is the view of the FIH, the Continental Federations and National Associations that, other than in exceptional circumstances, a person who participates in an Unsanctioned Event should not be selected for a National Representative Team or permitted to participate in Sanctioned Events for a minimum of twelve months thereafter.*

**Explanatory note (2):** *It is the responsibility of each organisation and individual wishing to participate in a particular Event to establish that that Event is a Sanctioned Event and not an Unsanctioned Event.*

- 1.4 recognise and give effect within its own jurisdiction to any restriction, exclusion or ineligibility imposed on an organisation or individual by another National Association for failure to comply with that prohibition; and

**Explanatory note:** *The integrity and efficacy of the pyramid structure of governance and regulation depends on National Associations recognising and giving effect in their own territories to disciplinary sanctions imposed by other National Associations on their members and affiliated persons for failure to comply with the prohibition on participation in Unsanctioned Events.*

- 1.5 make it a condition of eligibility to participate in Events played under its jurisdiction that the organisation or individual in question has not participated in any Unsanctioned Event in the previous twelve months.

2. Each National Association must ensure, to the greatest extent permitted by applicable law that no Athlete for whom it is not the Home National Association participates in any Event that it has organised or sanctioned unless such Athlete holds a valid No-Objection Certificate from his Home National Association for that Event.
3. The FIH may bring proceedings against any National Association that fails to comply with any part of these regulations before the Judicial Commission, in accordance with Article 18.2(a)(i) of the FIH Statutes. In such proceedings, if the alleged non-compliance is established the Judicial Commission shall have the power to impose such sanctions on the National Association as it shall see fit, including reprimand, fine, temporary suspension, and/or expulsion.