

# INTERNATIONAL SKATING UNION

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## ISU Statement

### EU Decision – ISU Statement

The International Skating Union (ISU) disagrees with the European Commission's decision that the ISU's eligibility rules breach EU competition law. The decision fails to consider the specific nature of sport by putting commercial interests ahead of the principles of integrity, health and safety that protect fair play in sport. This contravenes the Treaty which recognises the voluntary, social and educational functions of sport. The decision harms not only the ISU but also Skaters and the entire Skating community.

In essence, the ISU's eligibility rules – similar to the eligibility rules of many other international sports federations – say that Skaters may only participate in international Skating events that have been authorised by the ISU. The eligibility rules ensure the protection of the health and safety of Skaters at all authorised Skating events as well as the integrity of Skating events. These rules are essential to the role of the ISU as the guardian of Skating and the International Federation for the sport as recognised by the International Olympic Committee.

The Commission claims that the eligibility rules preclude independent organizers from conducting Skating events. This is not true. Fact is that the ISU does authorize independent events, provided the organizers adhere to the ISU's relevant standards. The ISU eligibility rules have never been used to further the commercial interests of the ISU – a recognized not for profit organization – or to block independent organizers. This system provides for an adequate balance between the commercial interests of independent organizers and fundamental sporting values.

The ISU cannot accept the proposition that the ISU should allow Skaters to compete in unauthorized events where their organizers refuse to adhere to the ISU's standards. Without the enforcement of these standards there is no safeguard for the protection of the health and safety of Skaters and the integrity of the sport at these unauthorised events. The ISU is not in a position to check and enforce its standards upon unauthorised events. It is for this reason that Skaters are required to participate in events authorised by the ISU (which includes authorised events by independent organisers) and not unauthorised events. The ISU's position with respect to unauthorised events is common sense. No one would expect to get the benefits of a club without also signing up to the rules and values of that club.

The main example of an allegedly improper action of the ISU given by the Commission is a case in point. The ISU warned Skaters about the risks of participating in a planned unauthorized event in Dubai due to the close links of the organizer to betting in Asia and the fact that the organizer had unequivocally refused to follow the ISU's Code of Ethics. The ISU acted at all times in a responsible manner.

Any Skater who participates in unauthorised events could put the sporting values of Skating at risk as the ISU has no way to check that these standards are being met. Consequently, in order to ensure that the eligibility rules are effective, a Skater could be deemed ineligible following a legal process from participating in events authorised by the ISU. The ISU notes the Commission's particular criticism of its sanctions system which previously provided for a sanction up to a lifetime duration. However, no such sanction has ever been imposed for participation by Skaters in an unauthorised competitive event. Moreover, the sanctions regime was revised some time ago and the ISU has not closed the door on future changes that are in line with its fundamental objectives. Most importantly, this sanction has never been applied in an anti-competitive manner.

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The ISU has shown throughout the procedure its readiness for commitments to resolve the case in an amicable manner. It takes note of the Commission's decision not to impose a fine and the Commission's positive willingness to engage in a constructive manner on these issues and its recognition of the value of an authorisation system and related eligibility rules for protecting integrity, health and safety as well as the good functioning of the sport. The ISU will now review the decision carefully and reserves its right to file an appeal before the European Courts.