



FÉDÉRATION INTERNATIONALE
DE MOTOCYCLISME

FIM CODE OF ETHICS

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CODE D'ÉTHIQUE FIM



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Any references to the male gender in this document are made solely for the purpose of simplicity, and refer also to the female gender except when the context requires otherwise.

FIM CODE OF ETHICS

1. PREAMBLE

This FIM Code of Ethics sets out ethical standards which shall govern the pursuit of the mission of the FIM. One of the FIM's most valuable assets is its reputation. Accordingly, ethical conduct is not just a way of behaving but a way of approaching and thinking about FIM activities, both sporting and non-sporting, so as to preserve their integrity and public confidence in the FIM as the world governing body.

2. THE SCOPE OF THE FIM CODE OF ETHICS

This FIM Code of Ethics is intended to apply broadly when the interests of the FIM are involved. It is intended firstly to be applied to all persons¹ participating or involved in any capacity in an FIM sports event or FIM activity or acting on behalf of the FIM, (including but not limited to consultants and all people conducting business with or on behalf of the FIM).

2.1 The FIM Code of Ethics applies to, and is to be complied with at all times by, the following persons:

2.1.1 FMNs;

2.1.2 Office and licence holders of the FIM and FIM CONUs (including but not limited to members of statutory governing bodies, directors and members of commissions, officials, riders, team members, doctors and manufacturers);

2.1.3 Staff and contracted partners of the FIM and FIM CONUs (including but not limited to volunteers, promoters, organisers, sponsors).

¹ Person as used in this Code shall be understood to mean a natural Person or an Organisation or other entity

2.2 The FIM Code of Ethics applies to, and is to be complied with by the following persons when these persons are participating or involved in any capacity in an FIM or CONU sports event or FIM activity:

2.2.1 Office and licence holders of the FMNs (including but not limited to members of statutory governing bodies, directors and members of commissions, officials, riders, team members, doctors and manufacturers).

2.3 Office and licence holders of the FIM mentioned under Art. 2.1 above are subject to the procedure for application of the Code outlined below under Art. 6 et seq.

2.4 CONU office and licence holders mentioned under Art. 2.1 above who are not office or licence holders of the FIM will be subject to a CONU procedure which is to be implemented by each CONU. In this regard, the CONUs shall establish a body authorised to receive complaints and conduct investigations and take decisions under the Code. In the absence of such a procedure and body, the FIM Ethical Chamber shall have the authority to receive complaints, conduct investigations (including ex officio) and take decisions under the Code in respect of such CONU office and licence holders.

2.5 Office and licence holders of the FMNs mentioned under Art. 2.2 above shall be subject to an FMN procedure which is to be implemented by each FMN. In this regard, the FMNs are encouraged to set up a body authorised to receive complaints, conduct investigations and take decisions under the Code.

2.6 FMNs and FIM Associated Members are urged to arrange for the application of this Code to all persons participating or involved in any capacity in their sanctioned sports events and/or activities or acting on their behalf (including but not limited to consultants and all people conducting business with them or on their behalf).

3. THE FIM, ITS MISSION, VISION AND VALUES

3.1 The FIM is an international organisation founded in 1904 and created to control and develop the sporting and non-sporting aspects of motorcycling and to assist motorcycle users in those fields.

3.2 Art. 6 of the FIM Statutes states the Mission of the FIM as follows:
“The FIM is the governing body for motorcycle sport and the global advocate for Motorcycling”

3.3 The Values of the FIM were adopted by its General Assembly in 2008 and draw attention to the need for fairness, inclusion, unity and transparency in all of its processes. The need to cultivate professionalism, develop expertise and excellence in all areas was recognised as being vital for FIM’s credibility.

3.4 The FIM strives to apply the highest standards for health, safety and the environment in its sporting and non-sporting activities.

3.5 The FIM fully recognises that the passion and commitment of its riders, officials and volunteers underpin the strength of the organisation.

3.6 All persons who are bound by this Code shall be deemed to agree that the undertakings contained in the Personal Commitment below are to be observed and honoured as if expressed in a written document solemnly signed by them. They shall at all times act in accordance with the above values and in the best interests of sport and motorcycling and shall not act in any manner which is improper or brings the FIM, motorcycle sport or the motorcycling community into disrepute, as set out in the Personal Commitment below, which is expressed in the first person to emphasise the solemn nature of this Ethical Code and the principles it enshrines.

