

# Nationality requirements in olympic sports

Citation for published version (APA):

Wollmann, A. S. (2016). *Nationality requirements in olympic sports*. [Doctoral Thesis, Maastricht University]. Wolf Legal Publishers. <https://doi.org/10.26481/dis.20160628aw>

## Document status and date:

Published: 01/01/2016

## DOI:

[10.26481/dis.20160628aw](https://doi.org/10.26481/dis.20160628aw)

## Document Version:

Publisher's PDF, also known as Version of record

## Please check the document version of this publication:

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*Anna Sabrina Wollmann*

# Nationality Requirements in Olympic Sports



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## **Nationality Requirements in Olympic Sports**

*Anna Sabrina Wollmann*

ISBN: 978-9462-4032-15

Published by:

Wolf Legal Publishers (WLP)

PO Box 313

5060 AH Oisterwijk

The Netherlands

E-Mail: [info@wolfpublishers.nl](mailto:info@wolfpublishers.nl)

[www.wolfpublishers.com](http://www.wolfpublishers.com)

Cover © Thomas Pähler

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# Nationality Requirements in Olympic Sports

DISSERTATION

To obtain the degree of Doctor  
at Maastricht University,  
on the authority of the Rector Magnificus,  
Prof. dr. L.L.G Soete  
in accordance with the decision of the Board of Deans,  
to be defended in public  
on Tuesday 28<sup>th</sup> June 2016, at 14.00 hours

by

Anna Sabrina Wollmann

**Supervisor:**

prof. dr. G. R. de Groot

**Co-supervisor:**

dr. O. W. Vonk

**Assessment committee:**

Prof. dr. M.G. Faure (Chairman)

Prof. dr. S. Van den Bogaert (Universiteit Leiden)

Dr. S.F.G. Rammeloo

Prof. dr. M.P. Vink

Prof. dr. P. Wautelet (Université de Liège)

## Acknowledgements

“It’s a dangerous business [...] going out your door.  
You step onto the road, and if you don’t keep your feet,  
there’s no knowing where you might be swept off to.”

J.R.R. Tolkien –*the Lord of the Rings*

When I first stepped onto the ‘road’ of nationality requirements in Olympic sports I had been planning on writing a paper on Hannah Arendt and statelessness for a master level course on European Migration Law and citizenship. That paper was never written and instead I began to delve into the eligibility criteria of three sporting federations: equestrian, fencing and football. So much was left to explore in that context and thus, after the initial paper, my feet swept me off to write a Master Thesis about the same topic. This time twelve sports were included: archery, canoe kayak, equestrian, fencing, football, handball, hockey, modern pentathlon, rowing, sailing, shooting and triathlon. And my feet just kept sweeping me off to now tackle the eligibility criteria of all 35 Olympic sports.

All of this would not have been possible without my supervisors René de Groot and Olivier Vonk who helped me with great patience, as I tend to think faster than I type, leaving sentences dangling precariously in the air. My warmest thanks to them and also to Hildegard Schneider who not only supervised both my Bachelor theses both at the FdR and at FASoS, but also with whom I had the pleasure to work. Special thanks also to my law faculty colleagues, Antonia Waltermann, Sascha Hardt and Vanessa Tünsmeier and all those to whom I have talked during PhD lunches for their support and feedback.

My warmest thanks also to those people at all the sporting federations that helped me and not only provided me with all the documents, but who also encouraged me.

This book would look significantly less enticing without the amazing cover designed by Thomas. Thanks a lot for understanding my vague and weird ideas and turning them into such a marvellous concept.

Writing a PhD is a strenuous task, especially as an external PhD candidate whose sole focus is the dissertation. When arriving in Maastricht in summer 2008 I had the enormous luck – or maybe the foresight – to take up fencing and join MAS Incontro. Fencing and the circle of friends I gained through it has been essential for me to maintain a healthy work-life balance throughout my time in Maastricht. Thanks a lot thus to MAS Incontro Maîtres Inge, Bas and Pierre and all fencers, especially Erik (who notably was not only also a colleague of mine at TIER, but also agreed to support me as paranimf), Renée, Piter, Myra and Niels. Thanks also to Iris (who checked my Dutch summary and is also my paranimf) and Lucien, though not fencers, but nevertheless part of group.

Thanks a lot to my movie-pals Reinier, who ensured I was kept up to date with pop-culture and Marieke (notably also a colleague at TIER), who followed me to many arthouse films. I fondly remember my time at TIER and my former colleagues Iryna and Carla whose PhD writing and defencing process I witnessed first hand and who supported me.

When spending (too much) time writing a PhD and engulfed in academia and university sports one starts to live in a certain bubble. I am just extremely grateful to

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those who helped me burst the bubble: Iva for coffee breaks and the occasional drinks in Maastricht; Shiraz for amazing dinners in Maastricht; Katharina for coffee in Bonn, Helmut for his support and Celine & Matt for overall great fun in the UK – and showing me that universities and academic bubbles are completely the same, but yet very different around the world.

When writing a PhD one goes from hunched over and brooding over a journal article or book to sitting hunched over and brooding at a computer writing a journal article or a book. I am thus extremely grateful to those teachers who helped me to “un-hunch” and not only stay mentally, but also physically fit: thanks a lot Aisha, Digna, Jessica and Marta.

When working on any extremely long-term project, such as a PhD, it is necessary to step aside for a moment and look at everything with fresh eyes. The greatest way to completely change one’s outlook is to be on stage and to act. Thus my most special thanks to my theatre friends from the Bonn University Shakespeare Company and the Dauertheatersendung. Whether it was Titus Andronicus, 15-minute Hamlet, Macbeth or Faust I, you were a source of inspiration, motivation and great fun. Thank you for helping me to achieve a healthy work-life balance and stay on the right side of sanity. Dixit!

And last, but no means least, thanks a lot to my family for all their support.

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# 1. Introduction

Three Greek inventions transcend time and space: democracy, citizenship and the Olympic Games. While not all people live in a democracy, hold a citizenship or have the talent to compete in a sport at Olympic level, everyone is aware of the existence of these concepts. The link between democracies and their citizens is also well established and widely known.<sup>1</sup> Contrarily, the connection between citizenship and the Olympic Games is rather uncharted territory. Although already in ancient Greece the athletes were citizens of the respective city-states and their participation and victory was not only attributed to them but also to the city-states,<sup>2</sup> current eligibility criteria are more complex by far. Eligibility codes do not exist in a vacuum and thus, in addition to the complexity of eligibility criteria, more difficulties arise at the interplay between this criteria and international law or national codes delineating nationality and citizenship for a specific country – and which are no less complex in themselves.

In order to explore this *terra incognita* and to unravel these complexities, one needs to ask several questions. Firstly, what are the eligibility criteria currently employed by the Olympic Sports? There are 35 sports that are at present considered Olympic and will therefore be analysed in this dissertation.<sup>3</sup> Furthermore, one has to look at rules concerning citizenship and nationality that exist at the level of national and international law. Another question is to what extent these currently applicable eligibility criteria are in line with international standards of nationality law. While answers to these two questions would start charting the field of citizenship/nationality law and Olympic sports, merely enumerating the problems is not enough and would be the equivalent of writing ‘*hic sunt dracones*’ on the map to mark difficult territory. The central question thus needs to be: how can the tensions that may exist between the criteria applied by the sporting federations and international standards of nationality law be solved. This dissertation aims to provide a possible solution.

## 1.1. Nationality and citizenship laws

As mentioned above, nationality and citizenship laws are important and complex enough to fill whole libraries devoted solely to them. Nationality or citizenship, their transferral and the rights inherently linked to them are amongst the most vital topics for human beings. And with current mass-migrations the question to which state a person is linked and which state should thus offer its protection to the person is frequently at the heart of modern day conflicts.<sup>4</sup> Which passport a person holds

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<sup>1</sup> R. Bauböck (2014b), p. 20f; R. Falk (2012), 15; A. Shachar (2014), p. 5.

<sup>2</sup> D. Panagiotopoulos (2012), pp. 63f.

<sup>3</sup> Please see the Annex for Table LII for an overview of the various sports, their governing organisation – and most importantly the commonly used abbreviation that will also be used in this paper – as well as the different sport’s Olympic history, e.g. when it first became Olympic, since when women are competing in this sport and whether the sport has been featured continuously at the Games since its debut.

<sup>4</sup> T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2; K. Hailbronner (2006), pp. 36f; A. Shachar (2009), pp. 7ff.

predetermines a human's possibilities, ranging from the more mundane things, such as travel possibilities,<sup>5</sup> to the more important aspects of job opportunities, education and overall life expectancy. Consequently, affiliation with the affluent countries is highly coveted,<sup>6</sup> while stateless people often face dire situations.<sup>7</sup>

Due to its importance, the universal declaration of human rights (UDHR) includes one provision dealing solely with nationality and the inherent right of a human being thereto.<sup>8</sup> Furthermore, arbitrary deprivation of nationality is forbidden and – especially important in the context of this dissertation – states may in principle not deny a human being the possibility to change his or her nationality.<sup>9</sup> However, the UDHR does at best impose a moral obligation on states and not a legal one.<sup>10</sup> Any state or non-state actor denying a person a nationality or preventing someone from changing his or her nationality acts contrary to the moral duty stemming from the UDHR.

Looking at how states attribute their nationality to a person in practice, one finds that this is primarily done at the time of birth, with factors like the place of birth (*ius soli*)<sup>11</sup> or blood relations (*ius sanguinis*)<sup>12</sup> determining which nationality a child receives. In recent years, a convergence has taken place, with *ius soli* countries adopting some *ius sanguinis* aspects and vice-versa.<sup>13</sup> That way, traditional *ius soli* countries under certain circumstances often grant their nationality to children of their nationals born abroad, i.e. in service of the country.<sup>14</sup> *Ius sanguinis* countries in turn use the possibility under certain circumstances to include children born to migrants living on their territory who would otherwise remain foreigners forever.<sup>15</sup> Changing or acquiring a nationality at a point after birth is usually significantly more difficult compared to acquisition at birth. Naturalisation is mostly residence-based,<sup>16</sup> although the required duration and the definition of residence varies among countries.<sup>17</sup> However, there are often compensation possibilities for people who rendered or are likely to render important services to the state. Some possibilities even exist to acquire citizenship in return for a sum of for money,<sup>18</sup> which does not require the usual

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<sup>5</sup> R. Bauböck (2014a), p. 1.

<sup>6</sup> R. Bauböck (2014b), p. 19; P. Ochoa (2014), p. 23; A. Shachar (2014), p. 3; P. Spiro (2014), p. 9.

<sup>7</sup> E. Horváth (2008), p. 19; O. W. Vonk, M. P. Vink, G. R. de Groot (2013), p. 12.

<sup>8</sup> Art. 15(1) UDHR. Although it does not specify to which nationality a person has the right.

<sup>9</sup> Art. 15(2) UDHR.

<sup>10</sup> O. W. Vonk, M. P. Vink, G. R. de Groot (2013), p. 16.

<sup>11</sup> K. Hailbronner (2006), p. 56; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2; G. R. de Groot, (2006b), pp. 5f; P. J. Spiro (2013), p. 31; M. P. Vink (2005), p. 11; O. W. Vonk (2012), p. 45; H. Waldrauch (2006a), p. 128.

<sup>12</sup> P. J. Spiro. (2013), p. 31; M. P. Vink (2005), p. 11; O. W. Vonk (2012), p. 45; H. Waldrauch (2006a), p. 125; G. R. de Groot and J. J. Kuipers (2006), p. 144.

<sup>13</sup> K. Hailbronner (2006), p. 54; P. Weis (1979), p. 95.

<sup>14</sup> K. Hailbronner (2006), p. 54; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>15</sup> K. Hailbronner (2006), p. 39; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>16</sup> H. Waldrauch (2006a), pp. 134f; M. P. Vink (2005), p. 11; P. Weis (1979), p. 100.

<sup>17</sup> H. Waldrauch (2006a), p. 148; see S. W. Goodman and M. M. Howard (2013), pp. 111 – 139 for recent developments.

<sup>18</sup> See A. Shachar and R. Bauböck (Eds.) (2014), Should Citizenship be for Sale? *EUI Working Papers*, for more information and discussion.

## INTRODUCTION

residence periods<sup>19</sup> or integration and language tests<sup>20</sup> that others seeking naturalisation have to demonstrate.

Even countries with usually rather restrictive naturalisation procedures may offer passports to athletes with promising careers.<sup>21</sup> Contrarily, athletes from (civil) war stricken countries, who do not change their nationality, face the same perils as other civilians in these conflicts and are thus as likely to become refugees or asylum seekers.<sup>22</sup> The influence thus of officials issuing passports is evaluated by scholars differently. While several scholars consider the fast-track naturalisations for athletes to be an ‘abuse of naturalisation’<sup>23</sup> others actively campaign for even quicker naturalisations to improve the pool of athletes of the respective country.<sup>24</sup> In addition, a third school of thought exists. These scholars favour the creation of a separate ‘*sporting nationality*’ that is entirely disconnected from the nationality granted by the state.<sup>25</sup> According to them, decoupling nationality and team representation would reduce the need for fast-track naturalisations and could lead to a free-market approach. Such a solution is however opposed by scholars from the other schools of thought, as the basis for eligibility for a ‘national’ team should be having the relevant nationality.<sup>26</sup> There is thus currently an on-going debate about nationality and citizenship in the context of sports and representative teams.

### 1.2. Modern Olympic Games and eligibility

In August 2016 all eyes will be on Rio. For 19 days, athletes from all over the world will compete in 306 medal events. 918 medals – gold, silver and bronze for each discipline – will be awarded to the three athletes or teams who have reached the pinnacle of their sport. Over the past months, athletes have competed fiercely during the qualification rounds in 28 sports and 41 disciplines to gain their ticket to the Olympic Games. Competing at this level is every athlete’s dream and, for some, it may be a once in a lifetime chance.<sup>27</sup> In light of current events and the high number of people forced to flee from their home country,<sup>28</sup> for the first time, the IOC will allow refugee athletes to compete during the 2016 Games. As they will not be able to compete for the country from which they have fled, they will compete under the IOC

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<sup>19</sup> Portugal only requires one week per year, see A. Shachar (2014), pp. 3f.

<sup>20</sup> R. Barbulescu (2014), p. 16.

<sup>21</sup> K. Hailbronner (2006), p. 60.

<sup>22</sup> BBC News (21st August 2012) Somalia Olympic Runner ‘drowns trying to reach Europe’; Ben Quinn (The Guardian, 15th August 2012) Eritrea’s flag-carrying runner seeks asylum in UK to flee repressive regime - Olympic athlete and middle-distance runner is one of four from country seeking escape from repressive regime.

<sup>23</sup> H. Andres (2009), p. 4; R. Siekmann (2006), p. 123.

<sup>24</sup> C. D. Hall (2012), p. 206ff.

<sup>25</sup> Y. Hafner (2008), p. 1; Y. Hafner (2012), p. 216; D. Oswald (2009a), p. 58.

<sup>26</sup> H. Andres (2009), p. 4 ff.

<sup>27</sup> H. Andres (2009), p. 4; G. Engelbrecht (2004), p. 8.

<sup>28</sup> UNHCR estimates that there are currently at least 10 million stateless people and Amnesty International estimates that there are currently 50 million refugees.

flag and the Olympic Anthem will be played during the ceremonies.<sup>29</sup> So far, it remains unclear how the qualification for the individual disciplines will be handled; yet through this measure the IOC addresses current problems and reacts to circumstances athletes might find themselves in.

Since the first official IOC Games in 1896, the Olympics have been the most important international competition for most sports. Yet these Games are more than ‘games’ for all the stakeholders involved.<sup>30</sup> Countries, the International Olympic Committee (IOC), the national Olympic committees (NOCs), sporting federations, and sponsors are as much involved in the Olympic Games as the individual athletes themselves.<sup>31</sup>

The countries hosting the games want to present themselves in a way that combines their roots with their future. In 2012, an impressive will to sway and to give a modern picture of one of the oldest European monarchies could be seen. In the sequence “Happy and Glorious”, Her Majesty Queen Elizabeth II took on her first ever acting role in which she and James Bond, played by Daniel Craig, hurried to the opening ceremony. Her Majesty addressed Bond with “Good evening, Mr Bond” when he picked her up at Buckingham Palace. Taking a helicopter to fly across London to the stadium, they flew over cheering crowds. Arriving in the nick of time, they jumped with Union Jack parachutes from the helicopter – although for the jump they both had stunt doubles. When Elizabeth II addressed the crowds, she was wearing the same dress as she had in the film sequence.<sup>32</sup> Likewise, Russia’s opening of the Winter Olympics in 2014 aimed to impress, with their athletes competing in seven sports with 15 disciplines. Also, states sending their athletes to the Olympics want to have as many medallists in their ranks as possible, and hence the talent hunt, both within the country and beyond, has increased and governments prescribe increasingly higher goals for their teams.<sup>33</sup> Olympic sports have become a highly political issue.

For the athletes wishing to compete in the 28 sports and 41 disciplines at Rio, the technical and sporting requirements they need to fulfil are rather clear cut: qualification requirements are set and anti-doping rules are in place.<sup>34</sup> The tricky aspect, on which athletes sometimes do not have any influence, is for which country they may compete. This is considerably more difficult as it is not the athlete’s quantifiable sporting performance that matters, but it is the athlete’s nationality<sup>35</sup> or

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<sup>29</sup> T. Bach (2015), Speech on the occasion of the adoption of the resolution “Building a peaceful and better world through sport and the Olympic ideal” by IOC President Thomas Bach, UN General Assembly, New York, 26 October 2015.

<sup>30</sup> D. Oswald (2009b), pp. 2f.

<sup>31</sup> Please find an overview of the relevant stakeholders as well as an explanation of the sports’ infrastructure in Chapter 1.5.

<sup>32</sup> London Olympics 2012 Opening Ceremony: Happy and Glorious.

<sup>33</sup> The German National Olympic Committee wishes to take between 40 and 70 medals back to Germany from Rio, see: DSOB will in Rio mindestens 44 Medaillen, *Frankfurter Allgemeine Zeitung* (3rd August, 2015); Zielvorgaben für Olympia: Politiker kritisieren überzogene Medaillen-Erwartung *Süddeutsche Zeitung* (11<sup>th</sup> August, 2012).

<sup>34</sup> Art. 43 IOC Charter 2013.

<sup>35</sup> Term used i. a. by Fencing: Art. 9.2.2 FIE statutes of December 2016 (wording unchanged since 2005).

citizenship<sup>36</sup> that determines which country the athlete is eligible to represent. In principle, nationality or citizenship is granted to new-borns<sup>37</sup> and thus every athlete should in principle have a claim to at least one nationality or citizenship.<sup>38</sup>

Yet, an athlete's nationality or citizenship can be subject to some changes, as the example of Italian midfielder Camoranesi illustrates. Born in Argentina, the fact that he had Italian grandparents enabled him to be called up for the Italian national team. Nevertheless, as Camoranesi's statement shows, 'I have an Italian passport but that is not enough for me to feel Italian',<sup>39</sup> in some cases the real link between a player and the country he or she represents can be somewhat questionable. Another example of representing a country with which there seems to be no apparent connection is the case of US basketball player Hammon. After not being selected for her national team for the 2008 Beijing Summer Games, a fast-track naturalisation procedure ensured her Russian citizenship and the eligibility for their Olympic team. She had in fact spent some seasons competing in the Russian league, yet she neither fulfilled the residence requirement nor had Russian ancestors.<sup>40</sup>

To contravene mercenary tendencies and to prevent athletes from changing their nationality too frequently, the IOC and individual sporting federations have adopted certain rules regulating changing the country of representation.<sup>41</sup> While indeed deterring some quick changes, these measures may lead to rather absurd situations in which athletes continue to compete for countries, even if they no longer have that nationality.<sup>42</sup>

### 1.3. Research questions

Problems arise from an interplay of different rules that exist on three levels. On the first level, there is the Olympic Charter, which includes eligibility criteria for athletes wishing to compete in the Olympics. According to the articles and bye-laws of the Olympic Charter, the sporting federations are free to determine the eligibility of athletes,<sup>43</sup> yet the federation's regulations sometimes go into greater detail regarding the requirements for the representation of countries in the Olympic Games. There is an interplay between rules set by the IOC and those set by the sporting federations which need to be approved by the IOC.

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<sup>36</sup> Term used i.a. by Athletics: Definitions International Association of Athletics Federations competition rules 2016 - 2017 in force as from 1<sup>st</sup> November 2015.

<sup>37</sup> K. Hailbronner (2006), p. 54; P. J. Spiro (2013), pp. 31f; M. P. Vink (2005), p. 11; H. Waldrauch (2006a), pp. 121 ff.; P. Weis (1979), p. 95.

<sup>38</sup> Unless, through a combination of circumstances, the child remains stateless, see P. Weis (1979), pp. 161f. and O. W. Vonk, M. P. Vink, and G. R. de Groot (2013).

<sup>39</sup> 'Argentina's my anthem: Camoranesi' taken from <http://soccer.net.espn.go.com/news/story?id=371118&cc=5739>.

<sup>40</sup> A. Shachar (2011), pp. 209f.

<sup>41</sup> For example, a residence requirement as enacted in Equestrian: Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1 January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>42</sup> As for example in Rugby: Regulation. 8.2 International Rugby Board handbook, as framed by the International Rugby Board, last updated: 1<sup>st</sup> January, 2016.

<sup>43</sup> Bye-law to rule 40 IOC Charter 2013.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

The second level is that of the international sport federations and their respective constitutions and codes of eligibility. These apply to athletes competing in the respective sports for national teams in any international competition, not just the Olympics. In addition, there is an interplay between the countries' laws on nationality and the codes of eligibility of the federations, since, in most cases, in order to become eligible for a national team, the athlete in question has to be recognised by the state involved as a national.<sup>44</sup> The sport federations do, however, impose additional requirements in certain cases to decide on an athlete's eligibility, such as residence requirements,<sup>45</sup> ancestral ties to the country,<sup>46</sup> or competition in the relevant national leagues,<sup>47</sup> in addition to a non-competition period.

Finally, on the highest level there are the international rules regarding nationality as well as the nationality laws of the individual states. These are applicable to everyone, athletes and non-athletes when the nationality of an individual has to be determined.

The focus of this dissertation will be on the rules of the Olympic and sport federation level as well as the interplay between all three levels. The most important questions are thus:

- 1) What are the eligibility criteria currently employed by the Olympic Sports?
- 2) To what extent is it problematic to align these currently applicable eligibility criteria with international standards of nationality law?
- 3) How can tensions that may exist between the criteria applied by the sporting federations and the international standards of nationality law be solved?

In order to answer these questions, the methodology described in Chapter 2 will be used. In the following, emphasis will first be placed on the legal concept of nationality (Chapter 3). This theoretical backbone of the thesis underscores the nature of nationality as the manifestation of a *genuine link* between a person and the state (Chapter 3.2). In addition to including a differentiation between the terms 'nationality' and 'citizenship' (Chapter 3.1), Chapter 3 will elaborate briefly on the most important aspects of nationality: acquisition (Chapter 3.3) and loss of nationality (Chapter 3.6). The more complex aspects, such as dual nationality (Chapter 3.4) and nationality changes as consequences of territorial transfers (Chapter 3.5), will also be included.

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<sup>44</sup> One notable exception is luge which only requires the athlete do have the necessary training and have a good standing with the relevant federation, see Art. 3 International Luge regulations – Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck/ Austria; Art. 6 International Luge regulations - Natural Track - 2012 edition approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup> 2012 in Riga / Latvia.

<sup>45</sup> Art. 21(b) book 3 chapter I FIBA rule book 2014 – 2019; Art. 7(d) FIFA statutes: regulations governing the application of the statutes 2015; Art. 44.2.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>46</sup> Art. 7(b) FIFA statutes: regulations governing the application of the statutes 2015; Art. 119.2.2.3 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>47</sup> Art. 21(b) book 3 chapter I FIBA rule book 2014 – 2015; Art. 406(1.6) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.8) IIHF statutes and bylaws 2014 – 2018 of May 2014.

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Furthermore, this dissertation will briefly delve into current problems regarding nationality, ranging from ‘passports for sale’ to statelessness, asylum seekers and refugees (Chapter 3.7). Finally, the touchstone principles of nationality law, i.e. the principles according to which the sports’ eligibility criteria will be examined, will be named (Chapter 3.8.).

Thereafter, this dissertation will focus on nationality especially in the context of *lex sportiva*, i.e. sports law. Following a brief summary on the status of *lex sportiva* (Chapter 4.1), the usage of the terms ‘citizenship’ and ‘nationality’ (Chapter 4.2), as well as the position of the *genuine link* in the sports context (Chapter 4.3), will be addressed.<sup>48</sup> Furthermore, a brief discussion of the separate *sporting nationality* as advocated by some authors will be given (Chapter 4.4), although a more in-depth analysis will follow in ‘Solutions’ (Chapter 17.3). In addition, a short overview of the position of the Court of Arbitration in Sport (CAS) and its cases dealing with nationality and eligibility matters will be given (Chapter 4.5), before turning to the nationality requirements set by the Olympic Charter (Chapter 4.6).

In the following chapters (Chapter 5 – 14), the nationality requirements of all the currently recognised Olympic sports, as provided by the international associations of the respective sport on their websites, will be analysed to answer the first research question for each sport individually. For sports that deal with the nationality requirements for their different disciplines separately, namely luge and bobsleigh, the individual disciplines will be analysed. In order to achieve a better understanding of the technicalities of the respective sport, a brief outline of what the sport entails shall be given prior to turning to the actual nationality requirements. For the analysis of the individual sport, the dissertation will aim to answer the same questions regarding nationality changes, minors and stateless athletes as are brought forward in the final comparison. In addition, close attention will be paid to the wording of the respective statutes and eligibility laws, e.g. whether ‘nationality’ and ‘citizenship’ are used, which meaning is attributed to the terms, and whether an actual distinction is made between them. Furthermore, the question of whether a ‘*sporting nationality*’ is mentioned will be answered, including an attempt at a definition of what such a *sporting nationality* would entail.

Afterwards, the analytical part of this dissertation (Chapter 15) will answer the first research question for all Olympic sports and compare the respective requirements with a specific focus on the effect these requirements have on athletes wishing to change their nationality and represent another country. Here the focus will firstly be on the terminology used by the different sports to see which different meanings are attributed to the terms such as ‘nationality’ or ‘citizenship’ (Chapter 15.1). Secondly, the aspects chosen for comparison will be: whether a change of nationality is possible at all (Chapter 15.2.); the forms of acquisition of nationality that are accepted and which additional requirements need to be fulfilled (Chapter 15.3.); which residence

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<sup>48</sup> Parts of this were already published as “Towards a Sporting Nationality?” by A. S. Wollmann, O. W. Vonk and G. R. de Groot published in 22 MJ 2 (2015), pp. 300 – 316.

requirements exist in the respective cases (Chapter 15.4.); provisions on stateless athletes (Chapter 15.7.); the position of athletes after having competed for another country of which the athlete is a national (Chapter 15.6.); effect of changes of the territory of the country of representation (Chapter 15.8.); competing for the country of residence without being a national thereof (Chapter 15.9.); the question of minors and nationality changes (Chapter 15.10) and whether only a specified number of changes is possible (Chapter 15.11.). Here also the question of dual nationality comes into play, namely, for which country, of which he or she is a national, the athlete will be able to compete and if he or she might re-decide and change the country of representation at some point in their career.

Following the comparison, the next part will answer the second research question: To what extent are these currently applicable eligibility criteria in accordance with international standards of nationality law? (Chapter 16). Firstly, the *desiderata* (desirable rules) that can be derived from the touchstone principles will be elaborated upon. In the following, the rules in force at present will be compared to the individual *desiderata*. The core postulation is that sporting federations should recognise the athlete's nationality and should have provisions for stateless athletes and refugees that allow them to continue to compete internationally (Chapter 16.1). Moreover, it can be derived from the principles of international law that changes of the country of representation have to be allowed and should not be limited by a maximum number of changes (Chapter 16.2). In this context also the special position of athletes with multiple nationality will be addressed, as well as those who were faced with territorial transfers. In the following, the focus will be on the *genuine link* between athlete and country, which should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof; ii) option rights; iii) facilitated naturalisation after marriage; or iv) naturalisation (Chapter 16.3). In this context, also the current practice of imposing residence requirements (Chapter 16.3.4.1) and waiting periods (Chapter 16.3.4.2) will be examined. Following this, the issue of gender equality (Chapter 16.4) and non-discrimination (Chapters 16.6) will be addressed. Another *desiderata* is that sporting federations should provide rules for those who lost their nationality and allow them to continue their career (Chapter 16.5), which is closely connected to the issue of stateless athletes and refugees. Finally, the focus will be on minor athletes and how eligibility rules should offer them additional protection (Chapter 16.7).

Finally, this dissertation will answer the third research question of how the tensions that may exist between the criteria applied by the sporting federations and the international standards of nationality law can be solved (Chapter 17). Here, first the problems will be briefly recapitulated (Chapter 17.1), before three possible solutions will be examined. This will firstly be the free market approach (Chapter 17.2), which will be rejected. Secondly, the proposal brought forward by some authors of

introducing a separate *sporting nationality* will be examined (Chapter 17.3).<sup>49</sup> As also this notion may be rejected, the third solution of crafting a sporting license in accordance with international principles of nationality law will be presented (Chapter 17.4). In this context, a draft article aimed at providing a comprehensive approach to issues of nationality in the sporting context, while taking the international standards of nationality law into consideration, will be offered (Chapter 17.4.2). In the ensuing conclusions and recommendations (Chapter 18), firstly a brief summary of the nationality laws essential for the analysis will be given (Chapter 18.1), before answering the research question of which eligibility criteria in Olympic Sports currently exist (Chapter 18.2). In the following, the extent to which it may be problematic to align the eligibility criteria with international standards of nationality law will be elaborated upon (Chapter 18.3). Finally, it will be indicated how the tensions that exist between the criteria applied by the sporting federations and the international standards of nationality law can be solved (Chapter 18.4).

### 1.4. Terminology

Throughout this dissertation, the exact terminology used by the different federations will be considered important. Not only can inconsistencies in the terms used in an eligibility code create confusion, but also each term may have several connotations and should therefore be chosen with care. The term used in this dissertation to describe the link between a person and a state will be '*nationality*' as opposed to '*citizenship*'. This choice was made as the focus for eligibility criteria is purely the link between a person and the state he or she represents and without the added notion of (civil) rights as implied by '*citizenship*'. However, in chapters 4 to 14, the terminology used by the individual sporting federations will also be used in the analytical text.

The same applies to the use of '*federation*' and '*association*' to describe the bodies governing the sports on the national and international level. While federation is the term chosen for this dissertation, for individual sports the terminology used in the statutes will be also used to describe the sport. Therefore, the wording may change between '*citizen*' and '*national*' as well as '*federation*' and '*association*'.

### 1.5. Glossary

In the following, a brief glossary will provide short definitions of the terms most frequently used in this dissertation. While there might be other definitions and usages of the terms in different contexts, these are the meanings and connotations intended for the purpose of this dissertation.

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<sup>49</sup> D. Oswald (2009a), p. 58; Y. Hafner (2008), p. 1; Y. Hafner (2009), p. 216; Y. Hafner (2012), p. 238.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

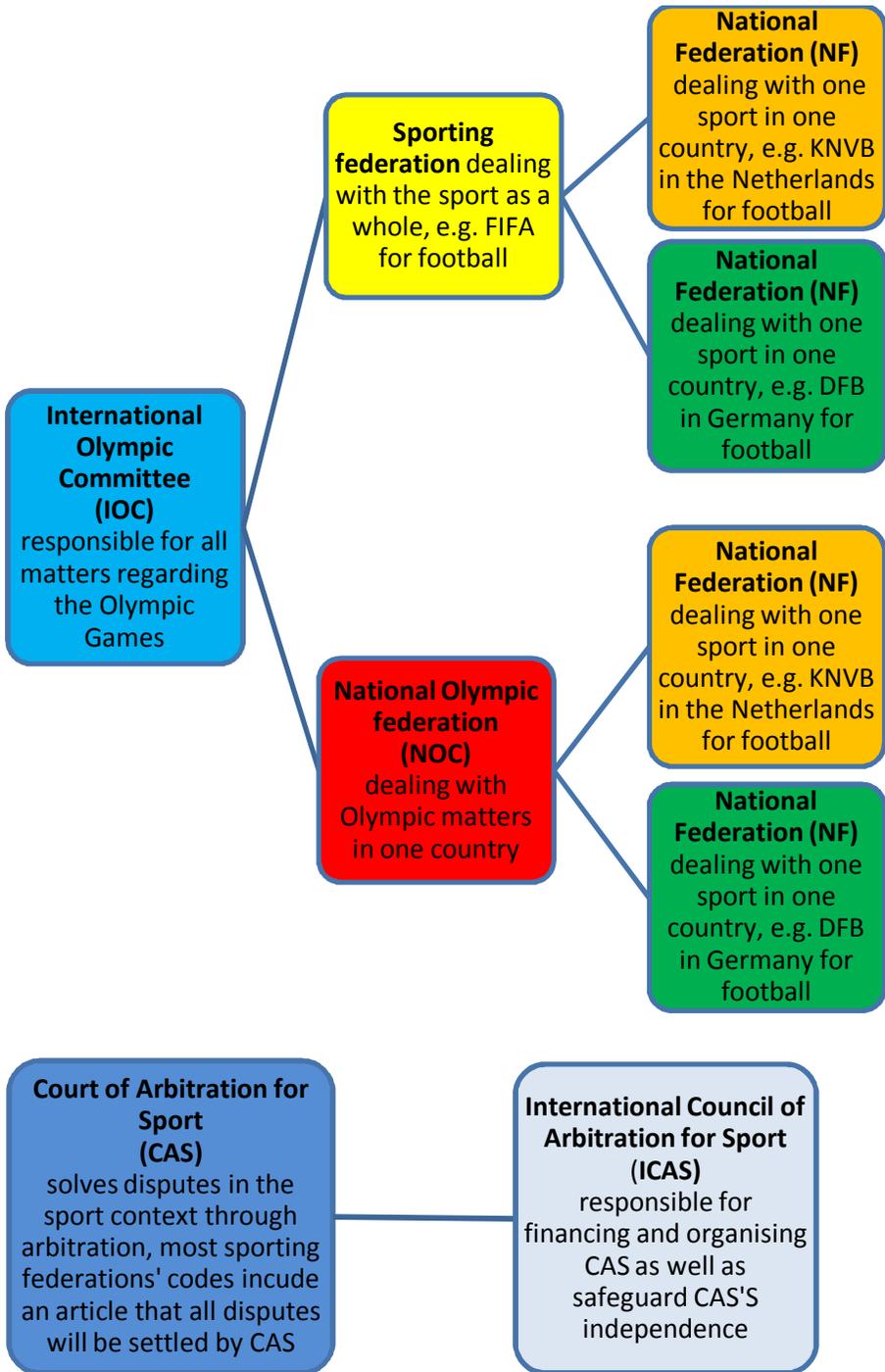


Figure I: Sport governing bodies

## INTRODUCTION

### **Sport governing bodies**

- International Olympic Committee (IOC)** The IOC is a non-governmental organisation which has as its main aim to ensure that the Olympic Games are held every four years and that the Olympic spirit continues. It sets down its own rules regarding the organisation of the games and deals with all sporting and commercial matters.
- National Olympic Committee (NOC)** Most countries have established a separate committee that aims to further the countries' Olympic interests in that country, e.g. by organising the athletes' travel to the games, promoting the Olympic sports, providing training facilities etc. National Olympic Committees also represent their states at Olympic level and are overseen by the → *IOC*.
- Sporting federation/association** The body governing one sport, e.g. FIFA is the body governing all of football. They spell out all rules relevant to the sport from matters concerning protective gear and sports equipment, to commercial activities and anti-doping. Sport federations/associations organise world championships as well as other international competitions and set down the qualification requirements athletes or teams need to meet to be eligible for the Olympic Games. The eligibility criteria for the Olympic Games need to be approved by the → *IOC*.
- National federation/association (NF or NA)** Body which governs an individual sport on national level, e.g. KNVB (*Koninklijke Nederlandse Voetbalbond*) governs football in the Netherlands as does the DFB (*Deutscher Fußball Bund*) in Germany. These entities deal with the matters of one sport in an individual country and are thus responsible for national leagues, training and coaching, as well as sponsoring and other commercial matters of the national team. In addition, they represent their country and its interests at meeting with the → *sporting federation*.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

<b>Member federation/association</b>	Another term for → <i>national federation/association</i> which is a member of the sporting federation governing the individual sport. There are also non-member or non-associated federations, which lack official recognition.
<b>Host federation/association</b>	The national federation of the country in which an athlete lives without having the nationality of the country. Some → <i>national federation/association</i> allow athletes to compete for their host federation in certain tournaments.
<b>Court of Arbitration for Sport (CAS)</b>	The Court of Arbitration for Sport (CAS) comprises an Ordinary Arbitration Division and an Appeals Arbitration Division and maintains lists of arbitrators and mediators. Its main responsibility is dispute resolution in the sports context. Such disputes may arise in the context of decisions taken by → <i>national federations/associations</i> and most of these have arbitration clauses in their rules or code book. The panels dealing with the disputes are usually composed of either one or three arbitrators. Special, ad hoc divisions are set up prior to Olympic Games to deal with issues that need to be resolved speedily, such as questions regarding eligibility.
<b>International Council of Arbitration for Sport (ICAS)</b>	International Council of Arbitration for Sport ICAS is responsible for several things, such as the administration and financing of → CAS as well as facilitating the dispute resolution. Moreover, ICAS is to safeguard the independence of → CAS.

### Eligibility criteria

<b>Sporting licence</b>	A licence given to an athlete by a → <i>national federation/association</i> , allowing the athlete to compete in official tournaments and leagues. Athletes may only obtain one if they follow the NF's code of conduct and other rules. Frequently, athletes may only obtain a licence from the NF of which they are nationals.
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## INTRODUCTION

<b>Sporting nationality</b>	A nationality for the sporting purposes. For some → <i>national federation/association</i> , the sporting nationality is considered unchangeable, thus for whichever country an athlete first competed internationally will be the only country he or she can compete for, even if he or she acquires another nationality or already had multiple nationalities. Some authors wish to codify the sporting nationality for all sports.
<b>Lex sportiva</b>	Law governing sport and sport federations which is currently not one coherent body of law.

### Nationality law

<b>Nationality</b>	Denominates a bond between the person and the state.
<b>Citizenship</b>	Denominates a bond between the person and the state and has the added connotation of civil rights granted to the person because of this bond.
<b>Acquisition of nationality/citizenship</b>	→ <i>Nationality</i> and → <i>citizenship</i> are usually conferred upon children at their time of birth, either by → <i>ius soli</i> or → <i>ius sanguinis</i> . However, they may also acquire it through → <i>naturalisation</i> , if they have a → <i>genuine link</i> with the country.
<b>Ius soli</b>	The place of birth determines which → <i>nationality</i> or → <i>citizenship</i> a child acquires at birth. Traditionally used in immigrant countries to allow migrant children to become nationals.
<b>Ius sanguinis</b>	The → <i>nationality</i> or → <i>citizenship</i> of the parents or one parent is automatically acquired by the child at birth. Rules differ among countries whether children may also acquire the nationality from the mother ( <i>a matre</i> ) or only through the paternal line ( <i>a patre</i> ).

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

- Naturalisation**                    The process through which a person may acquire → *nationality* or → *citizenship* later in life, if they have a → *genuine link* with the country. Usually conditional upon fulfilling several requirements, such as → *residence*. Some countries have introduced facilitated naturalisation procedures for non-national spouses of their own nationals.
- Genuine link**                    If questions regarding the nationality or citizenship of a person arise, it is tested whether a *genuine link* between the person and the state in question exists. Such a *genuine link* may be established in different ways, e.g. through → *residence*.
- Residence**                        Residence is deemed to exist if a person habitually resides in one country and has his or her centre of life there. In many countries registration in the population registry may be relevant. National laws and → *sport governing bodies* have different definitions and provide other requirements, such as X out of Y days per year, depending on the situation.
- Statelessness**                    The status of a person who is not recognised by any state to be a national under the operation of its laws.

## 2. Methodology

As stated earlier, there are in principle three levels of rules which are relevant for the topic at hand. On the highest level, there are the rules of international law regarding nationality as well as the nationality laws of the individual states. These are applicable to everyone, athletes and non-athletes, when the nationality of an individual has to be determined. Although they are extremely important, elaborating on all of them would be outside the scope of this dissertation.

The second level is that of the sport federations and their respective constitutions and codes of eligibility. They apply to athletes competing in the respective sports for national teams. Naturally, there is an interplay between the countries' laws on nationality and the codes of eligibility of the federations, since in most cases in order to become eligible for a national team an athlete has to be recognised by the state as a national.<sup>50</sup> The sport federations do, however, impose additional requirements, such as residence, in certain cases to decide on an athlete's eligibility.

The third level is that of the Olympic Charter, which also has eligibility criteria for athletes wishing to compete in the Olympics. According to the articles and bye-laws of the Olympic Charter, the sporting federations are free to determine the eligibility of athletes. However, there are several requirements for the representation of countries in the Olympic Games which are already stipulated in the IOC Charter itself. Thus, there is an interplay between these rules set by the IOC and those set by the sporting federations, which need to be approved by the IOC.

Table I: Levels of rules relevant to this dissertation

Level	Documents	Applicable to
<b>1a</b> <b>Rules of International Law on nationality</b>	- Treaties and Conventions, e.g. European Convention on nationality	- in principle to everyone, yet the applicability of individual documents depends on the individual states (i.e. accession, ratification etc.)
<b>1 b</b> <b>Nationality law of individual states</b>	- national rules on nationality	- nationals of the individual states and persons who aim to acquire the nationality of a certain state
<b>2</b> <b>International Sporting federations</b>	- Eligibility codes for individual sports and disciplines	- athletes of that particular sport
<b>3</b> <b>Olympic Charter</b>	- Olympic Charter	- athletes competing in the Olympic Games

<sup>50</sup> In some sports, a separate sporting nationality is possible, i.a. in Wrestling: Introduction FILA international rules for the change of nationality approved by the Bureau on 15 January 2015.

The focus of this dissertation will be on the rules of the second and third level and the interplay between all three levels. Consequently, the main method used to achieve this will be legal comparison. Therefore, a *tertium comparationis*, i.e. a set of rules with respect to which the rules of the respective sports are compared, is needed. In addition, a *tertium valuationis* is needed, meaning a set of criteria which enables an assessment of the rules involved and to identify the best practices.

### 2.1. *Tertium Comparationis*

For the *tertium comparationis* one might consider the Olympic Charter itself; yet such a comparison would be faulty, considering that the Charter itself redirects questions to the sporting associations and several sporting associations refer to the charter.<sup>51</sup> Hence, an independent set of criteria is needed which has to either be chosen from an existing pool of criteria or created for this very purpose. One might argue that picking the most lenient set of rules provided by the sporting associations, or the strictest for that matter, would be a good *tertium comparationis*, but that would already include a value element in the pure comparison and lead to a one-dimensional view. The best solution is thus to establish a mean or standard set of criteria, including the average number of years for the residence requirement and the waiting period between participating for different countries. With regard to the non-numerical requirements, those mentioned most frequently will be considered to be the standard rule. Consequently, all federations will be compared to this standard.

Yet, one particular problem arises with regard to this method, considering that some sporting federations change their rules and some, like taekwondo, do so quite frequently. One has thus to pick a date that will count as day zero with regard to this study and which will be considered to be the basic standard. Since I started writing this dissertation on 15<sup>th</sup> October 2013, this will be the date used for the first standard set of rules, which will be used as a *tertium comparationis*. In the course of the research, I reviewed changes in the rules twice a year, on 15<sup>th</sup> April and 15<sup>th</sup> October. From 25<sup>th</sup> June 2015 onwards, the federations' websites were checked weekly and the final day on which the website was checked for updates was 1<sup>st</sup> May, 2016.

These eligibility rules and rule changes will be elaborated upon for the individual sports. In addition, the individual rules for each sporting federation will be compared to one another in the time span of 2005 -2016. Several problems arose in this context. Firstly, not all sporting federations were willing or able to provide previous rules for the purpose of this research. Secondly, not all topics which are of interest for the purpose of this dissertation were treated with equal detail among the federations. There are thus several aspects which were only dealt with by less than one third of the sporting federations. For those topics, therefore, one cannot draw conclusions that are applicable to the eligibility criteria of Olympic sports in their entirety. Thirdly, not all

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<sup>51</sup> E.g. weightlifting Rule 1 13.2 IWF constitution and by-laws 2013 – 2016 - approved by IWF congress – Baku in effect with 01.01.2015.

sports underwent a substantial change in their eligibility criteria within the examined time frame.

Consequently, there is a certain bias in the results, as developments could only be monitored in an extremely limited number of cases. While significant conclusions may be drawn for individual sports or individual topics, the big differences between the approaches used for the different spots makes formulating overall trends difficult.

## 2.2. *Tertium valutatiois*

With regard to the *tertium valutatiois*, the choice of a set of rules is significantly easier. The rules of the federations and the Olympic Charter have to respect the international standards regarding nationality law on the acquisition and loss of nationality. Consequently, the sporting federations may, for example, make no distinction with regard to eligibility for children born out of wedlock or children who were adopted. In this regard, the focus of the FIFA rules on the country of birth of the biological parents is problematic.<sup>52</sup> Going into more detail, the situation becomes more complicated, because a *genuine link* between athlete and country of representation is required and different countries have different ways of determining the existence of such a link. This *genuine link* is of vital importance not only for the sporting federations, who wish to minimise the mercenary tendencies, but more so for countries that wish to confer their respective nationality only on those who genuinely belong to their community.

Starting from the situation of acquisition of nationality at birth, the practices of conferring nationality through the bloodlines, i.e. *ius sanguinis* or on the ground of birth on a certain territory, *ius soli*, provide states with a significantly different pool of potential athletes. However, nowadays the fault lines between the two are blurring, since many traditional *ius soli* countries have introduced additional requirements, such as the legal residence of a parent and several *ius sanguinis* countries have incorporated elements of *ius soli* for migrant children.<sup>53</sup> The use of *ius soli* or *ius sanguinis* in the paternal and/or maternal line influences the pool of athletes significantly. Most potential athletes are available to countries that make use of both *ius soli* and *ius sanguinis* in both the paternal and maternal line. If only *ius sanguinis a patre* is used, meaning the child's nationality is determined solely on the basis of the nationality of the father, the pool of potential athletes is significantly smaller. However, states originally with a smaller pool of children that will be their nationals have introduced certain compensation mechanisms that allow children born on their territory to foreign parents or to children born to a national to acquire the nationality of that state at a later stage, for example through the possibility of option or facilitated naturalisation, after

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<sup>52</sup> Art. 7(b) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>53</sup> K. Hailbronner (2006), p. 54; P. Weis (1979), p. 95; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

having fulfilled additional requirements. Through these compensation mechanisms, the inequality between states with regard to their potential athletes is reduced.<sup>54</sup>

Sporting federations also incorporate additional requirements like the residency or nationality of the grandparents for those athletes who hold either dual nationality or who have acquired a new nationality and wish to change their country of representation.<sup>55</sup> In case the athlete has already fulfilled the requirements set by the state to become a national via the aforementioned compensation mechanisms, the sporting federations are re-introducing inequality. One can thus stipulate that additional requirements set by sporting federations should apply in general only to athletes who have not established their *genuine link* with a country through fulfilling the reasonable requirements set by the country, e.g. residency.<sup>56</sup>

Otherwise the case could arise that an athlete was born in country A that applies *ius sanguinis*, yet his or her parents are from country B and are only legally residing in country A. The athlete grows up in country A and, upon reaching the age of majority, makes use of the naturalisation or options procedure upon which the competent authority will take the aspects of birth in the country and residence etc. into consideration. The athlete could thus now in principle compete for country A; however, depending on the sporting federation, there might be further obstacles, such as additional requirements regarding the birth place of the biological parents, a residence requirement or a waiting period in his or her international career after having acquired the new nationality. This enforced waiting period can range from one year in the case of athletics to four years in the case of ice hockey.<sup>57</sup> Such requirements can impose unreasonable restrictions, because the athlete has already passed a certain set of additional requirements to become a national of country A and – furthermore – if the country would have applied *ius soli* he would already have been a national.

The sporting federations' additional requirements are however very important in other places when countries are circumventing their own normal procedures for those athletes who do not have a *genuine link* but who would greatly enhance the countries' Olympic chances. Only through the additional requirements, such as the residency or the waiting period, can the balance between the countries in such cases be somewhat re-established. In this way, more opportunistic changes of the country of representation are – if not entirely made impossible – at least discouraged, as was the case with rugby where athletes may in principle not change their 'Rugby nationality'.<sup>58</sup>

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<sup>54</sup> G. R. de Groot & J.J. Kuijpers (2006), pp. 145f.

<sup>55</sup> E.g. Art. 28(1a) ITU constitution approved by the ITU congress, September 2015; Art. 21(b) book 3 chapter I FIBA rule book 2014 – 2019; Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>56</sup> G. R. de Groot & J. J. Kuijpers (2006), pp. 147f.

<sup>57</sup> Rule 5(2)(b) International Association of Athletics Federations competition rules 2016-2017 in Force as from 1<sup>st</sup> November 2015; Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018.

<sup>58</sup> Art. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January, 2016; Question 4 explanatory guidelines on the implementation of regulation 8 Eligibility to play for national representative teams - book International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January, 2016.

### 2.3. Data gathering

The information on the respective eligibility criteria was initially gathered twice annually, on 15<sup>th</sup> October and 15<sup>th</sup> April. Each time, the official federations' websites were checked twice on the actual day and once on the day after to ensure that even changes occurring later in the day were taken into consideration. From 25<sup>th</sup> June 2015 onwards, the federations' websites were checked weekly. The final day on which the website was checked for updates was 1<sup>st</sup> May 2016. One of the problems that occurred in this context was that federations do not immediately place their updated rules on their websites, e.g. Athletics only uploaded the 2016-2017 Rules, which had been applicable since November 2015, on 6<sup>th</sup> January, 2016. Furthermore, the federations were contacted for further information regarding the eligibility criteria prior to 2013.

Looking at the changes that occurred within the set timeframe, from October 2013 until April 2015, there were 19 sports that did not have any substantial rule changes.<sup>59</sup> This means that half of the relevant sports did not alter their eligibility criteria. It is even more striking that there are nine sports that have not changed their eligibility rules since 2005, or earlier, namely: badminton, bobsleigh, fencing, gymnastics, judo, shooting, table tennis, tennis, and triathlon. Hence, a quarter of the Olympic sports has been applying the same rules regarding nationality for the past decade. Thanks to the various sporting federations, I received the rules that were applicable since 2005 for 18 different sports and can consequently draw conclusions on the development or lack thereof regarding criteria for national teams.<sup>60</sup>

In order to ensure that all eligibility criteria were interpreted in the sense that the federations attribute to them and to provide the federations with the possibility to comment on their rules, the descriptions of the eligibility rules were sent to the federations' representatives on 29<sup>th</sup> October, 2015. 18 federations replied to this e-mail by 19<sup>th</sup> November,<sup>61</sup> when a first reminder was sent to the remaining federations. Over the next days, eight federations answered,<sup>62</sup> and on 2<sup>nd</sup> December a second reminder was sent to which four federations answered.<sup>63</sup> As five federations<sup>64</sup> had not replied by 8<sup>th</sup> February 2016, a final reminder was sent, giving the federations the deadline of 22<sup>nd</sup> February 2016, to which two federation replied.<sup>65</sup>

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<sup>59</sup> Namely: archery, badminton, basketball, biathlon, bobsleigh, canoe kayak, fencing, gymnastics, handball, hockey, judo, luge, shooting, skiing, table tennis, tennis, triathlon, and weightlifting.

<sup>60</sup> Aquatics, athletics, bobsleigh, curling, cycling, equestrian, fencing, football, golf, gymnastics, ice hockey, judo, modern pentathlon, rowing, shooting, table tennis, tennis, and triathlon.

<sup>61</sup> Aquatics, archery, basketball, biathlon, canoe kayak, curling, equestrian, fencing, gymnastics, handball, hockey, ice hockey, judo, modern pentathlon, rugby, shooting, skating, and skiing.

<sup>62</sup> Athletics, badminton, bobsleigh, cycling, football, golf, luge, and weightlifting.

<sup>63</sup> Rowing, tennis volleyball and wrestling.

<sup>64</sup> Boxing, sailing, table tennis, taekwondo, and triathlon.

<sup>65</sup> Boxing and rugby.



### 3. Principles of *nationality law*

Sovereign states are autonomous in nationality matters and may as such determine their national laws without interference from other states.<sup>66</sup> Each state is free to determine who becomes a citizen or a national.<sup>67</sup> The only limits are those which states impose on themselves when acceding to treaties or conventions and general principles of law. Other states have to recognise the national laws of others, as long as these do not contravene:

“international conventions, customary international law and the principles of law generally recognised with regard to nationality.”<sup>68</sup>

Should any state thus contravene principles such as non-discrimination on the basis of religion and make the transferral or possession of nationality conditional upon belonging to a certain religion, other states would not need to recognise this law. The influence states can exercise over other states in such cases is however limited due to state autonomy. Placing external pressure on states through diplomatic efforts or when negotiating trade and other economic relations is usually not successful in such cases.

Nationality and citizenship connote a significant relationship between the state and a person.<sup>69</sup> For the parties involved, the results are essentially two-fold: firstly, the individual’s relationship to the state determines the scope of rights and duties the person has to the relevant state,<sup>70</sup> e.g. only citizens have unrestricted access to the state’s territory and have to be re-admitted after sojourns abroad.<sup>71</sup> Secondly, due to the special bond between a person and the state, it is the state’s duty to protect the person.<sup>72</sup> However, the amount of security derived from citizenship depends on the general outlook of the state, with democratic and well-governed states providing more security than corrupt states or those in which power vacuums have been filled by non-state organisations.<sup>73</sup>

The question to which state a person is linked and which state thus can offer its protection to the person is frequently at the heart of modern day conflicts<sup>74</sup> and thus the distinction between citizens and foreigners remains of paramount importance for states.<sup>75</sup> Consequently, access to nationality and citizenship is heavily regulated and

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<sup>66</sup> P. Weis (1979), pp. 31 and 67.

<sup>67</sup> Art. 3(1) European Convention on Nationality; R. Bauböck, E. Ersboll, K. Groenendijk, and H. Waldrauch (2006), p. 15; O. W. Vonk (2012), p. 30.

<sup>68</sup> Art. 3 (2) European Convention on Nationality.

<sup>69</sup> P. Weis (1979), p. 29; R. Bauböck, E. Ersboll, K. Groenendijk, and H. Waldrauch (2006), p. 15.

<sup>70</sup> K. Hailbronner (2006), p. 36; C. Joppke (2010), p. 27.

<sup>71</sup> O. W. Vonk (2012), p. 34; M. P. Vink (2005), p. 9; P. Weis (1979), p. 45.

<sup>72</sup> K. Hailbronner (2006), pp. 36f; E. Horváth (2008), p. 1.

<sup>73</sup> R. Falk (2002), p. 22.

<sup>74</sup> T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2; K. Hailbronner (2006), pp. 36f; A. Shachar (2009), pp. 7ff.

<sup>75</sup> S. W. Goodman and M. M. Howard (2013), p. 114.

these barriers are frequently used to stop unwanted people from entering the community.<sup>76</sup>

In the beginning, nationality laws started out short and simple but, with increasing problems of migration, especially the first wave of mass migration after the Second World War, new rules were introduced, making everything more complex.<sup>77</sup> Especially in European countries, such as Italy and Spain, which were traditionally emigrant countries and are now faced with many immigrants, the nationality laws have yet to catch up with the situation in practice.<sup>78</sup>

Nationality or citizenship is usually conferred upon children at birth, although later acquisition through naturalisation is possible.<sup>79</sup> Naturalisation, which is conditional upon having created a significant link with a country which is not the country of origin, e.g. through permanent residence, has become increasingly important in the current age of globalisation and migration.<sup>80</sup> Not only the laws themselves are important, but also the practical implementation of nationality and naturalisation laws play an important role and could potentially become obstacles for those willing to acquire a new nationality.<sup>81</sup>

In the following, attention will be paid to the terminology and connotations invoked by the use of the terms citizenship and nationality (Chapter 3.1), before turning to the importance of the *genuine link* between a person and the state (Chapter 3.2). Thereafter, the modes of acquisition (Chapter 3.3) and loss of nationality (Chapter 3.6) will be elaborated upon, including brief summaries of the respective historic relevance and developments. Finally, issues of dual nationality (Chapter 3.4), territorial transfers (Chapter 3.5), as well as the problematic aspects of nationality in the context of the refugees, asylum seekers and statelessness, as well as the issue of ‘passports for sale’ (Chapter 3.7), will be included. Finally, the international standards of nationality law, as used in this dissertation, will be examined (Chapter 3.8).

### 3.1. Nationality and citizenship

#### 3.1.1. Nationality and citizenship – terminology and development

What does nationality actually entail? Starting with the origins of the word, scholars generally consider its etymology to have its roots in the Latin terms ‘*natio*’ or ‘*nasci*’. ‘*Natio*’ is said to include the connotation of the modern words ‘nation’, ‘people’, but also ‘state’.<sup>82</sup> Some however suggest that it was initially used to refer to foreigners, which would be contrary to modern day usage.<sup>83</sup> ‘*Nasci*’ in turn meant ‘to be born’

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<sup>76</sup> T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 7; E. Horváth (2008), p. 27.

<sup>77</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; C. Joppke (2010), pp. vi f.

<sup>78</sup> O. W. Vonk (2012), p. 3; C. Joppke (2010), p. vii.

<sup>79</sup> M. P. Vink (2005), p. 11.

<sup>80</sup> M. P. Vink (2005), pp. 8 and 24; R. Falk (2002), p. 15.

<sup>81</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28.

<sup>82</sup> G. R. de Groot (2006b), p. 3.

<sup>83</sup> T. K. Oommen (1997), p. 4.

and thus has the connotation of descent and ethnic or tribal origins.<sup>84</sup> The modern concept of nationality was first introduced when the feudal system collapsed,<sup>85</sup> while the idea of the nation state dates back to the Treaty of Westphalia.<sup>86</sup> The connotations of both concepts vary depending on the focal point: while in the course of Western history, nation and nationalism have both been unifying and destructive, for post-colonial countries, the surge of nationalisation has frequently been regarded as positive.<sup>87</sup> Nowadays, regardless of the word's original usage, the terms used by modern states are closely related to the Latin root and are therefore similar, e.g. *Nationalität* (German), *nationalité* (French), *nationaliteit* (Dutch) or *nazionalità* (Italian).<sup>88</sup>

Another word that also is frequently used in order to express the connection between a certain state and a person is “citizenship”.<sup>89</sup> This term usually has the connotation of full membership of a community, which guarantees the individual's right to fundamental principles such as fairness and justice.<sup>90</sup> Thus, it is distinctly more focussed on the complex and political dimensions.<sup>91</sup> In general, the rights attached to modern citizenship arrived in three waves: the first, civil rights in the 18<sup>th</sup> century; the second, political rights in 19<sup>th</sup> century, and the third, social rights in the 20<sup>th</sup> century.<sup>92</sup> However, these waves did not reach all parts of society in all countries at the same time, as women in some countries are still precluded from exercising voting rights and minorities are often excluded from social rights.

Looking at the advent of ‘citizenship’ most scholars point to ancient Rome or Greece.<sup>93</sup> Citizenship is often seen as dating back to the Greek *polis* of Athens and, as such, there seems to be an inherent link between democracy and citizenship.<sup>94</sup> However, slaves and plebeians were not involved in the decision-making process.<sup>95</sup> Greek citizenship was considered to transcend borders, although outside the border of the respective *polis* no legal rights were attached to it.<sup>96</sup> Contrarily, under Roman law citizenship status only gave the individual protection and not necessarily political rights, which were held exclusively by patricians.<sup>97</sup> However, Roman citizenship was granted to those conquered by the Roman Empire.<sup>98</sup> Interestingly, deprivation of

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<sup>84</sup> C. Joppke (2010), p. 19; T. K. Oommen (1997), p. 28.

<sup>85</sup> K. Hailbronner (2006), p. 35.

<sup>86</sup> T. K. Oommen (1997), p. 4.

<sup>87</sup> T. K. Oommen (1997), p. 29.

<sup>88</sup> P. Weis (1979), pp. 3f and 30.

<sup>89</sup> E. Horváth (2008), p. 2 ; C. Joppke (2010), p. vii.

<sup>90</sup> T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 1; E. Horváth (2008), p. 26; P. Weis (1979), p. 5; R. Bauböck, E. Ersböll, K. Groenendijk and H. Waldrauch (2006), p. 17; M. P. Vink (2005), p. 25.

<sup>91</sup> C. Joppke (2010), p. 1.

<sup>92</sup> R. Falk (2002), p. 15; C. Joppke (2010), p. 10.

<sup>93</sup> O. W. Vonk (2012), p. 11.

<sup>94</sup> C. Joppke (2010), pp. 6f.

<sup>95</sup> T. K. Oommen (1997), p. 24.

<sup>96</sup> A. Follesdal (2002), p. 71.

<sup>97</sup> A. Follesdal (2002), p. 71; C. Joppke (2010), p. 7.

<sup>98</sup> C. Joppke (2010), p. 8; M. P. Vink (2005), p. 26; Even in the Renaissance this was common knowledge and it is even reflected in a quote of William Shakespeare's Titus Andronicus spoken

citizenship partially derives from the Roman law of a banishment, which meant that a previous citizen of Rome was forced to live outside the territory of the Roman Empire.<sup>99</sup> The concept of citizenship lost its importance in feudal times and only the small city states of the Renaissance, such as Florence, maintained the political aspects in small participatory communities.<sup>100</sup>

Both Greek and Roman law relied solely on *ius sanguinis*, which lead to sons and daughters of slaves also being slaves.<sup>101</sup> Contrarily, in the Middle Ages, subjects were considered bound to the ground they were born on and, as such, property of the landholding classes, i.e. clergy and nobility. However, *ius soli*, the connection of birth on the soil of a particular country and belonging to the people of the country, is said to have first been explicitly advocated in the 1608 Calvin case.<sup>102</sup> This English common law case concerned the question whether a person born in Scotland in 1606, Calvin,<sup>103</sup> after the Scottish King James I had also become king of England in 1603, could be considered to be English and thus allowed to hold land in England. Seeing that Calvin had been born after the James I was also King of England, he was considered to have been born a subject to the King of England.<sup>104</sup>

A change from feudal structures and *ius soli* occurred with the French Revolution and, in its wake, everyone in France obtained the status of a ‘citizen’, whereas previously everyone had been a subject to the king.<sup>105</sup> This also marked the re-introduction of *ius sanguinis*, which became the standard way of attributing citizenship in the *Code Napoleon*.<sup>106</sup> Due to the Napoleonic conquests and the subsequent applicability of the *Code Napoleon* in most of Western Europe, this practice spread. A different picture presents itself when looking at the United States of America, traditionally immigrant country, where the adherence to *ius soli* citizenship was heavily debated and even challenged by the Southern States as it would grant citizenship to children of slaves.<sup>107</sup>

### 3.1.2. Connotations of ‘nationality’ and ‘citizenship’

Whether ‘citizenship’ or ‘nationality’ is the appropriate term to use and which meaning and connotations are involved depends on the field of study, discipline, legal system, and language used.<sup>108</sup> It is stipulated that countries which previously referred to people as *subjects* often now call them *citizens* to underline the change that occurred

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by the Tamora, Queen of the conquered Goths: ‘I am incorporate in Rome, A Roman now adopted happily’ (William Shakespeare *Titus Andronicus* Act I, Scene D).

<sup>99</sup> P. Weis (1979), p. 117.

<sup>100</sup> E. Horváth (2008), p. 26.

<sup>101</sup> P. J. Spiro (2013), p. 31.

<sup>102</sup> P. J. Spiro (2013), p. 32.

<sup>103</sup> Calvin’s guardians started the legal proceedings.

<sup>104</sup> P. J. Spiro (2013), p. 32.

<sup>105</sup> O. W. Vonk (2012), pp. 11 and 14f; E. Horváth (2008), p. 9; C. Joppke (2010), p. 11; K. Marx (2010), pp. 29ff.

<sup>106</sup> E. Horváth (2008), p. 9; O. W. Vonk (2012), pp. 11 and 15ff.

<sup>107</sup> P. J. Spiro (2013), p. 32.

<sup>108</sup> O. W. Vonk (2012), p. 19; E. Horváth (2008), p. 3.

in the social structure.<sup>109</sup> Likewise, some argue that nationality is perceived as having ethnic connotations and is thus not frequently used in Germany or Italy due to their history.<sup>110</sup> In the European context, the European Convention on Nationality defines the terms as follows:

“nationality” means the legal bond between a person and a State and does not indicate the person's ethnic origin;  
 “multiple nationality” means the simultaneous possession of two or more nationalities by the same person;<sup>111</sup>

However, one needs to underscore that this convention was only signed by 29 European states and ratified by only 20; hence the abovementioned definitions cannot be used in all countries and in all contexts.<sup>112</sup> For example, Croatia signed the Convention in 2005, but has not yet ratified it, while Belgium, Ireland, and Spain have not even signed it.<sup>113</sup>

All in all, ‘citizenship’ and ‘nationality’ are used interchangeably in some countries, but other languages make a clear distinction, e.g. German *Staatsangehörigkeit* (nationality) and *Staatsbürgerschaft* (citizenship).<sup>114</sup> In German *Nationalität* (nationality) exists as a term, yet due to its ethnic connotation, it is less frequently used in legal context.

The resulting distinction between ‘nationals’ and ‘citizens’ has frequently been at the heart of eligibility cases, as in the *Perez I, II and III v IOC* cases.<sup>115</sup> In English the terms are confused the most, while on the continent nationality is generally used for the link between a person and the state and citizenship is used for the bond with political rights and political membership between a person and the state.<sup>116</sup> The issue becomes more complex as both concepts overlap and in most cases every citizen will also be a national, but a national is not necessarily a citizen.<sup>117</sup> Furthermore, there are sub-categories with varying rights and definitions in some states, such as ‘denizens’, ‘quasi-citizens’, and ‘nationals with less rights’.<sup>118</sup> In some countries, there are also large non-citizen minorities, e.g. Russian migrants and their descendants in Latvia. This came about as Latvia granted citizenship to those who were Latvians before the occupation in the 1940s. Yet, the Russian migrants were left in the lurch by both countries as they did not acquire Russian nationality either.<sup>119</sup> Another example are Palestinians, who do not have Palestinian nationality, for a lack of a recognised

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<sup>109</sup> P. Weis (1979), p. 4.

<sup>110</sup> O. W. Vonk (2012), p. 20.

<sup>111</sup> Art. 2 European Convention on Nationality.

<sup>112</sup> European Convention on Nationality Treaty Office.

<sup>113</sup> As on 3<sup>rd</sup> January, 2016 according to European Convention on Nationality Treaty Office.

<sup>114</sup> E. Horváth (2008), p. 3.

<sup>115</sup> *Perez I, II and III v IOC*- CAS OG (Sydney) 00/001,00/005,00/009, Digest of CAS Awards II, pp. 595, 625 and 651; see Chapter 4.5.

<sup>116</sup> O. W. Vonk (2012), p. 19.

<sup>117</sup> P. Weis (1979), p. 5f.

<sup>118</sup> R. Bauböck, E. Ersböll, K. Groenendijk, and H. Waldrauch (2006), pp. 19 and 28f.

<sup>119</sup> O. W. Vonk, M. P. Vink, G. R. de Groot (2013), p. 11.

Palestinian state.<sup>120</sup> They often live in Middle Eastern and North African countries but cannot obtain the nationality of their host country due to the Casablanca Protocol, in which the League of Arab States agreed in 1965 to ensure the continuation of the Palestinians as a separate entity.<sup>121</sup>

In the following examples, the US and the UK will be examined, as the terminology used in this dissertation is in English and translations do not transmit the full meaning and connotations. For the UK,<sup>122</sup> British nationality and citizenship are stipulated in the British Nationality Act 1981 and the subsequent amending acts, such as British Nationality (Falkland Islands) Act 1983,<sup>123</sup> or the Borders, Citizenship and Immigration Act 2009.<sup>124</sup> In general, ‘nationality’ is used in the sense of a formal relationship between a person and the state.<sup>125</sup> However, with regard to ‘citizenship’, the term is used to indicate that the UK government has granted certain rights to the person. In this respect, the differentiation between actual “British Citizens” and “British Overseas Citizens” is important to underscore, since the respective groups enjoy different rights.<sup>126</sup> In addition to the fact that the British Nationality Act 1981 is entitled a ‘nationality act’ and then deals with a citizenship, there are also other interesting aspects: there is the general category of Commonwealth citizenship, which is the category applicable to British citizens, a British overseas territories citizen, a British national (overseas), a British overseas citizen or a British subject.<sup>127</sup> In addition, there is the British protected person status.<sup>128</sup> These six categories are determined as follows:

- British citizen: any person born in the UK will be a British citizen, provided that one parent was a British citizen or settled in the UK.<sup>129</sup> This is the only category which also provides automatic access to European Union citizenship.
- British overseas territory citizen: any person born in a British overseas territory, e.g. Gibraltar<sup>130</sup> will be a British overseas citizen, provided that one parent was a British overseas citizen or settled in British overseas territory.<sup>131</sup> These persons have British passports but are not automatically European Union citizens. The position of Gibraltar is a special one, as Gibraltar is treated as part

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<sup>120</sup> L. E. van Waas (2014), p. 15f.

<sup>121</sup> L. E. van Waas (2014), p. 15f.

<sup>122</sup> For a brief overview see <http://www.aboutimmigration.co.uk/different-types-uk-citizenship-nationality.html> or <https://www.gov.uk/types-of-british-nationality>.

<sup>123</sup> Which, akin to the British Nationality Hong Kong Act 1997 and the British Overseas Territory Act 2002, maintained the distinct citizenship categories while changing the status of some people so that they belonged to a different category, e.g. the citizens of Hong Kong.

<sup>124</sup> Which introduced ‘probationary citizenship’.

<sup>125</sup> For further information, see L. Fransman (2011).

<sup>126</sup> G. R. de Groot (2003a), p. 6; G. R. de Groot, (2006b), p. 3; G. R. de Groot (2012), p. 601.

<sup>127</sup> Art. 37 British Nationality Act 1981.

<sup>128</sup> For further information, see L. Fransman (2011).

<sup>129</sup> Art. 1(1) British Nationality Act 1981.

<sup>130</sup> Schedule 6 British Nationality Act 1981 and British Overseas Territories Act 2002.

<sup>131</sup> Art. 15(1) British Nationality Act 1981 and British Overseas Territories Act 2002.

of the EU in several respects.<sup>132</sup> Citizens of Gibraltar, as the only British overseas territory citizens, may however register as British citizens for the purpose of the EU treaties.<sup>133</sup>

- British national (overseas): A person who had a connection to Hong Kong as a British overseas territories citizen and registered as a British national (overseas) before 1 July 1997.<sup>134</sup>
- British overseas citizen: a person born on formerly British Hong Kong territory after 1997 to a parent who was either a British national (overseas) or a British overseas citizen, and who would have been stateless if British overseas citizenship had not been conferred upon him or her.<sup>135</sup>
- British subjects without citizenship: any person who was so under the 1948 Act<sup>136</sup>, i.e. prior to the Republic of Ireland Act 1948, which ended the influence of the British Monarchy in the Republic of Ireland.
- British protected person: a person born after 1983 as a citizen or national of Brunei or would otherwise have been born stateless (without a country) in the UK or an overseas territory as one of the parents was a British protected person.<sup>137</sup>

Only fully fledged British citizens can travel freely to the UK and are automatically European Union citizens, all others are subject to standard immigration rules, although they do have British passports.

With regard to the United States of America, nationality, citizenship and the rights connected therewith (especially voting rights) can be even more problematic. This distinction between ‘nationals’ and ‘citizens’ has been at the heart of sport cases, such as the *Perez I, II and III v IOC* cases.<sup>138</sup> In addition to the mainland States, there are several United States territories that have a unique position with regard to citizenship and nationality. These territories are the inhabited territories of American Samoa, Guam, Northern Marina Island, Puerto Rico, U.S. Virgin Islands, and Wake Island. Initially, inhabitants of these islands were U.S. nationals, but not U.S. citizens. This has changed for several of these territories through different legislative acts and nowadays a person born in Puerto Rico,<sup>139</sup> Guam,<sup>140</sup> or the Virgin Islands,<sup>141</sup> also becomes a U.S. national as well as a US citizen at birth. This is however not the case

<sup>132</sup> Declaration 55 Annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon 2007; Art. 355(3) Treaty on the Functioning of the European Union.

<sup>133</sup> Section 5 British Nationality Act 1981 and British Overseas Territories Act 2002; Government of Gibraltar (1997).

<sup>134</sup> British Nationality Hong Kong Act 1990.

<sup>135</sup> Types of British nationality: <https://www.gov.uk/types-of-british-nationality/british-overseas-citizen>.

<sup>136</sup> Art.30 and 31 British Nationality Act 1981.

<sup>137</sup> Types of British nationality: <https://www.gov.uk/types-of-british-nationality/british-overseas-citizen>.

<sup>138</sup> *Perez I, II and III v IOC*- CAS OG (Sydney) 00/001,00/005,00/009, Digest of CAS Awards II, pp. 595, 625 and 651; see Chapter 4.5.

<sup>139</sup> § 302 (US Code Titel 8 1402) Immigration and Nationality Act 2011.

<sup>140</sup> § 307 (US Code Titel 8 1407) Immigration and Nationality Act 2011.

<sup>141</sup> § 306 (US Code Titel 8 1406) Immigration and Nationality Act 2011.

for children born in American Samoa, a US outlying possession,<sup>142</sup> who become US nationals at birth, but do not automatically become US citizens.<sup>143</sup> In order to become US citizens later in life, they will need to undergo the standard naturalisation procedure and pay the usual fees.

The historical roots of this problematic situation of citizens or nationals and their respective voting rights are evidenced in original *insular cases*, such as *Downes v Bidwell*<sup>144</sup> dating back to 1901. The reasoning was that:

“If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible; [...] We decline to hold that there is anything in the Constitution to forbid such action. We are therefore of opinion that the island of Porto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution [...]”<sup>145</sup>

Therefore, while the territories were part of the United States, the United States’ Constitution did not apply there and, consequently, inhabitants of these territories still lack essential voting rights. Despite the fact that this judgment clearly underlines that the impossibility of applying Anglo-Saxon principles is merely ‘for a time’, these cases and the reasoning justifying them still have not been overruled. Regardless of the clearly racist tones of the original judgment, which in no way conforms to today’s norms, these insular cases are even cited in current cases.<sup>146</sup>

### 3.2. Nationality as a manifestation of a *genuine link*

Nationality in international law is the primary connecting factor between a person and a specific nation or, rather, a people or a particular state. This tie is referred to as a ‘*genuine link*’, meaning that the connection between them is deemed to be strong.<sup>147</sup> In case of arising disputes such as in a sports context, it can be taken into consideration when deciding on the eligibility of an athlete for a certain team.<sup>148</sup> The concept of the ‘*genuine link*’ derives from the 1955 *Nottebohm* case. In that case, Liechtenstein and Guatemala disputed the question whether Liechtenstein could grant diplomatic protection to Nottebohm, who had been living in Guatemala and had been expropriated there, after he had acquired the nationality of Liechtenstein only through naturalisation and without actually having lived in the country:

“[...] his actual connections with Liechtenstein were extremely tenuous. No settled abode, no prolonged residence in that country at the time of his application

<sup>142</sup> § 8 US Code 1101.

<sup>143</sup> § 308 (US Code Titel 8 1408) Immigration and Nationality Act 2011 and 8 US Code 1101.

<sup>144</sup> *Downes v. Bidwell* 182 U.S. 244 (1901).

<sup>145</sup> *Downes v. Bidwell* 182 U.S. 244, 287 (1901).

<sup>146</sup> *Leneuoti Fiafia Tuaua, et al. V United States of America et al.* Civil Case No. 12-01143 (RJL) (filed 2013).

<sup>147</sup> P. Weis (1979), p. 100.

<sup>148</sup> G. R. de Groot (2006b), p. 4; G. R. de Groot (2006a), p. 163.

for naturalization: the application indicates that he was paying a visit there and confirms the transient character of this visit by its request that the naturalization proceedings should be initiated and concluded without delay.”<sup>149</sup>

The outcome was that Liechtenstein, as a sovereign state, could indeed give its nationality to a person who did not have a *genuine link* with the country:

“It is for Liechtenstein, as it is for every sovereign State, to settle by its own legislation the rules relating to the acquisition of its nationality, and to confer that nationality by naturalization granted by its own organs in accordance with that legislation.”<sup>150</sup>

However, protecting Nottenbohm’s claim to property against Guatemala was not possible:

“Guatemala is under no obligation to recognize a nationality granted in such circumstances. Liechtenstein consequently is not entitled to extend its protection to Nottebohm vis-à-vis Guatemala and its claim must, for this reason, be held to be inadmissible.”<sup>151</sup>

Ergo, the *genuine link* is not a factor preventing someone from acquiring a new nationality. However, in the case of new disputes, such as in a sports context, it can be taken into consideration when deciding on the eligibility of an athlete for a certain team.<sup>152</sup>

### 3.3. Acquisition of nationality

#### 3.3.1. Acquisition at birth

Having established the state’s autonomy regarding the conferral of their nationality on individuals, it is important to take a closer look at how this conferral is generally made. This is primarily done at the time of birth, with factors like the place of birth (*ius soli*) or blood relations (*ius sanguinis*) determining which nationality a child acquires.<sup>153</sup> The situation of foundlings is more problematic, although it is generally agreed that they, as well as children who would otherwise be stateless, should acquire the nationality of the country where they were born or found respectively.<sup>154</sup>

Looking more closely at *ius sanguinis*, it is clear that this tradition was already employed in Ancient Greece and Rome, which had the effect that the children of

<sup>149</sup> *Nottebohm* 1955 I.C.J. 4 (Liechtenstein v. Guatemala), p. 25.

<sup>150</sup> *Nottebohm* 1955 I.C.J. 4 (Liechtenstein v. Guatemala), p. 20.

<sup>151</sup> *Nottebohm* 1955 I.C.J. 4 (Liechtenstein v. Guatemala), p. 26.

<sup>152</sup> G. R. de Groot (2006b), p. 4; G. R. de Groot (2006a), p. 163.

<sup>153</sup> Art. 1, 2 and 4 Convention on the Reduction of Statelessness 1961; K. Hailbronner (2006), p. 56; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2; G. R. de Groot (2006b), pp. 5f; P. J. Spiro (2013), p. 31; M. P. Vink (2005), p. 11; O. W. Vonk (2012), p. 45; H. Waldrauch (2006a), pp. 121, 125 and 128; G. R. de Groot and J. J. Kuipers (2006), p. 144.

<sup>154</sup> H. Waldrauch (2006a), p. 128; as also stipulated in Art. 6 (1b) and 6 (2) European Convention on Nationality.

slaves were unable to obtain citizenship rights.<sup>155</sup> Following the predominantly *ius soli* which applied in the Middle Ages, the French Revolution saw a return to *ius sanguinis* and, after the Napoleonic conquests and the subsequent spreading of the *Code Napoleon*, this practice became common place throughout the French Empire.<sup>156</sup> Traditionally *ius sanguinis a patre*, thus transferral through the paternal line, was used to reflect the patriarchal structure of society, but, nowadays, *ius sanguinis a matre* is also used.<sup>157</sup> This was previously only possible for children born out of wedlock, as in these cases only the identity of the mother could be established beyond doubt. Birth out of wedlock may still be problematic in *ius sanguinis* countries, but most countries have recently introduced reforms to counter the discrimination of these children.<sup>158</sup> However, with the increasing mobility and the occurrence of marriages between people holding different nationalities, new complex problems have arisen.<sup>159</sup> One of the questions arising in the context of *ius sanguinis* is how parentage may be established, especially when one takes the new medical possibilities, for example surrogacy, into consideration. An answer may be found in Recommendation CM/Rec (2009)13, which underlines the high risk of statelessness in case of surrogacy, and, while noting that a child-parent relationship cannot be automatically assumed in the event of surrogacy, stipulates that:

“[i]f the child-parent family relationship is recognised in the state of nationality of the commissioning mother or father the provisions of that state on the acquisition of nationality *jure sanguinis* have to be applicable. The child will be fully integrated into the family of the commissioning parents, which justifies – as in the case of adopted children – the acquisition of the nationality of the parents.”<sup>160</sup>

It is hence the actual family relationship and not the process of birth that establishes the link between child and parent in such cases. Another issue of solely relying on *ius sanguinis* is that children of immigrant parents will remain non-nationals in the country in which they were born and grew up in. In order to allow the inclusion of second generation migrants, several countries have created mechanisms through which these people can acquire or chose the nationality of the country in which they were born.<sup>161</sup>

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<sup>155</sup> P. J. Spiro (2013), p. 31.

<sup>156</sup> E. Horváth (2008), p. 9; O. W. Vonk (2012), pp. 16f.

<sup>157</sup> G. R. de Groot (2012), p. 610.

<sup>158</sup> H. Waldrauch (2006a), p. 132; a discrimination which has been known to be unfair for centuries that is has already been bemoaned by Edmund in William Shakespeare's *King Lear*: “Why bastards? Wherefore base? [...] –why brand they us with base? [...] Our father's love is to the bastard Edmund as o th'legitimate. Fine word 'legitimate'! [...] Now, gods, stand up for bastards.” (William Shakespeare, *King Lear*, Act I, Scene II).

<sup>159</sup> K. Hailbronner (2006), p. 55.

<sup>160</sup> Principle 12 Explanatory Memorandum Recommendation CM/Rec (2009)13.

<sup>161</sup> Art. 17 Appendix to Recommendation CM/Rec(2009)13; For example in Germany, see § 4(3) Staatsangehörigkeitsgesetz (StAG).

Contrarily, *ius soli*, as previously outlined, relies on the place a person was born as the connecting factor to the country.<sup>162</sup> The practice was first established in the Middle Ages when subjects were considered to be bound to the ground they were born on and, as such, property of the landholding classes.<sup>163</sup>

In recent years, in most countries a convergence has taken place, with *ius soli* countries adopting some *ius sanguinis* aspects and vice-versa.<sup>164</sup> That way, traditional *ius soli* countries grant their nationality to the children of their nationals born abroad under certain circumstances.<sup>165</sup> Nowadays, most purely *ius soli* countries can be found in the Americas,<sup>166</sup> such as the United States of America,<sup>167</sup> Nicaragua,<sup>168</sup> and Mexico.<sup>169</sup> Others, such as Columbia,<sup>170</sup> have included additional criteria for *ius soli* along the lines of:

- “1) the parents’ duration of residence at the time of the child’s birth;
- 2) the parents’ residence status and;
- 3) the parents’ country of birth; as well as
- 4) the sex of the parent who has to meet conditions 1) and 3); and
- 5) whether the birth occurred in or out of wedlock.”<sup>171</sup>

Some *ius sanguinis* countries in turn have decided to create the possibility to include children born to migrants living on their territory who would otherwise remain foreigners forever.<sup>172</sup> Although practices vary depending on the country, most countries now facilitate the acquisition of nationality for children born to foreigners on their territory.<sup>173</sup>

Nevertheless, there are frequently strong diasporic communities in both *ius soli* and *ius sanguinis* countries. One example would be the distinct Mexican and Indian communities in the United States, which, despite often having acquired US citizenship at birth, retain their identity and might be sent to school abroad.<sup>174</sup> Another example is the strong Turkish community in Germany, whose ancestors were frequently guest workers and chose to stay in their host country. Before the

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<sup>162</sup> Art. 6(2) European Convention on Nationality; G. R. de Groot (2006b), pp. 5f.

<sup>163</sup> See also the Calvin case described in Chapter 3.1.1.

<sup>164</sup> G. R. de Groot (2012), p. 610f; K. Hailbronner (2006), p. 54; P. Weis (1979), p. 95; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>165</sup> K. Hailbronner (2006), p. 54; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>166</sup> For a detailed overview see O. W. Vonk (2014) and the individual country reports on eudocitizenship.eu.

<sup>167</sup> P. J. Spiro (2015), p. 10f.

<sup>168</sup> R. Courtney (2015), p. 4.

<sup>169</sup> H. Hoyo (2015), p. 13.

<sup>170</sup> C. Escobar (2015), p. 16.

<sup>171</sup> H. Waldrauch (2006a), p. 128.

<sup>172</sup> K. Hailbronner (2006), p. 39; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>173</sup> Art. 17 Appendix to Recommendation CM/Rec (2009)13; H. Waldrauch (2006a), pp. 128f.

<sup>174</sup> P. J. Spiro (2013), pp. 45f.

advent of option rights, children of these workers remained non-citizens, despite being born in Germany.<sup>175</sup>

Also other problems remain, as the marital status of parents remains important and thus places children born outside of wedlock at a disadvantage in some countries.<sup>176</sup>

### 3.3.2. Naturalisation

Acquiring a nationality at a point after birth through a process called naturalisation is usually significantly more difficult compared to acquisition at birth.<sup>177</sup> Naturalisation mainly aims at including those into the political community that have spent a significant part of their lives there, such as children who migrated to the country at an early age and spent their formative years there, as well as second generation migrants in a *ius sanguinis* country.<sup>178</sup> There are several reasons that a person may wish to acquire a new nationality, either for residence rights, rights to political participation in the place they live, to facilitate employment, or to end administrative difficulties.<sup>179</sup> Countries in turn value naturalisation as a means to integrate immigrants or to attract people who are important for the country economically, such as trained labourers, people who are otherwise considered beneficial, such as talented athletes, or those who have rendered a particular service for the country.<sup>180</sup>

Naturalisation can only occur on the request of the individual and thus the compulsory conferral of nationality on an individual against their will is a violation of the basic principles of law and a violation of the individual's rights.<sup>181</sup> Yet, while it is in principle impossible for states to force their nationality on those living outside their territory, the situation becomes more complex if disputed borders or territories come into play.<sup>182</sup> However, compulsory conferral of nationality on people does not deprive the state of origin of its protection rights.<sup>183</sup>

Naturalisation is mostly residence-based,<sup>184</sup> although the required duration and the definition of residence varies between countries.<sup>185</sup> There are also modes of naturalisation which are based on socialisation, marriage and other family ties, or affinity ties to the country.<sup>186</sup> Some citizenship for money possibilities are more controversial and do not require the usual residence periods or integration and

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<sup>175</sup> P. J. Spiro (2013), pp. 35f.

<sup>176</sup> H. Waldrauch (2006a), p. 125.

<sup>177</sup> H. Waldrauch (2006a), p. 135; P. Weis (1979), p. 99; T. A. Aleinikoff and D. B. Klusmeyer (2002), pp. 8f; H. Waldrauch (2006a), p. 158; see S. W. Goodman and M. M. Howard (2013), pp. 111 – 139 for recent developments.

<sup>178</sup> T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 10; M. P. Vink (2005), p. 139.

<sup>179</sup> I. Chopin (2006), p. 256.

<sup>180</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 23; D. Owen (2014), p. 27; H. Waldrauch (2006a), p. 176.

<sup>181</sup> P. Weis (1979), p. 112; I. Chopin (2006), p. 245; O. W. Vonk (2014), pp. 28ff.

<sup>182</sup> P. Weis (1979), pp. 102f.

<sup>183</sup> P. Weis (1979), p. 107.

<sup>184</sup> H. Waldrauch (2006a), pp. 134f; M. P. Vink (2005), p. 11; P. Weis (1979), p. 100.

<sup>185</sup> H. Waldrauch (2006a), p. 148.

<sup>186</sup> H. Waldrauch (2006a), pp. 158ff and 169f; P. Weis (1979), p. 96.

language tests that others seeking naturalisation have to pass.<sup>187</sup> The problem with naturalisation in sporting and other political contexts is that, while an official change of allegiance occurs, the underlying motives might be rather opportunistic, as in the aforementioned case of Hammon suggests.<sup>188</sup> Consequently, states will circumvent their stricter rules in favour of fast-track naturalisations to be in time for major sporting events.

From a more European perspective, the European Convention on Nationality stipulates that each state should provide for the possibility of naturalisation, for which the required residence period should not exceed ten years.<sup>189</sup> In addition, according to Article 6.4 of the European Convention on Nationality, the naturalisation for the following categories should be facilitated further:

- “(a) spouses of its nationals;
- (b) children of one of its nationals, falling under the exception of Article 6, paragraph 1, sub-paragraph a;
- (c) children one of whose parents acquires or has acquired its nationality;
- (d) children adopted by one of its nationals;
- (e) persons who were born on its territory and reside there lawfully and habitually;
- (f) persons who are lawfully and habitually resident on its territory for a period of time beginning before the age of 18, that period to be determined by the internal law of the State Party concerned;
- (g) stateless persons and recognised refugees lawfully and habitually resident on its territory.”

The first four categories in this list fall into the broader category of family- or marriage-based modes of naturalisation. Previously, women automatically acquired the nationality of the husband by marriage and, due to the impossibility of dual nationality, often lost their original nationality in the process.<sup>190</sup> Nowadays, spouses of nationals are to be subject to a facilitated procedure.<sup>191</sup> However, obstacles may arise if the marriage is not recognised by the relevant country, for example in the case of a marriage between homosexuals conducted in a country that is not recognised in the respective country of origin. Frequently states impose additional requirements on marriages, such the duration of the marriage or a common household to prevent the recognition of ‘marriages of convenience’.<sup>192</sup> Minor children are usually included in the naturalisation, due to the principle of family unity.<sup>193</sup>

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<sup>187</sup> See in A. Shachar and R. Bauböck (Eds.) (2014). *Should Citizenship be for Sale? EUI Working Papers*, for more information and discussion; Portugal only requires one week per year, see A. Shachar (2014), p. 3f; R. Barbulescu (2014), p. 16; This will be elaborated upon in Chapter 3.7.

<sup>188</sup> See Introduction, p. 4, and A. Shachar (2011), p. 209f.

<sup>189</sup> Art. 6(3) European Convention on Nationality; see also S. W. Goodman (2010).

<sup>190</sup> H. Waldrauch (2006a), p. 164.

<sup>191</sup> H. Waldrauch (2006a), p. 159; I. Chopin (2006), p. 245.

<sup>192</sup> H. Waldrauch (2006a), pp. 164 – 168.

<sup>193</sup> H. Waldrauch (2006a), pp. 167f.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

In addition to family ties, there is also the factor of affinity, either through language, culture or religion, which can be taken into consideration.<sup>194</sup> For an affinity-based naturalisation, the descendants of people from one particular country, who lived abroad and managed to maintain their language and culture, are re-integrated into the country of origin.<sup>195</sup> Another example are the so-called *Aussiedler*, descendants of those who were caught in the territories that belonged to Germany prior to WWII and who could not return to Germany after 1945 due to the Iron Curtain. Upon being proven to be a German ancestor, they are instantly recognised by Germany as being German.<sup>196</sup> In that context one has to especially mention the *Spätaussiedler*, those of German affinity who had been residing in the states of the former USSR until its dissolution and migrated to Germany after 1992.<sup>197</sup> While they remained separated far from Germany for almost 50 years – although not through their own volition – their connection with Germany by descent is deemed extremely strong and thus sufficient. Those who were part of the fascist or communist regimes in those regions cannot rely on the *Aussiedler* or *Spätaussiedler* Article.<sup>198</sup> Another example is Italy, where:

“[...] even a person who can prove descent from an Italian who emigrated before the unification of Italy in 1861 is automatically entitled to Italian nationality, provided that the Italian ancestor was alive at the time of Italy’s unification”.<sup>199</sup>

People who rely on such affinity to achieve naturalisation often have to take up residence in the country of which they are newly integrated nationals.<sup>200</sup>

Thus, another vital factor in naturalisation is residence, in addition to the declaration made by the person wishing to be naturalised.<sup>201</sup> All countries stipulate that this residence has to be legal.<sup>202</sup> However, other definitions and requirements may differ between the countries and therefore the residence may be referred to as ‘main’ and ‘habitual’.<sup>203</sup> One issue here is that residence sometimes has to be uninterrupted, although in principle temporary absences, such as for vacations, should not be problematic for fulfilling the residence requirement.<sup>204</sup> Already the duration required by countries differs greatly, ranging from five years in Belgium<sup>205</sup> to ten years in Italy and Austria, 15 years in the Former Yugoslav Republic of Macedonia, or even 25 years in Qatar or Bahrain.<sup>206</sup>

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<sup>194</sup> H. Waldrauch (2006a), pp. 170f.

<sup>195</sup> H. Waldrauch (2006a), p. 169.

<sup>196</sup> T.K. Oommen (1997) p. 17; H. Waldrauch (2006a), p. 173.

<sup>197</sup> § 116 Grundgesetz, § 4 and § 6 Bundesvertriebenengesetz; § 40a Staatsangehörigkeitsgesetz.

<sup>198</sup> § 5 Bundesvertriebenengesetz.

<sup>199</sup> O. W. Vonk (2012), p. 333.

<sup>200</sup> H. Waldrauch (2006a), p. 172f.

<sup>201</sup> H. Waldrauch (2006a), p. 135; P. Weis (1979), p. 100.

<sup>202</sup> G. R. de Groot and M. P. Vink (2013), p. 3.

<sup>203</sup> H. Waldrauch (2006a), p. 147f.

<sup>204</sup> T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 18; H. Waldrauch (2006a), p. 147; G. R. de Groot and M. P. Vink (2013), p. 3.

<sup>205</sup> Before 2013 only three years.

<sup>206</sup> G. R. de Groot (2006b), p. 6; G. R. de Groot (2006a), p. 166; L. E. van Waas (2014), p. 11; see G. R. de Groot and M. P. Vink (2013) for an overview.

There are often additional requirements, such as the command of the language, not posing a danger to society, and passing of an integration examination.<sup>207</sup> The way this is applied however differs greatly, with some countries allowing for leniency depending on the applicants circumstances.<sup>208</sup> Furthermore, some clauses remain unclear and ill-defined, as ‘good character’ and no criminal record are often also conditions, although the good character is defined differently in each country.<sup>209</sup>

As naturalisation is usually a lengthy procedure, the administrative aspects are of great importance and may be deterring applicants: documents might not be recognised, fees might be high or the procedure considered too long and strenuous.<sup>210</sup> Having to renounce the former nationality, especially when dual nationality is not allowed, as in Malawi,<sup>211</sup> or the Democratic Republic of Congo,<sup>212</sup> or extremely restricted as in Zimbabwe,<sup>213</sup> might also dissuade applicants.<sup>214</sup> Another problem can arise if the laws of the relevant countries are conflicting, especially if one country requires the renunciation of the applicant’s former nationality and the country of origin does not allow for such renunciation or makes renunciation only possible at great cost.<sup>215</sup> Furthermore, the possibility to appeal against a negative decision also varies, as well as the stages of appeal and, while sometimes there is an appeals procedure, the appeal might not actually be effective.<sup>216</sup>

Hence, a person seeking naturalisation will face extremely different requirements, depending on the country in which it is sought. Although which country is stricter and which more lenient cannot be deduced from the sole number of rules in place, a statistical evaluation has shown that the authorities can be effectively stricter.<sup>217</sup> Overall, the general trend seems to be towards the acceptance of dual nationality and thus the deterring factor is reduced. However, more tests were introduced to check the person’s knowledge of the country and language proficiency exams are increasingly important.<sup>218</sup>

### 3.3.3. Option rights

A third way of acquiring nationality is through option rights, which are also advocated for by the Council of Europe in their Recommendation CM/Rec (2009/13):

“[states should] facilitate the acquisition of nationality, before the age of majority, by children born on their territory to a foreign parent lawfully and habitually

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<sup>207</sup> G. R. de Groot (2006b), p. 6; G. R. de Groot (2006a), p. 166.

<sup>208</sup> H. Waldrauch (2006a), pp. 139 and 151f.

<sup>209</sup> H. Waldrauch (2006a), pp. 149 and 154.

<sup>210</sup> I. Chopin (2006), pp. 245, 248 and 259; H. Waldrauch (2006a), p. 146.

<sup>211</sup> B. Manby (2015), p. 145.

<sup>212</sup> B. Manby (2015), p. 145.

<sup>213</sup> B. Manby (2015), pp. 113 ff; p. 145, pp. 228ff.

<sup>214</sup> I. Chopin (2006), p. 251; H. Waldrauch (2006a), p. 148.

<sup>215</sup> I. Chopin (2006), p. 252.

<sup>216</sup> H. Waldrauch (2006a), pp. 144f.

<sup>217</sup> H. Waldrauch (2006a), p. 155.

<sup>218</sup> H. Waldrauch (2006a), pp. 155f.

residing there. Enhanced facilitation should be offered in cases where that parent is also born on their territory.”<sup>219</sup>

While this procedure is different from naturalisation, it has some shared characteristics with the naturalisation procedure. Depending on the relevant national law, the number of shared characteristics may be so high that option rights amount to little more than a quick naturalisation.<sup>220</sup> Generally, option rights are granted to those who have a strong tie with the country, e.g. by birth on the territory and subsequently growing up there, but who did not acquire the nationality of the country, as the parents were immigrants and the country applies *ius sanguinis*. In such cases, the person having the option right needs to make a declaration to the effect that he or she wishes to be a national of the country. The relevant country’s nationality law delineates at what time such a declaration may be made, e.g. after reaching the age of majority, and in which form the declaration needs to be made and reach the relevant authority.<sup>221</sup> In some countries the procedure is similar to the naturalisation procedure, as a formal and written declaration is necessary and the relevant authority may reject the option.<sup>222</sup> In other countries an oral and informal declaration is considered enough, provided that the relevant authority receives the declaration. Nationality is in such cases acquired if the declaration can be proven – although usually an official document is set up to that effect as well.<sup>223</sup> Depending on the nationality law, the obstacles and procedures for those with option rights vary.

### 3.4. Dual nationality

Improved travel possibilities and cross-border marriages have led to people developing ties to more than one country.<sup>224</sup> People acquire a second nationality through naturalisation and many others might even acquire two nationalities at birth, due to cross-border marriages of nationals from *ius sanguinis* countries, automatically leading to children with dual nationalities, if *ius sanguinis a matre et patre* is possible.<sup>225</sup> While multi-nationality has become more accepted in recent years, there are still reasons why dual nationality is seen as problematic by some states.<sup>226</sup> The underlying issue is that dual nationals are seen as having a divided loyalty, as they owe both states allegiance.<sup>227</sup> In turn, dual nationals might face double obligations, e.g. regarding military service, but at the same time might enjoy rights in two countries, such as

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<sup>219</sup> Art. 17 Appendix to Recommendation CM/Rec (2009)13.

<sup>220</sup> G. R. de Groot (2012), p. 612f.

<sup>221</sup> G. R. de Groot (2012), p. 612f.

<sup>222</sup> G. R. de Groot (2012), p. 612f.

<sup>223</sup> G. R. de Groot (2012), p. 612f.

<sup>224</sup> O. W. Vonk (2012), p. 7; T. A. Aleinikoff and D. B. Klusmeyer (2002), pp. 22ff.

<sup>225</sup> T. A. Aleinikoff and D. B. Klusmeyer (2002), pp. 22ff.

<sup>226</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; O. W. Vonk (2012), pp. 58f.

