



INTERNATIONAL
OLYMPIC
COMMITTEE

NOC Relations Department

Mr Giovanni MALAGÒ
IOC Member
President
Comitato Olimpico Nazionale Italiano

Lausanne, 6 August 2019

Situation of the Comitato Olimpico Nazionale Italiano (CONI) – Draft decree-law

Dear President,

Thank you very much for your letter dated 30 July 2019 and for sharing a copy of the specific provisions of the draft decree-law (Chapter I – Article 1), which is expected to be approved in the coming days by the Italian government authorities.

As usual under these circumstances, we have carefully examined these provisions and wish to express the IOC's serious concerns about some of them which, if approved, would clearly affect the autonomy of CONI.

As you know, the IOC's position regarding the relationship that should prevail between the government authorities and national sports organisations (in particular the NOCs and National Sports Federations) is very clear, and has been summarised in a reference document (attached), which was established and circulated to all NOCs in 2016, as a result of the implementation of Recommendation 28 of Olympic Agenda 2020. This approach is based on the fundamental principle of "responsible autonomy" of the NOCs and National Sports Federations as set out in the [Olympic Charter](#), in particular:

- Paragraph 5 of the Fundamental Principles of Olympism: *Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall apply political neutrality. They have the rights and obligations of autonomy, **which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations**, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.* [emphasis added]
- Paragraph 7 of the Fundamental Principles of Olympism: ***Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the IOC.*** [emphasis added]
- Rule 27.2.2: [The NOCs' role is to] ***ensure the observance of the Olympic Charter in their countries.*** [emphasis added]
- Rule 27.5: *In order to fulfil their mission, the NOCs may cooperate with governmental bodies, with which they shall achieve harmonious relations. However, **they shall not associate themselves with any activity which would be in contradiction with the Olympic Charter.** The NOCs may also cooperate with non-governmental bodies.* [emphasis added]

- **Rule 27.6:** *The NOCs must **preserve their autonomy and resist all pressures of any kind, including but not limited to political, legal, religious or economic pressures which may prevent them from complying with the Olympic Charter.*** [emphasis added]
- **Rule 27.9:** *Apart from the measures and sanctions provided in the case of infringement of the Olympic Charter, the IOC Executive Board may take any appropriate decisions for the protection of the Olympic Movement in the country of an NOC, including suspension of or withdrawal of recognition from such NOC **if the constitution, law or other regulations in force in the country concerned, or any act by any governmental or other body causes the activity of the NOC or the making or expression of its will to be hampered.*** The IOC Executive Board shall offer such NOC an opportunity to be heard before any such decision is taken. [emphasis added]

It is also worth recalling that the autonomy of sport was formally established in a Resolution of the United Nations General Assembly adopted in New York in October 2014 (A/RES/69/6: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/6), which recognises sport as a means to promote education, health, development and peace, and also *supports the independence and autonomy of sport as well as the mission of the International Olympic Committee in leading the Olympic Movement.*

To summarise, sports development in a country requires fruitful collaboration between the government authorities and the national sports organisations (including the NOC and the National Sports Federations) to develop relations on good terms and complementary actions which benefit sport and the athletes. However, such cooperation must take place with absolute and mutual respect for the autonomy of the NOC and the National Sports Federations, and without any external interference with the internal governance and operations of these organisations.

In view of the above, we have identified the following issues with some of the provisions of this draft decree-law:

- **Chapter I, Art.1, paragraph 1:** CONI should not be “reorganised” by unilateral decisions from the government. As mentioned above, CONI should be an autonomous and legally independent organisation governed primarily by the Olympic Charter and its own statutes, within the framework of the applicable laws under which it is legally registered in the country. Its internal governance and operations must be established and decided in the framework of its own statutes, and the law should not aim at “micromanaging” its internal organisation and operations. Consequently, the wording “[...] *for the reorganisation of the Italian National Olympic Committee (CONI) and the regulation of the sector [...]*”, should be replaced by the following (or similar) provision: “[...] **to support CONI in its activities [...], according to the following principles and directive criteria, and subject to full compliance with the Olympic Charter.**”.
- **Chapter I, Art.1, paragraph 1, subparagraph d):** The areas of activity of CONI and the National Sports Federations should be determined jointly with them, in accordance with the Olympic Charter and the statutes of the respective International Sports Organisations to which they are affiliated. In addition, the role of the NOC is not strictly limited to “Olympic activities”. Rules 27.1 and 27.2 of the Olympic Charter provide in particular that “*the mission of the NOCs is to develop, promote and protect the Olympic Movement in their respective countries, in accordance with the Olympic Charter*” and that the NOCs’ role is also “*to promote the fundamental principles and values of Olympism in their countries [...]*” and “*to encourage the development of*

high performance sport as well as sport for all". Consequently, we suggest the following (or similar) amendments to this provision (which would also be fully consistent with the provisions mentioned under subparagraph e): "**define, together with the sports organisations concerned and subject to the provisions of the Olympic Charter and the statutes of the international sports organisations concerned, the areas of activity of CONI, national sports federations, associated sports activities, sports promotion institutions, military sports groups and the State's civil bodies and worthy associations, in compliance with article 1, paragraph 630, of the law of 30 December 2018, n. 145, and with the role of CONI determined in accordance with the Olympic Charter**".

- Chapter I, Art.1, paragraph 1, subparagraph i): We fully understand that the entities that are members of CONI are autonomous and legally independent organisations (not only vis-à-vis CONI but also vis-à-vis the government authorities). Having said that, the entities that are members of CONI should remain bound by the statutes of CONI, the Olympic Charter and the statutes of the international sports organisations to which they are affiliated, and they should remain fully accountable to CONI for any specific financial and technical assistance they may receive from CONI (just as they are also accountable to the relevant government authorities for any public funds they may receive from the government, which does not mean that the government should "control" these entities). Consequently, the beginning of this provision should be slightly refined as follows (or in a similar way): "**support the full management, administrative and accounting autonomy of the national sports federations, associated sports disciplines, sports promotion institutes and worthy associations with respect to CONI, without prejudice to the fact that those organisations that are members of CONI remain bound by the statutes of CONI and remain fully accountable to CONI for any specific financial and technical assistance they may receive from CONI, just as they are also accountable to the relevant government authorities for any public funds they may receive from the government, as required [...]**".
- Chapter I, Art.1, paragraph 1, subparagraph l): This provision needs to be clarified and agreed upon between the government authorities and CONI. This is part of the internal organisation and governance of CONI, and the territorial/decentralised entities of CONI may also have specific powers to develop sport and Olympism at a regional level and/or may exercise any other functions, as delegated by CONI.
- Chapter I, Art.1, paragraph 1, subparagraph m): This provision should be discussed and agreed upon between the government authorities and CONI, or simply removed as this is part of the internal governance of CONI and should be determined by CONI, taking into consideration the principles of good governance of the Olympic Movement.

We would be grateful if, in your capacity as CONI President but also as an IOC Member representing the IOC in Italy, you could bring these serious concerns to the urgent attention of the highest government authorities and work together with them to refine the concerned provisions of the draft decree-law and make them fully compatible with the basic principles and rules that govern the Olympic Movement, before the final draft is submitted to the competent authorities for approval.

We are counting on the understanding and positive collaboration of all concerned parties to resolve these issues amicably and avoid any unnecessary complications and/or further action from the IOC.

We remain, of course, fully at your disposal should you need any further clarification or assistance to help resolve this issue smoothly and, if necessary, please note that we are ready to organise a joint meeting this week at the IOC headquarters in Lausanne.

Thank you for your kind attention and valuable cooperation, and please keep us informed of any further developments in this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'James Macleod'.

James MACLEOD
Director of Olympic Solidarity and NOC Relations

Copy:

- Thomas BACH, IOC President
- Ivo FERRIANI, IOC Executive Board Member
- Franco CARRARO, IOC Member
- Francesco RICCI BITTI, ASOIF President
- Carlo MORNATI, CONI Secretary General