4. PERSONAL COMMITMENT TO ETHICAL BEHAVIOUR AND FAIR PLAY

As a person bound by this Code, I undertake to observe at all times the FIM Code of Ethics and specifically:

- 4.1** I agree to embrace the concept of fair and ethical conduct in the pursuit of my activities as they relate to the FIM's sporting and non-sporting activities and to use my best efforts to strengthen and advance motorcycle sport and the mission of the FIM.
- 4.2** I acknowledge that fair play and sporting attitude embrace more than complying with the sporting rules and that they encompass cooperation, friendship, respect for others, sportsmanship and fairness "on and off the track".
- 4.3** I undertake to comply with all applicable laws and regulations and to become familiar with the FIM Statutes, FIM By-Laws, FIM Sporting Code, FIM Medical Code, FIM Anti-Doping Code, FIM Environmental Code, FIM Code for Touristic Gatherings, FIM Disciplinary and Arbitration Code and the sporting and technical regulations that apply to motorcycle sport and the disciplines or activities in which I engage in whatever capacity.
- 4.4** I shall endeavour to conduct myself in accordance with the highest standards of honesty, integrity and ethical behaviour. In particular, I shall promptly disclose any conflicts between the interests of the FIM and my own personal and/or professional interests and refrain from making or influencing any decisions which may conflict with my duty and/or loyalty due to the FIM or involving potential gain or acclaim or other advantages for me or my family and associates.
- 4.5** I shall refrain from any form of corruption and from any misappropriation of FIM properties and/or funds for private gain.

- 4.6** I shall refrain from event fixing (“match fixing”) and from betting directly or indirectly (e.g. instructing a third party to bet) related to any event or matter under the jurisdiction of the FIM.
- 4.7** I will not extend or accept benefits or favours except normal entertainment or small tokens of good will of negligible financial value exchanged in the normal course of sport and commercial activity carried out for the best interests of the FIM.²
- 4.8** I undertake to fully support the fight against doping and the use of prohibited and/or sport performance enhancing drugs in motorcycle sport.
- 4.9** I further commit myself to maintaining the integrity of the FIM’s sporting and non-sporting activities by conducting myself in an orderly fashion and refraining from and working to keep them free from any form of racial intolerance, sexual harassment or discrimination on grounds of gender, origin, colour, race, nationality, religion or belief, sexual orientation or disability.
- 4.10** I recognise that the creation of a healthy and safe environment for both competition and leisure activities is of the highest priority for the FIM and an ideal embraced by all who engage in motorcycle sport. I undertake to adopt and encourage others to adopt positive behaviours, follow the relevant rules and compete or officiate or otherwise act in a manner that ensures the safety of all.

² Only gifts of nominal value, in accordance with prevailing local customs, may be given or accepted as a mark of respect or friendship. The hospitality shown shall not exceed the standards prevailing in the host country.

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| 4.11 | I acknowledge that protection of the environment is essential to the future of motorcycle sport and I undertake to encourage others to take steps to ensure the sustainability of motorcycle sport and leisure activities conducted under the aegis of the FIM. |
| 4.12 | I accept that respect for my fellow participants and education are key to the success of promoting motorcycle sport and affirm my commitment to ensuring that fair and ethical sport will remain sustainable for the future. |
| 4.13 | I acknowledge and agree that all the above undertakings are personal commitments and that I may be sanctioned (disciplinary liability) in accordance with this Code by the Ethical Chamber in the case of failure to abide by them. Moreover, I acknowledge and agree that any action or misconduct on my part outside the “field of play” prejudicial to the interests of the FIM or of motorcycle sport (including but not limited to violent or dishonest conduct, racist, threatening, abusive, indecent or insulting words or behaviour) may be sanctioned in accordance with this Code by the Ethical Chamber. |

5. CATALOGUE OF POSSIBLE SANCTIONS

Breaches of this Code (or any other FIM rules and regulations giving rise to the application of this Code) by persons bound by this Code are punishable by one or more of the following sanctions^{3,4}:

- a) warning
- b) reprimand
- c) fine from CHF 1000.- up to CHF 1'000'000.-⁵
- d) cancellation / disqualification of competitive results obtained, with all of or part of the resulting consequences including forfeiture of any medals, points, prize money and/or other prizes (withdrawal of a title or award)
- e) return of awards, medals, prize money and/or other prizes
- f) deduction of points (for the ongoing and/or a future FIM Championship or FIM Prize)
- g) suspension (i.e. disqualification / ineligibility from ongoing FIM Championships or FIM Prizes in progress and/or exclusion / ineligibility from future FIM Championships or FIM Prizes)
- h) suspension or exclusion for a specified number of FIM events or activities for a specified period
- i) withdrawal of any type of FIM licence
- j) ban on entering an FIM event

³ The above mentioned disciplinary measures or contractual penalties may be imposed on any persons bound by this Code. They may be combined.