<sup>227</sup> O. W. Vonk (2012), pp. 59 and 74.

voting rights.<sup>228</sup> Moreover, they might result in difficulties between the states, especially when it comes to diplomatic protection.<sup>229</sup>

### 3.5. Nationality and territorial transfers

Having seen how nationality can be acquired and before turning to issues of loss of nationality, it is important to look at the changes a person's nationality can undergo through external circumstances. These circumstances occur when the state's territory changes – either by state succession, cession or decolonisation;

“universal succession is the result of total subjugation by annexation, secession or occupation, partial succession is the result of partial annexation, secession or occupation following dereliction or cession of territory. In the case of partial succession some writers make a distinction between original and derivative modes of acquisition. Decolonisation may be either regarded as secession, dismemberment or even cession, or as a special mode of state succession.”<sup>230</sup>

All of these modes may be subject to some controversy. Moreover, countries once affected by them, such as the African ex-colonies, with particular nationality codes, frequently retain aspects of the former colonial power.<sup>231</sup>

A universal succession generally occurs if the old state ceases to exist and the new state is created, meaning that the relationship between the old state and the person ceases to exist as the old state no longer exists and the link between the new state and the person takes its place.<sup>232</sup> However, sometimes the question of whether or not the old state ceased to exist is difficult to determine, as international opinions differ, which the case of Austria and Germany in 1938 illustrates. The question here was whether the annexation or occupation of Austria through the *Anschluss* meant that Austria itself ceased to exist and only re-emerged with the setting up of Austria in 1945.<sup>233</sup> There has neither been consensus among writers nor among other countries courts.<sup>234</sup> After 1945, some German courts took the position that the deciding factor was the place of residence: if a person resided in what was now again Austrian territory, he or she was considered Austrian, but if a person lived in what was German territory at the date of the re-establishment of the Austrian Republic, he or she was considered German.<sup>235</sup> However, Austria aimed to regain its nationals and, according to Austrian law, these people were also considered Austrian and thus held dual nationality.<sup>236</sup> While the German federal constitutional court declared that all Austrians who had become German through the *Anschluss* lost German nationality when Austria was re-

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<sup>228</sup> O. W. Vonk (2012), pp. 75 and 81.

<sup>229</sup> O. W. Vonk (2012), pp. 59 and 78f.

<sup>230</sup> P. Weis (1979), p. 136.

<sup>231</sup> B. Manby (2010), p. 21 and 28ff, see B. Manby (2015) for a detailed overview.

<sup>232</sup> P. Weis (1979), pp. 136 and 144.

<sup>233</sup> P. Weis (1979), pp. 136 – 151.

<sup>234</sup> P. Weis (1979), pp. 137 – 143.

<sup>235</sup> P. Weis (1979), p. 150.

<sup>236</sup> P. Weis (1979), p. 151.

established in 1945, Austrians who wanted to retain their German nationality could do so by making a declaration if they were resident in Germany territory after the re-establishment of Austria.<sup>237</sup> Ultimately, state succession and re-succession is highly complex, as matters of recognition of the territorial transfer play an important role.

Partial succession in turn occurs between two states and is often regulated through a bilateral treaty.<sup>238</sup> Here, as both states continue to exist and consequently both nationalities remain in existence, there needs to be a link between the person and the relevant territory, while people in other parts of the old state are not involved.<sup>239</sup> Such a link is deemed to have been established if the people are habitual residents of the relevant territory.<sup>240</sup> Yet, as with universal succession, difficulties can arise if the partial succession is not recognised or considered not in accordance with international law.<sup>241</sup> Examples of this are the disputed territories of Crimea or the Israeli and Palestinian territories.

Cession, similar to partial succession, means part of one state's territory is given to another state. This has to be in accordance with international law and is usually regulated by a treaty. In such cases, the ceding state has to withdraw nationality from those in the ceded territory, while the status of the remaining parts of the country is not changed.<sup>242</sup>

Contrarily, decolonisation means that the colonial power relinquishes its hold over a territory and a new state is created.<sup>243</sup> The results for the nationality of those living in the new state depend largely on the colonial power and what is stipulated in the treaty.<sup>244</sup> Taking the decolonisation from the UK as an example, where an Act of Parliament is required in these situations, usually British rule and nationality ends on an appointed day for people if they and their ancestors were born in the territory.<sup>245</sup> The French nationality of former colonies is regulated in the *Code Civil, the French civil Code*, and one may become French again by declaration if they live in France and receive the authorisation from a minister.<sup>246</sup>

Overall, territorial transfers have inherently three distinct problems: firstly, the transfer has to be in accordance with international law and needs to be recognised. Secondly, people faced with partial territorial transfers should have the right to choose whether to retain their old nationality or not.<sup>247</sup> And thirdly, statelessness can occur easily,<sup>248</sup> for instance when people are left as minorities in newly minted states. This

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<sup>237</sup> P. Weis (1979), pp. 151f.

<sup>238</sup> P. Weis (1979), p. 145

<sup>239</sup> P. Weis (1979), p. 145f.

<sup>240</sup> P. Weis (1979), p. 146.

<sup>241</sup> P. Weis (1979), pp. 147f.

<sup>242</sup> P. Weis (1979), p. 152.

<sup>243</sup> See B. Manby (2010), pp. 28 ff. and B. Manby (2015) for the effects of colonial rule on citizenship in Africa.

<sup>244</sup> P. Weis (1979), pp. 153ff.

<sup>245</sup> P. Weis (1979), p. 153.

<sup>246</sup> P. Weis (1979), p. 154.

<sup>247</sup> P. Weis (1979), pp. 156ff.

<sup>248</sup> See also Convention on the avoidance of statelessness in relation to State succession 2006.

often occurs at the dissolution of multinational entities, such as Austria-Hungary, USSR, Yugoslavia, or Czechoslovakia.<sup>249</sup> Taking the case of the USSR as an example, Latvia granted citizenship to those who were Latvians before the occupation in the 1940s. Yet, Russian migrants were left in the lurch by both countries as they also did not acquire Russian nationality and thus a minority of stateless people of Russian descent are living in Latvia today.<sup>250</sup>

### 3.6. Loss of nationality

One important aspect of the *genuine link* between a person and a state is that it is usually deemed to be permanent or at least stable and long lasting. As will be elaborated upon later, actions by either the state or the person may sever the bond. However, it is important to stress that no person should be arbitrarily deprived of his or her nationality.<sup>251</sup> Furthermore, expulsion of the state's own nationals by the state is not in accordance with international law, as the state thus forces other states to allow its nationals to stay on their territory.<sup>252</sup>

Historically the principle of non-deprivation has often been violated.<sup>253</sup> Depriving people of their nationality due to political reasons, i.e. grounds of disloyalty, was common during and after the First World War.<sup>254</sup> In the following decades, deprivation of nationality on racial or national grounds occurred in the fascist regimes of Germany and Italy, frequently revoking previous naturalisations granted to Jews and others who were considered undesirables under the new regime.<sup>255</sup> Yet, the denationalisation of Jews was often not recognised by other states, as Lord Denning's statement in the Oppenheimer case shows:

“When the taxpayer came to England in 1939, he was a German national; and English law would regard him as such; notwithstanding that he was a refugee from the Nazi persecution of the Jews. When the German authorities passed the decree of November 25, 1941, the English courts would not recognise it as valid, by English law, to deprive him of his German nationality. Not only was it an objectionable and atrocious law. It was passed at a time when England and Germany were at war: and English law will not recognise any decree of an enemy power which purports to deprive its citizens of their enemy nationality in time of war.”<sup>256</sup>

<sup>249</sup> K. Hailbronner (2006), pp. 60f; O. W. Vonk, M. P. Vink, G. R. de Groot (2013), p 11.

<sup>250</sup> O. W. Vonk, M. P. Vink, G. R. de Groot (2013), p. 11.

<sup>251</sup> Art. 4 c) European Convention on nationality.

<sup>252</sup> P. Weis (1979), p. 47.

<sup>253</sup> An in-depth description of the fascist regimes and their atrocities is unfortunately outside the scope of this dissertation; see e.g. Hannah Arendt (2015) for more information.

<sup>254</sup> P. Weis (1979), p. 119.

<sup>255</sup> P. Weis (1979), p. 119; for a detailed analysis see Hannah Arendt (2015), pp. 627 – 980.

<sup>256</sup> *Oppenheimer v Cattermole (Inspector of Taxes)* [1972] 3 W.L.R. 815; p. 270.

Consequently, the refugees were not recognised as such but were frequently seen as enemy nationals by other European powers.<sup>257</sup>

### 3.6.1. Loss of nationality *ex lege* or at the initiative of the state

Having mentioned the atrocious way in which people were deprived of their nationality during the fascist regime in Germany, one needs to stress that nowadays arbitrary deprivation of nationality should not happen.<sup>258</sup> Nevertheless, people will find themselves deprived of their nationality under certain circumstances.<sup>259</sup>

Starting from a European perspective, there are several accepted principles regarding the loss of nationality as described in the European Convention on Nationality.<sup>260</sup> In principle, nationality may be lost *ex lege*, at the initiative of the state party or at the initiative of the individual. Commencing with the first category, Article 7 of the European Convention on Nationality is phrased in such a way that loss of nationality may only be provided for in a states' internal laws in a limited number of situations:

- “1. voluntary acquisition of another nationality;
2. acquisition of the nationality of the State Party by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant;
3. voluntary service in a foreign military force;
4. conduct seriously prejudicial to the vital interests of the State Party;
5. lack of a genuine link between the State Party and a national habitually residing abroad;
6. where it is established during the minority of a child that the preconditions laid down by internal law which led to the *ex lege* acquisition of the nationality of the State Party are no longer fulfilled;
7. adoption of a child if the child acquires or possesses the foreign nationality of one or both of the adopting parents.”<sup>261</sup>

These cases fall broadly into three categories. The first category includes cases in which the individual has sought to establish a connection with another country, e.g. through the acquisition of another nationality.<sup>262</sup> Here it should be noted that only voluntary acquisition counts and that states may not simply confer their nationality on all individuals living on their territory.<sup>263</sup> Furthermore, it can be noted that in most countries people no longer face an automatic loss of their original nationality when another nationality is acquired.<sup>264</sup>

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<sup>257</sup> P. Weis (1979), p. 123.

<sup>258</sup> K. Hailbronner (2006), p. 70.

<sup>259</sup> L. E. van Waas (2008), p. 34.

<sup>260</sup> Art. 7(1) European Convention on Nationality, e.g. when entering the military force of another country voluntarily.

<sup>261</sup> Art. 7(1) European Convention on Nationality.

<sup>262</sup> H. Waldrauch (2006b), p. 195.

<sup>263</sup> H. Waldrauch (2006b), p. 196.

<sup>264</sup> H. Waldrauch (2006b), p. 212.

The second category of cases includes those in which the individual has acted against the interest of the state, for instance through fraudulently acquiring the nationality in the first place.<sup>265</sup> Conduct contrary to vital state interest also falls into that category, which is the case if the national was a spy for another country, was a member of a terrorist organisation or entered the service of another military force.<sup>266</sup>

The third category includes cases in which there is no actual link between individual and the state. This can either be because during their minority it was established that the requirements for acquisition were not fulfilled after all or that the ‘*genuine link*’ between the state and a national who lives abroad does not exist. Thus, if someone is a national of country A and lives most of his life in country B, with very sparse occasional visits to country A, one can doubt whether the *genuine link* exists.

Article 7 of the European Convention on Nationality further stipulates that:

“(2) A State Party may provide for the loss of its nationality by children whose parents lose that nationality except in cases covered by sub-paragraphs c and d of paragraph 1. However, children shall not lose that nationality if one of their parents retains it.

(3) A State Party may not provide in its internal law for the loss of its nationality under paragraphs 1 and 2 of this article if the person concerned would thereby become stateless, with the exception of the cases mentioned in paragraph 1, sub-paragraph b, of this article.”<sup>267</sup>

Thus, children are in principle protected from losing the nationality of a state if only one parent loses that nationality<sup>268</sup> and if the parent loses the nationality based on voluntary service in a foreign military force<sup>269</sup> or conduct seriously prejudicial to the vital interests of the state party.<sup>270</sup> Hence, children cannot lose their nationality because their parents have acted against the state, and this provides for a certain degree of protection. Furthermore, everyone is to be protected from becoming stateless and, consequently, applying the laws on loss of nationality of one country if that would effectively render the person stateless is considered contrary to the European Convention on Nationality. There is one notable exception to that rule, namely if the person acquired the nationality fraudulently in the first place, he or she can become stateless.<sup>271</sup>

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<sup>265</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; H. Waldrauch (2006b), pp. 201 and 212; see also Case C-135/08 [2010] *Janko Rottmann v Freistaat Bayern*.

<sup>266</sup> H. Waldrauch (2006b), pp. 193f and 206; P. Weis (1979), p. 115.

<sup>267</sup> Art. 7 European Convention on Nationality.

<sup>268</sup> Art. 7(2) European Convention on Nationality.

<sup>269</sup> Art. 7(2) European Convention on Nationality and Art. 7(1) (c) European Convention on Nationality.

<sup>270</sup> Art. 7(2) European Convention on Nationality and Art. 7(1) (d) European Convention on Nationality.

<sup>271</sup> Art. 7(3) European Convention on Nationality.

### 3.6.2. Loss of nationality at the individual's initiative

Voluntary loss of nationality is possible if the person renounces his or her nationality.<sup>272</sup> International law does contain rules for the renunciation of nationality, provided the person would not become stateless.<sup>273</sup> However, while states should make it possible to renounce nationality, not all of them do so.<sup>274</sup> Even if states allow for renunciation, the individual often has to fulfil certain conditions, i.e. no criminal proceedings still in process before the renunciation can become effective.<sup>275</sup> Furthermore, as it is the general aim to avoid statelessness, states may not allow an individual to renounce his or her nationality if this would render him or her stateless.<sup>276</sup> Another safeguard may be provided by the state by stipulating in its laws that such a renunciation of nationality is only effective if the renouncing person is habitually resident abroad.<sup>277</sup> As states have different definitions of '*permanency*', '*residence*' and '*abroad*', there is no coherent picture.<sup>278</sup> Several states do however have a safeguard for those living abroad, so that their continued absence cannot be taken as a sign that the person wishes to renounce his or her nationality: usually a declaration to that effect or applying for a renewal of the passport are seen as sufficient.<sup>279</sup>

Generally, an individual has to become very active in order to sever the ties with the country of which he or she is a national. While these are safeguards against statelessness, preventing a renunciation may however have adverse effects. This occurs if someone wishes to acquire a new nationality and renunciation of the previous nationality is a precondition for naturalisation. Several countries try to hinder those trying by imposing exorbitant fees or other obstacles.<sup>280</sup>

### 3.7. Nationality and its problems

There are several problems related to nationality and citizenship. The most obvious one occurs when a person loses his or her nationality without having acquired another nationality and thus cannot rely on either state's protection. Asylum seekers in turn often still have an official nationality tie with a specific country, yet, due to circumstances, such as persecution by that state or strong para-military organisations, had to flee to another country.<sup>281</sup> Their aim is to escape the truly dangerous situations in their home country and to gain protection from the country they fled to.<sup>282</sup> Should

<sup>272</sup> K. Hailbronner (2006), pp. 67f; H. Waldrauch (2006b), pp. 183f.

<sup>273</sup> Art. 8 European Convention on Nationality.

<sup>274</sup> K. Hailbronner (2006), p. 67.

<sup>275</sup> K. Hailbronner (2006), pp. 68 and 84.

<sup>276</sup> Art. 8(1) European Convention on Nationality.

<sup>277</sup> Art. 8(2) European Convention on Nationality; H. Waldrauch (2006b), pp. 187f.

<sup>278</sup> H. Waldrauch (2006b), pp. 187f.

<sup>279</sup> H. Waldrauch (2006b), p. 190.

<sup>280</sup> Iran makes people relinquish not only their citizenship, but also all their possessions and possibilities for inheritance according to Art. 988(3) of the Civil Code of the Islamic Republic of Iran as found on <http://iranianembassy.nl/en/consular.php?content=241>; or Lebanon requiring a fee of \$350 for the renunciation, according to <http://www.lebanonembassyus.org/renunciation-of-lebanese-citizenship.html>; see also K. Hailbronner (2006), p. 77; I. Chopin (2006), p. 252.

<sup>281</sup> R. Falk (2002), p. 22.

<sup>282</sup> M. P. Vink (2005), p. 9.

the country they fled to recognise their peril, he or she will become an official refugee. On the other side of the spectrum, cases may be observed in which people whose tie with the country is debateable achieve naturalisation through pecuniary or other means.

### 3.7.1. Statelessness

Starting with the issue of statelessness, it is first important to underscore that there is consensus among states that this negative conflict of nationalities should be avoided.<sup>283</sup> However, as the ‘right to nationality’ cannot be enforced against a particular state, statelessness occurs nevertheless.<sup>284</sup> A distinction between *de jure* and *de facto* statelessness needs to be made, with the *de facto* statelessness being more difficult to prove and thus leading to different obstacles. *De facto* stateless persons possess a nationality nominally, but in fact they cannot rely on that nationality status as they belong to an ethnic, religious or political minority.<sup>285</sup> In addition to not having protection internationally, stateless people face several problems in their country of residence, as they are frequently not recognised by the administration, may not receive travel documents, and often have no standing in courts to redress violations of their rights.<sup>286</sup>

*De jure* statelessness affects a high number of people as UNHCR statistics show.<sup>287</sup> Currently, the UNCHR estimates that there are at least 10 million stateless people.<sup>288</sup> The number of countries reporting statistics on stateless people more than doubled within the last ten years.<sup>289</sup> These numbers are especially appalling, when one takes into consideration that there has been a Convention on the Reduction of Statelessness since August 1961.<sup>290</sup>

Statelessness may arise in all countries of the world through problems with:

“birth registration, conflicting nationality legislation, state succession, migration and international law”.<sup>291</sup>

Statelessness resulting from problems with birth registration happens when it is factually or virtually impossible for the parents to register their child with the relevant authorities, either due to the location of the authorities or the political situation. Article 1 of the Convention on the Reduction of Statelessness stipulates that contracting states should grant their nationality to children born in their territory if the child would

<sup>283</sup> O. W. Vonk (2012), p. 38; E. Horváth (2008), p. 18.

<sup>284</sup> E. Horváth (2008), p. 18.

<sup>285</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; see also the argumentation in the *Perez I, II and III v IOC* cases.

<sup>286</sup> E. Horváth (2008), p. 19; O. W. Vonk, M. P. Vink, G. R. de Groot (2013), p. 12.

<sup>287</sup> UNHCR Global Trends 2013, p. 44.

<sup>288</sup> UNHCR 2015 and Institute on Statelessness and Inclusion (2014), pp. 7 – 11.

<sup>289</sup> UNHCR Global trends 2013, p. 31.

<sup>290</sup> Convention on the Reduction of Statelessness done at New York on 30<sup>th</sup> August 1961; For examples of how European countries deal with this issue see O. W. Vonk, M. P. Vink, G. R. de Groot (2013), pp. 39 – 89.

<sup>291</sup> O. W. Vonk, M. P. Vink, G. R. de Groot (2013), p. 7.

otherwise be stateless.<sup>292</sup> Foundlings, including those found on ships or aircrafts flying that are registered in the particular country or are flying the country's flag are deemed to have been born in the territory.<sup>293</sup> These two articles apply the reasoning that the place of birth creates a valuable *genuine link*. It is further possible that children not born on the territory of the country nevertheless receive its nationality, provided that one parent was a national of the country at the time of birth.<sup>294</sup> This is to prevent children of nationals of countries that usually adhere strictly to the *ius soli* rationale from being stateless when born abroad.

Examples of conflicting legislation occurs if *ius sanguinis a matre* is only possible if the father is stateless, as in the case of Iraq, and the father stems from purely a *ius soli* country.<sup>295</sup> In addition, the test for statelessness is often not effective and the overall focus on the child's father is not likely to remedy the problem.<sup>296</sup>

Loss of nationality due to an individual's actions or renunciation of nationality are to be conditional upon the acquisition of a new nationality.<sup>297</sup> Consequently, even if a national voluntarily enters the military force of another country, which is considered a valid reason for loss of nationality,<sup>298</sup> states should not allow the national to lose his or her nationality, unless he or she already possesses another one. Depriving a national of his or her nationality is also in principle forbidden if this would render the person stateless,<sup>299</sup> yet, if the nationality was acquired in a fraudulent manner, it is admissible.<sup>300</sup>

State succession<sup>301</sup> may leave unwanted minorities in newly minted states stateless. However, already under the 1961 Convention, in case of transfers of territory or if borders re-drawn due to geopolitics, such as the recent separation of Crimea from the Ukraine to Russia, the states involved need to undertake measures ensuring that nobody becomes stateless as a result.<sup>302</sup>

With regard to actions that a state might undertake that could result in statelessness for its people, one first has to underline that rendering groups of people stateless based on their religion, ethnicity, race or political opinion is forbidden.<sup>303</sup>

### 3.7.2. Asylum seekers and refugees

As previously described, asylum seekers often still have an official tie with a specific country, yet, due to the circumstances, such as prosecution by state or strong para-

<sup>292</sup> Art. 1(1) Convention on the Reduction of Statelessness 1961.

<sup>293</sup> Art. 2 and Art. 3 Convention on the Reduction of Statelessness 1961.

<sup>294</sup> Art. 4 Convention on the Reduction of Statelessness 1961.

<sup>295</sup> L. E. van Waas (2014), p. 5f; O. W. Vonk, M. P. Vink, G. R. de Groot (2013), pp. 10f.

<sup>296</sup> L. E. van Waas (2014), p. 5f.

<sup>297</sup> Art. 5 and 7 Convention on the Reduction of Statelessness 1961.

<sup>298</sup> Art. 7(1) European Convention on Nationality.

<sup>299</sup> Art. 8 Convention on the Reduction of Statelessness 1961.

<sup>300</sup> Art. 8(2)(b) Convention on the Reduction of Statelessness 1961; see *Janko Rottmann v Freistaat Bayern* (Case C-135/08).

<sup>301</sup> See Chapter 3.5.

<sup>302</sup> Art. 10 Convention on the Reduction of Statelessness 1961.

<sup>303</sup> Art. 9 Convention on the Reduction of Statelessness 1961.

military organisations, can no longer continue to live in their home country. Often, they were forced to flee to another country in order to escape the dangerous situations in their home country. Should the country they fled to recognise their peril, he or she will become an official refugee. A refugee is described in the Convention Relating to the Status of Refugees 1951 and the subsequent Protocol Relating to the Status of Refugees 1967 as someone who:

“As a result of events [...] and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.”<sup>304</sup>

According to UNHCR statistics there were 11,003,862 refugees in 2013 and an additional 699,317 who were in refugee-like situations but who had not been granted official refugee status.<sup>305</sup> In June 2015, Amnesty International estimated that there were 50 million people who were forced to flee their homes.<sup>306</sup> It is likely that, at the time of publication of this dissertation, this number has increased once more.

From a nationality law perspective, those fleeing their country while retaining their nationality maintain a *genuine link* with the country. Consequently, the state should not only offer its protection, but it also has to allow them to re-enter the territory.<sup>307</sup> In a country where a (civil) war rages, protection by authorities is unlikely to occur and these people are often *de facto* stateless. The duty to re-admit its citizens may lead to other scenarios, when those who fled are forced to return home by the countries they fled to and tried unsuccessfully to be given asylum.

### 3.7.3. Current debate on ‘passports for sale’

Turning to the other side of the spectrum of current problems connected to nationality, a small group of people is able to obtain nationality and citizenship rights fairly easily. While the problem is not new, seeing that Roman citizenship was already sold and in

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<sup>304</sup> Art. 1(A)(2) Convention Relating to the Status of Refugees 1951 and Art. 1(2) Protocol Relating to the Status of Refugees 1967.

<sup>305</sup> UNHCR Global trends 2013, p. 44.

<sup>306</sup> Amnesty International (2015).

<sup>307</sup> K. Hailbronner (2006), pp. 36f; E. Horváth (2008), p. 1; O. W. Vonk (2012), p. 34; M. P. Vink (2005), p. 9; P. Weis (1979), p. 45.

the sports context athletes change their country of representation frequently, e.g. in rugby athletes are frequently lured over to Australia or New Zealand from other places, a new market for passports has opened up.<sup>308</sup> Within Europe, there are investor citizenship programmes currently operating in countries such as Malta, Cyprus and Portugal.<sup>309</sup> As these countries are all Member States of the European Union, the main incentive for non-EU citizens to obtain the nationality of one of these countries is considered to be visa free travel and entrance to Schengen area.<sup>310</sup> This sparked a European Union-wide discussion on these practices, with the EU being strictly against European citizenship being sold as a commodity.<sup>311</sup>

The way citizenship can be acquired differs per country, with Malta asking a lot of money for a passport and Portugal giving out ‘golden residence permits’ if the person invested heavily in real estate.<sup>312</sup> While this creates revenue for the governments,<sup>313</sup> several scholars, such as A. Shachar, J. Dzankic, D. Owen, P. Spiro, P. Ochoa, and R. Bauböck, have argued that citizenship should not be for sale.<sup>314</sup>

One of the major points of critique against this practice is that almost no residence in the country is required.<sup>315</sup> Portugal requires only seven days per year in first year and 14 days in following years.<sup>316</sup> This is an extremely short period of time – even more so compared to the usually lengthy periods of residence required as a sign of the establishment of a *genuine link*. While investments can create a tie to a country’s goals and economy, since investors might aim to actively contribute to the economy, scholars doubt that this is the case in Malta and Portugal.<sup>317</sup> Especially the stark contrast between long-term residence and language requirements, which aim to ensure integration, and the quick cash-for-passport programmes have been underscored.<sup>318</sup>

Another aspect is that, by purchasing a passport, the people not only obtain visa and travel rights but also political rights in the communities. Citizenship is inherently political and thus bringing people into the polity without real ties to it can be dangerous, also because these people do not need to live in the country.<sup>319</sup> For the other people, the situation is also difficult, as it is not made public who buys the passports; for example, in Malta the people do not know who counts as a fellow Maltese citizen.<sup>320</sup> In addition to the practical aspects, there is also the moral issue that wealth should no

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<sup>308</sup> R. Magni Bertin (2014), p. 11; D. Owen (2014), pp. 27 and 31; A. Shachar (2014), p. 3.

<sup>309</sup> P. Spiro (2014), p. 9; For an overview see S. Carrera (2014), p. 10ff.

<sup>310</sup> P. Spiro (2014), p. 9; R. Bauböck (2014a), p. 1; J. Dzankic (2014), p. 18; S. Carrera (2014), pp. 2 and 6ff.

<sup>311</sup> S. Carrera (2014), p. 6ff.

<sup>312</sup> A. Shachar (2014), p. 3; P. Ochoa (2014), p. 23; H. Waldrauch (2006a), p. 176.

<sup>313</sup> A. Shachar (2014), p. 5.

<sup>314</sup> In A. Shachar and R. Bauböck (Eds.) (2014), *Should Citizenship be for Sale? EUI Working Papers*.

<sup>315</sup> D. Owen (2014), p. 27; J. Dzankic (2014), p. 17; R. Bauböck (2014b), p. 19; S. Carrera (2014), p. 4.

<sup>316</sup> A. Shachar (2014), pp. 3f.

<sup>317</sup> J. Dzankic (2014), pp. 17f; P. Ochoa (2014), p. 24.

<sup>318</sup> R. Barbulescu (2014), p. 16; R. Bauböck (2014b), p. 21.

<sup>319</sup> A. Shachar (2014), p. 5; P. Ochoa (2014), p. 24.

<sup>320</sup> A. Shachar (2014), p. 4.

longer translate into political rights, as this would mark a return to previous century practices.<sup>321</sup> Or as R. Bauböck cautions:

“Once they are citizens, the votes of foreign investors will not formally count for more than everyone else’s. But it seems quite naïve to think that a club that starts to sell its membership at a price that only the ultra-rich can afford will keep treating its poorer members as equals.”<sup>322</sup>

At the same time, some scholars, such as R. Barbulescu and to some extent also P. Spiro and D. Owen comment that this is just the tip of the iceberg and global inequality is the main problem.<sup>323</sup> Moreover, they argue that this market for passports shows how hollowed out the concept of citizenship has become and that it is an indicator that a meaningful discussion needs to take place now.<sup>324</sup> Should this indeed be the case, a change in our perception of citizenship and nationality might be brought about.

Contrarily, authors such as R. Magni Bertin, D. Kochenov and C. Armstrong repudiate that there is actually a problem. Considering that attributing citizenship at birth based on blood or place of birth can also be considered rather arbitrary, the entire system can be seen as hypocritical and unfair.<sup>325</sup> While there are claims that investments can actually be taking an interest in the country,<sup>326</sup> some admit that the current methods lack democratic authorisation.<sup>327</sup> Overall, these scholars claim that the problem lies not with the fast-track procedure but with the standard naturalisation process, which is too burdensome.<sup>328</sup>

### 3.8. Touchstone principles of nationality law

Having elaborated on the modes of acquisition and loss of nationality, as well as on the problematic issues which may arise in this context, such as territorial transfers, dual nationality or statelessness, it is time to draw some conclusions on generally applicable principles of nationality law.<sup>329</sup> It is important to bear in mind that there is no unanimity regarding limits to state sovereignty among states,<sup>330</sup> but an enumeration of standards may nevertheless be given.<sup>331</sup> These touchstone principles of nationality law, which will be used to examine the rules employed by sporting federations and the Olympic Committee are as follows:

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<sup>321</sup> A. Shachar (2014), p. 6; R. Bauböck (2014b), p. 20.

<sup>322</sup> R. Bauböck (2014b), p. 20.

<sup>323</sup> R. Barbulescu (2014), p. 15.

<sup>324</sup> P. Spiro (2014), p. 9; D. Owen (2014), p. 32.

<sup>325</sup> D. Kochenov (2014), p. 27.

<sup>326</sup> R. Magni Bertin (2014), p. 11; C. Armstrong (2014), p. 13.

<sup>327</sup> C. Armstrong (2014), pp. 13f.

<sup>328</sup> R. Magni Bertin (2014), p. 12.

<sup>329</sup> P. Weis (1979), p. 97.

<sup>330</sup> P. Weis (1979), p. 83.

<sup>331</sup> O. W. Vonk (2012), p. 37.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

- No violation of fundamental human rights, in particular the right to nationality;<sup>332</sup>
- Statelessness is to be avoided;<sup>333</sup>
- Right to change one's nationality;<sup>334</sup>
- Renunciation of nationality should be allowed, if it does not cause statelessness;<sup>335</sup>
- Attribution of nationality has to be based on a *genuine link* between a person and the state;<sup>336</sup>
- Birth right citizenship can be based on *ius sanguinis* or *ius soli* or a combination thereof;<sup>337</sup>
- Family unity should be facilitated;<sup>338</sup>
- Gender equality should be respected;<sup>339</sup>
- No arbitrary deprivation of nationality;<sup>340</sup>
- No discrimination.<sup>341</sup>

Furthermore, the position of children and minors is of paramount importance as they are in an especially vulnerable position and need additional protection. This protection is not only needed generally and can be found in their incapability to take legally binding decisions, but it also encompasses matters of nationality law.<sup>342</sup> In that context, especially the problem of decisions taken by parents for their children arise, when such decisions do not necessarily reflect the will of the minor. These decisions thus need to be remedied later.<sup>343</sup>

These touchstone principles enumerated above will be used to assess the eligibility codes of the sporting federations (Chapter 16) with regard to their compatibility with legal standards. These concepts will also already be included in the chapters dealing with individual sports and the comparison between the sports (Chapters 5 to 15), where brief critical reflections on the examined eligibility codes will be given.

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<sup>332</sup> K. Hailbronner (2006), pp. 53f; E. Horváth (2008), pp. 18f; O. W. Vonk (2012), p. 45; R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28.

<sup>333</sup> K. Hailbronner (2006), pp. 53f; E. Horváth(2008), pp. 18f; R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28.

<sup>334</sup> K. Hailbronner (2006), p. 38.

<sup>335</sup> Art. 8 European Convention on Nationality.

<sup>336</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>337</sup> O. W. Vonk (2012), p. 45; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>338</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; P. Weis (1979), p. 97.

<sup>339</sup> O. W. Vonk (2012), p. 45.

<sup>340</sup> K. Hailbronner (2006), pp. 53f; P. Weis (1979), p. 57; E. Horváth (2008), pp. 18f; O. W. Vonk (2012), p. 45.

<sup>341</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; P. Weis (1979), p. 97.

<sup>342</sup> See Recommendation CM/Rec (2009)13.

<sup>343</sup> G. R. de Groot and E. P. J. Vrinds (2004), pp. 8ff, p. 15.

## 4. *Lex sportiva* and nationality

Turning from international standards of nationality law to sports law and nationality law, the problem of defining the exact concept of sports law arises. While, according to some scholars, it seems debateable whether sports law exists,<sup>344</sup> this dissertation will assume that it does, as will be briefly elaborated upon in Chapter 4.1. Afterwards, the use of the terms ‘nationality’ and ‘citizenship’ in the sporting context will be examined (Chapter 4.2), before turning to the issue of a *genuine link* in sports (Chapter 4.3). Afterwards *sporting nationality*, as proposed by some authors, will be briefly addressed (Chapter 4.4), before turning to the Court of Arbitration for Sports (CAS) (Chapter 4.5) and the nationality requirements as stipulated by the Olympic Charter (Chapter 4.6).

### 4.1. The status of *lex sportiva*

As previously stated, there is a debate among authors whether sports law actually exists as a separate entity.<sup>345</sup> There are rules spelled out by different stakeholders, such as the IOC, the sporting federation governing the sport as a whole, the national sporting federations and even countries delineating organisational and commercial rules around major sporting events.<sup>346</sup> These rules neither solely form part of countries’ national laws, nor were they established by international treaties or conventions. They do however affect people on a supra-national level.

Thus, it is justified to see them as a somewhat separate entity, although not a coherent one. As there is currently no uniformity in the system and no single body establishing the rules, sports law is developed in several places, not only by the sporting federations, which have a monopoly on the respective sport,<sup>347</sup> but also by the CAS.<sup>348</sup> One should however note that through recent developments, such as the *Pechstein* case,<sup>349</sup> the CAS’s authority and the validity of its rulings have been questioned, as well be elaborated upon later (Chapter 4.5).

Sports law is often contrasted with or compared to *lex mercatoria*, the merchant law of the Middle Ages, as both are very autonomous and rely on principles of fairness and equity.<sup>350</sup> This is further reflected in the terminology used, as neither the frequently used term ‘*lex sportiva*’ nor the less often used ‘*lex ludica*’ are actually pure Latin expressions.<sup>351</sup> Both are neologisms, modelled after *lex mercatoria*, to

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<sup>344</sup> I. Blackshaw (2011), p. 140.

<sup>345</sup> I. Blackshaw (2011), p. 140.

<sup>346</sup> M. J. Mitten and H. Opie (2010), p. 272; See Chapter 1.5 Glossary for an overview of the stakeholders involved.

<sup>347</sup> D. P. Panagiotopoulos (2011), p. 122.

<sup>348</sup> B. Kolev (2008), p. 57; J.A.R. Nafziger (2004), pp. 3ff; R. C. R Siekmann (2011a), pp. 153f.

<sup>349</sup> Pechstein cases: CAS 2009/A/1912 & 1913; CAS OG 10/04 and OLG München 15 January 2015 Az. U 1110/14 Kart.

<sup>350</sup> I. Blackshaw (2011), p. 142; B. Kolev (2008), p. 57.

<sup>351</sup> R. C. R Siekmann (2011a), p. 153.

underscore that they are akin to these entities.<sup>352</sup> For the purpose of this dissertation, the term '*lex sportiva*' will be used.

#### 4.2. Usage of 'nationality' and 'citizenship' in the sporting context

Having seen how both nationality and citizenship can have different connotations on a national level (Chapter 3.1), there needs to be a more general approach to be able to discuss nationality in a global (sports) context.

Having addressed national definitions and requirements as well as the European Convention on Nationality, it is clear that 'nationality' can have different connotations.<sup>353</sup> It can be interpreted differently to serve different groups of people, as the different national laws on nationality show.

With regard to the analysis of nationality requirements in a sporting context, this dissertation will thus use the 'nationality' of an athlete in the sense of a bond or link that was established between the state and the person according to the nationality laws of the respective state. However, it will become clear that other concepts, such as the '*genuine link*' will also come into play with regard to eligibility for a national team. Thus, it will be seen that in several sports being a national is not always sufficient to compete for the country.

#### 4.3. The *genuine link* in sports<sup>354</sup>

##### 4.3.1. *Genuine link* in national leagues and national teams

Turning to the *genuine link* in the sports context, one finds that the question of an athlete's nationality does not only come into play in international competitions, but it is also an important factor for national leagues and international club competitions.<sup>355</sup> Initiatives, such as the *Home-grown Player Rule* of the *Union des Associations Européennes de Football (UEFA)*, limit the number of athletes from outside the EU and aim to reward clubs that invest in the training of young athletes.<sup>356</sup> As the political gains, such as the representational value of both hosting the Games and the number of medallists, of the Olympic Games increase,<sup>357</sup> athletes are being courted by the richer countries that can offer them not only better training facilities but also other benefits. Consequently, if eligibility criteria were to be abolished, a free market situation of supply and demand would exist, enabling athletes to freely choose for which country

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<sup>352</sup> R. C. R Siekmann (2011a), p. 153.

<sup>353</sup> See Chapter 3.1 Nationality and Citizenship for a more in-depth explanation of the different connotations.

<sup>354</sup> This chapter is largely based on the article "Towards a Sporting Nationality?" by A.S. Wollmann, O. W. Vonk and G. R. de Groot published in 22 MJ 2 (2015), pp. 300 – 316.

<sup>355</sup> See Case C-415/93 *Union Royale Belge Sociétés de Football Association and others v Bosman* [1995] ECR I-4921; for further information and a detailed analysis see S. Van den Bogaert (2005) and S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010).

<sup>356</sup> European Union Study on the training of young sportsmen/women in Europe Extension – part II Home grown player rule April 2008. To be found at: [http://ec.europa.eu/sport/documents/doc276\\_en.pdf](http://ec.europa.eu/sport/documents/doc276_en.pdf).

<sup>357</sup> D. Oswald (2009), p. 3.

to compete. Such a decision would be based on economic and other factors that the countries could offer the respective athlete.

While there is sometimes a disjunction between sporting and state nationality, the principle of taking nationality as a basis for selecting national teams in general is not up for debate as the underlying notion of the *genuine link* remains.<sup>358</sup> As will be examined in greater detail later (Chapter 5 – 14), the eligibility codes of almost all Olympic sports are based on the assumption that it is the athlete's nationality that determines the deciding connecting factor between an athlete and a specific country. Consequently, changes to an athlete's nationality are problematic, as the link between athlete and country shifts. Notably, not all sporting federations allow for such a change in the country of representation, meaning that sometimes the change in an athlete's nationality does not result in a change of the athlete's country of allegiance.<sup>359</sup> The respective federation's rules are strict in the sense that they aim to discourage athletes from changing their country of representation in an opportunistic or mercenary fashion.<sup>360</sup> The reasoning behind these rules, namely to ensure that only nationals can compete for a national team, is certainly valid. However, it is important to recognise that changes to a person's nationality do happen more frequently in a globalising world and that people will have ties to more than one country.

Even if federations do in principle allow such changes, the athletes need to fulfil extra requirements before they are allowed to change the country of representation. These requirements vary not only among the different sporting federations but, also within the same sport, athletes may be faced with different criteria. As many requirements can be waived or reduced, there is no legal certainty for an athlete who wishes to change his or her country of representation. In addition to the detrimental effect the lack of legal certainty can have on athletes, the possibility of the national federations agreeing among one another on the transfer of athletes without any publicity of the decision and the reasoning, could potentially lead to corruption. As also the reasoning behind the decisions in case of disputes are frequently not made public, the entire mechanism and workings of the federations remain opaque.

#### 4.3.2. *Genuine link* in sporting competitions – a debated topic

Even countries with usually rather restrictive naturalisation procedures may offer athletes with promising careers passports.<sup>361</sup> Contrarily, athletes from (civil) war stricken countries who do not change their nationality face the same perils as other civilians in these conflicts and are thus as likely to become refugees or asylum seekers in order to escape.<sup>362</sup> Several scholars consider the fast-track naturalisations for

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<sup>358</sup> H. Andres (2009), p. 6; R. Siekmann(2006), p. 123.

<sup>359</sup> Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>360</sup> R. Siekmann (2006), p. 123.

<sup>361</sup> K. Hailbronner (2006), p. 60; C. D. Hall (2012), p. 191.

<sup>362</sup> BBC News (21<sup>st</sup> August 2012) Somalia Olympic Runner 'drowns trying to reach Europe'; Ben Quinn (The Guardian, 15<sup>th</sup> August 2012) Eritrea's flag-carrying runner seeks asylum in UK to flee repressive regime - Olympic athlete and middle-distance runner is one of four from country seeking escape from repressive regime.

athletes to be an ‘abuse of naturalisation’.<sup>363</sup> In contrast, others actively campaign for even quicker naturalisations to improve the pool of athletes of the respective country:

“[...] some countries, such as the United States, have strict immigration rules that put them a step behind in casting these international free agents as members of their national team; therefore, the inconsistency evident in the immigration rules of individual countries is threatening innate competition of global football in light of the lenient FIFA regulations.[...] Due to this quandary, Congress should expedite naturalization procedures for select individuals who deserve a spot on the U.S. Men’s National Team just as they have done for Olympic athletes such as Belbin.”<sup>364</sup>

While these fast track naturalisations do enable athletes to further their careers quickly and to compete at the highest level possible,<sup>365</sup> they have a negative effect not only on the development of local talent, but they also lead to a so-called ‘muscle drain’.<sup>366</sup> For instance, more and more talented African athletes come to Europe to play in national leagues and thus are sorely missed in their home leagues and often also their home national teams.<sup>367</sup>

In addition, a third school of thought exists. These scholars favour the creation of a separate *sporting nationality* that is entirely disconnected from the nationality granted by the state.<sup>368</sup> According to them, decoupling nationality and team representation would reduce the need for fast-track naturalisations and could lead to a free-market approach. Such a solution is however opposed by scholars of the other schools of thought, as the basis of eligibility for a ‘national’ team should be having the relevant nationality.<sup>369</sup> There is thus an on-going debate about nationality and citizenship in the context of sports and representative teams.

The overall tendency that wealthier countries attract athletes from poorer countries shows how international competitions have become more than mere sporting events and are now also seen as profitable economic events.<sup>370</sup>

#### 4.3.3. Sporting competitions and statelessness

Looking more closely at the aforementioned problems that may arise regarding nationality (Chapter 3.7) and placing them into the context of the Olympic Games, one notices that, while for some athletes the Olympics represent a chance beyond the mere sporting medals for others competing itself is dangerous, as countries try to prevent athletes from competing by not allowing them to leave the country. The consequences of the latter can be illustrated by the case of Samia Yusuf Omar from Somalia. She

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<sup>363</sup> H. Andres (2009), p. 4; R. Siekmann (2006), p. 123.

<sup>364</sup> C. D. Hall (2012), pp. 191 - 208.

<sup>365</sup> C. D. Hall (2012), p. 200; G. Engelbrecht (2004), p. 8; R. Siekmann (2006), p. 123.

<sup>366</sup> R. Siekmann(2006), p. 123.

<sup>367</sup> J. Scherrens (2007), p. 1.

<sup>368</sup> Y. Hafner (2008), p. 1; Y. Hafner (2012), p. 216; D .Oswald (2009a), p. 58.

<sup>369</sup> H. Andres (2009), p. 4 ff.

<sup>370</sup> R. Siekmann (2006), p. 123.

competed in the 2008 Olympics although she had not followed a carefully elaborated training schedule like her competitors from wealthier countries.<sup>371</sup> Facing repercussions and death threats upon her return home, she tried to reach Europe illegally via the Mediterranean Sea. She drowned, like many others, when her boat sank.<sup>372</sup> Her story shows not only that female athletes might endanger themselves through openly practicing their sport in countries that marginalise women in society, but it also demonstrates also how difficult life can be in certain countries, even for an Olympic athlete. Thus, while calls for an Olympic Truce and cooperation among states are frequently voiced by the UN prior to the Games, actual cooperation allowing athletes to leave their country of origin and enter the country hosting the Olympics is not always achieved – with dire consequences for the athletes.

Other athletes, such as the Eritrea's flag bearer or the entire Cuban football team used the Olympics as a means to leave their countries and seek asylum elsewhere. Athlete defections have occurred at major sporting events in the last decades.<sup>373</sup> During the times of the Cold War, it was most notably the Eastern European athletes who used events such as the Olympic Games to flee to the other side of the Iron Curtain.<sup>374</sup> However, at the last Summer Olympics in London 2012, there were 82 asylum seekers who were connected to the Olympic Games and most of them hailed from African countries.<sup>375</sup> While the countries hosting the Olympic Games seem not to be concerned about the relatively small number of asylum seekers, the countries of origin aim to combat athlete defections. Eritrea now requires its athletes to pay a bond prior to leaving the country for sporting competitions, which they will receive again upon returning home. North Korea refuses to let its athletes stay at the Olympic Villages and, as an additional precaution, their family members back home are "kept close by government officials".<sup>376</sup> An excessive amount of pressure is thus exercised by the countries fearing that their athletes see international sporting competitions as an opportunity to seek asylum elsewhere.<sup>377</sup>

One step has recently been taken by the IOC to improve the situation of athletes who are already refugees and seeking asylum in other countries. In light of the recent high number of people forced to flee from their home countries, the IOC will for the first time allow refugee athletes to compete during the 2016 Games. As they will not be able to compete for their country of origin, they will compete under the IOC flag

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<sup>371</sup> BBC News (21<sup>st</sup> August 2012) Somalia Olympic Runner 'drowns trying to reach Europe'.

<sup>372</sup> Ibid.

<sup>373</sup> Ben Quinn (The Guardian, 15<sup>th</sup> August 2012) Eritrea's flag-carrying runner seeks asylum in UK to flee repressive regime - Olympic athlete and middle-distance runner is one of four from country seeking escape from repressive regime; Ike Awgu (08<sup>th</sup> June, 2012), For Some Olympians, Seeking Asylum Is Better Than Gold; J. Margolis (unknown publishing date), Winning Gold at Passport Control: Asylum-Seeking Olympians and the Olympic Passport.

<sup>374</sup> J. Margolis (unknown publishing date), Winning Gold at Passport Control: Asylum-Seeking Olympians and the Olympic Passport.

<sup>375</sup> Ibid.

<sup>376</sup> J. Margolis (unknown publishing date) Winning Gold at Passport Control: Asylum-Seeking Olympians and the Olympic Passport; Ike Awgu (08<sup>th</sup> June 2012). For Some Olympians, Seeking Asylum Is Better Than Gold.

<sup>377</sup> J. Scherrens (2007), p. 7.

and the Olympic Anthem will be played during the ceremonies.<sup>378</sup> So far, the IOC has not clarified how the qualification for the individual disciplines will be handled, yet, through this measure, the IOC clearly reacts to circumstances athletes might find themselves in.

#### 4.4. A proposed *sporting nationality*<sup>379</sup>

As has been mentioned before and will be elaborated upon in greater detail later (Chapter 17.1), there are some who advocate for the introduction of a separate *sporting nationality*.<sup>380</sup> When looking at the current eligibility codes, one finds that there are several sports that already work with the idea of a sporting passport or licence, namely:

- Aquatics (FINA) refers to ‘*sport nationality*’<sup>381</sup> and stipulates that athletes may only represent countries of which they are citizens either by birth or by naturalisation;<sup>382</sup>
- Gymnastics (FIG) refers to a ‘*Gymnastics passport*’ or *license*, that shows that the athlete is a *national* of the relevant country,<sup>383</sup>
- Luge (FIL) (refers to a *license*, which is given if the athlete is *a member of one of the FIL’s member federations* and has received the necessary training.<sup>384</sup> Notably, nationality does not play a role here;
- Rugby (World Rugby) refers to a ‘*Rugby nationality*’<sup>385</sup> and underlines that this will remain the same, *regardless of their actual nationality* once the athlete is called up for one country;
- Sailing (ISAF) – refers to ‘ISAF eligibility’,<sup>386</sup> meaning that either the athlete is *registered with the ISAF* by a national sailing authority or the athlete is a *national* of a member association.
- Skiing (FIS) refers to a *license*, which the national federations may only issue to those who are *nationals* of the country.<sup>387</sup>

<sup>378</sup> T. Bach (2015), Speech on the occasion of the adoption of the resolution “Building a peaceful and better world through sport and the Olympic ideal” by IOC President Thomas Bach, UN General Assembly, New York, 26 October 2015.

<sup>379</sup> This chapter is largely based on the article “Towards a Sporting Nationality?” by A.S. Wollmann, O. W. Vonk and G. R. de Groot published in 22 MJ 2 (2015), pp. 300 – 316.

<sup>380</sup> Y. Hafner (2008), p. 1; Y. Hafner (2012), p. 216; D. Oswald (2009a), p. 58.

<sup>381</sup> GR 2.5. FINA general rules 2013-2017 of August 2013.

<sup>382</sup> If the athlete acquired citizenship through naturalisation, the FINA requires him or her to have lived in the country for at least two years.

<sup>383</sup> Article 5.1 FIG technical regulations 2008; Article 5.1 FIG technical regulations 2004 from June 2013; Art. 1 FIG Licence rules, Final version – last update September 25<sup>th</sup> 2012/mb 1/5.

<sup>384</sup> Art. 3 International Luge regulations – Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 1.3 International Luge regulations – Natural Track – 2012 edition approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia.

<sup>385</sup> Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for National representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1 September 2014.

<sup>386</sup> Art. 19.1 and Art. 19.4 ISAF regulations 2015 – Annex 3 – Eligibility code – November 2014.

<sup>387</sup> Art. 203.3 International Ski competition rules (ICR) book IV Joint Regulations For Alpine Skiing, Downhill Slalom Giant Slalom Super-G, Combined Events Team Events Parallel Events Ko Events approved by the 49<sup>th</sup> international Ski congress, Barcelona (Spa) Oberhofen, July 2015.

- Wrestling (UWW) refers to sports nationality that does not need to be based upon the athlete's nationality.<sup>388</sup>

Luge is particularly interesting, as the licence is not based on an athlete's nationality.

Thus, also the approaches to the introduction of a *sporting nationality* or *sporting licence* differs depending on the Olympic sport. Turning from the sports approach to the theoretical approach taken by scholars, also no common ground has been reached yet. Nevertheless, the need for better and clearer rules, which would lead to more legal certainty, has been recognised.<sup>389</sup> Here, one of the major problems concerning the *sporting nationality* in particular and sports law or *lex sportiva* in general is that so far no clear and universally accepted definition exists.<sup>390</sup>

Some authors, such as Oswald or Hafner, have proposed the introduction of a separate *sporting nationality*, without however going into detail about what such a *sporting nationality* should entail.<sup>391</sup> Overall, the main problems arising in this context are, firstly, the precise definition of 'sporting nationality' and, secondly, to what extent 'sporting nationality' should be dependent on an athlete's state nationality.<sup>392</sup> Oswald proposed a concept:

“that would be totally separate from state nationality, without losing the notion of national belonging. This would be known as ‘Olympic nationality’ or, even better ‘Olympic membership’”.<sup>393</sup>

The question arising from this suggestion is how such a notion of national belonging can be established without referring to nationality itself or without relying on the same criteria that the attribution of nationality usually relies upon. A *genuine link* between country and athlete usually has to rely either on blood relations (such as *ius sanguinis*), birth on the territory (such as *ius soli*) or through prolonged residence in the country (as prescribed by naturalisation mechanisms). Competing for a country internationally would show the athlete's intention of belonging to the country, yet this is a circular argument, as only those who belong to a country can compete for it internationally. A further elaboration on this issue will be made in Chapter 17.1 when addressing possible solutions to the incoherent current system of eligibility criteria.

#### 4.5. The CAS and eligibility cases

Coming to the eligibility criteria currently in place and the methods to solve disputes arising in this context, one first needs to underscore that the IOC has the exclusive right to allow entry to the Olympic Games. Legal disputes are settled by the Court of

<sup>388</sup> Introduction FILA international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>389</sup> As the current rules are so varied and criteria can be set aside so easily; see Y. Hafner (2012), p. 238; R. C. R. Siekmann (2011b), p. 87.

<sup>390</sup> J. A. R. Nafziger (2011), p. 14; R. C. R. Siekmann (2011c), pp. 4ff.

<sup>391</sup> Y. Hafner (2008), p. 1; Y. Hafner (2012), p. 216; D. Oswald (2009a), p. 58.

<sup>392</sup> Y. Hafner (2012), p. 238; D. Oswald (2009a), p. 58.

<sup>393</sup> D. Oswald (2009a), p. 58.

Arbitration for Sport (CAS), which was set up in 1982. It is a special arbitration body which is officially independent from any sporting federation.<sup>394</sup> Through current developments, such as the *Pechstein* case,<sup>395</sup> questions on the validity of this practice and applicability of the CAS rulings have arisen.<sup>396</sup> Claudia Pechstein, a German speed skater was banned by the Skating Federation (ISU) as one of her blood samples was identified as containing doping traces. She contested the ban before CAS and the Swiss Federal Tribunal, which is the court responsible for appeals against CAS decisions under Swiss law,<sup>397</sup> but lost. Maintaining that the result of the drugs test was faulty, she started proceedings in Germany and sued for damages. Eventually, after another appeal, the higher local court in Munich (*Oberlandesgericht*) held that the arbitration clause was invalid, as Pechstein had no choice but to accept the clause if she wanted to participate in ISU events.<sup>398</sup>

The CAS's independence has been questioned in recent times, seeing that International Council of Arbitration for Sport (ICAS), the body governing it is deemed to be overly tied to sport governing bodies.<sup>399</sup> These close ties are established as often people who held office in a sport governing body continue their career at CAS or ICAS. Furthermore, the composition of the arbitration panels leads to difficulties, as there is only a closed list of arbiters on which the sporting federations have a disproportionate influence.<sup>400</sup>

Another issue of concern is whether athletes actually freely consent to the arbitration clauses, as their respective sporting federation requires them to sign before they may participate in officially sanctioned competitions.<sup>401</sup> Considering that an athlete's career depends on participating in these sanctioned events, the extent to which the consent to the CAS arbitration clause is given freely is doubtful at best.<sup>402</sup> This forced arbitration can be harmful to athletes, yet, due to the short duration of an athlete's career and the monopoly enjoyed by the sport governing bodies, most athletes never challenge this.<sup>403</sup> Furthermore, acceptance of a CAS judgment and relinquishing the possibility to go to ordinary courts, results in a situation in which there is no real means to redress.<sup>404</sup>

As previously mentioned, in principle CAS decisions can be appealed at the Swiss Federal tribunal. This judicial review is however severely limited, as the tribunal takes a 'hands-off' approach.<sup>405</sup> Other problems include that CAS cases do not establish

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<sup>394</sup> M. J. Mitten and T. Davis (2008), p. 78; A. Duval and B. Van Rompuy (2015), p. 19f.

<sup>395</sup> Pechstein cases: CAS 2009/A/1912 & 1913; CAS OG 10/04 and OLG München 15 January 2015 Az. U 1110/14 Kart; see A. Duval (2015a) for a summary.

<sup>396</sup> A. Duval (2015b), p. 249f.

<sup>397</sup> Art. 191 Swiss International Arbitration Law.

<sup>398</sup> See also A. Duval (2015a).

<sup>399</sup> A. Duval and B. Van Rompuy (2015), pp. 25f.

<sup>400</sup> A. Duval and B. Van Rompuy (2015), pp. 22ff. and 27.

<sup>401</sup> A. Duval and B. Van Rompuy (2015), p. 2; A. Duval (2015b), pp. 249f.

<sup>402</sup> A. Duval and B. Van Rompuy (2015), pp. 2, 5f and 8.

<sup>403</sup> A. Duval and B. Van Rompuy (2015), pp. 10 and 17.

<sup>404</sup> A. Duval (2015b), pp. 249f.

<sup>405</sup> So far, few CAS awards have actually been struck down; see M. J. Mitten and T. Davis (2008), pp. 80 and 86; A. Duval and B. Van Rompuy (2015), p. 2; A. Duval (2015b), p. 246f.

binding precedents and there is an overall lack of publicity.<sup>406</sup> Thus, while CAS has shaped and does shape *lex sportiva* through its rulings, especially through the ad hoc divisions set up to solve issues speedily prior to major sporting events,<sup>407</sup> several calls for reform have been voiced.<sup>408</sup> However, the alternative of having national courts decide on sporting matters would create an extremely diverse picture and counteract all attempts at unifying sports law.<sup>409</sup> Thus, while the current *modus operandi* is rightly criticised, the CAS remains an important body.<sup>410</sup>

Turning from the CAS and its problems to the relevant cases, one first needs to acknowledge that the majority of CAS cases are doping related.<sup>411</sup> There are, however, some interesting cases decided by the ad hoc divisions prior to Olympic Games dealing with eligibility issues and they shed light on the terminology used by national legislators and sporting federations. Looking at the *Perez I, II and III v IOC*<sup>412</sup> and *Miranda I and II v IOC*<sup>413</sup> cases, one finds several similarities but also stark differences.

Angel Perez was a Cuban national, born in 1971 who competed in canoe kayak competition for Cuba in the 1992 Olympics. Following a competition in Mexico in 1993, he fled to the USA and applied for asylum. He married a US citizen in 1994 and received a permanent residence permit in 1995, before becoming a citizen in 1999. Wishing to compete for the US in the 2000 Olympics, he had to prove that three years had passed since he became a US national. In the first case, Perez argued that he had become akin to a national, but a non-citizen, of the US when receiving his permanent residence permit and compared his situation to those stemming from Guam,<sup>414</sup> who also had to undergo a naturalisation procedure to become fully-fledged citizens.<sup>415</sup> This was however dismissed.<sup>416</sup> In the subsequent case it was argued that Perez had become *de facto* stateless when he defected from Cuba. It was further maintained that ‘changing one’s nationality’ can also mean that a person becomes stateless, and the CAS held that a change had occurred in Perez’s nationality status over three years prior to the Olympic games and thus allowed him to compete for the US.<sup>417</sup> The Cuban NOC challenged this decision without success.<sup>418</sup>

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<sup>406</sup> M. J. Mitten and T. Davis (2008), p. 81; I. Blackshaw (2011), p. 143.

<sup>407</sup> M. J. Mitten and T. Davis (2008), pp. 79ff.

<sup>408</sup> See A. Duval (2015a); A. Duval and B. Van Rompuy (2015), p. 28.

<sup>409</sup> A. Duval and B. Van Rompuy (2015), p. 18.

<sup>410</sup> A. Duval and B. Van Rompuy (2015), p. 28.

<sup>411</sup> M. J. Mitten and T. Davis (2008), p. 83.

<sup>412</sup> *Perez I, II and III v IOC*- CAS OG (Sydney) 00/001,00/005,00/009, Digest of CAS Awards II, p. 595, 625 and 651.

<sup>413</sup> *Miranda I and II v IOC* - CAS OG (Sydney) 00/003 and 00/008; Digest of CAS Awards II, pp. 607 and 645.

<sup>414</sup> Though since 2011 this situation has changed under § 307 (US Code Title 8 1407) Immigration and Nationality Act 2011, making people from Guam now citizens from birth.

<sup>415</sup> *Perez I, II and III v IOC*- CAS OG (Sydney) 00/001,00/005,00/009, Digest of CAS Awards II, p. 595, 625 and 651; See Chapter 3.1.2 for explanation of US situation.

<sup>416</sup> *Perez I v IOC*- CAS OG (Sydney) 00/001, Digest of CAS Awards II, p. 595.

<sup>417</sup> *Perez II v IOC*- CAS OG (Sydney) 00/005, Digest of CAS Awards II, p. 625.

<sup>418</sup> *Perez III v IOC*- CAS OG (Sydney) 00/009, Digest of CAS Awards II, p. 651.

Similarly, Arturo Miranda was a Cuban national, born in 1971 and had competed as a diver for Cuba in the Pan-American games in 1991. He however ended his diving career in 1992 and married a Canadian national in 1994 with whom he moved to Canada in 1995, where he became involved with diving again. Miranda became a Canadian citizen in 1999, but he retained his Cuban passport and visited Cuba annually. Wishing to compete for the Canadian diving team at the 2000 Olympics, he argued along the same lines as Perez that he had become akin to a national- non-citizen in Canada. While the Panel held that he had clearly not moved to Canada to further his diving career, this application was dismissed.<sup>419</sup> In the subsequent case, Miranda also tried to argue along the lines of de facto statelessness as Perez. However, Miranda had received permission from Cuba to emigrate, visited annually and maintained his Cuban passport, so that here there was no case of de facto statelessness.<sup>420</sup>

These five cases are interesting not only because they show how quick the CAS ad hoc divisions work, with CAS awards being given within 24 hours, but also the way the CAS deals with the underlying national laws becomes clear from these cases. For both athletes, the ad hoc divisions referred explicitly to distinctions made between nationals- non-citizens and citizens by countries and used this analogously when considering the athlete's situation in the context of the nationality criteria described in the IOC Charter.

#### 4.6. Nationality Requirements in the Olympic Charter

As previously outlined, the Olympic Games are the pinnacle of sport competitions for most sports.<sup>421</sup> The architectural and other changes brought to hosting cities are considered by some authors as akin to Olympics values, which enrich the city long after they the games took place there.<sup>422</sup> Special focus is also placed on the Olympic Charter, which is seen as a:

“moral authority, based on the social, economic and sporting significance of the Olympic Games”.<sup>423</sup>

As there have been controversies regarding not only the Olympics, but also other major sporting events and the effect they had on local communities, this seems debatable. Looking more closely at the rules applicable to the Olympic Games, some authors describe the Olympic Charter as follows:

“The functions of the Olympic Charter are essentially threefold: (i) it is the fundamental basic document of the Olympic Movement, with a legal status, which approximates that of a constitution; (ii) it defines the rights and obligations of the component parts of the Olympic Movement, with a legal status which is

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<sup>419</sup> *Miranda I v IOC* - CAS OG (Sydney) 00/003, Digest of CAS Awards II, p. 607.

<sup>420</sup> *Miranda II v IOC* - CAS OG (Sydney) 00/008, Digest of CAS Awards II, p. 645.

<sup>421</sup> D. Oswald (2009b), p. 1.

<sup>422</sup> D. Oswald (2009b), p. 3.

<sup>423</sup> A. Mestre (2008), p. 101.

similar to a contract; and (iii) it is the founding document of the IOC (i.e. its byelaws governing its internal organisation - composition; membership rules; governing bodies, etc.)”<sup>424</sup>

Turning to the issue of eligibility, as termed by the IOC Charter, there are some problematic concerns. For instance, trans-sexual athletes encounter obstacles to compete as athletes often have to identify their gender.<sup>425</sup>

Nationality Requirements and eligibility are described in the Olympic Charter of September 2013 in Article 40 and 41 as well as in the two bye-laws belonging to these articles. Rule 40 stipulates that the athlete, coach or other official must firstly comply with the Olympic Charter, also meaning the rules concerning fair play, anti-doping, and the conditions of eligibility of the IOC. In addition also the eligibility rules of the respective international federation (IF) have to be complied with, which in turn have to be approved by the IOC again.<sup>426</sup> The bye-law to this rule further specifies that the IF may establish its own eligibility criteria in as far as these comply with the IOC rules and are approved by the IOC Board.<sup>427</sup> The actual application rests with the IF and the respective national federations, thus the IOC does not actively concern itself with these eligibility criteria in general.<sup>428</sup>

Nationality is mentioned explicitly in Rule 41, which states that:

“1. Any competitor in the Olympic Games must be a national of the country of the NOC which is entering such competitor.

2. All matters relating to the determination of the country which a competitor may represent in the Olympic Games shall be resolved by the IOC Executive Board.”<sup>429</sup>

The reference here is to the nationality of the country of the NOC; although there might be countries in which there are several NOCs, e.g. the UK with England, Scotland and Wales. At this stage no differentiation is made between athletes who wish to compete for the country of which they have been nationals since birth and athletes who have acquired a new nationality through naturalisation.

The bye-law to this rule is more detailed and more to the point, since it also deals with athletes with dual nationality, changes in the territory of the country and changes in the country of representation. Here the first rule is that once an athlete chooses to represent one country in the Olympic Games or any competition recognised by the relevant IF, he or she cannot change the country of representation.<sup>430</sup> However, in certain situations, the acquisition or change of nationality can become effective for the sport. Firstly, if an athlete with dual nationality or multiple nationality wishes to

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<sup>424</sup> A. Mestre (2008), p. 101.

<sup>425</sup> R. Kopczyk (2012), p. 62.

<sup>426</sup> Rule 40 Olympic Charter September 2013.

<sup>427</sup> Bye-law to rule 40(1) Olympic Charter September 2013.

<sup>428</sup> Bye-law to rule 40(2) Olympic Charter September 2013.

<sup>429</sup> Rule 41 Olympic Charter September 2013.

<sup>430</sup> Bye-law to Rule 41(1) Olympic Charter September 2013.

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change his or her country of representation, this is possible only after a period of three years of non-competition, i.e. not competing in championships recognised by the IF.<sup>431</sup> However, this period may be reduced or waived if the NOCs, IF and the IOC agree, in case the circumstances at hand allow for such a deviation from the main rule.<sup>432</sup> The IOC further provides for the cases in which the territory of the state has changed and thus has affected the question of nationality in a manner outside the ordinary:

“3. If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a competitor may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in the Olympic Games by his new NOC if one exists. This particular choice may be made only once.”<sup>433</sup>

The Olympic Charter underlines that it is the IOC Executive Board that takes the final decision in cases concerning athlete eligibility.<sup>434</sup> Here cases concerning eligibility are defined as those in which an athlete has qualified for the Olympics when competing for a country of which he or she is not a national or has the choice between different countries which he or she could potentially represent.<sup>435</sup> It is interesting to note the way this is worded, since the Charter refers to:

“issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.”<sup>436</sup>

A clear distinction is made between *nationality* and *citizenship* on the one hand and *residence* and *domicile* on the other hand. However, Rule 41 only referred to a national of the country of the NOC, not to a citizen of said country.<sup>437</sup> The Charter hints at the differences existing in certain countries between residence and domicile<sup>438</sup> and the differences between citizen and national, without further elaborating on the difference in concepts. One might thus deduce that while the IOC is aware of the differences, yet for the IOC’s purpose eligibility, nationality and citizenship will be treated as synonyms.<sup>439</sup>

Table II. Overview of the IOC’s eligibility requirements

Requirements	IOC Olympic Charter October 2013
<b>In force since</b>	September 2013
<b>Change of nationality</b>	Once

<sup>431</sup> Bye-law to Rule 41(2) Olympic Charter September 2013.

<sup>432</sup> Ibid.

<sup>433</sup> Bye-law to Rule 41(3) Olympic Charter September 2013.

<sup>434</sup> Bye-law to Rule 41(4) Olympic Charter September 2013.

<sup>435</sup> Ibid.

<sup>436</sup> Ibid.

<sup>437</sup> Rule 41(1) Olympic Charter September 2013.

<sup>438</sup> Most notably the UK.

<sup>439</sup> G. R. De Groot (2003a), p. 6ff.

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<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athlete with multiple nationality after having competed for another country of which the athlete is a national</b>	Three-year period of non-competition, but might be waived
<b>Effect of changes in territory of country</b>	Athlete may choose once whether he or she want to continue representing the old entity (if it still exists) or wants to represent one of the new entities
<b>Competing for the country of residence</b>	Not specified
<b>Number of changes possible</b>	Once, in the case of changes in territorial reality.



## 5. Classic Sports

In the following part of the dissertation, ‘classic sports’ will be analysed. These sports date back to the Olympics in Ancient Greece, such as athletics, triathlon, modern pentathlon and weightlifting. Biathlon, although a relatively new sport, having become an Olympic sport in 1960, and a winter sport at that, is included here due to its structural proximity to triathlon and pentathlon, which require athletes to excel in more than one discipline.

Interestingly, in all of these sports, women have not been participating since the beginning. The earliest discipline allowing women in their ranks was athletics in 1928. The next sport allowing women was the relatively young sport biathlon, in 1992, while all other sports only allowed women to compete as of 2000.

Table III: Topics dealt with in classic sports

Requirements	Athletics	Biathlon	Triathlon	Modern Pentathlon	Weightlifting
<b>In force since</b>	<b>2014</b>	<b>2014</b>	<b>1989</b>	<b>2013</b>	<b>2013</b>
<b>Versions since 2005</b>	2005 – 2007 2009 – 2011 2011 – 2013 Since 2014	Since 2014	Since 1989	2005 – 2012 2013- 2015 Since 2015	Since 2013
<b>Substantial Changes made since October 2013</b>	Previously two-year non-competition period or residence, now changed to three years both	n/a	n/a	abolition of residence requirement, waiting period instead; introduction of territorial transfer rule	n/a
<b>Change of nationality</b>	Possible	Possible with two-year waiting period	Possible	Possible, after three-year waiting period	Possible, but after first change there is a waiting period of four years
<b>Residence requirements</b>	For athletes who have not yet competed internationally: One year (instead of non-competition period); for athletes who had competed internationally: three years (instead of a three-year competition period)	None	Three years, may be waived to one year	none	None
<b>Minors and nationality</b>	Not specified	Not specified	Not specified	Not specified	Not specified

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<b>change</b>					
<b>Stateless athletes</b>	Not specified	Can compete for a federation if IBU Board authorises it	Not specified	Not specified	Not specified
<b>Position of athlete with multiple nationality after having competed for another country of which the athlete is a national</b>	For athletes who had competed internationally: three years of residence (instead of three-year competition period); Difference made for dual citizenship acquired at birth or later in life	Possible with two-year waiting period	Three-year waiting period, unless the relevant federations agree to reduce it	Possible after three-year non-competition period	May decide with a waiting period of 12 months
<b>Effect of changes in territory of country</b>	Change possible and becomes effective directly for the competitions	Not specified	Athlete may choose once, but needs approval of Executive Committee	One choice allowed	Not specified
<b>Competing for the country of residence</b>	Not possible	Not possible	Not exactly specified, might be possible, depending on how the wording is interpreted	Not specified	Possible if approved by federation
<b>Number of changes possible</b>	Not specified	Not specified	No maximum given	No maximum given	One is easy, afterwards it becomes more difficult
<b>Reference to Olympic Charter</b>	None	Yes, regarding applicability of rules	None	yes	Yes, prevails in eligibility questions
<b>Uses nationality/citizenship</b>	Citizenship by virtue of having been born or by virtue of having a parent or grandparent born in the country	Nationality in the heading and citizenship/citizens in the text	Citizenship	Nationality & citizenship	citizenship
<b>Uses residence/domicile</b>	Residence is the primary home & registration with authorities	None	Residence	Residence & domicile	Residence
<b>Other remarkable peculiarity</b>	Definitions of Citizenship, Residence and Country provided at the beginning;			Distinction Olympic & Non-Olympic Competition	Reference to UN as institution, which may rule on the question

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	Country needs to be recognised by a number of states. Difference made for dual citizenship acquired at birth or later in life				of nationality
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**5.1. Athletics<sup>440</sup>**

Athletics is one of the oldest Olympic sports in a dual sense of the word. Not only was it already included in the first modern Olympic Games in 1896, but it also formed part of the Ancient Greek Games.<sup>441</sup> There are records on champions dating back to 776 BC, although the set-up of those games were largely different from today, consisting of races on foot over a distance of 192 metres, while carrying shields or dressing up in infantry armour was sometimes added to increase the difficulty.<sup>442</sup> Furthermore, competitions in long jump, discus throwing, javelin throwing and wrestling were held.<sup>443</sup>

The modern form of athletics, which includes competitions in running, jumping, throwing, walking, and a combination thereof was already a feature at the 1896 Games.<sup>444</sup> Wrestling notably became its own individual discipline. In 1912 the International Association of Athletics Federations (IAAF) was founded and has its seat in Monaco.<sup>445</sup> Women have been competing at the Olympic level since 1928,<sup>446</sup> and nowadays the competitions for men and women are almost identical.<sup>447</sup>

At the Games themselves, there are track, field and road events and combinations thereof. Road events are held as marathons and long distance walks; field events include discus and javelin throwing as well as the long jump competition; track events are any races from sprints to long distance races. Combinations are the decathlon or the heptathlon for men and women respectively.<sup>448</sup>

Table IV: Overview of the eligibility requirements for athletics

<b>Requirements IAAF</b>	
<b>In force since</b>	November 2013
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	For athletes who have not yet competed internationally: One year (instead of non-competition period); For athletes who had competed internationally: three years (instead of three-year non-competition period)
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified

<sup>440</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. On 19<sup>th</sup> August 2014 the IAAF kindly replied and provided the previously applicable eligibility rules. On 29<sup>th</sup> October 2015, the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015, to which the federation replied on 30<sup>th</sup> November 2015.

<sup>441</sup> IOC Information ISAAF: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 135.

<sup>442</sup> IOC Information ISAAF; IOC Information Athletics Equipment and History.

<sup>443</sup> IOC Information Athletics Equipment and History.

<sup>444</sup> Ibid.

<sup>445</sup> IOC Information ISAAF; IOC Information Athletics Equipment and History; IOC Reference document Athletics.

<sup>446</sup> Ibid.

<sup>447</sup> Information Athletics Equipment and History.

<sup>448</sup> Ibid.

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<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	For athletes who had competed internationally: three-years of residence (instead of three-year non-competition period); Difference made for dual citizenship acquired at birth or later in life
<b>Effect of changes in territory of country</b>	Change possible and becomes directly effective for the competitions
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	Not specified
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Citizenship by virtue of having been born or by virtue of having a parent or grandparent born in the Country
<b>Uses residence/ domicile</b>	Residence is the primary home & registration with authorities
<b>Other remarkable peculiarity</b>	Definitions of Citizenship, Residence and Country provided at the beginning; Country needs to be recognised by a number of states; Difference made for dual citizenship acquired at birth or later in life

### 5.1.1. Athletics critical reflection

Looking at the IAAF's eligibility criteria, one finds that changing the country of representation as a result of a change in the athlete's nationality is possible. However, there are several problematic aspects: firstly, the IAAF refers primarily to dual nationality and does not take into account the possibility for athletes to have more than two nationalities.<sup>449</sup> Secondly, the IAAF does not seem to take the conferral of nationality after adoption or the less common surrogacy into consideration.<sup>450</sup> And thirdly, the IAAF refers to states being recognised by other states, without providing a number of recognitions as a threshold, which can be problematic in case of border or territorial conflicts,<sup>451</sup> i.e. athletes wishing to compete for Palestine or Kosovo. Overall, the rules appear to be relatively strict with a three-year residence or non-competition period.<sup>452</sup> However, as these requirements can be reduced or waived,<sup>453</sup> there is no legal security.

### 5.1.2. Rules applicable since 2011

With regard to the eligibility criteria that can be found in the International Association of Athletics Federations Competition Rules 2016-2017 in force as of 1<sup>st</sup> November

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<sup>449</sup> Rule 5(4)(e)(ii) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015.

<sup>450</sup> Rule 5(2)(a) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015.

<sup>451</sup> Definitions International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015.

<sup>452</sup> Rule 5(4)(e) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015.

<sup>453</sup> Rule 5(4)(e)(ii) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015.

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2015, which are essentially identical to the 2014-2015 rules, these criteria closely resemble the rules applicable previously and which developed in the following stages:

Since 2008:

- The domestic competition in which athletes may participate after changing their country of representation may now include athletes from other Members.<sup>454</sup>

Since 2009:

- The deadline for submitting a request for the cancellation of a waiting period was added.<sup>455</sup>

Since 2011:

- a signature of both parties was no longer needed in cases of a transfer of dual citizenship.<sup>456</sup>

Since 2012:

- A more detailed approach to changing the country of representation after having competed internationally was introduced;<sup>457</sup>
- The introduction of a rule for athletes who wish to change their country of representation without having competed internationally.<sup>458</sup>

Since 2013:

- A burden of proof clause was added;<sup>459</sup>
- Three continuous years of residence allowing for the reduction of the three-year non-competition period in case an athlete acquired a new nationality;<sup>460</sup>
- More differentiated rules for athletes who have never competed internationally and who wish to change their country of representation.<sup>461</sup>

The current IAAF rules start by providing definitions of the most important terms, such as citizen, citizenship and residence. Residence, according to the meaning of the IAAF, is the place where the athlete has his or her primary home and is registered with the authorities.<sup>462</sup> A country means a geographical area which is recognised by

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<sup>454</sup> Rule 5(3)(a) International Association of Athletics Federations competition rules 2008.

<sup>455</sup> Rule (2)(c)(ii) and 5(2)(d)(ii) International Association of Athletics Federations competition rules 2009.

<sup>456</sup> Rule 5(2)(c)(i) International Association of Athletics Federations competition rules 2010-2011.

<sup>457</sup> Rule 5(4) International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

<sup>458</sup> Rule 5(2) International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

<sup>459</sup> Rule 5(5) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013.

<sup>460</sup> Rule 5(4)(d)(ii) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013.

<sup>461</sup> Rule 5(2) International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

<sup>462</sup> Definitions International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Definitions International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Definitions International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

international law and international bodies as an independent state.<sup>463</sup> Since the definition does not give a minimum number of recognising states, this could potentially be a matter of conflict. Citizenship is to mean ‘legal citizenship’ and thus a citizen is someone who has such a legal citizenship.<sup>464</sup>

The actual rules regarding eligibility to represent are stipulated in Rules 5, 20, 21 and 22, although only Rule 5 goes into greater detail concerning citizenship. However, the IAAF member associations may establish their own eligibility rules, which however need to conform to the IAAF eligibility rules.<sup>465</sup> In case of a conflict between the rules, the IAAF rules take precedence. In general, an athlete is considered eligible to “compete if he agrees to abide by the Rules and has not been declared ineligible”.<sup>466</sup> More specifically, this concerns athletes who are citizens of the country which they wish to represent and who comply with Rule 5.<sup>467</sup> Regardless of their citizenship, athletes become ineligible if they lose the eligibility for the sport under the IAAF rules, specifically Rule 22 and subsequent, for example in the case of a violation of the Anti-Doping Rules.<sup>468</sup> The burden of proof rests with the athlete and the relevant member federation.<sup>469</sup> Consequently, the federations need to provide the IAAF with the necessary evidence concerning their athletes’ citizenship status.<sup>470</sup>

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<sup>463</sup> Definitions International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Definitions International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Definitions International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

<sup>464</sup> Definitions International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Definitions International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Definitions International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

<sup>465</sup> Rule 21(3) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 21(3) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 21(3) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011.

<sup>466</sup> Rule 20 International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 20 International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 20 International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011.

<sup>467</sup> Rule 5(1) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(1) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(1) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011.

<sup>468</sup> Rule 22(1)(e) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 22(1)(e) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 22(1)(e) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011.

<sup>469</sup> Rule 5(5) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(5) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013.

<sup>470</sup> Rule 5(5) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(5) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November, 2013.

The IAAF differentiates between athletes who have not yet competed on the international level and those who have.<sup>471</sup> In the case of the former, any citizen of the relevant country may represent a country in an international competition.<sup>472</sup> The IAAF refers to being a citizen “by virtue of having been born or by virtue of having a parent or grandparent born in the Country”.<sup>473</sup> The first requirement is undoubtedly inspired by national rules on the acquisition of nationality through the *ius soli* principle. The second is more difficult; it has an *ius sanguinis* element, as the athlete has to be born to parents or grandparents who in turn fulfil the *ius soli* requirement of having been born in the relevant territory. Problems may arise with regard to adopted children – do their adopted parents country in this respect? Furthermore, the position of foundlings is precarious, since no official documentation about them will be available.

Athletes who have acquired a new citizenship may in principle represent the new country of which they are citizens, but the need to respect a year of non-competition following the acquisition of citizenship, provided that they had not yet competed internationally.<sup>474</sup> There are two possibilities to circumvent the waiting period, either provided by the IAAF council in exceptional circumstances or if the athlete has resided in the country for one continuous year directly before the respective competition.<sup>475</sup> One has to conclude that this rule does not take the standard naturalisation procedures into consideration, as usually a residence period is required before a person may acquire a new nationality. With regard to athletes who have already competed for a country on the international level, in principle the IAAF forbids any change of country of representation.<sup>476</sup> There are however notable exceptions, namely if a change in the country’s territory occurs,<sup>477</sup> or there is no NOC in the country and the athlete thus has to compete for the parent country.<sup>478</sup>

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<sup>471</sup> Rule 5 International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5 International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5 International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011.

<sup>472</sup> Rule 5(2)(a) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(2)(a) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November, 2013.

<sup>473</sup> Rule 5(2)(a) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(2)(a) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November, 2013.

<sup>474</sup> Rule 5(2)(b) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(2)(b) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013.

<sup>475</sup> Rule 5(2)(b)(i) and Rule 5(2)(b)(ii) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(2)(b)(i) and Rule 5(2)(b)(ii) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013.

<sup>476</sup> Rule 5(3) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(3) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(3) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011.

<sup>477</sup> Rule 5(4)(a) and Rule 5(4)(b) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(a) and Rule 5(4)(b) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November

Furthermore, athletes who acquired a new nationality after having competed on the international level may compete for the country of which they are now citizens following a three-year waiting period after the acquisition of citizenship.<sup>479</sup> This period can however be reduced or waived if the athlete fulfils one of the three requirements stipulated in Rule 5 (4) (d). Firstly, in exceptional circumstances, the IAAF council may decide to reduce or cancel the period upon application from the relevant member federation.<sup>480</sup> Secondly, he or she may need to only wait for 12 months if an agreement between the member federations can be achieved.<sup>481</sup> Thirdly, there will be no waiting period if the athlete has been a resident in the relevant country for three continuous years directly before the competition in question.<sup>482</sup>

Athletes with dual nationality from birth may initially choose freely which country they wish to represent, yet after they have represented one country on the international level they face a three-year waiting period if they wish to change their country of

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2013; Rule 5(4)(a) and Rule 5(4)(b) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011; Rule 5(2)(a) and Rule 5(2)(b) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(a) and Rule 5(2)(b) International Association of Athletics Federations competition rules 2009; Rule 5(2)(a) and Rule 5(2)(b) International Association of Athletics Federations competition rules 2008; Rule 5(2)(a) and Rule 5(2)(b) International Association of Athletics Federations competition rules 2006 – 2007.

<sup>478</sup> Rule 5(4)(c) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(c) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(4)(c) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011.

<sup>479</sup> Rule 5(4)(d) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(d) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(4)(d) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011; Rule 5(2)(c) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(c) International Association of Athletics Federations competition rules 2009; Rule 5(2)(c) International Association of Athletics Federations competition rules 2008; Rule 5(2)(c) International Association of Athletics Federations competition rules 2006 – 2007.

<sup>480</sup> Rule 5(4)(d)(iii) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(d)(iii) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November, 2013; Rule 5(4)(d)(iii) International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

<sup>481</sup> Rule 5(4)(d)(i) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(d)(i) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(4)(d)(i) International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November, 2011; Rule 5(2)(c) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(c) International Association of Athletics Federations competition rules 2009; Rule 5(2)(c) International Association of Athletics Federations competition rules 2008; Rule 5(2)(c) International Association of Athletics Federations competition rules 2006 – 2007.

<sup>482</sup> Rule 5(4)(d)(ii) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(d)(ii) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(2)(c) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(c) International Association of Athletics Federations competition rules 2009; Rule 5(2)(c) International Association of Athletics Federations competition rules 2008; Rule 5(2) (c) International Association of Athletics Federations competition rules 2006 – 2007.

representation.<sup>483</sup> This waiting period may be waived in exceptional circumstances<sup>484</sup> or reduced to 12 months if the relevant federations agree upon such a reduction.<sup>485</sup> This only applies to athletes who acquire dual citizenship at birth and not to those who become citizens of a second country later without having to give up their first citizenship. Also, one has to wonder what happens if an athlete acquired more than two citizenships at birth.

Another interesting aspect is the position of adopted children or foundlings, since, in this case, dual citizenship at birth can neither be established, nor may it be effective. Here one may observe a certain discriminatory element and holding dual citizenship prior to the first competition on the international level might have been the better solution. Minor Athletes and nationality changes or stateless athletes are not discussed in the IAAF Rules.

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<sup>483</sup> Rule 5(4)(e) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(e) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(4)(e) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2011; Rule 5(2)(d) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(d) International Association of Athletics Federations competition rules 2009; Rule 5(2)(d) International Association of Athletics Federations competition rules 2008; Rule 5(2)(d) International Association of Athletics Federations competition rules 2006 – 2007; Rule 5(2)(d) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(d) International Association of Athletics Federations competition rules 2009; Rule 5(2)(d) International Association of Athletics Federations competition rules 2008; Rule 5(2)(d) International Association of Athletics Federations competition rules 2006 – 2007.

<sup>484</sup> Rule 5(4)(e)(ii) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(e)(ii) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(4)(e)(ii) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November, 2011; Rule 5(2)(d) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(d) International Association of Athletics Federations competition rules 2009; Rule 5(2)(d) International Association of Athletics Federations competition rules 2008; Rule 5(2)(d) International Association of Athletics Federations competition rules 2006 – 2007.

<sup>485</sup> Rule 5(4)(e)(i) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Rule 5(4)(e)(i) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(4)(e)(i) International Association of Athletics Federations competition rules 2014-2015 in force as from 1<sup>st</sup> November 2013; Rule 5(2)(d) International Association of Athletics Federations competition rules 2010-2011; Rule 5(2)(d) International Association of Athletics Federations competition rules 2009; Rule 5(2)(d) International Association of Athletics Federations competition rules 2008; Rule 5(2)(d) International Association of Athletics Federations competition rules 2006 – 2007.

**5.2. Biathlon**<sup>486</sup>

Biathlon became an Olympic Sport in 1960, after being a demonstration sport at the 1948 Winter Games.<sup>487</sup> The women's event dates back to 1992 and the International Biathlon Union (IBU), which has its seat in Salzburg, Austria, was founded one year later.<sup>488</sup> Nowadays the disciplines are sprint, pursuit, individual, mass start, and relay for both men and women. Although a combination of shooting and skiing, time is of the essence, meaning that the fastest athlete wins. In order to incorporate the shooting in the time, penalties for missing targets are included, taking either the form of an extra distance to ski or minutes added to the athlete's time.<sup>489</sup> While both genders need to shoot five targets during one stop at the shooting range, women have to cover less distance than men.

Moreover, the number of times an athlete is required to stop at the shooting range varies.<sup>490</sup> Sprinting events have women race 7.5 km and men 10 km, with two stops at the firing range. Here a 150 m penalty loop is added for each missed target.<sup>491</sup> Pursuit events are composed of four stops at the firing range, with men racing 12.5 km and women 10 km. As with sprinting events, a 150m penalty loop is added for missed targets.<sup>492</sup> Individual events also include four stops at the firing range, yet the racing distance is 15 km for women and 20 km for men. Contrary to the other disciplines, the athletes do not have to do a 150 m penalty loop for missed targets, but they receive an extra minute added to their time per missed shot.<sup>493</sup> The relay events are the only ones during which the athletes compete in teams – made up of four athletes each. Women race 6 km, making the total distance covered 24 km, while each male athlete races 7,5 km, resulting in a 30 km total. Each athlete stops twice at the shooting range. Again a penalty loop of 150 m is added for missed targets, but unlike in the other disciplines, each athlete is allowed to use three extra bullets per firing stop. Since these bullets need to be loaded individually, the time lost for this might be more than the one lost through taking the penalty loop.<sup>494</sup> The final event is the mass start in which all previous medal winners of the Olympic Games and the top World Cup athletes compete. They start at the same time, have to stop four times at the firing range and receive a 150 m penalty loop per missed target. The distances raced are 12.5 km for women and 15 km for

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<sup>486</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The IBU replied on 8<sup>th</sup> August. On 29<sup>th</sup> October 2015 the IBU was contacted again and asked for comments on this chapter, which the IBU provided on 4<sup>th</sup> November 2015.

<sup>487</sup> IOC Information Biathlon Equipment and History; IOC Information IBU; for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 141.

<sup>488</sup> IOC Information IBU; IOC Reference Document Biathlon; IOC Information Biathlon Equipment and History IOC Reference Document Biathlon.

<sup>489</sup> IOC Information IBU.

<sup>490</sup> Ibid.

<sup>491</sup> Ibid.

<sup>492</sup> Ibid.

<sup>493</sup> Ibid.

<sup>494</sup> Ibid.

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men.<sup>495</sup>

Table V: Overview of the eligibility requirements for biathlon

<b>Requirements IBU</b>	
<b>In force since</b>	2012
<b>Change of nationality</b>	Possible with 2-year waiting period
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Can compete for a federation if IBU Board authorises it
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible with 2-year waiting period
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	Not specified
<b>Reference to Olympic Charter</b>	Yes, regarding applicability of rules
<b>Uses nationality/ citizenship</b>	Nationality in the heading and citizenship/citizens in the text
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	None

### 5.2.1. Biathlon critical reflection

Biathlon is one of the sports for which the eligibility criteria has not changed substantially in the past years. The underlying principle is that athletes need to be citizens of the country they wish to represent and that athletes with multiple nationality may initially choose freely.<sup>496</sup> Athletes may change their country of representation to reflect a change in their nationality, yet they need to comply with a two-year non-competition period.<sup>497</sup> While these rules have been extremely stable in the past years, they do not go into great detail for specific cases such as minors. The non-competition period, which can be reduced or waived, is relatively short with only two years. The IBU thus takes a rather moderate approach to eligibility criteria.

### 5.2.2. Rules applicable since 2012

The eligibility criteria are stipulated in the IBU Event and Competition Rules adopted by the 1998 IBU Congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, 2012, and 2014 Congresses. These criteria are applicable to all official biathlon events, including the Olympic Games, unless the IOC sets down other rules.<sup>498</sup> Compared to the previously applicable IBU Competition Rules adopted by the 1998

<sup>495</sup> Ibid.

<sup>496</sup> Art. 9 IBU rules adopted by the 2014 11th regular IBU congress.

<sup>497</sup> Ibid.

<sup>498</sup> Art. 1.1 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, 2012, and 2014 congresses; Art. 1.1 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, and 2012 congresses.

IBU Congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, and 2012 Congresses, there are only minor aspects of the sentence structure were changed that did not amount to substantial changes. Only the wording has changed, with the previous version referring to an athlete ‘representing’ a country,<sup>499</sup> whereas the new version refers to an athlete ‘starting for’<sup>500</sup> a country.

In general, eligibility for the biathlon events is made dependent upon compliance with the IBU rules, e.g. those regarding anti-doping.<sup>501</sup> In order to assure their compliance, athletes and staff sign an official declaration and attach a copy of their passport.<sup>502</sup> They further need to provide proof of their age, gender and nationality with the copy of their passport or other official document.<sup>503</sup>

The rules regarding nationality are set out in the IBU Rules adopted by the 2014 11<sup>th</sup> Regular IBU Congress, Article 2.6. Here it is stipulated that only those who are citizens may represent a country and athletes with dual citizenship need to decide for which country they wish to compete.<sup>504</sup> Such a decision is in principle binding for athletes who have competed in biathlon events in Olympic Games, Continental or Regional Games, or in World or Continental Championships.<sup>505</sup> Interestingly, the statutes explicitly mention that the athletes have to compete “under the authority of the IBU” – meaning that if an athlete was to compete in both biathlon and skiing, he or she might be able to compete for a different country.

Athletes who acquired a new citizenship or who had multiple citizenships from birth and wishes to change their country of representation may do so only after a two-year waiting period.<sup>506</sup> Such a period may be either reduced or annulled if the respective federations agree and the IBU Board deems it acceptable in the case.<sup>507</sup>

The IBU neither refers to territorial transfers and resulting changes of citizenship, nor to minors and nationality changes. However, there is a provision on stateless athletes who “may participate for a member federation assigned by the IBU Executive

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<sup>499</sup> Art. 9 IBU rules adopted by the 2012 10<sup>th</sup> regular IBU congress.

<sup>500</sup> Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress.

<sup>501</sup> Art. 1.4.1 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, 2012, and 2014 congresses; Art. 1.4.1 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, and 2012 congresses.

<sup>502</sup> Art. 1.4.1 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, 2012, and 2014 congresses; Art. 1.4.1 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, and 2012 congresses.

<sup>503</sup> Art. 1.4.2 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, 2012, and 2014 congresses; Art. 1.4.2 IBU event and competition rules adopted by the 1998 IBU congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, and 2012 congresses.

<sup>504</sup> Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress; Art. 2.6 IBU rules adopted by the 2012 10<sup>th</sup> regular IBU congress.

<sup>505</sup> Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress; Art. 2.6 IBU rules adopted by the 2012 10<sup>th</sup> regular IBU congress.

<sup>506</sup> Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress; Art. 2.6 IBU rules adopted by the 2012 10<sup>th</sup> regular IBU congress.

<sup>507</sup> Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress; Art. 2.6 IBU rules adopted by the 2012 10<sup>th</sup> regular IBU congress.

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Board upon the authorization of the IBU Executive Board and with that member federation's agreement."<sup>508</sup>

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Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress; Art. 2.6 IBU rules adopted by the 2012 10<sup>th</sup> regular IBU congress.

### 5.3. Triathlon<sup>509</sup>

Triathlon is a relatively new sport, having been invented in the 1970s as an alternative to track training. The International Triathlon Union (ITU), with its seat in Vancouver, Canada, was founded in 1989 and nowadays there are over 120 national federations with the number steadily increasing since triathlon became Olympic in 2000.<sup>510</sup> The Olympic parameters for triathlon are swimming 1.5km, cycling 40km and running 10km. The transition time between each discipline is regulated, since athletes are supposed to preserve their energy wisely and not to rest in between the different parts. The competition does not set men and women against each other, but it is distinct according to gender.<sup>511</sup>

Table VI: Overview of the eligibility requirements for triathlon

<b>Requirements ITU</b>	
<b>In force since</b>	1989
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	Three years, may be waived to one year
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Three-year waiting period, unless the relevant federations agree to reduce it
<b>Effect of changes in territory of country</b>	Athlete may choose once, but needs approval of Executive Committee
<b>Competing for the country of residence</b>	Not exactly specified, might be possible, depending on how the wording is interpreted
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Citizenship
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	None

#### 5.3.1. Triathlon critical reflection

The ITU eligibility criteria have remained unchanged for the longest period of time. Since over two decades, the ITU allows for changes of the country of representation, which is conditional upon a three-year non-competition period and fulfilling a

<sup>509</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules, to which the ITU answered on 7<sup>th</sup> August 2014 and stated that the eligibility rules for triathlon have remained the same since the founding of the ITU in 1989. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 and a second on 2<sup>nd</sup> December 2015. No reply was received by the date of publication.

<sup>510</sup> IOC Reference Document triathlon: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 205.

<sup>511</sup> IOC Information on Triathlon Equipment and History.

residence requirement.<sup>512</sup> In principle, an athlete needs to have resided in the relevant country for three years, yet this can be reduced to one year with the approval of the involved federations.<sup>513</sup> The ITU addresses issues of territorial transfers and allows the athlete to decide once for which country he or she wishes to compete.<sup>514</sup> Although matters of minors or stateless athletes are not addressed, the ITU goes into relatively great detail. The rules are strict, as a three-year non-competition period will certainly affect an athlete's career.

### 5.3.2. Rules applicable since 1989

Turning to the question of eligibility, one finds that for triathlon there are two main set of rules, the first is the ITU competition rules, which underscore the importance of 'good standing' between an athlete and the national federation.<sup>515</sup> These competition rules were updated in 2015 and now also include references to female athletes being questioned due to hyperandrogenism, as well as to athletes wishing to continue their career after having undergone a sexual reassignment.<sup>516</sup> Overall, eligibility is set out in Chapter 6 of the ITU Constitution, e.g. that of February 2013:

"28.1 Where an athlete:

- a) Wishes to represent a NF other than the NF to which they originally belonged, they must reside in the country of the subsequent NF for at least three years after the date they last represented the original NF in any sanctioned event. This period of residence can be reduced to one year if the two NFs concerned agree, and the Executive Board of ITU consents.
- b) Holds or is legally entitled to hold citizenship of two or more countries, provided that it is at least three years since the athlete last represented the first NF in any competition, the period of residence may be reduced to one year, if the two NFs concerned agree and if the Executive Board approves."<sup>517</sup>

It is interesting that these articles do not first establish that athletes have to be nationals of the country in order to compete for the national federation. Instead, the ITU directly refers to cases in which athletes wish to compete for another association than the one he or she belonged to originally.<sup>518</sup> Under these rules, an athlete can only compete for the new country after having resided in the new country for at least three years since the last official competition in which the athlete represented the original country. This period can however be reduced to only one year if the respective national federations

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<sup>512</sup> Art. 28(1a) ITU constitution approved by the ITU congress September, 2015.

<sup>513</sup> Ibid.

<sup>514</sup> Art. 28(2) ITU constitution approved by the ITU congress September, 2015.

<sup>515</sup> Art. 2.5 ITU competition rules (approved by the ITU Executive Board, December 2014); Art. 2.5. ITU competition rules (approved by the ITU Executive Board, December 2013 and February 2014).

<sup>516</sup> Art. 2.5 l) and m) ITU competition rules (approved by the ITU Executive Board, September 2015).

<sup>517</sup> ITU constitution approved by the ITU congress.

<sup>518</sup> Art. 28(1a) ITU constitution approved by the ITU congress, September 2015; Art. 28(1a) ITU constitution approved by the ITU congress, September 2013; Art. 28(1a) ITU constitution approved by the ITU congress, Beijing, China, 7 September 2011.

and the ITU Executive Board agree.<sup>519</sup> There is no prescribed time that the athlete may not compete – there is only the residence requirement. This however boils down to having the same effect, since the residence period is only counted from the moment of the last competition for the original country onwards and the athlete may not compete for the new country until the residence period is fulfilled. It is further important to note that this part of the article does not refer to having the nationality of the country and therefore one could assume that nationality is not important in that case.

This became even further underscored, since the following article refers especially to athletes who ‘hold or are legally entitled’ to multiple nationalities.<sup>520</sup> This, in itself, is an interesting formulation, since being entitled to a nationality is seen as distinct from actually holding that nationality. One possible explanation is that the athlete could have in principle registered, for example, with an embassy in another country to claim the nationality, but s/he did not do so. Therefore, one could deduce from this that the ITU allows athletes to compete for a country where they have merely been resident for three years without actually having been nationals of the country, which is nevertheless highly unlikely.

However, an athlete with multiple nationality who has not represented a country for at least three years is in a different position. In this case, the relevant national federations and the Executive Board can agree to reduce the residence requirement to one year. Here, there is a distinction to be made with regard to the first part of the article in which the period of residence required could only be reduced to two years. Hence, the ITU seems to really make the distinction between athletes who wish to represent their country of residence and those who want to change between countries of which they already have the nationality. However, this is not explicitly stated.

In the following, the ITU turns to the question of what happens in the case of territorial transfers, either through independence or incorporation. In this case, the athlete can choose which country he or she wants to compete. However, this decision needs the approval of the Executive Board and can only be done once.<sup>521</sup>

Thus, the ITU’s rules are not entirely clear, since definitions such as ‘residence’ and the differentiation between ‘holding’ a nationality and ‘being entitled’ to one are lacking. Furthermore, there seems to be no rule that an athlete should be a national of the country he represents. If one takes Article 28 1 ITU of the Constitution literally, athletes could potentially compete for their country of residence, after having fulfilled the residence requirement. This seems to be the correct interpretation, since the ITU differentiates between the possible reductions of the residence duration requirements set out in Articles 28(1a) and 28(1b). Yet again, this is not explicitly stated. The ITU does however directly refer to the territorial transfers that can occur, although a

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<sup>519</sup> Ibid.

<sup>520</sup> Art. 28(1b) ITU constitution approved by the ITU congress, September 2015; Art. 28(1b) ITU constitution approved by the ITU congress, September 2013; Art. 28(1b) ITU constitution approved by the ITU congress, Beijing, China, 7 September 2011.

<sup>521</sup> Art. 28(2) ITU constitution approved by the ITU congress, September 2015; Art. 28(2) ITU constitution approved by the ITU congress, September 2013; Art. 28(2) ITU constitution approved by the ITU congress, Beijing, China, 7 September 2011.

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resulting decision can only be made once by the athlete. Overall, the residence requirement is relatively strict, with only a reduction and not a waiver being possible. Since the rules on eligibility are very concise, also the questions of stateless athletes and minors are not addressed by the ITU. Thus these situations are not clear. Overall, the rules seem quite strict since the possibility to reduce the residence period is limited.

#### 5.4. Modern Pentathlon<sup>522</sup>

Pentathlon dates back to the earliest Olympic Games in ancient Greece, yet its modern form deviates from the classic competitions of running, jumping, spear-throwing, discus, and wrestling. Since 1912, Olympiad men are competing in the disciplines of pistol shooting, fencing, swimming, horse riding, and running, while women have only been competing at the Olympic level since 2000.<sup>523</sup> In each discipline, the athlete collects points that are then added up to determine the overall score. The competition starts with fencing – with the winner of each match being determined by a single touch. Afterwards, the athletes have to swim freestyle for 200m. This is followed by a 12-obstacle show-jumping competition, which has to be completed in a given timeframe. The rest of the competition is a combination of running and shooting. Athletes first have to run to the shooting range, hit at least 5 targets and then run 1000m as fast as possible. This last part is repeated three times, so the athletes have to run a total of 3000m and hit 15 targets.<sup>524</sup> Modern pentathlon is governed by the *Union Internationale de Pentathlon Moderne* (UIPM), which had its seat in Monte Carlo, Monaco and was founded in 1948.<sup>525</sup>

Table VII: Overview of the eligibility requirements for modern pentathlon

<b>Requirements UIPM</b>	
<b>In force since</b>	2015
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	none
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	May do so after three-years no- competition period
<b>Effect of changes in territory of country</b>	One change possible
<b>Competing for the country of residence</b>	Not specified
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Nationality and citizenship
<b>Uses residence/ domicile</b>	Residence and domicile
<b>Other remarkable peculiarity</b>	Distinction Olympic & Non-Olympic Competition

<sup>522</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The UIPM kindly replied on 11<sup>th</sup> August 2014 and provided the statutes of the previous years. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this to which the federation replied on 30<sup>th</sup> October 2015.

<sup>523</sup> IOC Reference Document Modern Pentathlon: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 176.

<sup>524</sup> IOC Information on Modern Pentathlon Equipment and History.

<sup>525</sup> IOC Reference Document Modern Pentathlon.

5.4.1. Modern pentathlon critical reflection

For the past three years, the rules for modern pentathlon have changed substantially. The most striking change was the abolition of the permanent residence requirements for athletes who changed their country of representation. Moreover, athletes with dual nationalities and territorial transfers are referred to nowadays.<sup>526</sup> Athletes who already competed at the international level now only have to observe a non-competition period of three years, which can be reduced or entirely waived.<sup>527</sup> These are all the nationality-related eligibility rules to be found in the UIPM statutes and they do not go into great detail. Considering that there is no maximum number of possible nationality changes, one can say that the UIPM is rather liberal in these regards. Overall, the UIPM has taken a more detailed and codified approach lately and, at the same time, it has reduced the requirements necessary to change the country of representation.

5.4.2. Rules applicable since November 2015

Turning to the rules spelled out by the Union Internationale de Pentathlon Moderne (UIPM), which unlike most associations has its seat in Monaco, one finds that that many changes occurred since 2013, as there is no longer a residence requirement in place and several rules have been added in 2015. The UIPM underscores that its nationality rules may not be contrary to the ones instituted by the IOC.<sup>528</sup> The underlying principle is that the athlete is a national of the country he or she represents and athletes who are nationals of more than one country are initially free to choose which country they wish to represent.<sup>529</sup> However, after having represented a country at an international tournament, athletes will have to undergo the standard procedure as athletes wishing to change their country of representation.<sup>530</sup> This procedure entails a three-year waiting period, which can however be reduced or cancelled depending on the agreement of the relevant federations and the NOC and UIPM.<sup>531</sup> Moreover, the UIPM underscores that the IOC may take all decisions relating to the eligibility for the Olympic Games concerning pentathletes.<sup>532</sup> Changes of the country of represented will only become effective for UIPM competitions after the next Olympic Games.<sup>533</sup> Since 2015 the UIPM also deals with territorial transfers:

“3.5 If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a pentathlete may continue to represent the country to which the pentathlete belongs or

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<sup>526</sup> Art. 3.3 and 3.5 UIPM Rules on Internal Organisation Tapeo November 2015.  
<sup>527</sup> Art. 3.4 UIPM Rules on Internal Organisation Tapeo November 2015.  
<sup>528</sup> Art. 3.2 UIPM Rules on Internal Organisation Tapeo November 2015.  
<sup>529</sup> Art. 3.3 UIPM Rules on Internal Organisation Tapeo November 2015.  
<sup>530</sup> Art. 3.3 UIPM Rules on Internal Organisation Tapeo November 2015.  
<sup>531</sup> Art. 3.4 UIPM Rules on Internal Organisation Tapeo November 2015.  
<sup>532</sup> Art. 3.6 UIPM Rules on Internal Organisation Tapeo November 2015.  
<sup>533</sup> Art. 3.7 UIPM Rules on Internal Organisation Tapeo November 2015.

belonged. However, a pentathlete may elect to represent the newly formed or recognised country or be entered in the Olympic Games by the relevant new NOC if one exists. This particular choice may be made only once.”<sup>534</sup>

This is interesting, as not only the country but also the relevant NOC are mentioned. The question however emerges what is meant with a ‘recognised’ country. Is there a specific number of states that need to recognise the new country or the cession? If so, the threshold will be of utmost importance.

#### 5.4.3. Rules applicable 2013 – 2015

Prior to 2015, there were few eligibility rules. However, UIPM underscored that its eligibility rules must not contradict the Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).<sup>535</sup>

According to UIPM, a pentathlete could not in principle change which country he competes for in the Olympic Games after he had competed for another country on an ‘A’ level. The only possibilities here were that he or she acquired a new nationality and had his or her permanent residence in this new country. Thus, there was a distinct and strict residence requirement – although the UIPM did not specify what was to be considered a permanent residence. Furthermore, the athlete had to wait for three years before he or she could represent the new country at the Olympic Games – unless the IOC, UIPM and the respective national federations agreed on something else.<sup>536</sup>

With regard to non-Olympic competitions, the athlete who acquired a new nationality also had to establish his or her permanent residence in the country of which he or she was a national. It was not possible for the athlete to compete in any non-Olympic competition in the same calendar year as the change was undertaken.<sup>537</sup> Thus, if an athlete acquired a new nationality and took up permanent residence in the new country on 31<sup>st</sup> December, he was able to compete for the new country from 1<sup>st</sup> January onwards. If the change however only took place on 1<sup>st</sup> January, he or she had to wait 365 days before being able to compete again. This rule was certainly aimed to deter athletes from changing nationality too often, but the time requirement of ‘a calendar year’ could be easily circumvented. However, this was only for non-Olympic competitions and most athletes at the Olympic level would potentially be faced with a three-year break – unless, IOC, UIPM, and the national federations agreed on a shorter time.

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<sup>534</sup> Art. 3.5 UIPM Rules on Internal Organisation Tapeo November 2015.

<sup>535</sup> Art. 4.2 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes season 2013.

<sup>536</sup> Art. 4.3 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes season 2013.

<sup>537</sup> Art. 4.4 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes season 2013.

5.4.4. Rules applicable 2005 – 2012

Prior to the rule changes in 2013, the UIPM Statutes contained only one article on eligibility:

“4.1 Only competitors and officials who are eligible according to the Union’s eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

4.2 Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).”<sup>538</sup>

This rule is remarkable, as it underlines the importance of the compatibility of the UIPM rules and the IOC eligibility laws.

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<sup>538</sup> Art. 4.1 and Art. 4.2 Union Internationale de Pentathlon Moderne(International Union of the Modern Pentathlon) statutes - UIPM rules on internal organisation chapter IV - eligibility rules 2012; Art. 4.1 and 4.2 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes - UIPM rules on internal organisation chapter IV - eligibility rules 2011; Art. 4.1 and Art. 4.2 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes - UIPM rules on internal organisation chapter IV - eligibility rules 2010; Art. 4.1 and Art. 4.2 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes - UIPM rules on internal organisation chapter IV - eligibility rules 2009; Art. 4.1 and Art. 4.2 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes - UIPM rules on internal organisation chapter IV - eligibility rules 2008; Art. 4.1 and 4.2 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes - UIPM rules on internal organisation chapter IV - eligibility rules 2007; Art. 4.1 and Art. 4.2 Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) statutes - UIPM rules on internal organisation chapter I - eligibility rules 2005.

**5.5. Weightlifting<sup>539</sup>**

Weightlifting already existed in ancient Greece and Egypt and has featured in the modern Olympic Games since 1896.<sup>540</sup> However, weightlifting has not had an unbroken run, being absent from the 1900, 1908 and 1912 Games.<sup>541</sup> The women’s events have only been part of the Olympic Games since 2000.<sup>542</sup>

In 1905, the International Weightlifting Federation (IWF) was founded and has its seat in Budapest, Hungary.<sup>543</sup> Nowadays, the competitions are in the snatch and the clean and jerk, with the athlete’s results being combined to determine the final ranking.<sup>544</sup> The snatch is performed by raising the bar straight over the head in one fluid motion.<sup>545</sup> The clean and jerk motion is divided into two movements, with the athlete first raising the bar to shoulder level before raising it straight above the head.<sup>546</sup> Men and women compete according to their weight category. There are eight weighting categories for men ranging from under 56kg to the over 105kg. Women’s events are divided accordingly into seven categories, from the under 48kgs weight-group to the over 75kgs.<sup>547</sup>

Table VIII: Overview of the eligibility requirements for weightlifting

<b>Requirements IWF</b>	
<b>In force since</b>	1st January 2013
<b>Change of nationality</b>	Possible, but after a change there is a waiting period of four years
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	May decide with a waiting period of 12 months
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible if approved by federation
<b>Number of changes possible</b>	One is easy, afterwards it becomes more difficult

<sup>539</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no answer was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September to which the IWF replied. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 to which the federation replied on 19<sup>th</sup> November 2015.

<sup>540</sup> IOC Information on Weightlifting Equipment and History; IOC Information IWF; IOC Reference Document Weightlifting.

<sup>541</sup> IOC Information on Weightlifting Equipment and History; IOC Reference Document Weightlifting: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 209.

<sup>542</sup> Ibid.

<sup>543</sup> IOC Information IWF; IOC Reference Document Weightlifting.

<sup>544</sup> IOC Information on Weightlifting Equipment and History; IOC Information IWF.

<sup>545</sup> IOC Information IWF.

<sup>546</sup> Ibid.

<sup>547</sup> IOC Information IWF; IOC Information on Weightlifting Equipment and History.

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<b>Reference to Olympic Charter</b>	Yes, prevails in eligibility questions <sup>548</sup>
<b>Uses nationality/ citizenship</b>	Citizenship
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	Reference to UN as institution, which may rule on the question of nationality

### 5.5.1. Weightlifting critical reflection

For weightlifting, the eligibility rules specify that the athletes need to be citizens of the country they represent.<sup>549</sup> Changes are possible in principle and, for the first change, the waiting period is only one year.<sup>550</sup> In addition, athletes with multiple citizenships may change their country of representation relatively frequently, as only a 12-month period needs to be observed.<sup>551</sup> Contrarily, should an athlete wish to change his or her country of representation for a second or third time, a four-year non-competition period is required.<sup>552</sup> Whereas the one-year period and the frequent changes possible for athletes with dual nationality are extremely lenient, the four-year period is significantly stricter compared to other eligibility criteria. The IWF thus offers athletes an initially easy access to changes, yet, to combat openly mercenary tendencies, the subsequent criteria are stricter.

### 5.5.2. Rules applicable since 2013

The rules governing eligibility in weightlifting are set out in the IWF Technical & Competition rules & Regulations 2013 – 2016 approved by the IWF Congress – Baku – 2012 Updated by IWF Congress – Kazan – 2014 updated in Almaty – 2014 in effect as of 01.01.2015 and the IWF Constitution and By-laws 2013 – 2016 approved by the IWF Congress – Baku - modified by IWF Congress – Almaty 2014 in effect as of 1.1.2015.<sup>553</sup>

The technical rules stipulate the need for an Athlete’s Card, on which the declarations, nationality, body weight, weight category, and other technical details relevant for competitions are recorded.<sup>554</sup> These are especially checked for the

<sup>548</sup> Rule 13.2 IWF constitution and by-laws 2013-2016 – approved by IWF congress – Baku in effect with 01.01.2013.

<sup>549</sup> By-law to Rule 13.1 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015.

<sup>550</sup> By-law to Rule 13.3 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015.

<sup>551</sup> By-law to Rule 13.1 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015.

<sup>552</sup> By-law to Rule 13.3 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015.

<sup>553</sup> Which are identical to the previously applicable IWF technical and competition rules & regulations 2013- 2016 - approved by the IWF congress – Baku in effect with 01.01.2013 and the IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>554</sup> Art. 3.4.6 IWF technical & competition rules & regulations 2013 – 2016 approved by the IWF congress – Baku – 2012 updated by IWF congress – Kazan – 2014 updated in Almaty – 2014 in effect with 01.01.2015; Art. 3.4.6 IWF technical and competition rules & regulations 2013- 2016 - approved by the IWF congress – Baku in effect with 01.01.2013.

Olympics and need to comply with further regulations issued by the IOC or NOCs.<sup>555</sup> The question regarding eligibility is answered in the IWF Constitution, where Article 13.1 stipulates that the IWF rules generally apply to IWF events and are only superseded in case of the Olympic Games by the IOC Eligibility Rules.<sup>556</sup> The bye-law to this rule requires athletes to be a citizen of the country they want to compete for and to prove their citizenship by possessing a valid document to that effect.<sup>557</sup> In case a country does not provide its citizens with such a document, the UN or IOC may rule on the nationality of the athlete.<sup>558</sup> The IOC is set on the same level regarding the determination of nationality as the UN for these purposes.

Athletes with dual citizenship may decide which country to represent and may change their country of representation if there is a period of 12 months between the representations of the different countries.<sup>559</sup> Hence, athletes with dual or multiple citizenships may change their country of representation rather frequently.

If an athlete wishes to compete for another country without having dual citizenship, there are in principle two requirements:

- “(i) the athlete obtains the citizenship of that new country, and
- (ii) the athlete gets the approval of the Member Federation he/she is currently representing, the approval of the Member Federation he/she wishes to represent and the approval of the IWF.”<sup>560</sup>

In case such an approval is not forthcoming, there is to be a waiting period of one year, which is calculated from the day the athlete requested his or her current federation to

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<sup>555</sup> Art. 5.3 and Art. 6.2 IWF technical & competition rules & regulations 2013 – 2016 approved by the IWF congress – Baku – 2012 updated by IWF congress – Kazan – 2014 updated in Almaty – 2014 in effect with 01.01.2015; Art. 5.3 and Art. 6.2 IWF technical and competition rules & regulations 2013- 2016 - approved by the IWF congress – Baku in effect with 01.01.2013.

<sup>556</sup> Art. 13.1 and Art. 13.2 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; Art. 13.1 and Art. 13.2 IWF constitution and By-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>557</sup> By-law to Rule 13.1 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; By-law to Rule 13.1 IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>558</sup> By-law to Rule 13.1 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; By-law to Rule 13.1 IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>559</sup> By-law to Rule 13.1 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; By-law to Rule 13.1 IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>560</sup> By-law to Rule 13.3 (i) and (ii) IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; By-law to Rule 13.3 (i) and (ii) IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

approve of the change.<sup>561</sup> If the athlete wishes to change his or her country of representation a second or further time, the by-law stipulates that:

“In the case of a second or further change of citizenship, the condition of participation in international events is four (4) years’ of new citizenship, including one Olympic Games [sic].”<sup>562</sup>

It is slightly unclear whether this condition is a generally applicable one or only applicable if the Member federation does not approve. However, from the wording, one may deduce that it is a general one.

Competing for the country of residence is a possibility, however, the athlete needs the approval of his or her national weightlifting federation.<sup>563</sup> There are no provisions regarding stateless athletes, athletes faced with changes in the territory of their country or minors.

The IWF published extra guidelines concerning nationality changes in September 2014. This document revolves around the question of how an athlete can change his nationality and represent another country.<sup>564</sup> The answer is that the athlete needs to hold the citizenship of the country, which seems to imply that, to be a national, one needs to also be a citizen. In the following, five different scenarios are elaborated upon, the first of which being that athletes who acquire a new citizenship and who have not yet competed internationally may compete directly for the new country.<sup>565</sup>

Case two and three are connected, as they stipulate that those who hold neither double nor multiple citizenships need to acquire the new citizenship and then obtain the approval of all relevant federations and the IWF in order to compete for the new federation.<sup>566</sup> If the approval of the former federation is not forthcoming, the IWF advises the athlete to:

- “1. submit a written request to the IWF that you wish to represent a new country and then you have to wait one year from the date of the request submission to be automatically eligible to compete on behalf of your new Federation.
2. obtain the citizenship of the new country
3. submit a written approval from your new Federation

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<sup>561</sup> By-law to Rule 13.3 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; By-law to Rule 13.3 IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>562</sup> By-law to Rule 13.3 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; By-law to Rule 13.3 IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>563</sup> By-law to Rule 13.2 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku - modified by IWF congress – Almaty 2014 in effect with 1.1.2015; By-law to Rule 13.2 IWF constitution and by-laws 2013-2016 - approved by IWF congress – Baku in effect with 01.01.2013.

<sup>564</sup> IWF guidelines for nationality change September 2014.

<sup>565</sup> Case 1 IWF guidelines for nationality change September 2014.

<sup>566</sup> Case 2 IWF guidelines for nationality change September 2014.

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4. and lastly obtain an approval from the IWF.”<sup>567</sup>

Consequently, athletes who have difficulty to obtain the approval of their current federation, for whatever reason, may still manage to change their country of representation. In general, a change in the country of representation can only occur after a time period of 12 months has lapsed.<sup>568</sup> If the attempted change of citizenship is however not the first one, then the athletes have to have held the new citizenship for at least four years, including the time of one Olympic Games.<sup>569</sup>

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<sup>567</sup> Case 3 IWF guidelines for nationality change September 2014.

<sup>568</sup> Case 4 IWF guidelines for nationality change September 2014.

<sup>569</sup> Case 5 IWF guidelines for nationality change September 2014.



## 6. Sports focussing on body control

In this chapter, the focus will be on the sports that require a special command over all the human muscle groups. The aim of these sports is to show the possibilities the human body has with regard to movement and the athletes' strive to perfect their actions in the prescribed way. Both sports have several sub-disciplines and in both sports there is one discipline for which there are no men's events – synchronised swimming and rhythmic gymnastics respectively, which were both introduced in 1984. Regarding the age of the disciplines, both swimming and artistic gymnastics have been Olympic disciplines since the first Olympics in 1896, while trampoline has been Olympic only since 2000. As with most sports, women's events were introduced later than men's, with water polo being the discipline in which women had to wait the longest before being allowed to also participate – over 100 years.

Table IX: Topics dealt with in sports that focus on body control

<b>Requirements</b>	<b>Aquatics</b>	<b>Gymnastics</b>
<b>In force since</b>	<b>2009</b>	<b>2005</b>
<b>Versions since 2005</b>	<b>2005 – 2009</b> <b>Since 2009</b>	<b>Since 2005</b>
<b>Substantial Changes made since October 2013</b>	<b>n/a</b>	<b>n/a</b>
<b>Change of nationality</b>	Possible	Possible through if consent is given or a waiting period is observed
<b>Residence requirements</b>	1 year	None
<b>Minors and nationality change</b>	Not specified	Not specified
<b>Stateless athletes</b>	Not specified	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible change after one year of non-competition Have to choose sport nationality	Treated like an athlete who wishes to acquire a new nationality
<b>Effect of changes in territory of country</b>	Not specified	Athlete may decide to compete for either of the new entities
<b>Competing for the country of residence</b>	Not specified	If athlete was born in the country to parents who were legally residing there, but were not citizens
<b>Number of changes possible</b>	No maximum	No maximum specified
<b>Reference to Olympic Charter</b>	none	Yes
<b>Uses nationality/ citizenship</b>	Citizen in the text, but memorandum on nationality and reference to sport nationality	Nationality
<b>Uses residence/ domicile</b>	residence	none
<b>Other remarkable peculiarity</b>	Reference to sporting nationality	Use of 'official nationality'

**6.1. Aquatics**<sup>570</sup>

Aquatics comprises six disciplines and one programme, namely swimming, open water swimming, diving, high diving, water polo, synchronized swimming, and the Masters programme / activity. Of these, five are Olympic and will be present at the 2016 Games in Rio: swimming, swimming marathon through open water, diving, water polo, and synchronised swimming. Its governing association, the *Fédération Internationale de Natation* (FINA), was founded in 1908 and has its seat in Lausanne, Switzerland.<sup>571</sup>

Having been discovered as a means to travel through water in the Stone Age, swimming was only practised as a sport in the 19<sup>th</sup> century.<sup>572</sup> At first solely the breaststroke method was used, until the crawl was discovered in the 1880s by an Englishman who saw the native South Americans use this technique.<sup>573</sup> Swimming has been an Olympic Sport since the first Olympic Games in 1896, when it was still rather risky.<sup>574</sup> The first Olympic Games were in freestyle and breaststroke with backstroke being added in 1904.<sup>575</sup> The Butterfly was initially a variation on breaststroke, which was at first banned, but then given its own official rank as a stroke in 1956.<sup>576</sup> The first women's events were held in 1912<sup>577</sup> and nowadays the swimming events for men and women feature four different techniques across various distances.<sup>578</sup> These techniques are the aforementioned crawl, butterfly, backstroke, and breaststroke which are used to race 100 m and 200 m.<sup>579</sup> There are also freestyle events with distances of 50 m, 100 m, 200 m, 400 m, 800 m, 1,500 m, 10,000 m – although the 800m and 1,500m are only for women and men respectively.<sup>580</sup> In addition there are medley events with 200m and 400m for individuals in all four stroke techniques, plus a four times 100 medley.<sup>581</sup> For freestyle, there are also four times 100 and four times 200 m medleys.<sup>582</sup> In each of these races, no more than eight swimmers can compete against one another.<sup>583</sup> The swimming marathon takes place in open water over 10 km.<sup>584</sup>

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<sup>570</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The FINA replied on 6<sup>th</sup> August 2014 and provided the necessary documents. On 29<sup>th</sup> October 2015 the FINA was contacted again and asked for comments on this Chapter, which the FINA provided on 16<sup>th</sup> November 2015.

<sup>571</sup> IOC Information FINA IOC Information FINA – diving; IOC Information FINA – synchronised-swimming; IOC Information FINA – water-polo; IOC Reference Document Aquatics: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 127.

<sup>572</sup> Ibid.

<sup>573</sup> Ibid.

<sup>574</sup> Ibid.

<sup>575</sup> Ibid.

<sup>576</sup> Ibid.

<sup>577</sup> IOC Information on Swimming Equipment and History.

<sup>578</sup> IOC Information FINA IOC Information FINA – diving; IOC Information FINA – synchronised-swimming; IOC Information FINA – water-polo.

<sup>579</sup> Ibid.

<sup>580</sup> Ibid.

<sup>581</sup> Ibid.

<sup>582</sup> Ibid.

<sup>583</sup> Ibid.

Diving developed in the 18<sup>th</sup> century from gymnastics, when gymnasts practiced tumbling into water.<sup>585</sup> It became an Olympic event in 1904 with the modern springboards and platforms used since 1908.<sup>586</sup> Since 1912, women have been participating in the diving competitions and in 2000 the discipline of synchronised diving was introduced.<sup>587</sup> The points for diving are given based on the elegance of the performance.<sup>588</sup> Contestants are judged on a ten point-scale, with adjustments made for the degree of difficulty of the moves performed.<sup>589</sup>

Synchronised swimming does not rely on speed, but on technique and artistic merit.<sup>590</sup> It was invented by Annette Kellerman, who performed water acrobatics and it was developed further by Katherine Curtis who combined the water acrobatics with music in 1933.<sup>591</sup> Synchronised swimming became Olympic in 1984 and features a team and a duet event.<sup>592</sup> Contestants are judged on a ten point-scale according to the technique and artistic merit of the figures performed.<sup>593</sup> Until 2015, it was a women's only event, but now it also features a mixed duet.<sup>594</sup>

Water polo traditionally involved players riding on floating barrels and hitting the ball with sticks like in equestrian polo – hence the name – and fighting with the other players was common until the introduction of rules at the end of the 19<sup>th</sup> century, which resulted in a change in the outlook of the game.<sup>595</sup> While an American and European style had developed simultaneously, the European style became predominant.<sup>596</sup> Water polo was introduced in the 1900 Olympic Games, but it was absent in 1904 and has featured again since the 1908 Games.<sup>597</sup> Women's water polo became Olympic in 2000,<sup>598</sup> and nowadays there are eight women's teams and 12 men's teams competing against one another respectively.<sup>599</sup>

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<sup>584</sup> Rio 2016 Swimming Marathon information.

<sup>585</sup> IOC Information on Diving Equipment and History.

<sup>586</sup> IOC Information on Diving Equipment and History; IOC Reference Document Aquatics.

<sup>587</sup> IOC Information on Diving Equipment and History.

<sup>588</sup> IOC Information FINA IOC Information FINA- diving; IOC Information FINA – synchronised-swimming; IOC Information FINA – water-polo.

<sup>589</sup> Ibid.

<sup>590</sup> Ibid.

<sup>591</sup> IOC Information on Synchronised Swimming Equipment and History.

<sup>592</sup> IOC Information on Synchronised Swimming Equipment and History; IOC Reference Document Aquatics.

<sup>593</sup> IOC Information FINA IOC Information FINA- diving; IOC Information FINA – synchronised-swimming; IOC Information FINA – water-polo.

<sup>594</sup> IOC Information on Synchronised Swimming Equipment and History; Kazan 2015 synchronised swimming.

<sup>595</sup> IOC Information on Water Polo Equipment and History.

<sup>596</sup> Ibid.

<sup>597</sup> IOC Information on Water Polo Equipment and History; IOC Reference Document Aquatics.

<sup>598</sup> IOC Information on Water Polo Equipment and History.

<sup>599</sup> IOC Information FINA IOC Information FINA – diving; IOC Information FINA – synchronised-swimming; IOC Information FINA – water-polo.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Table X: Overview of the eligibility requirements for aquatics

<b>Requirements FINA</b>	
<b>In force</b>	since 2005
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	1 year
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible change after one year of non-competition; athletes have to choose sport nationality
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Not specified
<b>Number of changes possible</b>	No maximum
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Citizen in the text, but memorandum on nationality and reference to sport nationality
<b>Uses residence/ domicile</b>	residence
<b>Other remarkable peculiarity</b>	Reference to sporting nationality

### 6.1.1. Aquatics critical reflection

One of the most striking characteristics of the FINA eligibility rules is the reference to a ‘sporting nationality’.<sup>600</sup> With regard to changes of nationality, the FINA requires that naturalised athletes have to have lived in the relevant country for at least one year prior to the competition.<sup>601</sup> Thus, changes are not only possible, but the requirement of residence and one year of non-competition are relatively easy to fulfil for athletes.<sup>602</sup> The rules do not go into great detail, for example territorial transfers are not mentioned and are rather lenient, with only one year of non-competition prescribed.

### 6.1.2. Rules applicable since 2005

Eligibility for all aquatic sports are set down in the FINA General Rules, which are identical in the 2009- 2013 and the 2013-2017 versions of August 2013, 29<sup>th</sup> January 2015 and of 25<sup>th</sup> November 2015. The core of today’s rules is identical to those in force between 2005 and 2009, however, since 2009, the FINA rules contain explicit articles regarding proof of residence and proof of jurisdiction.<sup>603</sup>

<sup>600</sup> GR 2.5 FINA general rules 2013-2017 of November, 2015.

<sup>601</sup> GR 2.5 FINA general rules 2013-2017 of November, 2015.

<sup>602</sup> GR 2.6.2(4) FINA general rules 2013-2017 of November 2015.

<sup>603</sup> GR 2.6.1 FINA general rules 2013-2017 of November 2015; GR 2.6.1 FINA general rules 2013-2017 of January 2015; GR 2.6.1 FINA general rules 2013-2017 of August 2013; GR 2.6.1 FINA general rules 2009 – 2013; GR 2.6.2 FINA general rules 2013-2017 of November 2015; GR 2.6.2 FINA general rules 2013-2017 of January 2015; GR 2.6.2 FINA general rules 2013-2017 of August 2013; GR 2.6.2 FINA general rules 2009 – 2013.

Here the first rule is that athletes are to be registered with their respective federation in order to be eligible for official FINA competitions.<sup>604</sup> With regard to the athletes representing their country in official competitions, the FINA stipulates that athletes may only compete for countries of which there are citizens.<sup>605</sup> The FINA further elaborates that the acquisition of citizenship may be either by birth or naturalisation – with the added requirement that any naturalised citizen has lived in the relevant country for at least one year prior to the competition.<sup>606</sup>

Athletes who have more than one nationality have to decide on one “Sport Nationality” and may not be affiliated to more than one federation.<sup>607</sup> This provision is especially interesting, since it not only refers to a ‘sport nationality’ in the sense of a nationality establishing a *genuine link* only for sporting matters, but also since the text changes from a reference to ‘citizen’ to ‘nationality’. It remains unclear which implications such a sporting nationality are intended by the FINA.

The topic of athletes with multiple nationality was further addressed by a Memorandum on 9<sup>th</sup> February 2011. Here the FINA stated that, in order to avoid a violation of FINA rules, the federations should require their athletes to disclose the following information upon registration:

- The athlete shall disclose any other sport nationality that he/she is eligible to represent (or has been able to represent in case of a change of citizenship);
- The athlete shall declare whether he/she has previously represented another sport country in any international competition and in any age level;
- In the event the athlete has already represented another sport country, the athlete shall declare he/she has complied with the FINA Rules regarding the change of sport nationality (FINA GR 2.5 ff).<sup>608</sup>

Here again, nationality and citizenship are used interchangeably. The responsibility for the nationality change remains with the athlete who has to declare his or her compliance with the FINA rules. The federation is not required to ask for any proof of this compliance, e.g. the document stating the FINA’s approval of the change. Thus, this requirement becomes less effective, as the federation does not have to check the validity of the athlete’s statements.

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<sup>604</sup> GR 1.1 FINA general rules 2013-2017 of November 2015; GR 1.1 FINA general rules 2013-2017 of January 2015; GR 1.1 FINA general rules 2013-2017 of August 2013; GR 1.1 FINA general rules 2009 – 2013; GR 1.1 FINA general rules 2005 – 2009.

<sup>605</sup> GR 2.5 FINA general rules 2013-2017 of November, 2015; GR 2.5 FINA general rules 2013-2017 of January, 2015; GR 2.5 FINA general rules 2013-2017 of August 2013; GR 2.5 FINA general rules 2009 – 2013; GR 2.5 FINA general rules 2005 – 2009.

<sup>606</sup> GR 2.5 FINA general rules 2013-2017 of November, 2015; GR 2.5 FINA general rules 2013-2017 of January, 2015; GR 2.5 FINA general rules 2013-2017 of August 2013; GR 2.5 FINA general rules 2009 – 2013; GR 2.5 FINA general rules 2005 – 2009.

<sup>607</sup> GR 2.5 FINA general rules 2013-2017 of November, 2015; GR 2.5 FINA general rules 2013-2017 of January, 2015; GR 2.5 FINA general rules 2013-2017 of August 2013; GR 2.5 FINA general rules 2009 – 2013; GR 2.5 FINA general rules 2005 – 2009.

<sup>608</sup> FINA Memorandum 9 February 2011 on Athlete’s Nationality.

With regard to athletes who change their sporting allegiance, the FINA needs to approve the change<sup>609</sup> and thus requires them to reside in the territory or the country they wish to represent for a one-year prior to the first competition for this country.<sup>610</sup> In addition to the residence in the federation's territory, the athlete should have spent at least 12 months under the jurisdiction of the relevant federation<sup>611</sup> – meaning that he or she has been competing for one of the clubs falling within the jurisdiction of the federation.<sup>612</sup> During these twelve months the athlete may not compete for any of the countries.<sup>613</sup>

Since 2009, the FINA provides criteria with which both the residence and the jurisdiction requirement are tested. For residence the definition is as follows:

“Residence means the place/country where the competitor or competition official ‘lives and sleeps’ and where he/she can be found in the majority of days of the year.”<sup>614</sup>

Evidence of this is provided by official registration and providing evidence through documents such as employment contracts in the new country.<sup>615</sup> Providing proof of jurisdiction is in turn a matter of showing that the athlete was a member of a club in the new country,<sup>616</sup> including proof that the athlete has competed for this club during the relevant period,<sup>617</sup> and a confirmation from the relevant federation.<sup>618</sup> The FINA does not refer to any occasions in which athletes might be faced with changing territorial realities or might be rendered stateless.

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<sup>609</sup> GR 2.7 FINA general rules 2013-2017 of November, 2015; GR 2.7 FINA general rules 2013-2017 of January 2015; GR 2.7 FINA general rules 2013-2017 of August 2013; C 14.5.2 FINA constitution 2013 – 2017; GR 2.7 FINA general rules 2009 – 2013; GR 2.7. FINA general rules 2005 – 2009.

<sup>610</sup> GR 2.6 FINA general rules 2013-2017 of November, 2015; GR 2.6 FINA general rules 2013-2017 of January 2015; GR 2.6 FINA general rules 2013-2017 of August 2013; GR 2.6 FINA general rules 2009 – 2013; GR 2.6 FINA general rules 2005 – 2009.

<sup>611</sup> GR 2.6 FINA general rules 2013-2017 of November, 2015; GR 2.6 FINA general rules 2013-2017 of January 2015; GR 2.6 FINA general rules 2013-2017 of August 2013; GR 2.6 FINA general rules 2009 – 2013; GR 2.6 FINA general rules 2005 – 2009.

<sup>612</sup> GR 2.6.2 FINA general rules 2013-2017 of November, 2015; GR 2.6.2 FINA general rules 2013-2017 of January 2015; GR 2.6.2 FINA general rules 2013-2017 of August 2013 and GR 2.6.2 FINA general rules 2009 – 2013.

<sup>613</sup> GR 2.6.2(4) FINA general rules 2013-2017 of November, 2015; GR 2.6.2(4) FINA general rules 2013-2017 of August 2013 and GR 2.6.2(4) FINA general rules 2009 – 2013.

<sup>614</sup> GR 2.6(1) FINA general rules 2013-2017 of November, 2015; GR 2.6(1) FINA general rules 2013-2017 of January 2015; GR 2.6(1) FINA general rules 2013-2017 of August 2013 and GR 2.6(1) FINA general rules 2009 – 2013.

<sup>615</sup> GR 2.6.1(2) and GR 2.6.1(3) FINA general rules 2013-2017 of November, 2015; GR 2.6.1(2) and GR 2.6.1(3) FINA general rules 2013-2017 of January 2015; GR 2.6.1(2) and GR 2.6.1(3) FINA general rules 2013-2017 of August 2013 and GR 2.6.1(2) FINA general rules 2009 – 2013.

<sup>616</sup> GR 2.6.2(1) FINA general rules 2013-2017 of November, 2015; GR 2.6.2(1) FINA general rules 2013-2017 of January 2015; GR 2.6. 2(1) FINA general rules 2013-2017 of August 2013 and GR 2.6. 2(1) FINA general rules 2009 – 2013.

<sup>617</sup> GR 2.6.2(3) FINA general rules 2013-2017 of November, 2015; GR 2.6.2(3) FINA general rules 2013-2017 of January 2015; GR 2.6.2(3) FINA general rules 2013-2017 of August 2013 and GR 2.6.2(3) FINA general rules 2009 – 2013.

<sup>618</sup> GR 2.6.2(2) FINA general rules 2013-2017 of November, 2015; GR 2.6.2(2) FINA general rules 2013-2017 of January 2015; GR 2.6.2(2) FINA general rules 2013-2017 of August 2013 and GR 2.6.2(2) FINA general rules 2009 – 2013.

## 6.2. Gymnastics<sup>619</sup>

Gymnastics is the heading given to the disciplines of gymnastics artistic, rhythmic gymnastics and trampoline. Its governing federation, the *Fédération Internationale de Gymnastique* (FIG), was founded in 1881, meaning that it is the oldest organised sport at an international level.<sup>620</sup> Since 1896, gymnastics has been an Olympic sport, with trampoline events being introduced in 2000.<sup>621</sup> Gymnastics feature one of the few women only events in the Olympic Games, namely rhythmic gymnastics.<sup>622</sup>

Gymnastics-artistic evolved in the 19<sup>th</sup> century, although already in ancient Greece gymnastic events were popular as they seemed to perfect the balance between body and mind.<sup>623</sup> Interestingly, first editions of the events also included climbing and acrobatics.<sup>624</sup> Initially only men could compete, but women's events were included in 1952.<sup>625</sup> Nowadays, gymnastics artistic is an event for both women and men, although the disciplines vary with regard to the apparatus used.<sup>626</sup> Both compete on floor and vault; Men compete on the pommel horse, parallel bars, horizontal bar and rings, while women also compete on the uneven bars and balance beam.<sup>627</sup>

Trampolines had initially been used to train astronauts in the 1930s, but it soon became an independent sport.<sup>628</sup> While several variations, such as spaceball, were invented, they never gained wide interest.<sup>629</sup> An Olympic discipline since 1984, rhythmic gymnastics involves the contestants performing routines with a rope, hoop, ball, clubs, and ribbon to music.<sup>630</sup> There are group events and individual ones, with groups consisting of five women.<sup>631</sup> These groups perform twice, with the apparatus used changing every two years.<sup>632</sup> Currently, during one event two members perform

<sup>619</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. On 8<sup>th</sup> August 2014 the FIG replied that the Gymnastics eligibility rules had been unchanged since 2005. On 29<sup>th</sup> October 2015 the FIG was contacted again and asked for comments on this Chapter, which the FIG provided on 5<sup>th</sup> November 2015.

<sup>620</sup> IOC Information FIG Artistic Gymnastics, IOC Information FIG Rhythmic Gymnastics; IOC Information FIG Trampoline: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 163.

<sup>621</sup> IOC Information FIG Artistic Gymnastics, IOC Information FIG Rhythmic Gymnastics; IOC Information FIG Trampoline; IOC Reference Document Gymnastics.

<sup>622</sup> IOC Information FIG Artistic Gymnastics, IOC Information FIG Rhythmic Gymnastics; IOC Information FIG Trampoline.

<sup>623</sup> IOC Information Gymnastics Artistic Equipment and History.

<sup>624</sup> Ibid.

<sup>625</sup> Ibid.

<sup>626</sup> IOC Information FIG Artistic Gymnastics, IOC Information FIG Rhythmic Gymnastics; IOC Information FIG Trampoline.

<sup>627</sup> Ibid.

<sup>628</sup> IOC Information Trampoline Equipment and History.

<sup>629</sup> IOC Information Trampoline Equipment and History.

<sup>630</sup> IOC Information FIG Artistic Gymnastics, IOC Information FIG Rhythmic Gymnastics; IOC Information FIG Trampoline; IOC Information Rhythmic Gymnastics Equipment and History; IOC Reference Document Gymnastics.

<sup>631</sup> IOC Information FIG Artistic Gymnastics, IOC Information FIG Rhythmic Gymnastics; IOC Information FIG Trampoline.

<sup>632</sup> FIG e-mail of 5<sup>th</sup> November 2015.

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the routine with hoops, while three use a pair of clubs each and during the other event all team members use ribbon.<sup>633</sup>

Table XI: Overview of the eligibility requirements for gymnastics

<b>Requirements FIG</b>	
<b>In force since</b>	2005
<b>Change of nationality</b>	Possible through if consent is given or a waiting period is observed
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Treated like an athlete who wishes to acquire a new nationality
<b>Effect of changes in territory of country</b>	Athlete may decide to compete for either of the new countries
<b>Competing for the country of residence</b>	If athlete was born in the country to parents who were legally residing there, but were not citizens
<b>Number of changes possible</b>	No maximum specified
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	Use of 'official nationality'

### 6.2.1. Gymnastics critical reflection

Gymnastics, as governed by the FIG, has had the same eligibility rules for the past decade. Athletes require a '*Gymnastics Passport*', which they can only receive from the federation of which they are nationals.<sup>634</sup> Athletes wishing to change their country of representation after having acquired a new citizenship can do so rather easily.<sup>635</sup> In case the FIG and relevant federations agree, the athlete can compete directly for the new country, otherwise a one-year non-competition period is necessary.<sup>636</sup> Athletes with multiple nationality can decide for which country they wish to compete, yet if they wish to re-decide after having starred internationally for a country, they need to undergo the same procedure as an athlete who acquired a new nationality and wishes to change their country of representation.<sup>637</sup> Competing for the country of residence is possible if the athlete was born in the country to parents who resided in his or her

<sup>633</sup> FIG e-mail of 5<sup>th</sup> November 2015.

<sup>634</sup> Article 5.1 FIG technical regulations 2008; Article 5.1 FIG technical regulations 2004 from June 2013; Art. 1 FIG Licence Rules Final version – last update September 25<sup>th</sup> 2012/mb 1/5.

<sup>635</sup> Art. 36.2.1 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015.

<sup>636</sup> Art. 36.2.1 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015.

<sup>637</sup> Art. 36.2.2 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015.

country of birth legally, but they were not nationals of the country.<sup>638</sup> The FIG's rules are thus rather lenient.

### 6.2.2. Rules applicable since 2005

The FIG prescribes eligibility criteria in the different qualification system documents for the respective disciplines. All three of these stipulate that the athletes must comply with the provisions of the Olympic Charter at all times and need to have achieved a minimum technical standard as set for the respective discipline by the FIG.<sup>639</sup> Gymnasts need to have a licence or '*Gymnastics Passport*', which proves that they are members of a federation of which they are nationals.<sup>640</sup> In addition, the FIG published rules for the qualification systems for the Olympic Games in Rio. These underscore that athletes need to comply with the Olympic Charter and especially the nationality requirements therein.<sup>641</sup> In the appendix to the technical regulations, eligibility is further elaborated upon. Here it is first stated that in general all athletes abiding by the eligibility rules are eligible.<sup>642</sup> Athletes are considered not to be abiding by the rules if they:

- "a) have been expelled from any National or International Sports Federation for the use of drugs
- b) take part in any gymnastic competition or exhibition which is not sanctioned by the FIG or his/her National Federation
- c) bear on his/her sportswear or his/her sports equipment any advertising trademarks during the Olympic Games or any competition sanctioned by the FIG or National Federation, except for the manufacturing trademarks on equipment or sportswear in accordance with the specifications of the IOC, FIG or National Federation."<sup>643</sup>

<sup>638</sup> Art. 36.2.3 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015.

<sup>639</sup> Art. C Qualification System – Games of the XXX Olympiad FIG Original version: English April 2011 – Federation Internationale De Gymnastique – *Artistic Gymnastics* April, 2011; Art. C Qualification System – Games of the XXX Olympiad FIG Original version: English April 2011 – Federation Internationale De Gymnastique – *Rhythmic Gymnastics*; Art. C Qualification System – Games of the XXX Olympiad FIG Original version: English April, 2011 – Federation Internationale De Gymnastique – *Trampoline*.

<sup>640</sup> Article 5.1 FIG technical regulations 2008; Article 5.1 FIG technical regulations 2004 from June 2013; Art. 1 FIG Licence Rules Final version – last update September 25<sup>th</sup> 2012/mb 1/5.

<sup>641</sup> C. Athlete eligibility Fédération Internationale De Gymnastique – Qualification System – games of the XXXI Olympiad – Rio 2016 – Artistic Gymnastics; C. Athlete eligibility Fédération Internationale De Gymnastique – Qualification System – games of the XXXI Olympiad – Rio 2016 – Rhythmic Gymnastics and C. Athlete eligibility Fédération Internationale De Gymnastique – Qualification System – games of the XXXI Olympiad – Rio 2016 – Trampoline.

<sup>642</sup> Art. 1 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2015; Art. 1 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2014.

<sup>643</sup> Art. 5 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2015; Art. 5 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2014.

It is the respective federations' duty to certify that an athlete is eligible.<sup>644</sup> The FIG executive committee may decide whether or not a rule has been violated.<sup>645</sup>

The main eligibility criteria for gymnastics are described in Article 36 of the Fédération Internationale De Gymnastique Statutes Edition 2013 in effect from 1st January 2013. Here it is stipulated that gymnasts wishing to represent their country on an international level must hold the '*nationality (citizenship)*' of the country.<sup>646</sup> The FIG refers to both terms in this case and thus does not seem to want to differentiate regarding connotations. Athletes who wish to change their discipline within the framework of gymnastics may do so, but they need the approval of both the FIG and the relevant federation.<sup>647</sup>

In the following articles, the FIG elaborates on cases in which the question of nationality or citizenship is more difficult to answer. The FIG underscores that these rules apply to all FIG competitions, but that for the Olympic Games the IOC Charter is applicable.

If an athlete acquires a new citizenship – or official nationality as the FIG terms it – he or she may represent the country of which he or she has newly acquired citizenship.<sup>648</sup> It now depends on whether or not the federations concerned and the executive committee of the FIG agree to this move – then the athlete may start competing for the new country directly after the consent is given.<sup>649</sup> If such an agreement cannot be made, the athlete has to wait for one year after the acquisition of the nationality and may not compete internationally before the change of nationality becomes effective for the sport.<sup>650</sup>

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<sup>644</sup> Art. 2 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2015; Art. 2 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2014.

<sup>645</sup> Art. 7 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2015; Art. 7 Appendix B rules of eligibility for the International Gymnastics Federation to technical regulations version 2014.

<sup>646</sup> Art. 36.1 Fédération Internationale de Gymnastique statutes edition 2013 in effect from January 1<sup>st</sup> 2013; Art. 35.1 Fédération Internationale De Gymnastique statutes edition 2009 in effect from January 1<sup>st</sup> 2009; Art. 35.1 Federation Internationale De Gymnastique statutes edition 2007 in effect from January 1<sup>st</sup> 2007; Art. 35.1 Federation Internationale De Gymnastique statutes edition 2004 in effect from January 1<sup>st</sup> 2005.

<sup>647</sup> Art. 36.2.5 Fédération Internationale de Gymnastique statutes edition 2015 Fédération Internationale de Gymnastique; statutes edition 2013 in effect from January 1<sup>st</sup>, 2015; Art. 36.2.5 Fédération Internationale de Gymnastique statutes edition 2013 Fédération Internationale de Gymnastique; statutes edition 2013 in effect from January 1<sup>st</sup> 2013; Art. 35.2.5 Federation Internationale De Gymnastique statutes edition 2009 in effect from January 1<sup>st</sup> 2009; Art. 35.2.5 Federation Internationale De Gymnastique statutes edition 2007 in effect from January 1<sup>st</sup> 2007; Art. 35.2.5 Federation Internationale De Gymnastique statutes edition 2004 in effect from January 1<sup>st</sup> 2005.

<sup>648</sup> Art. 36.2.1 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015; Art. 36.2.1 Fédération Internationale de Gymnastique statutes edition 2013 in effect from January 1<sup>st</sup> 2013; Art. 35.2.1 Federation Internationale De Gymnastique statutes edition 2009 in effect from January 1<sup>st</sup> 2009; Art. 35.2.1 Federation Internationale De Gymnastique statutes edition 2007 in effect from January 1<sup>st</sup> 2007; Art. 35.2.1 Federation Internationale De Gymnastique statutes edition 2004 in effect from January 1<sup>st</sup> 2005.

<sup>649</sup> Ibid.

<sup>650</sup> Ibid.

If an athlete has multiple nationalities, he or she in principle has to choose one.<sup>651</sup> In case the athlete wishes to compete for another country of which he or she is a national, in general it is not easily possible.<sup>652</sup> The athlete has to go through the aforementioned process as if the nationality or citizenship was newly acquired.<sup>653</sup> Athletes who have not yet competed internationally and then acquire a new nationality may compete directly for their new country of representation.<sup>654</sup>

If an athlete was born to legal immigrant parents in an *ius sanguinis* country, the athlete may represent this country, even if he or she did not acquire the citizenship of the country through option rights.<sup>655</sup> For this, the athlete will need the approval of the FIG's executive committee.<sup>656</sup> If a country is split into several parts, the athletes previously representing that country may decide to compete for either one of the newly independent parts or represent a country he or she has moved to.<sup>657</sup> In other unforeseen cases, the executive committee will decide on a case-by-case basis.<sup>658</sup>

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<sup>651</sup> Art. 36.2.2 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015; Art. 36.2.2 Fédération Internationale de Gymnastique statutes edition 2013 in effect from January 1<sup>st</sup> 2013; Art. 35.2.2 Federation Internationale De Gymnastique statutes edition 2009 in effect from January 1<sup>st</sup> 2009; Art. 35.2.2 Federation Internationale De Gymnastique statutes edition 2007 in effect from January 1<sup>st</sup>, 2007; Art. 35.2.2 Federation Internationale De Gymnastique statutes edition 2004 in effect from January 1<sup>st</sup>, 2005.

<sup>652</sup> Ibid.

<sup>653</sup> Ibid.

<sup>654</sup> Art. 36.2.3 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015; Art. 36.2.3 Fédération Internationale de Gymnastique statutes edition 2013 in effect from January 1<sup>st</sup> 2013; Art. 35.2.3 Federation Internationale De Gymnastique statutes edition 2009 in effect from January 1<sup>st</sup> 2009; Art. 35.2.3 Federation Internationale De Gymnastique statutes edition 2007 in effect from January 1<sup>st</sup> 2007; Art. 35.2.3 Federation Internationale De Gymnastique statutes edition 2004 in effect from January 1<sup>st</sup> 2005.

<sup>655</sup> Ibid.

<sup>656</sup> Ibid.

<sup>657</sup> Art. 36.2.4 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015; Art. 36.2.4 Fédération Internationale de Gymnastique statutes edition 2013 in effect from January 1<sup>st</sup> 2013; Art. 35.2.4 Federation Internationale De Gymnastique statutes edition 2009 in effect from January 1<sup>st</sup> 2009; Art. 35.2.4 Federation Internationale De Gymnastique statutes edition 2007 in effect from January 1<sup>st</sup> 2007; Art. 35.2.4 Federation Internationale De Gymnastique statutes edition 2004 in effect from January 1<sup>st</sup> 2005.

<sup>658</sup> Art. 36.2.7 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup> 2015; Art. 36.2.7 Fédération Internationale de Gymnastique statutes edition 2013 in effect from January 1<sup>st</sup> 2013; Art. 35.2.7 Federation Internationale De Gymnastique statutes edition 2009 in effect from January 1<sup>st</sup> 2009; Art. 35.2.7 Federation Internationale De Gymnastique statutes edition 2007 in effect from January 1<sup>st</sup> 2007; Art. 35.2.7 Federation Internationale De Gymnastique statutes edition 2004 in effect from January 1<sup>st</sup> 2005.



## 7. Martial Arts without bodily contact between contestants

With regard to the martial arts, this chapter will deal with those that do not require any physical contact between the contestants. These are archery, fencing and shooting, as none of them allow for an athlete to voluntary or involuntary touch a competitor's body during the competition. Therefore, although a martial arts move is made towards a target, which in the case of fencing is the opponent's body, it is less about physically overpowering an opponent. Hence, a differentiation is made between these sports and wrestling, boxing or judo.

Both fencing and shooting have been Olympic since 1896 and archery was introduced at the next Olympiad. However, archery and shooting have not made an appearance at all games. Fencing in turn has never been absent from the Olympic Games until now. With regard to women's participation, archery was the first sport introducing events for female athletes in 1904, while ladies' fencing was only introduced in 1924. Shooting was a mixed event between 1968 and 1992.

Table XII: Topics dealt with in Martial Arts without bodily contact

Requirements	Archery	Fencing	Shooting
<b>In force since</b>	<b>2012</b>	<b>2005</b>	<b>2000</b>
<b>Versions since 2005</b>	<b>Since 2012</b>	<b>Since 2005</b>	<b>Since 2000</b>
<b>Substantial Changes made since October 2013</b>	n/a	n/a	n/a
<b>Change of nationality</b>	Possible	Possible after a three-year waiting period if the athlete has competed for another country	Possible after non-competition for three years
<b>Residence requirements</b>	None, unless competing for country of residence	None	None
<b>Minors and nationality change</b>	Not specified	Not specified	Not specified
<b>Stateless athletes</b>	Not specified	Legally stateless athletes registered with the relevant national federation may compete for their country of residence	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	One-year waiting period needed	Possible after three-year waiting period	May change after a three-year waiting period
<b>Effect of changes in territory of country</b>	Not specified	Not specified	May choose to represent either entity

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<b>Competing for the country of residence</b>	Possible after one year of residence and with written approval	Possible only for legally stateless athletes registered with the relevant national federation	Not specified
<b>Number of changes possible</b>	No maximum given	Once	No maximum given
<b>Reference to Olympic Charter</b>	Yes		None
<b>Uses nationality/citizenship</b>	Nationality	Nationality	Nationality
<b>Uses residence/domicile</b>	None	None	None
<b>Other remarkable peculiarity</b>	Passport sufficient to meet nationality requirement		

### 7.1. Archery<sup>659</sup>

Archery is one of the oldest sports and has been Olympic since 1900 (thus the second Olympiad), although there were years in which there was no Olympic archery competition, namely 1912, 1924, 1928, 1932, 1936, 1948, 1852, 1956, 1960, 1964, and 1968.<sup>660</sup> The World Archery Federation was founded in 1931, although it was first named FITA (*Fédération Internationale de Tir à l'Arc*) and has its seat in Lausanne, Switzerland.<sup>661</sup> Archery refers to a competition in which an athlete tries to hit a target with an arrow that is shot from a bow. The bow's draw weight, i.e. the amount of force needed to draw it, as well as the distance to the target and the diameter of the arrows are regulated. Typical arrows have a maximum diameter of 9.3 millimetres and have to be marked in such a way as to make it clear to which competitor it belongs, i.e. with the athlete's name or initials. The bow's draw weight differs for the genders, with typical draw weights at the Olympics being 22 kilograms (i.e. 48 pounds) for men and 17 kilograms (i.e. 38 pounds) for women. Compound bows used for other competitions have a maximum draw weight of 60 pounds.<sup>662</sup>

The distance to the target is 70 meters and the target itself is 1.22 meters in diameter. On the target there are 10 concentric rings drawn, with the centre ring 12.2 centimetres in diameter. The closer the arrow is to this centre ring, the higher the points awarded to the archer, who has between 9 and 15 arrows per round depending on the competition.<sup>663</sup> In case of a team competition, each team is made up of three archers.<sup>664</sup>

Table XIII: Overview of the eligibility requirements for archery

<b>Requirements WA</b>	
<b>In force since</b>	1 <sup>st</sup> April 2012
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	None, unless competing for country of residence
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	One year waiting period needed
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible after one year of residence and with written approval
<b>Number of changes possible</b>	No maximum given

<sup>659</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September. On 29<sup>th</sup> October 2015 the WA was contacted again and asked for comments on this Chapter, which the WA provided on 31<sup>st</sup> October 2015.

<sup>660</sup> IOC Reference Document Archery: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 131.

<sup>661</sup> Ibid.

<sup>662</sup> WA E-mail of 31<sup>st</sup> October 2015.

<sup>663</sup> WA E-mail of 31<sup>st</sup> October 2015.

<sup>664</sup> IOC Information on Archery Equipment and History.

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<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	Passport sufficient to meet nationality requirement

### 7.1.1. Archery critical reflection

For the WA, an athlete has to have a valid passport from the relevant country.<sup>665</sup> This is an interesting way of phrasing the requirement, since it only refers to the ownership of a valid passport and not to the status as a national directly.<sup>666</sup> Thus athletes hailing from American Samoa, who are nationals but not US citizens, could compete for the US archery team.<sup>667</sup>

Changing between national teams is only possible if the athlete does not compete for the period of one year in between the changes.<sup>668</sup> A maximum number of changes is not stated, however the one-year period does slightly reduce the attraction of frequent changes. In case an athlete with multiple nationality wishes to compete for the other national team instead, the aforementioned period of one year between the representations also has to be observed.<sup>669</sup> Consequently, archers do have a certain freedom in their choice of national team they wish to compete for if they have more than one nationality.

Overall, the rules seem to be very liberal, given that changes are possible often and the one-year period also seems to be within a reasonable time frame. Questions of stateless athletes and minors are not addressed by the eligibility code, yet, since there no specified age at which an athlete has to decide for which national team he or she wants to compete, this does not seem to be overly problematic. The position of stateless athletes is somewhat more difficult. On the one hand, there is this extraordinary possibility to compete for the country of residence, after one year of residence and the permission of the home archery association. On the other hand, this would not really apply to archers who lose their nationality and thus might lack a home archery association. The problem of stateless athletes thus remains unsolved. However, one has to underscore that the possibility to compete for the country of residence without actually being a national of that country is very liberal.

### 7.1.2. Rules applicable since April 2012

Turning to the eligibility rules for archery, one finds that they are spelled out in Chapter 2 of the World Archery Constitution and Rules 2012 effective since 1<sup>st</sup> April 2012 and which were updated on 1<sup>st</sup> April 2013, 25<sup>th</sup> September 2013, 1<sup>st</sup> April 2014, and 1<sup>st</sup> April 2015. Athletes wishing to participate in any international event have to be

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<sup>665</sup> Art. 2.4.1 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015.

<sup>666</sup> § 308 (US Code Title 8 1408) Immigration and Nationality Act 2011 and 8 USC 1101.

<sup>667</sup> See Chapter 3.2 on nationality and citizenship.

<sup>668</sup> Art. 2.4.1 and Art. 2.4.3 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015.

<sup>669</sup> Art. 2.4.3 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015.

members of an archery association which is affiliated with the WA.<sup>670</sup> To compete for a country, the athletes always need to comply with the WA's eligibility code and, in the case of the Olympic Games, need to also comply with the Olympic Charter.<sup>671</sup> Athletes furthermore are to respect anti-betting and corruption rules, fair-play and non-violence rules, as well as the WA's anti-doping rules and the advertising and sponsorship rules.<sup>672</sup>

In order to compete for a national team at any international event, the athlete has to have a valid passport of the relevant country.<sup>673</sup> Notably the phrasing is interesting, since it only refers to the ownership of a valid passport and not to the status as a national directly.<sup>674</sup> Thus athletes hailing from American Samoa, who are nationals but not US citizens, could compete for the US archery team.<sup>675</sup> Another requirement is that the athlete has not competed for another national team for at least one year. Hence a change between national teams is only possible if the athlete does not compete for the period of one year in between the changes.<sup>676</sup> A maximum number of changes is not stated, however the one-year period does reduce the attraction of frequent changes slightly.

It is furthermore a possibility to compete for a country of which one does not possess a valid passport and hence is not a national. This is only an option if the athlete has resided for at least one year in the country for which he or she wants to compete without being a national. In addition, the written permission of the Archery Association of the country of which he is a national is needed.<sup>677</sup> It is somewhat

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<sup>670</sup> Art. 2.1.1 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Art. 2.1.1 World Archery constitution and rules 2014 effective since 1 April 2014; Art. 2.1.1 World Archery constitution and rules 2012 effective since 1<sup>st</sup> April 2012 updated 1<sup>st</sup> April 2013 and 25<sup>th</sup> September 2013.

<sup>671</sup> Art. 2.1.2 and Art. 2.1.3 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Art. 2.1.2 and Art. 2.1.3 World Archery constitution and rules 2014 effective since 1<sup>st</sup> April 2014; Art. 2.1.2 and Art. 2.1.3 World Archery constitution and rules 2012 effective since 1<sup>st</sup> April 2012 updated 1<sup>st</sup> April 2013 and 25<sup>th</sup> September 2013.

<sup>672</sup> Art. 2.2.1, Art. 2.2.1.1, Art. 2.2.2, Art. 2.2.3, Art. 2.2.4, Art. 2.2.5, Art.2.2.6, Art. 2.2.7, Art. 2.2.7.1, Art. 2.2.7.2, Art. 2.2.7.3 and Art 2.2.8 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Art. 2.2.1, Art. 2.2.1.1, Art. 2.2.2, Art. 2.2.3, Art. 2.2.4, Art. 2.2.5, Art.2.2.6, Art. 2.2.7, Art. 2.2.7.1, Art. 2.2.7.2, Art. 2.2.7.3 and Art 2.2.8 World Archery constitution and rules 2014 effective since 1<sup>st</sup> April 2014; Art. 2.2.1, Art. 2.2.1.1, Art. 2.2.2, Art. 2.2.3, Art. 2.2.4, Art. 2.2.5, Art.2.2.6, Art. 2.2.7, Art. 2.2.7.1, Art. 2.2.7.2, Art. 2.2.7.3 and Art 2.2.8 World Archery constitution and rules 2012 effective since 1<sup>st</sup> April 2012 updated 1<sup>st</sup> April 2013 and 25<sup>th</sup> September 2013.

<sup>673</sup> Art. 2.4.1 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Art. 2.4.1 World Archery constitution and rules 2014 effective since 1<sup>st</sup> April 2014; Art. 2.4.1 World Archery constitution and rules 2012 effective since 1<sup>st</sup> April 2012 updated 1<sup>st</sup> April 2013 and 25<sup>th</sup> September 2013.

<sup>674</sup> § 308 (US Code Title 8 1408) Immigration and Nationality Act 2011 and 8 USC 1101.

<sup>675</sup> See Chapter 3.2 on nationality and citizenship.

<sup>676</sup> Art. 2.4.1 and Art. 2.4.3 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Art. 2.4.1 and Art. 2.4.3 World Archery constitution and rules 2014 effective since 1<sup>st</sup> April 2014; Art. 2.4.1 and Art. 2.4.3 World Archery constitution and rules 2012 effective since 1<sup>st</sup> April 2012 updated 1<sup>st</sup> April 2013 and 25<sup>th</sup> September 2013.

<sup>677</sup> Art. 2.4.2 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Art. 2.4.2 World Archery constitution and rules 2014 effective since 1<sup>st</sup> April 2014; Art. 2.4.2 World Archery

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difficult to assess the likeliness of such a permission given to top athletes on a purely theoretical basis. This rule does not answer the question of what happens to athletes who become stateless. If their nationality is revoked in a discriminatory way, e.g. based on their membership of an ethnic minority, there would technically be no archery association of a country of which they hold a valid passport – since that has been revoked.

Turning to athletes with more than one valid passport, i.e. multiple nationalities, the eligibility code stipulates that a choice for either of them can be made. In case an athlete wants to change and compete for the other national team instead, there has to be the aforementioned period of one year between the representations.<sup>678</sup> Therefore, archers do have a certain freedom in their choice of the national team they wish to compete for if they have more than one nationality.

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constitution and rules 2012 effective since 1<sup>st</sup> April 2012 updated 1<sup>st</sup> April 2013 and 25<sup>th</sup> September 2013.

<sup>678</sup> Art. 2.4.3 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Art. 2.4.3 World Archery constitution and rules 2014 effective since 1<sup>st</sup> April 2014; Art. 2.4.3 World Archery constitution and rules 2012 effective since 1<sup>st</sup> April 2012 updated 1<sup>st</sup> April 2013 and 25<sup>th</sup> September 2013.

## 7.2. Fencing<sup>679</sup>

The modern sport fencing developed from the art of duelling and the main aim during a match remains to hit the opponent with the weapon to score a point. Three different weapons with also different target areas on the opponent’s body are used nowadays:

- Epée, with the entire body being the possible target;
- Sabre, with the torso, arms and head as target;
- Foil, where only the hits to the torso are counted.

Another differentiating aspect is the ‘*right of way*’ requirement when fencing foil or sabre, meaning that simultaneous hits are not counted, but only the points for the fencer who started the attack first or made a defensive action prior to making a counter-attack are valid. Contrarily, épée fencing recognises the possibility to score a ‘*double*’, meaning that both fencers can score a point at the same time.<sup>680</sup> The official rules are spelled out by the FIE, the *Federation Internationale d’Escrime*, founded in 1913 and having its seat in Lausanne, Switzerland.<sup>681</sup> With regard to the Olympics, men’s fencing was first included in the 1896 Games in Athens and women’s fencing was introduced in 1924 in Paris.<sup>682</sup> Nowadays, men and women fence in separate competitions – with team and individual events for both.<sup>683</sup>

Table XIV: Overview of the eligibility requirements for fencing

Requirements FIE	October 2013
<b>In force since</b>	2005
<b>Change of nationality</b>	Possible after a three-year waiting period if the athlete has competed for another; this may however be reduced or waived by the Executive Board
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Legally stateless athletes registered with the relevant national federation may compete for their country of residence
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible after three-year waiting period
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible only for legally stateless athletes

<sup>679</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September, to which the FIE replied directly, stating that there had been no rule changes since 2005 with regard to athlete nationality. On 29<sup>th</sup> October 2015 the FIE was contacted again and asked for comments on this Chapter, which the FIE provided on 29<sup>th</sup> October 2015.

<sup>680</sup> Deutscher Fechtbund.

<sup>681</sup> IOC Reference Document Fencing.

<sup>682</sup> Ibid.

<sup>683</sup> IOC Information on Fencing Equipment and History: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 163. .

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	registered with the relevant national federation
<b>Number of changes possible</b>	Once
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	None

### 7.2.1. Fencing critical reflection

Fencing has employed the same eligibility criteria since 2005. Rules are strict as only nationals may compete in a national team<sup>684</sup> and a change of country of representation forces the fencer to take a three-year break from international competitions.<sup>685</sup> Athletes with multiple nationality may initially decide freely, but afterwards they are bound by the same requirements as the other athletes.<sup>686</sup> Stateless athletes may compete for their country of residence, provided they are registered with the relevant federation.<sup>687</sup> Overall, the FIE is extremely strict, since only one change is admissible,<sup>688</sup> and the Executive Committee's ruling that is asked in case of dispute, cannot be appealed.<sup>689</sup> Ergo, in case of a dispute that is decided not in favour of a fencer, it is impossible to ask for a re-evaluation of the situation. Also, the duration of the prescribed waiting period is rather long.

### 7.2.2. Rules applicable since 2005

The nationality requirements in fencing are set out in Chapter 9 of the FIE Statutes and Chapter 1 of the FIE Administrative rules. It is important to underscore that for the Olympic Games athlete eligibility is determined by the IOC Charter, to which the FIE rules must comply.<sup>690</sup> In turn, Article 9.2 of the FIE statutes stipulates that in officially sanctioned FIE competitions fencers may only represent the country of which they are nationals.<sup>691</sup> This means that for fencing players with multiple nationality have to choose for either country.<sup>692</sup> In case the fencer wants to represent another country, he may in principle only do so after taking a three-year break from fencing competitions.<sup>693</sup> While this would effectively lead to a serious break in a fencer's career, there is the possibility for FIE Executive Committee to reduce or waive this period, provided that the respective federations also agree.<sup>694</sup> If a fencer acquires a new nationality, either through naturalisation or after being stateless, the same three-year

<sup>684</sup> Art. 9.2.2 FIE statutes of December 2014 (wording unchanged since 2005).

<sup>685</sup> Art. 9.2.2.a FIE statutes of December 2015 (wording unchanged since 2005).

<sup>686</sup> Art. 9.2.2.a FIE statutes of December 2015 (wording unchanged since 2005).

<sup>687</sup> Art. 9.2.3 FIE statutes of December 2015 (wording unchanged since 2005).

<sup>688</sup> Art. 9.2.2.f FIE statutes of December 2015 (wording unchanged since 2005).

<sup>689</sup> Art. 9.2.2.g FIE Statutes of December 2015 (wording unchanged since 2005).

<sup>690</sup> Art. 9.2.1 FIE statutes of December 2015 (wording unchanged since 2005).

<sup>691</sup> Art. 9.2.2 FIE statutes of December 2015 (wording unchanged since 2005).

<sup>692</sup> Art. 9.2.2.a FIE statutes of December 2015 (wording unchanged since 2005).

<sup>693</sup> Art. 9.2.2. a FIE statutes of December 2015 (wording unchanged since 2005).

<sup>694</sup> Art. 9.2.2. d FIE statutes of December 2015 (wording unchanged since 2005).

break after the last competition for previous country is prescribed.<sup>695</sup> This provision, however, does not specify for which country a stateless fencer could have fenced before. One can thus deduce that the mentioning of stateless fencers in this article is primarily aimed at fencers who, after representing their country at an international competition, become stateless and then acquire a new nationality. In case such a loss of nationality was triggered by an act of the fencer, this situation would be understandable. However, in cases of involuntary loss of nationality, the three-year period seems somewhat unfair.

Contrarily, fencers who acquire an additional nationality by marriage are not faced with a three-year waiting period.<sup>696</sup> Even if the three year waiting period should in principle apply, the FIE Executive Committee may reduce or waive this period, provided that the respective federations also agree.<sup>697</sup> In case of the fencer who became stateless without any intention or criminal act, this would probably not help his or her cause, since the national federation of the previous nationality of the fencer is not likely to be very accommodating.

An exception to these rules is provided under 9.2.2. sub e) namely for fencers who have not yet participated in an official competition, the change of nationality is not subject to prerequisites and can be done without causing a waiting period.

Turning to the Administrative Rules of the FIE of February 2014, on the possibility for changes of nationality, they stipulate that any change regarding the country of representation is definitive, and thus no new changes will be allowed afterwards.<sup>698</sup>

The overall stance on the change of country of the FIE is very strict, since only one change is admissible and the Executive Committee's ruling that is requested in the case of a dispute, cannot be appealed against.<sup>699</sup> Ergo, in case of a dispute that is not decided in favour of a fencer, it is impossible to ask for a re-evaluation of the situation.

A more lenient stance is taken for stateless fencers who may compete for their country of residence, provided that they are legally stateless and are registered with the relevant national federation.<sup>700</sup> The question arises whether the FIE would also take *de facto* stateless athletes into consideration, meaning those that do nominally possess a nationality, but can in truth not rely thereon as they belong to an ethnic, religious or political minority. From the wording 'legally stateless', this does not seem to be the case. Should a stateless athlete acquire a new nationality, he or she would have to undergo the standard procedure, meaning the change of nationality is only possible after a three-year waiting period. However, the FIE Executive Committee might reduce or waive this period. A more problematic aspect is that the

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<sup>695</sup> Art. 9.2.2.b FIE statutes of December 2015 (wording unchanged since 2005).

<sup>696</sup> Art. 9.2.2.c FIE statutes of December 2015 (wording unchanged since 2005).

<sup>697</sup> Art. 9.2.2.d FIE statutes of December 2015 (wording unchanged since 2005).

<sup>698</sup> Art. 1.4.2 Administrative rules of the FIE of December 2015 (wording unchanged since 2005).

<sup>699</sup> Art. 9.2.2. f and g) FIE Statues of December 2015 (wording unchanged since 2005).

<sup>700</sup> Art. 9.2.3 FIE statutes of December 2015 (wording unchanged since 2005).

decisions taken by the FIE are final and only one change is admissible, the question arises how the FIE would deal with a factual change of nationality, e.g. through the independence of the part of the country in which the fencer lives and a subsequent further splitting up of the country, as no rules exist so far.

Turning to the more technical part of changing a fencer's nationality, one has to consult the Administrative Rules of the FIE, which divides the potential cases into 'regular' and 'non-regular' cases. The *non-regular* cases, which concern athletes competing at the highest possible level, or transfers of multiple athletes between federations, are decided by the FIE Executive Committee alone.<sup>701</sup> Contrary to this, the regular cases are dealt with by the Legal Commission's Executive Committee representative and the FIE's CEO upon the request of the athlete's new federation.<sup>702</sup> Such a request needs to be in writing and the following documents need to be provided:

- "- a letter from the new federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;
- a letter from the athlete requesting the change of nationality;
- a letter from the former federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;
- a copy of the athlete's passport indicating his/her new nationality;
- if the athlete is a minor, a letter from his/her parents requesting the change of nationality, and a photocopy of their passports;
- if the new nationality has been obtained by marriage, a copy of the marriage certificate."<sup>703</sup>

This is the only time that the FIE statutes address the issue of minor athletes with regard to changes of nationality.

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<sup>701</sup> Art. 1.4 Administrative rules of the FIE, December 2011, February 2014 and September 2014 (wording unchanged since 2005).

<sup>702</sup> Art. 1.4.1 Administrative rules of the FIE, December 2015 (wording unchanged since 2005).

<sup>703</sup> Art. 1.4.3 Administrative rules of the FIE, December 2015 (wording unchanged since 2005).

### 7.3. Shooting<sup>704</sup>

Shooting has been an Olympic sport since the first Olympiad in 1896, although there were years without shooting competitions, namely 1904 and 1928.<sup>705</sup> Women have had their own events since 1984, yet there were mixed gender events between 1968 and 1992.<sup>706</sup> In principle, three different firearms are used in the 15 Olympic shooting events: rifle, pistol and shotgun. In the rifle and pistol competitions competitors have to hit a bull's-eye from distances of 10, 25 or 50 meters.<sup>707</sup> In shotgun competitions, the athletes aim at clay targets which are propelled in different directions and angles.<sup>708</sup> Rules on participation in shooting events are laid down in the official statutes rules and regulations of the International Sport Shooting Federation (ISSF). It was founded in 1907 and, unlike most international sports associations, does not have its seat in Switzerland, but in Munich, Germany.<sup>709</sup>

Table XV: Overview of the eligibility requirements for shooting

<b>Requirements ISSF</b>	
<b>In force since</b>	November 2000
<b>Change of nationality</b>	Possible after non-competition for three years
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	May change after a three-year waiting period
<b>Effect of changes in territory of country</b>	May choose to represent either entity
<b>Competing for the country of residence</b>	Not specified
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	None

#### 7.3.1. Shooting critical reflection

For over 15 years, the ISSF's eligibility criteria have stipulated that only those who are nationals of a country can be called upon to compete for the national team in

<sup>704</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The ISSF replied on 7<sup>th</sup> August and stated that the rules have remained unchanged since 2000. On 29<sup>th</sup> October 2015 the ISSF was contacted again and asked for comments on this Chapter, which the ISSF provided on 4<sup>th</sup> November 2015.

<sup>705</sup> IOC Reference Document Shooting: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 185.

<sup>706</sup> Ibid.

<sup>707</sup> Ibid.

<sup>708</sup> IOC Information on Shooting Equipment and History.

<sup>709</sup> IOC Reference Document Shooting.

international competitions.<sup>710</sup> For changes of the country of representation, a three-year waiting period is prescribed.<sup>711</sup> The ISSF has a detailed approach to all the possibilities of nationality changes due to a territorial transfer and shows that the ISSF aims at providing solutions for all possible situations.<sup>712</sup> However, the athlete only has the option to choose once, which could potentially be difficult for an athlete to do at an early stage. Overall, the ISSF seems to be rather moderate in its approach – allowing for nationality changes more than once, however in principle only after a period of three years of non-competition.<sup>713</sup>

### 7.3.2. Rules applicable since 2000

The current rules on eligibility on shooting can be found in the 2013 edition of the ISSF official statutes rules and regulations, although the content of these rules have remained unchanged since 2000. National shooting associations have to declare an athlete eligible for the relevant team under those rules, which in principle stipulates that athletes must be nationals of the countries for which they compete.<sup>714</sup> In case of multiple nationality, the athlete has to choose for which country he or she wishes to compete and stay with this decision.<sup>715</sup> However, athletes who initially had multiple nationalities or those who change or acquire a new nationality may compete for another country than the one they originally chose. Yet, this is only possible if they have not competed for the first country for a period of three years.<sup>716</sup> This seems to be a relatively long period, since it also encompasses the time in which athletes could qualify for the Olympic Games and could thus act as an obstacle to nationality changes. Nevertheless, whether or not such a period will actually be required depends on the circumstances in the individual cases, since these are reviewed by the ISSF Executive Committee. Hence, in case the national associations involved agree, the period may either be reduced or entirely cancelled.<sup>717</sup> The ISSF Executive Committee

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<sup>710</sup> Art. 3.6.3 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>711</sup> 3.6.3.3 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016); 3.6.4. ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>712</sup> 3.6.3.4 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>713</sup> 3.6.3.3 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016); Art. 3.6.4. ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>714</sup> Art. 3.6.3 and Art. 3.6.5 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>715</sup> Art. 3.6.3.2 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>716</sup> Art. 3.6.3.2 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016); Art. 3.6.3.3 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>717</sup> 3.6.3.3 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016); Art. 3.6.4. ISSF official statutes rules and

furthermore has the power to intervene and take decisions concerning periods of non-competition in all cases in which an athlete has the choice between representing several countries.<sup>718</sup> It is thus a very powerful institution and the ISSF clearly wants to keep track of the nationality changes of the competing athletes.

Turning to the question of possible stateless athletes or athletes whose home state itself changes; the ISSF has included a specific provision for such occasions:

“3.6.3.4 If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, an athlete may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in ISSF Championships by his new Federation when recognized by the ISSF. This particular choice may be made only once.”

Three things are important for this article: firstly, the ISSF clearly pays close attention to the possible scenarios, referring both the independence of colonies, border changes, mergers or incorporations within other countries; secondly, the athlete is given a choice – however only once; and thirdly, the ISSF plays an important role again, since such a choice is only admissible, if the ISSF recognises the new national shooting federation. Questions of stateless athletes or minors are not addressed in the statutes. However, the detailed approach to all the possibilities of nationality changes through a change in the athlete’s country shows that the ISSF aims at providing solutions for all possible situations. The athlete only has the option to choose once, which could potentially make it difficult for the athlete to make a choice at an early stage.

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regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).

<sup>718</sup> 3.6.3.5 ISSF official statutes rules and regulations edition 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016).



## 8. Martial Arts with direct bodily contact between contestants

In the following section, the martial arts which require bodily contact between contestants will be described and analysed. These sports originated at different times during the Olympic history, with wrestling and boxing dating back to ancient times and becoming Olympic early on, while judo and taekwondo gained wide popularity only later. Taekwondo has been Olympic since 2000 for both men and women. Contrarily, in most other sports there is a significant difference between the time when the sport first became Olympic and the first women's events. For freestyle wrestling, the difference is exactly 100 years and for Greco-Roman wrestling there still is no women's event. Boxing, while being introduced in the 1904 Olympics, has only allowed women since 2012 and for judo there was a men's only event between 1964 and 1992.

Table XVI: Topics dealt with in Martial Arts with direct bodily contact

<b>Requirements</b>	<b>Boxing</b>	<b>Judo</b>	<b>Taekwondo</b>	<b>Wrestling</b>
<b>In force since</b>	<b>2015</b>	<b>2005</b>	<b>2013</b>	<b>2015</b>
<b>Versions since 2005</b>	<b>2013 – 2014</b> <b>Since 2015</b>	<b>Since 2005</b>	<b>2010 – 2012</b> <b>Since 2013</b>	<b>2011 – 2012</b> <b>2012 – 2015</b> <b>Since 2015</b>
<b>Substantial Changes made since October 2013</b>	Previously not rules specified on AIBA level	n/a	n/a	Introduction of sport nationality, residence requirement and waiting period
<b>Change of nationality</b>	Possible after two years of non-competition	Possible	Not mentioned, thus not possible	Possible, although 24 month waiting period if federations do not agree
<b>Residence requirements</b>	None	None	None	Holding a residence permit
<b>Minors and nationality change</b>	Not specified on AIBA level	Not specified	Article not applicable to minors	Minors are treated as fully-fledged athletes here
<b>Stateless athletes</b>	Not specified on AIBA level	Not specified	Not specified	
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	2-year non-competition period	Need to comply with three year waiting period that can be reduced or annulled	Possible after three-year period	Initially free to choose, then usual changing mechanism, i.e. 24 month waiting period if federations do not agree
<b>Effect of changes</b>	Not specified on	Not specified	Not specified	Not specified

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<b>in territory of country</b>	AIBA level			
<b>Competing for the country of residence</b>	Not possible	Not possible	Not possible	Not possible
<b>Number of changes possible</b>	No maximum given	No maximum given	Not specified	Once
<b>Reference to Olympic Charter</b>	None	Yes, to Rule 42 and the Bye-law to Rule 42	None	Yes
<b>Uses nationality/citizenship</b>	None	Both interchangeably	Both – stating that nationality is decided by citizenship	Nationality & sport nationality
<b>Uses residence/domicile</b>	None	Residence	None	Residence (including permit, if necessary)
<b>Other remarkable peculiarity</b>			Just refers to athletes with multiple nationality	'Sport nationality' that is entirely disconnected from athlete's nationality introduced

**8.1. Boxing<sup>719</sup>**

Boxing dates back to ancient times and was already a sport in Egypt, Greece and Rome – although in Rome gladiators later on wore gloves that were studded with metal, making that variant of boxing a deadly sport.<sup>720</sup> The overall aim remains to hit the opponent in such a way that he or she ends up on the ground for a given time or gives up. Boxing became an Olympic discipline in 1904 and was featured in all Games, except at the 1912 Stockholm Games, due to a ban of boxing under Swedish law.<sup>721</sup> In 1904, the US won all boxing medals, being the only country which sent contestants.<sup>722</sup> The *Association Internationale de Boxe Amateur* (AIBA) was founded in 1920 and has its seat in Lausanne, Switzerland.<sup>723</sup> It changed its name to *Association International de Boxe* in 2007.<sup>724</sup> Women were only been included in 2012 at the Olympics, though they had been competing at AIBA events since 2001.<sup>725</sup> Traditionally there were five weight classes,<sup>726</sup> yet nowadays there are ten weight classes ranging from the under 48 kg, the *light flyweights*, to the *super heavyweights* of over 91 kgs.<sup>727</sup> Over the years, there have been significant changes introduced, like the compulsory wearing of protective helmets in 1984, which was reversed in 2013 for men,<sup>728</sup> the electronic scoring system in 1992 and the point scoring system in 2007.<sup>729</sup>

Table XVII: Overview of the eligibility requirements for boxing

<b>Requirements AIBA</b>	
<b>In force since</b>	1 <sup>st</sup> February 2015
<b>Change of nationality</b>	Possible after 2 years of non-competition
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified on AIBA level
<b>Stateless athletes</b>	Not specified on AIBA level
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	2 -ear non-competition period
<b>Effect of changes in territory of country</b>	Not specified on AIBA level
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	No maximum given

<sup>719</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter to which AIBA replied on 2<sup>nd</sup> March, 2016.

<sup>720</sup> IOC Information Boxing, Equipment and History.

<sup>721</sup> IOC Information AIBA; IOC Information Boxing, Equipment and History; IOC Reference Document Boxing: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 185.

<sup>722</sup> IOC Information Boxing, Equipment and History.

<sup>723</sup> IOC Reference Document Boxing.

<sup>724</sup> IOC Information AIBA.

<sup>725</sup> IOC Information Boxing, Equipment and History. IOC Reference Document Boxing; AIBA E-mail of 2<sup>nd</sup> March, 2016.

<sup>726</sup> IOC Information Boxing, Equipment and History.

<sup>727</sup> IOC Information AIBA.

<sup>728</sup> AIBA E-mail of 2<sup>nd</sup> March, 2016.

<sup>729</sup> IOC Information AIBA; IOC Information Boxing, Equipment and History.

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<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	None
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	None

### 8.1.1. Boxing critical reflection

Since 2015, AIBA deals with eligibility matters and nationality related issues.<sup>730</sup> The underlying principle is that athletes need to be either licensed or otherwise authorised by a national federation.<sup>731</sup> Changes regarding country of representation are now possible after a two-year non-competition period.<sup>732</sup> Boxers who hold dual nationality may initially decide freely which country they wish to represent.<sup>733</sup> If they wish to change their country of representation, they will be treated like boxers who changed their nationality at a later stage and face a period of non-competition of two years.<sup>734</sup> These rules are relatively lenient, as the period of non-competition is only two years and no maximum number of changes is stipulated.

### 8.1.2. Rules applicable since 2015

The newest rules are set down in AIBA technical rules effective as of 1<sup>st</sup> February 2015, which differ considerably from the previously applicable rules. The underlying concept that athletes need to be either licensed or otherwise authorised by a national federation remained the same.<sup>735</sup> However, the AIBA rules now deal specifically with eligibility and nationality related issues, including change of nationality, as well as the sport related eligibility.<sup>736</sup> The later focusses on the relationship of athletes to the AIBA<sup>737</sup> and especially on the distinction between professional and amateur athletes.<sup>738</sup> Athletes who have previously competed professionally in any physical contact sport that is fought on an individual basis, will never be allowed to compete in AIBA events.<sup>739</sup> This rule is extremely strict, as any professionalism in a physical contact sport leads to an exclusion from AIBA events. Turning to the question of nationality, the AIBA is responsible for verifying the athlete's nationality and eligibility by checking the passport of the boxer prior to any event.<sup>740</sup> Should there be issues regarding the boxer's nationality, the AIBA may require the boxer and the federation to provide:

<sup>730</sup> Art. 2.2.1 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>731</sup> Art. 2.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>732</sup> Art. 2.2.1.4.1 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>733</sup> Art. 2.2.1.4.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>734</sup> Art. 2.2.1.4.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>735</sup> Art. 2.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>736</sup> Art. 2.2.1, Art. 2.2.1.4 and Art. 2.2.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>737</sup> Art. 2.2.2.1.1 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>738</sup> Art. 2.2.2.1.3 and Art. 2.2.2.1.4 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>739</sup> Art. 2.2.2.1.3 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>740</sup> Art. 2.2.1.1 and Art. 2.2.1.3 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

- “2.2.1.3.1 Birth Certificate;
- 2.2.1.3.2 Citizenship Identity Papers;
- 2.2.1.3.3 Nationality Identity Document;
- 2.2.1.3.4 Confirmation Letter from the NOC.”<sup>741</sup>

It is interesting that the AIBA differentiates between citizenship papers and a nationality identity document. Notably, neither a definition nor a reason for differentiating is provided here.

With regard to changes of nationality, the AIBA prescribes a waiting period of two years in which the boxer may not compete.<sup>742</sup> Athletes with dual nationality have to initially decide on one country they wish to represent.<sup>743</sup> If they wish to change their country of representation, they will be treated like boxers who changed their nationality and face a period of non-competition of two years.<sup>744</sup>

### 8.1.3. Rules applicable 2013 – 2014

The previous rules were set out in the AIBA Technical Rules, effective as of 31<sup>st</sup> August 2014 and the AIBA Technical Rules, which were effective on 23<sup>rd</sup> August 2013, but which did not differ considerably regarding content.<sup>745</sup> Here, the first rule was that all involved in the boxing sport need to have a license<sup>746</sup> or could otherwise be excluded from AIBA competitions.<sup>747</sup> Eligibility could be refused on the grounds of the athlete’s sport career, e.g. those having boxed professionally at non-AIBA events were not eligible.<sup>748</sup> As in the previous rules, nationality did not play a role with regard to boxing, as passports are only required as proof of identity.<sup>749</sup>

Hence, it was left to the National Federations to provide the requirements for boxers to acquire their licences, but nationality or citizenship was not regulated for the boxers themselves on the AIBA level.<sup>750</sup>

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<sup>741</sup> Art. 2.2.1.3 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>742</sup> Art. 2.2.1.4.1 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>743</sup> Art. 2.2.1.4.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>744</sup> Art. 2.2.1.4.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>745</sup> There are other eligibility rules for officials of the AIBA set down in statutes and by-laws.

<sup>746</sup> Rule 1.3.1 AIBA technical rules effective as of August 31<sup>st</sup>, 2014; Definitions AIBA technical rules. Effective on August 23<sup>rd</sup>, 2013; Rule 1.1 AIBA technical rules. Effective on August 23<sup>rd</sup>, 2013.

<sup>747</sup> Rule 1.3.5 AIBA technical rules effective as of August 31<sup>st</sup>, 2014.

<sup>748</sup> Rule 1.3.6 AIBA technical rules effective as of August 31<sup>st</sup>, 2014; Rule 1.3, Rule 1.4 and Rule 1.5 AIBA technical rules. Effective on August 23<sup>rd</sup>, 2013.

<sup>749</sup> Rule 1.3.4 AIBA technical rules effective as of August 31<sup>st</sup>, 2014.

<sup>750</sup> It is important for officials though as stipulated by Art. 11 and 35 of the AIBA bye-laws 2013.

## 8.2. Judo<sup>751</sup>

Judo is a Japanese martial art that developed from ancient samurai combat techniques with its main aim being to bring the opponent to the ground and hold him there.<sup>752</sup> It was developed in the late 19<sup>th</sup> century, when features of various sports were combined by Dr. Jigoro Kano.<sup>753</sup> Judo first became an Olympic sport in 1964, 13 years after the International Judo Federation had been founded in 1951.<sup>754</sup> It was only absent from the 1968 Olympics.<sup>755</sup> Women's events were added in 1992 and today male and female competitors, called *Judoka*, compete in seven weight classes, each in single-elimination rounds.<sup>756</sup>

Table XVIII: Overview of the eligibility requirements for judo

<b>Requirements IJF</b>	
<b>In force since</b>	2005
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationalities after having competed for another country of which the athlete is a national</b>	Need to comply with three-year waiting period that can be reduced or annulled
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	No possible
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	Yes, to Rule 42 and the Bye-law to Rule 42
<b>Uses nationality/ citizenship</b>	Both interchangeably
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	None

### 8.2.1. Judo critical reflection

The IJF's judo rules have remained the same for the past decade. Athletes may only compete for the countries of which they are nationals.<sup>757</sup> Like in most sports, athletes with dual citizenship are initially free to choose.<sup>758</sup> All athletes that already competed

<sup>751</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The IJF replied on 12<sup>th</sup> August 2014 that the rules have been complying with the ones of the Olympic Comity since 2005. On 29<sup>th</sup> October 2015 the IJF was contacted again and asked for comments on this chapter, which the IJF provided on 30<sup>th</sup> October 2015.

<sup>752</sup> IOC Information Judo Equipment and History.

<sup>753</sup> Ibid.

<sup>754</sup> IOC Information IJF: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 185.

<sup>755</sup> IOC Reference Document Judo.

<sup>756</sup> IOC Information IJF; IOC Reference Document Judo; IOC Information Judo Equipment and History.

<sup>757</sup> Art. 13.3.1 Sports and organization rules of the International Judo Federation 2015.

<sup>758</sup> Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2015.

in official IJF or national federation events and wish to compete for a different country need to fulfil a waiting and non-competition period of three years.<sup>759</sup> These rules are rather strict as three years is a rather long time in an athlete's career.

#### 8.2.2. Rules applicable since 2005

According to the IJF, the rules have not changed in essence since 2005 and the current judo eligibility rules are set out in the Sports and Organization Rules of the International Judo Federation 2015. These rules are almost identical to those previously set out in the 2013 version, with only the wording changing from 'competitor' to 'athlete' and the singular cases changed to 'they'. Furthermore, there was an additional document added by the IJF General Secretary on 24/01/2014 concerning the Procedure of Participation in IJF Competitions for Athletes\* who want to represent another country. This document refers to Article 13.3.1 of the IJF Sport Organization Rules 2013 and underlines that no reduction to or waiver for the waiting period is possible without the written agreement of the concerned federations.<sup>760</sup> It further details that, for Olympic Games, the three-year waiting period applies.<sup>761</sup>

Minors are explicitly mentioned under Article 1.7 with regard to the permissions needed for the guardian of the respective minor with regard to anti-doping testing and general participation in the events.<sup>762</sup> During the competitions, athletes and team officials need an accreditation card from the IJF, which serves as their main identity document.<sup>763</sup> Information such as the competitor's name, weight category and country he or she is competing for is included in this document.<sup>764</sup> Regarding nationality, the IJF stipulates that athletes may only compete for the countries of which they are nationals.<sup>765</sup> This is ensured by checking the athletes' passports.<sup>766</sup>

Athletes with multiple citizenships have to choose for which country they wish to compete.<sup>767</sup> If an athlete has already competed in official IJF or national federations' events and wishes to compete for a different country after acquiring or changing his or her nationality, s/he needs to fulfil a waiting and non-competition

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<sup>759</sup> Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2015; Art. 2.1 Annex 1 to Sports and organization rules of the International Judo Federation 2015.

<sup>760</sup> Procedure of participation in IJF competitions for the Athletes\* who want to represent another country. Additional document by the IJF general Secretary published on 24/01/2014.

<sup>761</sup> Procedure of participation in IJF competitions for the Athletes\* who want to represent another country. Additional document by the IJF general Secretary published on 24/01/2014.

<sup>762</sup> Art. 1.7 Sports and organization rules of the International Judo Federation 2015; Art. 12.6 Sports and organization rules of the International Judo Federation 2013.

<sup>763</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3 Sports and organization rules of the International Judo Federation 2013.

<sup>764</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3 Sports and organization rules of the International Judo Federation 2013.

<sup>765</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1 Sports and organization rules of the International Judo Federation 2013.

<sup>766</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1 Sports and organization rules of the International Judo Federation 2013.

<sup>767</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2013.

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period of three years.<sup>768</sup> The IJF only refers to an athlete “who has changed his nationality or acquired a new nationality”,<sup>769</sup> which, if taken literally, means that those who already have had dual citizenship do not fall under this provision. However, in Annex 1 to the Sports and Organization Rules, it is stipulated that athletes who have dual citizenship and initially compete for one country and then wish to change their country of representation also need to comply with the three-year waiting and non-competition period.<sup>770</sup> The aforementioned waiting period can be reduced or annulled in case the national federations agree to such a change of procedure if the athlete requested it formally.<sup>771</sup> In addition, the IJF rules make an explicit reference to the Olympic Charter, namely Rule 42 and the Bye-law to Rule 42. The IJF however also recognises particular cases that provide evidence of citizenship:

- “a) where the competitions are being held in a country in which the residents do not hold passports while in that country;<sup>772</sup>
- b) where there is a possible problem of “joint citizenship”, e.g. Dutch Antilles and the Netherlands an acceptable substitute for the passport will be a letter or certificate from the competitor’s National Olympic Committee or, if there is no such body, from the National Sports Authority confirming the competitor’s residence in that country and the citizenship.”<sup>773</sup>

Therefore, there is a certain degree of flexibility when it comes to technicalities and the IJF seems to aim at delineating all possible scenarios to avoid confusion.

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<sup>768</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2013.

<sup>769</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2013.

<sup>770</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 2.1 Annex 1 to Sports and organization rules of the International Judo Federation 2013.

<sup>771</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2013; Art. 2.1 Annex 1 to Sports and organization rules of the International Judo Federation 2013.

<sup>772</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1(a) Sports and organization rules of the International Judo Federation 2013.

<sup>773</sup> Art. 1.9 Sports and organization rules of the International Judo Federation 2015; Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2013.

**8.3. Taekwondo**<sup>774</sup>

Taekwondo is a Korean martial art which dates back to 50 BC and involves a combination of punch and most notably kick movements to bring an opponent down.<sup>775</sup> In 1973, the World Taekwondo Federation (WTF) was founded and taekwondo became a demonstration sport at the Olympic Games in 1988.<sup>776</sup> 12 years later, taekwondo became an official Olympic sport in 2000.<sup>777</sup> Nowadays men and women compete in four weight classes in single-elimination rounds.<sup>778</sup>

Table XIX: Overview of the eligibility requirements for taekwondo

<b>Requirements WTF</b>	
<b>In force since</b>	7 <sup>th</sup> October 2010
<b>Change of nationality</b>	Not mentioned, thus not possible
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Article not applicable to minors
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible after three-year period
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	Not specified
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Both – stating that nationality is decided by citizenship
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	Just refers to athletes with multiple nationality

8.3.1. Taekwondo critical reflection

The WTF changes its rules bi-annually, yet no substantial change has occurred to the eligibility criteria since 2013. The underlying principle is that the athlete has to be a national of the country he or she represents.<sup>779</sup> Here the term citizenship is used as a sort of sub-category to nationality, as nationality can be determined based on citizenship according to the WTF. Changing the country of representation is only

<sup>774</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was received, a first reminder was sent on 19<sup>th</sup> November 2015 and a second on 2<sup>nd</sup> December 2015. No reply was received by the time of publication.

<sup>775</sup> IOC Information Taekwondo Equipment and History.

<sup>776</sup> IOC Information WTF; IOC Reference Document Taekwondo: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 185.

<sup>777</sup> IOC Information WTF, IOC Information Taekwondo Equipment and History. IOC Reference Document Taekwondo.

<sup>778</sup> IOC Information WTF.

<sup>779</sup> Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015.

elaborated upon for athletes with multiple nationality who need to comply with a non-competition period of three years.<sup>780</sup> This period may be reduced or completely waived in case the respective national federations and the WTF agree on it.<sup>781</sup> There are no provisions on athletes who acquire another nationality without holding multiple nationalities at the same time. Hence, one can deduce that this is not possible. These rules are thus extremely strict as, for the majority of cases, a change of country of representation is not possible.

### 8.3.2. Rules applicable since 2010

For taekwondo, the eligibility rules are set out in the World Taekwondo Federation Rules & Interpretation in force as of 11<sup>th</sup> May 2015, which are identical to the version amended on 1<sup>st</sup> January 2015, 1<sup>st</sup> July 2014 and 14<sup>th</sup> July 2013. In the core of their content, these rules are also identical to those applicable in the years 2010 – 2012, with the updates of 26<sup>th</sup> December 2012, 4<sup>th</sup> October 2011 and 7<sup>th</sup> October 2010. Here Article 4.1.1 specifies that the contestant should hold the nationality of the team he or she competes for<sup>782</sup> and hold a *WTF certificate*<sup>783</sup> and, since 2012, a *WTF license*.<sup>784</sup> The biggest changes over the years occurred in Explanation 1 to Article 4.1.1, which goes into more detail regarding nationality requirements.

Here it is said that an athlete’s “nationality is decided by citizenship of the country he/she is representing” and that this is verified by checking the athlete’s passport.<sup>785</sup> In this case, the term citizenship is used as a sort of sub-category to

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<sup>780</sup> Ibid.

<sup>781</sup> Ibid.

<sup>782</sup> Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015; Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 1<sup>st</sup> January 2015; Art. 4.1.1 World Taekwondo Federation competition rules & interpretation in force as of July 1<sup>st</sup>, 2014; Art. 4.1.1 World Taekwondo Federation rules & interpretation amended 14<sup>th</sup> July, 2013; Art. 4. 1.1 World Taekwondo Federation competition rules & interpretation in force as of December 26<sup>th</sup>, 2012; Art. 4. 1.1 World Taekwondo Federation competition rules & interpretation in force as of October 4<sup>th</sup>, 2011; Art. 4. 1.1 World Taekwondo Federation competition rules & interpretation amended: October 7<sup>th</sup>, 2010.

<sup>783</sup> Art. 4.1.3 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015; Art. 4.1.3 World Taekwondo Federation rules & interpretation in force as of 1<sup>st</sup> January 2015; Art. 4.1.3 World Taekwondo Federation competition rules & interpretation in force as of July 1<sup>st</sup> 2014; Art. 4.1.3 World Taekwondo Federation rules & interpretation amended 14<sup>th</sup> July, 2013; Art. 4. 1.3 World Taekwondo Federation competition rules & interpretation in force as of December 26<sup>th</sup>, 2012; Art. 4. 1.3 World Taekwondo Federation competition rules & interpretation in force as of October 4<sup>th</sup>, 2011; Art. 4. 1.3 World Taekwondo Federation competition rules & interpretation amended: October 7<sup>th</sup>, 2010.

<sup>784</sup> Art. 4.1.4 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015; Art. 4.1.4 World Taekwondo Federation rules & interpretation in force as of 1<sup>st</sup> January 2015; Art. 4.1.4 World Taekwondo Federation competition rules & interpretation in force as of July 1<sup>st</sup>, 2014; Art. 4.1.4 World Taekwondo Federation rules & interpretation amended 14<sup>th</sup> July, 2013; Art. 4. 1.4 World Taekwondo Federation competition rules & interpretation in force as of December 26<sup>th</sup>, 2012; Explanation 1 to Art. 4.1.1. World Taekwondo Federation competition rules & interpretation in force as of December 26<sup>th</sup>, 2012; Art. 4. 1.1 World Taekwondo Federation competition rules & interpretation in force as of October 4<sup>th</sup>, 2011; Explanation 1 to Art. 4. 1.1 World Taekwondo Federation competition rules & interpretation amended: October 7<sup>th</sup>, 2010.