⁴ When a sanction listed under letter h), l), m), n), o) or p) is imposed by the Ethical Chamber, FMNs are urged to apply it at national level within their sphere of competence.

⁵ Fines must not be less than CHF 1'000.- or more than CHF 1'000'000.- In the case of individuals, a fine may not exceed CHF 100'000.-

- k) community (motorcycling) social work
- l) withholding of FIM revenues (e.g. subsidies)
- m) exclusion from meetings and activities of FIM and/or CONU statutory bodies for a specified period
- n) suspension from an FIM and/or CONU office for a specified period
- o) ineligibility for any FIM and/or CONU office or licence for a specified period
- p) ban on taking part in any motorcycling-related activity for a specified period.

6. APPLICATION OF FIM CODE OF ETHICS⁶

As a rule, the application of the Code should have little or no relationship with what happens on the field of play⁷. In principle, the application of the Code should not be considered if any (other) disciplinary regulations (e.g. Disciplinary and Arbitration Code, FIM Anti-Doping Code, field of play disciplinary sanctions) are/were applied.

⁶ As a rule, the Code of Ethics applies on a suppletive basis in relation to any (other) FIM disciplinary regulations (e.g. Disciplinary Code and/or disciplinary sanctions set out by any FIM Regulations). The Ethical Chamber may recommend to the FIM Administration that the reporting of a case be disclosed to the appropriate law enforcement authorities.

⁷ Means “during the competition” i.e. depending on the discipline, during practice sessions, and/or qualifying practice sessions and/or race(s), and/or rounds, and/or legs, and/or heat and/or stages.

6.1. Further to a Complaint

6.1.1 As a rule, a written complaint related to the possible breach of the Code must be filed by a person bound by the Code.

6.1.2 To be admissible, the complaint shall be filed within one month of the said person's knowledge of the alleged breach of the Code. The complaint shall be submitted (by email/fax or registered mail) to the Director of the FIM International Commission of Judges (CJI) with a copy to the FIM President, FIM CEO and FIM Legal Department. It shall outline (briefly) the relevant facts related to the alleged breach of the Code.

6.1.3 An obligation to report as soon as possible clear breaches of the Code by others that come to their attention is imposed on any person bound by the Code.

6.1.4 Malicious complaints shall be punished. Sanctions available under the Code of Ethics are applicable accordingly.

6.1.5. The Director of the CJI shall decide on the admissibility of complaints and on the opening of a related investigation by the Ethical Chamber. Where a complaint is found not admissible, the Director of the CJI must inform the complainant in writing with a short statement of the reasons of his/her decision. The Director of the CJI also informs the FIM President, FIM CEO and FIM Legal Department.

6.2. Ex Officio

6.2.1. Full discretion is left to the Ethical Chamber⁸ to open and conduct an investigation, on its own initiative and ex officio, if it comes into possession of evidence of facts that may be considered, prima facie, as breaches of the Code. The Panel, by a majority vote, shall take a decision to open or not to open any ex officio investigation. If a complaint has been filed after the one month period specified in section 6.1.1 above has elapsed, the Ethical Chamber may nevertheless decide to open an investigation. No right of appeal lies against such decisions.

⁸ See Art. 7 below

6.3 **Status of Party**

6.3.1 The accused person(s) shall be recognised as having the status of party to the proceedings.

6.3.2 After the investigation has been closed by the Ethical Chamber with a final report, the FIM may be recognised as having party status if it so chooses. The FIM shall in any case have party status before the CAS and once the Decision of the Ethical Chamber has been notified to the FIM.

6.3.3 The complainant is not a party to the proceedings. However, the complainant has an obligation to cooperate during the investigation.

6.4 **Statute of Limitations**

6.4.1 Breaches of the Code may no longer give rise to the opening of an investigation after a lapse of ten (10) years.

6.4.2 Prosecution of bribery, corruption and match-fixing is not subject to such limitation period.

7. **ETHICAL CHAMBER**

7.1 The Ethical Chamber shall be composed of a maximum of twelve (12) persons. In order for a case to be brought before the Ethical Chamber, the latter shall be composed of a minimum of four (4) members of the FIM International Commission of Judges (CJI) in accordance with article 7.1.1 and four (4) members appointed by the Board of Directors in accordance with article 7.1.2.