<sup>785</sup> Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015; Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation in force

nationality, as nationality can be determined based on citizenship according to the WTF. Regarding athletes with dual nationality, they need to decide which country they wish to represent and, since 2011, may only change their country of representation after a period of non-competition of three years.<sup>786</sup> This period may be reduced or completely waived in case the respective national federations and the WTF agree on it.<sup>787</sup>

There are no provisions on athletes who acquire another nationality without holding multiple nationalities at the same time. One can thus deduce that this is not possible. Athletes who find themselves stateless and athletes faced with changes in the territory are also not mentioned in this article. However, since 2013, the article explicitly states that it is not applicable to athletes younger than 16 years.<sup>788</sup> Ergo, this article effectively only deals with athletes with dual or multiple nationality wishing to change their country of representation.

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as of 1<sup>st</sup> January 2015; Explanation 1 to Art. 4.1.1 World Taekwondo Federation competition rules & interpretation in force as of July 1<sup>st</sup>, 2014; Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation amended 14<sup>th</sup> July, 2013; Explanation 1 to Art. 4.1.1. World Taekwondo Federation competition rules & interpretation in force as of December 26<sup>th</sup>, 2012; Art. 4. 1.1 World Taekwondo Federation competition rules & interpretation in force as of October 4<sup>th</sup>, 2011.

<sup>786</sup>

Ibid.

<sup>787</sup>

Ibid.

<sup>788</sup>

Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015; Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 1<sup>st</sup> January 2015; Explanation 1 to Art. 4.1.1 World Taekwondo Federation competition rules & interpretation in force as of 1<sup>st</sup> July 2014; Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation amended 14<sup>th</sup> July 2013.

**8.4. Wrestling**<sup>789</sup>

Wrestling dates back to the classical times, when this sport was first popular in ancient Rome and Greece.<sup>790</sup> It became an Olympic Sport in 1896 with only the ancient Greco-Roman style being used.<sup>791</sup> The free-style wrestling events were added in 1904, but they were absent from the Olympics in 1912.<sup>792</sup> It's governing association, the United World Wrestling (UWW), known until September 2014 as the *Fédération Internationale des Luttes Associées* (FILA) was founded in 1905, but it also included weightlifting at that time.<sup>793</sup> Wrestling was shortly governed by the *International Ring Verband* between 1912 until 1953, when this association changed its name to FILA.<sup>794</sup> Nowadays, wrestling is divided into the categories of freestyle and Greco-Roman wrestling with seven weight divisions each for the men's events.<sup>795</sup> Women have been competing in the discipline of wrestling since 2004 and are divided into four weight divisions in freestyle.<sup>796</sup> In the ancient Greco-Roman style, contestants may only use their upper bodies and arms.<sup>797</sup> Freestyle wrestling was only introduced in 1904 and allows contestants to also use their legs in the fight and grab their opponents both above and below the waist – although with limitations.<sup>798</sup>

Table XX: Overview of the eligibility requirements for wrestling

<b>Requirements UWW</b>	
<b>In force since</b>	January 2015
<b>Change of nationality</b>	Possible, although 24 month waiting period if federations do not agree
<b>Residence requirements</b>	Holding a residence permit
<b>Minors and nationality change</b>	Minors are treated as full-fledged athletes here
<b>Stateless athletes</b>	
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Initially free to choose, then usual changing mechanism, i.e. 24 month waiting period if federations do not agree
<b>Effect of changes in territory of country</b>	Not specified

<sup>789</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules and the FILA replied on 8<sup>th</sup> September, stating that the rules only changed in 2012 and provided the previously applicable rules in the 2011 version. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 and a second on 2<sup>nd</sup> December 2015, to which the federation replied on 8<sup>th</sup> December 2015.

<sup>790</sup> IOC Information FILA; IOC Information Wrestling Greco-Roman Equipment and History; IOC Information Wrestling Freestyle Equipment and History.

<sup>791</sup> IOC Information FILA; IOC Information Wrestling Greco-Roman Equipment and History.

<sup>792</sup> IOC Information FILA; IOC Information Wrestling Freestyle Equipment and History; IOC Reference Document Wrestling.

<sup>793</sup> IOC Information FILA: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 185.

<sup>794</sup> Ibid.

<sup>795</sup> Ibid.

<sup>796</sup> Ibid.

<sup>797</sup> Ibid.

<sup>798</sup> IOC Information FILA; IOC Information Wrestling Freestyle Equipment and History; IOC Information Wrestling Greco-Roman Equipment and History.

## MARTIAL ARTS WITH BODILY CONTACT BETWEEN CONTESTANTS

<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	Once
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality & sport nationality
<b>Uses residence/ domicile</b>	Residence (including permit, if necessary)
<b>Other remarkable peculiarity</b>	'Sport nationality' that is entirely disconnected from an athlete's nationality introduced; Administrative charge of CHF 5,000 payable to the FILA for a nationality change by the new federation; appeals against decisions either impossible or combined with high costs.

### 8.4.1. Wrestling critical reflection

Since January 2015, UWW has introduced a 'sport nationality' that may be disconnected from the actual nationality the athlete has.<sup>799</sup> Overall, changes of a sporting nationality are possible but only once.<sup>800</sup> Athletes with dual nationality are initially free to choose for which country they wish to compete; afterwards the procedure to change to compete for another country is the same regardless of whether the athlete is a dual national or not.<sup>801</sup> For this, the UWW requires the athlete to be legally residing in the country and in possession of a work permit. As residence is one of the indicators of a connection with the country, this is aimed at reducing the mercenary tendencies. However, to what extent the UWW checks whether the official residence permit is actually used to reside in the relevant country is not known. Another problem arises with regard to dual nationals who do not need a work or residence permit for a country of which they are nationals and thus cannot show one to fulfil the requirements of the procedure. Should the federation of origin not wish to let the respective athlete go to another one federation, the athlete has to wait for 24 months, before the change becomes effective.<sup>802</sup> Overall, while the 'sport nationality' does not rely on the athlete's actual nationality, the reference to residence underlines that there still needs to be a *genuine link* between athlete and country of representation.

### 8.4.2. Rules applicable since 2015

The current rules for wrestling are set down in the UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015 which are almost identical to the those of 15<sup>th</sup> January 2015 and deal with this topic in 14 very detailed articles. The only change which occurred is that the federations do not need to supply an athlete's old and new passports when requesting a change of sporting

<sup>799</sup> Introduction UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015.

<sup>800</sup> Art. 6 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015.

<sup>801</sup> Ibid.

<sup>802</sup> Art. 7 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015.

nationality.<sup>803</sup> The UWW stresses that, for the Olympic Games, the IOC Charter applies.<sup>804</sup> The introduction the UWW stipulates that, in principle, athletes may only compete for a country of which he or she is a national.<sup>805</sup> However, since January 2015, the UWW does allow athletes to also represent countries of which they are not nationals, provided that they have the ‘sports nationality’ of that country:

“The sports nationality is defined as the right granted to a wrestler by United World Wrestling to represent a country of which he/she does not necessarily hold the nationality.”<sup>806</sup>

As proof of a sports nationality, the wrestler needs a license issued by United World Wrestling.<sup>807</sup> Athletes with dual nationality are free to choose for which country they wish to compete.<sup>808</sup> Once chosen, the procedure to change the country of representation is the same regardless of whether the athlete is a dual national or not.<sup>809</sup> If any athlete wishes to compete for another country, he or she can change the respective sporting nationality.<sup>810</sup> In order to do so, the wrestler’s federation needs to submit an official request between 1<sup>st</sup> and 31<sup>st</sup> December and a successful application will be effective as of 1<sup>st</sup> January of the following year.<sup>811</sup> This official request must contain:

“A) Official attestation by the left federation (signed by its president, on a letter with official header and seal) agreeing with the applicant’s change of sports nationality;<sup>812</sup>

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<sup>803</sup> Art. 4 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015.

<sup>804</sup> Art. 2 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 2 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>805</sup> Introduction UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Introduction UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>806</sup> Introduction UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December, 2015; Introduction UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>807</sup> Art. 1 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 1 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>808</sup> Art. 6 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 6 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>809</sup> Art. 6 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 6 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>810</sup> Art. 1 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 1 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>811</sup> Art. 4 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 4 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>812</sup> Art. 4 a) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; 4 a) UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

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- B) Official attestation by the host federation (signed by its president, on a letter with official header and seal) agreeing with the applicant's change of sports nationality;<sup>813</sup>
- C) Copy of the wrestler's original passport (corresponding to the sports nationality waived by the wrestler);<sup>814</sup>
- D) Copy of wrestler's new passport or his/her country's official residence permit where the applicant lives and for which he/she applies for the sports nationality;<sup>815</sup>
- E) Copy of the country's official work permit where the applicant lives and for which he/she applies for the sports nationality;<sup>816</sup>
- F) Proof of payment to United World Wrestling of the fee for the change of sports nationality set to 5.000 Swiss Francs.<sup>817</sup>
- G) A parental authorization for minors (under 18 years old).<sup>818</sup>

While this sporting nationality is not connected to the athlete's legal nationality, the FILA requires the athlete to be legally residing in the country and in possession of a work permit. As residence is an indicator of a connection with the country, there seems to be less of a chance of mercenary tendencies. However, the question is to what extent the UWW checks whether the official residence permit is actually used to reside in the relevant country. Should the federation of origin not wish to let the respective athlete go to another one, the athlete has to wait for 24 months before the change becomes effective.<sup>819</sup> During this time, the wrestler may in principle compete for the original federation.<sup>820</sup>

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<sup>813</sup> Art. 4 b) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December, 2015; Art. 4 b) UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>814</sup> Art. 4 c) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015.

<sup>815</sup> Art. 4 d) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 4 c) UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>816</sup> Art. 4 e) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 4 d) UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>817</sup> Art. 4 f) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; 4 e) UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>818</sup> Art. 4 g) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 4 f) UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>819</sup> Art. 7 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 7 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>820</sup> Art. 7 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art 7 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

The monetary aspect is also of utmost importance as United World Wrestling receives money for the nationality change<sup>821</sup> and the federation of origin can ask up to 300,000 Swiss Francs for a gold medallist athlete leaving their ranks.<sup>822</sup> This underscores that pecuniary aspects are often at the forefront of nationality changes. These requirements are aimed at dissuading federations from reaping the benefits of another federations' training, yet, the richer federations will not be as dissuaded as quickly as the less well-off federations.

Such a change is only possible once during the wrestler's career and per country only one change per year is admissible per age category.<sup>823</sup> Yet, no differentiation between adult and minor athletes is made regarding the maximum number of changes possible.<sup>824</sup> Changes cannot be revoked for any reason, yet there is the possibility for an annulment if the sports nationality was granted due to a deception.<sup>825</sup> In case of disputes, the United World Wrestling's Secretary General can be called upon to decide.<sup>826</sup> An appeals procedure is possible against such a decision,<sup>827</sup> although only within the first 21 days after the decision was made.<sup>828</sup>

#### 8.4.3. Rules applicable since 2012 – 2015

Wrestling previous regulations on eligibility and nationality changes were set out in the International Regulations for the Change of Nationality – effective 3<sup>rd</sup> August 2012. Several of these rules are still applicable today:

- athletes should in principle be nationals of the country they represent,<sup>829</sup>
- dual nationals may choose for which country they wish to compete,<sup>830</sup>

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<sup>821</sup> Art. 4 e) UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 4 e) UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January, 2015.

<sup>822</sup> Art. 5 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 5 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>823</sup> Art. 1 and Art. 3 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 1 and Art. 3 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>824</sup> Art. 1 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 1 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January, 2015.

<sup>825</sup> Art. 13 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December, 2015; Art. 13 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>826</sup> Art. 8 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 8 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>827</sup> Art. 10 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 10 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>828</sup> Art. 12 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; Art. 12 UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>829</sup> General conditions (a) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

## MARTIAL ARTS WITH BODILY CONTACT BETWEEN CONTESTANTS

- changing the country of representation is possible once,<sup>831</sup> under certain conditions,<sup>832</sup>
- Transfer window was between the 1<sup>st</sup> and 31<sup>st</sup> of December of a given year,<sup>833</sup>
- the procedure and the required documents are the same:<sup>834</sup>
  - copies of old and new passport;
  - new contract;
  - certificated from the involved federations;
  - There was also a CHF 5,000 fee payable by the wrestlers' new federation for a nationality change.<sup>835</sup>
- And a payment for the education or promotion of the wrestler becomes payable:<sup>836</sup>
  - 'For Junior and Senior (but not for Cadet), the payment to the former Federation of the following training compensations, 10% them being paid to FILA:
    - Olympic Gold Medallist or World Champion CHF 300'000.-
    - Olympic or World Silver & Bronze Medallist CHF 200'000.-
    - Continental Gold Medallist CHF 100'000.-
    - Continental Silver or Bronze Medallist and others CHF 50'000.-'<sup>837</sup>

Previously, the FILA focussed explicitly on the manner of acquisition of the new nationality:

“A wrestler who has obtained a new nationality by naturalization may participate, for his/her new country, in all competitions entered in the FILA calendar (tournaments, championships, cups, games, etc.) only after having obtained his/her new nationality which shall be proved by a new passport and upon agreement by FILA within the period between 1 and 31 December. He/she shall be only eligible to participate in the above mentioned competition the year following the request for the change of nationality. For Olympic Games qualifying tournaments and for the Olympic Games, the provisions of the

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<sup>830</sup> General conditions (b) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>831</sup> General conditions (d) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>832</sup> General conditions (d) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>833</sup> General Conditions (d) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012; Art. 1 FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012; Annex FILA International regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>834</sup> Appendix (1) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>835</sup> Art. 3 FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012; Appendix (5) International regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>836</sup> Art. 5 FILA international regulations for the change of nationality – effective 3<sup>rd</sup> August 2012; Appendix (6) International regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>837</sup> Appendix (6) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

Olympic Charter are applied. A change of nationality is accepted only once by FILA and the wrestler cannot return to his/her previous nationality.<sup>838</sup>

This article was applicable to wrestlers of all ages and all levels.<sup>839</sup> Such a change is only possible once. Furthermore, only an acquisition through naturalisation was accepted by the FILA. In the Annex to these regulations, the procedure of a nationality change was explained. It included a list of items the wrestler him or herself had to submit to the FILA, namely the copies of both the old and the new passport, the new contract with the new federation and certificates from both federations involved.<sup>840</sup>

The other time requirement was a year of non-competition between the application and the first competition for the new country of representation. In addition to the conditions spelled out in the general conditions, Article 1 also listed conditions under which a wrestler could not compete for another federation following a nationality change. These conditions related to the contract between athlete and federation, which may neither expire within six months or be terminated by mutual agreement or on a right ground.<sup>841</sup>

These prices already indicate that the more successful an athlete has already proven to be, the more expensive he or she will be for the new federation. This naturally made acquiring such a successful athlete slightly less alluring for federations. Moreover, the specification that any federation could only request the FILA to admit one athlete per style and per year who changed his or her nationality into its ranks limits the federation's possibilities.<sup>842</sup> Also taking into consideration the fees payable for such a change, it becomes clear that federations were clearly to be discouraged from acquiring wrestlers from other countries into their ranks.

All these requirements and the procedures made it very difficult for wrestlers to change between federations, although admittedly, the waiting period of only one year was relatively easy to fulfil. Stateless athletes or athletes faced with a change in the territory of their country were not explicitly mentioned, but under Article 13 the Executive Committee is given the power to settle any cases that do not fall within the rules set down at the time.<sup>843</sup>

#### 8.4.4. Rules applicable 2009 – 2012

Prior to the 2012 rule change, the FILA rules applicable were the FILA international regulations for the change of nationality, which were in force since March 2009.

Several aspects of these rules are still applicable today such as:

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<sup>838</sup> General conditions (d) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>839</sup> General conditions (d) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>840</sup> Appendix (1), (2) and (3) FILA International regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>841</sup> Art. 1(a), (b) and (c) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>842</sup> Appendix FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>843</sup> Art. 13 FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

## MARTIAL ARTS WITH BODILY CONTACT BETWEEN CONTESTANTS

- Only nationals of a country can compete for it in FILA competitions;<sup>844</sup>
- Athletes with multiple nationality have to pick one and stay with their choice;<sup>845</sup>
- Only one change of country of allegiance is admissible;<sup>846</sup>
- The transfer window between the 1<sup>st</sup> and 31<sup>st</sup> December of each year;<sup>847</sup>
- The procedure of changing a nationality requirements and the monetary and document requirements;<sup>848</sup>
- An allowance is charged to the new federation upon the change of an athlete to which both federations had to agree.<sup>849</sup>

The conditions for a change of country of representation were different: firstly, the wrestler had to obtain a new nationality by naturalisation;<sup>850</sup> secondly he or she had to prove this new nationality by holding a passport of the country;<sup>851</sup> and thirdly the wrestler had a period of non-competition of two years regarding Olympic Qualification Tournaments or Olympic Games, World Championships and World Cups, University Championships and Games, Military Championships and Games, Continental Championships and Games.<sup>852</sup> Competing in other international tournaments was possible if the athlete had the necessary passport.<sup>853</sup>

Incomplete applications were not taken into consideration. Such a transfer could thus be difficult due to the additional requirements, as it was not only the wrestler's contracts with the federation that were taken into consideration,<sup>854</sup> and there was only a small transfer window between the 1<sup>st</sup> and 31<sup>st</sup> December of each year.<sup>855</sup> Consequently, even if an athlete had fulfilled the requirements of the two-year period, the change could only be truly made in December. Combined with the fees payable to both FILA and the federation of origin, the federations were effectively discouraged from transfers.

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<sup>844</sup> General conditions a) FILA international regulations for the change of nationality 2011.

<sup>845</sup> General conditions b) FILA international regulations for the change of nationality 2011.

<sup>846</sup> General conditions d) FILA international regulations for the change of nationality 2011.

<sup>847</sup> Ibid.

<sup>848</sup> Appendix I compulsory procedure to follow for the change of nationality to the FILA international regulations for the change of nationality.

<sup>849</sup> Art. 3 and Art. 4 FILA international regulations for the change of nationality 2011.

<sup>850</sup> General conditions d) FILA international regulations for the change of nationality 2011.

<sup>851</sup> General conditions d) FILA international regulations for the change of nationality 2011; Appendix I compulsory procedure to follow for the change of nationality to the FILA international regulations for the change of nationality 2011.

<sup>852</sup> Ibid.

<sup>853</sup> General conditions d) FILA international regulations for the change of nationality 2011.

<sup>854</sup> Art. 1 FILA international regulations for the change of nationality 2011; Appendix I compulsory procedure to follow for the change of nationality to the FILA international regulations for the change of nationality 2011.

<sup>855</sup> Ibid.



## 9. Team sports involving a ball

In this section, team sports involving a ball will be examined. Football, basketball, handball, hockey, ice hockey, and rugby all have a similar playing field setup of a goal, goal area or basket, which, in the cases of football, handball, hockey, and ice hockey is guarded by a player whose main responsibility is to prevent the other team from scoring. Volleyball is different in that respect, as no specifically marked goal area exists and physical contact between athletes is made impossible by the net which is situated between the two halves of the field. Ice hockey is a particular case, since it is a sport at the winter Olympics, yet, it seems more logical to compare ice hockey to hockey than ice hockey to bobsleigh or luge.

Football is the sport with the longest Olympic history, having started in 1900 and having been absent only in 1932. Women’s football has however only been Olympic since 1996, which makes it one of the latest additions in this category. Hockey became Olympic in 1908 and ice hockey followed in 1924, with women’s events being added in 1980 and 1998 respectively. Volleyball is a relatively new sport at the Olympics, as it became Olympic in 1960 for both men and women and both beach volleyball events were added in 1996. Rugby is the youngest sport in this category and will make its Olympic debut at the 2016 Rio Olympic Games.

Table XXI: Topics dealt with in Team sports involving a ball

Requirements	Basketball	Football	Handball	Hockey	Ice Hockey	Rugby	Volleyball
In force since	2010	2008	2011	2010	2014	2013	2015
Versions since 2005	Since 2010	2005 – 2007 2007 Since 2008	Since 2011	Since 2011	2003 – 2012 2012 – 2014 Since 2014	2013 Since December 2013	2013 - 2014 Since 2015
substantial changes made since October 2013	n/a	n/a	n/a	No residence period required since 2012; special masters category introduced in 2015	Waiting period reduced; differentiation male and female athletes	Stricter, even minors cannot change country of representation now	Differentiation native and naturalised athlete introduced
Change of nationality	Possible	Not possible after an ‘A’ match, but possible before that	Possible once after three years of non-competition	Possible with permission and three year waiting period	Possible, although different rules depending on whether the athlete has competed before; if so: four	Not possible	Possible once, after two years of residence & non-competition

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

					years waiting period and four years competing in national league necessary, otherwise just two hockey seasons		
<b>Residence requirements</b>	In case of dependent territories	Five years in case a new nationality is acquired, otherwise two	24 months in case of multiple nationality	One year for masters players, none for the others	Legal residence, duration depends on case	36 consecutive months as a prerequisite to compete for national team; athletes should stay 10 months a year in a country	Two years
<b>Minors and nationality change</b>	Under 17 year olds may choose	May change until they compete in their first 'A' match	Not specified	May choose prior to becoming senior athletes, meaning competing on senior level	Not mentioned, but living in the country since 12 <sup>th</sup> birthday important	Minors cannot change their country of representation	Not specified
<b>Stateless athletes</b>	Stateless persons or asylum seekers dealt with on a case-by-case basis, special FIBA nationality possible	May ask permission to compete for another federation, if he or she was not at fault for becoming stateless	Not specified	Not specified	Not specified	Not specified	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a</b>	Have to decide once and can only decide again under special circumstances	Only possible prior to first 'A' match, and: he was born on the territory of the relevant Association; or his biological mother or	The athlete was born in the territory of the federation concerned or his biological mother or biological father were born in the	Three-year waiting period needed	Four-year non-international competition period while four years spent competition on national level	Nationality change not possible	Considered a naturalised athlete, per team there may be only one; Possible after two-year residence and two-year

TEAM SPORTS INVOLVING A BALL

<b>national</b>		biological father was born on the territory of the relevant Association; or his grandmother or grandfather was born on the territory of the relevant Association; or he has lived continuously on the territory of the relevant Association for at least two years	territory of the federation concerned or he has been living in the territory of the federation concerned for more than 24 months in any period of his life				waiting period
<b>Effect of changes in territory of country</b>	Not specified	Not specified	Not specified	Choose which entity they wish to represent, but only once; the three-year period does not apply	Not specified	Not specified	Not specified
<b>Competing for the country of residence</b>	Not possible	Not possible	Not possible	Possible for masters players or of athlete has a passport from the country of residence and has not competed for another country	Not possible	Possible, if 36 months of consecutive residence	Possible after 8 years of residence
<b>Number of changes possible</b>	Once, unless special interest of basketball is at stake	None after competing in A match	Once	No maximum given	No maximum given	None	Once
<b>Reference to Olympic Charter</b>	None	None	None	Yes	Compliance explicitly mentioned	Yes, reference to IOC rules for Olympic Games	None

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

<b>Uses nationality / citizenship</b>	Legal nationality	'Permanent' nationality	Nationality	Both	Mostly citizen and citizenship, but also nationality and national eligibility	Nationality and rugby nationality	citizenship
<b>Uses residence/ domicile</b>	Permanent Residency and 'living in a country'	Residence	Residence	Both	Residence	Residence, meaning primary and permanent home	Residence
<b>Other remarkable peculiarity</b>	'significant link' mentioned; adopted children placed at a great disadvantage for dependent territories	Difficult position of adopted athletes; use of 'permanent nationality'	Reference to asylum seekers and refugees	special masters category	Differentiation between male and female athletes, with female athletes having to fulfil less criteria	'genuine, close, credible and established link' explicitly mentioned	Definitions of native, naturalised players and citizenship provided; native athlete = nationality acquired prior to sporting debut

**9.1. Basketball**<sup>856</sup>

Basketball is one of the newer sports, being invented only in 1891.<sup>857</sup> Its governing association, the International Basketball Federation (FIBA), was founded in 1932 and has its seat in Mies, Switzerland.<sup>858</sup> Basketball became an Olympic Sport in 1936, with a women’s event coming 40 years later in 1976.<sup>859</sup> There are 12 women’s and 12 men’s teams competing in four periods of ten minutes.<sup>860</sup> Most notably, also professional players are allowed to participate in the Olympics.<sup>861</sup>

Table XXII: Overview of the eligibility requirements for basketball

<b>Requirements FIBA</b>	
<b>In force since</b>	3 <sup>rd</sup> September 2010
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	In case of dependent territories
<b>Minors and nationality change</b>	Under 17 year olds may chose
<b>Stateless athletes</b>	Stateless persons or asylum seekers dealt with on a case-by-case basis, special FIBA nationality possible
<b>Position of athletes with multiple nationalities after having competed for another country of which the athlete is a national</b>	Have to decide once and can only decide again under special circumstances
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	Once, unless special interest of basketball is at stake
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Legal nationality
<b>Uses residence/ domicile</b>	Permanent Residency and ‘living in a country’
<b>Other remarkable peculiarity</b>	‘Significant link’ mentioned; adopted children placed at great disadvantage for dependent territories

9.1.1. Basketball critical reflection

Basketball has had the same rules set out by the FIBA since 2010. Athletes need to be nationals of the country they represent.<sup>862</sup> Those who are nationals of more than one country may decide for which country they wish to compete and athletes under 21 may re-decide until their 21<sup>st</sup> birthday.<sup>863</sup> However, if the athlete is asked to compete for an

<sup>856</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The FIBA replied on 19<sup>th</sup> August. On 29<sup>th</sup> October 2015, the federation was contacted again and asked for comments on this chapter to which the FIBA replied on 16<sup>th</sup> November 2015, supplying the previously applicable rules and commenting on the chapter on 19<sup>th</sup> February 2016.

<sup>857</sup> IOC Information Basketball Equipment and History.

<sup>858</sup> IOC Reference Document Basketball.

<sup>859</sup> IOC Information FIBA; IOC Reference Document Basketball.

<sup>860</sup> IOC Information FIBA.

<sup>861</sup> Ibid.

<sup>862</sup> Art. 13, Art. 14 and Art. 15 book 3 chapter I FIBA rule book 2014 – 2019.

<sup>863</sup> Art. 16 and Art. 20 book 3 chapter I FIBA rule book 2014 – 2019.

adult team after their 18<sup>th</sup> birthday and accepts the summons, this choice is irrevocable.<sup>864</sup> The FIBA also provides rules for players who are from dependent territories and can decide on a case-by-case basis in special circumstances.<sup>865</sup> The same holds true for stateless athletes or those seeking asylum.<sup>866</sup> An interesting aspect is that residence only comes into play for athletes living in dependent territories.<sup>867</sup> The overall FIBA rules are rather strict as a change of country of representation is only possible once.

#### 9.1.2. Rules applicable since 2004

The current eligibility rules for basketball are set down in Book 3 of the FIBA Rule Book 2014 – 2019 approved by the FIBA Central Board on 27 August 2014, which are identical to the FIBA Rule Book 2010 – 2014. The FIBA Internal Regulations of 2004, 2006 and 2009 also closely resemble the later ones, with only some articles added or amended over time. Most notably, in 2004 the FIBA provided a list of definitions and principles prior to delving into the topic of nationality laws.<sup>868</sup> Moreover, while nowadays age is the important factor, in 2004 and 2006, FIBA focussed especially on athletes having competed in U-19 and U-21 tournaments<sup>869</sup> and, since 2006, also U-17 events.<sup>870</sup> The newly introduced rules are the following:

Since 2006:

- Athletes from dependent territories are dealt with.<sup>871</sup>

Since 2009:

- Exceptions given to youth player transfers, allowing them to choose again for which country they wish to compete;<sup>872</sup>
- Focus on 17<sup>th</sup> birthday for distinction between athletes who may re-decide for which country to compete and those who may do so under special circumstances;<sup>873</sup>
- Elaboration on athletes from dependent territories, also requiring them to have the legal nationality.<sup>874</sup>

Since 2010:

- Introduction of limits for the constellation of national teams, allowing only one athlete per team who acquired a legal nationality after the age of 16.<sup>875</sup>

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<sup>864</sup> Art. 17 and Art. 19 book 3 chapter I FIBA rule book 2014 – 2019.

<sup>865</sup> Art. 34 book 3 chapter I FIBA rule book 2014 – 2019.

<sup>866</sup> Ibid.

<sup>867</sup> Art. 26 book 3 chapter I FIBA rule book 2014 – 2019.

<sup>868</sup> Art. 3.1 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>869</sup> Art. 3.3.4 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>870</sup> H 2.3.4 FIBA Internal Regulations 2006.

<sup>871</sup> H 2.3.7 FIBA Internal Regulations 2006.

<sup>872</sup> H.2.3.2.1 and H.2.3.2.5 FIBA Internal Regulations 2009.

<sup>873</sup> H.2.3.4 and H.2.3.5 FIBA Internal Regulations 2009.

<sup>874</sup> H.2.3.7.1 and H.2.3.7.2 FIBA Internal Regulations 2009.

<sup>875</sup> Art. 21 book 3 chapter I FIBA rule book 2014 – 2019; Art. 21 book 3 chapter I FIBA rule book 2010 – 2014.

Since the early, versions the underlying principles have been the respect for fair play and submission to medical tests and respect for anti-doping rules.<sup>876</sup> Afterwards, the general principles regarding the national status of players are listed, stating that the FIBA rules apply at all levels and to both genders.<sup>877</sup> In order to be eligible to play for a national team, – in addition to the compliance to the aforementioned general rules, the athlete must have the legal nationality of the country concerned and must be able to prove his or her nationality by submitting an appropriate document at the request of the FIBA.<sup>878</sup>

With regard to the position of athletes with two or more legal nationalities, the FIBA does not explicitly differentiate between athletes who have acquired two nationalities at birth, those who have done so by naturalisation or athletes who had the right to acquire another nationality at birth, but only claimed that right until later.<sup>879</sup> They all may choose at any point in time for which country they want to compete, yet they need to provide a written declaration to the FIBA.<sup>880</sup> There are however exceptions to that rule, namely players who transferred between federations as youth players, for reasons linked to basketball (as opposed to family relocations or educational moves) may only decide to play for another country than the country from which they transferred after their 21<sup>st</sup> birthday.<sup>881</sup>

If such an athlete with multiple nationality is summoned to compete for a national team, it is important how old he or she is at that time. If the age is still under 17, he or she may decide later on to compete for the other country of which he or she is a national – in case the two federations can agree.<sup>882</sup> If the call for the national team comes after the 18<sup>th</sup> birthday, the athlete can either decline or accept the country's summons.<sup>883</sup> Such an acceptance is irrevocable.<sup>884</sup> If he or she declines

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<sup>876</sup> Art. 3(a), (b) and (c) book 3 chapter I FIBA rule book 2010 – 2014; Art. 3(a),(b) and (c) book 3 chapter I FIBA rule book 2014 – 2019; Art. 3(a),(b) and (c) book 3 chapter I FIBA rule book 2010 – 2014.

<sup>877</sup> Art. 10 and Art. 11 book 3 chapter I FIBA rule book 2014 – 2019; Art. 10 and 11 book 3 chapter I FIBA rule book 2010 – 2014; H.2.1.1 and H.2.1.2 FIBA Internal Regulations 2009; H.2.1.1 and H.2.1.2 FIBA Internal Regulations 2006; Art.3.1.1 and Art. 3.1.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>878</sup> Art. 13, Art. 14 and Art. 15 book 3 chapter I FIBA rule book 2014 – 2019; Art. 13, Art. 14 and Art. 15 book 3 chapter I FIBA rule book 2010 – 2014; H.2.2.1, H.2.2.2 and H.2.3.1 FIBA Internal Regulations 2009; H.2.2.1, H.2.2.2 and H.2.3.1 FIBA Internal Regulations 2006; Art. 3.2.1, Art. 3.2.2 and Art. 3.3.1 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>879</sup> Art. 16 book 3 chapter I FIBA rule book 2014 – 2019; Art. 16 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2 FIBA Internal Regulations 2009; H.2.3.2 FIBA Internal Regulations 2006; Art. 3.3.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>880</sup> Ibid.

<sup>881</sup> Art. 20 book 3 chapter I FIBA rule book 2014 – 2019; Art. 20 book 3 chapter I FIBA rule book 2010 – 2014.

<sup>882</sup> Art. 22 book 3 chapter I FIBA rule book 2014 – 2019; Art. 22 book 3 chapter I FIBA rule book 2010 – 2014.

<sup>883</sup> Art. 17 book 3 chapter I FIBA rule book 2014 – 2019; Art. 17 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2 FIBA Internal Regulations 2009; H.2.3.2 FIBA Internal Regulations 2006; Art. 3.3.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

the summons, he or she has to choose the country of which he or she is a national, but from which the athlete has not received a summons yet.<sup>885</sup> The only option is to declare in writing that he or she is actually choosing to compete for the country which summoned him or her first within 15 days of receiving the second request.<sup>886</sup> Either decision is also in principle irrevocable.<sup>887</sup> There is however a notable exception: if a player may not return to his country of origin but wishes to do so, the FIBA Secretary General may allow this change if it is considered to be in the interest of the development of and after the payment of a fee.<sup>888</sup>

A decision to the effect of the country of representation is also deemed to have been made in case the athlete competes for one of the countries of which he or she is a national.<sup>889</sup> Again this choice is generally deemed to be irrevocable.<sup>890</sup> There are two exceptions; firstly the FIBA's Secretary General may allow this after the payment of a fee if it is in the interest of basketball in the player's country of origin.<sup>891</sup> Secondly, if a player wishes to change to another member federation of which he or she is a national, the new federation has to request a written declaration from the old federation that the player has never competed for it on FIBA level.<sup>892</sup> If

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<sup>884</sup> Art. 19 and Art. 17 book 3 chapter I FIBA rule book 2014 – 2019; Art. 19 and Art. 17 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2 FIBA Internal Regulations 2009; H.2.3.2 FIBA Internal Regulations 2006; Art. 3.3.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>885</sup> Art. 17 book 3 chapter I FIBA rule book 2014 – 2019; Art. 17 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2 FIBA Internal Regulations 2009; H.2.3.2 FIBA Internal Regulations 2006; Art. 3.3.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>886</sup> Art. 17 book 3 chapter I FIBA rule book 2014 – 2019; Art. 17 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2 FIBA Internal Regulations 2009; H.2.3.2 FIBA Internal Regulations 2006; Art. 3.3.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>887</sup> Art. 19 book 3 chapter I FIBA rule book 2014 – 2019; Art. 19 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2.4 FIBA Internal Regulations 2009; H.2.3.2.4 FIBA Internal Regulations 2006; Art. 3.3.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>888</sup> Art. 23 book 3 chapter I FIBA rule book 2014 – 2019; Art. 23 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.4 FIBA Internal Regulations 2009 according to FIBA E-mail of 19<sup>th</sup> February, 2016 the fee does not apply automatically or in all cases, though it may at times be used as a deterrent for federations to request a change.

<sup>889</sup> Art. 18 book 3 chapter I FIBA rule book 2014 – 2019; Art. 18 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2.3 FIBA Internal Regulations 2009; H.2.3.2.3.4 FIBA Internal Regulations 2006; Art. 3.3.2 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>890</sup> Art. 19 book 3 chapter I FIBA rule book 2014 – 2019; Art. 19 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.2.4 FIBA Internal Regulations 2009; H.2.3.2 FIBA Internal Regulations 2006; Art. 3.3.2.4 Book 3 Regulations governing the National Status of Players – FIBA Internal Regulations 2004.

<sup>891</sup> Art. 23 book 3 chapter I FIBA rule book 2014 – 2019; Art. 23 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.4 FIBA Internal Regulations 2009.

<sup>892</sup> Art. 24 book 3 chapter I FIBA rule book 2014 – 2019; Art. 24 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.6 FIBA Internal Regulations 2009; H.2.3.6 FIBA Internal Regulations 2006; Art. 3.3.6 Book 3 Regulations governing the National Status of Players – FIBA Internal Regulations 2004.

such a declaration is not forthcoming, the FIBA may issue a provisional authorisation, which will become final and irrevocable after one year.<sup>893</sup>

In addition, the FIBA prohibits teams from having more than one player who acquired the nationality of the team after the age of 16 by any means, even if he or she had the right to the nationality at birth, but did not claim it until later.<sup>894</sup> If an athlete has claimed the nationality before his 16th birthday, but fails to provide proof of this, the FIBA Secretary General may decide that the athlete falls within the restriction.<sup>895</sup> The Secretary General will base his judgment on the following criteria:

- “- The number of years during which the player has lived in the country, for the national team of which he wishes to play;
- The number of seasons during which the player has participated in domestic competitions in the country of the national team for which he wishes to play;
- Any other criteria capable of establishing a significant link between the player and the country, for the national team of which he wishes to play.”<sup>896</sup>

This provision is interesting since a ‘significant link’ between a player and the country of representation is to be established, which is a direct reference to the ‘*genuine link*’ concept employed in nationality law. Furthermore, the number of years during which the athlete has been living in the country is taken into consideration – although the FIBA neither specifies what constitutes ‘living in a country’ for their purposes nor how a year is counted, e.g. by calendar year or otherwise.

Coming to another special case, the FIBA also provides rules for the players who are from dependent territories. These are territories which are their own entities, yet they are still dependent on the main territory or mainland. To athletes who have the main territory’s nationality but wish to compete for one of those dependent territories the following applies that they:

- “a. Have been born in the dependent territory; or
- b. Have:
  - i. been born in the main territory of at least one parent who was born in the dependent territory; or
  - ii. been born of parents both of whom were born in the dependent territory, regardless of the place of birth of the player; or
  - iii. at least one grandparent born in the dependent territory, regardless of the place of birth of the player.”<sup>897</sup>

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<sup>893</sup> Ibid.

<sup>894</sup> Art. 21(a) book 3 chapter I FIBA rule book 2014 – 2019; Art. 21(a) book 3 chapter I FIBA rule book 2010 – 2014.

<sup>895</sup> Art. 21(b) book 3 chapter I FIBA rule book 2014 – 2019; Art. 21(b) book 3 chapter I FIBA rule book 2010 – 2014.

<sup>896</sup> Ibid.

<sup>897</sup> Art. 26 book 3 chapter I FIBA rule book 2014 – 2019; Art. 26 book 3 chapter I FIBA rule book 2010 – 2014; H.2.3.7.1 FIBA Internal Regulations 2009.

These provisions aim at establishing a real link between the athlete and the dependant territory. This article refers to ‘being born of parent’, which would mean that only biological parents are taken into consideration. Hence, adopted children would be placed at a significant disadvantage. Additionally, if an athlete cannot satisfy these birthplace requirements, Article 27 stipulates that players acquiring the nationality of the main territory through naturalisation, and can prove a minimum of four years of permanent residence in the dependent territory, may also compete for the dependent territory.<sup>898</sup> This does not however help the adopted athletes, since he or she will not have acquired the nationality through naturalisation but at the moment of adoption. Also the definition of permanent residence is not given and the rules thus remain unclear.

According to FIBA’s e-mail the issue of adopted athletes is taken on a case by case basis. Should an athlete be adopted by someone from a dependent territory, the FIBA will carefully examine the link the athlete has established with the dependent territory, either by living there, having placed basketball there or – if the language deviated from the language spoken on the main land – whether he or she has mastered the language specific to the dependent territory.<sup>899</sup>

In the case of stateless athletes or those seeking asylum, the Secretary General will decide on a case-by-case basis.<sup>900</sup> Even a special FIBA nationality may be granted to players under specific circumstances.<sup>901</sup> Although the FIBA does not deal explicitly with athletes whose dependent territories become independent countries, the Secretary General has the possibility to decide on marginal cases.<sup>902</sup> Hence, these cases are also to some extent covered by the FIBA rules.

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<sup>898</sup> Art. 27 book 3 chapter I FIBA rule book 2014 – 2019; Art. 27 book 3 chapter I FIBA rule book 2010 – 2014.

<sup>899</sup> FIBA E-mail of 19<sup>th</sup> February, 2016.

<sup>900</sup> Art. 34 book 3 chapter I FIBA rule book 2014 – 2019; Art. 34 book 3 chapter I FIBA rule book 2010 – 2014; H.2.7 FIBA Internal Regulations 2009; H.2.7 FIBA Internal Regulations 2006; Art. 3.7 Book 3 Regulations governing the National Status of Players - FIBA Internal Regulations 2004.

<sup>901</sup> Ibid.

<sup>902</sup> Ibid.

**9.2. Football**<sup>903</sup>

In football, or as it is known in the US ‘soccer’, the main aim is to place the ball in the opponent team’s goal through the use of almost any limbs except the hands of the field players. On the field, there are usually 22 players, 11 per team which include ten field players and one goal keeper who is the only player allowed to touch the ball with his or her hands. In addition, more sophisticated rules like ‘offside’ and the ensuing use of the ‘offside trap’ are applied, resulting in not only a referee on the field but also two referees along the side lines necessary. In the course of a 90 minute game – plus extra time – there is a compulsory break of 15 minutes after the first half of 45 minutes and the coach of each side has the chance to substitute three players with fresh ones from the bench during the game.<sup>904</sup> Football’s status as an Olympic sport is somewhat difficult to ascertain, since there was allegedly a football game in 1896, although football was not really a recognised sport at that time.<sup>905</sup> The first official Olympic appearance came in 1900 for men’s football and in 1996 for women’s football.<sup>906</sup> Internationally, football is regulated by the *Fédération Internationale de Football Association* (FIFA) which was founded in 1904 and has its seat in Zürich, Switzerland.<sup>907</sup> Interestingly professional football players are allowed for the men’s Olympic teams, yet the majority of the players has to be under 23 years of age.<sup>908</sup> For women there are no such restrictions.<sup>909</sup>

Table XXIII: Overview of the eligibility requirements for football

<b>Requirements FIFA</b>	
<b>In force since</b>	2008
<b>Change of nationality</b>	Not possible after an ‘A’ match, but possible before that
<b>Residence requirements</b>	Five years in case a new nationality is acquired, otherwise two
<b>Minors and nationality change</b>	May change until they compete in their first ‘A’ match
<b>Stateless athletes</b>	May ask permission to compete for other federation, if he or she was not at fault for becoming stateless
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Only possible prior to first ‘A’ match, and: he was born on the territory of the relevant Association; or his biological mother or biological father was born on the territory of the relevant Association; or his

<sup>903</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The FIFA replied on 11<sup>th</sup> August 2014 and kindly provided all old rule books. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this chapter as no reply was forthcoming a first reminder was sent on 19<sup>th</sup> November 2015 to which the federation replied on 30<sup>th</sup> November.

<sup>904</sup> FIFA laws of the Game 2011/2012.

<sup>905</sup> B. Mallon & T. Widlund (1998), p. 118.

<sup>906</sup> IOC Information FIFA; IOC Information Football Equipment and History; IOC Reference Document Football.

<sup>907</sup> IOC Information FIFA; IOC Reference Document Football.

<sup>908</sup> IOC Information FIFA.

<sup>909</sup> IOC Information FIFA.

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	grandmother or grandfather was born on the territory of the relevant Association; or he has lived continuously on the territory of the relevant Association for at least two years
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	None after competing in A match
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	'Permanent' nationality
<b>Uses residence/ domicile</b>	residence
<b>Other remarkable peculiarity</b>	Difficult position of adopted athletes; use of 'permanent nationality'

### 9.2.1. Football critical reflection

The FIFA eligibility criteria have not changed substantially since 2008. Athletes have to be nationals of the country they represent.<sup>910</sup> Athletes with multiple nationality need to fulfil additional criteria if they wish to choose one particular country.<sup>911</sup> Here the fact that biological parents or grandparents are mentioned is problematic, as this places adopted children at a great disadvantage. Changing the country of representation is difficult and only possible before the athlete has competed in the first 'A' match for a national side, meaning the country's main national team.<sup>912</sup> The only exception arises if a government authority deprives the athlete of his nationality. Then the athlete may ask permission of the FIFA to become eligible for another association, provided that he has (acquired) the respective nationality.<sup>913</sup> Overall, these rules are strict and – as they disadvantage adopted athletes – also discriminatory.

### 9.2.2. Rules applicable since 2008

The main rules dealing with player eligibility can be found in the FIFA statutes and the regulations governing the application of the statutes, subpart 'eligibility to play for respective teams'. Looking at the changes over time, one notices that since 2008 only one substantive change was made – prior to 2009. According to Article 18 (1) – now Article 8 (1), athletes could ask for a change of country of representation once prior to their 21<sup>st</sup> birthday.<sup>914</sup> Since 2009, the reference to the athlete's birthday and the resulting limitation have been left out.<sup>915</sup> Another change has been made to the layout in 2011, changing the numbering on the rules, resulting in Article 15 becoming Article

<sup>910</sup> Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>911</sup> Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>912</sup> Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>913</sup> Art. 8(2) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>914</sup> Art. 18 (1) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>915</sup> Art. 8(1) FIFA statutes: regulations governing the application of the statutes 2016; Art. 8(1) FIFA statutes: regulations governing the application of the statutes 2014; Art. 8(1) FIFA statutes: regulations governing the application of the statutes 2013; Art. 8(1) FIFA statutes: regulations governing the application of the statutes 2012; Art. 8(1) FIFA statutes: regulations governing the application of the statutes 2011; Art. 18(1) FIFA statutes: regulations governing the application of the statutes 2010; Art. 18(1) FIFA statutes: regulations governing the application of the statutes 2009.

5; Article 16 becoming Article 6, Article 17 turning to Article 7 and Article 18 to Article 8. Since the wording of these articles has remained identical, they will be examined as one, with the in-text reference made to the currently applicable article numbers.

Starting with the FIFA rules for the World Cup 2014, Article 8 on the eligibility of the players stipulates in Paragraph 1 sub a that the players need to be of the nationality of the country they are called up for and are furthermore eligible for selection as spelled out by the FIFA statutes.<sup>916</sup> These in turn specify under Article 5 (1) of the Regulations Governing the Application of the Statutes April 2016 that:

“Any person holding a permanent nationality that is not dependent on residence in a certain Country is eligible to play for the representative teams of the Association of that Country.”<sup>917</sup>

It is important to underscore the qualification added to the athlete’s nationality, namely that it needs to be permanent and not dependant on a residence requirement.<sup>918</sup> In case a player has multiple nationalities, the athlete needs to fulfil one of the additional requirements under Article 6(1) to be eligible to play for one of the associations:

- “a) He was born on the territory of the relevant Association;
- b) His biological mother or biological father was born on the territory of the relevant Association;
- c) His grandmother or grandfather was born on the territory of the relevant Association;
- d) He has lived continuously on the territory of the relevant Association for at least two years.”<sup>919</sup>

However, there is an exception to Article 6(1), which provides the possibility for associations that share one nationality to either waive Article 6(1)(d) or to amend it with regard to the residence time that is required.<sup>920</sup> In the aforementioned case of

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<sup>916</sup> FIFA regulations 2014 World Cup Brazil.

<sup>917</sup> Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2016; Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2014; Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2013; Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2012 Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2011; Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2010; Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2009; Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>918</sup> See Chapter 3.4 on the permanent character of nationality.

<sup>919</sup> Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2016; Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2014; Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2013; Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2012; Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2011; Art. 16(1) FIFA statutes: regulations governing the application of the statutes 2010; Art. 16(1) FIFA statutes: regulations governing the application of the statutes 2009; Art. 16(1) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>920</sup> Art. 6(2) FIFA statutes: regulations governing the application of the statutes 2016; Art. 6(2) FIFA statutes: regulations governing the application of the statutes 2014; Art. 6(2) FIFA statutes: regulations governing the application of the statutes 2013; Art. 6(2) FIFA statutes: regulations governing the application of the statutes 2012; Art. 6(2) FIFA statutes: regulations governing the

Argentinian Camoranesi, who could rely on acquiring Italian nationality *ius sanguinis* in the paternal line due to his Italian grandfather, was able to be eligible for playing for Italy.<sup>921</sup>

Turning to the question of whether it is possible to change an athlete's nationality, under Article 5 (2), Regulations Governing the Application of the Statutes it is in principle not possible for an athlete to change his or her association after having participated in an "A" international match for one association.<sup>922</sup> This means that international matches for the national U-18 or U-21 are not taken into consideration if an athlete wishes to change the country of representation. Given that an athlete fulfils the requirements of Article 5, there are further prerequisites stipulated in Article 7, namely:

- a) He was born on the territory of the relevant Association;<sup>923</sup>
- b) His biological mother or biological father was born on the territory of the relevant Association;<sup>924</sup>
- c) His grandmother or grandfather was born on the territory of the relevant Association;<sup>925</sup>
- d) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.<sup>926</sup>

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application of the statutes 2011; Art. 16(2) FIFA statutes: regulations governing the application of the statutes 2010; Art. 16(2) FIFA statutes: regulations governing the application of the statutes 2009; Art. 16(2) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>921</sup> Since under Italian law (legge n. 91 of 5.12.1992) there is no limit to the generations for the acquisition of nationality.

<sup>922</sup> Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2016; Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2014; Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2013; Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2012; Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2011; Art. 15(2) FIFA statutes: regulations governing the application of the statutes 2010; Art. 15(2) FIFA statutes: regulations governing the application of the statutes 2009; Art. 15(2) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>923</sup> Art. 7(a) FIFA statutes: regulations governing the application of the statutes 2016; Art. 7(a) FIFA statutes: regulations governing the application of the statutes 2014; Art. 7(a) FIFA statutes: regulations governing the application of the statutes 2013; Art. 7(a) FIFA statutes: regulations governing the application of the statutes 2012; Art. 7(a) FIFA statutes: regulations governing the application of the statutes 2011; Art. 17(a) FIFA statutes: regulations governing the application of the statutes 2010; Art. 17(a) FIFA statutes: regulations governing the application of the statutes 2009; Art. 17(a) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>924</sup> Art. 7(b) FIFA statutes: regulations governing the application of the statutes 2016; Art. 7(b) FIFA statutes: regulations governing the application of the statutes 2014; Art. 1(b) FIFA statutes: regulations governing the application of the statutes 2013; Art. 7(b) FIFA statutes: regulations governing the application of the statutes 2012; Art. 7(b) FIFA statutes: regulations governing the application of the statutes 2011; Art. 17(b) FIFA statutes: regulations governing the application of the statutes 2010; Art. 17(b) FIFA statutes: regulations governing the application of the statutes 2009; Art. 17(b) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>925</sup> Art. 7(c) FIFA statutes: regulations governing the application of the statutes 2016; Art. 7(c) FIFA statutes: regulations governing the application of the statutes 2014; Art. 7(c) FIFA statutes: regulations governing the application of the statutes 2013; Art. 7(c) FIFA statutes: regulations governing the application of the statutes 2012; Art. 7(c) FIFA statutes: regulations governing the application of the statutes 2011; Art. 17(c) FIFA statutes: regulations governing the application of the statutes 2010; Art. 17(c) FIFA statutes: regulations governing the application of the statutes 2009; Art. 17(c) FIFA statutes: regulations governing the application of the statutes 2008.

In this case, the biggest difference between making use of another nationality and acquiring a new one is that, for the former, only two years of residence are required, while five are necessary for the latter and only the years after reaching the age of majority are counted. Additionally, a waiver of the requirement under sub d) is not possible in the case of a change of nationality. However, it will be possible to fulfil the residence requirement of five years only after the athlete reached the age of majority. This means that a naturalised player who cannot rely on either Article 7(b) or (c) has a waiting period of five years prior to the first possible international competition.

In addition to changing the nationality, a player needs to change the association of which he is a member as stipulated in Article 8(1) of the Regulations Governing the Application of the Statutes 2016. However, such a change is possible only once, if he has not played for another Association an “A” international match and already has the nationality of his new association prior to being first fielded in an international competition.<sup>927</sup> The athlete cannot play for a new association in a competition in which he or she already represented another Association.<sup>928</sup> Hence, in case an athlete at the age of 18 changes association and wants to compete at the U-21 level after having participated in this competition for his old Association, he is not eligible.

An exception to this strict rule is provided in the next paragraph, which deals with cases of permanent loss of nationality against the will of the athlete. If a government authority deprives the athlete of his nationality, he may ask permission of the FIFA to become eligible for another association, provided that he has (acquired) the respective nationality.<sup>929</sup>

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<sup>926</sup> Art. 7(d) FIFA statutes: regulations governing the application of the statutes 2016; Art. 7(d) FIFA statutes: regulations governing the application of the statutes 2014; Art. 7(d) FIFA statutes: regulations governing the application of the statutes 2013; Art. 7(d) FIFA statutes: regulations governing the application of the statutes 2012; Art. 7(d) FIFA statutes: regulations governing the application of the statutes 2011; Art. 17(d) FIFA statutes: regulations governing the application of the statutes 2010; Art. 17(d) FIFA statutes: regulations governing the application of the statutes 2009; Art. 17(d) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>927</sup> Art. 8(1a) FIFA statutes: regulations governing the application of the statutes 2016; Art. 8(1a) FIFA statutes: regulations governing the application of the statutes 2015; Art. 8(1a) FIFA statutes: regulations governing the application of the statutes 2014; Art. 8(1a) FIFA statutes: regulations governing the application of the statutes 2013; Art. 8(1a) FIFA statutes: regulations governing the application of the statutes 2012; Art. 8(1a) FIFA statutes: regulations governing the application of the statutes 2011; Art. 18(1a) FIFA statutes: regulations governing the application of the statutes 2009; Art. 18(1a) FIFA statutes: regulations governing the application of the statutes 2010; Art. 8(1a) FIFA statutes: regulations governing the application of the statutes 2009; Art. 18(1a) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>928</sup> Art. 8(1b) FIFA statutes: regulations governing the application of the statutes 2016; Art. 8(1b) FIFA statutes: regulations governing the application of the statutes 2014; Art. 8(1b) FIFA statutes: regulations governing the application of the statutes 2013; Art. 8(1b) FIFA statutes: regulations governing the application of the statutes 2012; Art. 8(1b) FIFA statutes: regulations governing the application of the statutes 2011; Art. 18(1b) FIFA statutes: regulations governing the application of the statutes 2010; Art. 18(1b) FIFA statutes: regulations governing the application of the statutes 2009; Art. 18(1b) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>929</sup> Art. 8(2) FIFA statutes: regulations governing the application of the statutes 2016; Art. 8(2) FIFA statutes: regulations governing the application of the statutes 2014; Art. 8(2) FIFA statutes: regulations governing the application of the statutes 2013; Art. 8(2) FIFA statutes: regulations governing the application of the statutes 2012; Art. 8(2) FIFA statutes: regulations governing the

9.2.3. Rules applicable 2007

Prior to the 2008 changes, there was only one article in the FIFA Statutes: Regulations Governing the Application of the Statutes 2007 in section ‘VII. Eligibility top for association teams’. Some of today’s core rules were already in place then:

- Athletes have to be nationals of the country they represented;<sup>930</sup>
- Athletes in principle cannot change their country of allegiance after having represented one country in an official match;<sup>931</sup>
- Athletes with dual or multiple nationality may change their country of representation once;<sup>932</sup>
- Such a change is only possible if s/he has not competed in an ‘A’ match;<sup>933</sup>
- Athletes who lose their nationality may compete for another country of which they have become nationals;<sup>934</sup>
- The FIFA Executive’s Committee deals with these issues on a case-by-case basis.<sup>935</sup>

Contrary to modern rules, there was focus on the athlete’s 21<sup>st</sup> birthday as a threshold for changing the country of representation.

9.2.4. Rules applicable 2005 – 2007

Turning to the FIFA Statutes: Regulations Governing the Application of the Statute 2005, subpart VII. Eligibility to play for Association Teams, one finds that they have little in common with the current rules. The underlying principle is that:

- Athletes should only compete for the country of which they are nationals;<sup>936</sup>
- After competing in an ‘A’ match, an athlete may in principle not change the country of representation;<sup>937</sup>
- Special rules apply to those athletes who have more than one nationality.<sup>938</sup>

The content of these special rules however largely differs from what they are today: these days, Article 15 focussed even more on the 21<sup>st</sup> birthday provision:

“(a) Up to his 21st birthday, a player may only once request changing the Association for which he is eligible to play international matches. A Player may exercise this right to change Associations only if he has not played at “A” international level for his current Association and if at the time of his first full or

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application of the statutes 2011; Art. 18(2) FIFA statutes: regulations governing the application of the statutes 2010; Art. 18(2) FIFA statutes: regulations governing the application of the statutes 2009; Art. 18(2) FIFA statutes: regulations governing the application of the statutes 2008.

<sup>930</sup> Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2007.

<sup>931</sup> Art. 15(2) FIFA statutes: regulations governing the application of the statutes 2007.

<sup>932</sup> Art. 15(3) FIFA statutes: regulations governing the application of the statutes 2007.

<sup>933</sup> Art. 15(3)(a) FIFA statutes: regulations governing the application of the statutes 2007.

<sup>934</sup> Art. 15(4) FIFA statutes: regulations governing the application of the statutes 2007.

<sup>935</sup> Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2007.

<sup>936</sup> Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>937</sup> Art. 15(2) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>938</sup> Art. 15(3) FIFA statutes: regulations governing the application of the statutes 2005.

partial appearance in an international match in an official competition of any other category, he already had such nationalities. Changing Associations is not permitted during the preliminary competition of a FIFA competition, continental championship or Olympic Tournaments if a player has already been fielded in a match of one of these competitions.

(b) Any Player who has already acquired eligibility to play for one Association but has another nationality imposed upon him by a government authority, is also entitled to change associations. This provision is not subject to any age limits.<sup>939</sup>

Thus, the FIFA basically distinguished between athletes who were forced to have another nationality – notably, this is exactly opposed to the wording of the later version, where the rules deal with deprivation of nationality – who could at any time change the country of representation and those actively seeking to change their country of representation.<sup>940</sup> The latter may do so once until their 21<sup>st</sup> birthday and only if they have not yet competed for another country in an ‘A’ match. The focus on the 21<sup>st</sup> birthday seems arbitrary. Contrarily, the conditions that the athlete may not have competed in a fully-fledged match and should not be allowed to change the country of representation during a tournament or the qualification for a tournament is entirely reasonable.

The FIFA further stipulated that all athletes, to whom the aforementioned possibilities to change the country of representation did not apply, could ask the Executive Committee to decide on their eligibility on a case-by-case basis.<sup>941</sup> Thus, while in principle changes were not allowed, athlete specific circumstances were taken into consideration.

The athlete’s 21<sup>st</sup> birthday was relevant for another provision as well:

“Any Players who have already had their 21st birthday at the time of implementation of these provisions and who fulfil the requirements in par. 3 (a) are also entitled to submit such a request to change Associations. This entitlement will expire definitively twelve months after implementation of this provision.”<sup>942</sup>

This not only underlines that these provisions were new and thus a transition period was needed, but it also shows the focus on a specific age – which is absent in the later versions. At that time, the principle rule was that only those who were nationals of a country could represent that country at a football tournament and that as a general rule no changes were permitted once an athlete had participated in any official competition for one country.<sup>943</sup> This meant that also participation in any youth match counted, making it impossible to change the country of representation at any time.

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<sup>939</sup> Art. 15(3)(a) and (b) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>940</sup> Art. 15(3)(b) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>941</sup> Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>942</sup> Art. 15(5) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>943</sup> Art. 15(1) and 15(2) FIFA statutes: regulations governing the application of the statutes 2005.

**9.3. Handball<sup>944</sup>**

At the Olympic Games only indoor handball has been played continuously since 1972 by men and since 1976 by women.<sup>945</sup> In handball teams of seven players – either men or women since mixed teams cannot compete – try to throw a ball in the goal of the opposing team. Circumference and weight of the ball depends on the gender – for men it is 58 to 60 cm and 425 to 475 grams and for women 54 to 56 cm and 325 to 400 grams respectively. The goal is shaped like a D and is situated on the shorter side of the 40 times 20 m court.<sup>946</sup> At international level handball is regulated by the International Handball Federation (IHF) founded in 1946 with its Headquarters in Basel, Switzerland.<sup>947</sup>

Table XXIV Overview of the eligibility requirements for handball

<b>Requirements IHF</b>	
<b>In force since</b>	1 <sup>st</sup> July 2011
<b>Change of nationality</b>	Possible once after three years of non-competition
<b>Residence requirements</b>	24 months in case of multiple nationality
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	The athlete was born in the territory of the federation concerned or his biological mother or biological father were born in the territory of the federation concerned or he has been living in the territory of the federation concerned for more than 24 months in any period of his life
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	Once
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	residence
<b>Other remarkable peculiarity</b>	Reference to asylum seekers and refugees

9.3.1. Handball critical reflection

The IHF eligibility criteria stipulate that athletes are to be citizens of the country they represent internationally.<sup>948</sup> In case of multiple nationality, the player has to fulfil additional requirements to be able to choose to represent one of the countries, i.e. place of birth, place of birth of the biological parent or residence of over 24 months.<sup>949</sup> Here, the reference to biological parents is problematic, as adopted children have a great

<sup>944</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming a reminder e-mail was sent on 18<sup>th</sup> September. On 29<sup>th</sup> October 2015 the IHF was contacted again and asked for comments on this chapter, which the IHF provided on 30<sup>th</sup> October 2015.

<sup>945</sup> IOC Information on Handball equipment and History; IOC Reference Document Handball.

<sup>946</sup> IOC Information on Handball equipment and History.

<sup>947</sup> IOC Information IHF; IOC Reference Document Handball.

<sup>948</sup> Art. 6.1 a) Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014.

<sup>949</sup> Art. 6.2 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014.

disadvantage in that case. Changing the country of representation is possible once after a period of three years of non-competing for another national team.<sup>950</sup> Nevertheless, should the national federation dissolve or otherwise circumstances change drastically, the IHF will deal with the resulting problems on a case-by-case basis.<sup>951</sup>

Overall, the IHF seems rather strict, since nationality changes are only possible once and a player wishing to compete for another country has to prove a real connection to that country. However, the residence requirement, which is the only one attainable later in life, is rather liberal, since the player has to have lived in the territory of the country for more than 24 months at any time in his or her life. The statutes do not stipulate that these 24 months have to be uninterrupted, so even more flexibility may be possible. In addition, the possibility to decide on a case-by-case basis how to deal with the dissolution of a country and its federation gives the IHF more leeway to address all kinds of circumstances.

### 9.3.2. Rules applicable since 2011

Turning to the question of nationality requirements, one first has to note that all handball players are subject to the Player Eligibility Code of the International Handball Federation (IHF).<sup>952</sup> The IHF stipulates that players participating in the Olympics may not make use of illegal substances or lent themselves for advertising purposes during that time.<sup>953</sup> In principle, players can compete for a country of which they are citizens.<sup>954</sup> In case of multiple nationality, the player has to fulfil additional requirements to be able to choose to represent one of the countries:

- “a) he was born in the territory of the federation concerned or
- b) his biological mother or biological father were born in the territory of the federation concerned or
- c) he has been living in the territory of the federation concerned for more than 24 months in any period of his life.”<sup>955</sup>

It is thus not possible to compete for a national team if the player has no substantial connection to the relevant country. Changes are in principle admissible under Article 6.3 Player Eligibility Code of the International Handball Federation (IHF) of 1<sup>st</sup> July 2011. However, this is only possible once and only after a period of three years of non-competition.<sup>956</sup> Thus, the IHF is very strict with regard to nationality changes. In case

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<sup>950</sup> Art. 6.1 b) Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014.

<sup>951</sup> Art. 6.3 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014.

<sup>952</sup> Art. 1 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Art. 1 Player eligibility code of the International Handball Federation (IHF) of 1<sup>st</sup> July 2011.

<sup>953</sup> Art. 8 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Art. 8 Player eligibility code of the International Handball Federation (IHF) of 1<sup>st</sup> July 2011.

<sup>954</sup> Art. 6.1 a) Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014;

Art. 6.1 a) Player eligibility code of the International Handball Federation (IHF) of 1<sup>st</sup> July 2011.

<sup>955</sup> Art. 6.2 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Art. 6.2 Player eligibility code of the International Handball Federation (IHF) of 1<sup>st</sup> July 2011.

<sup>956</sup> Art. 6.1 b) Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Art. 6.1 b) Player eligibility code of the International Handball Federation (IHF) of 1<sup>st</sup> July 2011.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

an existing federation dissolves for whatever changes in the setup of the respective country of representation, the IHF will solve arising problems on a case-by-case basis.<sup>957</sup>

The position of stateless athletes is not elaborated upon, but the IHF makes clear references to refugees and asylum seekers.

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<sup>957</sup> Art. 6.2 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Art. 6.3 Player eligibility code of the International Handball Federation (IHF) of 1<sup>st</sup> July 2011.

#### 9.4. Hockey<sup>958</sup>

Hockey is one of the oldest games involving a ball and sticks, since it allegedly was already played in 2000 BC. It has been an Olympic sport since 1908, although it was notably not included in the 1912 and 1924 Olympiads.<sup>959</sup> Nowadays, a hockey team consists of 18 players of whom a maximum of 11 players are on the pitch and aim to bring the hard plastic ball in the goal of the opposing team. The ball has a circumference of 230mm and is usually white and the sticks used by the players are J-shaped to enable them to better hit and steer the ball.<sup>960</sup> Hockey is regulated by the International Hockey Federation (FIH) founded in 1924 which has its seat in Lausanne, Switzerland.<sup>961</sup>

Table XXV: Overview of the eligibility requirements for hockey

<b>Requirements FIH</b>	
<b>In force since</b>	13 <sup>th</sup> November 2010
<b>Change of nationality</b>	Possible with permission and three-year waiting period
<b>Residence requirements</b>	One year for masters players, none for the others
<b>Minors and nationality change</b>	May choose prior to becoming senior athletes, meaning competing on a senior level
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Three-year waiting period needed
<b>Effect of changes in territory of country</b>	Choose which entity they wish to represent, but only once; the three-year period does not apply
<b>Competing for the country of residence</b>	Possible for masters players or of athlete has a passport from the country of residence and has not competed for another country
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Both
<b>Uses residence/ domicile</b>	Both
<b>Other remarkable peculiarity</b>	Special masters category

##### 9.4.1. Hockey critical reflection

In its eligibility rules, the FIH pays considerable attention to details, e.g. differentiating between junior, senior and masters athletes.<sup>962</sup> In principle, athletes need to be

<sup>958</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The IHF replied on 7<sup>th</sup> August 2014. On 29<sup>th</sup> October, 2015 the federation was contacted again and asked for comments on this chapter to which the federation replied on 29<sup>th</sup> October 2015.

<sup>959</sup> IOC Information FIH; IOC Reference Document Hockey.

<sup>960</sup> IOC Information on Hockey Equipment and History.

<sup>961</sup> IOC Information FIH; IOC Reference Document Hockey.

<sup>962</sup> Respectively Art. 2, Art. 3 and Art. 4 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July, 2015.

nationals of the country they represent.<sup>963</sup> Yet, a change of the country of representation is possible, although it is considerably easier for junior or masters athletes compared to senior athletes.<sup>964</sup> A case-by-case approach by the Executive Board is possible in difficult situations, allowing players that acquire another nationality, either by choice or by circumstance to always have the possibility to represent the country of their choice.<sup>965</sup> The possibility to re-decide after having competed in a junior competition is highly liberal as is the non-restricted number of nationality changes (with the exception of territorial transfers). Stateless athletes are however not mentioned, but one would presume that their cases fall within the scope of the Executive Board's decisions on a case-by-case basis.

#### 9.4.2. Rules applicable since 2010

The current eligibility criteria for Hockey can be found in the FIH Regulations governing the Eligibility of a Player to Play International Hockey for a Country / National Association of July 2015, which for junior and senior players mostly resemble the 2010 and 2012 rule versions. One notable exception is that since 2012 the article concerning athletes recognised by more than one country has been scrapped and that since 2015 the category of master players has been introduced.

Prior to 2012, athletes with multiple nationality could only represent the country in which he or she was a *bona fide* resident,<sup>966</sup> meaning that the athlete had been a resident in the country for a period of 210 days in each of the three years leading up to the initial selection.<sup>967</sup> Special provisions applied when countries share common nationality and residency within one international border and in such cases the eligibility depended on the place of birth of either the player or the player's parents. In addition, players could select to play for the country in which they were *bona fide* residents.<sup>968</sup>

Turning to the currently applicable eligibility criteria, the FIH underscores that for the Olympic Games the IOC's rules take precedence.<sup>969</sup> For FIH competitions, junior or senior players need in principle to have the nationality of the country they wish to represent.<sup>970</sup> Nationality is considered to be given in case the athlete holds a

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<sup>963</sup> Art. 1.1. FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>964</sup> Art. 2.4; Art. 3.4 and Art. 4.3 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>965</sup> Art. 3.5 and Art. 4.4 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>966</sup> Art. 5.2.4.1 International Hockey Federation statutes updated 13<sup>th</sup> November 2010.

<sup>967</sup> Art. 5.2.4.3 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>968</sup> Art. 5.2.4.2 International Hockey Federation statutes updated 13<sup>th</sup> November 2010.

<sup>969</sup> Art. 1.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 1.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2.1.3 International Hockey Federation statutes updated 13<sup>th</sup> November 2010.

<sup>970</sup> Art. 1.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 1.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2.1.1 International Hockey Federation statutes updated 13<sup>th</sup> November 2010.

valid passport of a country.<sup>971</sup> Athletes may also compete for their country of residence, provided that they have a passport of this country – even if it is not their country of origin.<sup>972</sup>

Senior players, meaning all athletes competing in senior tournaments regardless of their age,<sup>973</sup> cannot change their country of representation with direct effect if they have already competed internationally.<sup>974</sup> Such a change is only possible after the athlete has waited for three years after having represented another country and if the athlete has received the written permission of the involved associations and the FIH Executive Board.<sup>975</sup> This applies not only to athletes who acquired a new nationality, but also to those who had multiple nationality before embarking on an international career. The FIH underscores that the acquisition of a new nationality does not need to lead to a change of country of representation, provided that the athlete continues to be a national of the original country.<sup>976</sup>

The FIH pays special attention to cases where the athlete's nationality is subject to change due to territorial transfers – e.g. because the country gains independence or becomes incorporated into another. In such cases, athletes can choose once for which country they wish to compete without the three-year waiting period or permission necessary.<sup>977</sup> This allows athletes to continue their career with only minor interruptions.

Furthermore, the FIH states that all cases not falling under the statutes or bye-laws will be decided by the Executive Board if brought before them. Such decisions, especially those that focus on nationality, citizenship, domicile, or residence of players can then either be decided for the individual case or in a general matter for

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<sup>971</sup> Art. 1.2 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 1.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2.1.2 International Hockey Federation statutes updated 13<sup>th</sup> November 2010.

<sup>972</sup> FIH e-mail of 8<sup>th</sup> February 2016.

<sup>973</sup> Art. 3.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 3.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2.3.1 International Hockey Federation statutes updated 13<sup>th</sup> November 2010.

<sup>974</sup> Art. 3.3 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 3.3 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2.3.2 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>975</sup> Art. 3.4 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 3.4 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2.3.4 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>976</sup> Art. 3.3 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 3.3 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2.3.2 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>977</sup> Art. 3.5 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 3.5 FIH regulations governing the eligibility of a player to play International Hockey for a country / National Association 29<sup>th</sup> March 2012; Art. 5.2.3.4 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

all similar cases.<sup>978</sup> Here the FIH refers to nationality and citizenship while having mentioned only nationality before. The fact that these four terms were listed individually shows that the FIH considers them distinct concepts – otherwise nationality and residence would have been sufficient. However, no further information is provided on the FIH’s definition or the FIH’s intention in mentioning these concepts additionally, which is especially interesting as, prior to 2012, the FIH did provide a definition of the then required *bona fide* residence in Article 4.3 International Hockey Federation Statutes.

With regard to minors, one finds that the FIH considers all players under the age of 21 to be a junior player.<sup>979</sup> However, if the athlete has participated in what is considered a senior tournament he or she will be considered a senior player from then on.<sup>980</sup> In principle, junior players with multiple nationality have to choose which country they want to represent.<sup>981</sup> Yet, junior athletes who acquire a new nationality or already had several nationalities may change their country of representation, provided they can obtain the approval of the Executive Board.<sup>982</sup> Another choice is possible when the athlete proceeds from being a junior to competing as a senior player.<sup>983</sup> However, if the player has represented one country at a senior level, he or she may only represent another country after not having competed for a country for three years. This requirement can be set aside in case the athlete receives the approval of the national association of the first country and the Executive Board.<sup>984</sup> Overall, these rules place junior athletes in a good situation and allow them to re-decide upon reaching the age of majority.

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<sup>978</sup> Art. 3.6 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 3.6 FIH regulations governing the eligibility of a player to play International Hockey for a country / National Association 29<sup>th</sup> March 2012; Art. 5.2.3.5. International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>979</sup> Art. 2.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 2.1 FIH regulations governing the eligibility of a player to play International Hockey for a country/ National Association 29<sup>th</sup> March 2012; Art. 5.2. 2.1 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>980</sup> Art. 2.5 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 2.5 FIH regulations governing the eligibility of a player to play International Hockey for a country/ National Association 29<sup>th</sup> March, 2012; Art. 5.2.2.5 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November, 2010.

<sup>981</sup> Art. 2.2 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 2.2 FIH regulations governing the eligibility of a player to play International Hockey for a country / National Association 29<sup>th</sup> March 2012; Art. 5.2.2.2 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>982</sup> Art. 2.2 and Art. 2.3 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 2.2 and Art. 2.3 FIH regulations governing the eligibility of a player to play International Hockey for a Country / national Association 29<sup>th</sup> March 2012; Art. 5.2.2.2 and Art. 5.2.3 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>983</sup> Art. 2.4 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015; Art. 2.4 FIH regulations governing the eligibility of a player to play International Hockey for a country / National Association 29<sup>th</sup> March 2012; Art. 5.2.2.4 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>984</sup> Ibid.

Since 2015, there is the additional category of ‘masters athletes’ to whom different rules apply, e.g. in masters tournaments or events they may also compete for their country of residence, provided they have been living there 12 months directly prior to the tournament.<sup>985</sup> Such a masters tournament or event is any FIH sanctioned event which is either labelled ‘masters’ or has an age restriction, meaning a minimum age requirement.<sup>986</sup> At the masters level, athletes may compete for countries of which they are nationals or where they have been residents prior to the event for at least 12 months.<sup>987</sup> Akin to junior and senior athletes, they should choose for which country they want to compete in the case of dual or multiple nationality.<sup>988</sup> However, contrary to the other competitions, masters players can change their country of representation after only a one year waiting period or with the approval of the Board.<sup>989</sup> This is significantly quicker than the three years usually applicable. Moreover, the FIH allows the relevant Board to take decisions regarding nationality, citizenship, domicile and residence on an individual or general basis.<sup>990</sup> Thus, while this category is generally very much akin to the senior and junior players, the highly reduced waiting period is remarkable.

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<sup>985</sup> Art. 1.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>986</sup> Art. 4.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>987</sup> Art. 4.2 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>988</sup> Ibid.

<sup>989</sup> Art. 4.3 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>990</sup> Art. 4.4 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

**9.5. Ice Hockey**<sup>991</sup>

Ice hockey was first developed in the early 19<sup>th</sup> century in Canada, although the first rules were only laid down in 1879.<sup>992</sup> In 1908 the International Ice Hockey Federation (IIHF) was founded and ice hockey was included in the summer Olympics in 1920 as a men’s only event.<sup>993</sup> Since 1924, ice hockey was part of the Winter Olympic Games programme, while women’s ice hockey has featured in the Games since 1998, after having been accepted as an Olympic Sport in 1992.<sup>994</sup> The main difference between the women’s and the men’s game is that, in the former, body-checks are not allowed.<sup>995</sup> Ice hockey games last an hour plus a 15 minute intermission, with the hour being divided into three periods of 20 minutes.<sup>996</sup> The intermission occurs between the first and second period.<sup>997</sup> The teams of six players each change sides on the ice ring between the periods.<sup>998</sup> There are additional overtimes possible if at the end of the regular time the score is a draw between the teams – this means five minutes after standard games and 20 minutes after a second intermission of 15 minutes for a gold medal game.<sup>999</sup> In case no team scored a winning goal during the overtime, a penalty shoot takes place.<sup>1000</sup>

Table XXVI: Overview of the eligibility requirements for ice hockey

<b>Requirements IIHF</b>	
<b>In force since</b>	May 2014
<b>Change of nationality</b>	Possible, although different rules depending on whether the athlete has competed before: if so: four years waiting period and four years competing in national league necessary, otherwise just two hockey seasons
<b>Residence requirements</b>	Legal residence, duration depends on case
<b>Minors and nationality change</b>	Not mentioned, but living in the country since 10 <sup>th</sup> birthday important (previously 12 <sup>th</sup> birthday)
<b>Stateless athletes</b>	Not specified, but would fall under exceptional circumstances
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Four-year non-international competition period while four years spent competition on national level

<sup>991</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The IIHF replied on 22<sup>nd</sup> August and kindly supplied all the necessary documents. On 29<sup>th</sup> October 2015, the federation was contacted again and asked for comments on this chapter to which the federation replied on 3<sup>rd</sup> November 2015.

<sup>992</sup> IOC Information on Ice Hockey Equipment and History.

<sup>993</sup> IOC Information on Ice Hockey Equipment and History. IOC Information IIHF; IOC Reference Document Ice Hockey.

<sup>994</sup> IOC Information on Ice Hockey Equipment and History.

<sup>995</sup> IOC Information IIHF; IOC Reference Document Ice Hockey.

<sup>996</sup> IOC Information IIHF.

<sup>997</sup> Ibid.

<sup>998</sup> Ibid.

<sup>999</sup> Ibid.

<sup>1000</sup> Ibid.

## TEAM SPORTS INVOLVING A BALL

<b>Effect of changes in territory of country</b>	Not specified Application to IIHF needed, choice can be made only once, but no waiting period will be needed
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	No maximum given, since 2014
<b>Reference to Olympic Charter</b>	Compliance explicitly mentioned
<b>Uses nationality/ citizenship</b>	Mostly citizen and citizenship, but also nationality and national eligibility
<b>Uses residence/ domicile</b>	residence
<b>Other remarkable peculiarity</b>	Differentiation between male and female athletes, with female athletes having to fulfil less criteria

### 9.5.1. Ice Hockey critical reflection

Since May 2014, the IIHF rules have changed slightly, although the underlying principle is that athletes need to be nationals of the country they represent.<sup>1001</sup> All in all, the criteria seem to have become easier to meet and the possibility to change one's nationality more than once certainly is a huge step towards a more flexible rule, while the four-year period of non-competition required remains applicable and should deter mercenary tendencies.<sup>1002</sup> The rules for athletes who have not yet made their international debut are also significantly changed to be more accommodating, as this is now possible after just two hockey seasons spent in the relevant country.<sup>1003</sup> However, the new rule regarding female athletes is quite a curiosity, as it allows for female athletes to change their country of representation easier.<sup>1004</sup> The differentiation between male and female athletes regarding eligibility criteria is discriminatory. Taking this and the four-year waiting period for a nationality change into consideration, one nevertheless has to draw the conclusion that ice hockey rules are rather strict.

### 9.5.2. Rules applicable since 2003

The current eligibility rules are set out in the IIHF Statutes and Bylaws 2014 – 2018 of May 2014. These are in most core aspects identical to the ones before IIHF Statutes and Bylaws applicable in 2012 – 2014; 2008 – 2012 and 2003 until 2008. Yet, they do differ considerably in the numbering, e.g. Article 204 (1)(f) in the 2003-2008 version has become Article 205 (1.6) in the 2008-2012 and 406 (1.6) since 2012. Since the 2014 the most important rule change meant that there is no longer a maximum number of changes of the country of representation.<sup>1005</sup>

Other developments were as follows:

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<sup>1001</sup> Art. 406 IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1002</sup> Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1003</sup> Art. 406(1.7) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1004</sup> Art. 406(1.8) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1005</sup> Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018 of May 2014.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Since 2008:

- Surrender of citizenship is explicitly mentioned;<sup>1006</sup>
- Residence requirement for athletes with multiple nationality or who have acquired a new nationality and wish to change the country of representation introduced.<sup>1007</sup>

Since 2012:

- Reference to the IOC Charter made;<sup>1008</sup>
- Explicit reference to citizens included;<sup>1009</sup>
- Athletes who already competed internationally and wish to change their country of representation have to have competed for an explicit number of days (1460) in the national competitions of the relevant country;<sup>1010</sup>
- Athletes with multiple nationality or who have acquired a new nationality and wish to change the country of representation had to have to:
  - compete at least two years (730 days) in national competitions of the relevant country
  - after their 12<sup>th</sup> birthday.<sup>1011</sup>

Since 2014:

- Change of the country of representation is possible more often than once.<sup>1012</sup>
- Athletes with multiple nationality or who have acquired a new nationality and wish to change the country of representation now have to:
  - have competed at least two hockey seasons; and
  - 16 consecutive months (480 days) in national competitions of the relevant country;
  - after their 10<sup>th</sup> birthday.<sup>1013</sup>
- A distinction between male and female athletes is made, with female athletes having to fulfil less stringent requirements.<sup>1014</sup>

Looking at the rules more closely, one finds that, since 2008, the IIHF explicitly states that it will comply with the Olympic Charter, which will also take precedence over IIHF regulations regarding Olympic eligibility.<sup>1015</sup> The IIHF requires the participants of the national teams to be citizens of the country they represent.<sup>1016</sup> In order to prove

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<sup>1006</sup> Art. 205(1.6) IIHF statutes and bylaws 2008-2012 with 2011 Amendments.

<sup>1007</sup> Art. 205(1.6)(a) and Art. 205(1.7)(b) IIHF statutes and bylaws 2008-2012 with 2011 Amendments.

<sup>1008</sup> Art. 405 IIHF statutes and bylaws 2012 – 2014.

<sup>1009</sup> Art. 405 IIHF statutes and bylaws 2012 – 2014.

<sup>1010</sup> Art. 406(1.3) IIHF statutes and bylaws 2012-2014.

<sup>1011</sup> Art. 406(1.6)(a) and 406 (1.7)(a) IIHF statutes and bylaws 2012 – 2014.

<sup>1012</sup> Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1013</sup> Art. 406(1.6) and Art. 406(1.7) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1014</sup> Art. 406(1.8) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1015</sup> Art. 405 IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 405 IIHF statutes and bylaws 2012 – 2014; Art. 204 IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 203 IIHF statutes and bylaws 2003-2008.

<sup>1016</sup> Art. 406 IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406 IIHF statutes and bylaws 2012 – 2014; Art. 205 IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204 IIHF statutes and bylaws 2003-2008.

their status, athletes need to submit a valid passport.<sup>1017</sup> Whereas previously a choice for a country was limited, the new rules no longer include a reference that changing the country of representation is a once in a life time chance.<sup>1018</sup> The previous rules regarding the application for a nationality change are however still in place:

- “A) he is a citizen of that country;
- B) he has an international transfer that was approved by the IIHF and dated at least four years before the start of the IIHF competition in which he wishes to participate;
- C) he has participated, on a consistent basis, for at least four consecutive years (1460 days) in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and
- D) he has not played for his previous country in an IIHF competition either during this four year period or between completion of this four-year period and the start of the IIHF championship he wishes to compete.”<sup>1019</sup>

Hence, the necessary four-year period is still in force, which in itself should deter athletes from changing their country of representation often. If an athlete acquired or surrendered a citizenship and consequently would like to participate in the IIHF championship or the Olympics for this new country without having represented the old country in either of those competitions, he needs to:

- “A) prove that he has participated on a consistent basis, for at least two consecutive hockey seasons and 16 consecutive months (480 days) after his 10<sup>th</sup> birthday in the national competitions of and having resided in his new country during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and
- B) if the country of his choice is one to which the player has transferred then he must have had an international transfer that was approved by the IIHF and dated at least 16 months (480 days) to his proposed participation.”<sup>1020</sup>

The same criteria are applicable to athletes who have multiple citizenships and want to compete for one of the countries for the first time.<sup>1021</sup> This is a significant change

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<sup>1017</sup> Art. 406(1.2) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.2) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.2) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204(b) IIHF statutes and bylaws 2003-2008.

<sup>1018</sup> Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.3) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.3) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204(c) IIHF statutes and bylaws 2003-2008.

<sup>1019</sup> Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.3) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.3) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204(c) IIHF statutes and bylaws 2003-2008.

<sup>1020</sup> Art. 406(1.6) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.6) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.6) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 205(1.6) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204 (f) IIHF statutes and bylaws 2003-2008.

compared to the earlier versions, which stipulated two years of participation in the national league. Furthermore, the earlier rules focussed not on the 10<sup>th</sup> but on the 12<sup>th</sup> birthday of the athlete as a significant date, making the new rules easier to satisfy as a bigger time frame is taken into consideration. The change from the required 730 days in earlier versions to mere 480 days also shows a development towards an easier set of rules. Since 2014, the IIHF differentiates between male and female athletes for the purpose of the eligibility criteria. Whereas, prior to the 2014 rules, both had to face the same additional criteria if they had multiple citizenships or acquired a new citizenship and wanted to participate for the first time in the IIHF championships or the Olympic Games, the current rules saw the introduction of Article 406 (1.8):

“1.8 In the case of Female Hockey, the eligibility requirement described in 1.6 and 1.7 of this By-Law will be met if a player has participated on a consistent basis for at least one (1) hockey season in the competitions of the Member National Association (MNA) of that country, and was a member of that MNA for at least twelve (12) consecutive months during that period.”<sup>1022</sup>

Thus, while the criteria in general have become broader, the rules for female athletes have lowered the threshold even further. One has to wonder why the IIHF has decided to distinguish between the genders in such a way, as no explanation is evident from the text itself.

As stipulated in previous versions, should there be a territorial transfer, the athletes may change their country of representation – subject to an application to the IIHF and proof that the athlete is a citizen of the new country.<sup>1023</sup> Contrary to the earlier mentioned change of nationality, this change remains irrevocable and can only be taken once.<sup>1024</sup> Exceptional cases, as in earlier versions, will be decided by the IIHF Council upon application by the concerned athlete.<sup>1025</sup>

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<sup>1021</sup> Art. 406(1.7) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.7) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.7) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204(g) IIHF statutes and bylaws 2003-2008.

<sup>1022</sup> Art. 406(1.8) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1023</sup> Art. 406(1.5) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.5) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.5) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204(e) IIHF statutes and bylaws 2003-2008.

<sup>1024</sup> Art. 406(1.5) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.5) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.5) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204(e) IIHF statutes and bylaws 2003-2008.

<sup>1025</sup> Art.406(1.10) IIHF statutes and bylaws 2014 – 2018 of May 2014; Art. 406(1.9) IIHF statutes and bylaws 2012 – 2014; Art. 205(1.8) IIHF statutes and bylaws 2008-2012 with 2011 Amendments; Art. 204(h) IIHF statutes and bylaws 2003-2008.

## 9.6. Rugby<sup>1026</sup>

Rugby has allegedly been played since 1823, when William Webb Ellis ran over the goal line holding the ball in his hands during a football match.<sup>1027</sup> In the subsequent years the rules of rugby were codified and the International Rugby Board was founded in 1886 and re-named itself World Rugby (WR) in 2014.<sup>1028</sup> Different variations of the sport are still practiced today, although the rugby union and the rugby sevens are the most common types.<sup>1029</sup> The rugby union of 15 players per team was an Olympic discipline at the Games in 1900, 1908, 1920, and 1924.<sup>1030</sup> In 2016, rugby sevens will be played at the Rio Games and feature men's and women's events.<sup>1031</sup> This means that there will be seven players per team with each team having five substitute players on the bench.<sup>1032</sup> However, each team may only use a maximum of three substitutes per game.<sup>1033</sup> A game is remarkably short with half-times lasting only seven minutes, making the entire match last 14 minutes plus eventual extra time.<sup>1034</sup> The final match in a competition has ten minute half-times and thus lasts 20 minutes plus extra time.<sup>1035</sup> Points are scored by bringing the ball on the ground behind the opposing team's goal line in their goal area.<sup>1036</sup> Placing the ball there by hand earns the team five points, kicking it so that it lands there earns two points.<sup>1037</sup> Throwing the ball forward to score a 'try' or passing it to another person is forbidden.<sup>1038</sup>

Table XXVII: Overview of the eligibility requirements for rugby

<b>Requirements World Rugby</b>	
<b>In force since</b>	December 2013
<b>Change of nationality</b>	Not possible
<b>Residence requirements</b>	36 consecutive months as a prerequisite to compete for a national team; athletes should stay 10 months a year in a country
<b>Minors and nationality change</b>	Minors cannot change their country of representation
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of</b>	Nationality change not possible

<sup>1026</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The IRB replied on 12<sup>th</sup> August 2014. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this chapter to which at first only an automated reply e-mail was received, before World Rugby replied on 3<sup>rd</sup> March, 2016.

<sup>1027</sup> IOC Information Rugby Equipment and History.

<sup>1028</sup> IOC Information Rugby Equipment and History; IOC Information IRB.

<sup>1029</sup> IOC Information Rugby Equipment and History.

<sup>1030</sup> IOC Information Rugby Equipment and History; IOC Information IRB; IOC Reference Document Rugby.

<sup>1031</sup> Ibid.

<sup>1032</sup> IOC Information IRB.

<sup>1033</sup> IOC Information IRB; IOC Information Rugby Equipment and History.

<sup>1034</sup> Ibid.

<sup>1035</sup> Ibid.

<sup>1036</sup> IOC Information Rugby Equipment and History.

<sup>1037</sup> Ibid.

<sup>1038</sup> Ibid.

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<b>which the athlete is a national</b>	
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible, if 36 month of consecutive residence
<b>Number of changes possible</b>	None
<b>Reference to Olympic Charter</b>	Yes, reference to IOC rules for Olympic Games (since December 2013)
<b>Uses nationality/ citizenship</b>	Nationality and rugby nationality
<b>Uses residence/ domicile</b>	Residence, meaning primary and permanent home
<b>Other remarkable peculiarity</b>	'genuine, close, credible and established link' explicitly mentioned; explicit inclusion of adoptive parents

### 9.6.1. Rugby critical reflection

Rugby eligibility criteria are very detailed. They refer not only to an athlete's nationality, but also to his or her 'rugby nationality' which is unchangeable.<sup>1039</sup> This also includes athletes who competed for one country as a minor and then wished to compete for another country of which he or she is a national later in life – it is impossible.<sup>1040</sup> Thus, once 'the rugby nationality' is established,<sup>1041</sup> it will remain stable regardless of the changes to the athlete's actual nationality. This is extremely strict and contrary to the rule that a *genuine link* should exist between a person and a state.

### 9.6.2. Rules applicable since 2013

The rugby rules currently in force are set down in the International Rugby Board Handbook as framed by the International Rugby Board with the last updates stemming from 8<sup>th</sup> March 2016, 1<sup>st</sup> January 2016, 11<sup>th</sup> September 2015, 1<sup>st</sup> August 2015, 15<sup>th</sup> May 2015, 22<sup>nd</sup> March 2015, 1<sup>st</sup> September 2014, and 1<sup>st</sup> December 2013. These rules are further elaborated upon in the Explanatory Guidelines on the Implementation of Regulation 8 Eligibility to Play for National Representative Teams Handbook. The biggest changes in the recent years was the addition of Olympic eligibility rules in December 2013.<sup>1042</sup> In September 2014, only Regulation 8.3 (d) was added and, in the

<sup>1039</sup> Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

<sup>1040</sup> Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

<sup>1041</sup> Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

<sup>1042</sup> Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015. Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby

explanatory guidelines, Question 6 received the sub-part c), which both deal with Unions Under-20s national representative teams. Changes made in 2015 were minor, with ‘World Rugby’ substituting the ‘IRB’ in the text.<sup>1043</sup> Since 2016, Questions 22, 23 and 24 as well as Regulation 8.5.3 were added, which deal with the athlete’s duty to be in compliance with the regulations and the sanctions for breaches. As all other rules remained equal, these rule versions will be examined together in the following. The rugby rules prescribe that only an athlete may compete for a national team if:

- “(a) he was born; or
- (b) one parent or grandparent was born; or
- (c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.”<sup>1044</sup>

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Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.6 – 8.16 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1043</sup> Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015, Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015, Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015. Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015.

<sup>1044</sup> Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015 and Question 3, explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

This provision clearly does not mention actual nationality, but a *genuine link* between athlete and country through birth, blood relations or residence. The main reason behind these requirements is that there has to be a ‘genuine, close, credible and established link’ between athlete and country of representation.<sup>1045</sup> This is close to the wording employed in nationality law in general.

However, in Article 8.6 it is stated that an athlete does indeed need to be a national of the relevant country in order to compete.<sup>1046</sup> It is important to underscore that parents in such a situation also explicitly includes adoptive parents, provided that the adoption was legal.<sup>1047</sup> The fulfilment of the residence requirement will not

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Board last updated: 1<sup>st</sup> December 2013; Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2013 and Question 3, explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1045</sup> Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 1 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1046</sup> Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Regulation 8.6 International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1047</sup> Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International

be endangered by an athlete's visit to family members living abroad or holidays, yet the athlete should not stay less than ten months a year in the country.<sup>1048</sup>

Once an athlete has competed for a national team, including the times when he or she received a call for the national team and answered it positively,<sup>1049</sup> he or she may

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Rugby Board last updated: 11<sup>th</sup> September 2015; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March, 2015; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 12 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1048</sup> Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 16 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1049</sup> Regulation 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation. 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated 11<sup>th</sup> September 2015; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation. 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated 1<sup>st</sup> August 2015; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative

in principle not compete for another country.<sup>1050</sup> As it is stressed since 1<sup>st</sup> September 2014, this also includes an athlete who is selected by a Unions Under-20s team and has reached the age of majority when the Under-20s team is designated as the next senior team.<sup>1051</sup> Consequently, their ‘rugby nationality’ will remain the same, regardless of their actual nationality.<sup>1052</sup>

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teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation. 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated 15<sup>th</sup> May 2015; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation. 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated 22<sup>nd</sup> March 2015; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation. 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September, 2014; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation. 8.3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; 8. 3 and Regulation 8.4 International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013; Question 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1050</sup> Regulation 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1051</sup> Regulation 8.3 d) International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.3 d) International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation.8.3 d) International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September, 2015; Regulation.8.3 d) International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August, 2015; Regulation.8.3 d) International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation.8.3 d) International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation.8.3 d) International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014.

<sup>1052</sup> Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September, 2015; Question 4 explanatory guidelines on the

With regard to the question of Olympic eligibility, it is clear that athletes have to be nationals of the country for which they compete, due to the IOC's rules.<sup>1053</sup> Athletes who also have another nationality may apply to compete in an Olympic event for the other country, if the athlete has informed his own federation in due time,<sup>1054</sup> and has observed a period of non-competition of three years.<sup>1055</sup> The athlete may not compete

implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 31<sup>st</sup> July 2013.

<sup>1053</sup> Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility - International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 2 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1054</sup> Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.7.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1055</sup> Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.7.2 International Rugby Board handbook as framed by the

for the new country prior to competing for it at an Olympic event.<sup>1056</sup> There is however a specific rule regarding the Rio Olympic Games in 2016, which requires only a period of 18 months of non-competition for an athlete who wishes to represent another country of which he or she is a national at these games.<sup>1057</sup> It is explicitly not possible for an athlete to compete for two sides during the Olympic Games.<sup>1058</sup>

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International Rugby Board last updated: 11<sup>th</sup> September 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August, 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September, 2014; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1056</sup> Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.7.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1057</sup> Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.7.2 a) International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1058</sup> Regulation 8.11 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.11 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.11 International Rugby Board handbook as framed by the International

Athletes who fulfil the Olympic criteria may compete for the country of which they are nationals, even if competing for another country would lead to them becoming eligible for the Olympics.<sup>1059</sup> They do however need to satisfy the requirement of a period of non-competition.<sup>1060</sup> If an athlete was to be eligible to play at the Olympics, but his

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Rugby Board last updated: 11<sup>th</sup> September 2015; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.11 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.11 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.11 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.11 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.11 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 5 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1059</sup> Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 1 January 2016; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1060</sup> Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.8 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.8. International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September, 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.8. International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.8. International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.8. International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March, 2015; Regulation 8.8. International Rugby Board handbook as

Union is not, he may compete for another team, as long as this is not from one Union.<sup>1061</sup> Thus, an Italian rugby player could not play for France, for instance, but for a sort of all-star team. This is conditional upon the following requirements:

“8.9.1 Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player’s representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

8.9.2 Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.”<sup>1062</sup>

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framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.8. International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 8 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1 December 2013.

<sup>1061</sup> Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 1 January 2016; Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.9 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1062</sup> Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August, 2015; Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as

World Rugby thus differentiates between athletes who have already competed internationally, who will thus remain connected to that country, and those for whom the participation in such an all-star team will be the first international experience. The latter will need to decide for which side he or she wants to compete in the future.

Although in principle an athlete who has represented a country at the Olympic Games may not compete for another country, there is a provision regarding athletes who have changed their nationality or acquired a new one.<sup>1063</sup> In such a case, they may apply to the relevant IOC bodies and the World Rugby to be allowed to compete for their new country.<sup>1064</sup> The IOC Executive board will take the specific

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framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.9.1 and Regulation 8.9.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 13 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1063</sup> Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.12 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

<sup>1064</sup> Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Question 6 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Question 6 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January – 2016; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Question 6 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Question 6 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Question 6 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Question 6 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Question 6 explanatory guidelines on the implementation of regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013; Question 6 explanatory guidelines on the implementation of

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circumstances into account, nevertheless, the three-year period of non-competition should be observed.<sup>1065</sup>

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<sup>1065</sup> regulation 8 – Olympic eligibility – International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.  
Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> January 2016; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 11<sup>th</sup> September 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> August 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 15<sup>th</sup> May 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 22<sup>nd</sup> March 2015; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> September 2014; Regulation 8.10 International Rugby Board handbook as framed by the International Rugby Board last updated: 1<sup>st</sup> December 2013.

## 9.7. Volleyball<sup>1066</sup>

Volleyball is a team sport in which no physical contact between opposing teams is foreseen. It was initially intended as the easier alternative to basketball in 1895.<sup>1067</sup> Its international governing body, the *Fédération Internationale de Volleyball* (FIVB) was founded in 1947 and has its seat in Lausanne, Switzerland.<sup>1068</sup> In 1964 volleyball became an Olympic discipline, with beach volleyball following in 1996.<sup>1069</sup> The latter had been developed in the 1920s in California and had quickly gained popularity.<sup>1070</sup> Nowadays there are men's and women's events for both volleyball and beach volleyball.<sup>1071</sup> The same rules apply to both sports, although in beach volleyball the added difficulty of moving quickly in the sand and with the variables of sun and wind give the game its distinct character.<sup>1072</sup> Each volleyball match consists of five sets with the first four sets being played to 25 and the last set being played to 15 points.<sup>1073</sup> However, as a team must win with a two point advantage, the sets are continued until such an advantage is reached.<sup>1074</sup> In beach volleyball, there are three sets with the first two consisting of 21 points and the final set up to 15 points.<sup>1075</sup> Also here sets are played on even after reaching the hall-marks of the sets in case the leading team cannot win by a two point advantage.<sup>1076</sup>

Table XXVIII: Overview of the eligibility requirements for volleyball

<b>Requirements FIVB</b>	
<b>In force since</b>	14 <sup>th</sup> May 2014
<b>Change of nationality</b>	Possible once, after
<b>Residence requirements</b>	Two years
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Considered a naturalised athlete, per team there may be only one; Possible after two-year residence and two year waiting period
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible after 8 years of residence
<b>Number of changes possible</b>	Once

<sup>1066</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming a reminder e-mail was sent on 18<sup>th</sup> September to which the FIVB replied on 22<sup>nd</sup> October, sending the relevant documents. On 29<sup>th</sup> October, 2015 the federation was contacted again and asked for comments on this Chapter, as no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 and a second on 2<sup>nd</sup> December 2015, to which the federation replied on 2<sup>nd</sup> December.

<sup>1067</sup> IOC Information Volleyball Equipment and History.

<sup>1068</sup> IOC Information FIVB; IOC Reference Document Volleyball.

<sup>1069</sup> IOC Information FIVB; IOC Information Volleyball Equipment and History; IOC Information Beach Volleyball Equipment and History. IOC Reference Document Volleyball.

<sup>1070</sup> IOC Information Beach Volleyball Equipment and History.

<sup>1071</sup> IOC Information FIVB.

<sup>1072</sup> Ibid.

<sup>1073</sup> Ibid.

<sup>1074</sup> Ibid.

<sup>1075</sup> Ibid.

<sup>1076</sup> Ibid.

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<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Citizenship
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	Definitions of native, naturalised players and citizenship provided; native athlete = nationality acquired prior to sporting debut

### 9.7.1. Volleyball critical reflection

The FIVB stipulates that only citizens may represent a country at international volleyball tournaments.<sup>1077</sup> The most striking feature of the FIVB is the differentiation between native and naturalised players. Here, native does not have the usual connotation of having acquired the relevant citizenship at birth only, but also encompasses those who acquired the citizenship later.<sup>1078</sup> The main point of differentiation between native and naturalised players for the FIVB is the time of acquisition relative to the athlete's debut for a national side. If the citizenship was acquired before this point, the athlete will be considered as a native player.<sup>1079</sup> If the athlete has already competed for another federation and acquire a new citizenship will be considered a naturalised player.<sup>1080</sup> Changing the country of representation is possible only once in an athlete's career,<sup>1081</sup> and requires the approval of both the FIVB.<sup>1082</sup> The FIVB rules are relatively strict and different from the other sports regarding the federation of origin criteria.

### 9.7.2. Rules applicable since 2013

The current rules are set out by the FIVB sports regulations volleyball version: 15 May 2015, which are identical to the 15 May 2014 version and almost identical to the 15 May 2013 version.

The main change which occurred in 2014 are:

- Reference to native players acquiring citizenship of a country at birth or later was added.<sup>1083</sup>
- Reference to all players who have acquired a new citizenship (naturalised players) being able play in national teams of their new country was deleted.<sup>1084</sup>
- Aspects of special cases were added.<sup>1085</sup>

<sup>1077</sup> Art. 5.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1078</sup> Art.41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1079</sup> Art. 41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1080</sup> Art. 41.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1081</sup> Art. 44.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1082</sup> Art. 44.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1083</sup> Art.41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1084</sup> Art. 41.2.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1085</sup> Art. 44.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

These are definitions of eligible and naturalised players, citizenship and the exceptions thereto. Here Article 5.2 underscores that only citizens who can prove that status by showing their passport are eligible to compete for a country.<sup>1086</sup> Eligibility is governed by Chapter 9 of the FIVB Sports regulations, which includes special provisions for naturalised players to compete for a country.<sup>1087</sup> While the FIVB has the highest authority to deal with all issues relating to eligibility, it is up to the respective national federations to decide on a player's eligibility within the framework of the FIVB rules.<sup>1088</sup> Consequently, the national federations can base their decisions mainly on age, gender and citizenship.<sup>1089</sup>

The FIVB distinguishes between native and naturalised players. Since 2014, native does not have the usual connotation of having acquired the relevant citizenship at birth only, but also encompasses those who acquired the citizenship later.<sup>1090</sup> The main point of differentiation between native and naturalised players for the FIVB is the time of acquisition relative to the athlete's debut for a national side. If the citizenship was acquired before this debut, the athlete will be considered to be a native player.<sup>1091</sup> If the athlete has already competed for another federation and thereafter acquires a new citizenship, he or she will be considered a naturalised player.<sup>1092</sup> Being a naturalised athlete does not create a disadvantage for the athlete per se as, in principle, naturalised athletes are just as eligible for teams as native athletes. However, regarding the composition of the national teams, the FIVB stipulates that per team only one naturalised player may compete.<sup>1093</sup>

Another important concept is the one of federation of origin, meaning the federation which first registered the athlete as one of its own or issued the athlete's first license.<sup>1094</sup> For this, the athlete does not need to be a citizen of the country of the federation. Thus, the registration does not make the athlete directly eligible to compete for the federation – only after the acquisition of the citizenship of the

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<sup>1086</sup> Art. 5.2 and Art. 41.5 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 5.2 and Art. 41.5 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 5.2 and Art. 41.5 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1087</sup> Art. 5.1 and Art. 5.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 5.1 and Art. 5.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 5.1 and Art. 5.5 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1088</sup> Art. 40.1 and Art. 40.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 40.1 and Art. 40.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 40.1 and Art. 40.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1089</sup> Art. 40.3 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 40.3 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 40.3 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1090</sup> Art. 41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art.41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1091</sup> Art. 41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1092</sup> Art. 41.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 41.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1093</sup> Art. 41.2.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 41.2.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1094</sup> Art. 41.4. Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 41.4. Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 41.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

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country may he or she compete for this federation.<sup>1095</sup> Consequently, if an athlete wishes to compete for another federation, there needs to be a change in the federation of origin, which is possible only once in an athlete's career, and needs the approval of both the FIVB, as well as the relevant federations'.<sup>1096</sup> In order to achieve this, the athlete needs to have been residing in the territory of the new federation for at least two continuous years<sup>1097</sup> and must have acquired the citizenship of the country.<sup>1098</sup> Proof that the athlete fulfils these requirements must be submitted to the FIVB, and in addition, a fee needs to be paid.<sup>1099</sup> If the athlete was already a national of the new federation, the two-year residence period does not apply.<sup>1100</sup> Athletes who have been residents in the country of the new federation for at least eight years can change their federation of origin without having to comply with the requirements of citizenship, payment of fees or the approval of the federations.<sup>1101</sup> This is possible if athletes file such a request in the calendar year during which they turn 38 in the case of men or 35 for women.<sup>1102</sup> This differentiation between the genders and the ages could be considered discriminatory, as no reason is given why a male athlete has to be 38 in contrast to a female's 35 years. In exceptional circumstances the Board of Administration could rule on the eligibility of an athlete.<sup>1103</sup>

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<sup>1095</sup> Art. 41.1 and 41.4.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 41.1 and Art. 41.4.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 41.1 and Art. 41.4.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1096</sup> Art. 44.1, Art. 44.2.3 and Art. 44.2.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.1, Art. 44.2.3 and Art. 44.2.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 44.1 and Art. 44.2.3 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1097</sup> Art. 44.2.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.2.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 44.2.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1098</sup> Art. 44.2.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.2.1 Sports regulations Volleyball version: 15<sup>th</sup> May, 2014; Art. 44.2.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1099</sup> Art. 44.3.1, Art. 44.2.5 and Art. 44.3.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.3.1, Art. 44.2.5 and Art. 44.3.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1100</sup> Art. 44.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; 44.4 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

<sup>1101</sup> Art. 44.4.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.4.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1102</sup> Art. 44.4.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 44.4.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2014.

<sup>1103</sup> Art. 5.3 and Art. 43.3 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 5.3 and Art. 43.3 Sports regulations Volleyball version: 15<sup>th</sup> May 2014; Art. 5.3 and Art. 43.3 Sports regulations Volleyball version: 15<sup>th</sup> May 2013.

## 10. Ball sports with rackets

In this section the focus will be on sports with rackets, namely badminton, tennis and table tennis – although the design of the rackets differs depending on the individual demands of the sports.

Of these three, tennis is the one with the longest Olympic history, making its debut in 1896 and having women’s events since 1900. Yet, between 1928 and 1984, both were absent from the Olympic Games. Table tennis and badminton started out with both men’s and women’s events in 1988 and 1992 respectively. They have been Olympic disciplines ever since.

Table XXIX: Topics dealt with in sports involving rackets

<b>Requirements</b>	<b>Badminton</b>	<b>Tennis</b>	<b>Table Tennis</b>
<b>In force since</b>	<b>2005</b>	<b>2005</b>	<b>2005</b>
<b>Versions since 2005</b>	<b>Since 2005</b>	<b>Since 2005</b>	<b>Since 2005</b>
<b>Substantial Changes made since October 2013</b>	n/a	n/a <b>2015 – Change in the Fed and Davis Cup rules, but not the main constitution</b>	n/a
<b>Change of nationality</b>	possible	Constitution: possible. In Fed and Davis Cup Rules: not possible.	Possible until the age of 21 with effect for all competitions, afterwards only for Olympic Games
<b>Residence requirements</b>	none	In Constitution: None. In Fed and Davis Cup Rules 5 years and unlimited residence permit.	In case a country has more than one association
<b>Minors and nationality change</b>	Minors compete in the U19 competitions	In Constitution: Not specified. For Fed Cup: no athletes younger than 14 are eligible. In Fed and Davis Cup Rules: only one nation may be represented at senior level.	Waiting period depends on age of athlete and age at the time of registration. The older an athlete the longer the waiting period and after the age of 21 no change will have effect for world cup, world team cup, world championships
<b>Stateless athletes</b>	Not specified	In Constitution: Not specified. In Fed and Davis Cup Rules: may compete for country of residence after 5 years if in possession of unlimited residence permit.	Not mentioned

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<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Three-year waiting period	In Constitution: Three-year waiting period, which may be reduced or waived. In Fed and Davis Cup Rules: cannot change country of representation.	Change possible under certain conditions, depending on age and registration for most competitions
<b>Effect of changes in territory of country</b>	Athletes may choose which entity to compete for and this decision will be effective directly	In Constitution, Fed and Davis Cup Rules Athletes may choose once which entity to represent, no waiting period is needed.	Athlete may choose any of the new or old entities once
<b>Competing for the country of residence</b>	Not possible for non-passport holders	In Constitution: Not possible. In Fed and Davis Cup Rules: Possible after 5 years and with unlimited residence permit.	Not possible
<b>Number of changes possible</b>	No maximum given	In Constitution: Once after change in territorial reality, no maximum given for normal change with waiting period. In Fed and Davis Cup Rules: none.	Depends on competition, none for over 21 year olds for all except Olympic games
<b>Reference to Olympic Charter</b>	Yes	In Constitution: Several. In Fed and Davis Cup Rules: None	Yes
<b>Uses nationality/citizenship</b>	Neither	Constitution: Both In Fed and Davis Cup Rules: nation and citizen	Nationality & citizenship for Olympic Games
<b>Uses residence/domicile</b>	Neither	Constitution: Both. In Fed and Davis Cup Rules: residence.	Both in relation to the eligibility for the Olympic Games
<b>Other remarkable peculiarity</b>		In Constitution: Very focussed on IOC Executive committee	Different rules for competitions with the Olympic Games being the most lenient ones

**10.1. Badminton**<sup>1104</sup>

Badminton was invented by the Duke of Beaufort at his home, Badminton house, when he adapted a version of an Indian game.<sup>1105</sup> After its invention in 1873, the game quickly became very popular and the first set of rules was devised in 1877.<sup>1106</sup> The Badminton World Federation was founded in 1934 and badminton became an Olympic Sport in 1992 after being a demonstration sport in 1972.<sup>1107</sup> Nowadays there are five events, singles and doubles for both men and women as well as mixed doubles.<sup>1108</sup> Each match consists of three games that go up to 21 points.<sup>1109</sup>

Table XXX: Overview of the eligibility requirements for badminton

<b>Requirements BWF</b>	
<b>In force since</b>	2005
<b>Change of nationality</b>	possible
<b>Residence requirements</b>	none
<b>Minors and nationality change</b>	Minors compete in the U19 competitions
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Three-year waiting period
<b>Effect of changes in territorial reality of country</b>	Athletes may choose which entity to compete for and this decision will be effective directly
<b>Competing for the country of residence</b>	Not possible for non-passport holders
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Neither
<b>Uses residence/ domicile</b>	Neither
<b>Other remarkable peculiarity</b>	None

10.1.1. Badminton critical reflection

Badminton is one of the sports that has had the same eligibility criteria for the past decade. Athletes need to hold a passport of the country they wish to represent.<sup>1110</sup> It is interesting that holding a passport is seen as sufficient proof of nationality. Changing the country of representation is possible, but only after a non-representation period of

<sup>1104</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The BWF replied on 7<sup>th</sup> August and kindly replied that the eligibility rules have been the same since 2005, with the exception of Art. 8.5 which was added in 2008. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 to which the BWF replied on 27<sup>th</sup> November 2015.

<sup>1105</sup> IOC Information Badminton Equipment and history: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1106</sup> Ibid.

<sup>1107</sup> IOC Information Badminton Equipment and history, IOC Information BWF; IOC Reference Document Badminton.

<sup>1108</sup> IOC Information Badminton Equipment and history, IOC Information BWF.

<sup>1109</sup> IOC Information BWF.

<sup>1110</sup> Art. 8.2 and Art. 8.2.1 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015.

three years.<sup>1111</sup> In case the territory of the country and thus the badminton federation changes, the athletes will be deemed not to have competed for any federation previously and may thus compete directly for any federation they wish to represent.<sup>1112</sup> All in all, while the three-year non-representation period is rather strict, there is the possibility for those who fall victim to circumstances beyond their sphere of influence to directly compete for a new country.

#### 10.1.2. Rules applicable since 2005

Turning to the question of eligibility, which is addressed in Part III – Section 1A General Competition Regulations Updated: 1<sup>st</sup> June 2015; 8<sup>th</sup> December 2014; 5<sup>th</sup> June 2014; 3<sup>rd</sup> December 2013 and 1<sup>st</sup> June 2013 Badminton General Competition Regulations, the responsibility for the management of the players lies with their respective federation.<sup>1113</sup> Athletes in turn need to have a good standing with their federation.<sup>1114</sup> These rules take precedence over any rules adopted especially for sporting events, except over the Olympic Charter for the Olympic Games, which overrules the BWF's laws.<sup>1115</sup>

Representing a country at the international level is only possible at official BWF events, e.g. Continental Championships, the World Championships and Olympic Games.<sup>1116</sup> In order to participate in one of these, an athlete needs to fulfil the sporting qualification requirement and has to hold a passport of the country he or she

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<sup>1111</sup> Art. 8.2 and Art. 8.2.2 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015.

<sup>1112</sup> Art. 8.4 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015.

<sup>1113</sup> Art. 7.2 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 7.2 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 7.2 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 7.2 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 7.2 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 7.2 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

<sup>1114</sup> Art. 7.2.1 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 7.2.1 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 7.2.1 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 7.2.1 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 7.2.1 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 7.2.1 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

<sup>1115</sup> Art. 8.5 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 8.5 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 8.5 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 8.5 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 8.5 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 8.5 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

<sup>1116</sup> Art. 8.1, Art. 8.1.1 and Art. 8.1.2 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 8.1, Art. 8.1.1 and Art. 8.1.2 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 8.1, Art. 8.1.1 and Art. 8.1.2 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 8.1, Art. 8.1.1 and Art. 8.1.2 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 8.1, Art. 8.1.1 and Art. 8.1.2 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 8.1, Art. 8.1.1 and Art. 8.1.2 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

wishes to represent.<sup>1117</sup> It is interesting that holding a passport is seen as sufficient proof of nationality. In addition to holding a passport, which is a very formal requirement, the athlete has either last competed for the country he or she wants to compete for now, or has not represented another country for three years.<sup>1118</sup> Consequently, athletes wishing to change their country of representation have to have a three-year period of non-representation. Competing for a country is defined as receiving a country's official invitation and the athlete's acceptance thereof.<sup>1119</sup> In case of territorial transfers and a change in the badminton federation, either through dissolution, division or absorption, the athletes will be deemed not to have competed for any federation previously and may thus compete directly for any federation they wish to represent.<sup>1120</sup>

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<sup>1117</sup> Art. 8.2 and Art. 8.2.1 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 8.2 and Art. 8.2.1 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 8.2 and Art. 8.2.1 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 8.2 and Art. 8.2.1 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 8.2 and Art. 8.2.1 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 8.2 and Art. 8.2.1 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

<sup>1118</sup> Art. 8.2, Art. 8.2.2 and Art. 8.2.3 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 8.2, Art. 8.2.2 and Art. 8.2.3 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 8.2, Art. 8.2.2 and Art. 8.2.3 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 8.2, Art. 8.2.2 and Art. 8.2.3 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 8.2, Art. 8.2.2 and Art. 8.2.3 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 8.2 and Art. 8.2.3 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

<sup>1119</sup> Art. 8.3 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 8.3 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 8.3 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 8.3 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 8.3 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 8.3 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

<sup>1120</sup> Art. 8.4 part III – section 1A BWF general competition regulations updated 9<sup>th</sup> November 2015; Art. 8.4 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2015; Art. 8.4 part III – section 1A BWF general competition regulations updated 8<sup>th</sup> December 2014; Art. 8.4 part III – section 1A BWF general competition regulations updated 5<sup>th</sup> June 2014; Art. 8.4 part III – section 1A BWF general competition regulations updated 3<sup>rd</sup> December 2013; Art. 8.4 part III – section 1A BWF general competition regulations updated 1<sup>st</sup> June 2013.

**10.2. Tennis<sup>1121</sup>**

Tennis developed from the French ‘*jeu de paume*’ and quickly became popular in England.<sup>1122</sup> As in this older sport, the aim is to hit a ball in such a way that it crosses the net which is dividing the court and lands in the other player’s half in such a way that the opponent is unable to reach it in time to hit it back. By 1913 tennis had become very popular all over the world and the national tennis associations held an international conference in Paris in 1924 and founded the first international tennis federation, the International Lawn Tennis Federation (ILTF).<sup>1123</sup> This federation changed its name in 1977 and became the International Tennis Federation.<sup>1124</sup> Tennis was an Olympic discipline between 1896 and 1924, when the requirement that no professionals were to compete at the Olympics caused the federation to withdraw.<sup>1125</sup> In 1988 tennis returned and now includes competitions for both men and women in singles and doubles.<sup>1126</sup> Matches are played in three sets and the best athlete or couple during these matches wins.<sup>1127</sup> The finals for men in the single and double categories for which matches are comprised of five sets.<sup>1128</sup> Professionals are now again allowed to participate.<sup>1129</sup>

Table XXXI: Overview of the eligibility requirements for tennis

<b>Requirements ITF</b>	
<b>In force since</b>	2005
<b>Change of nationality</b>	Constitution: possible. In Fed and Davis Cup Rules: <sup>1130</sup> not possible.
<b>Residence requirements</b>	In Constitution: None. In Fed and Davis Cup Rules five years and unlimited residence permit.
<b>Minors and nationality change</b>	In Constitution: Not specified. For Fed Cup: no athletes younger than 14 are eligible.

<sup>1121</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The ITF kindly replied on 14<sup>th</sup> August 2014 and said that there had been no rule changes since 2005. The ITF further underlined that in order to be able to compete for a country at the Olympics the player needs to have met the Davis Cup or Fed Cup eligibility requirements. Till 2016 these regulations stipulated that a player can represent a different country after a period of three years, provided that the athlete in question holds the relevant passport and has resided there for 24 consecutive months at some period. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 and a second on 2<sup>nd</sup> December 2015 to which the ITF replied on 9<sup>th</sup> December.

<sup>1122</sup> IOC Information Tennis Equipment and History.

<sup>1123</sup> IOC Information ITF; IOC Information Tennis Equipment and History.

<sup>1124</sup> IOC Information ITF.

<sup>1125</sup> IOC Information ITF; IOC Information Tennis Equipment and History. IOC Reference Document Tennis: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1126</sup> IOC Information ITF; IOC Information Tennis Equipment and History.

<sup>1127</sup> IOC Information ITF.

<sup>1128</sup> Ibid.

<sup>1129</sup> IOC Information ITF; IOC Information Tennis Equipment and History.

<sup>1130</sup> Fed and Davis Cup rules changed in 2015.

## BALL SPORTS WITH RACKETS

	In Fed and Davis Cup Rules: only one nation may be represented at senior level.
<b>Stateless athletes</b>	In Constitution: Not specified. In Fed and Davis Cup Rules: may compete for country of residence after five years if in possession of unlimited residence permit.
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	In Constitution: Three-year waiting period, which may be reduced or waived. In Fed and Davis Cup Rules: cannot change country of representation.
<b>Effect of changes in territory of country</b>	In Constitution, Fed and Davis Cup Rules Athletes may choose once which entity to represent, no waiting period is needed.
<b>Competing for the country of residence</b>	In Constitution: Not possible. In Fed and Davis Cup Rules: Possible after five years and with unlimited residence permit.
<b>Number of changes possible</b>	In Constitution: Once after change in territorial reality, no maximum given for normal change with waiting period. In Fed and Davis Cup Rules: none.
<b>Reference to Olympic Charter</b>	In Constitution: Several. In Fed and Davis Cup Rules: None
<b>Uses nationality/ citizenship</b>	Constitution: Both In Fed and Davis Cup Rules: nation and citizen
<b>Uses residence/ domicile</b>	Constitution: Both. In Fed and Davis Cup Rules: residence.
<b>Other remarkable peculiarity</b>	In Constitution: Very focussed on IOC Executive committee

### 10.2.1. Tennis critical reflection

The ITF eligibility criteria enshrined in the Constitution have not undergone any substantial changes since 2005. The underlying rule is that athletes have to be nationals of the country they want to represent.<sup>1131</sup> Athletes with multiple nationality are initially free to choose.<sup>1132</sup> All athletes who have already represented a country internationally need to undergo the same procedure,<sup>1133</sup> which requires a three-year waiting period.<sup>1134</sup> In case of a territorial transfer, the athletes may decide to continue

<sup>1131</sup> Rule 41(1) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1132</sup> Bye-Law to Rule 41(1) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1133</sup> Bye-Law to Rule 41(1) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1134</sup> Bye-Law to Rule 41(2) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

representing the country they represented before.<sup>1135</sup> Should they however wish to compete for a new country, they can decide to do so once and will not face a waiting period.<sup>1136</sup> Although the topics of minors or stateless athletes are not addressed in the Constitution, the ITF has a rather comprehensive approach to the problems that can arise from nationality changes in the field of sport. Especially the last paragraph referring to the Bye-law to Rule 41 underscores that any issues will be dealt with not by the ITF itself, but the IOC. The three-year waiting period is rather strict and certainly deters athletes from changing their country of representation due to mercenary tendencies. The Fed and Davis Cup rules are also applicable and go into greater detail and also deal with stateless athletes and those faced with territorial change.<sup>1137</sup> The most striking aspect of these rules is that since 2016 no changes of the country of representation are allowed under Fed and Davis Cup rule, while the Constitution still allows for them. There is thus a conflict of rules within the ITF.

#### 10.2.2. Rules applicable since 2005

The main eligibility rules for tennis are spelled out in the Constitution of the ITF trading as international tennis federation Memorandum, Articles of Association and Bye-laws of the ITF limited trading as the International Tennis Federation. These rules have not changed since 2005 according to the ITF. In the context of eligibility Rule 41 on the Nationality of Competitors and the Bye-law to this rule are the most important. However, as tennis players need to have been part of a final nominated team in either the Davis Cup, the men's only competition, or the Fed Cup, the women's only competition, on a minimum of three occasions in the four-year Olympic cycle, these eligibility rules also have an impact upon Olympic eligibility.

Regarding the rules stipulated in the ITF Constitution, it can be seen that the underlying rule is that athletes have to be nationals of the country they want to represent.<sup>1138</sup> In case an athlete's country of representation has to be determined for the purpose of the Olympic Games, the IOC Executive Board will take the necessary

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<sup>1135</sup> Bye-Law to Rule 41(3) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1136</sup> Bye-Law to Rule 41(3) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1137</sup> Rule 31 b) iii) b) ITF Fed Cup Regulations 2016; Rule 35 a) iii) b) ITF Davis Cup Regulation 2016; Rule 31 c) i) and Rule 31 c) ii) ITF Fed Cup Regulations 2016; Rule 35 b) i) and Rule 35 b) ii) ITF Davis Cup Regulation 2016.

<sup>1138</sup> Rule 41(1) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Rule 41(1) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Rule 41(1) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Rule 41(1) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

decisions.<sup>1139</sup> In addition to these underlying rules, the Bye-Law to Rule 41 deals with the cases of dual nationality, athletes wishing to represent other countries than the ones they have already represented and territorial transfers.

Starting with multiple nationality of athletes, the ITF prescribes that athletes have to choose to compete for one of the countries of which they are nationals.<sup>1140</sup> After having represented one country internationally, the athlete can only change his or her country of representation in the same way athletes can change their country of representation after changing or acquiring an entirely new nationality.<sup>1141</sup> This procedure requires a three-year waiting period during which the athlete cannot compete internationally.<sup>1142</sup> This period may however be waived or entirely cancelled if the relevant federations, national Olympic committees and the IOC Executive Board agree.<sup>1143</sup> The decision is made on a case-by-case basis, with the

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<sup>1139</sup> Rule 41(2) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Rule 41(2) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Rule 41(2) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Rule 41(2) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1140</sup> Bye-Law to Rule 41(1) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(1) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(1) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(1) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1141</sup> Bye-Law to Rule 41(1) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(1) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(1) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(1) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1142</sup> Bye-Law to Rule 41(2) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1143</sup> Bye-Law to Rule 41(2) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2015 trading as

IOC Executive Board looking at the special circumstances of each case to come to a conclusion.<sup>1144</sup>

In case of territorial transfers, either through independence, incorporation or any territorial transfer, the athletes may decide to continue representing the country they represented before.<sup>1145</sup> Athletes may, however, also decide to compete for one of the new entities and will not need to undergo a waiting period.<sup>1146</sup> Such a choice may only be made once.<sup>1147</sup> This means that athletes may not simply switch between several countries for which there are eligible – after the choice is made once, he or she can however rely on the other procedure involving the three-year waiting period.

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International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1144</sup> Bye-Law to Rule 41(2) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(2) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1145</sup> Bye-Law to Rule 41(3) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1146</sup> Bye-Law to Rule 41(3) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1147</sup> Bye-Law to Rule 41(3) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(3) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

In any case in which an athlete's country of representation could be problematic and which is involving the Olympic Games, the IOC Executive Board may:

“take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.”<sup>1148</sup>

The way this is worded is interesting, since it includes all possible terms that may be used relating to the issue of establishing a *genuine link* between the countries and their athletes. It also underlines that the final decision rests with the IOC.

### 10.2.3. Fed and Davis Cup

Looking briefly at the rules applicable in the Fed and Davis Cup, it is first important to underline that their eligibility rules are almost identical, with the exception of an age limit included for the Fed Cup, precluding athletes younger than 14 from competing in the tournament.<sup>1149</sup> While this still allows young teenagers to compete in adult tournaments, there is a certain level of protection of minors here.

Generally, at Fed and Davis Cup competitions, athletes may only compete for nations for which they are citizens and have held a passport for at least 24 months.<sup>1150</sup> Should such a passport not be issued by the nation, the athlete needs to have a document proving his or her birth place was in that nation.<sup>1151</sup> The focus on the birthplace and thus *ius soli* returns in the paragraph dealing with athletes who are unable to hold a valid passport, but have been resident in a nation for five consecutive years.<sup>1152</sup> If such a *ius soli* link is given or if an ancestor was born in that nation, the athlete may compete for the nation without having the necessary passport.<sup>1153</sup> Moreover, the focus on competing for a nation is interesting as it goes beyond the more frequently used phrase of representing a country. In that respect, also the use of ‘citizen’ in contrast to ‘nation’ has to be mentioned, as one would have expected the ITF to use ‘national’.

Athletes with multiple nationality may be nominated by either association. This association then has to notify the ITF Executive, who will then notify all other

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<sup>1148</sup> Bye-Law to Rule 41(4) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(4) Constitution of ITF limited 2015 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(4) Constitution of ITF limited 2014 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation; Bye-Law to Rule 41(4) Constitution of ITF limited 2013 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005).

<sup>1149</sup> Rule 31 a) ITF Fed Cup Regulations 2016.

<sup>1150</sup> Rule 31 b) i) ITF Fed Cup Regulations 2016; Rule 35 a) i) ITF Davis Cup Regulation 2016.

<sup>1151</sup> Rule 31 b) ii) ITF Fed Cup Regulations 2016; Rule 35 a) ii) ITF Davis Cup Regulation 2016.

<sup>1152</sup> Rule 31 b) iii) and Rule 31 b) iii) a) ITF Fed Cup Regulations 2016; Rule 35 a) iii) and Rule 35 a) iii) a) ITF Davis Cup Regulation 2016.

<sup>1153</sup> Rule 31 b) iii) a) ITF Fed Cup Regulations 2016; Rule 35 a) iii) a) ITF Davis Cup Regulation 2016.

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associations that have a connection with the athlete. These other associations may comment on the athlete's nomination and the ITF will give a final ruling.<sup>1154</sup> When an athlete accepts a nomination, he or she will be deemed to have represented that nation.<sup>1155</sup> It is important to note that, since 2016, athletes may only compete for one nation at a senior level<sup>1156</sup> and that thus changes of the country of representation are not possible under the Davis and Fed Cup rules – though they do feature in the ITF Constitution. These rules are thus extremely contradictory.

The ITF also deals with stateless athletes or refugees in Davis and Fed Cup rules, as athletes who have obtained or procured the right to remain permanently or has been granted humanitarian protection in that nation and have been residents there for five years may also compete for the nation.<sup>1157</sup> In addition, those athletes faced with territorial transfers may compete directly for a new country.<sup>1158</sup>

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<sup>1154</sup> Rule 31 b) ITF Fed Cup Regulations 2016; Rule 35 a) ITF Davis Cup Regulation 2016.

<sup>1155</sup> Rule 31 d) ITF Fed Cup Regulations 2016; Rule 35 d) ITF Davis Cup Regulation 2016.

<sup>1156</sup> Rule 31 b) ITF Fed Cup Regulations 2016; Rule 35 a) ITF Davis Cup Regulation 2016.

<sup>1157</sup> Rule 31 b) iii) b) ITF Fed Cup Regulations 2016; Rule 35 a) iii) b) ITF Davis Cup Regulation 2016.

<sup>1158</sup> Rule 31 c) i) and Rule 31 c) ii) ITF Fed Cup Regulations 2016; Rule 35 b) i) and Rule 35 b) ii) ITF Davis Cup Regulation 2016.

**10.3. Table Tennis**<sup>1159</sup>

Table tennis was invented in England as an alternative to the popular lawn tennis in the late 19<sup>th</sup> century.<sup>1160</sup> As in lawn tennis, the aim is to hit the ball in such a way that the opponent on the other side of the table is unable to reach it when it comes down in his or her half. In 1926 the International Table Tennis Federation (ITTF) was founded in London and has its seat in Lausanne.<sup>1161</sup> Its Olympic debut came in 1988 and nowadays there are team and single events for men and women.<sup>1162</sup> Per team, there are three players and three is also the maximum number of players per gender that an NOC may send to the Olympics.<sup>1163</sup>

Table XXII: Overview of the eligibility requirements for table tennis

<b>Requirements ITTF</b>	
<b>In force since</b>	2005
<b>Change of nationality</b>	Possible until the age of 21 with effect for all competitions, afterwards only for Olympic Games
<b>Residence requirements</b>	In case a country has more than one association
<b>Minors and nationality change</b>	Waiting period depends on age of athlete and age at the time of registration. the older an athlete the longer the waiting period and after the age of 21 no change will have effect for world cup, world team cup, world championships
<b>Stateless athletes</b>	Not mentioned
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Change possible under certain conditions, depending on age and registration for most competitions
<b>Effect of changes in territory of country</b>	Athlete may choose any of the new or old entities once
<b>Competing for the country of residence</b>	Not possible
<b>Number of changes possible</b>	Depends on competition, none for over 21 year olds for all except Olympic games
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality & citizenship for Olympic Games
<b>Uses residence/ domicile</b>	Both in relation to the eligibility for the Olympic Games
<b>Other remarkable peculiarity</b>	Different rules for competitions with the Olympic Games being the most lenient ones

<sup>1159</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The ITTF replied on 7<sup>th</sup> August 2014 and kindly supplied all necessary handbooks. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 and a second on 2<sup>nd</sup> December 2015. No reply was received by the time of publication.

<sup>1160</sup> IOC Information Table Tennis Equipment and History.

<sup>1161</sup> IOC Information ITTF; IOC Information Table Tennis Equipment and History; IOC Reference Document Table Tennis.

<sup>1162</sup> IOC Information ITTF; IOC Information Table Tennis Equipment and History; IOC Reference Document Table Tennis: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1163</sup> IOC Information ITTF.

10.3.1. Table Tennis critical reflection

Since 2005, the ITTF eligibility criteria have remained identical. The underlying principle is that an athlete can only represent a country of which he or she is a national.<sup>1164</sup> However, if an athlete has represented another country due to previously applicable rules, he or she may continue to do so.<sup>1165</sup> As in most federations, the ITTF stipulates that athletes with more than one nationality are initially free to choose which association to represent.<sup>1166</sup> Such a choice is in principle binding.<sup>1167</sup> Yet, athletes who acquire a new nationality may represent the new country following a three-year non-competition period.<sup>1168</sup> For athletes affected by territorial transfers, the ITTF stipulates that they may either choose to continue to compete for the original country or may decide to compete for one of the new entities.<sup>1169</sup> This choice is only possible once.<sup>1170</sup> All in all, the ITTF has very detailed rules, which include rules addressing a lot of possible situations. Changing the country of representation is possible, but only after a rather long period of non-competition.

10.3.2. Rules applicable since 2005

In the last years, there have been six different rule books dealing with the eligibility criteria in table tennis, spanning from 2005 to 2008, 2008 to 2009; 2009 to 2010; 2010 to 2012 and most recently the ones spelled out in the ITTF Handbooks of 2013 – 2014, 2014 – 2015 and the one of 2016. These rules differ minimally in their wording, e.g. since September 2012 athletes are referred to as ‘he or she’ in the articles,<sup>1171</sup> and a reference to the Paralympic Games is made.<sup>1172</sup> Another difference is the reference to an athlete being a national on 1<sup>st</sup> September 2004, which is present in the 2005 – 2008 and 2010- 2012 versions.<sup>1173</sup> Hence, the rules of 3.8 dealing with International eligibility will be considered as not having changed with regard to their substance. Article 3.8.1 delineates where the individual provisions can be found. Questions regarding eligibility are dealt with by the Eligibility Commission.<sup>1174</sup>

In general, an athlete wishing to represent an association has to be a national of the country over which the association has jurisdiction.<sup>1175</sup> However, it is possible that an athlete:

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<sup>1164</sup> Art. 3.8.3 ITTF handbook 2016.

<sup>1165</sup> Art. 3.8.3 ITTF handbook 2016.

<sup>1166</sup> Art. 3.8.3.2 ITTF handbook 2016.

<sup>1167</sup> Art. 4.5.1.3.2 ITTF handbook 2016.

<sup>1168</sup> Art. 4.5.1.3.3 ITTF handbook 2016.

<sup>1169</sup> Art. 4.5.1.3.5 ITTF handbook 2016.

<sup>1170</sup> Art. 4.5.1.3.5 ITTF handbook 2016.

<sup>1171</sup> Art. 3.8.2 ITTF handbook 2012 – 2013.

<sup>1172</sup> Art. 3.8.1 ITTF handbook 2012 – 2013.

<sup>1173</sup> Art. 3.8.3 ITTF handbook 2005 – 2008; Art. 3.8.3 ITTF handbook 2010 -2012.

<sup>1174</sup> Art. 3.8.8 ITTF handbook 2014 – 2015; Art. 3.8.8 ITTF handbook 2013 – 2014; Art. 3.8.8 ITTF handbook 2012 – 2013; Art. 3.8.8 ITTF handbook 2010 – 2012; Art. 3.8.8 ITTF handbook 2009 – 2010; Art. 3.8.8 ITTF handbook 2008-2009; Art. 3.8.8 ITTF handbook 2005 – 2008.

<sup>1175</sup> Art. 3.8.3 ITTF handbook 2016; Art. 3.8.3 ITTF handbook 2014 – 2015; Art. 3.8.3 ITTF handbook 2013 – 2014; Art. 3.8.3 ITTF handbook 2012 – 2013; Art. 3.8.3 ITTF handbook 2010 – 2012; Art. 3.8.3 ITTF handbook 2009 – 2010; Art. 3.8.3 ITTF handbook 2008 – 2009; Art. 3.8.3 ITTF handbook 2005 – 2008.

“who has already represented an Association of which he or she was not a national in accordance with previous rules may retain that eligibility.”<sup>1176</sup>

This means that athletes who used to compete for a country of which they were not nationals prior to 2004 may continue to compete for the relevant association.

In case a country’s athletic pool is governed by more than one association, e.g. in the case of the Welsh Table Tennis Association whose athletes have British passports as do the athletes representing Scotland, the athlete has to fulfil additional requirements to pick one of the associations.<sup>1177</sup> They need to either have been born on this particular territory or need to have their residence in it.<sup>1178</sup> Thus anyone wishing to compete for Wales not only has to have a British passport, but should have either been born on Welsh territory or should maintain his or her main residence there. Athletes with more than one nationality are free to choose which association they wish to represent.<sup>1179</sup> Athletes may not represent two different associations within three years.<sup>1180</sup> Representing in this case means that an athlete accepts an official nomination from the association and competes in one of the officially sanctioned competitions.<sup>1181</sup> An athlete may be requested to “provide documentary evidence of his or her eligibility and his or her passport”.<sup>1182</sup> This indicates that a passport in itself does not constitute sufficient evidence of eligibility.

Turning to the individual competitions, the ITTF stipulates that for World Cup, team world cup and world championship eligibility criteria, a player needs to fulfil

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<sup>1176</sup> Art. 3.8.3 ITTF handbook 2016; Art. 3.8.3 ITTF handbook 2014 – 2015; Art. 3.8.3 ITTF handbook 2013 – 2014; Art. 3.8.3 ITTF handbook 2012 – 2013; Art. 3.8.3 ITTF handbook 2010 – 2012; Art. 3.8.3 ITTF handbook 2009-2010; Art. 3.8.3 ITTF handbook 2008 – 2009; Art. 3.8.3 ITTF handbook 2005 – 2008.

<sup>1177</sup> Art. 3.8.3.1 ITTF handbook 2016; Art. 3.8.3.1 ITTF handbook 2014 – 2015; Art. 3.8.3.1 ITTF handbook 2013 – 2014; Art. 3.8.3.1 ITTF handbook 2012 – 2013; Art. 3.8.3.1 ITTF handbook 2010 – 2012; Art. 3.8.3.1 ITTF handbook 2009 – 2010; Art. 3.8.3.1 ITTF handbook 2008 – 2009; Art. 3.8.3.1 ITTF handbook 2005 – 2008.

<sup>1178</sup> Art. 3.8.3.1 ITTF handbook 2016; Art. 3.8.3.1 ITTF handbook 2014 – 2015; Art. 3.8.3.1 ITTF handbook 2013 – 2014; Art. 3.8.3.1 ITTF handbook 2012 – 2013; Art. 3.8.3.1 ITTF handbook 2010 – 2012; Art. 3.8.3.1 ITTF handbook 2009 – 2010; Art. 3.8.3.1 ITTF handbook 2008 – 2009; Art. 3.8.3.1 ITTF handbook 2005 – 2008.

<sup>1179</sup> Art. 3.8.3.2 ITTF handbook 2016; Art. 3.8.3.2 ITTF handbook 2014 – 2015; Art. 3.8.3.2 ITTF handbook 2013 – 2014; Art. 3.8.3.2 ITTF handbook 2012 – 2013; Art. 3.8.3.2 ITTF handbook 2010 – 2012; Art. 3.8.3.2 ITTF handbook 2009 – 2010; Art. 3.8.3.2 ITTF handbook 2008 – 2009; Art. 3.8.3.2 ITTF handbook 2005 – 2008.

<sup>1180</sup> Art. 3.8.5 ITTF handbook 2016; Art. 3.8.5 ITTF handbook 2014 – 2015; Art. 3.8.5 ITTF handbook 2013 – 2014; Art. 3.8.5 ITTF handbook 2012 – 2013; Art. 3.8.5 ITTF handbook 2010 – 2012; Art. 3.8.5 ITTF handbook 2009 – 2010; Art. 3.8.5 ITTF handbook 2008 – 2009; Art. 3.8.5 ITTF handbook 2005 – 2008.

<sup>1181</sup> Art. 3.8.2 ITTF handbook 2016; Art. 3.8.2 ITTF handbook 2014 – 2015; Art. 3.8.2 ITTF handbook 2013 – 2014; Art. 3.8.2 ITTF handbook 2012 – 2013; Art. 3.8.2 ITTF handbook 2010 – 2012; Art. 3.8.2 ITTF handbook 2009 – 2010; Art. 3.8.2 ITTF handbook 2008 – 2009; Art. 3.8.2 ITTF handbook 2005 – 2008.

<sup>1182</sup> Art. 3.8.7 ITTF handbook 2016; Art. 3.8.7 ITTF handbook 2014 – 2015; Art. 3.8.7 ITTF handbook 2013 – 2014; Art. 3.8.7 ITTF handbook 2012 – 2013; Art. 3.8.7 ITTF handbook 2010 – 2012; Art. 3.8.7 ITTF handbook 2009 – 2010; Art. 3.8.7 ITTF handbook 2008 – 2009; Art. 3.8.7 ITTF Handbook 2005 – 2008.

different waiting periods prior to competing for the new association, depending on the age at which he or she first registered.<sup>1183</sup>

These rules are very strict as the athletes may have to wait up to seven years for a nationality change to become effective.<sup>1184</sup> Furthermore, World Championships, World Cup and World Team Cup competition rules state that any player aged 21 or over may not change their country of representation with effect for these competitions.<sup>1185</sup>

In addition to these very strict rules for the ‘adult’ competitions, the world junior championship also prescribes a three-year wait for those who have acquired a new nationality and wish to represent the other country now.<sup>1186</sup> This is however only possible if the athlete was younger than 15 upon registration.<sup>1187</sup> Hence, youth athletes will face a significantly long wait upon changing their country of representation, which might lead to them re-starting their career only as adults.

With regard to the Olympic Games, the ITTF firstly underscores the need for compliance with the IOC Rules,<sup>1188</sup> such as the Anti-Doping Code,<sup>1189</sup> and the spirit of fair play.<sup>1190</sup> Regarding nationality, the ITTF states that the athlete who is to represent a country is to be a national of that country.<sup>1191</sup>

Athletes with multiple nationality may select which one he or she wants to represent.<sup>1192</sup> Such a choice is in principle binding, unless the athlete acquires a new nationality and complies with a three-years non-competition period prior to competing for the new country in the Olympic Games.<sup>1193</sup> Furthermore, the time of non-competition of three years is significantly shorter than the postulated seven years and may even be reduced or cancelled given the circumstances of individual cases.<sup>1194</sup>

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<sup>1183</sup> Art. 4.1.3.3; Art. 4.3.6.2; 4.4.6.2 ITTF handbook 2016; Art. 4.1.3.3; Art. 4.3.6.2; Art. 4.4.6.2 ITTF handbook 2014 – 2015; Art. 4.1.3.3; Art. 4.3.6.2; 4.4.6.2 ITTF handbook 2013 – 2014.

<sup>1184</sup> Art. 4.1.3.3.3; Art. 4.3.6.2.3; Art. 4.4.6.2.3 ITTF handbook 2016; Art. 4.1.3.3.3; Art. 4.3.6.2.3; Art. 4.4.6.2.3 ITTF handbook 2014 – 2015; Art. 4.1.3.3.3; Art. 4.3.6.2.3; Art. 4.4.6.2.3 ITTF handbook 2013 – 2014.

<sup>1185</sup> Art. 4.1.3.4; Art. 4.3.6.3; Art. 4.4.6.3 ITTF handbook 2014- 2014; Art. 4.1.3.4; Art. 4.3.6.3; Art. 4.4.6.3 ITTF handbook 2013- 2014.

<sup>1186</sup> Art. 4.2.3.4 ITTF handbook 2016; Art. 4.2.3.4 ITTF handbook 2014 – 2015; Art. 4.2.3.4 ITTF handbook 2013-2014.

<sup>1187</sup> Art. 4.2.3.5 ITTF handbook 2016; Art. 4.2.3.5 ITTF handbook 2014 – 2015; Art. 4.2.3.5 ITTF handbook 2013 – 2014.

<sup>1188</sup> Art. 4.5.1.1 ITTF handbook 2016; Art. 4.5.1.1 ITTF handbook 2014 – 2015; Art. 4.5.1.1 ITTF handbook 2013 – 2014.

<sup>1189</sup> Art. 4.5.1.1.3 ITTF handbook 2016; Art. 4.5.1.1.3 ITTF handbook 2014 – 2015; Art. 4.5.1.1.3 ITTF handbook 2013 – 2014.

<sup>1190</sup> Art. 4.5.1.1.2 ITTF handbook 2016; Art. 4.5.1.1.2 ITTF handbook 2014 – 2015; Art. 4.5.1.1.2 ITTF handbook 2013 – 2014.

<sup>1191</sup> Art. 4.5.1.3 ITTF handbook 2016; Art. 4.5.1.3 ITTF handbook 2014 – 2015; Art. 4.5.1.3 ITTF handbook 2013- 2014.

<sup>1192</sup> Art. 4.5.1.3.1 ITTF handbook 2016; Art. 4.5.1.3.1 ITTF handbook 2014 – 2015; Art. 4.5.1.3.1 ITTF handbook 2013 – 2014.

<sup>1193</sup> Art. 4.5.1.3.2 and Art. 4.5.1.3.3 ITTF handbook 2016; Art. 4.5.1.3.2 and Art. 4.5.1.3.3 ITTF handbook 2014 – 2015; Art. 4.5.1.3.2 and Art. 4.5.1.3.3 ITTF handbook 2013 – 2014.

<sup>1194</sup> Art. 4.5.1.3.4 ITTF handbook 2016; Art. 4.5.1.3.4 ITTF handbook 2014 – 2015; Art. 4.5.1.3.4 ITTF handbook 2013 – 2014.

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In case of territorial transfers, the athletes of the country may either choose to continue to compete for the original country or may decide to compete for one of the new entities.<sup>1195</sup> This choice is only possible once<sup>1196</sup> – although one can presume that, if in the aftermath of such a change in territory the borders are redrawn again, an athlete would be given a choice again, since this should count as another territorial transfer. In any case, the IOC Executive board will deal with any disputes regarding “nationality, citizenship, domicile or residence of the player”.<sup>1197</sup> It is interesting that all these terms are enumerated here – showing that really all issues relating to an athlete’s eligibility will be dealt with.

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<sup>1195</sup> Art. 4.5.1.3.5 ITTF handbook 2016; Art. 4.5.1.3.5 ITTF handbook 2014 – 2015; Art. 4.5.1.3.5 ITTF handbook 2013 – 2014.

<sup>1196</sup> Ibid.

<sup>1197</sup> Art. 4.5.1.4 ITTF handbook 2016; Art. 4.5.1.4 ITTF handbook 2014 – 2015; Art. 4.5.1.4 ITTF handbook 2013 – 2014.



## 11. Aiming with an object for a goal

The following two sports, curling and golf, are rather different in their execution, while the general aim of moving one object so that it reaches a goal on – or respectively in the ground – is very similar. Interestingly, both sports originate from Scottish games. Curling first became Olympic in 1924, but then was not present again until 1998. In turn, 2016 will mark golf's Olympic debut.

Table: XXXIII: Topics dealt with in sports aiming with an object for a goal

<b>Requirements</b>	<b>Curling</b>	<b>Golf</b>
<b>In force since</b>	<b>2010</b>	<b>June 2014</b>
<b>Versions since 2005</b>	<b>2005 – 2010</b> <b>Since 2010</b>	<b>2010-2014</b> <b>Since June 2014</b>
<b>Substantial changes made since October 2013</b>	n/a	No nationality requirements prior to June 2014
<b>Change of nationality</b>	Possible	Possible
<b>Residence requirements</b>	Two years if athlete wishes to compete for country of residence	May be used in special circumstances
<b>Minors and nationality change</b>	Not specified	Not specified, but falls under catch-call article
<b>Stateless athletes</b>	Not specified, but may compete for country of residence	Not specified, but falls under catch-call article
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Not specified, change of country of representation always possible after a two-year waiting time and fulfilling either the nationality or residence requirement	Possible after non-competition for four years
<b>Effect of changes in territory of country</b>	Not specified	Athletes can choose once for which country they wish to compete
<b>Competing for the country of residence</b>	Possible after two-year residence	Not specified, but falls under catchall article
<b>Number of changes possible</b>	No maximum given	No maximum given
<b>Reference to Olympic Charter</b>	Yes	None
<b>Uses nationality/ citizenship</b>	Nationality	Both, athlete has to be a citizen to be considered a national
<b>Uses residence/ domicile</b>	Residence	Residence and domicile
<b>Other remarkable peculiarity</b>	Focus on residence and <i>genuine link</i>	Non-competition period can be extended

**11.1. Curling**<sup>1198</sup>

Curling developed from a Scottish Game, which was already played in the early 16<sup>th</sup> century.<sup>1199</sup> During the course of the 20<sup>th</sup> century, the rules and equipment were standardised.<sup>1200</sup> Teams consist of four players who each deliver two stones alternating with their opponents.<sup>1201</sup> The aim is to let the delivered stone glide over the ice to reach one of the concentric circles (called the house) – a point is scored for every stone nearer to the centre of the house than any stone of the opposing team. Only stones in the house count towards the score and only one team can score per end.<sup>1202</sup> Each player delivers two stones and two of the team’s players sweep the ice before the stone to influence the stone’s speed and direction.<sup>1203</sup> The temperature of the ice is controlled and fine water droplets are sprinkled over it (pebbling).<sup>1204</sup> There are ten rounds during which the players deliver the stones, which are called ‘ends’.<sup>1205</sup> The score of such an ‘end’ is determined when each team has thrown its eight stones and the team that scores best during the overall match wins.<sup>1206</sup> The World Curling Federation was founded as the International Curling Federation in 1966 – interestingly after the sport became Olympic in 1924.<sup>1207</sup> However, curling was not an Olympic sport in 1928 1932, 1936, 1952, 1956, 1960, 1964, 1968, 1972, 1976, 1980, 1984, 1988, 1992, and 1994.<sup>1208</sup> Curling was a demonstration sport in 1988 and 1992, before becoming an Olympic discipline again in 1998.<sup>1209</sup> Since 1998, there have been men’s and women’s competitions at all the Olympic Winter Games.<sup>1210</sup>

Table XXXIV: Overview of the eligibility requirements for curling

<b>Requirements</b>	
<b>In force since</b>	1 <sup>st</sup> June 2011
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	Two years if athlete wishes to compete for country of residence
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified, may compete for country of residence

<sup>1198</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The WCF replied on 7<sup>th</sup> August 2014, providing a comparison of the different rules and stating that the only rule change occurred in 2010 and the rules between 2010 and 2005 had been identical. On 29<sup>th</sup> October 2015, the WCF was contacted again and asked for comments on this chapter, which the WCF provided on 29<sup>th</sup> October 2015.

<sup>1199</sup> IOC Information Curling Equipment and History.

<sup>1200</sup> Ibid.

<sup>1201</sup> IOC Information WCF.

<sup>1202</sup> Ibid.

<sup>1203</sup> Ibid.

<sup>1204</sup> Ibid.

<sup>1205</sup> Ibid.

<sup>1206</sup> Ibid.

<sup>1207</sup> IOC Information WCF; IOC Information Curling Equipment and History.

<sup>1208</sup> IOC Reference Document Curling; IOC Reference Document Curling.

<sup>1209</sup> IOC Information Curling Equipment and History; IOC Reference Document Curling.

<sup>1210</sup> IOC Information WCF; IOC Information Curling Equipment and History; IOC Reference Document Curling.

<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Not specified, change of country of representation always possible after a two-year waiting time and fulfilling either the nationality or residence requirement
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible after two-year residence
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	Focus on residence and <i>genuine link</i>

#### 11.1.1. Curling critical reflection

The WCF has rather liberal rules, as athletes may compete for a country either if they are nationals of the country or if they have been residents in the relevant country for at least two years.<sup>1211</sup> Changing the country of representation is possible after a two-year non-competition period.<sup>1212</sup> These rules are extremely lenient, as competing for the country of residence is envisioned. Furthermore, the two-year non-competition period is not extremely long and, although this time will affect the athlete's career, it is less intrusive than a four-year period.

#### 11.1.2. Rules applicable since 2010

Eligibility rules for curling are set down in the Rules of Curling and Rules of Competition of June 2011, which in the case of the articles relating to eligibility have been in force since 1<sup>st</sup> June 2010 and remained unchanged in the October 2014 and October 2015 document updates. These rules do not apply to Olympic Competitions, since they are subject to the IOC's rules.<sup>1213</sup> In order to be eligible to compete for a country, the athlete has to either be a national of the country or a resident in the country for at least two years prior to the competition.<sup>1214</sup> Nationals might explicitly have their residence anywhere and competing for the country of residence is a possibility. If an athlete has already competed in an official curling competition and wishes to change the country of representation, he or she needs to either acquire the nationality of the relevant country or be a resident thereof for two consecutive years.<sup>1215</sup> In any case, the athlete will have to wait for two years between the

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<sup>1211</sup> Art. 1 eligibility the rules of Curling and rules of competition of October 2015.

<sup>1212</sup> Art. 2 eligibility the rules of Curling and rules of competition of October 2015.

<sup>1213</sup> Art. 3 eligibility the rules of Curling and rules of competition of October 2015; Art. 3 eligibility the rules of Curling and rules of competition of October 2014; Art. 3 eligibility the rules of Curling and rules of competition of June 2011.

<sup>1214</sup> Art. 1 eligibility the rules of Curling and rules of competition of October 2015; Art. 1 eligibility the rules of Curling and rules of competition of October 2014; Art. 1 eligibility the rules of Curling and rules of competition of June 2011.

<sup>1215</sup> Art. 2 eligibility the rules of Curling and rules of competition of October 2015; Art. 2 eligibility the rules of Curling and rules of competition of October 2014; Art. 2 eligibility the rules of Curling and rules of competition of June 2011.

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competitions for the different countries.<sup>1216</sup> In case a problem arises with regard to eligibility, the athlete or association in question must go to the WCF Executive Board which will decide on the situation.<sup>1217</sup>

### 11.1.3. Rules applicable 2005 – 2010

According to the WCF's e-mail of 7<sup>th</sup> August 2014 and the subsequent e-mails the rules before the change on 2010 were the same and as follows:

June 2007 Rule Book p 40:

“(1) Eligibility: is based on curlers who are qualified nationally to represent their country either by birth, being children of parents born in that country, or by permanent residence in that country for a consecutive period of at least two years before the first of April in the year of the World Championships. A person is qualified to play for a spouse's country if resident in that country. It should be noted that this eligibility and qualification will not apply to playing in the Olympic Winter Games, which will be governed by the regulations of the International Olympic Committee.”<sup>1218</sup>

This very concise rule thus allowed for athletes who were nationals of the country to represent that country. Those who were permanent residents for a consecutive period of two years could also represent their country of residence, provided that this period was completed prior to 1<sup>st</sup> April of the World Championships year. The question remaining is however, why it had to be the 1<sup>st</sup> April and not for example the 6<sup>th</sup> October. The text did not provide any answers on this matter. Also, the provision that an athlete might compete for the country of which his or her spouse was a national – provided that the athlete was resident there – is interesting. Would an athlete lose this right in case of a divorce or death of a spouse? And did a residency period apply? The WCF stressed that for the purpose of Olympic Games the IOC Charter applied to all questions regarding eligibility.

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<sup>1216</sup> Art. 2 eligibility the rules of Curling and rules of competition of October 2015; Art. 2 eligibility the rules of Curling and rules of competition of October 2014; Art. 2 eligibility the rules of Curling and rules of competition of June 2011.

<sup>1217</sup> Art. 4 eligibility the rules of Curling and rules of competition of October 2015; Art. 4 eligibility the rules of Curling and rules of competition of October 2014; Art. 4 eligibility the rules of Curling and rules of competition of June 2011.

<sup>1218</sup> June 2007 Rule book p. 40 according to WCF E-mail of 6<sup>th</sup> August 2014.

## 11.2. Golf<sup>1219</sup>

Golf developed simultaneously in the Netherlands and in Scotland.<sup>1220</sup> The first rules were laid down in 1754 and remain hardly changed.<sup>1221</sup> The aim is to use as few strokes as possible to navigate the ball over obstacles such as lakes, trees, sand filled bunkers, rivers, or hills.<sup>1222</sup> Depending on the ground, wind direction and strength and the position of the ball on the ground, the players use different clubs to strike the ball.<sup>1223</sup> Golf has only recently become an Olympic discipline and will have its debut at the 2016 Games after being an Olympic Sport shortly in 1900 and 1904,<sup>1224</sup> although back in 1904 only the US and Canada were contestants.<sup>1225</sup> In 1958 the International Golf Federation was founded.<sup>1226</sup> In 2016 there will be two 72-hole individual stroke play events, one for men and one for women, who will play the same golf course of several times.<sup>1227</sup>

Table XXXV: Overview of the eligibility requirements for golf

<b>Requirements IGF</b>	
<b>In force since</b>	June 2014
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	May be used in special circumstances
<b>Minors and nationality change</b>	Not specified, but falls under catchall article
<b>Stateless athletes</b>	Not specified, but falls under catchall article
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible after non-competition for four years
<b>Effect of changes in territory of country</b>	Athletes can choose once for which country they wish to compete
<b>Competing for the country of residence</b>	Not specified, but falls under catchall article
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Both, athlete has to be a citizen to be considered a national
<b>Uses residence/ domicile</b>	Residence and domicile
<b>Other remarkable peculiarity</b>	Non-competition period can be extended

<sup>1219</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September and a reply with the newly implemented nationality rules applicable as of June 2014 was sent on 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 to which the IGF replied on 24<sup>th</sup> November 2015.

<sup>1220</sup> IOC Information Golf Equipment and History.

<sup>1221</sup> Ibid.

<sup>1222</sup> Ibid.

<sup>1223</sup> IOC Information Golf Equipment and History.

<sup>1224</sup> IOC Information IGF; IOC Information Golf Equipment and History; IOC Reference Document Golf.

<sup>1225</sup> IOC Information IGF; IOC Information Golf Equipment and History.

<sup>1226</sup> Ibid.

<sup>1227</sup> Ibid.

11.2.1. Golf critical reflection

Golf is new to the Olympics and its nationality rules have only been in place since June 2014. The underlying principle is that athletes need to be nationals of the country they wish to represent.<sup>1228</sup> Athletes with multiple nationality can choose for which country to compete.<sup>1229</sup> Changes are only possible after four years of non-competition.<sup>1230</sup> This results in the athlete facing an extremely long break from international tournaments and it can even be extended, which is unique among the Olympic sports.<sup>1231</sup> If a territorial transfer occurs, the athletes concerned may choose to either remain with their old federation or compete for the new one. Such a choice however is only possible once.<sup>1232</sup> Overall, the newly introduced rules are rather strict, as a four year or longer non-competition period will have a severe influence on an athlete's career.

11.2.2. Rules applicable since June 2014

Since June 2014 the IGF has its own nationality policy. Therein the IGF stipulates that the athletes need to be nationals of the country they represent.<sup>1233</sup> For the purpose of the IGF:

“A competitor will be considered a *National* of a country if the competitor is a citizen of the country, as defined by the laws of such country.”<sup>1234</sup>

Thus the IGF not only stresses that the national rules of the respective countries apply, but it also makes citizenship a condition for nationality. Athletes with multiple nationality can select to compete for either country, but they can only change their country of representation after having had a non-competition period of four years.<sup>1235</sup> Such a period also applies to athletes who competed for one country and then acquired a new nationality.<sup>1236</sup> It important to notice that this period can not only be reduced and cancelled if the relevant federations agree, as it is customary with the other sports, but it can also potentially be extended.<sup>1237</sup> Therefore, athletes could in principle face an even longer enforced break from international competitions.

Should a territorial transfer occur, the athletes concerned may choose to either remain with their old federation or compete for the new country. Such a choice is however only possible once.<sup>1238</sup> In all other cases in which golfers could compete for a country, the IGF may take decisions on issues revolving around residence,

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<sup>1228</sup> Art. III. IGF nationality policy June 2014.

<sup>1229</sup> Ibid.

<sup>1230</sup> Ibid.

<sup>1231</sup> Ibid.

<sup>1232</sup> Ibid.

<sup>1233</sup> Art. I. IGF nationality policy June 2014.

<sup>1234</sup> Art. III. IGF nationality policy June 2014.

<sup>1235</sup> Ibid.

<sup>1236</sup> Ibid.

<sup>1237</sup> Ibid.

<sup>1238</sup> Ibid.

domicile, citizenship, or nationality.<sup>1239</sup> The fact that all these terms are enumerated shows that the IGF really aims at dealing with all issues that could be at stake and could allow for a certain flexibility.

### 11.2.3. Rules applicable 2005 – 2014

Prior to June 2014, there were two documents on the official website of the IGF, one dealing with the anti-doping rules and the other the Constitution of International Golf Federation, the 2010 Version. Neither of these documents contained eligibility criteria pertaining to nationality.

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<sup>1239</sup> Ibid.



## 12. Movement over ground

In the following, cycling and equestrian sports will be examined. These sports share one common characteristic, namely, the aim to move over ground without the athletes' feet actually touching the ground. Although a bike and a horse are very different, the main idea is to 'ride' on something to cover distances.<sup>1240</sup> Road and track cycling are the oldest Olympic sports, having their Olympic debut in 1986, with equestrian entering in 1900. Mountain biking and BMX came later, in 1996 and 2008 respectively. Interestingly, equestrian was the first of the sports to allow women to participate and since 1952 there have only been mixed events. Road cycling had its first women's events in 1984 and track cycling in 1988. The newer cycling disciplines allowed both men and women from the start.

Table XXXVI: Topics dealt with in sports that focus on movement over ground

<b>Requirements</b>	<b>Cycling</b>	<b>Equestrian</b>
<b>In force since</b>	<b>2014</b>	<b>2014</b>
<b>Versions since 2005</b>	<b>2005 – 2011</b> <b>2011 – 2014</b> <b>Since 2014</b>	<b>2005 – 2006</b> <b>2007 – 2008</b> <b>2009</b> <b>Since 2010</b>
<b>Substantial changes made since October 2013</b>	Reference to loss of nationality introduced	n/a
<b>Change of nationality</b>	Possible once	The way through which the nationality was acquired only matters with regard to the residence requirement and possible exceptions
<b>Residence requirements</b>	None, except for stateless athletes	Many exceptions possible, in general the residence requirement can either be fulfilled through two uninterrupted years of legal residence or five non-consecutive years of legal residence
<b>Minors and nationality change</b>	May change upon reaching age of majority	Possible annually
<b>Stateless athletes</b>	Can compete for country of residence after five years	May compete for new association directly
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible if first appearance was when still a minor	Change directly possible, with the exception of some tournaments for which a two-year break is necessary
<b>Effect of changes in territory of country</b>	Not specified	Possible to choose once for either entity old or new

<sup>1240</sup> Though a bicycle is colloquial referred to as '*Drahtesel*', literally translated as wire mule or metal mule in German.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

<b>Competing for the country of residence</b>	Possible for stateless athletes	Possible with permission of national federation
<b>Number of changes possible</b>	Once	No maximum specified
<b>Reference to Olympic Charter</b>	Yes	Yes
<b>Uses nationality/ citizenship</b>	Nationality	Nationality and citizen
<b>Uses residence/ domicile</b>	Residence	Residence
<b>Other remarkable peculiarity</b>	Refers to loss of nationality	Very flexible; Horses need to have same nationality

## 12.1. Cycling<sup>1241</sup>

Cycling was first invented in the mid-18<sup>th</sup> century and developed further with the invention of gears in 1885.<sup>1242</sup> The main aim of the cycling competitions is to reach a certain goal ahead of the other cyclists. Depending on the terrain over which the athletes have to cycle, the difficulties with which the cyclists are faced vary and thus their bikes will have different characteristics adapted to the obstacles. Cycling is governed by the *Union Cycliste Internationale* (UCI), which was founded in 1900 and a form of cycling has been at all Olympic Games except in 1900 to 1908, although there are significant differences.<sup>1243</sup> There are currently track racing, road racing, BMX, and Mountain Biking events.<sup>1244</sup> At the first Olympics, road racing cyclists had to cycle the marathon course twice in 1896.<sup>1245</sup> It was notably not included in the programme of the 1900, 1904 and 1908 Olympics.<sup>1246</sup> Nowadays, there are events for men and women with the men's racing distance being over 200 km and the women's over 120 km.<sup>1247</sup> The races are either set up as mass starts (for road races) or interval starts (for time trials during which athletes have to cover a set distance in a set time).<sup>1248</sup>

Track racing is one of the oldest of the cycling disciplines, with the first races being recorded in 1870 and nowadays includes both team and individual racing events.<sup>1249</sup> It was featured in all Olympic Games since its debut in 1896, with the sole exception of 1912.<sup>1250</sup> The modes of the races are either sprint, individual or team pursuit, or time trial and take place in oval-shaped tracks.<sup>1251</sup> Women have been participating since 1988 in their individual events.<sup>1252</sup>

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<sup>1241</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The UCI replied on 26<sup>th</sup> August 2014 and kindly supplied all the necessary documents. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 to which the UCI replied on 27<sup>th</sup> November and 4<sup>th</sup> December 2015.

<sup>1242</sup> IOC Information Road Cycling Equipment and History.

<sup>1243</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track; IOC Reference Document Cycling: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1244</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track.

<sup>1245</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track; IOC Information BMX Cycling Equipment and History.

<sup>1246</sup> Ibid.

<sup>1247</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track.

<sup>1248</sup> Ibid.

<sup>1249</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track; IOC Information Track Cycling Equipment and History.

<sup>1250</sup> IOC Information Track Cycling Equipment and History.

<sup>1251</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track.

<sup>1252</sup> IOC Information Track Cycling Equipment and History.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

BMX cycling developed from motorcross in the late 1960s and thus its cycling course features several obstacles and jumps.<sup>1253</sup> Since 2008, men and women compete in individual events.<sup>1254</sup>

Mountain biking has been an Olympic discipline since 1996.<sup>1255</sup> This cycling discipline features a course over mountainous or rocky terrain with trees, rivers or other natural obstacles.<sup>1256</sup> It dates back to the 1970s, when the advent of sturdier bikes made it possible to cover more difficult terrain at higher speed.<sup>1257</sup> The distance is 5km and men's racing times are approximately two hours while women's times are one hour and 45 minutes.<sup>1258</sup>

Table XXXVII: Overview of the eligibility requirements for cycling

<b>Requirements UCI</b>	
<b>In force since</b>	March 2014
<b>Change of nationality</b>	Once
<b>Residence requirements</b>	None, except for stateless athletes
<b>Minors and nationality change</b>	May change upon reaching age of majority
<b>Stateless athletes</b>	Can compete for country of residence after 5 years
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible if first appearance was when still a minor
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible for stateless athletes
<b>Number of changes possible</b>	Once
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	Refers to loss of nationality

### 12.1.1. Cycling critical reflection

According to UCI statutes, athletes may only compete for a country of which they are nationals.<sup>1259</sup> Stateless athletes may compete for a country after having been a resident there for five years.<sup>1260</sup> The UCI is one of the few federations that refer explicitly to stateless athletes and while five years of residence is relatively long, it at least provides for a possibility for athletes who would otherwise not have a chance to compete

<sup>1253</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track.

<sup>1254</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track; IOC Information BMX Cycling Equipment and History.

<sup>1255</sup> Ibid.

<sup>1256</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track.

<sup>1257</sup> IOC Information Mountain Bike Equipment and History.

<sup>1258</sup> IOC Information UCI Cycling BMX; IOC Information UCI Cycling Road; IOC Information UCI Cycling Track.

<sup>1259</sup> Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016).

<sup>1260</sup> Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016).

internationally. Athletes with multiple nationality have to choose for which country they wish to compete, but they do not need to fulfil any additional criteria.<sup>1261</sup> Changing the country of representation is possible once.<sup>1262</sup> All in all, UCI rules are rather detailed. While the possibility of changing the country of representation is only given once, the rest of the criteria are rather lenient.

#### 12.1.2. Rules applicable since 2005

The newest UCI rules are those of 15<sup>th</sup> March 2016, which are identical to the rules of 1<sup>st</sup> January 2016, 13<sup>th</sup> March 2015, 25<sup>th</sup> September 2014 and 1<sup>st</sup> May 2014. These rules are very similar to those applicable earlier. The changes occurred in these phases:

Since 2011:

- Changing of nationality introduced in a separate article.<sup>1263</sup>

Since May 2014:<sup>1264</sup>

- Exceptional cases in which a rider may choose a country of representation, after his choice had been already viewed as final was added.<sup>1265</sup>
- Detailed list of documents needed for the procedures was added.<sup>1266</sup>

All versions underscore that it does not matter which country gave the athlete the license, but of which country the athlete is a national.<sup>1267</sup> The UCI further stipulates

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<sup>1261</sup> Art. 1.1.033 §2 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016).

<sup>1262</sup> Art. 1.1.033 §2a) and §2c) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016).

<sup>1263</sup> Art. 1.1.033 §4 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011).

<sup>1264</sup> The article was re-structured, with the previous Art. 1.1.033 § 2, receiving labelled subparagraphs.

<sup>1265</sup> Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014).

<sup>1266</sup> Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 §3 UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §3 UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §3 UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014).

<sup>1267</sup> Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 25.09.2014); Art. 1.1.033 §1 UCI Cycling

that the Olympic Games are governed by the Olympic Charter.<sup>1268</sup> Stateless athletes may compete for a country after having been a resident there for five years.<sup>1269</sup> Athletes with multiple nationality have to choose for which country they wish to compete and need to apply for a license in the country in which they have their main residence.<sup>1270</sup> This decision is binding, unless the athlete was a minor at the point the decision was taken. In such a case, a new decision can be made upon reaching the age of majority.<sup>1271</sup> The UCI further provides for cases of the loss and acquisition of

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- regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 § 1 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §1 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.
- <sup>1268</sup> Art. 1.1.033 §5 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §5 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §5 UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §5 UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §5 UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 § 5 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §4 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.
- <sup>1269</sup> Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 §1 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §1 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.
- <sup>1270</sup> Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.
- <sup>1271</sup> Art. 1.1.033 §2b) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §2b) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §2b) UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2b) UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §2b)

nationality. In the case of the former, the athlete may choose to compete for the country of which he or she is also a national.<sup>1272</sup> In the case of the latter, the athlete has two years to decide whether to compete for the new federation. Within these two years, he or she needs to have established his or her main residence in this country and has to apply for the new license with the new federation.<sup>1273</sup> In these cases, the athlete cannot compete in the world championships for a year.<sup>1274</sup> The UCI provides an example for such cases, with the relevant dates updated according to the version of the rule book:

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- UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 §2 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §2 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.
- <sup>1272</sup> Art. 1.1.033 §2 a) and Art. 1.1.011 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §2 a) and Art. 1.1.011 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §2a) and Art. 1.1.011 UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2a) and Art. 1.1.011 UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §2a) and Art. 1.1.011 UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §2 and Art. 1.1.011 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.
- <sup>1273</sup> Art. 1.1.033 §2 c) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §2 c) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §2c) UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2c) UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §2c) UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 §3 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §3 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.
- <sup>1274</sup> Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2e) and Art. 1.1.033 §3 UCI Cycling regulations general organisation of E0914 Cycling As A sport part 1 general organisation of Cycling as a sport version of 25.09.2014; Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014); Art. 1.1.033 §3 UCI Cycling regulations - general organisation of E1014 Cycling as a sport part 1 general organisation of Cycling as a sport (versions of March 2014; October 2013 and October 2011); Art. 1.1.033 §3 UCI Cycling regulations - general organisation of E0105 Cycling as a sport part 1 general organisation of Cycling as a sport 2005.

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*“Example: a rider holding nationality A acquires nationality B on 1 July 2013 and wishes to henceforth represent nation B. The change of nationality is approved by the UCI on 5 October 2013. The rider may not represent nation B at the world championships of 2013 (i) or 2014 (ii). However, the rider may immediately represent nation B at other competitions, in particular continental championships and as a member of the national team for world cup events. A rider who has never represented nation A at the world championships, continental championships or as a member of the national team competing in world cup events, shall not be subject to any restrictions and may immediately represent nation B at the world championships.”<sup>1275</sup>*

It should be noted that the athlete is not barred from any other competitions during this period. The UCI also provides for changes under other circumstances, however this is only possible with the agreement of the relevant federations and the UCI.<sup>1276</sup> Thus, the UCI has the possibility to react on a case-by-case basis to changes in an athlete’s situation.

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<sup>1275</sup> Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §2e) UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015).

<sup>1276</sup> Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.01.2016); Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0115 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 13.03.2015); Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0914 Cycling as a sport part 1 general organisation of Cycling As A sport version of 25.09.2014; Art. 1.1.033 §2d) UCI Cycling regulations general organisation of E0514 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 01.05.2014).

## 12.2. Equestrian<sup>1277</sup>

Equestrian has been an Olympic sport since 1900, but it was notably absent from the Olympiads in 1904 and 1908. Its rules are set out by *Fédération Equestre Internationale* (FEI) which was founded in 1921 and has its seat in Lausanne, Switzerland.<sup>1278</sup> Interestingly, it is a sport in which men and women both compete in the same event.<sup>1279</sup> The disciplines recognised by the FEI are jumping, dressage, eventing, driving, endurance, vaulting, reining, and para-equestrian.<sup>1280</sup> However, only three of these, namely dressage, eventing and jumping are also Olympic disciplines.<sup>1281</sup> The major aim behind equestrian competitions is to see which riders manage to evoke the best responsive behaviour from their horses in previously known and practised tasks, such as going backwards through a specific form or jumping over obstacles of a specific height and in set combinations.

For the discipline of ‘dressage’ riders are required to let their horses go through complicated movement patterns, such as pirouettes. This dates back to the military drills battle horses in Ancient Greece were trained in, which aimed at improving the horses’ responses and agility during military operations.<sup>1282</sup> These techniques were refined over the course of time until the peak of classical dressage art was reached in the Spanish Riding School situated in Vienna.<sup>1283</sup> Eventing stems from the preparation of cavalry horses.<sup>1284</sup> It combines jumping as well as dressage over cross-country courses.<sup>1285</sup> For jumping, the goal is to jump over various combinations of jumps including obstacles of varying heights and lengths without making a mistake. Here ‘mistakes’ are considered the physical contact of horse and obstacle or the horse’s refusal to jump.<sup>1286</sup>

Table XXXVIII: Overview of the eligibility requirements for equestrian

<b>Requirements FEI</b>	
<b>In force since</b>	2010
<b>Change of nationality</b>	The way through which the nationality was acquired only matters with regard to the residence requirement and possible exceptions
<b>Residence requirements</b>	Many exceptions are possible, in general the

<sup>1277</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The FEI replied on 7<sup>th</sup> August 2014 and sent the eligibility rules electronically. On 29<sup>th</sup> October 2015 the FEI was contacted again and asked for comments on this chapter, which the FEI provided on 2<sup>nd</sup> November 2015.

<sup>1278</sup> IOC Reference Document Equestrian: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1279</sup> IOC Information FEI dressage; IOC Information FEI jumping; IOC Reference Document Equestrian.

<sup>1280</sup> IOC Information FEI dressage; IOC Information FEI jumping.

<sup>1281</sup> Ibid.

<sup>1282</sup> IOC Information Equestrian Dressage Equipment and History.

<sup>1283</sup> Ibid.

<sup>1284</sup> Ibid.

<sup>1285</sup> Ibid.

<sup>1286</sup> FEI guidelines for the evaluation of pirouettes as well as contact and mouth problems and FEI Jumping rules 2012.

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	residence requirement can either be fulfilled through two uninterrupted years of legal residence or five non-consecutive years of legal residence
<b>Minors and nationality change</b>	Possible annually
<b>Stateless athletes</b>	May compete for new federation directly
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Change directly possible, with the exception of some tournaments for which a two-year break is necessary
<b>Effect of changes in territory of country</b>	Possible to choose once for either entity old or new
<b>Competing for the country of residence</b>	Possible for minors only with permission of national federation
<b>Number of changes possible</b>	No maximum specified
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality and citizen
<b>Uses residence/ domicile</b>	Residence, which is understood as “legal residence” (the residence where you have your permanent home or principal establishment and to where, whenever you are absent, you intend to return; every person is compelled to have one and only one domicile at a time. <sup>1287</sup>
<b>Other remarkable peculiarity</b>	Very detailed; for the Olympic Games the nationality of the owners of the horses is important as well.

### 12.2.1. Equestrian critical reflection

The FEI is one of the most lenient federations. Its rules stipulate that only nationals should compete for a national team<sup>1288</sup> and consequently athletes with dual nationality have to choose one country at the age of majority.<sup>1289</sup> Nevertheless, nationality changes are allowed.<sup>1290</sup> Minors with dual nationality can even choose annually for which country they wish to compete.<sup>1291</sup> For the others, changing the country of representation is only allowed if the residence criteria of either two consecutive or five non-consecutive years are met.<sup>1292</sup> The possibility to also meet the residence criteria through non-consecutive years is very lenient, as it is easier for athletes with an international tournament schedule. The FEI also deals with athletes faced with territorial transfers, and they can choose for which of the (potentially new) entities they wish to compete.<sup>1293</sup> Athletes who lost their nationality, became refugees or

<sup>1287</sup> FEI E-mail of 2<sup>nd</sup> November 2015.

<sup>1288</sup> Exceptions are provided for in paragraphs 4, 5, 6.2, and 6.3, of the same article.

<sup>1289</sup> Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1290</sup> Art. 119(2.2.5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1291</sup> Art. 119(3.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1292</sup> Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1293</sup> Art. 119(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

whose national federation ceased to exist, can compete in international tournaments nevertheless and will be deemed to compete for their host country, i.e. the one in which they live, at some tournaments.<sup>1294</sup> The FEI has extremely detailed and nuanced rules that aim to allow athletes the greatest possible flexibility, while also contravening mercenary tendencies.

#### 12.2.2. Rules applicable since 2005

The current rules regarding eligibility are spelled out in the FEI General Regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January, 2016.<sup>1295</sup> Since 2005 these rules have undergone several changes and have become even more detailed.

Since 2007:

- Reference to multiple nationality was added;<sup>1296</sup>
- Proof of citizenship became necessary;<sup>1297</sup>
- Change of nationality: residence requirements was mentioned;<sup>1298</sup>
- Possibility for special cases introduced;<sup>1299</sup>
- Reference to IOC made.<sup>1300</sup>

Since 2009:<sup>1301</sup>

- Special Olympic Games Rule included.<sup>1302</sup>

Since 2010:

- Differentiation between adult and minor athletes with separate rules for minor athletes added;<sup>1303</sup>
- Exceptions to residence requirements became possible;<sup>1304</sup>
- Reduction of requirements for married athletes included.<sup>1305</sup>

Since 2011:

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<sup>1294</sup> Art. 119(5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1295</sup> And which did not differ from the 1<sup>st</sup> January 2014 and 1<sup>st</sup> January 2015 updates.

<sup>1296</sup> Art. 123(4) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1297</sup> Art. 123(5) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1298</sup> Art. 123(5) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1299</sup> Art. 123(6) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1300</sup> Art. 123(7) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1301</sup> Renumbering: The rules under Art. 123 were moved to Art. 119 and a new Art.123 was introduced that dealt with the Olympic Games.

<sup>1302</sup> Art. 123(1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009 and Art 119(7) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009.

<sup>1303</sup> Art. 119(2) and 119(3) were added as well as 119(6.3) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1304</sup> Art. 119 (2.2.3) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1305</sup> Art. 119(2.2.4) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

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- Athletes who live in a country that does not have a national federation and cannot rely on any other FEI provision may apply for special authorisation and compete under the FEI flag;<sup>1306</sup>
- ‘Biological parents’<sup>1307</sup> was replaced with ‘acquired by virtue of descent or through other means related to family heritage’,<sup>1308</sup> thus broadening the applicability of this provision, putting an end to the potential exclusion of adopted children;
- waiting periods were prescribed by the IOC Charter also applicable to athletes wishing to compete at the Olympics after having changed their country of representation.<sup>1309</sup>

Since 2012:

- Article 123.2 was added, stating that everyone involved in the Olympic Games is to be governed by the IOC rules.<sup>1310</sup>

Turning to the rules currently applicable, it is firstly important to underline that also the nationality of the horses’ owners is important and that horses have to be registered like the athletes with the FEI and their own NF.<sup>1311</sup> At the Olympic Games athletes may only compete with horses which have been owned by a person of the same nationality since 15<sup>th</sup> January of the Olympic year.<sup>1312</sup> Secondly, the FEI underscores that for Olympic competitions the Olympic Charter applies, while other FEI competitions are governed solely by over FEI rules.<sup>1313</sup> Consequently, only those who

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<sup>1306</sup> Art. 119.5.1 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013 and Art. 119.5.1 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012.

<sup>1307</sup> Art. 119.2.2.3 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1308</sup> Art. 119.2.2.3 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012 and Art. 119.2.2.3 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011.

<sup>1309</sup> Art. 119.2.2.8 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012 and Art. 119.2.2.8 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011.

<sup>1310</sup> Art. 123.2 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 123.2 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012.

<sup>1311</sup> Art. 113(1) and Art. 113(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 113(1) and Art. 113(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 113(1) and (2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 2014; Art. 113.1 FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013.

<sup>1312</sup> Art. 139(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 139(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015.

<sup>1313</sup> Art. 119(2.2.8) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(2.2.8) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(2.2.8) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(2.2.8) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(2.2.8) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012 and Art. 119(2.2.8) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011; Art. 119(7) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art 119(7) FEI general regulations,

fulfil the requirements of the Olympic Charter and other IOC rules can compete at the Olympic Games.<sup>1314</sup>

With regard to the nationality requirements in equestrian, it becomes clear that in principle an athlete can only compete for the national federation of the country of which he is a national.<sup>1315</sup> With respect to dual nationality, the FEI requires athletes to choose for one country at the age of majority.<sup>1316</sup> Nevertheless, nationality changes are admissible under Article 119 2(2) if the new nationality was acquired by 31<sup>st</sup> December of the preceding year and if the necessary formal requirements are fulfilled.<sup>1317</sup> However, special requirements are in place for more upscale tournaments.<sup>1318</sup>

“(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for either:

23<sup>rd</sup> edition, 1<sup>st</sup> January 2009; Art. 123(7) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1314</sup> Art. 123 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January, 2009, updates effective 1<sup>st</sup> January, 2016; Art. 123 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 123 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 123 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 123 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 123 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 123 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1315</sup> Art. 119 FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119 FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119 FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119 FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Exceptions are provided for in paragraphs 4, 5, 6.2, and 6.3, of the same article.

<sup>1316</sup> Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art 119(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009.

<sup>1317</sup> Art. 119(2.2.5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(2.2.5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(2.2.5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(2.2.5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(2.2.5) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(2.2.5) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(2.2.5) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art 119(9) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009; Art 123(9) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments; Art. 123(5) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005 revision May 2006; Art. 123(5) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005.

<sup>1318</sup> Such as FEI Championships, FEI World Cup Series, CIOs.

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- (a) a minimum of two (2) uninterrupted years; or
- (b) a total of five (5) years of non-consecutive periods.
- (ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.”<sup>1319</sup>

The abovementioned subparagraph stipulates under which circumstances the resident requirement can be waived. Those include:

- “(i) the Athlete’s entitlement to his new nationality was established by his birth in that country;
- (ii) The Athlete’s entitlement to his new nationality was acquired by virtue of descent or through other means related to family heritage-
- (iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or
- (iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one.”<sup>1320</sup>

These prerequisites combine in just one article the aspects of acquisition of nationality, notably *ius sanguinis* (ii) and *ius soli* (i), with loss of nationality. Since 2011 adopted children are no longer put at a disadvantage, as for them ‘family heritage’ could also mean that non-biological parents and the links made through them. The qualification that loss of nationality does not lead to a waiver in case the loss was brought about by the commission of a criminal act is furthermore noteworthy, since these regulations show that the writers aimed keep the rules close to the legal aspects.

A further reduction of the nationality requirement is provided in Article 119 2.2.4, which allows naturalised athletes with a spouse of the new nationality to compete for the new federation after one year of uninterrupted legal residence or three years of non-consecutive periods of legal residence. In addition, the FEI recognises special circumstances in which the FEI has the discretion not to apply aforementioned rules after prior consultation with the relevant national federations.

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<sup>1319</sup> Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(2.2.2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(2.2.2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(2.2.2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art 119(5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009; Art 123(5) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1320</sup> Art. 119(2.2.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(2.2.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(2.2.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(2.2.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(2.2.3) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012 and Art. 119(2.2.3) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011.

With regard to residence, the FEI also in principle allows athletes who do not live in a country of which they were a national to compete for the host country at certain tournaments,<sup>1321</sup> in case his own national federations agreed.<sup>1322</sup> Another exceptional circumstance is also provided namely for the position of an athlete whose country was subject to territorial transfers. In principle the athlete does not need to change to the new federation. He or she can choose to do so, however, but then the choice is deemed to be final.<sup>1323</sup> Athletes who lost their nationality, became refugees or whose national federation ceased to exist could compete in international tournaments nevertheless. In that case, however, he or she can be considered a national of the host country of the tournament.<sup>1324</sup>

Having spoken of adult athletes, it is necessary to turn to the FEI's regulation on minor athletes. It stipulates that:

“A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.”<sup>1325</sup>

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<sup>1321</sup> CNs, CIMs as well as CIs.

<sup>1322</sup> Art. 119(6.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(6.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(6.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(6.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(6.1) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(6.1) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(6.1) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art. 119(11) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009; Art. 123(11) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments; Art. 123(8) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005 revision May 2006; Art. 123(8) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005.

<sup>1323</sup> Art. 119(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(4) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(4) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(4) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art. 119(8) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009. Art. 123(8) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments; Art. 123(4) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005 revision May 2006; Art. 123(4) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005.

<sup>1324</sup> Art. 119(5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(5) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(5) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(5) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art. 119(12) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009; Art. 123(12) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments; Art. 123(9) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005 revision May 2006; Art. 123(9) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005.

<sup>1325</sup> Art. 119(3.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(3.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup>

While in the provisions on adult athletes, the terms “nationality” and “national” were used, the term chosen in this case is “citizen” for minor athletes. The reason for this choice of words cannot be deduced from the FEI statutes. Generally, a minor athlete may decide each year for which country he or she wants to compete, provided that he or she is a national of the country.<sup>1326</sup> If the minor athlete has already competed on an international level during the year and wishes to again change the country of representation, he or she needs the FEI’s and the relevant national federations’ approval to do so.<sup>1327</sup> In case a minor resides in a country of which he is not a citizen, he could compete in certain tournaments,<sup>1328</sup> after informing the national federation and the FEI.<sup>1329</sup> There are internal FEI guidelines in place for such cases and the rules are applied conservatively.<sup>1330</sup> If the minor athlete never competed for his own NF, it is possible for the athlete, upon reaching the age of majority, to ask the FEI to regard the country of residence as the country of the national federation if:

- (i) he has never competed under the flag of his own NF;
- (ii) the country of residence, in the FEI’s opinion, qualifies as a country where obtaining nationality is overly burdensome;
- (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and

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January 2015; Art. 119(3.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(3.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(3.1) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(3.1) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(3.1) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1326</sup> FEI e-mail of 2<sup>nd</sup> November 2015.

<sup>1327</sup> FEI e-mail of 2<sup>nd</sup> November 2015; Art. 119(3.2.) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(3.2.) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(3.2.) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(3.2.) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(3.2.) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(3.2.) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(3.2.) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1328</sup> CIs for Pony Riders, Junior Riders and Young Riders (which excludes CIOs and Championships), and senior CIMs.

<sup>1329</sup> Art. 119(6.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(6.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(6.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(6.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013; Art. 119(6.2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012; Art. 119(6.2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011 and Art. 119(6.2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010; Art 119(11) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009; Art. 123(11) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments; Art. 123(8) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005 revision May 2006; Art. 123(8) FEI general regulations 21<sup>st</sup> edition, effective 1<sup>st</sup> January 2005.

<sup>1330</sup> FEI e-mail of 2<sup>nd</sup> November 2015.

## MOVEMENT OVER GROUND

(iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years.<sup>1331</sup>

However, what constitutes an overly burdensome procedure to acquire nationality for the FEI? The statutes do not clarify which standards are to be applied, however there are internal guidelines and the rules is applied conservatively.<sup>1332</sup> The stipulation that the minor athlete did not compete under another flag are in line with the conditions for adult athletes, yet point (ii) is difficult to ascertain. Since 2012, if an athlete is neither stateless, refugee nor faced with a territorial transfer, but is living in a country without a recognised NF, the FEI may decide to let him or her participate under the FEI flag. Such a decision is taken conservatively on a case-by-case basis according to the internal guidelines, with particular attention paid to the specific and exceptional circumstances of the case.<sup>1333</sup> In conclusion, the FEI has a very detailed approach and even with rules that are usually applied conservatively it allows for changes in the country of representation under several circumstances.

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<sup>1331</sup> Ibid.

<sup>1332</sup> FEI e-mail of 2<sup>nd</sup> November 2015.

<sup>1333</sup> FEI e-mail of 2<sup>nd</sup> November 2015; Art. 119(5.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 119(5.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2015; Art. 119(5.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2014; Art. 119(5.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2013 and Art. 119(5.2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012.



### 13. Movement over water

In the following, sports that aim at the swiftest movement over water will be examined. The sport that should be the oldest with regard to Olympic presence is sailing, as it was supposed to make its debut in 1896, yet, due to bad weather conditions in 1896, sailing and rowing both made their first appearance at the Olympic Games in 1900.

Sailing interestingly allowed women to partake in the sport from the very beginning, since the teams were mixed gender. Separate women and men only events were added in 1988 and the 2008 Games saw the end of the mixed events. Rowing, in turn, only had Olympic women's events introduced in 1976. Canoe is by far the youngest of these sports, with sprint being introduced in 1936 and slalom only in 1972. Interestingly, in both categories women were allowed to participate earlier than in rowing, with the women's events being introduced in 1948 and 1972 respectively. Regarding the continuity of presence, rowing and canoe sprint were featured at all Olympic Games since their debut, while sailing missed out in 1904.

Table XXXIX: Topics dealt with in Sports that focus on movement over water

<b>Requirements</b>	<b>Canoe Kayak</b>	<b>Rowing</b>	<b>Sailing</b>
<b>In force since</b>	<b>2011</b>	<b>2013</b>	<b>2013</b>
<b>Versions since 2005</b>	<b>Since 2011</b>	<b>2005 – 2012</b> <b>Since 2012</b>	<b>2012 – 2013</b> <b>Since 2013</b>
<b>Substantial Changes made since October 2013</b>	n/a	n/a	n/a
<b>Change of nationality</b>	Possible	Possible after a two-year waiting period	Possible
<b>Residence requirements</b>	two years for competing for country of domicile without needing prior permission	None	Ordinary residence
<b>Minors and nationality change</b>	Junior athletes are those aged 15 to 18, same rules apply	Not specified	Not specified
<b>Stateless athletes</b>	Not specified on ICF level	Not specified	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Permission from federation and two-year residence in relevant country needed	Possible after two-year waiting period	Three-year waiting period
<b>Effect of changes in territory of country</b>	Not specified on ICF level	Not specified	Have to acquire nationality of new entity first
<b>Competing for the</b>	Possible with	Possible, if exception is	Possible after three

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

<b>country of residence</b>	permission of federation of origin or after two years of domicile	granted	years of ordinary residence
<b>Number of changes possible</b>	No maximum given	No maximum given	
<b>Reference to Olympic Charter</b>	Yes	Yes	None
<b>Uses nationality/citizenship</b>	Nationality	Nationality	Both
<b>Uses residence/domicile</b>	Domicile	Neither	Both

### 13.1. Canoe Kayak<sup>1334</sup>

Canoeing became Olympic in the 1936 Games in Berlin,<sup>1335</sup> while the current International Canoe Federation (ICF) was founded in 1946 and has its seat in Lausanne, Switzerland. Canoe Slalom was first introduced in 1972, yet it was absent from the Games in 1976, 1980, 1984, and 1988.<sup>1336</sup>

The main difference between canoes and kayaks lies in the athlete's paddling position and the amount of cover used on top of the boat to keep the water out. In the case of kayaks, the athlete paddles in a sitting position and the top of the boat is closed. Contrarily, athletes who use canoes paddle in a kneeling position in an open boat.<sup>1337</sup> Nowadays, both canoes and kayaks are used at the main events, which feature races over distances of 200 m, 500m or 1,000m. The main disciplines here are either sprint or slalom. For the former, calm water is needed and the aim is to cross the surface as fast as possible, while the latter was modelled after ski slalom and thus the athletes have to brace flowing water and navigate their canoe or kayak through a slalom course as fast as possible.

The different disciplines also require slightly different crafts. Canoe sprint boats tend to be longer and more streamlined, while those for slalom are smaller and lighter to allow for easier maneuverers. Turning to the rules regarding athlete eligibility, there are nominally different rules for canoe slalom and canoe sprint. However, with regard to athlete eligibility, they do not differ in their content.

Table XL: Overview of the eligibility requirements for Canoe Kayak

<b>Requirements ICF – Canoe Kayak</b>	
<b>In force since</b>	2011
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	two years for competing for country of domicile without needing prior permission
<b>Minors and nationality change</b>	Junior athletes are those aged 15 to 18, same rules apply
<b>Stateless athletes</b>	Not specified on ICF level
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Permission from federation and two-year residence in relevant country needed
<b>Effect of changes in territory of country</b>	Not specified on ICF level
<b>Competing for the country of residence</b>	Possible with permission of federation of origin or after two years of domicile

<sup>1334</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming a reminder e-mail was sent on 18<sup>th</sup> September. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this Chapter, to which the federation replied on 29<sup>th</sup> October 2015.

<sup>1335</sup> IOC Reference Document Canoe Sprint.

<sup>1336</sup> IOC Reference Document Canoe Slalom: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1337</sup> IOC Information on Canoe / Kayak Slalom Equipment and History.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	Domicile
<b>Other remarkable peculiarity</b>	Rules split between different parts of the rule book

### 13.1.1. Canoe Kayak critical reflection

The rules on ICF level are split in two – one dealing with eligibility for the Olympics and thus focussing only on the IOC Charter<sup>1338</sup> and the other dealing with competitors in all ICF competitions. Athletes always need the permission of their federation of origin to compete internationally,<sup>1339</sup> which might be tedious, but, through this system, competing for the country of domicile becomes easily possible.<sup>1340</sup> Stateless athletes and territorial transfers are not explicitly mentioned and there are no rules for minors except those delineating an age limit for junior competitions, namely between 15 and 18.<sup>1341</sup>

### 13.1.2. Rules applicable since 2011

Eligibility rules for Canoe Slalom and Canoe Sprint may be found in the separate competition rules. Within the competition rules, there are two articles, one titled ‘Eligibility’ and dealing with Olympic eligibility, which is closely connected to the IOC’s rules, and the other titled ‘Competitors’, which sets down rules for all ICF competitions.

Starting with the eligibility criteria described in the ‘Eligibility’ article, one finds that these rules, under the current heading C of both the International Canoe Federation Canoe Slalom Competition Rules and International Canoe Federation Canoe Sprint Competition Rules 2015, are basically identical to those previously applied and which were described in Article C of the International Canoe Federation Canoe Slalom Competition Rules 2011 and Article C of the International Canoe Federation Canoe Sprint Competition Rules 2013. The underlying postulation is that only athletes who have complied with the Olympic Charter may participate in the Olympics.<sup>1342</sup> The only difference regarding the 2015 version and the previous versions is that since 2015 the eligibility Article 41 of the IOC Charter is mentioned

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<sup>1338</sup> Art. C International Canoe Federation Canoe Slalom competition rules 2015; Art. C International Canoe Federation - Canoe Sprint competition rules 2015.

<sup>1339</sup> Art. 3.2 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.2 International Canoe Federation - Canoe Sprint competition rules 2015.

<sup>1340</sup> Art. 3.3.1 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.3 International Canoe Federation - Canoe Sprint competition rules 2015.

<sup>1341</sup> Art. 3.4 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.6 International Canoe Federation - Canoe Sprint competition rules 2015.

<sup>1342</sup> Art. C International Canoe Federation Canoe Slalom competition rules 2015; Art. C International Canoe Federation - Canoe Sprint competition rules 2015; Art. C International Canoe Federation Canoe Slalom competition rules 2011; Art. C International Canoe Federation - Canoe Sprint competition rules 2013.

explicitly.<sup>1343</sup> This is further clarified to mean that athletes have to comply with the Olympic Charter currently in force for the period of the Olympic Games.<sup>1344</sup> No reference is made to an athlete's nationality and its connection to eligibility at this point.

Significantly more information can be found under the heading 'Competitors', wherein the ICF stipulates that athletes should have a good standing with their federation and may only compete for one federation per calendar year.<sup>1345</sup> It is important to note that, until 2015, an exemption was granted to athletes who moved their domicile due to marriage, as they could directly compete for the new country of domicile.<sup>1346</sup>

In order to compete internationally, the athlete has to obtain the written permission of his or her federation of origin.<sup>1347</sup> Such a permission may also be obtained if the athlete wishes to compete for his or her country of domicile, if this is not also the country of origin.<sup>1348</sup> In this case, the ICF headquarters also need to receive this authorisation by 30<sup>th</sup> November of the year prior to which the change would become effective.<sup>1349</sup> Should the athlete wish to change back to his or her federation of origin, the same procedure applies.<sup>1350</sup> Athletes who have been domiciled in a country for over two years do not need to ask for permission from their federation of origin.<sup>1351</sup>

Junior athletes are those between 15 and 18 years of age – although it is not the exact birthday that is taken into consideration but just the year of birth.<sup>1352</sup> Thus, an

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<sup>1343</sup> Art. C International Canoe Federation Canoe Slalom competition rules 2015; Art. C International Canoe Federation - Canoe Sprint competition rules 2015.

<sup>1344</sup> Art. C International Canoe Federation Canoe Slalom competition rules 2015; Art. C International Canoe Federation - Canoe Sprint competition rules 2015; Art. C International Canoe Federation Canoe Slalom competition rules 2011; Art. C International Canoe Federation - Canoe Sprint competition rules 2013.

<sup>1345</sup> Art. 3.1 and Art. 3.3.3 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.1 and Art. 3.5 International Canoe Federation - Canoe Sprint competition rules 2015; Art. 3.1 and Art. 3.3.3 International Canoe Federation Canoe Slalom competition rules 2011; Art. 3.1 and Art. 3.5 International Canoe Federation - Canoe Sprint competition rules 2013.

<sup>1346</sup> Art. 3.3.3 International Canoe Federation Canoe Slalom competition rules 2011; Art. 3.5 International Canoe Federation - Canoe Sprint competition rules 2013.

<sup>1347</sup> Art. 3.2 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.2 International Canoe Federation - Canoe Sprint competition rules 2015; Art. 3.2 International Canoe Federation Canoe Slalom competition rules 2011; Art. 3.2 International Canoe Federation - Canoe Sprint competition rules 2013.

<sup>1348</sup> Art. 3.3.1 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.3 International Canoe Federation - Canoe Sprint competition rules 2015; Art. 3.3.1 International Canoe Federation Canoe Slalom competition rules 2011; Art. 3.3 International Canoe Federation - Canoe Sprint competition rules 2013.

<sup>1349</sup> Ibid.

<sup>1350</sup> Ibid.

<sup>1351</sup> Art. 3.3.2 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.4 International Canoe Federation - Canoe Sprint competition rules 2015; Art. 3.3.2 International Canoe Federation Canoe Slalom competition rules 2011; Art. 3.4 International Canoe Federation - Canoe Sprint competition rules 2013.

<sup>1352</sup> Art. 3.4 International Canoe Federation Canoe Slalom competition rules 2015; Art. 3.6 International Canoe Federation - Canoe Sprint competition rules 2015; Art. 3.4 International Canoe

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athlete whose birthday is on 10<sup>th</sup> December will be able to compete in a junior tournament from 1<sup>st</sup> January of the year he or she turns 15, despite being only 14 at that point. There are no rules providing these athletes with extra protection regarding changes of the country of representation, but, as the general rules are rather lenient, this does not seem necessary.