7.1.1 The Director of the CJI shall automatically be part of the Ethical Chamber. A maximum of five (5) other members of the FIM International Commission of Judges (CJI) shall be proposed as members of the Ethical Chamber by the FIM CEO and approved by the Board of Directors. Their membership of the Ethical Chamber shall end when they cease, for whatever reason, to be members of the CJI except where they are members of a Panel in charge of an ongoing case. In such case, their membership of the Ethical Chamber may end when that case is closed.

7.1.2 In addition, a maximum of six (6) persons with a legal background and representing the geographical diversity of the FIM shall be appointed by the FIM Board of Directors. They may be proposed by FMNs or CONUs but once appointed may not be withdrawn by the proposing body. Only the FIM Board of Directors can terminate their appointment.

7.1.3 All these twelve (12) members shall have a term of office of (4) years. Subject to any replacement, each member shall have a four (4) year term. A member leaving the Ethical Chamber before the end of his term, for whatever reason, may be replaced for the remainder of his term.

7.2 For each case, a Panel of three (3) persons shall be formed to hear the case on the merits. The Director of the CJI shall officiate as President and be responsible for the appointment of the two (2) other members, one of which shall be selected among the five (5) members of the FIM International Commission of Judges (CJI). If the Director of the CJI has a conflict of interests, she/he shall designate another member who shall replace her/him.

7.3 The Ethical Chamber shall act as an investigation and adjudicatory body. The Ethical Chamber acts in full independence, regardless of the complaint, positions and/or parties involved.

7.4 At the request of the Ethical Chamber, the persons bound by this Code are obliged to contribute to establishing the facts of the case and, especially, to provide written or oral information as witnesses.

8. PROCEDURE

8.1 If a situation or matter relating to the procedure is not provided for by the Code, the FIM Arbitration and Disciplinary Code shall be applicable on a suppletive basis.

8.2 The FIM CJI Director shall designate a member of the Panel who will be in charge of conducting the investigation of the alleged or possible breaches of the Code on behalf of the Ethical Chamber. This investigating member shall conduct appropriate inquiries (e.g. collect any written information, request documents and obtain witness statements).

- 8.3** At any stage of the proceedings, the Ethical Chamber shall examine aggravating and mitigating circumstances equally.
- 8.4** At the request of the Ethical Chamber, the persons bound by this Code are obliged to contribute to establishing the facts of the case (e.g. provide written or oral information). A failure to cooperate may result in a sanction as provided for by the Code.
- 8.5** If an investigation has been closed, the Ethical Chamber may reopen the investigation if new facts or evidence come to light that suggest a possible breach.
- 8.6** Once the investigation has been completed, the Ethical Chamber shall prepare a written report, setting out the alleged breaches of the accused person. It shall forward this together with the investigation file to the accused person and the FIM Legal Department.
- 8.7** Once the written report has been received, the accused person and the FIM shall have 20 days to submit any written submissions. Within the same period of time, if it so wishes, the FIM may intervene as a party and call for a specific sanction against the accused person.
- 8.8** If a hearing is to take place, the FIM shall in any case have the right to be present as an observer, even it is not intervening as a party. The Ethical chamber may decide to hold a hearing or decide to adjudicate the case through a written procedure. The hearing shall not be public.
- 8.9** The Ethical Chamber shall make its decision on the basis of the case file available to it by way of a written procedure or after a hearing. In any case, the accused person and the FIM shall be invited to submit written statements before any decision is issued. Procedural costs shall be borne by the sanctioned party. No legal fees shall be awarded. In the event of closure of proceedings or discharge, the procedural costs shall be borne by the FIM.
- 8.10** Should a case lie against the CJI Director or against one or more of the members of the CJI, the FIM CEO shall appoint a Panel of three persons without any conflict of interest who shall constitute the Ethical Chamber to hear the case. In the first place, the FIM CEO shall appoint CJI members.

9. APPEAL

9.1 A final decision of the Ethical Chamber may be appealed to the Court of Arbitration for Sport (CAS) within 21 days from the date of receipt of such reasoned decision by the accused party and the FIM. Subject to the possibility for the FIM to call for a reformatio in peius before the CAS, even when acting as Respondent, Articles R47 ff. of the Code of Sports-related Arbitration shall apply.



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