The ICF does not specify which rules apply in case of territorial transfers and stateless athletes are also not explicitly addressed.

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Federation Canoe Slalom competition rules 2011; Art. 3.6 International Canoe Federation - Canoe Sprint competition rules 2013.

### 13.2. Rowing<sup>1353</sup>

Rowing has been an Olympic Sport since the Olympic Games in Paris in 1900, with women being admitted in 1976.<sup>1354</sup> The *Fédération Internationale des Sociétés d'Aviron* (FISA) was founded in 1922 and has its seat in Lausanne, Switzerland. Nowadays the competitions are divided according to sculling and sweep oar. In sweep oar competitions, every athlete has only one oar held in both hands and the position of the oars alternates between the sides of the boat. Rowers using sculling oars use two oars.<sup>1355</sup> There is a further division into heavyweight and lightweight, on top of which the number of competing athletes per team varies. There are competitions in which there is only one athlete rowing; there are teams of two, four or eight athletes. Men and women do not compete in mixed teams.<sup>1356</sup>

Table XLI: Overview of the eligibility requirements for rowing

<b>Requirements FISA</b>	
<b>In force since</b>	February 2013
<b>Change of nationality</b>	Possible after two-year waiting period
<b>Residence requirements</b>	None
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible after two-year waiting period
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible, if exception is granted
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Nationality
<b>Uses residence/ domicile</b>	Neither
<b>Other remarkable peculiarity</b>	None

#### 13.2.1. Rowing critical reflection

The FISA stipulates that only athletes who are nationals of a country can represent the country during rowing tournaments, but in exceptional circumstances a decision may be taken by the Executive Committee to circumvent this rule.<sup>1357</sup> Athletes with

<sup>1353</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. On 7<sup>th</sup> August, the FISA replied that there had been no rule changes between 2005 and 2012. On 29<sup>th</sup> October 2015, the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming a first reminder was sent on 19<sup>th</sup> November 2015 and a second on 2<sup>nd</sup> December 2015, to which the federation replied on 2<sup>nd</sup> December 2015.

<sup>1354</sup> IOC Information FISA; IOC Reference Document Rowing: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1355</sup> IOC Information FISA; IOC Information on Rowing Equipment and History.

<sup>1356</sup> IOC Information on Rowing Equipment and History.

<sup>1357</sup> Rule 19 FISA rule book February 2013.

multiple nationality may choose which country to represent.<sup>1358</sup> Later, wishes to compete for a different country will be honoured following a two-year waiting period.<sup>1359</sup> In conclusion, the FISA's rules are not very detailed. They are however rather lenient, as the two-year non-competition period is not as intrusive as the criteria prescribed by other sports.

### 13.2.2. Rules applicable since October 2013

Eligibility for rowing competitions is spelled out in rules 18 and 19 of the FISA rule book of February 2013. Rule 18 stipulates that, for all official competitions, the athletes need to fulfil the sporting requirements of the relevant category.<sup>1360</sup> In order for an individual athlete to compete at an event, the rules depend on the competition. For the world rowing championship, world rowing cup, continental championship and international regattas, the athlete needs the authorisation of his or her federation.<sup>1361</sup> For the World Championships, competing for a country is possible on the condition that the athlete is a national of the relevant country and may prove so by providing a valid passport or identity card.<sup>1362</sup> In certain cases, exceptions can be granted by the Executive Committee.<sup>1363</sup>

With regard to the representation of a country in the Olympic Games, the athletes first of all need to fulfil the eligibility criteria prescribed by the IOC.<sup>1364</sup> In principle, athletes may represent the country of which they are nationals and, in the case of multiple nationality they may select one country for which they want to compete.<sup>1365</sup> Athletes who have already competed for a country on the international level and wish to reverse their choice and those who acquired another nationality need to wait for two years before competing for the new country.<sup>1366</sup> Again, exceptions can be made by the Executive Committee under special circumstances.<sup>1367</sup>

### 13.2.3. Rules applicable 2005 – 2012

Turning to the rules spelled out by the *Fédération Internationale des Sociétés d'Avion* (FISA) in the years 2005 to 2012, the eligibility rules were rather concise, as Rule 43 stipulates that a crew may only be authorised by a member federation to the FISA.<sup>1368</sup> Concerning the individual athlete, the FISA stipulated that he or she had to be a citizen of the country he or she wished to represent.<sup>1369</sup> In order to fulfil this criterion, the

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<sup>1358</sup> Ibid.

<sup>1359</sup> Ibid.

<sup>1360</sup> Rule 18 FISA rule book February 2013.

<sup>1361</sup> Rule 19 FISA rule book February 2013.

<sup>1362</sup> Ibid.

<sup>1363</sup> Ibid.

<sup>1364</sup> Ibid.

<sup>1365</sup> Ibid.

<sup>1366</sup> Ibid.

<sup>1367</sup> Ibid.

<sup>1368</sup> Rule 43(a) FISA rules applicable 2005 to 2012.

<sup>1369</sup> Rule 43(b) FISA rules applicable 2005 to 2012.

possession of an official document such as a passport or ID card was sufficient.<sup>1370</sup> Thus, there were no further rules regarding the acquisition of nationality or any residence requirements. Furthermore, the FISA executive Committee could make exceptions to the aforementioned rule, depending on the case.<sup>1371</sup>

Giving the brevity of the FISA rules, one cannot go into great analytical depths. Overall, the rules requiring only the possession of a passport seems to be rather liberal, due to the absence of a residence period requirement and allowed for nationality changes in an easy and uncomplicated manner. Stateless athletes and minors were not especially addressed – however, the possibility for the Executive Committee to make exceptions to the general rule should ensure that adequate measures are taken in unforeseen circumstances. One could potentially deduce that the FISA did place less emphasis on the nationality of an athlete, but focussed more on the athlete’s connection to the respective member association.

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<sup>1370</sup> Ibid.  
<sup>1371</sup> Ibid.

### 13.3. Sailing<sup>1372</sup>

The general aim of sailing – or yachting as it used to be called – is to make the best use of the weather conditions, such as wind, to navigate the water faster than the other boats. It has been an Olympic sport since 1896, although the International Sailing Federation (ISAF) was only founded in 1907 – then still under the old name of International Yacht Racing Union – and has its seat in London, United Kingdom.<sup>1373</sup> Sailing was at first a gender independent sport and teams consisted of both men and women.<sup>1374</sup>

Nowadays teams compete in ten races in which they collect points depending on their finishing positions. Interestingly, the aim is to have the lowest possible score – since finishing first gives the team one point, coming in second two points etc. Only the boats with the lowest scores will compete in the race for the Olympic medals. In the ensuing 30-minute race the points are counted double and added up to the points acquired in the first ten matches to determine the final score. Again, the team with the lowest score wins. There is, however, also the possibility of match racing, meaning that whichever team comes in first wins the match.<sup>1375</sup>

Table XLII: Overview of the eligibility requirements for sailing

<b>Requirements ISAF</b>	
<b>In force since</b>	May 2013
<b>Change of nationality</b>	Possible
<b>Residence requirements</b>	Ordinary residence
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Three-year waiting period
<b>Effect of changes in territory of country</b>	Have to acquire the nationality of new entity first
<b>Competing for the country of residence</b>	Possible after three years of ordinary residence
<b>Number of changes possible</b>	None
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Both
<b>Uses residence/ domicile</b>	Both
<b>Other remarkable peculiarity</b>	Possible to compete for country of which an athlete has competed for three years for that national league; membership sufficient

<sup>1372</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this chapter as no reply was forthcoming.

<sup>1373</sup> IOC Information ISAF: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1374</sup> IOC Reference Document Sailing.

<sup>1375</sup> IOC Information on Sailing Equipment and History.

## 13.3.1. Sailing critical reflection

The ISAF rules are particularly interesting as they differentiate between competition eligibility and ISAF eligibility.<sup>1376</sup> Competition eligibility is granted unless the athlete has violated the ISAF code.<sup>1377</sup> ISAF eligibility can be obtained by those who are members of their relevant federation, abide by the ISAF rules, and are registered with the ISAF.<sup>1378</sup> For national teams, the sailor needs to be a national of the country he or she represents.<sup>1379</sup> There are however exceptions that might be granted to those who have been resident for at least three consecutive years in the relevant country.<sup>1380</sup> Changing the country of representation is possible if the athlete observes a three-year non-competition period.<sup>1381</sup> These rules are rather strict, due to the three-year non-competition period which can rather hinder an athlete's career.

## 13.3.2. Rules applicable since 2012

Initially the ISAF eligibility code only dealt with matters of ISAF eligibility, i.e. the need for a correct license.<sup>1382</sup> Nationality criteria and matters of changing the country of representation were only introduced in 2013.<sup>1383</sup> Currently the ISAF distinguishes between two forms of eligibility – the first being competition eligibility and the second ISAF eligibility.<sup>1384</sup> The former is held by anyone unless it is revoked due to a violation of the code.<sup>1385</sup> The latter is needed in addition to the competition eligibility for all official ISAF events and the Olympics<sup>1386</sup> and is granted if the athlete is registered with the ISAF as a sailor,<sup>1387</sup> abides by the ISAF rules,<sup>1388</sup> and is a member of the relevant federation.<sup>1389</sup>

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<sup>1376</sup> Art. 19.1 and Art. 19.4 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014.

<sup>1377</sup> Art. 19.1. and Art. 19.2 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014.

<sup>1378</sup> Art. 19.4(a), Art. 19.4(b) and Art. 19.4(c) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014.

<sup>1379</sup> Art. 19. 8 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014.

<sup>1380</sup> Art. 19.12(a), Art. 19.12(b) and Art. 19.12(c) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014.

<sup>1381</sup> Art. 19.13(b) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014.

<sup>1382</sup> Art. 19.1 and Art. 19.2. ISAF regulations 2012 Appendix 3 – eligibility code.

<sup>1383</sup> Art. 19.8 – 19.13 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.8 – 19.13 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.8 – 19.13 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1384</sup> Art. 19.1 and Art. 19.4 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.1 and Art. 19.4 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.1 and Art. 19.4 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1385</sup> Art. 19.1. and Art. 19.2 ISAF regulations 2015– Annex 3 – eligibility code – November 2014; Art. 19.1. and Art. 19.2 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.1. and Art. 19.2 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1386</sup> Art. 19.6(a) and Art. 19.6 (c) ISAF regulations 2015– Annex 3 – eligibility code – November 2014; Art. 19.6(a) and Art. 19.6(c) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.6(a) and Art. 19.6(c) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1387</sup> Art. 19.4(b) ISAF regulations 2015– Annex 3 – eligibility code – November 2014; Art. 19.4(b) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.4(b) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013; Art. 19.2 ISAF regulations 2012 Appendix 3 – eligibility code.

<sup>1388</sup> Art. 19.4(c) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.4(c) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19 4(c) ISAF

- “(i) by being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or  
(ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership;”<sup>1390</sup>

The wording here is interesting, since either being a national or being a member of the association is sufficient in order to have ISAF eligibility. Furthermore, the Executive Committee may grant an athlete ISAF eligibility under special circumstances if he or she is not able to fulfil the requirements.<sup>1391</sup> Regarding the nationality criteria and the guidelines thereof, the ISAF underscores the need for an athlete to be a national of the country he or she represents.<sup>1392</sup> Disputes are settled by the Executive Committee, which takes the IOC and ISAF rules into consideration, and may also grant exceptions to the abovementioned rules.<sup>1393</sup> This is the case when:

- “(a) a competitor must have been an ordinary resident of the country for more than three (3) consecutive years and must be able to establish his residency for this period;  
(b) a competitor must have been member of the relevant Member National Authority, or a club or other organization affiliated to the relevant national authority for at least three (3) consecutive years;  
(c) a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognized by the Federation (ISAF), and who wants to represent another country, may represent this country provided that at least three (3) consecutive years have passed since the competitor last represented a different country in the events referred to above or the Executive Committee has reduced this period.”<sup>1394</sup>

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1389 regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.2 ISAF regulations 2012 Appendix 3 – eligibility code.  
Art. 19.4(a) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.4(a) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.4(a) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013; Art. 19.2 ISAF regulations 2012 Appendix 3 – eligibility code.

1390 Art. 19.4(a)(i) and Art. 19.4(a)(ii) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.4(a)(i) and Art. 19.4(a)(ii) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.4(a)(i) and Art. 19.4(a)(ii) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013; Art. 19.2 ISAF regulations 2012 Appendix 3 – eligibility code.

1391 Art. 19.5 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.5 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.5 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

1392 Art.19.8 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art.19. 8 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art.19.8 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

1393 Art. 19.10, Art. 19.12 and Art. 19.13 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.10, Art. 19.12 and Art. 19.13 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.10, Art.19.12 and Art. 19.13 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

1394 Art. 19.12(a), Art. 19.12(b) and Art. 19.12(c) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.12(a), Art. 19.12(b) and Art. 19.12(c) ISAF regulations 2014 – Annex 3 –

What is striking about these rules is that either three-years residency or membership of a relevant entity can lead the Executive Committee to allow an athlete to compete for a country. Thus, competing for the country of ordinary residence is possible after three years. Moreover, athletes who have been competing for a club in a national league for at least three years becomes eligible for this country's national team. Thus, a convergence between national and club teams becomes possible.

Coming to the third case in which an exception may be given, one finds that changing the country of representation is possible after three years of non-competition. There is however no additional requirement mentioned in this part of the statutes, e.g. the athlete does not seem to need to acquire the nationality of the new country. Such an additional requirement can only be found in the following Article 19.13, which deals with the nationality criteria guidelines. Here it is spelled out that the athlete indeed has to have acquired the nationality or changed his nationality to the one of the country he or she wishes to represent.<sup>1395</sup> The aforementioned period of three years of non-competition may be reduced or even waived by the Executive Committee.<sup>1396</sup> These guidelines furthermore refer to the cases in which athletes hold multiple nationalities as well as those situations in which a territorial transfer occurred. Athletes with multiple nationality should in principle select one country for which they want to compete.<sup>1397</sup> If they wish to change their country of representation, they need to undergo the same procedure as those who acquired a new nationality, meaning they must fulfil the three-year non-competition period.<sup>1398</sup> With regard to athletes who are faced with territorial transfers, the ISAF allows them to choose once.<sup>1399</sup> They can choose whether to compete for one of the new entities after acquiring the relevant nationality<sup>1400</sup> or continue to compete for the original country if s/he remains a national thereof.<sup>1401</sup>

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eligibility code – November 2013; Art. 19.12(a), Art. 19.12(b) and Art. 19.12(c) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1395</sup> Art. 19.13(b) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(b) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(b) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1396</sup> Art. 19.13(b) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(b) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(b) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1397</sup> Art. 19.13(a) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(a) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(a) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1398</sup> Art. 19.13(a) and Art. 19.13(b) and Art. 19.12 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(a) and Art. 19.13(b) and Art. 19.12 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(a) and Art. 19.13(b) and Art. 19.12 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1399</sup> Art. 19.13(c)(iii) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(c)(iii) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(c)(iii) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1400</sup> Art. 19.13(c)(ii) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(c)(ii) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(c)(ii) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1401</sup> Art. 19.13(c)(i) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(c)(i) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(c)(i) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

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However, in such a case, the Executive Committee is able to take decisions on “nationality, citizenship, domicile or residence” for either individual athletes or in general.<sup>1402</sup> Such decisions will always be based on the IOC Charter when the eligibility for the Olympic Games is an issue.<sup>1403</sup> If a quick decision is needed, two individuals will be tasked with the decision-taking by the Executive Committee.<sup>1404</sup> Such a decision will only be valid for the event at stake and a more thorough decision is taken by the Executive Committee afterwards.<sup>1405</sup>

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<sup>1402</sup> Art. 19.13(d) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(d) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(d) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1403</sup> Art. 19.13 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13 ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13 ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1404</sup> Art. 19.13(e) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(e) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(e) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

<sup>1405</sup> Art. 19.13(e) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 19.13(e) ISAF regulations 2014 – Annex 3 – eligibility code – November 2013; Art. 19.13(e) ISAF regulations 2014 – Annex 3 – eligibility code – May 2013.

## 14. Movement over ice and snow

In the following, the sports that aim at the swiftest or most elegant movement over ice or snow will be focussed upon, namely bobsleigh, luge, skating, and skiing. Interestingly, only the International Skating Union has its seat in Lausanne, where most of the other sports have their international headquarters. The FIS governs skiing matters from Oberhofen am Thunersee in Switzerland, while the FIL for luge and the IBSF for bobsleigh are situated in Berchtesgaden, Germany and Milan, Italy respectively. Most of these sports and their individual disciplines were introduced in the Olympics in 1924, with luge becoming an Olympic sport in 1964 and freestyle skiing and short track speed skating were introduced in 1992. The youngest discipline by far is snowboarding, which joined in 1998. Regarding women's events, some sports were introduced relatively late, with bobsleigh introducing women's events only in 2002 and ski jumping only in 2014. Only figure skating and alpine skiing had men's and women's events from the start in 1924 and 1936 respectively. The newer sports started out with events for both men and women. All sports, with the exception of the skeleton bobsleigh, have been present at all the Olympic Games since their Olympic Debut.

Table XLIII. Topics dealt with in sports that focus on movement over ice and snow

<b>Requirements</b>	<b>Bobsleigh</b>	<b>Luge</b>	<b>Skating</b>	<b>Skiing</b>
<b>In force since</b>	2005	1998	2012	2012
<b>Versions since 2005</b>	Since 2005	Since 1998	Since 2012	Since 2012
<b>Changes made since October 2013</b>	n/a	n/a	n/a	n/a
<b>Change of nationality</b>	Possible, acceptance of old and new association needed	Not specified	Possible, although not strictly necessary	Possible in combination with residence and/or ancestry in the country
<b>Residence requirements</b>	Official residence	Not specified	One year	Not specified
<b>Minors and nationality change</b>	Not specified	Not specified	Not specified	Not specified
<b>Stateless athletes</b>	Not specified	Not specified	Not specified	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible, acceptance of old and new association needed	Not specified	Depends on type of international competition, between 1 year and 18 months of non-competition period and either a one-year residence and acceptance of the	Need to fulfil the normal requirements of nationality and residency/ancestry plus a year of non-competition

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			change by former member association or one-year or residence and application for citizenship	
<b>Effect of changes in territory of country</b>	Not specified	Not specified	Not specified	Not specified
<b>Competing for the country of residence</b>	Possible, if official residence	Not specified	Possible, after one year or residence and either application for citizenship or permission by old federation	Principal legal and effective residence for two years
<b>Number of changes possible</b>	No maximum given	Not specified	No maximum given	No maximum given
<b>Reference to Olympic Charter</b>	None	None	Yes	None
<b>Uses nationality/citizenship</b>	Citizenship & nation	None	Citizen	Citizenship
<b>Uses residence/domicile</b>	Official residence	None	Residence	Principal legal and effective residence
<b>Other remarkable peculiarity</b>	The use of nation seems to differ between the two rules	None	Possibility to compete for country where there is no member federation	Refusal to allow change possible, even if all criteria are fulfilled

**14.1. Bobsleigh**<sup>1406</sup>

Bobsleigh was invented in the late 18<sup>th</sup> century became an Olympic discipline in 1924 and its governing organisation, the IBSF, which was named *Fédération Internationale de Bobsleigh et de Tobogganing* (FIBT) until June 2015, was founded the year before.<sup>1407</sup> There are two main disciplines, the bobsleigh discipline with either two or four people per team, and the skeleton, which is an individual athlete's competition.<sup>1408</sup> In bobsleigh, the two-person teams consist of a brakeman and a pilot, while the four-person team also includes two pushers.<sup>1409</sup> For the skeleton races, which only became regular features at the Olympics in 2002, the athlete is facing forward on the bobsleigh when racing downwards.<sup>1410</sup> Women compete in the individual skeleton or in the two-person team bobsleigh competition, while men compete in individual skeleton, two and four people bobsleigh.<sup>1411</sup> The competitions take place over two days, with each team racing twice a day.<sup>1412</sup> The eligibility criteria for bobsleigh and skeleton are very much alike in their content, yet the wording differs, with bobsleigh focussing on the Member or Associate Member to the IBSF while the skeleton rules focus on 'nation'. Therefore, these two will be discussed separately in the following. In either case, the teams competing during the Olympics have to stem from Member associations or associated member associations.<sup>1413</sup> However, during the qualification rounds, a driver could potentially compete with brakemen who are not citizens of the same country and qualify for the Olympics with them, yet during the Olympics other brakemen who are citizens of the country would need to take their place.<sup>1414</sup>

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<sup>1406</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The FIBT replied on 7<sup>th</sup> August 2014 and stated that only the format of the rules had changed, being formerly labelled a), b) and c), whereas there are only bullet points nowadays. Furthermore, in 2008 an additional rule regarding the athlete's ranking was introduced: "When athletes switch Nations, they keep their Scores/Ranking in the F.I.B.T. Ranking List, as well as the number of competitions in which they have participated; however, they do not keep the right to the previous quotas for participation, which remains tied to the nation of origin." No further changes have occurred. On 29<sup>th</sup> October 2015 the IBSF was contacted again and asked for comments on this chapter, which the IBSF provided on 9<sup>th</sup> November 2015.

<sup>1407</sup> IOC Information FIBT Skeleton; IOC Information FIBT Bobsleigh; IOC Information Bobsleigh Equipment and History: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

<sup>1408</sup> IOC Information FIBT Skeleton; IOC Information FIBT Bobsleigh.

<sup>1409</sup> IOC Information FIBT Skeleton; IOC Information FIBT Bobsleigh.

<sup>1410</sup> IOC Information FIBT Skeleton; IOC Information FIBT Bobsleigh; IOC Information Bobsleigh Skeleton Equipment and History; IOC Reference Document Bobsleigh Skeleton.

<sup>1411</sup> IOC Information FIBT Skeleton; IOC Information FIBT Bobsleigh; IOC Reference Document Bobsleigh Skeleton; IOC Reference Document Bobsleigh.

<sup>1412</sup> IOC Information FIBT Skeleton; IOC Information FIBT Bobsleigh.

<sup>1413</sup> Art. 3. Admission International Bobsleigh rules 2014 October 2014; Art. 3. Admission Skeleton rules 2014 (valid from October 2014); Art. 3. Admission International Bobsleigh rules 2013 October 2013; Art. 3. Admission Skeleton rules 2013 (valid from October 1<sup>st</sup> of 2013).

<sup>1414</sup> IBSF e-mail of 19<sup>th</sup> November 2015.

14.1.1. Bobsleigh critical reflection

The IBSF's (formerly FIBT) rules on athletes' eligibility are not very specific. While a change of the country of representation is in principle possible,<sup>1415</sup> the main rationale is still that only citizens can compete for the country's national team.<sup>1416</sup> More problematic is the fact that athletes need to receive the approval of the relevant federation to make the change effective, e.g. if an athlete has previously competed for one association and now has either changed his or her official place of residence or has acquired the citizenship of a new association. In both cases the previous association needs to have released the athlete and the new association needs to have accepted him – this latter is not as problematic as the former. If an association does not accept that the athlete wishes to compete for a new association of which he or she is now a citizen, a conflict will arise.

**14.1.2. Bobsleigh**

Table XLIV: Overview of the eligibility requirements for bobsleigh

<b>Requirements IBSF - Bobsleigh</b>	
<b>In force since</b>	October 2005
<b>Change of nationality</b>	Possible, acceptance of old and new association needed
<b>Residence requirements</b>	Official residence
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Possible, acceptance of old and new association needed
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible, if official residence
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Citizenship & nation
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	The use of nation seems to differ between the two rules

14.1.3. Rules applicable since 2005

Since 2005 the content of the rules has remained unchanged, yet in June 2015 the federation changed its name from FIBT to IBSF. Coming to the criteria which athletes need to fulfil, one finds that there are essentially three possibilities to qualify for one country:

- “• They must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international IBSF competitions on behalf of another Member /Associate Member, or

<sup>1415</sup> Ibid.

<sup>1416</sup> Art. 3. Admission International Bobsleigh rules 2015, June 2015; Art. 3. Admission Skeleton rules 2015 (valid from June 2015).

- They must have their official residence in the Member/Associate Member concerned, and may not have taken part in international IBSF competitions on behalf of another Member/Associate Member, or
- They must have changed their citizenship or their official residence, and have been released by their former Member/Associate Member and accepted by their member. In this case, the athlete may represent one of the two members, but not both.<sup>1417</sup>

It is interesting that the IBSF uses the phrase “holding citizenship of a nation”, while one would expect the use of citizenship of a country, since nation seems linguistically more closely tied to national and not to citizen.

Official residence is the second possibility for an athlete to qualify for a national team, although the duration of that residence is not prescribed. Residence in this case is not defined in the official documents, but only internally and means actually living/residing in the country. It may be proven by letters from the local council to the athlete, e.g. about garbage collection.<sup>1418</sup>

The only additional requirement is that the athlete has not yet competed for another association. If an athlete has previously competed for one association and now has either changed his or her official place of residence or has acquired the citizenship of a new association, the previous association needs to release the athlete and the new association needs to have accepted him. While the latter is not as problematic as the former, if an association does not accept that the athlete wishes to compete for a new association of which he or she is now a citizen, conflicts will arise. The athletes’ choice to compete for another nation than the one they competed for initially will only take effect after one season ends on 30<sup>th</sup> September of any given year.<sup>1419</sup> Through this rule, the ongoing championships and leagues are not disrupted by any changes.

#### 14.1.4. Bobsleigh Skeleton

Table XLV: Overview of the eligibility requirements for bobsleigh skeleton

<b>Requirements IBSF - Skeleton</b>	
<b>In force since</b>	1 <sup>st</sup> October 2005
<b>Change of nationality</b>	Possible, acceptance of old and new association needed
<b>Residence requirements</b>	Official residence
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of</b>	Possible, acceptance of old and new association needed

<sup>1417</sup> Art. 3. Admission International Bobsleigh rules 2015 June 2015; Prior to 2015 the federation was called FIBT; Art. 3. Admission International Bobsleigh rules 2014 October 2014; Art. 3. Admission International Bobsleigh rules 2013 October 2013.

<sup>1418</sup> IBSF E-mail of 19<sup>th</sup> November 2015.

<sup>1419</sup> Art. 3. Admission International Bobsleigh rules 2015 June 2015; Prior to 2015 the federation was called FIBT; Art. 3. Admission International Bobsleigh rules 2014 October 2014; Art. 3. Admission International Bobsleigh rules 2013 October 2013.

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<b>which the athlete is a national</b>	
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible, if official residence
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Citizenship & nation
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	The use of nation seems to differ between the two rules

### 14.1.5. Rules applicable since 2005

As previously mentioned, since 2005 the content of the rules has remained unchanged, yet in June 2015 the federation changed its name from FIBT to IBSF. As in the case of bobsleigh, also for the skeleton the teams have to stem from Member associations or associated member associations.<sup>1420</sup> With regard to the criteria which athletes need to fulfil, one finds that there are three essential possibilities to qualify for competing for one country:

- “• they must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international IBSF competitions on behalf of another nation, or
- they must have their official residence in the nation concerned, and may not have taken part in international IBSF competitions on behalf of another nation, or
- they must have changed their citizenship or their official residence, and have been released by their former Member / Associate Member and accepted by their new federation. In this case, the athlete may represent one of the two Members, but not both.”<sup>1421</sup>

Although, content wise, these rules seem to be identical to the ones of bobsleigh, one notes several differences, e.g. where the bobsleigh rules referred to competing for an association, the skeleton rules refer to nation in the first two cases. One can thus presume that the emphasis here lies not so much on competing for a federation, but on competing for a nation. An interesting aspect is the wording of ‘official residence in a nation’, which is presumably to mean residence on a nation’s territory. The concept which is attributed to the word ‘nation’ in the skeleton rules seems to be overall more encompassing than in the rules for bobsleigh, where it is “residence in the member association”. As in the bobsleigh rules, residence and citizenship are the ways to qualify for a national team in general. Again, residence is not defined in the official

<sup>1420</sup> Art. 3. Admission International Bobsleigh rules 2015 June 2015; Art. 3. Admission Skeleton rules 2015 (valid from June 2015); Art. 3. Admission International Bobsleigh rules 2014 October 2014; Art. 3. Admission Skeleton rules 2014 (valid from October 2014); Art. 3. Admission International Bobsleigh rules 2013 October 2013; Art. 3. Admission Skeleton rules 2013 (valid from October 1<sup>st</sup> of 2013).

<sup>1421</sup> Art. 3. Admission Skeleton rules 2015 (valid from June 2015); Art. 3. Admission Skeleton rules 2014 (valid from October 2014); Art. 3. Admission Skeleton rules 2013 (valid from October 1st of 2013).

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documents, but only internally, and means actually living/residing in the country. It may be proven by letters from the local council to the athlete, e.g. about garbage collection.<sup>1422</sup>

In case an athlete has already competed for another nation in the wording of the text, the residence or citizenship of the athlete has to have changed in order for him or her to become eligible for another country.<sup>1423</sup> In addition, the relevant member federations – not the nations – have to consent. Such a change is not possible during a season which runs from 1<sup>st</sup> October until 30<sup>th</sup> September of the following year.<sup>1424</sup>

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<sup>1422</sup> IBSF E-mail of 19<sup>th</sup> November, 2015.

<sup>1423</sup> Art. 3. Admission Skeleton rules 2015 (valid from June 2015); Art. 3. Admission Skeleton rules 2014 (valid from October 2014); Art. 3. Admission Skeleton rules 2013 (valid from October 1st of 2013).

<sup>1424</sup> Ibid.

## 14.2. Luge<sup>1425</sup>

Luge was invented in Switzerland and dates back to the 16<sup>th</sup> century,<sup>1426</sup> but the first luge course was only built in the 19<sup>th</sup> century.<sup>1427</sup> Unlike in other sledge sports, the athletes lie on their backs and can thus only rely on reflexes to steer the luge down the ice track.<sup>1428</sup> Nowadays there are single and double events, divided into events for men and women, although it would in general be possible to have a mixed double.<sup>1429</sup> Competitions last two days, with athletes doing two runs a day.<sup>1430</sup> The time of each run is added up to create a total run time, with the fastest athlete or athlete team winning.<sup>1431</sup> The governing body, the *Fédération Internationale de Luge de Course* (FIL) was founded in 1957 and in 1964 luge became an Olympic sport.<sup>1432</sup>

### 14.2.1. Luge critical reflection

There are no specific FIL nationality criteria currently in force.

### 14.2.2. Artificial Track

Table XLVI: Overview of the eligibility requirements for luge – artificial track

<b>Requirements FIL – Artificial Track</b>	
<b>In force since</b>	7 <sup>th</sup> June 1998
<b>Change of nationality</b>	Not specified
<b>Residence requirements</b>	Not specified
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Not specified
<b>Effect of changes in territory of country</b>	Not specified
<b>Number of changes possible</b>	Not specified
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	None
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	None

<sup>1425</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September 2014. On 29<sup>th</sup> October 2015, the federation was contacted again and asked for comments on this Chapter. As no reply was forthcoming, a first reminder was sent on 19<sup>th</sup> November 2015 to which the FIL replied on 30<sup>th</sup> November 2015 providing the old versions.

<sup>1426</sup> IOC Information FIL.

<sup>1427</sup> IOC Information FIL

<sup>1428</sup> IOC Information Luge Equipment and History.

<sup>1429</sup> IOC Information FIL; IOC Information Luge Equipment and History.

<sup>1430</sup> IOC Information FIL.

<sup>1431</sup> IOC Information FIL.

<sup>1432</sup> IOC Information FIL; IOC Reference Document Luge: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 139.

## 14.2.3. Rules applicable since 1998

The FIL regulations regarding eligibility are set up for natural and artificial track events individually. Both current rules were approved at the 62<sup>nd</sup> FIL Congress on 20<sup>th</sup> June 2014 in Innsbruck / Austria. The 2014 artificial track rules on eligibility are identical to those approved of at the 60<sup>th</sup> FIL Congress on 15<sup>th</sup> June 2012 in Riga, Latvia, 58<sup>th</sup> FIL Congress on 18<sup>th</sup> June 2010 in Sochi / Russian Federation, 56<sup>th</sup> FIL Congress on 28<sup>th</sup> June 2008 in Calgary / Canada and 54<sup>th</sup> FIL Congress on 29<sup>th</sup> June 2006 in Berchtesgaden / Germany.

Prior to 2006, the luge eligibility rules underwent minor changes and the core requirement that athletes have to obtain a licence and need to undergo the medical tests has remained unchanged since 1998.<sup>1433</sup> Similarly, licences have always been issued by the athlete's national federation, requiring the signature of the NF's president and the athlete's written declaration of adhering to the FIL and IRO rules and regulations.<sup>1434</sup>

In 2004, the requirement that the medical examination should have been conducted in the past 12 months and that the outcome must have been positive was added, thus ensuring an up-to date fitness check.<sup>1435</sup> The major change occurred in

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<sup>1433</sup> Art. 3 International Luge regulations - Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 3 International Luge regulations - Artificial Track – approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 3 IRO International Luge regulations - Artificial Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 3 IRO International Luge regulations - Artificial Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 3 IRO International Luge regulations - Artificial Track - 2006 Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden / Germany; Art. 3 IRO International Luge regulations - Artificial Track -2004 Edition approved at the 52<sup>nd</sup> FIL Congress on June 11<sup>th</sup>, 2004 in Rio de Janeiro / Brazil; Art. 3 IRO International Luge regulations - Artificial Track -2002 Edition approved at the 50<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2002 in St. Wolfgang / AUT; Art. 3 IRO Internationale Rennrodelordnung - Kunstbahn - Ausgabe 2000 beschlossen beim 48. FIL-Kongress am 17.6.2000 in Oberhof / GER; Art. 3 IRO International Luge regulations - Artificial Track - 1998 Edition approved at the 46<sup>th</sup> FIL Congress on June 7<sup>th</sup>, 1998 in Colorado Springs.

<sup>1434</sup> Art. 3 International Luge regulations - Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 3 International Luge regulations - Artificial Track – approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 3 IRO International Luge regulations - Artificial Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18, 2010 in Sochi / Russian Federation; Art. 3 IRO International Luge regulations - Artificial Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 3 IRO International Luge regulations - Artificial Track - 2006 Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden / Germany; Art. 3 IRO International Luge regulations - Artificial Track -2004 Edition approved at the 52<sup>nd</sup> FIL Congress on June 11<sup>th</sup>, 2004 in Rio de Janeiro / Brazil; Art. 3 IRO International Luge regulations - Artificial Track -2002 Edition approved at the 50<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2002 in St. Wolfgang / AUT; Art. 3 IRO Internationale Rennrodelordnung - Kunstbahn - Ausgabe 2000 beschlossen beim 48. FIL-Kongress am 17.6.2000 in Oberhof / GER; Art. 3 IRO International Luge regulations - Artificial Track - 1998 Edition approved at the 46<sup>th</sup> FIL Congress on June 7<sup>th</sup>, 1998 in Colorado Springs.

<sup>1435</sup> Art. 3 International Luge regulations - Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 3 International Luge regulations - Artificial Track – approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 3 IRO International Luge regulations - Artificial Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 3 IRO International Luge regulations - Artificial Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 3 IRO International Luge regulations - Artificial Track - 2006 Edition approved at the 54<sup>th</sup> FIL Congress on

2006 with insurances also having to be valid in foreign countries and training becoming important as the current conditions which need to be fulfilled in order to acquire a licence reflect:

- “a) the athlete is a member of his/her federation or one of its associated clubs,
- b) the athlete is insured for practicing the sport of luge also in foreign countries,
- c) the athlete has a medical certificate that is based on a medical examination conducted during the last 12 months or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge,
- d) the athlete has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions in a safe way.”<sup>1436</sup>

With regard to the participation in training, the athletes need to be able to participate in luge competitions.<sup>1437</sup> Furthermore a valid license as well as compliance with the relevant age groupings are prerequisites.<sup>1438</sup> Nationality is not a requirement to participate or to train, yet the FIL requires an athlete to compete only for one nation during one sporting year.<sup>1439</sup> One can thus deduce that the FIL does not require an athlete to be a national of the federation for which he or she competes and thus does

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<sup>1436</sup> June 29<sup>th</sup>, 2006 in Berchtesgaden/Germany; Art. 3 IRO International Luge regulations - Artificial Track -2004 Edition approved at the 52<sup>nd</sup> FIL Congress on June 11<sup>th</sup>, 2004 in Rio de Janeiro / Brazil.

<sup>1437</sup> Art. 3 International Luge regulations - Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 3 International Luge regulations - Artificial Track – approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 3 IRO International Luge regulations - Artificial Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 3 IRO International Luge regulations - Artificial Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 3 IRO International Luge regulations - Artificial Track - 2006Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden/Germany.

<sup>1438</sup> Art. 3 International Luge regulations - Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 8 International Luge regulations - Artificial Track – approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 3 IRO International Luge regulations - Artificial Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 3 IRO International Luge regulations - Artificial Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 3 IRO International Luge regulations - Artificial Track - 2006Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden/Germany.

<sup>1439</sup> Art. 3 International Luge regulations - Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 8 International Luge regulations - Artificial Track – approved at the 60<sup>th</sup> FIL congress on June 15, 2012 in Riga / Latvia; Art. 3 IRO International Luge regulations - Artificial Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 3 IRO International Luge regulations - Artificial Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 3 IRO International Luge regulations - Artificial Track - 2006Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden/Germany.

not deal with changes in the country of representation as long as the change does not disrupt an ongoing sporting year.

#### 14.2.4. Natural Track

Table XLVII: Overview of the eligibility requirements for luge - natural track

<b>Requirements FIL – Natural Track</b>	
<b>In force since</b>	7 <sup>th</sup> June 1998
<b>Change of nationality</b>	Not specified
<b>Residence requirements</b>	Not specified
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationalities after having competed for another country of which the athlete is a national</b>	Not specified
<b>Effect of changes in territory of country</b>	Not specified
<b>Number of changes possible</b>	Not specified
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	None
<b>Uses residence/ domicile</b>	None
<b>Other remarkable peculiarity</b>	None

#### 14.2.5. Rules applicable since 1998

As for artificial track, the natural track rules were approved at the 62<sup>nd</sup> FIL Congress on 20<sup>th</sup> June 2014 in Innsbruck / Austria. While the wording has changed in some parts, the content of these rules is still identical to that approved of by the 60<sup>th</sup> FIL Congress on 15<sup>th</sup> June 2012 in Riga, Latvia, 58<sup>th</sup> FIL Congress on 18<sup>th</sup> June 2010 in Sochi / Russian Federation, 56<sup>th</sup> FIL Congress on 28<sup>th</sup> June 2008 in Calgary / Canada and 54<sup>th</sup> FIL Congress on 29<sup>th</sup> June 2006 in Berchtesgaden / Germany. Moreover, the core aspect of the FIL, requiring all its athletes to have a licence which is issued by the relevant federation, has been in force since 1998.<sup>1440</sup> Several requirements have remained unchanged since then, namely that the athlete needs to declare that he or she will adhere to the FIL and IRO rules and regulations and that an official signature is

<sup>1440</sup> Art. 1.3 IRO International Luge regulations - Natural Track -2014 Edition approved at the 62<sup>nd</sup> FIL Congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 1.3 International Luge regulations - Natural Track - 2012 edition approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 1.3 IRO International Luge regulations - Natural Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 1.3 IRO International Luge regulations - Natural Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 1.3 IRO International Luge regulations - Natural Track - 2006 Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden / Germany; Art. 1.3 IRO International Luge regulations - Natural Track -2004 Edition approved at the 52<sup>nd</sup> FIL Congress on June 11<sup>th</sup>, 2004 in Rio de Janeiro / Brazil; Art. 1.3 IRO International Luge regulations - Natural Track -2002 Edition approved at the 50<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2002 in St. Wolfgang / AUT; Art. 1.3 IRO International Luge regulations - Natural Track - 2000 Edition approved at the 48<sup>th</sup> FIL Congress on June 17<sup>th</sup>, 2000 in Oberhof / GER; Art. 1.3 IRO International Luge regulations - Natural Track - 1998 Edition approved at the 46<sup>th</sup> FIL Congress on June 7<sup>th</sup>, 1998 in Colorado Springs.

needed to make the licence valid.<sup>1441</sup> In addition, athletes have always had to have an insurance and have to undergo a medical check-up, although only since 2004 the FIL stipulates that this check-up has to have occurred within the past 12 months and that the outcome must have been positive.<sup>1442</sup> Furthermore, since 2006 an athlete needs to have sufficient training in order to safely participate in luge competitions.<sup>1443</sup>

In order to be admitted to official luge training, the athlete not only needs to have a valid licence and be of the right age for the respective groups, but also s/he may not have competed for another nation during the sport year in question.<sup>1444</sup> This is interesting, since it not only refers to competing for a nation, but also since the rules do not go into greater detail regarding nationality changes. One can thus deduce that the FIL does not require an athlete to be a national of the federation for which he or she competes and thus does not deal with changes in the country of representation as long as the change does not disrupt an ongoing sporting year.

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<sup>1441</sup> Art. 1.3 IRO International Luge regulations - Natural Track -2014 Edition approved at the 62<sup>nd</sup> FIL Congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 1.3 International Luge regulations - Natural Track - 2012 edition approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 1.3 IRO International Luge regulations - Natural Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 1.3 IRO International Luge regulations - Natural Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 1.3 IRO International Luge regulations - Natural Track - 2006 Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden / Germany; Art. 1.3 IRO International Luge regulations - Natural Track -2004 Edition approved at the 52<sup>nd</sup> FIL Congress on June 11<sup>th</sup>, 2004 in Rio de Janeiro / Brazil; Art. 1.3 IRO International Luge regulations - Natural Track -2002 Edition approved at the 50<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2002 in St. Wolfgang / AUT; Art. 1.3 IRO International Luge regulations - Natural Track - 2000 Edition approved at the 48<sup>th</sup> FIL Congress on June 17<sup>th</sup>, 2000 in Oberhof / GER; Art. 1.3 IRO International Luge regulations - Natural Track - 1998 Edition approved at the 46<sup>th</sup> FIL Congress on June 7<sup>th</sup>, 1998 in Colorado Springs.

<sup>1442</sup> Art. 1.3 IRO International Luge regulations - Natural Track -2014 Edition approved at the 62<sup>nd</sup> FIL Congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 1.3 International Luge regulations - Natural Track - 2012 edition approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 1.3 IRO International Luge regulations - Natural Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 1.3 IRO International Luge regulations - Natural Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 1.3 IRO International Luge regulations - Natural Track - 2006 Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden / Germany; Art. 1.3 IRO International Luge regulations - Natural Track -2004 Edition approved at the 52<sup>nd</sup> FIL Congress on June 11<sup>th</sup>, 2004 in Rio de Janeiro / Brazil.

<sup>1443</sup> Art. 1.3 IRO International Luge regulations - Natural Track - 2014 Edition approved at the 62<sup>nd</sup> FIL Congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria; Art. 1.3 International Luge regulations - Natural Track - 2012 edition approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia; Art. 1.3 IRO International Luge regulations - Natural Track - 2010 Edition approved at the 58<sup>th</sup> FIL Congress on June 18<sup>th</sup>, 2010 in Sochi / Russian Federation; Art. 1.3 IRO International Luge regulations - Natural Track - 2008 Edition approved at the 56<sup>th</sup> FIL Congress on June 28<sup>th</sup>, 2008 in Calgary / Canada; Art. 1.3 IRO International Luge regulations - Natural Track - 2006 Edition approved at the 54<sup>th</sup> FIL Congress on June 29<sup>th</sup>, 2006 in Berchtesgaden / Germany.

<sup>1444</sup> Art. 6 International Luge regulations - Natural Track - 2012 edition approved at the 60<sup>th</sup> FIL congress on June 15<sup>th</sup>, 2012 in Riga / Latvia.

**14.3. Skating**<sup>1445</sup>

Skating was first developed in the Netherlands in the 13<sup>th</sup> century, when people used the frozen canals to travel between places in winter.<sup>1446</sup> Nowadays, skating encompasses three categories and is governed by the International Skating Union (ISU), which was founded in 1892 and has its seat in Lausanne, Switzerland.<sup>1447</sup> Skating had been an Olympic sport since 1924, with the competitions being held in the categories of figure skating and speed skating.<sup>1448</sup> Women were participating in figure skating since the beginning, yet speed skating has only had a women's event since 1960.<sup>1449</sup> Short track speed skating was introduced in 1992 as both a women's and a men's event.<sup>1450</sup>

Figure skating, is one of the older categories and comprises three subcategories, namely the ice dance, singles and pairs.<sup>1451</sup> For the singles men and women have to compete in the short programme, which consists of eight elements including jumps and spins and free skating, during which the skater shows his or her abilities to music of his or her choice.<sup>1452</sup> The same two categories of the short programme and free skating apply to the pairs, although the elements of the pairs category involves throw-jumps and overhead lifts.<sup>1453</sup> Ice dance consists of three categories, the compulsory dance set by the committee, an original dance and a free dance.<sup>1454</sup>

In speed skating, individual skaters race against one opponent over distances of 500m, 1,000m, 1,500m or 5,000m on an oval ice rink, with additional distances of 10,000m for men and 3,000m for women.<sup>1455</sup> The aim is to complete the race as little time as possible.<sup>1456</sup> There are also team pursuit events.<sup>1457</sup>

In turn, short track events have men and women compete over distances of 500m, 1,000 and 1,500m, with extra relays of 5,000m for men and 3,000m for women.<sup>1458</sup> This type of skating was first developed in North America in the early

<sup>1445</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. As no reply was forthcoming, a reminder e-mail was sent on 18<sup>th</sup> September, to which the ISU replied on 19<sup>th</sup> September. On 29<sup>th</sup> October 2015 the federation was contacted again and asked for comments on this chapter, to which the federation replied on 17<sup>th</sup> November 2015.

<sup>1446</sup> IOC Information Figure Skating Equipment and History: for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 188.

<sup>1447</sup> IOC Reference Document Skating; IOC Information ISU Figure Skating; IOC Information ISU Short track speed skating; IOC Information ISU Speed Skating.

<sup>1448</sup> Ibid.

<sup>1449</sup> IOC Reference Document Speed Skating; IOC Reference Document Figure Skating.

<sup>1450</sup> IOC Reference Document Short Track Speed Skating.

<sup>1451</sup> IOC Information ISU Figure Skating; IOC Information ISU Short track speed skating; IOC Information ISU Speed Skating; IOC Information Figure Skating Equipment and History.

<sup>1452</sup> IOC Information ISU Figure Skating; IOC Information ISU Short track speed skating; IOC Information ISU Speed Skating.

<sup>1453</sup> Ibid.

<sup>1454</sup> Ibid.

<sup>1455</sup> IOC Information ISU Figure Skating; IOC Information ISU Short Track Speed Skating; IOC Information ISU Speed Skating; IOC Information Speed Skating Equipment and History.

<sup>1456</sup> Ibid.

<sup>1457</sup> IOC Information Speed Skating Equipment and History.

<sup>1458</sup> IOC Information Short Track Speed Skating Equipment and History.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

20<sup>th</sup> century.<sup>1459</sup> Being officially recognised by the ISU in 1967, it took until 1988 to become a demonstration sport at the Olympics, until 1992 it became an official Olympic discipline.<sup>1460</sup>

Table XLVIII: Overview of the eligibility requirements for skating

<b>Requirements ISU</b>	
<b>In force since</b>	June 2012
<b>Change of nationality</b>	Possible, though not strictly necessary
<b>Residence requirements</b>	1 year
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Depends on the type of international competition, between one year and 18 months of non-competition period and either a one year residence and acceptance of the change by former member association or one year or residence and application for citizenship
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Possible, after one year or residence and either application for citizenship or permission by old federation
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	Yes
<b>Uses nationality/ citizenship</b>	Citizen
<b>Uses residence/ domicile</b>	Residence
<b>Other remarkable peculiarity</b>	Possibility to compete for country where there is no member federation

### 14.3.1. Skating critical reflection

The underlying principle of the ISU eligibility criteria is that it is a privilege to compete internationally in ice skating.<sup>1461</sup> For national teams, only citizens may compete, unless the athlete has not competed for another federation for at least twelve months and has been a resident in the country for at least a year and applies for this country's citizenship.<sup>1462</sup> Here already applying for the citizenship of a country is seen as sufficient – provided that the athlete has been a resident for at least a year, which is very little compared to what most countries require. Yet, such an application will not necessarily result in the conferral of citizenship upon the athlete. Thus, this one year of residence and the intention of the athlete to become a citizen of the relevant country is regarded as sufficient to establish the *genuine link* by the ISU. Should an athlete wish to change his or her country of representation, the non-competition period is between

<sup>1459</sup> Ibid.

<sup>1460</sup> Ibid.

<sup>1461</sup> Rule 102(1)(a)(i) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014.

<sup>1462</sup> Rule 109(2)(a), Rule 109(2)(b)(i), Rule 109(2)(b)(ii), Rule 109(2)(b)(iii) and Rule 109(2)(b)(iv) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014.

12 and 18 months, depending on the level of international competition.<sup>1463</sup> One interesting aspect regarding the ISU rules is that under Rule 109(6) an athlete may compete for a country in which there is no ISU member federation if he or she can get the consent from the ISU Council.<sup>1464</sup>

Turning to the ISU rules regarding the Olympic Games, one finds that the ISU underscores that these are governed not only by the ISU rules and regulations, but also by the Olympic Charter.<sup>1465</sup> In conclusion, these rules are relatively lenient, as a 12- or 18-month period during which an athlete cannot compete internationally is not extremely long and thus less intrusive.

#### 14.3.2. Rules applicable since 2012

While there was a new rule introduced in June 2014, the only difference with the previously applicable rules was that the numbering in case of Article 102(2) was changed from (i) – (iv) to (a) – (d). The ISU starts its eligibility code by underlining that it is indeed a “privilege to take part in the activities and competitions under the jurisdiction of the ISU”.<sup>1466</sup> Consequently, those who wish to have that privilege need to respect the ISU rules, regulations and the principles on which they rest.<sup>1467</sup> The reasoning is also made clear in the following paragraph:

“the condition of eligibility is made for the adequate protection of the economic and other interests of the ISU, which uses its financial revenues for the administration and development of the ISU sport disciplines and for the support and benefit of the Members and their Skaters.”<sup>1468</sup>

Eligibility is lost if an athlete participates in events which are not sanctioned by the ISU or a member association.<sup>1469</sup> An athlete can further lose eligibility in case he or

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<sup>1463</sup> Rule 109(2)(b)(ii) and Rule 109(2)(b)(iii) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014.

<sup>1464</sup> Rule 109(6) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014.

<sup>1465</sup> Rule 126(1) and Rule 126(2) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014.

<sup>1466</sup> Rule 102(1)(a)(i) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June 2014; Rule 102(1)(a)(i) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1467</sup> Rule 102(1)(a)(i) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 102(1)(a)(i) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1468</sup> Rule 102(1)(a)(ii) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June 2014; Rule 102(1)(a)(ii) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1469</sup> Rule 102(1)(b) and Rule 102(2) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 102(1)(b) and Rule 102(2) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

she breaches any of the ISU rules, and thus may no longer participate in ISU Events or the Olympic Games, as this is the privilege of an eligible person.<sup>1470</sup>

The actual participation in competitions is described in Rule 109, with the exception of the Olympic Winter Games which are dealt with in Rule 126.<sup>1471</sup> The general principle underlying the competition and eligibility rules is that an athlete has to be a citizen of the country for which he or she competes.<sup>1472</sup> Competing for another country is possible, if the athlete fulfils the prerequisites:

- “i) he has resided for at least one year in that country and has been permitted to compete for that Member by the National Association of the country of which he is a citizen, or he has resided for at least one year in that country and he (or his parents if he is not of age) has applied for citizenship in that country;
- ii) before July 1st immediately prior to his first International Competition as a member of the Member, he has not competed in any International Competition or ISU Championship for another Member during the twelve (12) preceding months;
- iii) before July 1st immediately prior to his first ISU Championship as a member of the Member, he has not competed in any International Competition or ISU Championship for another Member during the eighteen (18) preceding months;
- iv) Any denial of a request for permit by the Member submitted in accordance with sub-paragraph (i) above may be the subject of a request to the Council by the involved Skater or any involved Member for exceptional permission as provided in paragraph 5 of this Rule.”<sup>1473</sup>

The first condition offers two possibilities, either the athlete has resided in the country for which he or she wishes to compete and is in the process of acquiring the citizenship of that country or the athlete fulfils the residence requirement and is competing for the other country with the permission of the federation of which he is a citizen. For the ISU, already applying for the citizenship of a country is seen as sufficient – provided that the athlete has been a resident for at least a year. Here one has to note that such an application will not necessarily result in the conferral of citizenship upon the athlete. With regard to the underlying assumption that a *genuine link* should exist between athlete and the country, the application for citizenship would be insufficient. It is thus

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<sup>1470</sup> Rule 102(3) and Rule 102(7) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June 2014; Rule 102(3) and Rule 102(7) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1471</sup> Rule 109(1) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June 2014; Rule 109(1) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1472</sup> Rule 109(2)(a) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June 2014; Rule 109(2)(a) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1473</sup> Rule 109 (2)(b)(i), Rule 109 (2)(b)(ii), Rule 109 (2)(b)(iii) and Rule 109 (2)(b)(iv) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109 (2)(b)(i), Rule 109 (2)(b)(ii), Rule 109 (2)(b)(iii) and Rule 109 (2)(b)(iv) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

this one year of residence and the intention of the athlete to become a citizen of the relevant country that is regarded as sufficient to establish the *genuine link* for the ISU. Most countries would not see such a *genuine link* as being established in such a case.

The other possibility, that the athlete receives the permission from the federation, seems relatively unlikely, but there is an exception to the rule: in these cases, the ISU Council may take a decision that effectively overrides the Association's decision.<sup>1474</sup> However, the council may also stop an athlete from competing for a country if the relevant association has in fact given its consent if

“a Member tries to “import” several athletes with foreign citizenship, in particular when such athletes should form a new national team of such Member or its substantial part”,<sup>1475</sup>

These rules are thus designed to stop federations from accumulating athletes from other federations through a ‘shopping spree’. Rule 109 (2) (b) (ii) and (iii) deal with the cases in which athletes have previously competed for a country.<sup>1476</sup> Here a differentiation is made between general international competitions, which require a 12-month period of non-competition, and ISU championships, which require an 18-month period of non-competition, before the athlete may compete for a country of which he or she is not (yet) a citizen. These periods have to have ended prior to 1<sup>st</sup> July of the year in which the athlete wishes to compete for his or her new country.<sup>1477</sup> Consequently, it is not possible for skaters to change their country of representation during the course of a season.<sup>1478</sup>

There are special rules in place for pair skating and ice dance couples, as well as for synchronised skating teams. For pair skating or ice dance, at least one of the two athletes has to be a citizen of the country for which the pair competes.<sup>1479</sup> Residence and waiting periods of the previous articles do not apply to the partner who is not a

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<sup>1474</sup> Rule 109(5) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(5) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1475</sup> Rule 109(5) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(5) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1476</sup> Rule 109(3) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(3) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1477</sup> Rule 109(2)(b)(ii) and Rule 109(2)(b)(iii) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(2)(b)(ii) and Rule 109(2)(b)(iii) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1478</sup> Rule 109(4) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(4) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1479</sup> Art. 109(2)(c) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Art. 109(2)(c) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

citizen of the country for which the pair competes.<sup>1480</sup> There is however the added requirement that if the partner has previously represented another country, he or she has to wait 12 months before being able to represent the new country.<sup>1481</sup> For synchronised skating, the quota of non-citizens per team is 25% at a maximum, meaning that if 12 skaters form a team, three may be from a country which is not the one the team represents.<sup>1482</sup> These skaters need the permission of the country of which they are citizens and may not change their country of representation within the course of a season.<sup>1483</sup> Since there are no further requirements, these rules allow for more flexibility in the team skating events.

One interesting aspect regarding the ISU rules is that, under Rule 109(6), an athlete may compete for a country in which there is no ISU member federation if he or she is able to get the consent of the ISU Council.<sup>1484</sup> Turning to the ISU rules regarding the Olympic Games, the ISU underlines that these are governed not only by the ISU rules and regulations, but also by the Olympic Charter.<sup>1485</sup>

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<sup>1480</sup> Art. 109(2)(c) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(2)(c) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1481</sup> Art. 109(2)(c) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(2)(c) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1482</sup> Rule 109(2)(d) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(2)(d) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1483</sup> Rule 109(2)(d) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(2)(d) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1484</sup> Rule 109(6) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 109(6) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

<sup>1485</sup> Rule 126(1) and Rule 126(2) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June, 2014; Rule 126 (1) and Rule 126(2) International Skating Union constitution and general regulations 2012 as accepted by the 54<sup>th</sup> ordinary congress June, 2012.

#### 14.4. Skiing<sup>1486</sup>

Skiing as a means of transportation dates back to ancient times, as ski fragments from 8,000 to 7,000 BC have been found.<sup>1487</sup> Skiing has been an Olympic discipline since the Olympic Winter Games in 1924<sup>1488</sup> and is the Olympic Sport with the most disciplines, namely six: alpine, cross country, ski jumping, nordic combined, freestyle, and snowboarding, with several sub-categories existing in snowboarding.<sup>1489</sup> All of these disciplines are governed by one association, the *Fédération Internationale de Ski* (FIS), which was founded in 1924 and has its seat in Oberhofen am Thunersee in Switzerland.<sup>1490</sup>

Cross country skiing was initially used as a means of transportation in the countries with heavy snow during winter periods.<sup>1491</sup> As a sport, it was first featured at the 1924 Olympic Games, when only men were competing.<sup>1492</sup> The aim of cross country skiing is to cover a distance on even ground as quickly as possible. Men, and since 1952 also women, compete in the sprint and team sprint.<sup>1493</sup> Women's events also include the 10km individual start, 15km pursuit, 30km mass start, and the four times 5km relay.<sup>1494</sup> Men have the events of 15km individual start, 30km pursuit, 50km mass start, and the four times 10km relay.<sup>1495</sup>

Ski Jumping was first practiced in 1808 by Ole Rye in Norway and in the subsequent times different styles were developed.<sup>1496</sup> It has been an Olympic discipline since 1924 and since the Winter Olympics in 2014 women are also competing in this category.<sup>1497</sup> Athletes ski down a ramp and then jump through the air to land as far down the hill as possible. During their jump they keep their skis in a 'V' shape and lean extremely forward, while holding their arms stretched to their

<sup>1486</sup> The federation was contacted on 6<sup>th</sup> August 2014 and asked to provide further insights into its eligibility criteria and older versions of the eligibility rules. The FIS replied on 7<sup>th</sup> August 2014. On 29<sup>th</sup> October 2015 the FIS was contacted again and asked for comments on this chapter, which the FIS provided on 30<sup>th</sup> October 2015.

<sup>1487</sup> IOC Information Alpine Skiing Equipment and History; IOC Information Cross Country Skiing Equipment and History; IOC Information Nordic Combined Equipment and History.

<sup>1488</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Skiing; for information on non-national athletes in the European national leagues and competitions see S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 191.

<sup>1489</sup> Ibid.

<sup>1490</sup> Ibid.

<sup>1491</sup> IOC Information Cross Country Skiing Equipment and History.

<sup>1492</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Cross-Country Skiing; IOC Information Cross Country Skiing Equipment and History.

<sup>1493</sup> Ibid.

<sup>1494</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard;

<sup>1495</sup> Ibid.

<sup>1496</sup> IOC Information Ski Jumping Equipment and History.

<sup>1497</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Ski Jumping.

backs to improve their flying.<sup>1498</sup> This is done either on an individual basis with each athlete jumping twice and his or her distance being added up or in a team event with teams consisting of four athletes.<sup>1499</sup>

Alpine skiing was already a competitive sport in the 1840s.<sup>1500</sup> Introduced in 1936 for both men and women, Alpine skiing has five events: the downhill, the super giant slalom, giant slalom, slalom, and super combined.<sup>1501</sup> In all alpine disciplines, the athlete is skiing downhill at high speed and obstacles are added depending on the focus of the sport. In downhill, the athlete's aim is to reach the end of the course as quickly as possible.<sup>1502</sup> Slalom adds obstacles to the downhill course, which have to be navigated by short and quick turns.<sup>1503</sup> The giant slalom's obstacles are placed further apart, enabling the athlete to make wider and smoother turns.<sup>1504</sup> The super-giant slalom has the obstacles set furthest apart so that the athletes can race through the slalom, thus combining the speed of the downhill with the turns of the slalom.<sup>1505</sup> The super combined consists of two events, first the athletes have to go through a downhill race, then through a slalom, with their times being added up to come to the end result.<sup>1506</sup>

Freestyle has been a feature for men and women at the Olympic Games since 1992.<sup>1507</sup> It encompasses the disciplines of aerial, mogul and ski cross, half pipe, and slope style.<sup>1508</sup> What makes freestyle skiing so particular is the combination of acrobatic tricks, e.g. like those done by skateboarders on a half-pipe and skiing.<sup>1509</sup>

Snowboarding is a rather recent invention from the US in the 1960s.<sup>1510</sup> Borrowing from surfing and skateboarding techniques, snowboarding quickly

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<sup>1498</sup> IOC Information Ski Jumping Equipment and History.

<sup>1499</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard.

<sup>1500</sup> IOC Information Alpine Skiing Equipment and History.

<sup>1501</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Alpine Skiing; IOC Information Alpine Skiing Equipment and History.

<sup>1502</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard.

<sup>1503</sup> Ibid.

<sup>1504</sup> Ibid.

<sup>1505</sup> Ibid.

<sup>1506</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Skiing.

<sup>1507</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Freestyle Skiing; IOC Information Freestyle Skiing Equipment and History.

<sup>1508</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard;

<sup>1509</sup> IOC Information Freestyle Skiing Equipment and History

<sup>1510</sup> IOC Information Snowboard Equipment and History.

## MOVEMENT OVER ICE AND SNOW

became popular.<sup>1511</sup> It became an Olympic Sport in 1998<sup>1512</sup> and features five events per gender, namely half pipe, parallel slalom, giant parallel slalom, snowboard cross, and slope style since 2014.<sup>1513</sup>

Nordic combined consists of ski jumping and cross country skiing.<sup>1514</sup> It became an Olympic discipline in 1924 and remains a men's only event to date.<sup>1515</sup> There are three different events, namely the normal hill Gundersen, large hill Gundersen and the team event. For the small hill Gundersen, athletes ski jump from a 90 m hill and race 10km cross-country style, while the large hill Gundersen event has the same racing distance, yet the ski jumping takes place from a 120m hill.<sup>1516</sup> The team event also makes use of the larger hill, yet the race is on a four times 5 km on relay basis.<sup>1517</sup>

Table XLIX: Overview of the eligibility requirements for skiing

<b>Requirements FIS – Skiing</b>	
<b>In force since</b>	48 <sup>th</sup> Congress, 2013
<b>Change of nationality</b>	Possible in combination with residence and/or ancestry in the country
<b>Residence requirements</b>	Not specified
<b>Minors and nationality change</b>	Not specified
<b>Stateless athletes</b>	Not specified
<b>Position of athletes with multiple nationality after having competed for another country of which the athlete is a national</b>	Need to fulfil the normal requirements of nationality and residency/ancestry plus a year of non-competition
<b>Effect of changes in territory of country</b>	Not specified
<b>Competing for the country of residence</b>	Principal legal and effective residence for two years
<b>Number of changes possible</b>	No maximum given
<b>Reference to Olympic Charter</b>	None
<b>Uses nationality/ citizenship</b>	Citizenship
<b>Uses residence/ domicile</b>	Principal legal and effective residence
<b>Other remarkable peculiarity</b>	Refusal to allow change possible, even if all criteria are fulfilled

<sup>1511</sup> Ibid.

<sup>1512</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Snowboard; IOC Information Snowboard Equipment and History.

<sup>1513</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard.

<sup>1514</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Information Nordic Combined Equipment and History.

<sup>1515</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard; IOC Reference Document Nordic Combined.

<sup>1516</sup> IOC Information FIS Alpine Skiing; IOC Information FIS Cross-Country Skiing; IOC Information FIS Freestyle-skiing; IOC Information FIS Nordic-Combined; IOC Information FIS Ski-Jumping; IOC Information FIS Snowboard.

<sup>1517</sup> Ibid.

14.4.1. Skiing critical reflection

The FIS eligibility criteria prescribe that athletes need to have licenses from the country of which they are nationals in order to be allowed to compete internationally.<sup>1518</sup> Athletes wishing to change their country of representation need to show that they have a *genuine link* with the new country.<sup>1519</sup> The FIS establishes such a *genuine link* by requiring the athlete's citizenship of the country concerned and at least two years 'principal legal and effective residence' in the country.<sup>1520</sup> In addition, the relevant federations need to agree and an athlete might need to wait an entire year, starting from the last season during which he or she represented a country, if the approval is not forthcoming.<sup>1521</sup> Overall, the FIS criteria are very explicit regarding the *genuine link* that is required between athlete and state. Thus, skiing is one of the sports that has the most specific rules and takes the most criteria into consideration.

14.4.2. Rules applicable since 2013

The FIS eligibility rules are set out in the International Ski Competition Rules (ICR), with the different disciplines described in the different books.<sup>1522</sup> Nevertheless, the content and wording does not differ among the various FIS disciplines. Furthermore, the rules approved by the 48<sup>th</sup> International Ski Congress, Kangwonland (KOR) in 2012 are identical to those approved by the 49<sup>th</sup> International Ski Congress in Barcelona (Spa) 2014 and those dating from summer and autumn 2015.

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<sup>1518</sup> Art. 203.3. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) incl. Changes and precisions 2015 November, 2015; Art. 203.3 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) incl. changes and precisions 2015 Edition July, 2015; Art. 203.3 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa), Web Version July, 2015; Art. 203.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August, 2015; Art. 203.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) incl. changes and precisions 2015 web edition December, 2015 Oberhofen, December, 2015; Art.203.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) incl. changes and precisions 2015 October, 2015.

<sup>1519</sup> Ibid.

<sup>1520</sup> Ibid.

<sup>1521</sup> Ibid.

<sup>1522</sup> Book II is for Cross-Country events, while book III delineates the rules for Ski Jumping; book IV deals with joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events, while book V focuses on the joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle book VI covers the joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle and book VII contains the rules for Nordic Combined.

In all FIS regulated sports, the athletes need to have a license to participate in the official events.<sup>1523</sup> The license is issued by the relevant national federation and is valid

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<sup>1523</sup> Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July, 2015 and November, 2015 Edition; Art. 203 and Art. 203. 4. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July, 2014; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203 and Art. 203.4 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October, 2013; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), Web Version July 2015; Oberhofen, July 2015; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), July 2014; Art. 203 and Art. 203.4 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203 and Art. 203. 4 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August 2015; Art. 203 and Art. 203.4 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203 and Art. 203.4 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203 and Art. 203. 4 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203 and Art. 203. 4 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 web edition September 2015 Oberhofen, September 2015 and December 2015 Edition; Art. 203 and Art. 203. 4 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) October 2014; Art. 203 and Art. 203. 4 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203 and Art. 203. 4 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition August 2013; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October 2015; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July 2015; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa)

for one FIS season, lasting from 1<sup>st</sup> July until 30<sup>th</sup> June of the following calendar year.<sup>1524</sup> In order to be eligible for such a license, the athlete must declare that he or

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November 2014; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August 2014; Art. 203 and Art. 203. 4 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013.

<sup>1524</sup> Art. 203.1 and Art. 203.2. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July 2015 and November 2015 Edition; Art. 203.1. and Art. 203.2. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.1 and Art. 203.2. International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203.1 and Art. 203.2. International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203.1 and Art. 203.2. 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she submits him or herself to the FIS rules and the jurisdiction of the Court of Arbitration for Sport.<sup>1525</sup>

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by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October 2015 Art. 203.1 and Art. 203.2. International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July 2015; Art. 203.1 and Art. 203.2. International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.1 and Art. 203.2. International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August 2014; Art. 203.1 and Art. 203.2. International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013.

<sup>1525</sup> Art. 203.2.1 International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July 2015 and November 2015 Edition; Art. 203.2.1. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.2.1 International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203.2.1 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203.2.1 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.2.1 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013; Art. 203.2.1 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa). Web Version July 2015; Oberhofen, July 2015; Art. 203.2.1 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), July 2014; Art. 203.2.1 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.2.1 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August 2015; Art. 203.2.1 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.2.1 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.2.1 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.2.1 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 web edition September 2015 Oberhofen, September 2015 and December 2015 Edition; Art. 203.2.1 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) October 2014; Art. 203.2.1 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.2.1 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard

Regarding nationality as a criterion, the FIS requires the respective national associations to only provide nationals of their own country with the licence.<sup>1526</sup> The

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<sup>1526</sup> Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition August 2013; Art.203.2.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October 2015; Art.203.2.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July 2015; Art.203.2.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.2.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August 2014; Art. 203.2.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013.

Art. 203.3. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July 2015 and November 2015 Edition; Art. 203.3. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.3 International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203.3 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203.3 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.3 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013; Art. 203.3 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), Web Version July 2015; Oberhofen, July 2015; Art. 203.3 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), July 2014; Art. 203.3 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August 2015; Art. 203.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 web edition September 2015 Oberhofen, September 2015 and December 2015 Edition; Art. 203.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) October 2014; Art. 203.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November

athletes have to prove their nationality by submitting a copy of their passports to the federations.<sup>1527</sup> Minors, need to have the permission of their guardians to apply for the licenses.<sup>1528</sup>

Athletes wishing to change the association from which they have received a license will depend on the decision taken by the FIS Council in the spring of every year.<sup>1529</sup> It is important to note that:

2013; Art. 203.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition August 2013; Art.203.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October 2015; Art.203.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July 2015; Art.203.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August 2014; Art. 203.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013.

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1529

Ibid.

Ibid.

Art. 203.5. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July 2015 and November 2015 Edition; Art. 203.5. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5 International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203.5 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203.5 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013; Art. 203.5 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), Web Version July 2015; Oberhofen, July 2015; Art. 203.5 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), July 2014; Art. 203.5 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.5 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August 2015; Art. 203.5 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.5 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.5 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.5 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel

“an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.”<sup>1530</sup>

This is a direct reference to the concept of the *genuine link* which needs to exist between the athlete and the country he or she represents. The FIS establishes such a *genuine link* by requiring the athlete’s citizenship of the country concerned and at least two years “principal legal and effective residence” therein.<sup>1531</sup> Here the FIS underlines that, for a change, not only the citizenship of the country is relevant but, that for such a purpose, the link has to be supported by another factor, such as residence. The residence requirement may be waived if either the athlete was born in the country or the parents are nationals of the country.<sup>1532</sup> It does not suffice that the parents of the athlete acquire a passport, but they also must need to be resident in the country.<sup>1533</sup> This requirement places foundlings at a disadvantage, since their place of birth or their parents’ nationality cannot be proven. The further requirement that the athlete needs to have ancestry in the relevant country is also problematic, as this is something which an adopted child or foundling might be hard pressed to prove.<sup>1534</sup> In all cases, the athlete will have to explain thoroughly the reasons why he or she wishes to change the country for which he or she has a licence.<sup>1535</sup>

If the athlete has multiple nationality or has already participated in an official FIS event, he or she needs to comply with the aforementioned criteria of having a passport, residency, and possibly ancestry but, in addition, needs to acquire a release

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Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49th International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 web edition September 2015 Oberhofen, September 2015 and December 2015 Edition; Art. 203.5 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49th International Ski congress 2014, Barcelona (Spa) October 2014; Art. 203.5 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.5 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition August 2013; Art.203.5 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October 2015; Art.203.5 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July 2015; Art.203.5 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.5 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August 2014; Art. 203.5 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013.

1530  
Ibid.  
1531  
Ibid.  
1532  
Ibid.  
1533  
Ibid.  
1534  
Ibid.  
1535  
Ibid.

agreement from the former association.<sup>1536</sup> In case the relevant association refuses to release the athlete, he or she needs to wait an entire year, starting from the last

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<sup>1536</sup> Art. 203.5.1 International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July 2015 and November 2015 Edition; Art. 203.5.1. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5.1 International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203.5.1 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203.5.1 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5.1 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013; Art. 203.5.1 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), Web Version July 2015; Oberhofen, July 2015; Art. 203.5.1 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), July 2014; Art. 203.5.1 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.5.1 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August 2015; Art. 203.5.1 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; 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Art. 203.5.1 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) October 2014; Art. 203.5.1 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.5.1 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition August 2013; Art. 203.5.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October 2015; Art. 203.5.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July 2015; Art. 203.5.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.5.1 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August 2014; Art. 203.5.1 International Ski

season during which he or she represented a country.<sup>1537</sup> The FIS Council has a very important role in these procedures as they can grant a change in license, even if the athlete does not meet the aforementioned criteria.<sup>1538</sup> This is however only possible

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Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013.

1537

Ibid.

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Art. 203.5.3 International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July 2015 and November 2015 Edition; Art. 203.5.3. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5.3 International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203.5.3 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203.5.3 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5.3 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013; Art. 203.5.3 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), Web Version July 2015; Oberhofen, July 2015; Art. 203.5.3 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), July 2014; Art. 203.5.3 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.5.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August 2015; Art. 203.5.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.5.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.5.3 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.5.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 web edition September 2015 Oberhofen, September 2015 and December 2015 Edition; Art. 203.5.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) October 2014; Art. 203.5.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.5.3 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition August 2013; Art. 203.5.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October 2015; Art. 203.5.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup>

if the athlete can prove that there are exceptional circumstances.<sup>1539</sup> It is furthermore conceivable that, even if the athlete does fulfil all the relevant criteria, the FIS Council may still refuse to allow the change:

“where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to “import” a competitor)”.<sup>1540</sup>

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International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July 2015; Art.203.5.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.5.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August 2014; Art. 203.5.3 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013.

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Ibid.

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Art. 203.5.2 International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. Changes and precisions 2015 Edition July 2015 and November 2015 Edition; Art. 203.5.2. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5.2 International Ski Competition Rules (ICR) book II Cross-Country approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) incl. marked up changes and precisions 2013 web edition October 2013; Art. 203.5.2 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Edition July 2015; Art. 203.5.2 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) July 2014; Art. 203.5.2 International Ski Competition Rules (ICR) book III Ski Jumping approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October 2013; Art. 203.5.2 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), Web Version July 2015; Oberhofen, July 2015; Art. 203.5.2 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing, Downhill Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa), July 2014; Art. 203.5.2 International Ski Competition Rules (ICR) book IV Joint regulations for Alpine Skiing Downhill, Slalom, Giant Slalom, Super-G, Combined Events, Team Events, Parallel Events, Ko Events approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.5.2 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 Oberhofen, Edition August 2015; Art. 203.5.2 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing, Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November 2014; Art. 203.5.2 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November 2013; Art. 203.5.2 International Freestyle Skiing Competition Rules (ICR) book V Joint regulations for Freestyle Skiing Aerials Moguls, Dual Moguls, Ski Cross, Ski Halfpipe, Ski Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition July 2013; Art. 203.5.2 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 web edition September 2015 Oberhofen, September 2015 and December 2015 Edition; Art. 203.5.2 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding, Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) October 2014; Art. 203.5.2 International Snowboard Competition

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

There are thus safeguards in place both to prevent countries from simply acquiring talented athletes as well as still allowing for more leniency in special cases.

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Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition November, 2013; Art. 203.5.2 International Snowboard Competition Rules (ICR) book VI Joint regulations for Snowboarding Slalom / Giant Slalom, Triple-S, Parallel Events, Snowboard Cross, Snowboard Halfpipe, Snowboard Big Air, Snowboard Slopestyle approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition August 2013; Art.203.5.2 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 October, 2015; Art.203.5.2 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) incl. changes and precisions 2015 July, 2015; Art.203.5.2 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) November, 2014; Art. 203.5.2 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 49<sup>th</sup> International Ski congress 2014, Barcelona (Spa) August, 2014; Art. 203.5.2 International Ski Competition Rules (ICR) book VII Nordic Combined approved by the 48<sup>th</sup> International Ski congress 2012, Kangwonland (Kor) web edition October, 2013.

## 15. Comparison

In the following, the statutes of all Olympic sports will be compared with one another with regard to the nationality requirements and the prerequisites under which the athletes may change their country of representation. For this, the terminology used by the different federations must first be addressed (Chapter 15.1), before turning to the respective statutes, which will be compared with regard to ten important aspects:

1. Is changing the country of representation possible? (Chapter 15.2)
2. Which forms of acquisition of nationality are accepted and which additional requirements need to be fulfilled? (Chapter 15.3)
3. What is the position of athletes with dual or multiple nationality after having competed for one of the countries? (Chapter 15.4)
4. Which residence requirements exist and when are they applicable? (Chapter 15.5)
5. Which waiting or non-competition periods are applicable and under which circumstances? (Chapter 15.6)
6. For which country may stateless athletes compete and under which circumstances? (Chapter 15.7)
7. How do territorial transfers affect the athletes' choices regarding country of representation? (Chapter 15.8)
8. Is competing for the country of residence possible under certain circumstances? (Chapter 15.9)
9. What is the situation for minors regarding changes of the country of representation? (Chapter 15.10)
10. Is the number of changes of the country of representation limited in any way? (Chapter 15.11)

Looking at the changes that occurred within the set timeframe from October 2013 until February 2016, there were 16 sports that did not have any substantial rule changes.<sup>1541</sup> This means that half of the relevant sports did not alter their eligibility criteria. It is even more striking that there are eight sports that have not changed their eligibility rules since 2005 or earlier, namely: badminton, bobsleigh, fencing, gymnastics, judo, shooting, table tennis, and triathlon. Hence, almost a quarter of the Olympic sports has been applying the same rules regarding nationality for the past decade.

For the *tertium comparationis* as envisioned in Chapter 2.1, this meant that the plan of establishing a mean or standard set of criteria encountered several problems: firstly, not all sporting federations were willing or able to provide the previous rules for the purpose of this research. Secondly, not all topics which are of interest for the purpose of this dissertation were elaborated upon in equal detail among the federations. There are thus several aspects which were only dealt with in less than a

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<sup>1541</sup> Namely: archery, badminton, basketball, biathlon, bobsleigh, canoe kayak, fencing, gymnastics, handball, judo, shooting, skiing, table tennis, triathlon, and weightlifting.

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third of the sporting federations. For those topics, one can thus not draw conclusions that are applicable to eligibility criteria in Olympic sports in their entirety. Thirdly, not all sports underwent a substantial change in their eligibility criteria within the examined time frame.

Consequently, there is a certain bias in the results, as developments could only be monitored in an extremely limited number of cases. While significant conclusions may be drawn for individual sports or individual topics, the big differences between the approaches in the different sports makes determining overall trends difficult.

Table L: The mean/ standard eligibility criteria of October 2013<sup>1542</sup>

Requirements	Standard rule 2013	Comment
<b>Change of nationality</b>	Possible	2 out of 35 federations did not allow this. <sup>1543</sup>
<b>Waiting period necessary for change of nationality</b>	2 to 3 years	4 years provided by 1 out of 35. <sup>1544</sup> 3 years provided by 12 out of 35. <sup>1545</sup> 2 years provided by 6 out of 35. <sup>1546</sup> 1 year provided by 7 out of 35. <sup>1547</sup> No rule set by 10 out of 35. <sup>1548</sup>
<b>Residence requirements</b>	2 year	5 years provided by 2 out of 35. <sup>1549</sup> 4 years provided by 0 out of 35. 3 years provided by 5 out of 35. <sup>1550</sup> 2 years provided by 6 out of 35. <sup>1551</sup> 1 year provided by 4 out of 35. <sup>1552</sup> No rule set by 17 out of 35. <sup>1553</sup>
<b>Minors and nationality change</b>	Not specified	Only 7 out of 35 federations addressed this issue. <sup>1554</sup>
<b>Stateless athletes</b>	Not specified	Only 7 out of 35 federations addressed this issue. <sup>1555</sup>
<b>Position of athletes with multiple nationality after having competed for another</b>	3-year waiting period applicable that can however be waived	Only 8 out of 35 federations did not have any rules. <sup>1556</sup>

<sup>1542</sup> Notably in October 2013 golf had not adopted any nationality based eligibility criteria. Moreover, some federations have different requirements depending on the circumstances, and therefore they feature twice in the table.

<sup>1543</sup> Rugby and football.

<sup>1544</sup> Weightlifting (under special circumstances).

<sup>1545</sup> Athletics, badminton, fencing, handball, hockey, judo, modern pentathlon, sailing, shooting, taekwondo, tennis, triathlon.

<sup>1546</sup> Biathlon, curling, equestrian, rowing, skating (under special circumstances), volleyball.

<sup>1547</sup> Aquatics, archery, gymnastics, skating, skiing, (under special circumstances), weightlifting (under special circumstances), wrestling.

<sup>1548</sup> Basketball, bobsleigh, boxing, canoe kayak, football, golf, luge, rugby, table tennis.

<sup>1549</sup> Cycling (for competing for country of residence), football (under special circumstances).

<sup>1550</sup> Athletics, fencing, rugby, sailing (for competing for country of residence), triathlon.

<sup>1551</sup> Canoe Kayak (for competing for country of residence), curling (for competing for country of residence), football (under special circumstances), handball, skiing, volleyball.

<sup>1552</sup> Aquatics, archery, ice hockey, skating.

<sup>1553</sup> Badminton, basketball, biathlon, bobsleigh, boxing, golf, gymnastics, judo, luge, modern pentathlon, rowing, shooting, table tennis, taekwondo, tennis, weightlifting, wrestling.

<sup>1554</sup> Basketball, cycling, equestrian, football, hockey, rugby and taekwondo.

<sup>1555</sup> Archery, basketball, biathlon, cycling, equestrian, fencing and football.

<sup>1556</sup> Badminton, bobsleigh, canoe kayak, curling, golf, luge, skating and volleyball.

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<b>country of which the athlete is a national</b>		
<b>Effect of changes in territory of country</b>	Not specified	Only 8 out of 35 federations stipulated that athletes may choose once which entity to represent, no waiting period was needed. <sup>1557</sup>
<b>Competing for the country of residence</b>	Not specified	Only 9 out of 35 federations dealt with the topic. <sup>1558</sup>
<b>Number of changes possible</b>	No maximum given	6 out of 35 federations gave a maximum of one change in a career. <sup>1559</sup>

Making use of those few federations that address the issues, the standard shown above can be determined: changes of the country of representation were generally allowed after a two-year non-competition period. No maximum number of changes was provided for and athletes with multiple nationality faced a 2- to 3-year non-competition period, if they had already competed internationally and then wished to change.

However, as can be seen from the comment column, this standard is not very elaborate, as many issues are left unspecified by the majority of the 35 sports.

### 15.1. Terminology

Before delving into a comparison of the different sports it must be underlined that the terms and definitions used by the federations vary greatly and that thus a comparison is made difficult. This also gives rise to the main question of what is meant with ‘national’, ‘citizen’ and ‘residence’ in the individual federations’ rules and regulations. As can be seen from the tables below, several sports use the terms interchangeably or do not provide any definition.

#### 15.1.1. Nationality/Citizenship

The 35 Olympic sports have their eligibility criteria set out in 42 different rule books or codes and, of these, only three that refer neither to ‘*citizenship*’ nor to ‘*nationality*’. It will be seen that nationality and citizenship are used interchangeably 14 times, which represents slightly more than one third of the cases. In more than half of the cases, namely 18 times, the federation chose to refer to only ‘*nationality*’ or ‘*citizenship*’. ‘*Nationality*’ is used ten times exclusively, while citizenship is used eight times. Most striking are those cases in which citizenship is used as a condition for nationality, as in the cases of golf and taekwondo. These two federations seem to consider citizenship as merely a condition that needs to be fulfilled to acquire nationality, yet do not provide a differentiating definition of these terms. As seen

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<sup>1557</sup> Equestrian, hockey, modern pentathlon, sailing, shooting, table tennis, tennis and triathlon.

<sup>1558</sup> Archery, curling, cycling, equestrian, gymnastics, rowing, sailing, skiing and triathlon.

<sup>1559</sup> Basketball, fencing, handball, volleyball and wrestling.

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previously, it is usually the case that all citizens are also nationals, but not all nationals are citizens.<sup>1560</sup>

Colour-coding was used as follows:

Sport		Citizenship or nationality is used exclusively
Sport		Citizenship and nationality used interchangeably
Sport		Reference is made to neither citizenship nor nationality
Sport		One is considered a requirement for the other

Table LI: Usage of ‘citizenship’ and ‘nationality’ in Olympic Sports

<b>Sport &amp; Discipline</b>	<b>Usage of “citizenship/citizen” or “nationality/national”</b>	<b>Definitions provided and other remarks</b>	<b>Conclusion</b>
<b>Aquatics</b>	Mixed: <ul style="list-style-type: none"> <li>- Athlete needs to be a “citizen”</li> <li>- Uses “nationality” in memorandum</li> <li>- Refers to “double citizenship”</li> </ul>		Citizenship and nationality used interchangeably
<b>Archery</b>	Nationality	Holding the passport of the country	Nationality used exclusively
<b>Athletics</b>	“citizen” and “citizenship”	<p><b>Citizen</b> A person who has legal Citizenship of a Country or, in the case of a Territory, legal Citizenship of the Territory’s parent Country and appropriate legal status in the Territory under applicable laws.</p> <p><b>Citizenship</b> Legal citizenship of a Country or, in the case of a Territory, legal citizenship of the Territory’s parent Country and appropriate legal status in the Territory under applicable laws.</p>	Citizenship used exclusively
<b>Badminton</b>	Neither	“holding a valid passport” is the criterion	No reference made to either
<b>Basketball</b>	Nationality		Nationality used exclusively
<b>Biathlon</b>	Mixed: <ul style="list-style-type: none"> <li>- Uses “nationality” in the heading</li> <li>- Athletes need to be “citizens” of the country</li> <li>- Refers to “changing citizenship”</li> </ul>		Citizenship and nationality used interchangeably

<sup>1560</sup> See Chapter 3.1.

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<b>Bobsleigh</b>	Citizenship		Citizenship used exclusively
<b>Bobsleigh Skeleton</b>	Citizenship		Citizenship used exclusively
<b>Boxing</b>	Mixed: - Uses “nationality identity document” - Uses “citizenship identity papers”	Passport needed as proof of identity only	Predominant use of “nationality”, but also reference to citizenship
<b>Canoe Kayak</b>	Nationality	Only in reference to Olympic Charter	Nationality used exclusively
<b>Curling</b>	National		Nationality used exclusively
<b>Cycling</b>	Nationality		Nationality used exclusively
<b>Equestrian</b>	Mixed: - Use of nationality for adult athletes - Use of citizenship for minor athletes		Citizenship and nationality used interchangeably
<b>Fencing</b>	Nationality		Nationality used exclusively
<b>Football</b>	Nationality		Nationality used exclusively
<b>Golf</b>	Mixed: - Being a national is conditional upon being a citizen of the country	A competitor will be considered a <i>National</i> of a country if the competitor is a citizen of the country, as defined by the laws of such country.	Citizenship is a requirement for nationality
<b>Gymnastics</b>	Mixed: - Nationality and citizenship always mentioned together	Citizenship enumerated alongside nationality	Citizenship and nationality used interchangeably
<b>Handball</b>	Mixed: - Athletes need to be citizens to be allowed in national team - Reference to dual nationality and holding multiple nationality made		Citizenship and nationality used interchangeably
<b>Hockey</b>	Nationality	Nationality is determined by the holding of a valid passport of the country the player is selected to represent.	Nationality used exclusively
<b>Ice Hockey</b>	Citizenship		Citizenship used exclusively
<b>Judo</b>	Mixed: - Nationality is set as requirement - Federations need to		Citizenship and nationality used interchangeably

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	check the athlete's citizenship		
<b>Luge - Artificial Track</b>	Neither	A license is issued	No reference made to either
<b>Luge - Natural Track</b>	Neither	A license is issued	No reference made to either
<b>Modern Pentathlon</b>	Nationality and citizenship		Citizenship and nationality used interchangeably
<b>Rowing</b>	Nationality		Nationality used exclusively
<b>Rugby</b>	Mixed: - Reference to national in the rules - Reference to citizenship in the explanatory guide		Citizenship and nationality used interchangeably
<b>Sailing</b>	Mixed - Headings and most rules refer to nationality - Citizenship enumerated alongside nationality in some cases	Citizenship enumerated alongside nationality	Citizenship and nationality used interchangeably
<b>Shooting</b>	Mixed - most rules refer to nationality - Citizenship enumerated alongside nationality in some cases	Citizenship enumerated alongside nationality	Citizenship and nationality used interchangeably
<b>Skating</b>	Citizenship	A license is issued based on the athlete's citizenship	Citizenship used exclusively
<b>Skiing</b>	Citizenship	A license is issued based on the athlete's citizenship	Citizenship used exclusively
<b>Table Tennis</b>	Mixed: - Rules based on nationality - Citizenship enumerated alongside nationality in some cases	Citizenship enumerated alongside nationality	Citizenship and nationality used interchangeably
<b>Taekwondo</b>	Mixed: Being a national is conditional upon being a citizen of the country	When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done	Citizenship is a requirement for nationality

## COMPARISON

		by inspection of the passport.	
<b>Tennis</b>	Mixed: - Rules based on nationality - Citizenship enumerated alongside nationality in some cases	Citizenship enumerated alongside nationality	Citizenship and nationality used interchangeably
<b>Triathlon</b>	Citizenship		Citizenship used exclusively
<b>Volleyball</b>	Citizenship		Citizenship used exclusively
<b>Weightlifting</b>	Mixed: - Uses “nationality” in the heading - Athletes need to be “citizens” of the country	- Introduced “sports nationality” in 2015	Citizenship and nationality used interchangeably
<b>Wrestling</b>	Nationality		Nationality used exclusively

### 15.1.2. Domicile/Residence

In addition to nationality and citizenship, federations also deal differently with residence and domicile. 11 sports refer to neither domicile nor residence, which is less than a third of the Olympic sports. This also means that in those sports no residence requirements are in place and that a *genuine link* between a person and a state thus cannot rely thereon. Interestingly, no federation solely refers to domicile, but 17 federations, which represent approximately half of the Olympic sports, do refer to ‘residence’ in one way or another. While this seems to be a significant number at first glance, the reality is more complex, as hardly any federation provides a definition of what is meant with residence in their eligibility codes. There are five definitions given and these vary largely in their detail, ranging from ‘living in a territory’ to ‘being registered with the relevant authorities’. Therefore, even if the same word is used, the connotations and the way residence may be checked depends on the federation.

In conclusion, the variations of the terms and the different definitions do not only make comparing the different sports difficult, but they also greatly hinder any analysis. Moreover, if definitions are set by a federation, different officials and committees may interpret the terms differently even within the same national federation. Hence, the same federation could have more than one approach to the same term and thus to eligibility criteria.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Colour-coding was used as follows:

Sport		Residence or domicile is used exclusively
Sport		residence and domicile are both mentioned
Sport		Reference is made to neither residence nor domicile

Table LII: Usage of 'residence' and 'domicile' in Olympic Sports

<b>Sport &amp; Discipline</b>	<b>Usage of 'residence/ domicile'</b>	<b>Definitions provided and other remarks</b>
<b>Aquatics</b>	Residence	Residence means the place/country where the competitor or competition official "lives and sleeps" and where he/she can be found in the majority of days of the year.
<b>Archery</b>	Neither	N.A.
<b>Athletics</b>	Residence	Residence is the place or location in which the athlete is registered with relevant authorities as having his primary and permanent home.
<b>Badminton</b>	Neither	N.A.
<b>Basketball</b>	Neither	N.A.
<b>Biathlon</b>	Neither	N.A.
<b>Bobsleigh</b>	official residence	N.A.
<b>Boxing</b>	Residence	N.A.
<b>Canoe Kayak -</b>	Domicile	Refers to "living" in a place
<b>Curling</b>	Residence	N.A.
<b>Cycling</b>	Residence	N.A.
<b>Equestrian</b>	Legal residence	N.A.
<b>Fencing</b>	neither	N.A.
<b>Football</b>	Residence	Refers also to having "lived in the territory"
<b>Golf</b>	Domicile and residence	N.A.
<b>Gymnastics</b>	neither	N.A.
<b>Handball</b>	'Residence permit'	Refers to living in a territory
<b>Hockey</b>	Domicile and Residence	Since 2012 no explanation of residence given
<b>Ice Hockey</b>	Neither	N.A.
<b>Judo</b>	Residence	N.A.
<b>Luge</b>	Neither	N.A.
<b>Modern Pentathlon</b>	Residence and domicile	N.A.
<b>Rowing</b>	Neither	N.A.
<b>Rugby</b>	Residence	N.A.
<b>Sailing</b>	Domicile and residence	N.A.
<b>Shooting</b>	Domicile and residence	N.A.
<b>Skating</b>	Residence	N.A.

## COMPARISON

<b>Skiing</b>	Principal legal and effective place of residence	N.A.
<b>Table Tennis</b>	Main residence	N.A.
<b>Taekwondo</b>	Domicile and residence	N.A.
<b>Tennis</b>	Neither	N.A.
<b>Triathlon</b>	Residence	N.A.
<b>Volleyball</b>	Continuous residence.	N.A.
<b>Weightlifting</b>	Neither	N.A.
<b>Wrestling</b>	Official residence	N.A.

### 15.2. Is changing the country of representation possible?

Starting with the question whether changes in an athlete's nationality will be reflected in the athlete's country of representation and how this has developed over the past decade, it can be seen that the general trend here is towards allowing changes, even after an athlete competed internationally. In 2012, athletics introduced such a rule for athletes who wish to change their country of representation in 2012 and since 2013 their approach is even more detailed.<sup>1561</sup> Similarly, boxing has added the possibility to change the country of representation in 2015,<sup>1562</sup> as did golf in 2014.<sup>1563</sup> This liberal trend was continued when ice hockey abolished the maximum number of changes of the country of representation in 2014.<sup>1564</sup> On the other side of the spectrum, wrestling introduced a *sporting nationality* in 2015,<sup>1565</sup> although this remains changeable unlike the rugby one. Interestingly, prior to 2008, all FIFA decisions were taken on a case-by-case basis.<sup>1566</sup> This is the first discernible trend is towards a codification of rules. The second development is towards allowing changes of the country of representation, although different additional criteria were introduced by the various federations.

Looking at the current rules, it must first be underlined that one sport does not include any rules on that topic, namely luge. There are furthermore two sports that do not allow for any change at all. The first one is football, where a player has to decide for which country he or she wishes to compete prior to the first 'A' match,<sup>1567</sup> and the second one is rugby, in which the players' *rugby nationality* remains the same, regardless of their actual nationality.<sup>1568</sup> These three sports thus diverge greatly from the standard set of rules. For all other sports, the underlying principle is that athletes should have a connection with the country they represent and that this

<sup>1561</sup> Rule 5(2) International Association of Athletics Federations competition rules 2012-2013 in force as from 1<sup>st</sup> November 2011.

<sup>1562</sup> Art. 2.2.1, Art. 2.2.1.4 and Art. 2.2.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>1563</sup> Art. III. IGF nationality policy June 2014.

<sup>1564</sup> Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1565</sup> Introduction UWW international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>1566</sup> Art. 15(1) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>1567</sup> Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2016.

<sup>1568</sup> Regulation 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

connection is defined by *nationality* or *citizenship*.<sup>1569</sup> There are thus 31 out of 35 sports that allow for some flexibility and changes of nationality. They do, however, greatly differ regarding the conditions that need to be fulfilled and the circumstances that will be taken into consideration. In conclusion, it is clear that changing nationality is considered a possibility among Olympic sports, if not a desirable one.

### 15.3. Which forms of acquisition of nationality are accepted and which additional requirements need to be fulfilled?

Over the last years, the way a nationality was acquired lost its importance for sporting federations, as the recent abolition of such requirements by wrestling in 2015 shows.<sup>1570</sup> Similarly, since 2011, equestrian has replaced the terms ‘biological parents’<sup>1571</sup> with ‘acquired by virtue of descent or through other means related to family heritage’,<sup>1572</sup> thus broadening the applicability of this provision and putting an end to the potential exclusion of adopted children. Hence, the number of federations explicitly mentioning matters of the acquisition of nationality has been decreasing recently.

Moreover, when examining the rules currently in place, it can be seen that 10 out of 35 sports, namely aquatics, athletics, basketball, equestrian, fencing, football, handball, rugby, skiing, and volleyball in principle follow two approaches. While some sports refer to the acquisition of nationality by birth or naturalisation,<sup>1573</sup> the majority refers to aspects of *ius soli* and *ius sanguinis*,<sup>1574</sup> notably without using these terms. They refer to an athlete being born in the territory of a certain country or by virtue of having parents from the country.

Some federations do however combine these aspects, as athletics also refers to naturalisation and equestrian even explicitly mentions the loss and revocation of nationality.<sup>1575</sup> Fencing in turn only deals with acquisition through marriage or after

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<sup>1569</sup> Depending on the wording chosen by the federation.

<sup>1570</sup> General conditions (d) FILA international regulations for the change of nationality - effective 3<sup>rd</sup> August 2012.

<sup>1571</sup> Art. 119.2.2.3 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1572</sup> Art. 119.2.2.3 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012 and Art. 119.2.2.3 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011.

<sup>1573</sup> Aquatics: GR 2.5. FINA general rules 2013-2017 of November, 2015; Basketball: Art. 16 book 3 chapter I FIBA rule book 2014 – 2019.

<sup>1574</sup> Athletics: Rule 5(2) (a) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Equestrian: Art. 119 (2.2.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Football: Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2016; Art. 7(1) FIFA statutes: regulations governing the application of the statutes 2016; Handball: Art. 6.2 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Rugby: Regulation. 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; and skiing: e.g. Art. 203.5. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) November, 2015.

<sup>1575</sup> Athletics: Rule 5(2) (a) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November, 2015; Equestrian: Art. 119 (2.2.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

statelessness.<sup>1576</sup>

Contrarily, volleyball differentiates between naturalised and native athletes. Here, the definitions do however starkly differ from the standard ones, as a native athlete does not have the usual connotation of having acquired the relevant citizenship at birth only, but also encompasses those who acquired the citizenship later.<sup>1577</sup> The main point of differentiation between native and naturalised players for the FIVB is the time of acquisition relative to the athlete's debut for a national side. If the citizenship was acquired before this debut, the athlete will be considered as a native player.<sup>1578</sup> One can thus conclude that the way an athlete acquires a nationality is not a priority issue for most Olympic sports.

#### **15.4. What is the position of athletes with dual or multiple nationality after having competed for one of the countries?**

Seeing how the federations' stance on multiple nationality has developed since 2005, one first has to underscore that it has become significantly more important in the years since equestrian first made a reference to it in 2007.<sup>1579</sup> The general trend is in favour of treating athletes with dual nationality akin to athletes who acquired a new nationality, meaning that they also face waiting periods: four years for golf since 2014,<sup>1580</sup> three years for modern pentathlon since 2015,<sup>1581</sup> two years for rowing since 2013,<sup>1582</sup> two years for boxing since 2015.<sup>1583</sup> Treating them akin to those who acquired a new nationality is the recent trend in Olympic sports. As these rules can be rather strict, athletes who already have a genuine link with a country are placed at a disadvantage.

However, the residence requirement that ice hockey introduced in 2008 for athletes with multiple nationality has become subsequently easier to meet throughout the past four years, shifting the focus from the 12<sup>th</sup> birthday in 2012, to the 10<sup>th</sup> birthday in 2014 (see Chapter 15.5).<sup>1584</sup> Athletics in turn has undertaken a more detailed approach since 2012.<sup>1585</sup> Hence, while requirements have become more specific and detailed, they have also become easier to meet.

Currently, only seven federations do not discuss the issue of athletes with multiple nationality, namely badminton, bobsleigh, canoe kayak, curling, luge, skating, and volleyball. While the vast majority of the 35 Olympic sports thus deals with the issue of multiple nationality, some federations have particular requirements for athletes who

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<sup>1576</sup> Art. 9.2.2. a FIE statutes of December 2015 (wording unchanged since 2005).

<sup>1577</sup> Art.41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1578</sup> Art. 41.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015.

<sup>1579</sup> Art. 123 (4) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1580</sup> Art. III. IGF nationality policy June 2014.

<sup>1581</sup> Art. 3.3 UIPM Rules on Internal Organisation Tapeo November 2015.

<sup>1582</sup> Rule 19 FISA rule book February 2013.

<sup>1583</sup> Art. 2.2.1.4.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015.

<sup>1584</sup> Art. 406(1.6) and Art. 406(1.7) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1585</sup> Rule 5(4) International Association of Athletics Federations competition rules 2012-2013 in force as from 1st November 2011.

have multiple nationality and wish to change their country of representation: handball, ice hockey and football.<sup>1586</sup> The other sports<sup>1587</sup> all refer to athletes with multiple nationality and allow them to initially choose freely for which country they wish to compete.<sup>1588</sup> Contrarily, rugby refers to multiple nationality, but it does not have additional requirements.<sup>1589</sup> Generally, once an athlete with multiple nationality has competed for one country and then wishes to compete for another country, of which he or she is a national, the same procedure applies, as the nationality was newly acquired. Consequently, residence requirements or waiting periods will be in place.

### 15.5. Which residence requirements exist and when are they applicable?

Paying closer attention to the actual residence requirements, one finds that these can be either in place for athletes who have multiple nationality and wish to select one country; for athletes who changed their nationality; or for those wishing to compete for the country of residence without having the nationality of this country – when possible.

Examining how these have developed over the past decade, it is clear that only five federations changed their residence requirements. Ice hockey first introduced a

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<sup>1586</sup> Art. 6.2 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Art. 406(1.7) IHF statutes and bylaws 2014 – 2018 of May 2014; Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2015; Art. 6(2) FIFA statutes: regulations governing the application of the statutes 2015.

<sup>1587</sup> Namely: aquatics, archery, athletics, basketball, biathlon, boxing, cycling, equestrian, fencing, golf, gymnastics, hockey, judo, modern pentathlon, rowing, sailing, shooting, skiing, table tennis, taekwondo, tennis, triathlon, weightlifting, and wrestling.

<sup>1588</sup> GR 2.5 FINA general rules 2013 – 2017 of November, 2015; Art. 2.4.4 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April, 2015; Rule 5(4)(e)(ii) International Association of Athletics Federations competition rules 2016-2017 in force as from 1<sup>st</sup> November 2015; Art. 16 book 3 chapter I FIBA rule book 2014 – 2019; Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress; Art. 2.6 IBU rules adopted by the 2012 10<sup>th</sup> regular IBU congress; Art. 2.2.1.4.2 AIBA technical rules effective as of February 1<sup>st</sup> 2015; Art. 1.1.033 §2 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 119(2) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January, 2016; Art. 9.2.2. a FIE statutes of December 2015 (wording unchanged since 2005); Art. III. IGF nationality policy June 2014; Art. 36.2.2 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup>, 2015; Art. 13.3.1(b) Sports and organization rules of the International Judo Federation 2015; Art. 3.3 UIPM Rules on Internal Organisation Tapeo November 2015; Rule 19 FISA rule book February 2013; Art. 19.13 ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Art. 3.6.3.2 ISSF official statutes rules and regulations edition 2013 (third version 2015); skiing: e.g. Art. 203.5.1 the International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) November 2015; Art. 3.8.3.2 ITTF handbook 2016; Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015; Bye-Law to Rule 41 Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation (unchanged since 2005); Art. 28 ITU constitution approved by the ITU congress, September 2013; By-law to Rule 13 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku – modified by IWF congress – Almaty 2014 in effect with 1.1.2015; Art. 6 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015.

<sup>1589</sup> Questions 4 and 5 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

## COMPARISON

residence requirement in 2008,<sup>1590</sup> one year after equestrian did the same.<sup>1591</sup> However, while equestrian has allowed exceptions to the rule since 2010,<sup>1592</sup> ice hockey has taken a different approach, focussing on the time an athlete was legally resident in a country after a given birthday. While this was the 12<sup>th</sup> birthday in 2012, the 2014 rule change saw this reduced to the 10<sup>th</sup> birthday,<sup>1593</sup> rendering the requirement easier to meet. The development in hockey is more striking, since, prior to 2012, athletes with multiple nationality were required to be *bona fide* residents,<sup>1594</sup> meaning that the athlete had been a resident in the country for a period of 210 days in each of the three years leading up to the initial selection.<sup>1595</sup> This rule was abolished in 2012 and since 2015 residence only matters for master athletes who wish to compete for their country of residence.<sup>1596</sup>

While for these sports the importance of residence seems to have lessened, or at least the requirements have become easier to meet, athletics relies more on such requirements since 2013. Following this rule change, a three-year continuous residence period may now help to reduce the three-year non-competition period.<sup>1597</sup> Although these are only four sports and one cannot extrapolate trends from this and apply them to all the Olympic sports, there seems to be a development towards more exceptions and criteria which are easier to meet. This can also be seen from the fact that now residence may be used to avoid the non-competition period.

Currently, only 14 of the 35 sports impose residence requirements.<sup>1598</sup> The duration varies greatly from only one year for aquatics, archery and skating,<sup>1599</sup> to two years for volleyball, curling, handball, and football under some circumstances,<sup>1600</sup> and even five years that cycling prescribes for stateless athletes wishing to compete for the country of residence.<sup>1601</sup> Equestrian is among the most

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<sup>1590</sup> Art. 205(1.6)(a) and Art. 205(1.7)(b) IIHF statutes and bylaws 2008 – 2012 with 2011 Amendments.

<sup>1591</sup> Art. 123(5) FEI general regulations, 22<sup>nd</sup> edition, 1<sup>st</sup> June 2007 and 22<sup>nd</sup> edition with 2008 amendments.

<sup>1592</sup> Art. 119(2.2.3) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1593</sup> Art. 406(1.6) and Art. 406(1.7) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1594</sup> Art. 5.2.4.1 International Hockey Federation statutes updated 13<sup>th</sup> November 2010.

<sup>1595</sup> Art. 5.2.4.3 International Hockey Federation statutes and bye-laws updated 13<sup>th</sup> November 2010.

<sup>1596</sup> Art. 1.1 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country/ National Association 3<sup>rd</sup> July 2015.

<sup>1597</sup> Rule 5(4)(d)(ii) International Association of Athletics Federations competition rules 2014 – 2015 in force as from 1<sup>st</sup> November 2013.

<sup>1598</sup> Namely aquatics, archery, athletics, basketball, curling, cycling, equestrian, football, handball, rugby, skating, triathlon, volleyball, wrestling.

<sup>1599</sup> GR 2.5. FINA general rules 2013 – 2017 of November 2015; In case of competing for country of residence: Art. 2.4.2 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Rule 109(2)(b)(i), Rule 109(2)(b) (ii), Rule 109(2)(b)(iii) and Rule 109(2)(b)(iv) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June 2014.

<sup>1600</sup> Art. 44.2.2 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 1 eligibility the rules of Curling and rules of competition of October 2015; Art. 6.2 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014; Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2015.

<sup>1601</sup> Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016).

detailed sports, requiring two uninterrupted years of legal residence or five non-consecutive years of legal residence.<sup>1602</sup> Looking at some of the federations in more detail, one sees that the IHF stipulates that a player is able to choose a country if:

- “a) he was born in the territory of the federation concerned or
- b) his biological mother or biological father were born in the territory of the federation concerned or
- c) he has been living in the territory of the federation concerned for more than 24 months in any period of his life.”<sup>1603</sup>

Hence, the 24 months of residence are not the only possibility to establish a sufficient link with the country the athlete wants to represent. Also, the IHF does not stipulate that the 24 months should be continuous and the addition of ‘in any period of his life’ makes this rule appear even more lenient.

#### 15.5.1. Residence requirements after acquisition of a new nationality

Turning to cases in which residence is a requirement added after to make a nationality change also effective for the country of representation, it can be seen that the FIFA specifies residence as one of the additional requirements that an athlete with a new nationality needs to fulfil in order to become eligible for the new association. However, a distinction is made between a player who already had the nationality when starting his football career and players who only acquired another nationality at a later point in time. In case of the former, the athlete needs to fulfil a requirement of two consecutive years of residence,<sup>1604</sup> whereas for the latter the FIFA prescribes five years of residence after reaching the age of majority. Nevertheless, these residence requirements are not mandatory in case the link with the new country can be established in a different way. The ITU in contrast just refers to residence, with the prescribed period being three years, yet a reduction to one year is possible.<sup>1605</sup> Contrarily, the FEI in principle has an additional residence requirement applicable to all athletes, unless they are exempted through special circumstances.<sup>1606</sup> However, the residence requirements can be fulfilled by either two uninterrupted years of legal residence or five years of non-consecutive legal residence. When comparing this to the FIFA’s rules, one first notices the stress placed on the *legal* residence by the FEI, while the FIFA just requires ‘residence’. Nevertheless, it is unlikely that any time of illegal residence in a country would be recognised by the FIFA to fulfil the residence

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<sup>1602</sup> Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1603</sup> Art. 6.3 Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014.

<sup>1604</sup> Which can also be waived, Art. 6(1) FIFA statutes: regulations governing the application of the statutes 2015; Art. 6(2) FIFA statutes: regulations governing the application of the statutes 2015.

<sup>1605</sup> Art. 28.1 ITU constitution September 2015.

<sup>1606</sup> Art. 119(2.2.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

requirement.<sup>1607</sup> Furthermore the FEI is the only association that also accepts non-consecutive periods of legal residence as fulfilling the requirements. This provision grants athletes considerably more freedom and flexibility, since prolonged periods of absence are also allowed within a five-year span. On top of that, the residence requirements can be substantially reduced in case the naturalised athlete is married to a national of the new country for which he or she wants to compete.<sup>1608</sup>

#### 15.5.2. Residence requirements for minors

Residence is furthermore important with regard to minor athletes. The FEI allows minor athletes to compete for the country of residence and allows this athlete to continue competing for his or her country of residence after reaching the age of majority even if he or she is not a national of that country, provided that he or she has a valid residence permit and has lived there for five consecutive years.<sup>1609</sup> However, the subsequent requirements are more difficult to meet, especially the requirement stating that the country of residence must qualify as a country where obtaining nationality is overly burdensome. Yet, no definition of what constitutes overly burdensome is given by the FEI in its eligibility code.

### 15.6. Which waiting or non-competition periods are applicable and under which circumstances?

In addition to a required residence period, several federations also require the athlete who has acquired a new nationality and wishes to compete for the new country – or respectively an athlete with multiple nationality willing to compete for another country – to cease competing internationally for a certain period of time in order to curb mercenary tendencies.

Over the past years, several non-competition periods have been introduced, such as two years for boxing in 2015 or rowing since 2013.<sup>1610</sup> Golf went further in 2014 requiring a four-year non-competition period.<sup>1611</sup> Additionally, since 2011, equestrian especially aligned its rules with the IOC's required non-competition period for the Olympics.<sup>1612</sup> While these four examples show a trend towards more and stricter non-competition periods, on the other side of the spectrum, wrestling only imposes a two-year period since 2012 if the federations do not agree to the

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<sup>1607</sup> And since naturalisation also typically does require at least legal residence at the time of application such a scenario is highly unlikely.

<sup>1608</sup> Art. 119(2.2.4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1609</sup> Art. 119(6.3) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1610</sup> Art. 2.2.1.4.1 AIBA technical rules effective as of February 1<sup>st</sup> 2015; Rule 19 FISA rule book February 2013.

<sup>1611</sup> Art. III. IGF nationality policy June 2014.

<sup>1612</sup> Art. 119.2.2.8 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2012 and Art. 119.2.2.8 FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2011.

change<sup>1613</sup> and, since 2013, athletics offers the possibility to reduce the three-year non-competition period by proving three continuous years of residence in the relevant country.<sup>1614</sup> Yet, the overall trend goes towards limiting changes of the country of representation by means of non-competition periods.

Currently, there are 22 federations that do require such a period and the durations largely differ. Skating in particular is interesting as it features varying lengths of non-competition periods, depending on the circumstances.<sup>1615</sup> Some federations, only impose a one-year waiting period, such as aquatics, archery and skiing.<sup>1616</sup> It is important to note, however, that the FIS may waive the waiting period in case the relevant federations agree. Six other federations require a two-year non-competition period<sup>1617</sup> and nine require a three-year non-competition period.<sup>1618</sup> One example of this is judo:

“A competitor who has represented one country in the Olympic Games, World Championships, in continental, regional games and/or Championships or International Tournaments organized by IJF or under its auspices, and who has changed his nationality or acquired a new nationality may participate to represent his new country provided that at least three years have passed since the competitor last represented his former country. If the two National Federations concerned agree they may request the International Judo Federation to shorten the period of three years, even to cancel the duration.”<sup>1619</sup>

This article also underlines one of the major problems of this type of requirement: it can be rather easily circumvented and as no official mechanisms are in place to check the reasons for these reductions and to ensure that similar cases are treated equal.

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<sup>1613</sup> Art. 7 UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December 2015; General conditions d) FILA international regulations for the change of nationality 2011; Appendix I compulsory procedure to follow for the change of nationality to the FILA international regulations for the change of nationality 2011.

<sup>1614</sup> Rule 5(4)(d)(ii) International Association of Athletics Federations competition rules 2014 – 2015 in force as from 1<sup>st</sup> November 2013.

<sup>1615</sup> Rule 109(2)(b)(ii) and Rule 109(2)(b)(iii) International Skating Union general regulations 2014 as accepted by the 55<sup>th</sup> Ordinary Congress June 2014.

<sup>1616</sup> GR 2.6.2(4) FINA general rules 2013 – 2017 of November, 2015; Art. 2.4.1 and Art. 2.4.3 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; skiing: e.g. Art. 203.5.1 International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) November, 2015.

<sup>1617</sup> Biathlon: Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress; Boxing: Art. 2.2.1.4.2 AIBA technical rules effective as of February 1<sup>st</sup>, 2015; 11<sup>th</sup> regular IBU congress; Curling, Art. 2 eligibility the rules of Curling and rules of competition of October 2015; Equestrian, Art. 119(2.2.2) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Rowing, Rule 19 FISA rule book February 2013; Wrestling (unless federations agree): Art. 7 FILA international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

<sup>1618</sup> Badminton, fencing, handball, hockey, judo, sailing, shooting, taekwondo, and tennis.

<sup>1619</sup> Art. 13.3.1 Sports and organization rules of the International Judo Federation 2015.

Ice hockey and golf require four years of non-competition and in the case of golf this can even be extended.<sup>1620</sup> Weightlifting at first requires only a one-year period of non-competition, but after the first change this period is four years.<sup>1621</sup> This approach is certainly the most nuanced, as it will allow an athlete to change his or her nationality once with only a minor forced break period. In order to contravene mercenary tendencies, which a second or third change is more likely to be, the rules are stricter. Overall, the non-competition period is the best tool federations have to ensure that athletes are at least dissuaded from changing nationalities quickly.

### **15.7. For which country may stateless athletes compete and under which circumstances?**

In total, only seven federations deal with stateless athletes, refugees or asylum seekers which is only one fifth of 35 Olympic Sports. FIBA and FIFA deal with athletes who are stateless on a case by case basis.<sup>1622</sup> The FIE allows stateless athletes to compete for their country of residence, provided that they are registered with the relevant national federation.<sup>1623</sup> The same goes for equestrian, where athletes who lost their nationality became refugees or whose national federation ceased to exist could compete in international tournaments nevertheless and will be deemed to compete for the country they live in.<sup>1624</sup> The IBU takes a different approach as it will assign a stateless biathlete to one country.<sup>1625</sup> The handball statutes do not refer to stateless athletes, but to refugees and asylum seekers. They can compete for their host country if they have a valid residence permit.<sup>1626</sup> While these are relatively quick solutions, the UCI stipulates that:

“A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.”<sup>1627</sup>

This is an extremely long time and might thus not be very helpful to athletes who are suddenly faced with statelessness. Other federations, such as the ISSF do not explicitly mention stateless athletes either; however, it provides for a case-by-case solution in case of unforeseen circumstances.<sup>1628</sup> Equally, the WA does not mention stateless archers explicitly, but since competing for the country of residence is possible, it goes

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<sup>1620</sup> Art. 406(1.3) IIHF statutes and bylaws 2014 – 2018 of May, 2014; Art. III. IGF nationality policy June 2014.

<sup>1621</sup> By-law to Rule 13.3 IWF constitution and by-laws 2013 – 2016 approved by the IWF congress – Baku – modified by IWF congress – Almaty 2014 in effect with 1.1.2015.

<sup>1622</sup> Art. 34 book 3 chapter I FIBA rule book 2014 – 2019; Art. 8(2) FIFA statutes: regulations governing the application of the statutes 2015.

<sup>1623</sup> Art. 9.2.3 FIE statutes of December 2015 (wording unchanged since 2005).

<sup>1624</sup> Art. 119(5) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1625</sup> Art. 9 IBU rules adopted by the 2014 11<sup>th</sup> regular IBU congress.

<sup>1626</sup> Art. 5.3.a) Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014.

<sup>1627</sup> Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016).

<sup>1628</sup> Art. 3.6.3.5 ISSF Official statutes rules and regulations edition 2013 (fourth print 03/2016).

in the same direction as the FEI's rules.<sup>1629</sup> The same can be said for the ISAF, which allows for a waiver in the nationality requirements for 'good reasons'.<sup>1630</sup>

Thus, in conclusion, the position of stateless athletes is not given much importance by the federations. This can either be because they do not see it as an important problem or because they wish to decide it in such cases themselves on a case-by-cases basis. Moreover, no changes have occurred with regard to the rules of stateless athletes since 2013. This is bound to change for the upcoming Olympics, the IOC will for the first time allow refugee athletes to compete.<sup>1631</sup> So far it remains unclear how the qualification for the individual disciplines will be handled, yet, through this measure, the IOC clearly reacts to circumstances athletes might find themselves in. It can expect that the federations will soon follow suit and will include similar rules in their own eligibility codes.

### 15.8. How do territorial transfers affect the athletes' choice regarding the country of representation?

Since 2013, trends regarding territorial transfers have been limited to the introduction of a rule dealing with the aftermath of state succession by golf in 2014<sup>1632</sup> and the modern pentathlon in 2015.<sup>1633</sup> However, one has to keep in mind that, prior to 2014, golf did not have any eligibility rules concerning nationality. On the one hand, most sporting federations thus still do not concern themselves with these issues. On the other hand, the fact that such a provision was included in the first ever eligibility rules written by the IGF shows that this aspect is deemed important by at least federations newly drafting their eligibility codes. Overall, there are currently nine federations that refer to territorial transfers.<sup>1634</sup> Most of them have an article that is similar to this one:

"If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, an athlete may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in ISSF Championships by his new Federation when recognized by the ISSF. This particular choice may be made only once."

<sup>1635</sup>

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<sup>1629</sup> Art. 2.4.2 Constitution and rules of the World Archery Association since 1<sup>st</sup> April 2015.

<sup>1630</sup> Art. 19.2.1 ISAF regulations 2015 Appendix 3 – eligibility code.

<sup>1631</sup> T. Bach (2015). Speech on the occasion of the adoption of the resolution "Building a peaceful and better world through sport and the Olympic ideal" by IOC President Thomas Bach, UN General Assembly, New York, 26<sup>th</sup> October 2015.

<sup>1632</sup> Art. III. IGF nationality policy June 2014.

<sup>1633</sup> Art. 3.5 UIPM Rules on Internal Organisation Tapeo November 2015.

<sup>1634</sup> Equestrian, golf, hockey, modern pentathlon sailing, shooting, table tennis, tennis, triathlon.

<sup>1635</sup> 3.6.3.4 ISSF official statutes rules and regulations edition 2013 (fourth print 03/2016).

All these federations allow the athlete to choose freely, yet he or she may only do so once.<sup>1636</sup> These articles are interesting, as they try to cover all aspects of territorial transfers. There may still be problematic situations as a choice can only be made once and frequently tensions remain after a territorial transfer, rendering the political and social situation unstable.

Interestingly, badminton has a different approach to territorial transfers:

“If a player has represented a Member Association and such Member Association is subsequently divided into two or more Member Associations or is absorbed by another Member Association, either politically or by recognition of the BWF, such player shall, for the purposes of these Regulations, be deemed from the date of such alteration not to have represented any Member Association.”<sup>1637</sup>

Here the federation not the country itself is important. This may be problematic, if part of a country becomes incorporated into another one without the main federations being affected.

### **15.9. Is competing for the country of residence possible and if so under certain circumstances?**

While most associations strictly lay down that an athlete can only compete for a country of which he or she is a national, there are ten federations that allow athletes to compete for the countries they live in.<sup>1638</sup> However, fencing only does this for stateless fencers registered with the national federation. Contrarily, the FEI allows non-stateless athletes residing outside of the country of nationality to compete for the “host” association, i.e. the one in which the athlete lives, in certain tournaments.<sup>1639</sup> However, these rules are applied conservatively and the permission of the national federation is needed. The same holds true for minor athletes, with the difference that while an adult athlete will in principle remain a member of his or her national association, the minor is able to turn the federation of his or her country of residence into his or her home association upon reaching the age of majority (subject to conditions). Rowers also have to ask the FISA to grant them an exception.<sup>1640</sup>

Other associations that allow athletes to compete for their country of residence make it conditional upon the duration of residence. For the WA it takes one year of

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<sup>1636</sup> Hockey = Art. 3.5 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country / National Association 3<sup>rd</sup> July 2015; Tennis: Bye-Law to Rule 41(3) Constitution of ITF limited 2016 trading as International Tennis Federation memorandum, articles of association and bye-laws of ITF limited trading as the International Tennis Federation); Table Tennis = Art. 4.5.1.3.5 ITTF handbook 2016; Golf = Art. III. IGF nationality policy June 2014; Equestrian: Art. 119(4) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January, 2009, updates effective 1<sup>st</sup> January 2016; Sailing Art. 19.13(c) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014; Triathlon Art. 28(2) ITU constitution approved by the ITU congress, September 2015.

<sup>1637</sup> Art. 8.4 part III – section 1A BWF general competition regulations updated June 2015.

<sup>1638</sup> Archery, curling, cycling, equestrian, fencing gymnastics, rowing, sailing, skiing, triathlon.

<sup>1639</sup> Art. 119(6.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

<sup>1640</sup> Rule 19 FISA rule book February 2013.

residence before the athlete can compete,<sup>1641</sup> while curling and skiing ask for two years.<sup>1642</sup> Both ITU and ISAF allow athletes to compete for their country of residence after having been resident for three years,<sup>1643</sup> while cycling asks for five years.<sup>1644</sup> Gymnastics in turn takes a different stance:

“Where a gymnast moves to another country, and has not represented his former country, he may immediately after receiving citizenship (official nationality) represent his new country with the consent of the Executive Committee.

In the case of a gymnast -born in a country in which his parents are “bona fide” residents but have not received citizenship (official nationality), the federation of the country in which he was born may include him in its national team subject to the consent of the Executive Committee.”<sup>1645</sup>

It is the residence of the parents and the link of being born in a country that uses *ius sanguinis* and therefore did not allow the athlete to acquire the nationality based on *ius soli* that needs to be fulfilled here.

One can thus see that, while 24 of 35 sports do not allow competition for the country of residence at all, the other associations are allowing it to varying degrees – with differences in residence requirements being the most obvious ones. The IHF’s stance, with its focus on asylum seekers and refugees is unique, but it also underlines the special situation those people are in. However, being recognised as refugee or asylum seeker does tend to be rather tedious and so the acquisition of a residence permit might actually be more difficult to achieve than any of the other requirements.

Interestingly, only one change occurred since 2013 regarding this topic and, since 2015, tennis requires five years of residence for those wishing to compete for their country of residence in the Fed and Davis Cups, which are essential for players to qualify for the Olympics.<sup>1646</sup> However, akin to stateless athletes, this issue has not been at the forefront of the debate regarding eligibility criteria. This is bound to change with the current mass migration movements and the new stance taken by the IOC on refugee athletes.

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<sup>1641</sup> Art. 2.4 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015.

<sup>1642</sup> Art. 1 eligibility the rules of Curling and rules of competition of October 2015; Skiing: e.g. Art. 203.5. International Ski Competition Rules (ICR) book II Cross-Country approved by the 49<sup>th</sup> International Ski congress, Barcelona (Spa) November, 2015.

<sup>1643</sup> Art. 28(1a) ITU constitution approved by the ITU congress, September, 2015; Art. 19.12(a), Art. 19.12(b) and Art. 19.12(c) ISAF regulations 2015 – Annex 3 – eligibility code – November 2014.

<sup>1644</sup> Art. 1.1.033 §1 UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016).

<sup>1645</sup> Art. 36.2.3 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup>, 2016.

<sup>1646</sup> Rule 31 b) iii) and Rule 31 b) iii) a) ITF Fed Cup Regulations 2016; Rule 35 a) iii) and Rule 35 a) iii) a) ITF Davis Cup Regulation 2016.

### 15.10. What is the situation for minors regarding changes of the country of representation?

Over the past years, few changes have occurred with regard to minor athletes. While, on the one hand, since 2008 the 21<sup>st</sup> birthday of the athlete lost its importance for the FIFA,<sup>1647</sup> on the other hand, since 2014 ice hockey focusses on the 10<sup>th</sup> birthday as a hallmark after which an athlete needs to have lived and competed in a country, without dealing further with minor athletes themselves.<sup>1648</sup> There is thus no discernible trend in either direction. The only other remarkable rule change occurred in 2010 in equestrian, when the differentiation between adult and minor athletes was first added.<sup>1649</sup> While this marks an increase in interest of sporting federations in minor athletes, the total number of those dealing with this vital topic remains extremely small.

Examining the position minor athletes find themselves in at the moment more into depth, it can be seen that several international associations do not provide specific rules on their position with regard to nationality. Only basketball, cycling, equestrian, football, hockey, rugby, and taekwondo refer at all to minors and rugby only does so to underline that there are no separate rules applicable.<sup>1650</sup> Hence the majority of the Olympic Sports remain mute on this point.

Looking at some examples, one finds that the FIFA does not concern itself with matters of age but focusses on who has not played a match in an “A” competition. Those who have not may still decide to play for another association. This means that players competing in the junior competitions can rethink their choice for which country they would like to play.<sup>1651</sup> Equestrian eligibility rules provide even more choices for minor athletes with multiple nationality, enabling them to choose annually for which country they want to compete. These rules, however, are applied conservatively and this relative freedom changes as soon as the athlete reaches the age of majority.<sup>1652</sup>

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<sup>1647</sup> Art. 15(3)(a) and Art. 15(3)(b) FIFA statutes: regulations governing the application of the statutes 2005.

<sup>1648</sup> Art. 406(1.6) and Art. 406(1.7) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1649</sup> Art. 119(2) and 119(3) were added as well as 119(6.3) FEI general regulations 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2010.

<sup>1650</sup> Art. 16 and 20 book 3 chapter I FIBA rule book 2014 – 2019; Art. 1.1.033 §2 b) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 119(3.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016; Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2015; Art. 2 FIH Regulations governing the Eligibility of a Player to Play International Hockey for a country / National Association 3<sup>rd</sup> July 2015; Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016; Explanation 1 to Art. 4.1.1 World Taekwondo Federation rules & interpretation in force as of 11<sup>th</sup> May 2015.

<sup>1651</sup> Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2015.

<sup>1652</sup> Art. 119(3.1) FEI general regulations, 23<sup>rd</sup> edition, 1<sup>st</sup> January 2009, updates effective 1<sup>st</sup> January 2016.

**15.11. Is the number of changes of the country of representation limited in any way?**

Turning to the last aspect, namely how often an athlete can actually change his or her nationality with an effect for his or her country of representation, the general trend seems thus to be that no limits are imposed and athletes are free to choose which country they wish to represent, as the recent abolition of the limit of one change of country of representation by ice hockey shows.<sup>1653</sup> Although this is only one sport that lifted the restriction, the overall majority of Olympic sports do currently not impose any maximum number of changes of the country of representation. They do however have to fulfil the additional criteria set down in the eligibility codes. Contrarily, for tennis, the Fed and Davis Cup allow no changes of the country of representation since 2016, while the Constitution still allows for them.<sup>1654</sup> There is thus a conflict of rules within the ITF. The few sports imposing a restriction are football, where, after an ‘A’ match, the athlete is considered to have chosen for life,<sup>1655</sup> although re-deciding beforehand is possible, and rugby, where a *rugby nationality* is seen as set in stone.<sup>1656</sup> As previously mentioned, luge does not have any rules on eligibility and cannot be classifiable in this respect. This leaves 31 federations that do allow for changes to a certain extent. All those dealing with territorial transfers in their rule books allow an athlete to decide for which entity he or she wishes to compete just once.<sup>1657</sup> For the standard procedure that is triggered if an athlete wishes to compete for another country after having acquired a new nationality, there are six federations that only allow for one change. These are cycling, basketball, fencing, handball, volleyball, and wrestling.<sup>1658</sup> These are the strictest federations in that regard.

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<sup>1653</sup> Art. 406(1.3) IHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1654</sup> Rule 31 b) ITF Fed Cup Regulations 2016; Rule 35 a) ITF Davis Cup Regulation 2016.

<sup>1655</sup> Art. 5(2) FIFA statutes: regulations governing the application of the statutes 2015.

<sup>1656</sup> Regulation. 8.2 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

<sup>1657</sup> Equestrian, golf, hockey, sailing, shooting, table tennis, tennis, triathlon.

<sup>1658</sup> Art. 1.1.033 §2a) UCI Cycling regulations general organisation of E0116 Cycling as a sport part 1 general organisation of Cycling as a sport (version of 15.03.2016); Art. 17 book 3 chapter I FIBA rule book 2014 – 2019; Art. 9.2.2.f) FIE statutes of December, 2015 (wording unchanged since 2005); Art. 6.1 b) Player eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July, 2014; Art. 44.1 Sports regulations Volleyball version: 15<sup>th</sup> May 2015; Art. 6 FILA international rules for the change of nationality approved by the Bureau on 15<sup>th</sup> January 2015.

## 16. Compatibility of eligibility criteria and nationality law

Having answered the question of which eligibility criteria exist in Chapters 5 – 15, it is now time to turn to the second research question: to what extent are the currently applicable eligibility criteria problematic in light of the relevant international standards in the field of nationality law? The principles of international law as established in the touchstone principles (Chapter 3.8) are:

- No violation of fundamental human rights, in particular the right to nationality;
- Statelessness is to be avoided;
- Right to change one's nationality;
- Renunciation of nationality should be allowed, if it does not cause statelessness;
- Attribution of nationality has to be based on a *genuine link* between a person and the state;
- Birth right citizenship can be based *ius sanguinis* or *ius soli* or a combination thereof;
- Family unity should be upheld;
- Gender equality should be respected;
- No arbitrary deprivation of nationality;
- No discrimination.

Additionally, the position of children and minors is of paramount importance, as they are in an especially vulnerable position and need additional protection. As outlined in Chapter 3.8, not all of these standards are applied by countries throughout the world and especially gender equality and non-discrimination are often problematic.

From these principles, several *desiderata*, i.e. desirable rules, have been established, according to which the previously compared criteria (Chapter 15) will be analysed. The *desiderata* can be summarised as follows:

- a) Sporting federations should recognise the athlete's nationality and should have provisions for stateless athletes and refugees that allow them to continue to compete internationally (Chapter 16.1);
- b) Changes of country of representation have to be allowed and should not be limited by a maximum number of changes (Chapter 16.2);
- c) The *genuine link* between athlete and country should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof; ii) option rights; iii) facilitated naturalisation after marriage or iv) naturalisation (Chapter 16.3);
- d) Gender equality should be respected (Chapter 16.4);
- e) Sporting federations should provide rules for those who lost their nationality and allow them to continue their career (Chapter 16.5);
- f) There should be no discriminatory rules (Chapter 16.6);
- g) Rules concerning minor athletes should offer additional protection (Chapter 16.7).

While fundamental human rights and the principle of non-discrimination should play an important role in all aspects of law, for the purpose of eligibility criteria the attribution of nationality based on a *genuine link* between a person and the state is the most important one. The current eligibility criteria aim at establishing a link between an athlete and a state either by relying on *ius soli*, *ius sanguinis* or residence, with residence and waiting periods being important secondary factors to ensure that the link is actually genuine.

**16.1 Sporting federations should recognise the athlete’s nationality and should have provisions for stateless athletes and refugees that allow them to continue to compete internationally**

Firstly, the core touchstone principle is that there should be no violation of fundamental human rights, in particular the right to nationality,<sup>1659</sup> and statelessness should be avoided.<sup>1660</sup> Consequently, the first desideratum is that sporting federations should not only recognise an athlete’s nationality but should also incorporate measures for those who are stateless. This leads to another desideratum, namely that athletes in situations similarly precarious as statelessness should be treated with similar care.

Generally, refugees as well as stateless athletes should be allowed to compete for a country. For stateless athletes this cannot be the country of nationality for they have none and thus a country with which the stateless person has a significant link, e.g. through residence, might be considered appropriate. In case of refugees who hold a nationality but cannot compete for their country of nationality a similar way needs to be found.

Looking at how this is in practice, there are only seven federations, namely archery, basketball, biathlon, cycling, equestrian, fencing, and football, which deal with stateless athletes, refugees or asylum seekers, which is only one fifth of the 35 Olympic Sports. Moreover, it might be debatable who is considered stateless by a federation, as some federations ask for the loss to be permanent, but also few federations actually deal with the problem. This should be remedied, as all federations should include provisions on stateless athletes and refugees. While there is a difference between *de jure* and *de facto* statelessness, and sporting federations might not be able or willing to include *de facto* statelessness in the general rules, a case-by-case option for dealing with these problems should be available, as well as an appeal procedure.<sup>1661</sup>

Furthermore, the current approaches taken by those seven federations differ greatly, with some already dealing with the circumstances on a case-by-case basis, e.g. basketball, others like biathlon, assigning athletes to a country, or letting them

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<sup>1659</sup> K. Hailbronner (2006), pp. 53f; E. Horváth (2008), pp. 18f; O. W. Vonk (2012), p. 45; R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28.

<sup>1660</sup> K. Hailbronner (2006), pp. 53f; E. Horváth (2008), pp. 18f; R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28.

<sup>1661</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; see also the argumentation in the *Perez I, II and III v IOC* cases.

compete for their country of residence, as equestrian does, or the country hosting the tournament, as allowed in fencing. Out of these options the case-by-case approach is the most individual and can take the athlete's circumstances best into consideration. However, such a procedure might be lengthy and it is not sure, from the current *modus operandi*, that similar cases will be treated equally. This should thus be a fall-back option, supporting a general approach to stateless athletes. Simply assigning an athlete to a country may be problematic, as the athlete will not necessarily have a link with the country in question, if such an assignment was done at random. Should the assignment be based on objective requirements, such as residence, this would not be a problem, as allowing stateless athletes to compete for their country of residence is already an option favoured by some federations. Here, it is important how residence is defined and which duration is deemed sufficient. The current approach taken by some that stipulate long periods of residence may be considered extremely burdensome for athletes. Interestingly, currently only archery, curling, cycling, equestrian, gymnastics, rowing, sailing, skiing and triathlon, thus nine federations, allow athletes who are not stateless to compete for the countries they live in, provided that they fulfil certain requirements. This is usually a residence requirement, with a duration ranging between one and five years. This is logical, since residence is the factor determining the link between the athlete and the country for which he or she competes. However, there should be one standard duration of residence required. Permission by either the Executive Board or the national federation is certainly also a useful requirement, although at least the approval of the national federation would be problematic in cases of stateless athletes who wish to compete for their country of residence. Ergo, a combination between a certain length of residence and the approval of the Executive Board – since it is likely to be more objective than the involved national federation – would be the best solution.

In addition to stateless athletes, also athletes who become refugees are in a difficult situation as they cannot compete for a country whence they have fled. This problem has been recognised by the IOC and during the 2016 Games, refugee athletes will be allowed to compete for the first time. As they will not be able to compete for the country from which they have fled, they will compete under the IOC flag and the Olympic Anthem will be played during the ceremonies.<sup>1662</sup> So far it remains unclear how the qualification for the individual disciplines will be handled, yet through this measure the IOC clearly reacts to circumstances athletes might find themselves in. One can thus expect that changes will soon be included by the national federations.

In conclusion, the current eligibility criteria of all sports should be amended in such a way to include provisions on stateless athletes and refugees, which allow them to continue their career. The main rule should be to allow stateless athletes to

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<sup>1662</sup> T. Bach (2015), Speech on the occasion of the adoption of the resolution "Building a peaceful and better world through sport and the Olympic ideal" by IOC President Thomas Bach, UN General Assembly, New York, 26 October 2015.

compete for their country of residence. However, should they have a *genuine link* with another country, athletes may apply to compete for it. Such a decision should then be taken on a case-by-case basis.

**16.2 Changes of the country of representation have to be allowed and should not be limited by a maximum number of changes**

There is a right to change one's nationality<sup>1663</sup> and, consequently, renunciation of nationality should be allowed, if it does not cause statelessness.<sup>1664</sup> As the underlying assumption of all representative teams is that an athlete should have a connection with the country he or she represents, sporting federations should allow for changes in the country of representation if the link with the country changes. This should not only be allowed for athletes who have acquired a new nationality, but also for those with dual or multiple nationality and it should thus be possible for all athletes to also change their country of representation.

Special attention should be paid by the federations to cases of state succession and under these circumstances athletes should be allowed to choose for whichever new entity they wish to compete. There should be no maximum number limiting the changes of the country of representation. However, safeguards to combat mercenary tendencies should be in place and federations should check whether a *genuine link* exists between the athlete and the country he or she represents. In practice, this is well reflected in the current eligibility criteria, as there are only two instances where changing an athlete's nationality and country of representation are impossible, as it is in rugby or in football.

16.2.1 Maximum number of changes

One can understand that sporting federations do not wish to have their athletes changing constantly between the countries they compete for. Too many changes and too lax restrictions would again lead to a distortion of competition. Is it however prudent to set a specific number of changes that may in no circumstance be surpassed? The answer has to be no, since circumstances, such as state successions, political developments, e.g. in the cases for refugees and asylum seekers, and also personal circumstances will not conform to the clean-cut provisions. Moreover, such a restriction would be contrary to the general principles of international law.

In practice, the majority of sports do not specify any maximum number of changes, but some only allow for one change of country of representation in an athlete's career, namely cycling, basketball, fencing, handball, volleyball and wrestling. This maximum is not only extremely strict and contrary to the principles of nationality law, but it also leads to situations in which the country of representation and the athlete's nationality are not congruent. As the underlying aim was to ensure that athletes have a *genuine link* with the country they represent, these

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<sup>1663</sup> K. Hailbronner (2006), p. 38.

<sup>1664</sup> Art. 8 European Convention on Nationality.

rules achieve the exact opposite of what they were instituted for. An interesting other approach is taken by one sport, namely weightlifting, which differentiates between the first and any subsequent changes of the country of representation. Initially a one-year period of non-competition is sufficient, but, later, up to four years are necessary. Thus, while the further federation changes are not impossible, they are significantly more difficult to achieve and can thus contravene mercenary tendencies.

In conclusion, not allowing athletes to change their country of representation or limiting the number of changes to only one change in a lifetime does not only contravene international principles of nationality law, but it also does not take real-life situations into consideration. Therefore, these limits should no longer be included in eligibility catalogues and other means to combat overly mercenary tendencies should be chosen.

### 16.2.2 Changes in case of multiple nationality

With the increasing acceptance of dual nationality in recent decades (see Chapter 3.4), also in the sporting context, dual or multiple nationality has been dealt with more frequently, namely in all sports except badminton, bobsleigh, canoe kayak, curling, luge, modern pentathlon, skating, and volleyball.

#### 16.2.2.1 Multiple nationality from birth

At the start of their careers, athletes with multiple nationality are free to choose for which country they wish to compete, yet if an athlete wishes to change the country of representation later in life usually the same procedure applies as if the nationality was newly acquired. Consequently, residence requirements or waiting periods will be in place to establish a *genuine link* between the athlete and the country. The athlete already had more than one nationality to begin with, meaning that through the application of *ius sanguinis* or *ius soli* there already was a link with the territory. Nevertheless, the federations want additional circumstances to show that the link is genuine. The aim of these requirements is to prevent athletes from changing their allegiance depending on how well the national team is faring. Yet, there is a real difference to the aforementioned case of players acquiring new nationalities as these athletes already had the nationality to begin with. They did thus not necessarily acquire a new nationality at their own volition. The important aspect in such a case is more the choice of the athlete to compete for either of the countries for which he or she is a national – which clearly is distinct from an athlete acquiring another nationality while already engaging in a sporting career. Ergo, the requirements to establish a real *genuine link* in such a case should be more lenient or at least different from cases where the athlete acquired another nationality at a later stage.

#### 16.2.2.2 Multiple nationality acquired later in life

It is thus the point of acquisition of a nationality in an athlete's life that matters – yet a mere age distinction is not the best solution as career paths differ. The differentiation

between an 'A' match and a match at another level of competition is certainly necessary, since training, for example as a minor at the place of residence, should not already constitute a conscious choice for one country or another. Representing a country at an official 'A' match carries more weight. Yet, as younger athletes are nowadays also called up for 'A' matches, the protection of minors comes into play (see Chapter 16.7 for a detailed approach to this topic).

The question remains how one should ensure that the link between the athlete and the country of which he or she already was a national is genuine. On the one hand, one could say that, since the state recognises the athlete as one of its nationals, this should be sufficient also for the federations to say that there is a *genuine link*. On the other hand, as the abovementioned actual cases have shown, such a link might be considered weak.

However, does a residence requirement solve the problem of athletes who re-decide after having competed at an 'A' level? That depends on the form – if it is continuous residence, then the athlete might not be able to fulfil this requirement if he or she is playing in another national league. Thus, the best option if a residence requirement was chosen, would be something along the lines of X days per year in the last Y years. This approach has already been advocated by hockey. With regard to a break period, as also in place for athletes who acquired a new nationality voluntarily, it seems rather strange to treat those two kinds the same.

Hence, if such a requirement was indeed to remain in place, there should be different durations for athletes with multiple nationality and those who acquired a new one. The possibility of having to wait a certain period together with the residence requirement would still have a deterring effect and would still not be as strict. Requirements like having the biological parents' birth place in the respective country, as envisioned by FIFA, would seriously affect athletes who were adopted as children or who were foundlings and are as such discriminatory.<sup>1665</sup>

### 16.2.3 Changes in case of territorial transfers

As previously outlined, territorial transfers can bring about changes to an athlete's nationality (see Chapter 3.5). Such a possibility is dealt with by nine of the 35 Olympic sports, namely equestrian, golf, hockey, modern pentathlon, sailing, shooting, table tennis, tennis and triathlon, which is a small number, seeing that territorial disputes and transfers can affect a lot of people at the same time and are by no means a thing of the distant past. In circumstances such as state successions these sports provide athletes with the possibility to choose freely. Yet, as this choice can only be made once and because the dissolution or independence of countries will not be directly clear cut and easy to assess, the athlete may make the wrong decision in a time of immense political stress. Changes in the geo-political order of countries can potentially lead to more excluding social policies that might only show themselves after a while.

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<sup>1665</sup> See Chapter 16.3.

As previously described (see Chapters 3.5), borders usually are not re-drawn in a way to take all different populations on the territory into consideration. Consequently, some minorities with ties to other states will remain within each new state. Such a minority might find itself marginalised and placed in a worse politically and socially situation. Thus, if one country R with a multi-ethnic population is divided into countries S and Q, athletes will be faced with the choice between the two new countries. Athlete Z chooses to compete for country Q, but, after a while, it becomes clear that Z is part of a minority in that country and would be part of the majority in country S. Should country Q now start marginalising the minority to which Z belongs, Z will face problems due to the minority status in the country. In addition to the social, economic and political aspects of this situation, Z's career is also jeopardised as he or she cannot re-decide. The only solution for the sporting aspect then is that Z acquires the nationality of country S the usual way and face a waiting period.

Also, the approach taken by one sport, namely badminton, which focusses on the sporting federation itself, is problematic. As the federations will not always be forced to split or converge, the federations might not be representing the reality of the state the athlete would represent. Consequently, an athlete from Crimea who previously competed for the Ukraine, but now that Crimea might be considered part of Russia would have to compete for Russia, would not fall under this article. Hence, he or she would not have a choice.

The problematic aspect here is that so few sports have adopted rules for the case of territorial transfers. This should be remedied as, in case of changes of circumstances beyond the control of the athletes, they should be able to quickly adapt to the new situation without also jeopardising their career. Hence, while there should be one generally applicable rule, e.g. in case of territorial transfers, athletes may freely decide once for which country they wish to compete, athletes should have the opportunity to re-decide under special circumstances. In that situation, a case-by-case decision with special focus on the individual athlete's circumstances should be taken. One example of such special circumstances would be if the athlete was either openly or effectively hindered from exercising the sport for the new country.

### **16.3 The *genuine link* between athlete and country should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof ii) option rights; iii) facilitated naturalisation after marriage; or iv) naturalisation**

According to the third core principle, attribution of nationality has to be based on a *genuine link* between a person and the state,<sup>1666</sup> which for birth right citizenship can be based *ius sanguinis*, *ius soli* or a combination thereof.<sup>1667</sup> Furthermore, the possibility

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<sup>1666</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

<sup>1667</sup> O. W. Vonk (2012), p. 45; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

of family unity should be upheld, meaning that all family members should be facilitated to have the same nationality if they want.<sup>1668</sup>

#### 16.3.1 Eligibility codes and *ius sanguinis* and/or *ius soli* or a combination thereof

The use of birth right citizenship based on *ius sanguinis* and/or *ius soli* is one of the principles of nationality law.<sup>1669</sup> For the sporting federation, this means that no preference should be given to either *ius sanguinis* or *ius soli*.

However, it has been seen that only ten sports, namely aquatics, athletics, basketball equestrian, fencing, football, handball, rugby, skiing, and volleyball, deal with this issue and they have two different approaches, boiling down to *ius soli* or *ius sanguinis* and which are thus in line with the international standards. However, some have introduced additional requirements, e.g. that the biological mother or father were born on the territory of the relevant country, which may prove problematic as it places adopted children at a disadvantage and is as such discriminatory. Moreover, the biological aspect, i.e. the DNA link, is not conclusive for the acquisition *iure sanguinis* and should not be postulated by sporting federations. Foundlings in turn will face the sheer impossibility of providing documentation of where they were born and where their ancestors were born. Moreover, the situation of children born to parents whose family was originally from a *ius sanguinis* country, but are living abroad in another country will be difficult. If their parents were also born in another country, they cannot fulfil this requirement. Nevertheless, as second or further generation expats, they still have correctly acquired the nationality of the original country through *ius sanguinis*. These additional requirements can thus lead to discriminatory outcomes and are contrary to the general principles of nationality law.

#### 16.3.2 Eligibility codes and option rights

Option rights currently do not feature in any sporting federation's eligibility code. Athletes who make use of their option rights are therefore treated like those who acquired nationality through naturalisation. This is in itself a problem as option rights are usually only granted to those who already have a strong tie with the country (see Chapter 3.3.3). To have them face the same additional requirements as those who underwent the standard naturalisation procedure places them at a great disadvantage, as they have already proven that they have a *genuine link* with the country.

Under the current rules, the case could arise that an athlete was born in country A that applies *ius sanguinis*, yet his or her parents are from country B and are only legally residing in country A. The athlete grows up in country A and upon reaching the age of majority makes use of options procedure or facilitated naturalisation procedure upon which the competent authority will take the aspects of birth in the country and residence into consideration. The athlete could thus now in principle

<sup>1668</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; P. Weis (1979), p. 97.

<sup>1669</sup> O. W. Vonk (2012), p. 45; T. A. Aleinikoff and D. B. Klusmeyer (2002), p. 2.

compete for country A. However, depending on the sporting federation there might be further obstacles, e.g. additional requirements such as the birth place of the biological parents, a residence requirement or waiting period in his or her international career after having acquired the new nationality. Such requirements can impose unreasonable difficulties, because the athlete has already passed a certain set of additional requirements to become a national of country A and – furthermore – if the country would have applied *ius soli* he would already have been a national.

In conclusion, if states with more restrictive domestic laws themselves aim to counterbalance the negative effects thereof by providing option rights or facilitated naturalisation procedures, there should not be additional requirements set by sporting federations re-imposing the imbalance. Hence, sporting federations should include provisions that exempt those having made use of option rights from additional requirements.

### 16.3.3 Eligibility codes and facilitated naturalisation after marriage

It is a principle in international law that family unity should be facilitated, which leads to the possibility of the acquisition of nationality based on family unity policies. Such an attribution is based on a *genuine link*, e.g. based on marriage or a registered partnership and no unreasonable extra requirements should be in place. Yet, marriage can be difficult to ascertain, e.g. when the bond between two same-sex partners is not recognised by the relevant country. Furthermore, acquisition of nationality by marriage is not provided for in all countries or, if it is, there are significant differences between provisions for men and women.<sup>1670</sup> Another question arises with regard to the terminology: is acquisition of a nationality only by a bond between two people which by the country is labelled ‘marriage’ recognised? If so, those who enter into civil partnerships where possible are severely disadvantaged.

However, attention has to be paid in this context to gender equality and there should be no automatic acquisition of nationality by marriage for women. For sporting federations this means that nationality acquired through fast-track procedures after marriage should be recognised. However, if a woman acquired the nationality of a state automatically upon marriage, extra additional conditions are acceptable.

Yet, facilitated acquisition of nationality upon marriage, akin to option rights, does not feature prominently in current eligibility codes. Currently, only one sport, namely fencing, does not require those who underwent the facilitated naturalisation procedure to fulfil the same extra requirements as those who followed the standard procedure. Not paying special attention to this issue and not allowing for more lenient requirements after facilitated naturalisation procedures is problematic, as there is a strong family unity-based link between the person and the state if nationality was acquired subsequent to a marriage or registered partnership. Placing these athletes at a disadvantage, even if the countries they wish to represent have

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<sup>1670</sup> E.g. in Middle Eastern Countries, see L. E. van Waas (2014), p. 14.

been forthcoming and facilitating the naturalisation procedure seems not only unfair, but it is also contrary to the principle of facilitation of family unity. Consequently, sporting federations should pay close attention to those athletes who acquired nationality later in life and should not introduce additional requirements to those who made use of facilitated naturalisation procedures after marriage.

### 16.3.4 Eligibility codes and naturalisation:

Naturalisation procedures as set down in national laws are often extremely lengthy, requiring residence periods and integration and language tests. However, there are instances in which countries themselves have applied less strict criteria to fast-track the naturalisation of persons of interest. In order to combat mercenary tendencies and to ensure that there is a *genuine link* between the athlete and the country of representation, sporting federations have introduced additional requirements along the same lines of time and residence.

#### 16.3.4.1 Residence as a factor for the *genuine link*

Residence requirements can be either in place for athletes who have multiple nationality and wish to select one country; athletes who changed their nationality; or athletes who wish to compete for the country of residence without having the nationality of this country. Only 14 of the 35 sports impose residence requirements, namely aquatics, archery, athletics, basketball, curling, cycling, equestrian, football, handball, rugby, skating, triathlon, volleyball and wrestling. The duration largely varies from only one year imposed by aquatics, archery and skating to five years required by cycling. Moreover, one finds that the terms diverge greatly, which creates a diverse picture and since no clear definitions are given, there is great (legal) uncertainty here. Again, the differences in duration and waiver possibilities can lead to a distortion of competition, with national associations circumventing stricter rules in case they both agree.

In general, residence is only one of the ways a *genuine link* can be demonstrated between an athlete and a country. Furthermore, while there needs to be a threshold for residence, the reasoning behind the number of days or months set by the federations is not clear and appears arbitrary. Will someone who lives only 209 out of 365 days in a country have a significantly less *genuine link* than someone who lives there 210 out of 365? Furthermore, do these 210 days really need to be continuous? On the European continent, where one can cross several borders when travelling only two or three hours, does an overnight trip from Paris to Brussels eliminate the athlete's connection to France? Does a family holiday hiking in Austria for one week sever the connection an originally Bulgarian fencer has with Sweden where he had been living for 200 continuous days? If a football player was living in the Netherlands close to the German border, but competing for a German Bundesliga team and coming to the Netherlands only to sleep, is this sleeping-residence sufficient?

Thus, although residence can certainly indicate a link between a person and a country, it seems that a certain degree of flexibility is needed. Seeing especially that athletes do not only compete in national competitions, but also in leagues for clubs in different countries, a differentiation between continuous and non-consecutive residence would be in order.<sup>1671</sup> Taking the example of a small country A which does not have a great football league itself but which has several players who are playing at the top clubs in country B, one finds that those players would not fulfil the residence requirements if only continuous residence was recognised. In addition, there are supranational leagues, such as the Champions League in football, where clubs from different countries compete against one another and thus the athletes at this sporting level will travel frequently.

Overall, the manner in which the eligibility codes connote and deal with residence raises more questions than it answers. Not only does the prescribed time period seem to have been selected arbitrarily, an actual definition of how residence can be established is also missing in most cases. Moreover, the frequently problematic aspect of waivers comes into play. While granting exceptions to rules in special circumstances is certainly necessary, there are currently no easily accessible guidelines for the conditions under which waivers may be granted. Since these decisions are not published, there is also no possibility to see whether the establishing of a *genuine link* may under certain circumstances be scrutinised less by the federations involved. As no precedents are created by the waivers and the rules are generally not clear, waivers may lead to a lack of legal certainty.

#### 16.3.4.2 Time as a factor for the *genuine link*

In addition to the aforementioned residence requirements, several sports have enshrined waiting or non-competition periods for athletes wishing to change their country of representation. The aim of waiting or non-competition periods is to discourage easy and frequent changes between national teams. However, in the case of previously stateless athletes it also harms people who might not have actively sought a transfer to another country. Hence a strict waiting period would be in order only if there was the possibility for a waiver if the athlete can either prove a previously existent *genuine link* with the new country or if the athlete was in a special situation, e.g. stateless. Yet, waivers are generally difficult with regard to the current *modus operandi*, as the reasoning behind them are not clear and should be advocated with caution.

Overall, there are 22 federations whose eligibility codes feature periods of non-competition, namely aquatics, archery, badminton, biathlon, boxing, curling, equestrian, fencing, golf, handball, hockey, ice hockey, judo, rowing, sailing, shooting, skating, skiing, taekwondo, tennis, weightlifting, and wrestling. As

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<sup>1671</sup> For problematic aspects thereof, compare also S. van den Bogaert, A. Cuyvers, S. Gardiner, R. Parrish, S. Miettinen, J. Soek and R. Siekmann (2010), p. 219ff.

outlined, the duration can vary from four years of non-competition prescribed by golf or ice hockey to only one year required by others, such as archery or skiing. This requirement is one of the most intrusive and potentially destructive ones for an athlete's career, as the athlete will not be allowed to qualify for or compete in major tournaments.

From a legal point of view, introducing the element of time is in order – as most countries' naturalisation laws include aspects of a certain duration of legal residence. However, merely waiting and biding one's time does not establish a *genuine link* per se. The question arises whether a waiting period should be applicable at all if an athlete has undergone the standard naturalisation procedure. Having complied with all domestic laws in place, which usually involve lengthy residence periods, waiting an additional period of time will not strengthen a genuine link.

Furthermore, these additional requirements should not be significantly stricter than those required by the states. For example, an athlete who acquired German nationality through the normal naturalisation procedure and thus has already been a resident in Germany for eight years should not be faced with a sporting association which stipulates an additional five years waiting period. However, if a state reduced the required residence period for athletes to only six months, then an additional period from the federations would be in order to discourage Olympic opportunism. Federations cannot deal with issues of national nationality laws on a case by case basis and analyse to what extent preferential treatment might have occurred, as they do not have the capacity for it. This would be especially difficult as there are situations as envisioned by Article 6(4) European Convention on nationality in which facilitated naturalisations should be possible. For other cases, when such a preferential treatment cannot be justified, a general waiting period might best be instituted, although a waiver possibility should be given under special circumstances.

This can however not be akin to the current situation with eligibility codes allowing national federations to agree between themselves on reductions or waivers of the non-competition periods in case of a change of country of representation. As a consequence, athletes faced with the decision of whether to change the country of representation will not be able to correctly assess the influence the decision will have on their career. And it is thus not always certain that equal cases will be treated equally. Furthermore, the relevant federations need to agree on a reduction of the waiting period and it is not unlikely that the federation that is to be left by the athlete might receive some monetary incentives to let him or her go more quickly.

These rules should thus be changed and waivers should only be allowed according to strict, and openly accessible guidelines. Furthermore, decisions on waivers should be published and create precedents in order to improve the legal certainty.

#### **16.4 Gender equality should be respected**

In all eligibility codes gender equality should be respected.<sup>1672</sup> Hence, there should be no different rules in place for male or female athletes. Currently, this principle is breached by only ice hockey that offers more favourable conditions to female athletes. While affirmative action may be seen as positive, there is no reason why female athletes should face significantly better conditions upon changing their country of representation.

#### **16.5 Sporting federations should provide rules for those who lost their nationality and allow them to continue their career**

One underlying principle of nationality law is that there should be no arbitrary deprivation of nationality.<sup>1673</sup> This does not only mean that states cannot deprive parts of their population of their nationality, but it also refers to current issues connected to the status of women. Traditionally, women acquired the nationality of their husband upon marriage, resulting in the loss of their own nationality, which could lead to a complete loss of nationality and thus statelessness upon divorce. This is connected to the issue of gender equality, as men's nationality usually does not depend on their marital status, yet it makes issues of family unity more difficult. Loss of nationality is currently not a primary concern of sporting federations, yet, akin to the issue of statelessness and refugees, it is extremely important. Should an athlete lose his or her nationality, there should be rules in place that allow the athlete to continue his or her career. Hence, along with matters of stateless and refugee athletes, all sporting federations should incorporate terms under which those athletes are able to continue their career. It should be done, either, as previously stipulated, by allowing them to compete for their country of residence, or as the IOC has already allowed for the 2016 Olympics, by allowing them to compete under a neutral flag, such as the IOC's.

#### **16.6 There should be no discriminatory rules**

The principle of non-discrimination is one of the paramount rules both in law in general and in nationality law.<sup>1674</sup> For sporting federations, this means that an eligibility rule should neither be discriminatory nor have a potentially discriminatory effect.

Starting with the directly discriminatory rules, few of the current rules are openly disadvantaging athletes. Yet, as previously described, there are some, e.g. placing an undue focus on biological parents or their place of birth, such as handball or football. As previously pointed out, this places adopted children as well as foundlings at a great disadvantage and should thus no longer be included in eligibility rules. The same is applicable for the previously described case of ice hockey, which has less stringent requirements for female athletes.

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<sup>1672</sup> O. W. Vonk (2012), p. 45.

<sup>1673</sup> K. Hailbronner (2006), pp. 53f; P. Weis (1979), p. 57; E. Horváth (2008), pp. 18f; O. W. Vonk (2012), p. 45.

<sup>1674</sup> R. Bauböck, E. Ersboll, K. Groenendijk and H. Waldrauch (2006), p. 28; P. Weis (1979), p. 97.

In turn, some rules can have discriminatory outcomes without being discriminatory themselves, which is the case with most residence periods or non-competition periods. Introducing such non-competition or residence periods is not contrary to standards of international law, yet the fact that these can be waived or reduced is problematic. There are no official or easily accessible guidelines under which such reductions or waivers are possible and thus athletes cannot judge beforehand which effect a change can have on their career. Moreover, as decisions are taken internally and few means of appeal are available in some sports, it is possible that similar cases are not treated equally. While it is not possible to say that discrimination is currently happening, one is not given sufficient insights into the workings of the federations and their decision-making process to entirely rule out discriminatory practices. Hence, the conditions which need to be met to achieve reductions or waivers should either be made public and should be similar for all sports, or the entire system should be abandoned and replaced with a better controlled one.

### **16.7 Rules concerning minor athletes should offer additional protection**

Moreover, special attention should be paid to the position of children and those who start their athletic careers at a very young age. Minors are in an especially vulnerable position and are generally presumed to need special protection, not only in the field of nationality laws. Children are deemed incapable of taking legally binding decisions and are as such protected from being bound by unwise decisions. In addition, children are in principle protected from losing the nationality of a state if only one parent loses said nationality,<sup>1675</sup> and if the parent loses the nationality based on voluntary service in a foreign military force,<sup>1676</sup> or conduct seriously prejudicial to the vital interests of the state party.<sup>1677</sup>

#### 16.7.1 Minors competing internationally

As previously examined, there are only a few federations, namely: basketball, cycling, equestrian, football, hockey, rugby, and taekwondo, which deal with the position of minors. This is in itself a problem as minors should receive more protection than adult athletes. A child who is already an accomplished athlete does not need less protection, but rather more protection, as monetary interests could be prioritised above the best interests of the child. Only the abovementioned sports address the aspect of minors at all and rugby only does so to underline that there are no separate rules applicable. Hence the majority of the Olympic Sports remain mute on this point.

The few regulations that deal with minor athletes recognise that minors are not able to make full decisions on which country they want to represent in international competitions and hence apply a degree of flexibility. Yet, the definition of who can

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<sup>1675</sup> Art. 7(2) European Convention on Nationality.

<sup>1676</sup> Art. 7(2) European Convention on Nationality and Art. 7(1)(c) European Convention on Nationality.

<sup>1677</sup> Art. 7(2) European Convention on Nationality and Art. 7(1)(d) European Convention on Nationality.

be considered a minor largely differs, with federations such as FIFA not dealing with a particular age, but focussing on who has not played a match in an “A” competition. Those who have not, may still decide play for another association. This means that players competing in the junior competitions can rethink their choice for which country they would like to play. Others, such as equestrian, in turn focus on the age of majority, before which athletes are free to decide.

It is true that a clear age distinction between minor and adult athletes might be problematic, as sometimes even young athletes are already competing at the highest international level. Hence, a distinction based on the level of the competitions the athlete participates in is more useful and easiest to handle. However, seeing that continuously younger children are called up for different youth national teams, it is important to maintain a minimum level of protection for the youngest athletes already competing at that level. This includes that minors who are not capable of taking legally binding decisions cannot be held accountable for those decisions regarding their nationality and for which state they wish to compete. Furthermore, in most cases, it will be the athlete’s parents exerting an influence on the minor and one would thus hold an athlete accountable for a decision his or her parents made years ago.

#### 16.7.2 Transition from minor athlete to adult athlete

For sporting federations, the special position of minor athletes means that not only should there be provisions protecting these talented children from exploitation, but also the transition from minor athlete to adult athlete should be better controlled. Minor athletes are not able to decide for themselves for which country they wish to compete; their parents make such decisions for them. However, children should never be bound by their or their parent’s decisions made during their minority. They must also be given a reasonable period after having attained majority to change their position. This period might be established analogously to the one prescribed in the 1961 Convention on the Reduction of Statelessness for those who were born stateless and seek to obtain the nationality of a state through an application:

“that the application is lodged during a period, fixed by the Contracting State, beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years, so, however, that the person concerned shall be allowed at least one year during which he may himself make the application without having to obtain legal authorization to do so.”<sup>1678</sup>

There is thus a period of at least three years between the age of 18 and the age of 21 during which, if applied akin to this rule, an athlete should be allowed to re-decide for which country he or she wishes to compete.

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<sup>1678</sup> Art. 1(2)(a) Convention on the Reduction of Statelessness 1961.



## 17. Solutions

Having answered the first two research questions, the following chapter will aim at providing answers to the question of how tensions that exist between the criteria applied by the sporting federations and the international standards of nationality law can be solved. After quickly recapitulating the problems that were unearthed in the previous chapters (Chapter 17.1), three different approaches will be presented. Firstly, the free market approach (Chapter 17.2) will be discussed. Secondly, a separate ‘*sporting nationality*’, as advocated by some scholars, will be examined, including the question of how such a *sporting nationality* could be put into practice (Chapter 17.3). This solution would see the creation of a separate system of ‘nationalities’ only for the purpose of sports. Finally, rejecting both the free market approach and the notion of a *sporting nationality* that is entirely disconnected from the athlete’s nationality, a third solution will be presented. Here a system of *sporting licences* that follows the *desiderata* and is in accordance with international standards of nationality law will be proposed (Chapter 17.3).

### 17.1 Problems

Having looked at the different eligibility codes and how they can be evaluated against the *desiderata*, it has become apparent that several tensions exist between the sporting federations’ eligibility criteria and the international standards of nationality law. The main problems arising from the tensions between eligibility criteria and the international standards of nationality law can be summarised as follows:

- Firstly, the terminology used and the definitions of the various terms are inconsistent and contradictory;
- Secondly, the issue of stateless athletes and asylum seekers is being inadequately addressed by most federations; better rules are needed that provide fast solutions and allow athletes to continue their career;
- Thirdly, allowing only a set number of changes of the country of representation, or none at all, is contrary to the right of changing one’s nationality;
- Fourthly, additional requirements may have discriminatory elements, such as focussing on the biological parents and thus placing adopted children and foundlings at a disadvantage;
- Fifthly, waiving or reducing residence and waiting periods leads to similar cases not being treated equally. Consequently, there is no legal certainty and, what is even more problematic, discriminatory practices cannot be counter-acted;
- Finally, minors who do not have the legal capacity to make binding decisions are expected to make binding decisions concerning their nationality and country of representation.

These tensions need to be addressed, while taking the aforementioned principles of international law and the previously established *desiderata* into consideration. In

addition to the difficulties arising from the friction between the standards of nationality law and the eligibility criteria, there are problems inherent to the eligibility codes, which one should bear in mind. One major factor is that one needs to dive into each particular sport and its rules in order to find out who can compete for which national team at the Olympics. This is not a problem per se, as one could argue that different sports merit different requirements. However, for the purpose of the unifying Olympics movement, a common ground should be reached. In the context of the Olympic Games where the overall aim is to win as many medals for one country, differences in nationality requirements can lead to a distortion of competition.

### **17.2 Solution 1: A free market approach**

One way of reaching a common ground would be to do away with the current codes and allow for a free-market approach. Under this regime, supply and demand would be the determining factors in international sports. Countries offering the best sporting facilities and other benefits could easily attract and select the athletes they want. In turn, athletes could freely choose for which country they want to compete. Due to fast-track naturalisation procedures they might quickly acquire the nationality of the country and changes between countries could be immediately effective. For practical reasons, changes within a tournament could not be allowed but, for the rest of the time, athlete transfers between countries could be handled akin to the ones between the top sporting clubs.

#### 17.2.1 Implementing the free market approach

While this approach would require the least intrusive rules, there are several problematic aspects. Firstly, this approach would lead to an increase in the fast-track naturalisation procedures which are currently debated heavily.<sup>1679</sup> With the calls from scholars to limit the applicability of such procedures, this is unlikely to happen without a public outcry. Secondly, with only fast-track naturalisation procedures, the underlying *genuine link* between the person and the state might be tenuous at best. While according to the *desiderata*, the *genuine link* between athlete and country should be recognised by the sporting federations if established by the naturalisation procedure, but these fast-track options are often circumventing the standard nationality law. Alternatively, the principle of taking nationality as a basis for selecting national teams might also be re-considered. However, in that case, the whole matter of representative national teams becomes a moot point.

#### 17.2.2 Desirability of the free market approach

In addition to the workability of this solution, the question is whether a free market approach is desirable in the context of national representative teams. The answer has to be no for several reasons. Such an approach would lead to a situation akin to the major sports leagues with athletes transferring between clubs frequently. While this is not

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<sup>1679</sup> See Chapter 3.7.3. Current debate on 'passports for sale'.

inherently a bad situation, it could potentially create an alignment between the national leagues and the national teams, as richer clubs are situated in the countries in which more money is allocated to sporting issues. Such an alignment would render the distinction between international clubs and international competitions obsolete. If one wants to maintain the competitions between national teams in a more meaningful way, athletes representing a country do need to have a *genuine link* therewith. And to ensure this link, the current scrutiny exercised by the federations regarding nationality changes does serve an important goal, as it may prevent opportunistic changes of the country of representation, especially before the Olympic Games. Thus, totally abolishing the rules is not an option.

### 17.3 Solution 2: A separate *sporting nationality*<sup>1680</sup>

As previously discussed, (see Chapter 4) not much common ground has been reached regarding a *sporting nationality*. However, the underlying principle is that the athlete should have one connection or other with the country he or she represents. In most cases, this connection is referred to as *nationality* or *citizenship*.<sup>1681</sup> Due to the huge differences in eligibility criteria, the question that arises is whether the introduction of a separate *sporting nationality* could solve the problem. When looking at the current eligibility codes, one finds that there are several sports that already work with the idea of a sporting passport or licence, namely:

- Aquatics (FINA) refers to ‘*sport nationality*’<sup>1682</sup> and stipulates that athletes may only represent countries of which they are citizens either by birth or by naturalisation;<sup>1683</sup>
- Gymnastics (FIG) refers to a ‘*Gymnastics passport*’ or *license*, that shows that the athlete is a *national* of the relevant country;<sup>1684</sup>
- Luge (FIL) (refers to a *license*, which is given if the athlete is a *member of one of the FIL’s member federations* and has received the necessary training.<sup>1685</sup> Notably, nationality does not play a role here;
- Rugby (World Rugby) refers to a ‘*Rugby nationality*’<sup>1686</sup> and underlines that this will remain the same, *regardless of their actual nationality* once the athlete was called up for one country;

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<sup>1680</sup> This chapter is largely based on the article “Towards a Sporting Nationality?” by A.S. Wollmann, O. W. Vonk and G. R. de Groot published in 22 MJ 2 (2015), pp. 300 – 316.

<sup>1681</sup> See Table L chapter 15.1.

<sup>1682</sup> GR 2.5. FINA general rules 2013 – 2017 of November, 2015.

<sup>1683</sup> If the athlete acquired citizenship through naturalisation, the FINA requires him or her to have lived in the country for at least two years.

<sup>1684</sup> Article 5.1 FIG technical regulations 2008; Article 5.1 FIG technical regulations 2004 from June 2013.

<sup>1685</sup> Art. 3 International Luge regulations - Artificial Track – approved at the 62<sup>nd</sup> FIL congress on June 20<sup>th</sup>, 2014 in Innsbruck / Austria.

<sup>1686</sup> Question 4 explanatory guidelines on the implementation of regulation 8 eligibility to play for National representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

- Sailing (ISAF) – refers to ‘ISAF eligibility’,<sup>1687</sup> meaning that either the athlete is *registered with the ISAF* by a national sailing authority or the athlete is a *national* of a member association;
- Skiing (FIS) refers to a *license*, which the national federations may only issue to those who are *nationals* of the country;<sup>1688</sup>
- Wrestling (UWW) refers to sports nationality that does not need to be based upon the athlete’s nationality.<sup>1689</sup>

Luge is particularly interesting, as the license is not based on an athlete’s nationality.

Thus, also the approaches to the introduction of a *sporting licence* differ depending on the Olympic sport. Turning from the sports approach to the theoretical approach taken by scholars, one finds that also no common ground has been reached yet. Here, one of the major problems concerning the *sporting nationality* in particular and sport law or *lex sportiva* in general is that, so far, no clear and universally accepted definition exists.<sup>1690</sup> Nevertheless, the need for better and clearer rules which would lead to more legal certainty has been recognised.<sup>1691</sup>

Some authors have proposed the introduction of a separate *sporting nationality*<sup>1692</sup> without, however, going into detail about what such a *sporting nationality* should entail.<sup>1693</sup> Overall, the main problems arising in this context are, firstly, the precise definition of ‘*sporting nationality*’ and, secondly, to what extent ‘*sporting nationality*’ should be dependent on an athlete’s state nationality.<sup>1694</sup> As described in Chapter 4, Oswald proposed a concept:

“that would be totally separate from state nationality, without losing the notion of national belonging. This would be known as ‘Olympic nationality’ or, even better ‘Olympic membership’.”<sup>1695</sup>

The question arising from this suggestion is how such a notion of national belonging can be established without referring to nationality itself or without relying on the same criteria that the attribution of nationality usually relies upon.

### 17.3.1 Granting a ‘*sporting nationality*’

Technical questions come into play at this point, namely which institution could introduce such a *sporting nationality*. Should the IOC replace its existing rules with

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<sup>1687</sup> Art. 19.1 and Art. 19.4 ISAF regulations 2015 – Annex 3 – Eligibility code – November, 2014.

<sup>1688</sup> Art. 203.3 International Ski competition rules (ICR) book IV Joint regulations For Alpine Skiing, Downhill Slalom Giant Slalom Super-G, Combined Events Team Events Parallel Events Ko Events approved by the 49<sup>th</sup> international Ski congress, Barcelona (Spa) Oberhofen, July 2015.

<sup>1689</sup> Introduction UWW international rules for the change of nationality approved by the Bureau on 13<sup>th</sup> December, 2015.

<sup>1690</sup> See Chapter 4.1; J.A.R. Nafziger (2011), p. 14; R. C. R. Siekmann (2011c), pp. 4ff.

<sup>1691</sup> As the current rules are so varied and criteria can be set aside so easily; see Y. Hafner (2012), p. 238; R. C. R. Siekmann (2011b), p. 87.

<sup>1692</sup> D. Oswald (2009a), p. 58.

<sup>1693</sup> Y. Hafner (2008), p. 1; Y. Hafner (2012), p. 216; D. Oswald (2009a), p. 58.

<sup>1694</sup> Y. Hafner (2012), p. 238; D. Oswald (2009a), p. 58.

<sup>1695</sup> D. Oswald (2009a), p. 58.

one *sporting nationality*? As seen in the previous chapters, several federations have eligibility criteria that are contradicting those set down by the IOC, so this would not be a solution. Having all federations establish an eligibility code similar to the anti-doping code would be extremely complex, as matters of national belonging are more open to debate than banning illegal performance enhancing methods. It is thus likely that each individual sporting federation would be called upon to introduce its own *sporting nationality* rules along (potentially) general guidelines. With this scenario, there would however be no improvement compared to the current situation of individual sports' eligibility codes. Also, if a *sporting nationality* was not directly linked to a state nationality, a non-state body would have to confer this *sporting nationality* on an athlete. The fact that this concept is labelled 'nationality' makes it a tricky proposal, as it is in itself contrary to the current concept of nationality as a bond between a person and a state.

Considering for a moment that a new body was founded and was imbued with the powers to confer a nationality – albeit only a sporting one – there is another issue that arises, as even in that scenario disputes will happen. There thus needs to be an additional judicial body that allows for procedures in accordance with generally accepted standards of justice to challenge these decisions. The possibility to appeal against the verdict should also be given and any verdict and reasoning would need to be published and made available to the public. Should the Court of Arbitration for Sport (CAS), which is a very likely candidate, be called, it would increase the workload of the CAS immensely. Consequently, a separate chamber might have to be introduced that deals exclusively with nationality issues. Furthermore, current developments, such as the *Pechstein* case,<sup>1696</sup> have recently questioned the validity and applicability of the CAS rulings (see Chapter 4.5).

### 17.3.2 Eligibility criteria for a *sporting nationality*

Regardless of which body confers the *sporting nationality*, it would have to do so according to a set of criteria and in accordance with the principles of international law, as elaborated upon in the *desiderata* (Chapter 16.1). The basis remains a *genuine link* between country and athlete. Yet, in addition to the previously mentioned criteria of *ius sanguinis* and *ius soli* as well as the respective option rights or naturalisation procedures, which do not feature prominently in the current eligibility rules,<sup>1697</sup> there needs to be something entirely inherent to the *sporting* context to establish a *sporting nationality*.

Should one follow the line of argument of Oswald and Hafner and create an 'Olympic nationality', the criteria applied would neither refer to an athlete's nationality nor make use of the criteria normally employed to establish such a nationality. As the usually used conditions refer to matters of birth, adoption or

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<sup>1696</sup> Pechstein cases: CAS 2009/A/1912 & 1913; CAS OG 10/04 and OLG München 15<sup>th</sup> January 2015 Az. U 1110/14 Kart.

<sup>1697</sup> See Chapter 15. 3.

residence, these criteria could not be part of those standards that define the Olympic nationality.<sup>1698</sup> As Hafner and Oswald do not specify which criteria would be used in contrast to those employed by domestic national law, one has to wonder how else such a link between athlete and state could be established. Moreover, this is contrary to one of the established *desiderata*, namely that the *genuine link* between athlete and country should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof ii) option rights iii) facilitated naturalisation after marriage or iv) naturalisation.

Some sports consider a link between the athlete and the national league he or she competes in as sufficient.<sup>1699</sup> Athletes who are involved in the training and practice of the sport in a particular country certainly have an inherently *sporting* link with this country. Using this link as the basis for the *sporting nationality* is problematic, however, as top clubs attract top athletes and have very international teams as a result. Yet, an athlete will not necessarily wish to compete for the national team of the country the club is situated in. Otherwise, a German football player who transfers to Juventus Turin would suddenly be eligible for the Italian national team. This option would lead to an alignment between the top-leagues and the national teams, rendering the distinction between club and national teams superfluous.

Another possibility would be the focus on the country that has most invested – both financially and otherwise – in the athlete’s development. Here problems regarding the classification and qualification of the non-monetary investment will arise and a detailed catalogue would be necessary. While it might be a fair approach in some respects, it would again benefit the richer countries or a system of categorising the time spent on an athlete as opposed to solely the money had to be introduced. All in all, this procedure would not constitute a simplification of the previous eligibility criteria and might only shift the focus of the discussion.

### 17.3.3 *Sporting nationality* and dual nationals

Should a separate *sporting nationality* be introduced, there is an additional complication as the position of dual nationals would need to be taken into consideration. Currently, athletes holding dual nationality could potentially be called up for the national teams of either country and each individual athlete does need to choose which nationality he or she favours in a sporting context.<sup>1700</sup> As such, a free choice can usually only be made once several criteria are met, such as a period of

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<sup>1698</sup> D. Oswald (2009a), p. 58; Y. Hafner (2012), p. 238.

<sup>1699</sup> Art. 406(1.3c) IIHF statutes and bylaws 2014 – 2018 of May 2014.

<sup>1700</sup> Rule 5(4)(e) International Association of Athletics Federations competition rules 2016-2017 in force as from 1st November 2015; By law to Rule 13(1) IWF constitution and by-laws 2013 – 2016 – approved by IWF congress – Baku in effect with 01.01.2015; Art. 36.2.2 Fédération Internationale de Gymnastique statutes edition 2015 in effect from January 1<sup>st</sup>, 2015; Art. 2.4.3 World Archery constitution and rules 2014 effective since 1<sup>st</sup> April 2015.

residence,<sup>1701</sup> ancestry,<sup>1702</sup> competition in national leagues,<sup>1703</sup> and a period of non-competition for international matches, if an athlete wishes to change the country of representation later in his or her career. Should a separate *sporting nationality* be introduced, the question is how this current system would be changed in order to fit in with the new rules.

#### 17.3.4 *Sporting nationality* and the rights it might entail

A person who is a national of a given country receives not only the country's protection, but also rights and duties. An athlete who is called up to compete for a national team has a more specific connection to the sporting federation of the particular country in addition to being a national of the country. Again, the devil is in the details of the nomenclature. By calling it a *sporting nationality*, one would create a *nationality* without any rights and duties usually associated with it, and therefore this would be a hollow concept. Through the introduction of a parallel system of nationalities which are inherently different concepts, the entire system would need to be re-defined. Such a system of two different concepts under closely connected terms is neither feasible, not desirable.

Another practical aspect is that twelve out of 35 federations require a passport as proof of nationality.<sup>1704</sup> These sports would either need to change their eligibility criteria, or a separate sporting passport proving an athlete's *sporting nationality*. Naming the document *passport* would in turn lead to a two-level passport system, with the *sporting* passport not functioning as a travel document, which would add to the confusing terminology.

#### 17.3.5 Changing a *sporting nationality*

As previously outlined, the right to change one's nationality is a touchstone principle of nationality law. If one was to introduce a separate *sporting nationality*, there would thus need to be a possibility to change the *sporting nationality*. While one might consider the change of a *sporting nationality* that is entirely disconnected from the athlete's real nationality should in principle be easier, there are several problems. Firstly, the underlying difficulty of mercenary tendencies would continue to exist. The solution to current problems cannot be to water down all the rules that are in place for

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<sup>1701</sup> Art. 28(1a) ITU constitution approved by the ITU congress, September 2015; Art. 21(b) book 3 chapter I FIBA rule book 2014 – 2019; Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2015.

<sup>1702</sup> Art. 5(1) FIFA statutes: regulations governing the application of the statutes 2015; Art. 6.2 Player Eligibility code of the International Handball Federation (IHF) of 8<sup>th</sup> July 2014.

<sup>1703</sup> Regulation 8.1 International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016 and Question 3 explanatory guidelines on the implementation of regulation 8 eligibility to play for national representative teams - International Rugby Board handbook as framed by the International Rugby Board last updated: 8<sup>th</sup> March 2016.

<sup>1704</sup> Art. 2.41 World Archery constitution and rules 2015 effective since 1<sup>st</sup> April 2015; Badminton general competition regulations November 2015; Art. 13, Art. 14 and Art. 15 book 3 chapter I FIBA rule book 2014 – 2019; Art. 406(1.2) IIHF statutes and bylaws 2014 – 2018 of May 2014; as well as basketball, hockey, judo, rowing, skiing, table tennis, taekwondo, volleyball, and weightlifting.

a very valid reason. There would thus be a need for very detailed criteria that delineate under which circumstances a change is admissible in order to contravene the aforementioned fast-track naturalisation procedures before international competitions. Secondly, the aforementioned criteria for establishing a *genuine link* in the sporting context, without relying on elements used for the attribution of legal nationality, would also need to be tailored in such a way to allow for a change. Thirdly, as previously outlined, a body would need to be established to assess and decide on applications and it must subsequently again be possible to challenge decisions in court.

One thus has to conclude that introducing a separate *sporting nationality* does not have major benefits, as only additional procedures and criteria would be needed to grant and verify such a nationality. Moreover, the separation between the *sporting nationality* and nationality of an athlete would be contrary to standards of international nationality law.

#### **17.4 Solution 3: A sporting licence in accordance with international standards of nationality law**

One solution to the aforementioned problem might be to introduce a separate *sporting licence* issued by the national federations. This would notably not be a *sporting nationality*. Contrary to the two solutions presented before, the focus of a *sporting licence* would be to align the eligibility criteria for national teams with the international standards of nationality law:

- a) Sporting federations should recognise the athlete's nationality and should have provisions for stateless athletes and refugees that allow them to continue to compete internationally;
- b) Changes of the country of representation have to be allowed and should not be limited by a maximum number of changes;
- c) The *genuine link* between athlete and country should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof ii) option rights iii) facilitated naturalisation after marriage or iv) naturalisation;
- d) Gender equality should be respected;
- e) Sporting federations should provide rules for those who lost their nationality and allow them to continue their career;
- f) There should be no discriminatory rules;
- g) Rules concerning minor athletes should offer additional protection;

Several of these elements are included at least in part in current eligibility codes. However, to create a standard set of rules, all of these issues need to be addressed. Consequently, the criteria applied need to be very detailed and have to guarantee that there is indeed a *genuine link* between athletes and the state they represent in order to prevent fast track naturalisations prior to major sporting events. The underlying principle for these rules has to be that such a *sporting licence* cannot be given to athletes who do not have a *genuine link* with the state. In general, one can presume that an athlete who holds the nationality of a state does have a *genuine link* with this state.

If, however, as in the case of dual nationals, additional requirements are introduced to ensure or select the link which is to be deemed the strongest, these requirements have to be chosen very carefully. Caution is needed because countries establish different rules regarding the acquisition and loss of nationality. Consequently, there is already an inherent imbalance between states based on their domestic nationality rules.<sup>1705</sup> A country applying *ius soli* and *ius sanguinis a patre* and *a matre* will have a much bigger pool of athletes to choose from than a country using exclusively *ius sanguinis a patre*. Chances to have better athletes – provided that the necessary investments in talent scouting, training and training facilities are made – are far higher for states with the most inclusive domestic nationality laws. If states with more restrictive domestic laws aim to counterbalance this through providing option rights or facilitate naturalisation procedures, there should not be additional requirements re-imposing the imbalance.

Nevertheless, the federation's scrutiny does serve an important goal, as it may prevent opportunistic changes of the country of representation. Yet, this scrutiny may never disadvantage those who make use of compensation mechanisms such as option rights by imposing additional requirements. In case an athlete does not make use of compensation mechanisms, additional rules are to be applied. These may not, however, be too restrictive and should be firmly applied without random possibilities for waivers. I am of the opinion that such an article should not only be included in the IOC's Olympic Charter, but also in all sporting federations' eligibility rules catalogues.

#### 17.4.1 Calling it a 'licence' instead of 'nationality'

As previously stated, terminology is of the essence, due to different connotations words may have. Speaking of attributing a 'nationality' purely for the sporting context – even if it was based on the athlete's nationality – has to be rejected. Nationality not only denominates the bond between a person and the state, but also may only be granted by a state authority. A non-state organisation cannot for both legal and political reasons claim to confer a 'nationality' on a person, regardless of the rights attributed to that status.

Moreover, what eligibility in international competitions actually entails is that the body governing one particular sport grants an athlete the right to represent one country at international level in that particular sport. A 'licence' is generally accepted to mean an authority's official permission to do something, provided one fulfils the criteria set by the authority. This word and its connotations thus best capture the essence of eligibility criteria and should thus be used.

#### 17.4.2 Draft article

Having seen all these problems and possible solutions, the following draft article aims at providing a more comprehensive approach. In addition, a clear set of definitions and

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<sup>1705</sup> G. R. de Groot and J. J. Kuipers (2006), p. 147f.

an explanatory memorandum would need to be delineated by each individual sport as well as the IOC. Each individual sport will naturally further adopt its own code of conduct and refer to the anti-doping and anti-betting codes. While a breach of those codes usually leads to an athlete's ineligibility, this aspect of eligibility criteria is disconnected from the nationality aspect and is, as such, outside the scope of this dissertation.

**Article 1: Athlete eligibility and sporting licences**

- 1.1. Any athlete competing internationally should be affiliated with a country of which he or she is a national.
- 1.2. To mark the connection between the country and the athlete, the relevant national sporting federation shall issue a *sporting licence*, after:
  - 1.2.1. The athlete provided proof of his or her nationality by submitting a copy of the passport. The sporting federation recognises the acquisition of nationality and the establishment of a *genuine link*:
    - 1.2.1.1. at birth through *ius soli* or *ius sanguinis*;
    - 1.2.1.2. through compensation mechanisms such as option rights;
    - 1.2.1.3. through facilitated naturalisation offered by countries for:
      - spouses of their nationals;
      - children of one of their nationals;
      - children, one of whose parents acquires or has acquired its nationality;
      - children adopted by one of their nationals;
      - persons who were born on their territory and reside there lawfully and habitually;
      - persons who are lawfully and habitually resident on their territory for a period of time beginning before the age of 18, that period to be determined by the internal law of the respective state concerned;
      - stateless persons and recognised refugees lawfully and habitually resident in the territory;
    - 1.2.1.4. Naturalisation.
  - 1.2.2. In case of naturalisation, the national federation needs to verify that the relevant country's standard procedure was complied with.
  - 1.2.3. Automatic acquisition of nationality upon marriage will not be immediately recognised.
  - 1.2.4. The athlete signed the code of conduct agreement.
- 1.3. Athletes holding dual or multiple nationality are initially free to choose for which country they wish to compete and will thus only hold one *sporting licence* of their country of choice.
- 1.4. In case an athlete acquires a new nationality or wishes to compete for a country of which he or she is a national, but he or she has not yet competed for, the athlete needs to acquire the *sporting licence* of the new country. The athlete

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wishing to acquire a new licence has to notify the sporting federation and the relevant national federations in writing of his or her wish and the competent authority needs to take a decision within 30 working days upon receiving the request.

- 1.5. For such an acquisition of a new *sporting licence* a two-year non-competition period is applicable for athletes who have already competed internationally.

1.5.1. An automatic exception to the waiting period is granted in the following cases:

- 1) The athlete has made use of option rights or other facilitated procedures to naturalisation as set down under the relevant country's domestic law of the state. He or she can then compete directly for the new country; or
- 2) The change in the athlete's nationality was brought about by external circumstances on which the athlete had no influence, e.g. territorial transfer. The athlete may then directly compete for the new country; or
- 3) The athlete is stateless or a refugee. He or she may then directly compete for the country of residence or under the flag of the sporting federation.

1.5.2. An athlete may apply for a waiver of the waiting period if he or she can show that the athlete's naturalisation procedure was in accordance with the naturalisation procedure generally applicable for people in the same position as the athlete in the athlete's new country of representation. Decisions will be taken on a case-by-case basis and appeal procedures shall be open before an independent body.

- 1.6. Changes cannot be made within one tournament or during a qualification round for a tournament.
- 1.7. If the athlete with multiple nationality already competed internationally prior to the age of majority, he or she may re-decide for which country he or she wants to compete once within the first three years after reaching the age of majority without having to observe a non-competition period.
- 1.8. Junior athletes, meaning those who have not yet reached the age of majority, may choose freely for which country of nationality they wish to compete. They may also decide to compete for another country, given that they are a national thereof, without prior waiting period.
- 1.9. In case of State succession, meaning the replacement of one State by another in the responsibility for the international relations of territory; or if a new national federation is recognised by the International sporting federation, an athlete may continue to represent the country to which he belongs or belonged if that country continues to have a national federation. However, he or she may, if he or she prefers, choose to represent his or her new national federation. This particular choice must receive the approval of the international federation.

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- 1.9.1. Should the athlete afterwards wish to re-decide for which of the entities he or she wishes to compete, he or she needs to ask permission from the international federation and has to prove that special circumstances apply in his or her case. Such a decision will be taken on a case by case basis and appeals procedures shall be open before an independent body.
- 1.10. Stateless athletes, regardless of whether they have been stateless from birth or lost their nationality later, may compete for their country of residence. Should they wish to compete for another country, a decision will be taken on a case-by-case basis and appeals procedures shall be open before an independent body.
- 1.11. Refugees who can no longer compete for their country of origin may compete for their country of residence. Should they wish to compete for another country, a decision will be taken on a case-by-case basis and appeals procedures shall be open.
- 1.12. Disputes are to be settled by a competent and independent authority and the verdicts as well as the reasoning leading to them are to be published and easily accessible electronically for all.
- 1.13. No additional eligibility criteria that might have effects contrary to the rules stipulated above shall be incorporated by any federation.

17.4.3 How is this draft article in accordance with standards of international nationality law?

This article was written with the *desiderata* and the standards of international law in mind. Stateless athletes and refugees are explicitly addressed and the solution akin to the one currently favoured by the IOC for the Rio 2016 Games was taken on board. Minors are especially mentioned and may decide freely for which country they wish to compete before they reach the age of majority. After their 18<sup>th</sup> birthday they have a chance to re-decide within the next three years without facing a non-competition period.

Moreover, the *genuine link* and the modes acquisition of nationality are explicitly elaborated upon as they are not in current eligibility codes. In addition, changes of nationality are allowed without any limits and the required waiting period of two years is not too strict. There are several automatic exceptions that will be granted when it is clear that an athlete has a genuine link with the country he or she wishes to represent. While the general waiving possibilities are extremely limited, athletes may apply for a waiver and will need to show that the procedure through which they became nationals of the country was not unduly hurried along. As with all decisions that are to be taken on a case-by-case basis, appeals procedures before an independent body have to be in place to ensure fairness.

17.4.4 How does this draft article solve the current problems inherent in eligibility codes?

The above-elaborated draft article should not only be included in the IOC's Olympic Charter, but also in all sporting federations' eligibility rules catalogues, as it would

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ensure legal certainty, not only for athletes wishing to compete at the Olympics, but for all athletes of one particular sport. Moreover, comparability of the manner in which athletes are treated by their federations and when independent bodies decide on issues such as eligibility based on nationality, will help to ensure that similar cases are treated equally.



## 18. Conclusions and Recommendations

This dissertation explored the *terra incognita* of nationality requirements in Olympic sports. The exploration began with the legal concept and regulation of nationality (Chapter 3), which led to the establishment of the touchstone principles of nationality for the purpose of this dissertation, i.e. the principles according to which the sports' eligibility criteria were examined (Chapter 3.8.). Afterwards, nationality was placed in the context of *lex sportiva* (Chapter 4) and special attention was paid to the concept of the *genuine link* in the sports context (Chapter 4.3). Having thus set the scene, the following chapters dealt with three research questions:

- 1) What are the eligibility criteria currently employed by the Olympic Sports? (Chapter 5 – 15)
- 2) To what extent is it problematic to align these currently applicable eligibility criteria with international standards of nationality law? (Chapter 16)
- 3) How can tensions that may exist between the criteria applied by the sporting federations and the international standards of nationality law be solved? (Chapter 17).

### 18.1 Nationality law and the touchstone principles thereof

Before looking at the eligibility codes of Olympic sports and the way they sometimes conflict with the international standards of nationality law, one should briefly recapture the essence of nationality law (see Chapter 3 for an elaborate description). The terms '*nationality*' and '*citizenship*' are used in international law to describe the legal link between an individual and a state. While in the common usage both terms may be used interchangeably, from a legal perspective the exact term chosen is important, as '*citizenship*' has the additional connotation of political membership of a state.

For such a relationship between a person and the state to be effective under international law, a '*genuine link*' has to exist. This concept is derived from the 1955 *Nottebohm* case. In case of disputed nationality or citizenship, the tie between state and person is put to the test to determine whether a *genuine link* can be established. The existence of such a link leads to several rights and duties both for the state and the individual, e.g. the individual has the right to unrestricted access to the state's territory and has to be re-admitted after sojourns abroad.

Nationality or citizenship is usually conferred upon children at birth, with factors like the place of birth (*ius soli*) or blood relations (*ius sanguinis*) determining which nationality a child acquires. The situation of foundlings is more problematic, although it is generally agreed that they, as well as children who would otherwise be stateless, should acquire the nationality of the country where they were born or found respectively.

Acquiring a nationality at a point after birth through a process called naturalisation is usually significantly more difficult compared to acquisition at birth. For this, an individual needs to have created a significant link with a country which is not the country of origin, e.g. through permanent residence. This process mainly aims at including those into the political community that have spent a significant part of their lives there, such as children who migrated to the country at an early age and spent their formative years there or second generation migrants in a *ius sanguinis* country and to whom option rights or facilitated naturalisation procedures are available. There are several reasons why a person might wish to acquire a new nationality, either for residence rights, rights to political participation in a place they live, to facilitate employment or to end administrative difficulties. Countries in turn value naturalisation as a means to integrate immigrants or to attract people who are important for the country economically, such as trained labourers, are otherwise considered beneficial, such as talented athletes, or those who have rendered the country a particular service.

Improved travel possibilities and cross-border marriages have led to people developing ties to more than one country. While some people acquire a second nationality through naturalisation, others may acquire two nationalities at birth, as cross-border marriages of nationals from *ius sanguinis* countries can lead to dual nationality for the children. While having multiple nationalities has become more accepted in recent years, there are still reasons why it can be seen as problematic. The underlying issue is that dual nationals are seen as having a divided loyalty as they owe allegiance to more than one state.

A person's nationality may be subject to changes throughout their lifetime, e.g. through external circumstances. These circumstances occur when the state's territory changes – either by state succession, cession or decolonisation. In such a situation, the states involved will often draft treaties with rules tailored to the circumstances. Furthermore, while the *genuine link* between a person and a state is that it is usually deemed to be permanent or at least stable and long lasting, actions by either the state or the person may sever the bond. However, it is important to stress that no person should be arbitrarily deprived of his or her nationality, especially if this would leave the person stateless. Overall, there is consensus among states that statelessness should be avoided. However, as the 'right to nationality' cannot be enforced against a particular state, statelessness occurs nevertheless.

From the above, the following touchstone principles of nationality law were distilled (see Chapter 3.8):

- No violation of fundamental human rights, in particular the right to nationality;
- Statelessness is to be avoided;
- Right to change one's nationality
- Renunciation of nationality should be allowed, if it does not cause statelessness;
- Attribution of nationality has to be based on a *genuine link* between a person and the state;
- Birth right citizenship can be based *ius sanguinis* or *ius soli* or a combination thereof;

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- Family unity should be upheld;
- Gender equality should be respected;
- No arbitrary deprivation of nationality;
- No discrimination.

Additionally, the position of children and minors is of paramount importance as they are in an especially vulnerable position and need additional protection.

These principles were used in the analysis and evaluation of the eligibility criteria set by the Olympic sports.

### **18.2 What are the eligibility criteria currently employed by the Olympic Sports?**

To answer this question, the eligibility codes of the following sports were examined in Chapters 5-15: FINA (Aquatics), WA (Archery), IAAF (Athletics), BWF (Badminton), FIBA (Basketball), IBU (Biathlon), IBSF (Bobsleigh), AIBA (Boxing), ICF (Canoe Kayak), WCF (Curling), UCI (Cycling), FEI (Equestrian), FIE (Fencing), FIFA (Football), IGF (Golf), FIG (Gymnastics), IHF (Handball), FIH (Hockey), IIHF (Ice Hockey), IJF (Judo), FIL (Luge) UIPM (Modern Pentathlon), FISA (Rowing), World Rugby (Rugby), ISAF (Sailing), ISSF (Shooting), ISU (Skating), FIS (Skiing), ITTF (Table Tennis), WTF (Taekwondo), ITF (Tennis), ITU (Triathlon), FIVB (Volleyball), IWF (Weightlifting), and UWW (Wrestling).

It became clear that the 35 Olympic sports present a very diverse picture. On the one hand, some sports went into great detail on several aspects, while on the other hand others only briefly mentioned problematic points, while some remained rather unspecific in their rules. Furthermore, there were great differences regarding the federations' approaches to the question of eligibility. By looking at all the Olympic sports, an overview of the different possible requirements athletes are faced with was gained. The most striking observation is that, while the sports differ greatly regarding the details, most sports have rules in force that require athletes to have a *genuine link* with the country they represent, either through residence or by being a national of the country.

The standard that was to be used as a *tertium comparationis* was thus difficult to establish and several problems arose. Firstly, rules applicable prior to 2013 were not always forthcoming from the federations. Secondly, not all topics which are of interest for the purpose of this dissertation were treated in equal detail among the federations' current eligibility codes. As for several aspects, only less than a third of all Olympic sports have rules in place, it is not possible to draw conclusions on this topic for all 35 Olympic sports. Thirdly, not all sports experienced a substantial change in their eligibility criteria within the examined time frame.

Consequently, there is a certain bias in the results, as developments could only be monitored in an extremely limited number of cases. One should first mention that no changes have occurred with regard to the rules of stateless athletes and those competing for the country of residence. However, this is bound to change as, for the

upcoming Olympics, the IOC will for the first time allow refugee athletes to compete. Similarly, since 2013, trends regarding territorial transfers have been limited to the introduction of a rule dealing with the aftermath of state succession by golf in 2014 and modern pentathlon in 2015. The important topic of minor athletes also has not been brought up by many sports and while, on the one hand since 2008 FIFA no longer focuses on an athlete's 21<sup>st</sup> birthday, on the other hand since 2014 ice hockey now places importance on the 10<sup>th</sup> birthday and the country in which an athlete has lived since. There is thus also no discernible trend in either direction. Ice hockey is also the only sport that had a significant change in policy regarding a maximum number of changes, as the limit of one change of country of representation was abolished in 2014. These aspects of eligibility criteria were thus not subject to changes so far.

There was, however, a discernible trend towards allowing changes of the country of representation, even after an athlete competed internationally. In 2012 athletics introduced such a rule for athletes who wish to change their country of representation and, since 2013, their approach is even more detailed. Similarly, boxing has added the possibility to change the country of representation in 2015, as did golf in 2014. On the other side of the spectrum, wrestling introduced a *sporting nationality* in 2015. Furthermore, athletes with multiple nationality have become more important and most federations have chosen to treat them like those having changed their nationality and they face the same waiting periods: four years for golf since 2014; three for modern pentathlon since 2015; two years for rowing since 2013; as well as two for boxing since 2015. Thus, the first discernible trend is towards a codification of rules. The second development is towards allowing changes of the country of representation, although different additional criteria were introduced by the various federations.

The opposite held true regarding the federations' take on modes of acquisition of nationality, which do not feature prominently in most eligibility codes. Similarly, while residence periods are still used by many federations, recently three federations changed this aspect of their eligibility criteria. In 2007, equestrian first introduced a residence requirement and a year later ice hockey followed suit. However, while equestrian has already allowed exceptions to the rule since 2010, ice hockey has taken a different approach, focussing on the time legally resident in a country after a given birthday. While this was the 12<sup>th</sup> birthday in 2012, the 2014 rule change saw this reduced to the 10<sup>th</sup> birthday, making the requirement easier to meet. While for these two sports the importance of residence seems to have reduced, or at least the requirements have become easier to meet, athletics relies more for such requirements since 2013, as currently a three-year continuous residence period may help to reduce the three-year non-competition period.

Non-competition periods have become more important and new requirements were recently introduced, e.g. two years for boxing in 2015 or rowing since 2013. Golf went further in 2014 requiring a four-year non-competition period. Additionally, since 2011, equestrian especially aligned with the IOC's required non-

competition period for the Olympics. While these four examples show a trend towards more and stricter non-competition periods, there has been trend in the other direction as well. On the other side of the spectrum, wrestling only imposes a two-year period since 2012 if the federations do not agree and, since 2013, athletics offers the possibility to reduce the three-year non-competition period by proving three continuous years of residence in the relevant country. Yet, the overall trend goes towards limiting changes of the country of representation by means of non-competition periods.

### **18.3 To what extent are these currently applicable eligibility criteria in accordance with the international standards of nationality law?**

When examining the extent to which eligibility codes and touchstone principles of nationality law clash, the main focus is on the *genuine link* between the athlete and the state he or she represents in a sporting competition. Here it is important to note that the definitions the sporting federations give for a *genuine link* should not be at odds with the principles of international law. From the above enumerated principles, one can formulate several *desiderata*, i.e. desirable aspects of eligibility criteria:

- a) Sporting federations should recognise the athlete's nationality and should have provisions for stateless athletes and refugees that allow them to continue to compete internationally;
- b) Changes of country of representation have to be allowed and should not be limited by a maximum number of changes;
- c) The *genuine link* between the athlete and the country should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof ii) option rights iii) facilitated naturalisation after marriage or iv) naturalisation;
- d) Gender equality should be respected;
- e) Sporting federations should provide rules for those who lost their nationality and allow them to continue their career;
- f) There should be no discriminatory rules;
- g) Rules concerning minor athletes should offer additional protection.

#### 18.3.1 Terminology

In addition to the content of the rules, the way they are phrased is important. As previously explained, words have different connotations and using terms with different connotations interchangeably leads to confusion and unclear rules. This is contrary to an underlying assumption in law that the same word should mean the same within the same code. Confusingly, as seen in Chapter 15.1, 13 federations use nationality and citizenship interchangeably<sup>13</sup> times. Moreover, golf and taekwondo consider citizenship as merely a condition that needs to be fulfilled to acquire nationality, yet they do not provide a differentiating definition of these terms. As seen previously, it is usually the case that all citizens are also nationals, but not all nationals are citizens.

The federations are thus clearly using the terms contrary to generally established principles.

Moreover, most federations do not provide clear definitions of nationality or citizenship, which makes comparing their respective concepts difficult. The same can be said for 'residence' which is not always defined. Thus it might be better for future clarity to either provide a definition in the rule book itself or for all Olympic sports to agree on a particular set of terms to allow for easier communication between the sports.

### 18.3.2 Sporting federations should recognise the athlete's nationality and should have provisions for stateless athletes and refugees that allow them to continue to compete internationally

Currently, the UNHCR estimates that there are at least ten million stateless people in the world. Amnesty International estimates that more than 50 million people were forced to flee from their home country and seek asylum elsewhere. To adapt to this current situation and to address problems that are largely ignored by the federations, the IOC will for the first time allow refugee athletes to compete during the 2016 Games. As they will not be able to compete for the country from which they have fled, they will compete under the IOC flag and the Olympic Anthem will be played during the ceremonies. So far, it remains unclear how the qualification for the individual disciplines will be handled, yet through this measure the IOC clearly reacts to circumstances athletes might find themselves in.

It is likely that sporting federations will soon follow, as currently there are only seven out of 35 federations which deal with stateless athletes, refugees or asylum seekers. The approaches taken by those seven largely differ.

Allowing stateless athletes or refugees to compete for the country of residence is more in line with the general principles of nationality law, as residence helps to forge a *genuine link* between the athlete and the country. Yet, the criteria with which residence is assessed should not be too strict. Generally, in order to address the pressing issue of statelessness and refugees and in order to be in line with the touchstone principles of nationality law, as the IOC has recently done, all federations should include provisions on stateless or refugee athletes.

### 18.3.3 Changes of the country of representation have to be allowed and should not be limited by a maximum number of changes

Changing one's country of representation, which is one of the most complex aspects of the eligibility codes, is usually possible with either residence or waiting period requirements having to be fulfilled. Overall, there are only two sports that do not allow for any change at all and whose provisions are thus contrary to the touchstone principles of nationality law. The first one is football, where a player has to decide for which country he or she wishes to compete prior to the first 'A' match. The same goes for rugby players whose *rugby nationality* remains the same, regardless of their actual nationality. All other Olympic sports rely on the assumption that a person should have

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a *genuine link* with the country he or she represents and that this connection is defined by nationality or citizenship.

In order to avert situations in which athletes change their country of representation frequently and might thus cause a difficult situation within one international tournament, sporting federations have included several provisions in their codes with additional criteria for such changes. These provisions largely differ regarding the conditions that need to be fulfilled and the circumstances that will be taken into consideration. Including aspects such as residence is in line with the touchstone principles of nationality law, since residence is used as a criterion for naturalisation.

Furthermore, some federations, namely cycling, basketball, fencing, handball, volleyball, and wrestling specify that only one change can occur during an athlete's career. Not only do circumstances such as state successions, political developments, or personal circumstances not conform to the clean-cut provisions; this provision is also contrary to the touchstone principles of nationality law, as changing one's nationality is a human right.

With the increasing acceptance of dual nationality in recent decades, also in the sporting context dual or multiple nationality has been dealt with more frequently and most sports nowadays include articles on dual nationals in their eligibility codes. The majority of these allow athletes to initially choose freely for which country they wish to compete. Once an athlete with multiple nationality has competed for one country and then wishes to compete for another country of which he or she is a national, usually the same procedure applies as when the nationality was newly acquired. Consequently, residence requirements or waiting periods will be in place to counter-act mercenary tendencies.

Other sports, like handball, ice hockey and football approach the issue differently and have additional requirements in place to decide with which of the countries the *genuine link* is strongest. While determining whether or not a *genuine link* exists with the help of *ius soli* or *ius sanguinis* criteria is in line with the touchstone principles of nationality law, some of the criteria used are not. One example of a discriminatory requirement is having the biological parents' birth place in the respective country as the determining factor, as it seriously affects athletes who were adopted as children or who were foundlings. This provision should thus be changed to also include foster or adopted parents.

Finally, some sports, like rugby or football, limit the choices for athletes with dual nationality and distinguish between 'A' matches and those matches in lower level competitions. After an athlete competed for a national team in an 'A' match, he or she can no longer change the country of representation. While limiting mercenary tendencies is necessary for the sake of the sport and continuity in competitions, this is not in accordance with the right to change one's nationality.

In turn, de-colonialisation, state succession and cession lead to situations in which an athlete's nationality may be subject to change without him or her having initiated the change. This topic is not dealt in detail with by the Olympic federations,

as only nine out of 35 sports refer to territorial transfers in their codes. Interestingly, most of these articles are phrased in the same way and can thus not only be compared easily, but they also show that one general approach is taken by these nine sports. In such cases, the athlete is left to choose which country he or she wants to represent. This is in line with the touchstone principles of nationality law that allow for changing one's nationality as well as the principle that a *genuine link* should exist between a person and the state.

18.3.4 The genuine link between an athlete and a country should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof ii) option rights iii) facilitated naturalisation after marriage or iv) naturalisation

As previously described, the conferral of nationality usually happens at birth through either *ius soli* or *ius sanguinis*. The majority of the Olympic sports do not deal with the question of how exactly a nationality is acquired. The few that do have two different approaches, which all boil down to *ius soli* or *ius sanguinis* and are thus in line with the international standards. Some have additional requirements in place that are more problematic as they refer to the biological mother or father, thereby placing adopted children at a disadvantage. Foundlings in turn will be faced with the sheer impossibility of providing documentation of where they were born and where their ancestors were born.

Another difficult aspect is 'residence', as the federations' definitions, if any are given, vary greatly. Nevertheless, most Olympic sports focus on residence when examining whether a *genuine link* between a person and a state exists. This is done either to verify a *genuine link* in case of a change of nationality or to establish a connection if an athlete wishes to compete for a country of which he or she is not a national. As residence is usually one of the conditions that needs to be met when a person seeks naturalisation, this is in line with the principles of nationality law.

However, the way in which residence is quantified in most eligibility codes raises several questions and the number of days seems to have been picked arbitrarily.

Time and especially a waiting or non-competition period is frequently used by sports as an additional requirement if athletes wish to change their country of representation. Some have these requirements in addition to the residence requirement, while others only have non-competition periods. Overall, there are 22 federations whose eligibility codes feature a period of non-competition. The duration of this differs and ranges from four years required by ice hockey and golf to only one year required by aquatics, archery, and skiing.

From a legal point of view, introducing an element of time is in itself not contrary to the touchstone principles of nationality law and most countries' naturalisation laws include aspects of a certain duration of legal residence. However, this waiting period is not directly linked to residence. Merely waiting and biding one's time does not establish a *genuine link* per se and while it discourages easy and

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frequent changes between national teams, it does not contribute much to fostering a *genuine link*.

Furthermore, any additional requirements should not be significantly stricter than those required by the states. If an athlete has fulfilled the standard requirements for a naturalisation procedure, made use of option rights or was a dual national from birth, the fact that the state considers him or her as a national should be sufficient for a *genuine link*.

### 18.3.5 Gender equality should be respected

In all eligibility codes, gender equality should be respected. Hence, there should be no different rules in place for male or female athletes. Currently, this principle is breached by only one federation, namely ice hockey, which offers more favourable conditions to female athletes. While affirmative action may be seen as positive, there is no reason why female athletes should be subject to more favourable conditions upon changing their country of representation.

### 18.3.6 Sporting federations should provide rules for those who lost their nationality and allow them to continue their career

Along with matters of stateless and refugee athletes, all sporting federations should incorporate terms under which athletes who lost their nationality are able to continue their career. It should either be done by allowing them to compete for their country of residence or, as the IOC has already allowed for the 2016 Olympics, by allowing them to compete under a neutral flag, such as the IOC's. This is connected not only to the issue of gender equality and family unity, as it is usually female athletes whose nationality is made dependent on their marital status. Loss of nationality is currently not a primary concern of sporting federations, yet, akin to the issue of statelessness and refugees, it is extremely important. Should an athlete lose his or her nationality there should be rules in place that allow the athlete to continue his or her career. An exception to this rule must certainly be the case if the nationality was lost due to fraud on the part of the athlete or if the nationality is lost at the application of the athlete, i.e. by renunciation or release.

### 18.3.7 There should be no discriminatory rules

Eligibility requirements should not be discriminatory and few of the current rules are openly disadvantaging certain athletes. However, there are some that place an undue focus on biological parents or their place of birth. Nevertheless, some rules can have discriminatory outcomes, which is the case with most residence periods or non-competition periods, prescribed for athletes wishing to change their country of representation. Introducing non-competition or residence periods is not contrary to the standards of international law, yet the fact that these can be waived or reduced is problematic. There are no official guidelines under which such reductions or waivers are possible and thus athletes cannot judge beforehand which effect a change can have on their career. Moreover, as decisions are taken internally and few means of appeal

are available in some sports, it is possible that similar cases are not treated equally. While it is not possible to say that discrimination is currently happening, one is not given sufficient insights into the workings of the federations and their decision-making processes to rule out discriminatory practices entirely. Hence, the conditions which need to be met to achieve reductions or waivers should either be made public and should be similar for all sports, or the entire system should be abandoned and replaced with a better controlled one.

### 18.3.8 Rules concerning minor athletes should offer additional protection

Minors are in an especially vulnerable position and are generally presumed to need special protection, not only in the field of nationality law. Yet, there are only a few federations that deal with the position of minors and the majority of Olympic sports remains mute on that point. Even if minors are mentioned, the provisions largely differ as only basketball, cycling, equestrian, football, hockey, rugby, and taekwondo refer at all to minors and rugby only does so to underline that there are no separate rules applicable. This is in itself a problem as minors should receive more protection than adult athletes. A child who is already an accomplished athlete does not need less, but rather more, protection. The underlying problem is that minors who are not recognised as legally capable to make legally binding decisions cannot be expected to make binding decisions regarding their nationality and for which state they wish to compete. Thus, those federations who either contain no special rules for minors or those who explicitly state that minors will be treated as adults are acting contrary to generally accepted legal principles.

The few regulations that deal with minor athletes recognise that minors are not able to make fully-informed decisions on which country they want to represent in international competitions and hence apply a degree of flexibility. Others such as FIFA do not concern themselves with matters of age, but they focus on who has played a match in an "A" competition. Those who have not may still decide to play for another association. This means that players competing in the junior competitions can rethink their choice for which country they would like to play. The problem arising from a clear age distinction between minor and adult athletes is that sometimes even younger athletes are already competing at the highest international level. Hence, a distinction based on the level of the competitions the athlete participates in is more useful and easiest to handle. However, seeing that more and more younger children are called up for different youth national teams, it is important to maintain a minimum level of protection for the young athletes.

### 18.3.9 Waiving eligibility requirements

One of the major problems with the current eligibility criteria set by the sporting federations is that they may be reduced or waived. This leads to athletes deciding on whether to change the country of representation being faced with different obstacles within the same federation. It is thus not certain that equal cases will be treated equally and thus discriminatory practices become possible.

Moreover, reductions or waivers are often subject to the federations agreement, which might mean that the establishing of a *genuine link* could under certain circumstances be scrutinised less by the federations involved.

**18.4 How can tensions that may exist between the criteria applied by the sporting federations and the international standards of nationality law be solved?**

The main problems arising from the tensions between eligibility criteria and the international standards of nationality law can be summarised as follows:

- Firstly, the terminology and definitions used are inconsistent and contradictory;
- Secondly, the issue of stateless athletes and asylum seekers is not being addressed adequately by most federations; better rules are needed that provide fast solutions and allow athletes to continue their career;
- Thirdly, allowing only a set number of changes of the country of representation or none at all, is contrary to the right to change one's nationality;
- Fourthly, additional requirements have discriminatory elements, such as focussing on the biological parents and thus placing adopted children and foundlings at a disadvantage;
- Fifthly, waiving or reducing residence and waiting periods leads to similar cases not being treated equally. Consequently, there is no legal certainty and discriminatory practices cannot be counter-acted;
- Finally, minors who do not have the legal capacity to make binding decisions are expected to make binding decisions concerning their nationality and country of representation.

These tensions need to be addressed, while taking the aforementioned principles of international law and the previously established *desiderata* into consideration.

**18.4.1 Option one: a free market approach**

One way of reducing the tensions between the standards of international law and the eligibility criteria would be to simply further reduce the articles of the eligibility codes – as some sports do not go into great detail – and adopt a free market approach. Without the often contradictory and sometimes even discriminatory rules, supply and demand would be the determining factors in international sports. The countries demanding the best athletes would need to invest in the best facilities and other benefits to the athletes. Sport development would see new investments and sport as a whole could benefit. In turn, athletes could freely choose for which country they want to compete. Due to fast-track naturalisation procedures, they might quickly acquire the nationality of a country and changes between countries could be immediately effective. For practical reasons changes within a tournament would not be allowed but, for the rest, athlete transfers between countries could be handled akin to those between the top sporting clubs.

Herein lies one of the main problems of this approach, as fast-track naturalisation schemes have recently fuelled heated debates on citizenship as a whole. Examples of this were the investor citizenship programmes currently operating in some European Union member states such as Malta, Cyprus and Portugal. As almost no residence requirements are in place for rich investors who are thus able to buy a European passport from one of these countries and consequently gain free access to the Schengen area, an EU-wide discussion on these practices has arisen. Furthermore, while the *genuine link* between an athlete and the country should be recognised by the sporting federations if established by naturalisation, these fast-track options often circumvent the standard nationality law. Alternatively, also the principle of taking nationality as a basis for selecting national teams might be re-considered. However, in that case, the whole matter of representative national teams becomes a moot point.

Another problem might arise as creating a market akin to the market for athletes for national leagues could lead to an alignment between the national leagues and the national teams, as richer clubs are situated in the countries in which more money is allocated to sporting issues. Such an alignment would render the distinction between international clubs and international competitions obsolete. If one wants to maintain the competitions between national teams in a more meaningful way, athletes representing a country do need to have a *genuine link* therewith. And to ensure this link, the current scrutiny exercised by the federations regarding nationality changes does serve an important goal, as it may prevent opportunistic changes of the country of representation, especially before the Olympic Games. Totally abolishing the rules is therefore not an option.

#### 18.4.2 Option two: a separate sporting nationality

Having established that a set of eligibility rules would have to be applicable to all federations and their international competitions, the next question is how lenient or strict the rules should be. The preliminary question one has to ask in this respect is whether one wants to give athletes the most liberty in choosing which country they can compete for to further their careers, or whether one's primary aim is to ensure that athletes have a *genuine link* with the country they compete for. The problems arising from stringent rules are, however, that certain residence or non-competition requirements will hinder athletes who have not actively changed their nationality but who are forced to do so due to state succession.

Some authors have proposed the introduction of a separate *sporting nationality* without, however, going into detail about what such a *sporting nationality* should entail. Overall, the main problems arising in this context are, firstly, the precise definition of '*sporting nationality*' and, secondly, to what extent *sporting nationality* should be dependent on an athlete's state nationality. Oswald proposed a concept in which the *sporting nationality* would be entirely disconnected from the athlete's nationality, which begs the question how such a notion of national belonging can be established without referring to nationality itself or without relying on the same criteria on which the attribution of nationality usually relies. Examining all

possibilities to establish a *genuine link* between an athlete and the country of representation and seeing that this proposal would only shift the focus of the problem, one has to conclude that introducing a separate *sporting nationality* does not have major benefits. Moreover, the term *sporting nationality* should also not be chosen, because any workable definition of this link is at odds with the generally accepted use of the term ‘nationality’.

Having examined nationality law not only in general, but also more specifically the concept of *sporting nationality*, one finds that while greater simplicity for athlete eligibility in international competitions is certainly desirable, the introduction of a *sporting nationality* is not.

#### 18.4.3 Option three: A sporting licence in accordance with the international standards of nationality law

The solution favoured in this dissertation is to introduce a separate *sporting licence* issued by the national federations, as presented in a ‘Draft article’ (see Chapter 17.4.2). This *sporting licence* would notably not be a *sporting nationality* as advocated by some scholars. The criteria for granting a *sporting licence* needs to be very detailed and should guarantee that there is indeed a *genuine link* between athletes and the country of representation in order to prevent fast-track naturalisations prior to major sporting events. The underlying principles determining these criteria have to be in line with the general standards of international nationality law, and such a *sporting licence* cannot be given to athletes who do not have a *genuine link* with the state. In general, one can presume that an athlete who holds the nationality of a state does have such a link. If, however, as in the case of dual nationals, additional requirements are introduced to ensure or select the link created by the nationality, these requirements have to be selected very carefully. Caution is required because – as already mentioned above – countries set down different rules regarding the acquisition and loss of nationality. Consequently, there is already an inherent imbalance between states based on their domestic nationality rules. A country applying *ius soli* and *ius sanguinis a patre* and *a matre* will have a much bigger pool of athletes to choose from than a country using exclusively *ius sanguinis a patre*. Chances to have better athletes – provided that the necessary investments in talent scouting, training and training facilities are made – are far higher for states with the most inclusive domestic nationality laws. If states with more restrictive domestic laws themselves aim to counterbalance this through providing option rights or facilitating naturalisation procedures, there should not be additional requirements re-imposing the imbalance.

The problems encountered by stateless and refugee athletes need to be explicitly addressed and a solution like the one currently favoured by the IOC for the Rio 2016 Games needs to be provided. Furthermore, the position of minors needs special attention and they should be able to decide freely for which country they wish to compete before they reach the age of majority. After their 18<sup>th</sup> birthday they need to have a chance to re-decide within the next three years without facing a non-competition period. For this sporting license, the rules need to explicitly refer to all

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modes of acquisition of nationality, ensuring that option rights and facilitated naturalisation procedures are recognised and treated akin to acquisition of nationality at birth. In addition, changes of nationality are to be allowed without any limits and the proposed waiting period of two years is not too strict. Moreover, as the waiting period cannot be waived, legal certainty is ensured. Since terms and terminology have been a large issue with current codes, the definitions and explanations should be spelled out before the article to clarify all issues.

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## 20. List of Abbreviations

Table LIII Sport Associations and their abbreviations

Sport	Association	Founded	Seat	Separate Disciplines	Olympic since	Present at all games since then?	Women allowed since	Women present at all games since then?	Notes
Aquatics	FINA	1908	Lausanne, CH	Water Polo	1900	Not 1904	2000	Yes	
				Diving	1904	yes	1912	yes	
				Swimming	1896	yes	1912	yes	
				Synchronised Swimming	1984	Yes	1984	yes	No men's event
Archery	WA	1931	Lausanne, CH		1900 Not 1912 1924 1928 1932 1936 1948 1952 1956 1960 1964 1968		1904	Not 1912 1924 1928 1932 1936 1948 1852 1956 1960 1964 1968	First named FITA
Athletics	IAAF	1912	Monaco, MC		1896	yes	1928	yes	
Badminton	BWF	1934	Kuala Lumpur, MAL		1992	yes	1992	yes	
Basketball	FIBA	1932	Mies, CH		1936	yes	1976	yes	
Biathlon	IBU	1993	Salzburg, A		1960	yes	1992	yes	
Bobsleigh	FIBT/IBSF	1923	Milan, I	Bobsleigh	1924	Not 1960	2002	yes	
				Skeleton	1928	Not 1932 1936 1952	2002	yes	

NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

						1956 1960 1964 1968 1972 1976 1980 1984 1988 1992 1994 1998			
Boxing	AIBA	1946	Lausanne, CH		1904	Not 1912	2012	yes	
Canoe Kayak	ICF	1946	Lausanne, CH	Slalom	1972	Not 1976 1980 1984 1988	1972	Not 1976 1980 1984 1988	
				Sprint	1936	yes	1948	yes	
Curling	WCF	1965	Perth, UK		1924	Not 1928 1932 1936 1952 1956 1960 1964 1968 1972 1976 1980 1984 1988 1992 1994	1998	yes	
Cycling	UCI	1900	Aigle, CH	BMX	2008	yes	2008	yes	
				Road	1896	Not 1900 1904 1908	1984	yes	
				Track	1896	Not 1902	1988	yes	
				Mountain Bike	1996	yes	1996	yes	
Equestrian	FEI	1921	Lausanne, CH		1900	Not 1904 1908	1952	yes	Since 1952 only mixed event
Fencing	FIE	1913	Lausanne, CH		1896	yes	1924	yes	

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Football	FIFA	1904	Zürich, CH		1900	Not 1932	1996	yes	
Golf	IGF	1958	Lausanne, CH		2016				
Gymnastics	FIG	1881	Lausanne, CH	Artistic	1896	yes	1928	Not 1932	
				Rhythmic	1984	yes	1984	yes	No men's event
				Trampoline	2000	yes	2000	yes	
Handball	IHF	1946	Basel, CH		1936	Not 1948 1952 1956 1960 1964 1968 1972	1976	yes	
Hockey	FIH	1924	Lausanne, CH		1908	Not 1912 1924	1980	yes	
Ice Hockey	IIHF	1908	Zürich, CH		1924	yes	1998	yes	
Judo	IJF	1951	Lausanne, CH		1964	Not 1968	1992	yes	
Luge	FIL	1957	Berchtesgaden, DE		1964	yes	1964	yes	
Modern Pentathlon	UIPM	1948	Monte Carlo, MC		1912	yes	2000	yes	

NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Rowing	FISA	1922	Lausanne, CH		1900	yes	1976	yes	
Rugby	IRB/World Rugby	1886	Dublin, IR						
Sailing	ISAF	1907	London, UK		1900 (1896 not possible due to weather)	Not 1904	Since 1900	yes	Mixed events till 2008, separate men and women since 1988
Shooting	ISSF	1907	München, DE		1896	Not 1904 1928 1968 1972 1976 1980	1984	yes	Mixed events 1968 - 1992
Skating	ISU	1892	Lausanne, CH	Figure Skating	1924	yes	1924	yes	
				Short track speed skating	1992	Yes	1992	yes	
				Speed Skating	1924	yes		yes	
Skiing	FIS	1924	Oberhofen am Thunersee, CH	Alpine	1936	yes	1936	yes	
				Cross Country	1924	yes	1952	yes	
				Freestyle	1992	yes	1992	yes	
				Nordic Combined	1924	yes	-	-	No women's event
				Ski Jumping	1924	yes	2014	yes	
				Snowboard	1998	yes	1998	yes	
Table Tennis	ITTF	1926	Lausanne, CH		1988	yes	1988	yes	
Taekwondo	WTF	1973	Seoul, ROK		2000	yes	2000	yes	

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Tennis	ITF	1913	London, UK		1896	Not 1928 1932 1936 1952 1956 1960 1964 1968 1972 1976 1980 1984	1900	Not 1904 1928 1932 1936 1952 1956 1960 1964 1968 1972 1976 1980 1984	
Triathlon	ITU	1989	Vancouver, CAN		2000	yes	2000	yes	
Volleyball	FIVB	1947	Lausanne, CH	Beach Volleyball	1996	yes	1996	yes	
				Volleyball	1960	yes	1960	yes	
Weightlifting	IWF	1905	Budapest, H		1896	Not 1900 1908 1912	2000	yes	
Wrestling	UWW	1912	Corsier-sur- Vevey, CH	Freestyle	1904	Not 1912,	2004	yes	
				Greco-Roman	1896	Not 1900 1904	-	-	No women's event

**Other:**

- EU: European Union
- TCN: Third country national
- UEFA: Union of European Football Associations
  - Founded in 1954
  - Seat in Nyon, Switzerland



## 21. Appendices<sup>x</sup>

### 21.1. IOC Charter

#### Eligibility Olympic Charter September 2013

##### 40 Eligibility Code\*

To be eligible for participation in the Olympic Games, a competitor, coach, trainer or other team official must comply with the Olympic Charter, including the conditions of eligibility established by the IOC, as well as with the rules of the IF concerned as approved by the IOC, and the competitor, coach, trainer or other team official must be entered by his NOC.

The above-noted persons must:

- respect the spirit of fair play and non violence, and behave accordingly; and
- respect and comply in all aspects with the World Anti-Doping Code.

##### *Bye-law to Rule 40*

1. Each IF establishes its sport's own eligibility criteria in accordance with the Olympic Charter. Such criteria must be submitted to the IOC Executive Board for approval.
2. The application of the eligibility criteria lies with the IFs, their affiliated national federations and the NOCs in the fields of their respective responsibilities.
3. Except as permitted by the IOC Executive Board, no competitor, coach, trainer or official who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games.
4. The entry or participation of a competitor in the Olympic Games shall not be conditional on any financial consideration.

##### 41 Nationality of Competitors\*

1. Any competitor in the Olympic Games must be a national of the country of the NOC which is entering such competitor.
2. All matters relating to the determination of the country which a competitor may represent in the Olympic Games shall be resolved by the IOC Executive Board.

##### *Bye-law to Rule 41*

1. A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, he may not represent another country unless he meets the conditions set forth in paragraph 2 below that apply to persons who have changed their nationality or acquired a new nationality.
2. A competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, and who has changed his nationality or acquired a new nationality, may participate in the Olympic Games to represent his new country provided that at least three years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and IF concerned, by the IOC Executive Board, which takes into account the circumstances of each case.
3. If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a competitor may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in the Olympic Games by his new NOC if one exists. This particular choice may be made only once.
4. Furthermore, in all cases in which a competitor would be eligible to participate in the Olympic Games, either by representing another country than his or by having the choice as to the country which such competitor intends to represent, the IOC Executive Board may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.

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<sup>x</sup> Any spelling mistakes found in the appendices are due to spelling mistakes in the source material, meaning the federations' rulebooks.

## 21.2. Sport federation rules and statutes

In the following selected articles from the respective international sport association statutes can be found. All articles not concerning eligibility or players' nationality were omitted.

### **Aquatics**

#### **FINA GENERAL RULES valid as of 25<sup>th</sup> November 2015**

##### **GR 1 ELIGIBILITY**

**GR 1.1** All competitors shall be registered with their National Federation to be eligible to compete.

##### **GR 2 INTERNATIONAL RELATIONS**

[...]

**GR 2.5** When a competitor or competition official represents his/her country in a competition, he/she shall be a citizen, whether by birth or naturalisation, of the nation he/she represents, provided that a naturalised citizen shall have lived in that country for at least one year prior to that competition. Competitors, who have more than one nationality according to the laws of the respective nations must choose one "Sport Nationality" and be affiliated to one Member only.

**GR 2.6** Any competitor or competition official changing his affiliation from one national governing body to another must have resided in the territory of and been under the jurisdiction of the latter for at least twelve months prior to his first representation for the country.

##### **GR 2.6.1 Proof of Residence**

- 1) Residence means the place/country where the competitor or competition official "lives and sleeps" and where he/she can be found in the majority of days of the year.
- 2) The proof of residence must include documentation establishing the applicant resides in the country. In this regard the official school or university confirmation or employment contract or any other relevant documentation may constitute evidence.
- 3) Certified registration of an address in the «new» country for at least twelve (12) months prior to first representation of the competitor or competition official for the «new» country must be sent to FINA.

##### **GR 2.6.2 Proof of Jurisdiction**

- 1) Certified membership in a club of the new country
- 2) Confirmation from the FINA Member of that country
- 3) Official result lists from national championships, national, regional or international club competitions in which the applicant has participated for his/her "new" club during the GR2.6 requested time
- 4) Applicants cannot represent any of the countries during the "transfer period"

**GR 2.7** Any application for change of affiliation must be approved by FINA.

#### **FINA GENERAL RULES valid as of 29 January 2015**

##### **GR 1 ELIGIBILITY**

**GR 1.1** All competitors shall be registered with their National Federation to be eligible to compete.

##### **GR 2 INTERNATIONAL RELATIONS**

[...]

**GR 2.5** When a competitor or competition official represents his/her country in a competition, he/she shall be a citizen, whether by birth or naturalisation, of the nation he/she represents, provided that a naturalised citizen shall have lived in that country for at least one year prior to that competition. Competitors, who have more than one nationality according to the laws of the respective nations must choose one "Sport Nationality" and be affiliated to one Member only.

**GR 2.6** Any competitor or competition official changing his affiliation from one national governing body to another must have resided in the territory of and been under the jurisdiction of the latter for at least twelve months prior to his first representation for the country.

##### **GR 2.6.1 Proof of Residence**

- 1) Residence means the place/country where the competitor or competition official "lives and sleeps" and where he/she can be found in the majority of days of the year.
- 2) The proof of residence must include documentation establishing the applicant resides in the country. In this regard the official school or university confirmation or employment contract or any other relevant documentation may constitute evidence.
- 3) Certified registration of an address in the «new» country for at least twelve (12) months prior to first representation of the competitor or competition official for the «new» country must be sent to FINA.

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- 1) Certified membership in a club of the new country
- 2) Confirmation from the FINA Member of that country
- 3) Official result lists from national championships, national, regional or international club competitions in which the applicant has participated for his/her "new" club during the GR2.6 requested time
- 4) Applicants cannot represent any of the countries during the "transfer period"

## APPENDICES

**GR 2.7** Any application for change of affiliation must be approved by FINA.

### **FINA GENERAL RULES 2013-2017 of August 2013**

#### **GR 1 ELIGIBILITY**

**GR 1.1** All competitors shall be registered with their National Federation to be eligible to compete.

#### **GR 2 INTERNATIONAL RELATIONS**

[...]

**GR 2.5** When a competitor or competition official represents his/her country in a competition, he/she shall be a citizen, whether by birth or naturalisation, of the nation he/she represents, provided that a naturalised citizen shall have lived in that country for at least one year prior to that competition. Competitors, who have more than one nationality according to the laws of the respective nations must choose one "Sport Nationality" and be affiliated to one Member only.

**GR 2.6** Any competitor or competition official changing his affiliation from one national governing body to another must have resided in the territory of and been under the jurisdiction of the latter for at least twelve months prior to his first representation for the country.

##### **GR 2.6.1 Proof of Residence**

1) Residence means the place/country where the competitor or competition official "lives and sleeps" and where he/she can be found in the majority of days of the year.

2) The proof of residence must include documentation establishing the applicant resides in the country. In this regard the official school or university confirmation or employment contract or any other relevant documentation may constitute evidence.

3) Certified registration of an address in the "new" country for at least twelve (12) months prior to first representation of the competitor or competition official for the "new" country must be sent to FINA.

##### **GR 2.6.2 Proof of Jurisdiction**

1) Certified membership in a club of the new country

2) Confirmation from the FINA Member of that country

3) Official result lists from national championships, national, regional or international club competitions in which the applicant has participated for his/her "new" club during the GR 2.6 requested time

4) Applicants cannot represent any of the countries during the "transfer period"

**GR 2.7** Any application for change of affiliation must be approved by FINA.

### **FINA Memorandum on Athlete's Nationality 9 February 2011**

"Dear Sirs,

Considering the latest cases audited by the FINA Disciplinary Panel, FINA would like to draw the attention of all FINA Member Federations to the problem that the double citizenship of athletes can cause. In order to avoid the risk of FINA Rules violations, FINA deems that all FINA Member Federations should get knowledge on the sport nationality of the athletes when they register by including a paragraph in their registration form in which the athletes are required to inform on the following points:

- The athlete shall disclose any other sport nationality that he/she is eligible to represent (or has been able to represent in case of a change of citizenship);

- The athlete shall declare whether he/she has previously represented another sport country in any international competition and in any age level;

- In the event the athlete has already represented another sport country, the athlete shall declare he/she has complied with the FINA Rules regarding the change of sport nationality (FINA GR 2.5 ff).

This requirement would avoid the participation in international events of athletes that do not comply with the FINA GR 2.5 ff and thus prevent the National Federations and the athletes to be sanctioned with regard to the Rules on Sport Nationality.

Thank you for your kind attention and your support in this important issue.

Yours sincerely,

Cornel Marculescu"

### **FINA Constitutions 2013 – 2017**

**C 3.17** Sport Country – means a geographical territory or region which, though not recognized as a country, has certain aspects of self-government at least to the extent in being autonomous in the control of its sports, and is recognized as such by FINA.

**C 14.5.2** The approval shall include the conditions and requirements in accordance with the FINA Rules, whilst the appointment of FINA delegate(s) shall be granted by the FINA Executive. All Competitors must comply with FINA eligibility rules.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

### **FINA CONSTITUTION AND RULES 2009 – 2013**

#### **GENERAL RULES**

##### **GR 1 ELIGIBILITY**

**GR 1.1** All competitors shall be registered with their National Federation to be eligible to compete.

##### **GR 2 INTERNATIONAL RELATIONS**

[...]

**GR 2.5** When a competitor or competition official represents his/her country in a competition, he/she shall be a citizen, whether by birth or naturalisation, of the nation he/she represents, provided that a naturalised citizen shall have lived in that country for at least one year prior to that competition. Competitors, who have more than one nationality according to the laws of the respective nations must choose one "Sport Nationality" and be affiliated to one Member only.

**GR 2.6** Any competitor or competition official changing his affiliation from one national governing body to another must have resided in the territory of and been under the jurisdiction of the latter for at least twelve months prior to his first representation for the country.

##### **GR 2.6.1 Proof of Residence**

1) Residence means the place/country where the competitor or competition official "lives and sleeps" and where he/she can be found in the majority of days of the year.

2) The proof of residence must include documentation establishing the applicant resides in the country. In this regard the official school or university confirmation or employment contract or any other relevant documentation may constitute evidence.

3) Certified registration of an address in the "new" country for at least twelve (12) months prior to first representation of the competitor or competition official for the "new" country must be sent to FINA.

##### **GR 2.6.2 Proof of Jurisdiction**

1) Certified membership in a club of the new country

2) Confirmation from the FINA Member of that country

3) Official result lists from national championships, national, regional or international club competitions in which the applicant has participated for his/her "new" club during the GR 2.6 requested time

4) Applicants cannot represent any of the countries during the "transfer period"

**GR 2.7** Any application for change of affiliation must be approved by FINA.

### **FINA General Rules 2005**

#### **GR 1 ELIGIBILITY**

**GR 1.1** All competitors shall be registered with their National Federation to be eligible to compete.

#### **GR 2 INTERNATIONAL RELATIONS**

[...]

**GR 2.5** When a competitor represents his/her country in a competition, he/she shall be a citizen, whether by birth or naturalisation, of the nation he/she represents, provided that a naturalised citizen shall have lived in that country for at least one year prior to that competition. Competitors, who have more than one nationality according to the laws of the respective nations must choose one "Sport Nationality" and be affiliated to one Member only.

**GR 2.6** Any competitor changing his affiliation from one national governing body to another must have resided in the territory of and been under the jurisdiction of the latter for at least twelve months prior to his first representation for the country.

**GR 2.7** Any application for change of affiliation must be approved by FINA.

## **Archery**

### **World Archery Constitution and Rules 2015 effective since 1 April 2015**

#### **Book 1 Chapter 2 Eligibility Code for Athletes and Team Officials**

##### **2.1 Admission**

**2.1.1.** Athletes who wish to participate in Championships, Games, International and National Tournaments, which are recognised or controlled by World Archery or a Member Association, in one or more of the various disciplines recognised by World Archery, shall be affiliated with a Member Association.

**2.1.2** .To be eligible to participate in the World Championships, World Record and Performance Award Tournaments and such other events as World Archery may recognise and specify, athletes shall comply with the Eligibility Code.

**2.1.3.** To be eligible to participate in the Olympic Games, Paralympic Games and Regional or Area Games, an athlete shall comply with the Olympic Charter (see [Appendix 1-Congress Procedures](#), [Appendix 6-Olympic Charter](#)) and the Eligibility Code.

[...]

##### **2.2. Eligibility Code**

(See [Appendix 1-Congress Procedures](#), [Appendix 6-Olympic Charter](#).)

## APPENDICES

**2.2.1.** Athletes and officials shall respect the spirit of fair play and non-violence, and behave accordingly on the field of play.

*2.2.1.1. Athletes and all other members of the World Archery Family shall comply with the betting and anti-corruption rules set forth in Appendix 9*

**2.2.2.** Athletes shall refrain from using substances and procedures prohibited by the laws of World Archery, IOC, IPC and WADA, and together with the officials shall respect and comply in all aspects with the World Archery Anti-Doping Rules and the World Anti-Doping Code.

**2.2.3** An athlete may allow his person, name, picture or sport performances to be used for advertising purposes and may accept prizes or money without any restriction or limit (see Appendix 1-Congress Procedures, Appendix 6-Olympic Charter).

**2.2.4.** Athletes shall comply with the requirements of World Archery sponsorship contracts during World Championships.

**2.2.5.** Tobacco and alcohol advertising and sponsorship are forbidden at World Championships.

**2.2.6.** Athletes may wear advertising in addition to the normal manufacturer trademarks of the articles worn. The manufacturer's trademark is the registered mark of the company which produced the item. If a company has an item made for it under contract, the label of the item, if appropriate to the item, shall correspond to its trademark.

**2.2.7.** Athletes may have advertising on their personal and technical equipment (e.g. bows, bags, etc.) in addition to the item's normal trademark.

*2.2.7.1. All advertising referred to Article 2.2.6. and Article 2.2.7. above shall not exceed 400cm<sup>2</sup> per item. Athletes' numbers are not covered by this article.*

*2.2.7.2. All trademarks referred to in Article 2.2.6. and Article 2.2.7. above shall not exceed 30cm<sup>2</sup> except trademarks on bows and stabilizers.*

*2.2.7.3. The official insignia, flag or emblem of the country or Member Association they represent has no restriction as to size and is not counted as advertising.*

**2.2.8.** Provisions under Article 2.2.5. , Article 2.2.6. , Article 2.2.7. , Article 2.2.7.1. and Article 2.2.7.2. are also to be observed by all team officials present on the field of play.

**2.2.9.** For eligibility rules applicable to Para-Archery events, see 21. Chapter 21-Para-Archery in Book 3.  
[...]

### **2.4. National Teams**

**2.4.1.** To be eligible to participate as a member of a National Team in International Events, an athlete shall have a valid passport from the country of which he is a National Team Member and shall not have represented any other Member Association as a National Team Member for at least one year before the date of the competition.

**2.4.2.** If an athlete wants to compete for a National Team other than the one for which he holds a valid passport, he shall have resided in the new country for at least one year before the date of the competition and shall have the written permission of the Member Association, if any, of the country from which he has a valid passport.

**2.4.3.** An athlete who has changed his nationality, or acquired a new nationality, may not represent the National Team of his new Member Association until one year after such a change or acquisition.

**2.4.4.** An athlete who has a valid passport of two or more countries at the same time may represent either of them, as he chooses. He shall, however, meet the conditions laid down in Article 2.4.1. to Article 2.4.3. above.

**2.5.** Athletes are not eligible to compete in World Archery events if they do not meet the requirements laid down above.

## **World Archery Rules 2014**

### **World Archery Constitution and Rules 2014 effective since 1 April 2014**

#### **Chapter 2**

#### **Eligibility Code for Athletes and Team Officials**

##### **2.1. Admission**

**2.1.1.** Athletes who wish to participate in Championships, Games, International and National Tournaments, which are recognised or controlled by World Archery or a Member Association, in one or more of the various disciplines recognised by World Archery, shall be affiliated with a Member Association.

**2.1.2.** To be eligible to participate in the World Championships, World Record and Performance Award Tournaments and such other events as World Archery may recognise and specify, athletes shall comply with the Eligibility Code.

**2.1.3.** To be eligible to participate in the Olympic Games, Paralympic Games and Regional or Area Games, an athlete shall comply with the Olympic Charter (see Appendix 1-Congress Procedures, Appendix 6-Olympic Charter) and the Eligibility Code.

[...]

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

### **2.2. Eligibility Code**

(See Appendix 1-Congress Procedures, Appendix 6-Olympic Charter.)

**2.2.1.** Athletes and officials shall respect the spirit of fair play and non-violence, and behave accordingly on the field of play.

*2.2.1.1. Athletes and all other members of the World Archery Family shall comply with the betting and anti-corruption rules set forth in Appendix 9*

**2.2.2.** Athletes shall refrain from using substances and procedures prohibited by the laws of World Archery, IOC, IPC and WADA, and together with the officials shall respect and comply in all aspects with the World Archery Anti-Doping Rules and the World Anti-Doping Code.

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**2.2.4.** Athletes shall comply with the requirements of World Archery sponsorship contracts during World Championships.

**2.2.5.** Tobacco and alcohol advertising and sponsorship are forbidden at World Championships.

**2.2.6.** Athletes may wear advertising in addition to the normal manufacturer trademarks of the articles worn. The manufacturer's trademark is the registered mark of the company which produced the item. If a company has an item made for it under contract, the label of the item, if appropriate to the item, shall correspond to its trademark.

**2.2.7.** Athletes may have advertising on their personal and technical equipment (e.g. bows, bags, etc.) in addition to the item's normal trademark.

*2.2.7.1. All advertising referred to Article 2.2.6. and Article 2.2.7. above shall not exceed 400cm<sup>2</sup> per item. Athletes' numbers are not covered by this article.*

*2.2.7.2. All trademarks referred to in Article 2.2.6. and Article 2.2.7. above shall not exceed 30cm<sup>2</sup> except trademarks on bows and stabilizers.*

*2.2.7.3. The official insignia, flag or emblem of the country or Member Association they represent has no restriction as to size and is not counted as advertising.*

**2.2.8.** Provisions under Article 2.2.5. , Article 2.2.6. , Article 2.2.7. , Article 2.2.7.1. and Article 2.2.7.2. are also to be observed by all team officials present on the field of play.

**2.2.9.** For eligibility rules applicable to Para-Archery events, see 21. Chapter 21-Para-Archery in Book 3.

[...]

### **2.4. National Teams**

**2.4.1.** To be eligible to participate as a member of a National Team in International Events, an athlete shall have a valid passport from the country of which he is a National Team Member and shall not have represented any other Member Association as a National Team Member for at least one year before the date of the competition.

**2.4.2.** If an athlete wants to compete for a National Team other than the one for which he holds a valid passport, he shall have resided in the new country for at least one year before the date of the competition and shall have the written permission of the Member Association, if any, of the country from which he has a valid passport.

**2.4.3.** An athlete who has changed his nationality, or acquired a new nationality, may not represent the National Team of his new Member Association until one year after such a change or acquisition.

**2.4.4.** An athlete who has a valid passport of two or more countries at the same time may represent either of them, as he chooses. He shall, however, meet the conditions laid down in Article 2.4.1. to Article 2.4.3. above.

**2.5.** Athletes are not eligible to compete in World Archery events if they do not meet the requirements laid down above.

## **World Archery Rules 2013**

### **World Archery Constitution and Rules 2012 effective since 1 April 2013 with Updated: 25 September 2013**

#### **Chapter 2**

#### **Eligibility Code for Athletes and Team Officials**

##### **2.1. Admission**

**2.1.1.** Athletes who wish to participate in Championships, Games, International and National Tournaments, which are recognised or controlled by World Archery or a Member Association, in one or more of the various disciplines recognised by World Archery, shall be affiliated with a Member Association.

**2.1.2.** To be eligible to participate in the World Championships, World Record and Performance Award Tournaments and such other events as World Archery may recognise and specify, athletes shall comply with the Eligibility Code.

## APPENDICES

**2.1.3.** To be eligible to participate in the Olympic Games, Paralympic Games and Regional or Area Games, an athlete shall comply with the Olympic Charter (see Appendix 1-Congress Procedures, Appendix 6-Olympic Charter) and the Eligibility Code.

[...]

### **2.2. Eligibility Code**

(See Appendix 1-Congress Procedures, Appendix 6-Olympic Charter.)

**2.2.1.** Athletes and officials shall respect the spirit of fair play and non-violence, and behave accordingly on the field of play.

*2.2.1.1. Athletes and all other members of the World Archery Family shall comply with the betting and anti-corruption rules set forth in Appendix 9*

**2.2.2.** Athletes shall refrain from using substances and procedures prohibited by the laws of World Archery, IOC, IPC and WADA, and together with the officials shall respect and comply in all aspects with the World Archery Anti-Doping Rules and the World Anti-Doping Code.

**2.2.3.** An athlete may allow his person, name, picture or sport performances to be used for advertising purposes and may accept prizes or money without any restriction or limit (see Appendix 1-Congress Procedures, Appendix 6-Olympic Charter).

**2.2.4.** Athletes shall comply with the requirements of World Archery sponsorship contracts during World Championships.

**2.2.5.** Tobacco and alcohol advertising and sponsorship are forbidden at World Championships.

**2.2.6.** Athletes may wear advertising in addition to the normal manufacturer trademarks of the articles worn. The manufacturer's trademark is the registered mark of the company which produced the item. If a company has an item made for it under contract, the label of the item, if appropriate to the item, shall correspond to its trademark.

**2.2.7.** Athletes may have advertising on their personal and technical equipment (e.g. bows, bags, etc.) in addition to the item's normal trademark.

*2.2.7.1. All advertising referred to Article 2.2.6. and Article 2.2.7. above shall not exceed 400cm<sup>2</sup> per item. Athletes' numbers are not covered by this article.*

*2.2.7.2. All trademarks referred to in Article 2.2.6. and Article 2.2.7. above shall not exceed 30cm<sup>2</sup> except trademarks on bows and stabilizers.*

*2.2.7.3. The official insignia, flag or emblem of the country or Member Association they represent has no restriction as to size and is not counted as advertising.*

**2.2.8.** Provisions under Article 2.2.5. , Article 2.2.6. , Article 2.2.7. , Article 2.2.7.1. and Article 2.2.7.2. are also to be observed by all team officials present on the field of play.

**2.2.9.** For eligibility rules applicable to Para-Archery events, see 21. Chapter 21-Para-Archery in Book 3.

[...]

### **2.4. National Teams**

**2.4.1.** To be eligible to participate as a member of a National Team in International Events, an athlete shall have a valid passport from the country of which he is a National Team Member and shall not have represented any other Member Association as a National Team Member for at least one year before the date of the competition.

**2.4.2.** If an athlete wants to compete for a National Team other than the one for which he holds a valid passport, he shall have resided in the new country for at least one year before the date of the competition and shall have the written permission of the Member Association, if any, of the country from which he has a valid passport.

**2.4.3.** An athlete who has changed his nationality, or acquired a new nationality, may not represent the National Team of his new Member Association until one year after such a change or acquisition.

**2.4.4.** An athlete who has a valid passport of two or more countries at the same time may represent either of them, as he chooses. He shall, however, meet the conditions laid down in Article 2.4.1. to Article 2.4.3. above.

**2.5.** Athletes are not eligible to compete in World Archery events if they do not meet the requirements laid down above.

## **World Archery Rules 2012**

### **Eligibility code for athletes and team officials**

#### **2.1. Admission**

**2.1.1.** Athletes who wish to participate in Championships, Games, International and National Tournaments, which are recognised or controlled by World Archery or a Member Association, in one or more of the various disciplines recognised by World Archery, shall be affiliated with a Member Association.

**2.1.2.** To be eligible to participate in the World Championships, World Record and Performance Award Tournaments and such other events as World Archery may recognise and specify, athletes shall comply with the Eligibility Code.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**2.1.3.** To be eligible to participate in the Olympic Games, Paralympic Games and Regional or Area Games, an athlete shall comply with the Olympic Charter (see Appendix 1-Congress Procedures, Appendix 6-Olympic Charter) and the Eligibility Code.

[...]

### **2.2. Eligibility Code**

(See Appendix 1-Congress Procedures, Appendix 6-Olympic Charter.)

**2.2.1.** Athletes and officials shall respect the spirit of fair play and non-violence, and behave accordingly on the field of play.

*2.2.1.1. Athletes and all other members of the World Archery Family shall comply with the betting and anti-corruption rules set forth in Appendix 9*

**2.2.2.** Athletes shall refrain from using substances and procedures prohibited by the laws of World Archery, IOC, IPC and WADA, and together with the officials shall respect and comply in all aspects with the World Archery Anti-Doping Rules and the World Anti-Doping Code.

**2.2.3.** An athlete may allow his person, name, picture or sport performances to be used for advertising purposes and may accept prizes or money without any restriction or limit (see Appendix 1-Congress Procedures, Appendix 6-Olympic Charter).

**2.2.4.** Athletes shall comply with the requirements of World Archery sponsorship contracts during World Championships.

**2.2.5.** Tobacco and alcohol advertising and sponsorship are forbidden at World Championships.

**2.2.6.** Athletes may wear advertising in addition to the normal manufacturer trademarks of the articles worn. The manufacturer's trademark is the registered mark of the company which produced the item. If a company has an item made for it under contract, the label of the item, if appropriate to the item, shall correspond to its trademark.

**2.2.7.** Athletes may have advertising on their personal and technical equipment (e.g. bows, bags, etc.) in addition to the item's normal trademark.

*2.2.7.1. All advertising referred to Article 2.2.6. and Article 2.2.7. above shall not exceed 400cm<sup>2</sup> per item. Athletes' numbers are not covered by this article.*

*2.2.7.2. All trademarks referred to in Article 2.2.6. and Article 2.2.7. above shall not exceed 30cm<sup>2</sup> except trademarks on bows and stabilizers.*

*2.2.7.3. The official insignia, flag or emblem of the country or Member Association they represent has no restriction as to size and is not counted as advertising.*

**2.2.8.** Provisions under Article 2.2.5. , Article 2.2.6. , Article 2.2.7. , Article 2.2.7.1. and Article 2.2.7.2. are also to be observed by all team officials present on the field of play.

**2.2.9.** For eligibility rules applicable to Para-Archery events, see 21. Chapter 21-Para-Archery in «Book 3».

### **2.4. National Teams**

**2.4.1.** To be eligible to participate as a member of a National Team in International Events, an athlete shall have a valid passport from the country of which he is a National Team Member and shall not have represented any other Member Association as a National Team Member for at least one year before the date of the competition.

**2.4.2.** If an athlete wants to compete for a National Team other than the one for which he holds a valid passport, he shall have resided in the new country for at least one year before the date of the competition and shall have the written permission of the Member Association, if any, of the country from which he has a valid passport.

**2.4.3.** An athlete who has changed his nationality, or acquired a new nationality, may not represent the National Team of his new Member Association until one year after such a change or acquisition.

**2.4.4.** An athlete who has a valid passport of two or more countries at the same time may represent either of them, as he chooses. He shall, however, meet the conditions laid down in Article 2.4.1. to Article 2.4.3. above.

**2.5.** Athletes are not eligible to compete in World Archery events if they do not meet the requirements laid down above.

## **Athletics**

### **INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS COMPETITION RULES 2016-2017 IN FORCE AS FROM 1ST NOVEMBER 2015**

#### **DEFINITIONS**

##### **Citizen**

A person who has legal Citizenship of a Country or, in the case of a territory, legal Citizenship of the territory's parent Country and appropriate legal status in the territory under applicable laws.

##### **Citizenship**

Legal citizenship of a Country or, in the case of a territory, legal citizenship of the territory's parent Country and appropriate legal status in the territory under applicable laws.

## APPENDICES

### **Country**

A self-governing geographical area of the world recognised as an independent state by international law and international governmental bodies.

### **Residence**

Residence is the place or location in which the athlete is registered with relevant authorities as having his primary and permanent home.

the major international Competitions in the IAAF's four-yearly official competition programme.

*Note (i): The above definitions apply to all Rules except where the same terms are also defined in Chapter 3 (Anti-Doping and Medical) e.g., International Competition, in which case the above definitions apply to all Rules except Chapter 3. The definitions in Chapter 3 apply to the Anti-Doping and Medical Rules only.*

*Note (ii): All references in the Rules to the masculine gender shall also include references to the feminine and all references to the singular shall also include references to the plural.*

*Note (iii): IAAF publications "The Referee" and "Le Juge Arbitre", in English and French respectively, provide interpretation to the Competition Rules and practical guidance for their implementation.*

*Note (iv): Amendments (other than editorial amendments) to the corresponding Rules in the IAAF Competition Rules, 2016-2017 approved by the 2015 Congress or by the Council, are marked by double lines in the margin and are applicable from 1st November 2015 unless otherwise stated.*

### **RULE 5 Eligibility to Represent a Member**

**1.** in international Competitions held under Rules 1.1(a), (b), (c), (f) or (g), Members shall be represented only by athletes who are Citizens of the Country (or territory) which the affiliated Member represents and who comply with the eligibility requirements of this Rule 5.

**2.** An athlete who has never competed in an international Competition under Rules 1.1(a), (b), (c), (f) or (g) shall be eligible to represent a Member in an international Competition under Rules 1.1(a), (b), (c), (f) or (g) if he is:

(a) a Citizen of the Country (or territory) by virtue of having been born or by virtue of having a parent or grandparent born in the Country (or territory); or

(b) a Citizen of the Country (or territory) through the acquisition of a new Citizenship but, in such a case, he may represent his new Member no earlier than one year following the date of acquisition of new Citizenship pursuant to the athlete's application. this period of one year may be reduced or cancelled as set out below:

(i) the period shall be cancelled if the athlete has completed one continuous year of Residence in the Country (or territory) immediately preceding the international Competition in question;

(ii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the international Competition in question.

**3.** Subject to Rule 5.4, an athlete who has represented a Member in an international Competition held under Rules 1.1(a), (b), (c), (f) or (g) shall not be eligible to represent another Member in an international Competition held under Rules 1.1(a), (b), (c), (f) or (g).

**4.** An athlete who has represented a Member in an international Competition under Rules 1.1(a), (b), (c), (f) or (g) shall be eligible to represent another Member in an international Competition under Rules 1.1(a), (b), (c), (f) or (g) (with immediate effect unless otherwise stated) in the following circumstances only:

(a) if the Country (or territory) of the Member is subsequently incorporated in another Country that is or subsequently becomes a Member;

(b) if the Country (or territory) of the Member ceases to exist and the athlete becomes a Citizen as of right of a newly formed Country ratified by treaty or otherwise recognised at international level that subsequently becomes a Member;

(c) if the territory of the Member does not have a National Olympic Committee and an athlete qualifies to compete at the Olympic games for the territory's parent Country. in such a case, the athlete's representation of the territory's parent Country at the Olympic games shall not affect his eligibility to continue to compete for the relevant Member territory in other international Competitions under Rules 1.1(a), (b), (c), (f) or (g);

(d) Acquisition of new Citizenship: if the athlete acquires a new Citizenship, he may represent his new Member in an international Competition under Rules 1.1(a), (b), (c), (f) or (g), but no earlier than three years following the date of acquisition of new Citizenship pursuant to the athlete's application. this period of three years may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. the reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;

(ii) the period shall be cancelled if the athlete has completed three continuous years of Residence in the Country (or territory) of his new membership immediately preceding the international Competition in question;

(iii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the international Competition in question.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

(e) Dual Citizenship: if an athlete holds Citizenship of two (or more) Countries (or territories), he may represent the Member of either (or any) of them, as he may elect. However, having once represented his elected Member in an international Competition under Rules 1.1(a), (b), (c), (f) or (g), he shall not represent another Member of which he is a Citizen for a period of three years from the date that he last represented the first elected Member. this period may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. the reduction shall be effective upon receipt by the iAAF Office of a written notification of the Members' agreement;

(ii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the iAAF Office at least 30 days before the international Competition in question.

the application of Rule 5.4(e) is limited to athletes who were born with dual citizenship. An athlete who holds Citizenship of two or more Countries (or territories) by virtue of the fact that he has acquired a new Citizenship (for example, through marriage) without relinquishing his Citizenship of birth is subject to the provisions of Rule 5.4(d).

5. in accordance with Rule 21.2, the eligibility of an athlete competing under these Rules shall at all times be guaranteed by the Member to which the athlete is affiliated. the burden of proof in establishing whether an athlete is eligible in accordance with this Rule 5 rests with the Member and the athlete concerned. the Member must provide the iAAF with valid / authentic documentation demonstrating the athlete's eligibility and such other evidence as may be necessary to prove the athlete's eligibility on a definitive basis. if required by the iAAF, Members shall provide a certified copy of all documentation on which it seeks to rely in demonstrating the athlete's eligibility under this Rule.

### **RULE 20 Definition of Eligible Athlete**

An athlete is eligible to compete if he agrees to abide by the Rules and has not been declared ineligible.

### **RULE 21 Restriction of Competition to Eligible Athletes**

1. Competition under these Rules is restricted to athletes who are under the jurisdiction of a Member and who are eligible to compete under the Rules.

2. in any competition under the Rules, the eligibility of an athlete competing shall be guaranteed by the Member to which the athlete is affiliated.

3. the eligibility rules of Members shall be strictly in conformity with those of the iAAF and no Member may pass, promulgate or retain in its constitution or regulations any eligibility rule or regulation which is in direct conflict with a Rule or Regulation. where there is a conflict between the eligibility rules of the iAAF and the eligibility rules of a Member, the eligibility rules of the iAAF shall apply.

## **INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS COMPETITION RULES 2014-2015**

**IN FORCE AS FROM 1ST NOVEMBER 2013**

### **DEFINITIONS**

#### ***Citizen***

A person who has legal Citizenship of a Country or, in the case of a Territory, legal Citizenship of the Territory's parent Country and appropriate legal status in the Territory under applicable laws.

#### ***Citizenship***

Legal citizenship of a Country or, in the case of a Territory, legal citizenship of the Territory's parent Country and appropriate legal status in the Territory under applicable laws.

#### ***Country***

A self-governing geographical area of the world recognised as an independent state by international law and international governmental bodies.

#### ***Residence***

Residence is the place or location in which the athlete is registered with relevant authorities as having his primary and permanent home.

### **Rule 5 Eligibility to Represent a Member**

1. In International Competitions held under Rules 1.1(a), (b), (c), (f) or (g), Members shall be represented only by athletes who are Citizens of the Country (or Territory) which the affiliated Member represents and who comply with the eligibility requirements of this Rule 5.

2. An athlete who has never competed in an International Competition under Rules 1.1(a), (b), (c), (f) or (g) shall be eligible to represent a Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g) if he is:

(a) a Citizen of the Country (or Territory) by virtue of having been born or by virtue of having a parent or grandparent born in the Country (or Territory); or

(b) a Citizen of the Country (or Territory) through the acquisition of a new Citizenship but, in such a case, he may represent his new Member no earlier than one year following the date of acquisition of new Citizenship pursuant to the athlete's application. This period of one year may be reduced or cancelled as set out below:

## APPENDICES

(i) the period shall be cancelled if the athlete has completed one continuous year of Residence in the Country (or Territory) immediately preceding the International Competition in question;

(ii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the International Competition in question.

3. Subject to Rule 5.4, an athlete who has represented a Member in an International Competition held under Rules 1.1(a), (b), (c), (f) or (g) shall not be eligible to represent another Member in an International Competition held under Rules 1.1(a), (b), (c), (f) or (g).

4. An athlete who has represented a Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g) shall be eligible to represent another Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g) (with immediate effect unless otherwise stated) in the following circumstances only:

(a) if the Country (or Territory) of the Member is subsequently incorporated in another Country that is or subsequently becomes a Member;

(b) if the Country (or Territory) of the Member ceases to exist and the athlete becomes a Citizen as of right of a newly formed Country ratified by Treaty or otherwise recognised at international level that subsequently becomes a Member;

(c) if the Territory of the Member does not have a National Olympic Committee and an athlete qualifies to compete at the Olympic Games for the Territory's parent Country. In such a case, the athlete's representation of the Territory's parent Country at the Olympic Games shall not affect his eligibility to continue to compete for the relevant Member Territory in other International Competitions under Rules 1.1(a), (b), (c), (f) or (g);

(d) Acquisition of new Citizenship: if the athlete acquires a new Citizenship, he may represent his new Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g), but no earlier than three years following the date of acquisition of new Citizenship pursuant to the athlete's application. This period of three years may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;

(ii) the period shall be cancelled if the athlete has completed three continuous years of Residence in the Country (or Territory) of his new membership immediately preceding the International Competition in question;

(iii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the International Competition in question.

(e) Dual Citizenship: if an athlete holds Citizenship of two (or more) Countries (or Territories), he may represent the Member of either (or any) of them, as he may elect. However, having once represented his elected Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g), he shall not represent another Member of which he is a Citizen for a period of three years from the date that he last represented the first elected Member. This period may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;

(ii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the International Competition in question.

The application of Rule 5.4(e) is limited to athletes who were born with dual citizenship. An athlete who holds Citizenship of two or more Countries (or Territories) by virtue of the fact that he has acquired a new Citizenship (for example, through marriage) without relinquishing his Citizenship of birth is subject to the provisions of Rule 5.4(d).

5. In accordance with Rule 21.2, the eligibility of an athlete competing under these Rules shall at all times be guaranteed by the Member to which the athlete is affiliated. The burden of proof in establishing whether an athlete is eligible in accordance with this Rule 5 rests with the Member and the athlete concerned. The Member must provide the IAAF with valid / authentic documentation demonstrating the athlete's eligibility and such other evidence as may be necessary to prove the athlete's eligibility on a definitive basis. If required by the IAAF, Members shall provide a certified copy of all documentation on which it seeks to rely in demonstrating the athlete's eligibility under this Rule.

### **RULE 20 Definition of Eligible Athlete**

An athlete is eligible to compete if he agrees to abide by the Rules and has not been declared ineligible.

### **RULE 21 Restriction of Competition to Eligible Athletes**

1. Competition under these Rules is restricted to athletes who are under the jurisdiction of a Member and who are eligible to compete under the Rules.

2. In any competition under the Rules, the eligibility of an athlete competing shall be guaranteed by the Member to which the athlete is affiliated.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

3. The eligibility rules of Members shall be strictly in conformity with those of the IAAF and no Member may pass, promulgate or retain in its constitution or regulations any eligibility rule or regulation which is in direct conflict with a Rule or Regulation. Where there is a conflict between the eligibility rules of the IAAF and the eligibility rules of a Member, the eligibility rules of the IAAF shall apply.

### **RULE 22 Ineligibility for International and Domestic Competitions**

1. The following persons shall be ineligible for competitions, whether held under these Rules or the rules of an Area or a Member. Any athlete, athlete support personnel or other person:

(a) whose National Federation is currently suspended by the IAAF. This does not apply to national competitions organised by the currently suspended Member for the Citizens of that Country or Territory;

(b) who has been provisionally suspended or declared ineligible under the rules of his National Federation from competing in competitions under the jurisdiction of that National Federation, in so far as such suspension or ineligibility is consistent with these Rules;

(c) who is currently serving a period of provisional suspension from competition under these Rules;

(d) who does not meet the eligibility requirements set out in Rule 141 or the Regulations thereunder;

(e) who has been declared ineligible as a result of a breach of the Anti-Doping Rules in Chapter 3;

(f) who has been declared ineligible as a result of a breach of any other Rule or Regulation under Rule 60.4.

2. If an athlete competes in a competition when not eligible to do so under Rule 141 or the Regulations thereunder, without prejudice to any other disciplinary action that may be taken under the Rules, the athlete and any team for which the athlete competed shall be disqualified from the competition with all resulting consequences for the athlete and the team, including the forfeiture of all titles, awards, medals, points and prize and appearance money.

3. If an athlete competes (or an athlete support personnel or other person participates) in a competition, whether held under these Rules or the rules of an Area or Member, whilst ineligible to do so under the Anti-Doping Rules in Chapter 3, the consequences set out in Rule 40.11 shall apply.

4. If an athlete competes (or an athlete support personnel or other person participates) in a competition, whether held under these Rules or the rules of an Area or Member, whilst ineligible to do so under any other Rule, the period of his ineligibility shall recommence from the time he last competed as though no part of a period of ineligibility had been served.

## **INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS COMPETITION RULES 2012-2013 IN FORCE AS FROM 1ST NOVEMBER 2011**

### **Definitions**

#### ***Citizen***

A person who has legal Citizenship of a Country or, in the case of a Territory, legal Citizenship of the Territory's parent Country and appropriate legal status in the Territory under applicable laws.

#### ***Citizenship***

Legal citizenship of a Country or, in the case of a Territory, legal citizenship of the Territory's parent Country and appropriate legal status in the Territory under applicable laws.

#### ***Country***

A self-governing geographical area of the world recognised as an independent state by international law and international governmental bodies.

#### ***Residence***

Residence is the place or location in which the athlete is registered with relevant authorities as having his primary and permanent home.

*Note (i): The above definitions apply to all Rules except where the same terms are also defined in Chapter 3 (Anti-Doping and Medical) e.g., International Competition, in which case the above definitions apply to all Rules except Chapter 3. The definitions in Chapter 3 apply to the Anti-Doping and Medical Rules only.*

### **RULE 5 Eligibility to Represent a Member**

1. In International Competitions held under Rules 1.1(a), (b), (c), (f) or (g), Members shall be represented only by athletes who are Citizens of the Country (or Territory) which the affiliated Member represents and who comply with the eligibility requirements of this Rule 5.

2. An athlete who has never competed in an International Competition

under Rules 1.1(a), (b), (c), (f) or (g) shall be eligible to represent a Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g) if he:

(a) is a Citizen of the Country and has been a Citizen for the two year period immediately preceding the International Competition in question; or

(b) is a Citizen of the Territory and has completed two continuous years of Residence in the Territory immediately preceding the International Competition in question. The period of two years in either case may exceptionally be reduced or cancelled by the Council. An application for a reduction or cancellation of the

## APPENDICES

two-year period must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the International Competition in question.

**3.** Subject to Rule 5.4, an athlete who has represented a Member in an International Competition held under Rules 1.1(a), (b), (c), (f) or (g) shall not be eligible to represent another Member in an International Competition held under Rules 1.1(a), (b), (c), (f) or (g).

**4.** An athlete who has represented a Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g) shall be eligible to represent another Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g) (with immediate effect unless otherwise stated) in the following circumstances only:

(a) if the Country (or Territory) of the Member is subsequently incorporated in another Country that is or subsequently becomes a Member;

(b) if the Country (or Territory) of the Member ceases to exist and the athlete becomes a Citizen as of right of a newly formed Country ratified by Treaty or otherwise recognised at international level that subsequently becomes a Member;

(c) if the Territory of the Member does not have a National Olympic Committee and an athlete qualifies to compete at the Olympic Games for the Territory's parent Country. In such a case, the athlete's representation of the Territory's parent Country at the Olympic Games shall not affect his eligibility to continue to compete for the relevant Member Territory in other International Competitions under Rules 1.1(a), (b), (c), (f) or (g);

(d) Acquisition of new Citizenship: if the athlete acquires a new Citizenship, he may represent his new Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g), but no earlier than three years following the date of acquisition of new Citizenship pursuant to the athlete's application. This period of three years may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;

(ii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the International Competition in question; or

(e) Dual Citizenship: if an athlete holds Citizenship of two (or more) Countries (or Territories), he may represent the Member of either (or any) of them, as he may elect. However, having once represented his elected Member in an International Competition under Rules 1.1(a), (b), (c), (f) or (g), he shall not represent another Member of which he is a Citizen for a period of three years from the date that he last represented the first elected Member. This period may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;

(ii) the period may be reduced or cancelled in exceptional cases by the Council. An application for a reduction or cancellation must be submitted by the relevant Member in writing to the IAAF Office at least 30 days before the International Competition in question.

The application of Rule 5.4(e) is limited to athletes who were born with dual citizenship. An athlete who holds Citizenship of two or more Countries (or Territories) by virtue of the fact that he has acquired a new Citizenship (for example, through marriage) without relinquishing his Citizenship of birth is subject to the provisions of Rule 5.4(d).

### **RULE 20 Definition of Eligible Athlete**

An athlete is eligible to compete if he agrees to abide by the Rules and has not been declared ineligible.

### **RULE 21 Restriction of Competition to Eligible Athletes**

**1.** Competition under these Rules is restricted to athletes who are under the jurisdiction of a Member and who are eligible to compete under the Rules.

**2.** In any competition under the Rules, the eligibility of an athlete competing shall be guaranteed by the Member to which the athlete is affiliated.

**3.** The eligibility rules of Members shall be strictly in conformity with those of the IAAF and no Member may pass, promulgate or retain in its constitution or regulations any eligibility rule or regulation which is in direct conflict with a Rule or Regulation. Where there is a conflict between the eligibility rules of the IAAF and the eligibility rules of a Member, the eligibility rules of the IAAF shall apply.

### **RULE 22 Ineligibility for International and Domestic Competitions**

**1.** The following persons shall be ineligible for competitions, whether held under these Rules or the rules of an Area or a Member. Any athlete, athlete support personnel or other person:

(a) whose National Federation is currently suspended by the IAAF. This does not apply to national competitions organised by the currently suspended Member for the Citizens of that Country or Territory;

(b) who has been provisionally suspended or declared ineligible under the rules of his National Federation from competing in competitions under the jurisdiction of that National Federation, in so far as such suspension or ineligibility is consistent with these Rules;

(c) who is currently serving a period of provisional suspension from competition under these Rules;

(d) who does not meet the eligibility requirements set out in Rule 141 or the Regulations thereunder;

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

- (e) who has been declared ineligible as a result of a breach of the Anti-Doping Rules in Chapter 3;
- (f) who has been declared ineligible as a result of a breach of any other Rule or Regulation under Rule 60.4.
- 2. If an athlete competes in a competition when not eligible to do so under Rule 141 or the Regulations thereunder, without prejudice to any other disciplinary action that may be taken under the Rules, the athlete and any team for which the athlete competed shall be disqualified from the competition with all resulting consequences for the athlete and the team, including the forfeiture of all titles, awards, medals, points and prize and appearance money.
- 3. If an athlete competes (or an athlete support personnel or other person participates) in a competition, whether held under these Rules or the rules of an Area or Member, whilst ineligible to do so under the Anti-Doping Rules in Chapter 3, the consequences set out in Rule 40.11 shall apply.
- 4. If an athlete competes (or an athlete support personnel or other person participates) in a competition, whether held under these Rules or the rules of an Area or Member, whilst ineligible to do so under any other Rule, the period of his ineligibility shall recommence from the time he last competed as though no part of a period of ineligibility had been served.

### **INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS COMPETITION RULES 2010-2011**

#### **RULE 5 Citizenship and Changes in Citizenship**

1. In International Competitions under Rules 1.1(a), (b) or (f), Members shall be represented only by Citizens of the Country or Territory which the affiliated Member represents.
2. Having once represented a Member in an International Competition under Rules 1.1(a), (b) or (f), no athlete may thereafter represent another Member in an International Competition under Rules 1.1(a), (b) or (f), except in the following circumstances:
  - (a) The incorporation of one Country or Territory in another.
  - (b) The creation of a new Country ratified by Treaty or otherwise recognised at international level.
  - (c) Acquisition of a new Citizenship. In this case, the athlete shall not represent his new Member in an International Competition under Rules 1.1(a), (b) or (f), for a period of three years following the date of acquisition of new Citizenship pursuant to the athlete's application. This period of three years may however be reduced or cancelled as set out below:
    - (i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;
    - (ii) the period may be reduced or cancelled in truly exceptional cases by the Council. This matter should be submitted to the Council for its dealing at least 30 days before the International Competition which the change concerns.
  - (d) Dual Citizenship: In this case, an athlete who holds Citizenship of two (or more) Countries or Territories, may represent the Member of either (or any) of them, as he may elect. However, having represented the Member in an International Competition under Rules 1.1(a), (b) or (f), he shall not represent another Member of which he is a Citizen in an International Competition under Rules 1.1(a), (b) or (f), for a period of three years from the date he last represented the first Member. This period of three years may be reduced or cancelled as set out below:
    - (i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement which has been signed by both parties;
    - (ii) the period may be reduced or cancelled in truly exceptional cases with the approval of the Council. This matter should be submitted to the Council for its dealing at least 30 days before the International Competition which the change concerns.
- 3.(a) When a Citizen of a Country or Territory of a Member which is suspended from the IAAF is seeking to become a Citizen of a Country or Territory of a Member which is not suspended, he may compete in domestic competition organised by the Member which is not suspended on condition that:
  - (i) he renounces his former nationality in the process of applying for Citizenship of the Country or Territory of the Member which is not suspended and he publicly states this fact by advising the relevant Members concerned;
  - (ii) he completes at least one year's continuous residence in his new Country or Territory;
- (b) An athlete who has complied with the requirements of Rule 5.3(a) may compete in International Competitions under Rules 1.1(i) and (j) only after completing a period of two years' continuous residence in his new Country or Territory.
- (c) An athlete who has complied with the requirements of Rule 5.3(a) may represent his new National Federation in International Competitions under Rules 1.1(a) to (f) only after completing a period of three years' continuous residence in his new Country or Territory and after he has acquired new Citizenship.
- (d) The period(s) of continuous residence shall be computed on the basis of a year of 365 days, starting from the day after a person lands in the Country or Territory where he seeks to acquire new citizenship.

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(e) In any continuous 365 day period, an athlete may not spend more than a total of 90 days in the foreign Country or Territory of the Member under suspension.

(f) An athlete seeking to qualify under this Rule must refrain from any athletics activities, which shall include, but not be restricted to, exhibition races, training, coaching, officiating, lecturing, giving interviews and publicity interviews, with any representatives of a Member which is under suspension.

4. Members and their officials, coaches and athletes are not to conduct any activities, as defined in Rule 5.3(f) or otherwise, associated with any representative of a suspended Member, its officials, coaches, judges, athletes, etc. In case of any infringement of this Rule, the provisions for suspensions and sanctions laid down in the Constitution shall apply.

### **INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS COMPETITION RULES 2009**

#### **RULE 5 Citizenship and Changes in Citizenship**

1. In International Competitions under Rules 1.1(a), (b) or (f), Members shall be represented only by Citizens of the Country or Territory which the affiliated Member represents.

2. Having once represented a Member in an International Competition under Rules 1.1(a), (b) or (f), no athlete may thereafter represent another Member in an International Competition under Rules 1.1(a), (b) or (f), except in the following circumstances:

(a) The incorporation of one Country or Territory in another.

(b) The creation of a new Country ratified by Treaty or otherwise recognised at international level.

(c) Acquisition of a new Citizenship. In this case, the athlete shall not represent his new Member in an International Competition under Rules 1.1(a), (b) or (f), for a period of three years following the date of acquisition of new Citizenship pursuant to the athlete's application. This period of three years may however be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;

(ii) the period may be reduced or cancelled in truly exceptional cases by the Council. This matter should be submitted to the Council for its dealing at least 30 days before the International Competition which the change concerns.

(d) Dual Citizenship: In this case, an athlete who holds Citizenship of two (or more) Countries or Territories, may represent the Member of either (or any) of them, as he may elect. However, having represented the Member in an International Competition under Rules 1.1(a), (b) or (f), he shall not represent another Member of which he is a Citizen in an International Competition under Rules 1.1(a), (b) or (f), for a period of three years from the date he last represented the first Member. This period of three years may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement which has been signed by both parties;

(ii) the period may be reduced or cancelled in truly exceptional cases with the approval of the Council. This matter should be submitted to the Council for its dealing at least 30 days before the International Competition which the change concerns.

3. (a) When a Citizen of a Country or Territory of a Member which is suspended from the IAAF is seeking to become a Citizen of a Country or Territory of a Member which is not suspended, he may compete in domestic competition organised by the Member which is not suspended on condition that:

(i) he renounces his former nationality in the process of applying for Citizenship of the Country or Territory of the Member which is not suspended and he publicly states this fact by advising the relevant Members concerned;

(ii) he completes at least one year's continuous residence in his new Country or Territory;

(b) An athlete who has complied with the requirements of Rule 5.3(a) may compete in International Competitions under Rules 1.1(i) and (j) only after completing a period of two years' continuous residence in his new Country or Territory.

(c) An athlete who has complied with the requirements of Rule 5.3(a) may represent his new National Federation in International Competitions under Rules 1.1(a) to (f) only after completing a period of three years' continuous residence in his new Country or Territory and after he has acquired new Citizenship.

(d) The period(s) of continuous residence shall be computed on the basis of a year of 365 days, starting from the day after a person lands in the Country or Territory where he seeks to acquire new citizenship.

(e) In any continuous 365 day period, an athlete may not spend more than a total of 90 days in the foreign Country or Territory of the Member under suspension.

(f) An athlete seeking to qualify under this Rule must refrain from any athletics activities, which shall include, but not be restricted to, exhibition races, training, coaching, officiating, lecturing, giving interviews and publicity interviews, with any representatives of a Member which is under suspension.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

4. Members and their officials, coaches and athletes are not to conduct any activities, as defined in Rule 5.3(f) or otherwise, associated with any representative of a suspended Member, its officials, coaches, judges, athletes, etc. In case of any infringement of this Rule, the provisions for suspensions and sanctions laid down in the Constitution shall apply.

### **INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS COMPETITION RULES 2008**

In the event of a negative response to a request for authorisation under this Rule, which response must be supported by reasons, the athlete or the National Federation of the Country or Territory in which the athlete is residing may appeal against any such decision to the IAAF. The IAAF shall publish guidelines for the filing of an appeal under this Rule and these guidelines shall be available on the IAAF website. To facilitate compliance with this Rule, the IAAF shall maintain on its web site a list of National Federations with such authorisation requirements.

*Note: Rule 4.3 concerns athletes aged 18 or over as at the 31st of December of the year in question. The Rule does not apply to athletes who are not Citizens of a Country or Territory or to political refugees.*

#### **RULE 5 Citizenship and Changes in Citizenship**

1. In International Competitions under Rules 1.1(a) and (b), Members shall be represented only by Citizens of the Country or Territory which the affiliated Member represents.

2. Having once represented a Member in an International Competition under Rules 1.1(a) and (b), no athlete may thereafter represent another Member in an International Competition under Rules 1.1(a) and (b), except in the following circumstances:

(a) The incorporation of one Country or Territory in another.

(b) The creation of a new Country ratified by Treaty or otherwise recognised at international level.

(c) Acquisition of a new citizenship. In this case, the athlete shall not represent his new Member in an International Competition under Rules 1.1(a) and (b), for a period of three years following the date of acquisition of new Citizenship pursuant to the athlete's application. This period of three years may however be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement;

(ii) the period may be reduced or cancelled in truly exceptional cases by the Council.

(d) Dual Citizenship: In this case, an athlete who holds Citizenship of two (or more) Countries or Territories, may represent the Member of either (or any) of them, as he may elect. However, having represented the Member in an International Competition under Rules 1.1(a) and (b), he shall not represent another Member of which he is a Citizen in an International Competition under Rules 1.1(a) and (b), for a period of three years from the date he last represented the first Member. This period of three years may be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement which has been signed by both parties;

(ii) the period may be reduced or cancelled in truly exceptional cases with the approval of the Council.

3. (a) When a Citizen of a Country or Territory of a Member which is suspended from the IAAF is seeking to become a Citizen of a Country or Territory of a Member which is not suspended, he may compete in domestic competition organised by the Member which is not suspended on condition that:

(i) he renounces his former nationality in the process of applying for citizenship of the Country or Territory of the Member which is not suspended and he publicly states this fact by advising the relevant Members concerned;

(ii) he completes at least one year's continuous residence in his new Country or Territory;

(b) An athlete who has complied with the requirements of Rule 5.3(a) may compete in International Competitions under Rules 1.1(i) and (j) only after completing a period of two years' continuous residence in his new Country or Territory.

(c) An athlete who has complied with the requirements of Rule 5.3(a) may represent his new National Federation in International Competitions under Rules 1.1(a) to (f) only after completing a period of three years' continuous residence in his new Country or Territory and after he has acquired new citizenship.

(d) The period(s) of continuous residence shall be computed on the basis of a year of 365 days, starting from the day after a person lands in the Country or Territory where he seeks to acquire new citizenship.

(e) In any continuous 365 day period, an athlete may not spend more than a total of 90 days in the foreign Country or Territory of the Member under suspension.

(f) An athlete seeking to qualify under this Rule must refrain from any athletics activities, which shall include, but not be restricted to, exhibition races, training, coaching, officiating, lecturing, giving interviews and publicity interviews, with any representatives of a Member which is under suspension.

4. Members and their officials, coaches and athletes are not to conduct any activities, as defined in Rule 5.3(f)

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or otherwise, associated with any representative of a suspended Member, its officials, coaches, judges, athletes, etc. In case of any infringement of this Rule, the provisions for suspensions and sanctions laid down in the Constitution shall apply.

### **INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS COMPETITION RULES 2006 – 2007**

#### **RULE 5 Citizenship and Changes in Citizenship**

1. In International Competitions under Rule 1(a), (b), (c)(i) and (d), Members shall be represented only by Citizens of the Country or Territory which the affiliated Member represents.

2. Having once represented a Member in an International Competition under Rule 1(a), (b), (c)(i) or (d), no athlete may thereafter represent another Member in an International Competition under Rule 1(a), (b), (c)(i) or (d), except in the following circumstances:

(a) The incorporation of one Country or Territory in another.

(b) The creation of a new Country ratified by Treaty or otherwise recognised at international level.

(c) Acquisition of a new citizenship. In this case, the athlete shall not represent his new Member in an International Competition under Rule 1(a), (b), (c)(i) or (d) for a period of 3 years following the acquisition of new Citizenship pursuant to the athlete's application. This period of 3 years may however be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement which has been signed by both parties;

(ii) the period may be reduced or cancelled in truly exceptional cases with the approval of the Council.

(d) Dual Citizenship: In this case, an athlete who holds Citizenship of two (or more) Countries or Territories, may represent the Member of either (or any) of them, as he may elect. However, having represented the Member in an International Competition under Rule 1(a), (b), (c)(i) or (d), he shall not represent another Member of which he is a Citizen in an International Competition under Rule 1(a), (b), (c)(i) or (d) for a period of 3 years from the date he last represented the first Member. This period of 3 years may however be reduced or cancelled as set out below:

(i) the period may be reduced to 12 months with the agreement of the Members concerned. The reduction shall be effective upon receipt by the IAAF Office of a written notification of the Members' agreement which has been signed by both parties;

(ii) the period may be reduced or cancelled in truly exceptional cases with the approval of the Council.

3.(a) When a Citizen of a Country or Territory of a Member which is suspended from the IAAF is seeking to become a Citizen of a Country or Territory of a Member which is not suspended, he may compete in domestic competition organised by the Member which is not suspended on condition that:

-he renounces his former nationality in the process of applying for citizenship of the Country or Territory of the Member which is not suspended and he publicly states this fact by advising the relevant Members concerned;

-he completes at least one year's continuous residence in his new Country or Territory;

-the domestic competition in which he participates does not include athletes from other Members.

(b) An athlete who has complied with the requirements of Rule 5.3(a) above may compete in International Competitions under Rule 1(f), (g) and (h) only after completing a period of two years' continuous residence in his new Country or Territory.

(c) An athlete who has complied with the requirements of Rule 5.3(a) above may represent his new National Federation in International Competitions under Rule 1(a)-(e) only after completing a period of three years' continuous residence in his new Country or Territory and after he has acquired new citizenship.

(d) The period(s) of continuous residence shall be computed on the basis of a year of 365 days, starting from the day after a person lands in the Country or Territory where he seeks to acquire new citizenship.

(e) In any continuous 365 day period, an athlete may not spend more than a total of 90 days in the foreign Country or Territory of the Member under suspension.

(f) An athlete seeking to qualify under this Rule must refrain from any athletics activities, which shall include, but not be restricted to, exhibition races, training, coaching, officiating, lecturing, giving interviews and publicity interviews, with any representatives of a Member which is under suspension.

4. Members and their officials, coaches and athletes are not to conduct any activities, as defined in Rule 5.3(f) above or otherwise, associated with any representative of a suspended Member, its officials, coaches, judges, athletes, etc. In case of any infringement of this Rule, the provisions for suspensions and sanctions laid down in the Constitution shall apply.

## **Badminton**

### **Badminton General Competition Regulation PART III SECTION 1 A GENERAL COMPETITION REGULATIONS [Updated 9 November 2015]**

#### **7. MEMBER ASSOCIATIONS' RESPONSIBILITIES FOR TOURNAMENTS AND PLAYERS**

**7.1** Each Member Association shall be responsible for the conduct of all tournaments held under its jurisdiction and in particular for ensuring compliance by the organisers with all the relevant Competition Regulations in BWF-sanctioned tournaments.

**7.2** Each Member Association shall be responsible for the control and management of all players under its jurisdiction.

**7.2.1** To be eligible to enter and compete in tournaments, all players must be in good standing with their Member Association. A Member Association may declare a player under its jurisdiction to be ineligible to compete, but the reasons for such declaration and the period of ineligibility must be reported to the BWF.

**7.2.2** Member Associations shall have full responsibility for any support (financial or otherwise) received by players under their jurisdiction for the purposes of preparation and competition.

**7.2.3** Member Associations shall accept and deal with all prizes paid in cash under Regulations 27.1 and 27.2.

**7.2.4** Member Associations shall also supervise or administer any sponsorship, contractual or other arrangements entered into, or involving, players under their jurisdiction.

**7.2.5** Member Associations shall ensure that players adhere to the Players' Code of Conduct [Part III – Section 1B, Appendix 4].

**7.3** A Member Association shall be responsible for the management and control of all coaches and team officials under its jurisdiction at any tournament.

**7.3.1** For all level 1 to 3 tournaments, every Member Association shall appoint a Team Manager before the tournament.

**7.3.2** In default of such appointment, the players present at the tournament shall choose their own Manager.

**7.3.3** The Referee of the Tournament shall be notified of the name of the Team Manager as soon as he is appointed.

**7.3.4** From the time of arrival at the venue, the Manager shall assume all administrative and other responsibilities on behalf of the relevant Member Association and all the players and team officials in connection with the conduct of the tournament.

**7.3.5** The Team Manager must attend any briefing meeting called by the Referee and / or by the Committee of Management. Where there is a failure to comply, regulation 31 shall be applied.

**7.3.6** Member Associations shall ensure that their coaches and team officials adhere to the Code of Conduct for coaches and team officials [Part III – Section 1 B, Appendix 9].

#### **8. INTERNATIONAL REPRESENTATION\***

**8.1** Representing a Member Association is defined as accepting a nomination to be a member of that Association's team in any Badminton tournament where the competition is between teams. However, playing as an individual in a tournament does not count as representation, unless the tournament has been specifically nominated by the BWF (Regulation 8.1.2).

**8.1.1** Competition between teams includes, but is not limited to, the Thomas, Uber and Sudirman Cups, Continental team championships, the Asian Games team championships, the Commonwealth Games team championships, and other international matches or competitions involving two or more Member Associations' teams.

**8.1.2** Currently, the BWF has also specified that the World Championships (see World Championships Regulation 9.2), the World Senior Championships and the individual events at the Olympic Games, Youth Olympic Games, the Asian Games, the Commonwealth Games, Continental Championships, Eye Level Cups, Continental Junior Championships and Continental Senior Championships shall count as international representation. Where players in a doubles pair are from different Member Associations it shall count as international representation for each player.

**8.2** A player shall be qualified to represent a Member Association providing the player is in good standing with that Member Association and satisfies Regulations 8.2.1 and either 8.2.2 or 8.2.3:

**8.2.1** holds a passport of a country whose territory the Member Association has jurisdiction over;

**8.2.2** has not represented any other Member Association for three years immediately preceding the date of the tournament;

**8.2.3** last represented that Member Association;

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**8.3** A player shall be deemed to have represented a Member Association if he or she shall have been officially nominated to represent that Member Association and shall have accepted such nomination.

**8.4** If a player has represented a Member Association and such Member Association is subsequently divided into two or more Member Associations or is absorbed by another Member Association, either politically or by recognition of the BWF, such player shall, for the purposes of these Regulations, be deemed from the date of such alteration not to have represented any Member Association.

**8.5** Notwithstanding the foregoing Regulations, in the case of any officially-recognised competitive multi-sport games in which Badminton is included, the qualifications for the representation of a Member Association shall be in full accordance with the conditions laid down by such a multi-sport international games. However, BWF eligibility regulations take precedence and should not be contravened (Regulations 8.2 to 8.4) with the exception of the Olympic Games, where the Olympic Charter takes precedence.

\* *See Part III Section 1 Appendix 1, page 1, International representation for explanatory chart*

### **9. JURISDICTION**

**9.1** A player comes under the jurisdiction of all Member Associations to which the player is directly or indirectly affiliated.

#### **9.2 Duration**

**9.2.1** A player comes under continued jurisdiction of a Member Association for a period of three months after ceasing to reside in the country of that Member Association, unless the player explicitly renounces this jurisdiction.

**9.2.2** After the three-month period, jurisdiction shall lapse unless the player implicitly (e.g. by participation in the Member Association's activities) continues to accept that jurisdiction, or explicitly declares a wish to accept that jurisdiction.

**9.2.3** A player who represents a Member Association (see Regulation 8.3) automatically comes under the jurisdiction of that Member Association for three months thereafter (as in Regulation 9.2.1).

**9.3** Where a sanction is imposed that affects a player's participation beyond the jurisdiction of the Member Association concerned, then such sanction shall be notified immediately to the BWF, who shall notify all Member Associations of such sanction.

**9.4** Where sanctions affect a player who comes under the jurisdiction of more than one Member Association, the BWF shall have power to receive representations and to amend such sanctions, if felt necessary.

## **Badminton General Competition Regulation PART III SECTION 1 A GENERAL COMPETITION REGULATIONS [Updated 1 June 2015]**

### **7. MEMBER ASSOCIATIONS' RESPONSIBILITIES FOR TOURNAMENTS AND PLAYERS**

**7.2.** Each Member Association shall be responsible for the control and management of all players under its jurisdiction.

**7.2.1** To be eligible to enter and compete in tournaments, all players must be in good standing with their Member Association. A Member Association may declare a player under its jurisdiction to be ineligible to compete, but the reasons for such declaration and the period of ineligibility must be reported to the BWF.

**7.2.2** Member Associations shall have full responsibility for any support (financial or otherwise) received by players under their jurisdiction for the purposes of preparation and competition.

**7.2.3** Member Associations shall accept and deal with all prizes paid in cash under Regulations 27.1 and 27.2.

**7.2.4.** Member Associations shall also supervise or administer any sponsorship, contractual or other arrangements entered into, or involving, players under their jurisdiction.

**7.2.5** Member Associations shall ensure that players adhere to the Players' Code of Conduct [Part III – Section 1B, Appendix 4].

### **8. INTERNATIONAL REPRESENTATION\***

**8.1.** Representing a Member Association is defined as accepting a nomination to be a member of that Association's team in any Badminton tournament where the competition is between teams. However, playing as an individual in a tournament does not count as representation, unless the tournament has been specifically nominated by the BWF (Regulation 8.1.2).

**8.1.1.** Competition between teams includes, but is not limited to, the Thomas, Uber and Sudirman Cups, Continental team championships, the Asian Games team championships, the Commonwealth Games team championships, and other international matches or competitions involving two or more Member Associations' teams.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**8.1.2.** Currently, the BWF has also specified that the World Championships (see World Championships Regulation 9.2), the World Senior Championships and the individual events at the Olympic Games, Youth Olympic Games, the Asian Games, the Commonwealth Games, Continental Championships, Eye Level Cups, Continental Junior Championships and Continental Senior Championships shall count as international representation. Where players in a doubles pair are from different Member Associations it shall count as international representation for each player.

**8.2.** A player shall be qualified to represent a Member Association providing the player is in good standing with that Member Association and satisfies Regulations 8.2.1 and either 8.2.2 or 8.2.3:

**8.2.1** holds a passport of a country whose territory the Member Association has jurisdiction over;

**8.2.2.** has not represented any other Member Association for three years immediately preceding the date of the tournament;

**8.2.3.** last represented that Member Association;

**8.3.** A player shall be deemed to have represented a Member Association if he or she shall have been officially nominated to represent that Member Association and shall have accepted such nomination.

**8.4.** If a player has represented a Member Association and such Member Association is subsequently divided into two or more Member Associations or is absorbed by another Member Association, either politically or by recognition of the BWF, such player shall, for the purposes of these Regulations, be deemed from the date of such alteration not to have represented any Member Association.

**8.5.** Notwithstanding the foregoing Regulations, in the case of any officially-recognised competitive multi-sport games in which Badminton is included, the qualifications for the representation of a Member Association shall be in full accordance with the conditions laid down by such a multi-sport international games. However, BWF eligibility regulations take precedence and should not be contravened (Regulations 8.2 to 8.4) with the exception of the Olympic Games, where the Olympic Charter takes precedence.

### **9. JURISDICTION**

9.1 A player comes under the jurisdiction of all Member Associations to which the player is directly or indirectly affiliated.

*\* See Part III Section 1 Appendix 1, page 1, International representation for explanatory chart*

### **9.2. Duration**

**9.2.1** A player comes under continued jurisdiction of a Member Association for a period of three months after ceasing to reside in the country of that Member Association, unless the player explicitly renounces this jurisdiction.

**9.2.2** After the three-month period, jurisdiction shall lapse unless the player implicitly (e.g. by participation in the Member Association's activities) continues to accept that jurisdiction, or explicitly declares a wish to accept that jurisdiction.

**9.2.3** A player who represents a Member Association (see Regulation 8.3) automatically comes under the jurisdiction of that Member Association for three months thereafter (as in Regulation 9.2.1).

**9.3** Where a sanction is imposed that affects a player's participation beyond the jurisdiction of the Member Association concerned, then such sanction shall be notified immediately to the BWF, who shall notify all Member Associations of such sanction.

**9.4** Where sanctions affect a player who comes under the jurisdiction of more than one Member Association, the BWF shall have power to receive representations and to amend such sanctions, if felt necessary.

## **Part III – Section 1A Badminton General Competition Regulations Updated: 8 December 2014[unchanged since 2005, with the exception of 8.5 which was added in 2008]**

### **7. MEMBER ASSOCIATIONS' RESPONSIBILITIES FOR TOURNAMENTS AND PLAYERS**

**7.2** Each Member Association shall be responsible for the control and management of all players under its jurisdiction.

**7.2.1** To be eligible to enter and compete in tournaments, all players must be in good standing with their Member Association. A Member Association may declare a player under its jurisdiction to be ineligible to compete, but the reasons for such declaration and the period of ineligibility must be reported to the BWF.

### **8. INTERNATIONAL REPRESENTATION\***

**8.1** Representing a Member Association is defined as accepting a nomination to be a member of that Association's team in any Badminton tournament where the competition is between teams. However, playing as an individual in a tournament does not count as representation, unless the tournament has been specifically nominated by the BWF (Regulation 8.1.2).

**8.1.1** Competition between teams includes, but is not limited to, the Thomas, Uber and Sudirman Cups, Continental team championships, the Asian Games team championships, the Commonwealth Games team championships, and other international matches or competitions involving two or more Member Associations' teams.

## APPENDICES

**8.1.2** Currently, the BWF has also specified that the World Championships (see World Championships Regulation 9.2), the World Senior Championships and the individual events at the Olympic Games, Youth Olympic Games, the Asian Games, the Commonwealth Games, Continental Championships, World Junior Championships, Continental Junior Championships and Continental Senior Championships shall count as international representation. Where players in a doubles pair are from different Member Associations it shall count as international representation for each player.

**8.2** A player shall be qualified to represent a Member Association providing the player is in good standing with that Member Association and satisfies Regulations 8.2.1 and either 8.2.2 or 8.2.3:

**8.2.1** holds a passport of a country whose territory the Member Association has jurisdiction over;

**8.2.2** has not represented any other Member Association for three years immediately preceding the date of the tournament;

**8.2.3** last represented that Member Association;

**8.3** A player shall be deemed to have represented a Member Association if he or she shall have been officially nominated to represent that Member Association and shall have accepted such nomination.

**8.4** If a player has represented a Member Association and such Member Association is subsequently divided into two or more Member Associations or is absorbed by another Member Association, either politically or by recognition of the BWF, such player shall, for the purposes of these Regulations, be deemed from the date of such alteration not to have represented any Member Association.

**8.5** Notwithstanding the foregoing Regulations, in the case of any officially-recognised competitive multi-sport games in which Badminton is included, the qualifications for the representation of a Member Association shall be in full accordance with the conditions laid down by such a multi-sport international games. However BWF eligibility regulations take precedence and should not be contravened (Regulations 8.2 to 8.4) with the exception of the Olympic Games, where the Olympic Charter takes precedence.

[...]

### **Badminton General Competition Regulations Part III – Section 1A General Competition Regulations Updated:1 June 2013**

**Part III – Section 1A Badminton General Competition Regulations Updated:1 June 2013[unchanged since 2005, with the exception of 8.5 which was added in 2008]**

#### **7. MEMBER ASSOCIATIONS' RESPONSIBILITIES FOR TOURNAMENTS AND PLAYERS**

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#### **8. INTERNATIONAL REPRESENTATION\***

**8.1** Representing a Member Association is defined as accepting a nomination to be a member of that Association's team in any Badminton tournament where the competition is between teams. However, playing as an individual in a tournament does not count as representation, unless the tournament has been specifically nominated by the BWF (Regulation 8.1.2).

**8.1.1** Competition between teams includes, but is not limited to, the Thomas, Uber and Sudirman Cups, Continental team championships, the Asian Games team championships, the Commonwealth Games team championships, and other international matches or competitions involving two or more Member Associations' teams.

**8.1.2** Currently, the BWF has also specified that the World Championships (see World Championships Regulation 9.2), the World Senior Championships and the individual events at the Olympic Games, Youth Olympic Games, the Asian Games, the Commonwealth Games, Continental Championships, World Junior Championships, Continental Junior Championships and Continental Senior Championships shall count as international representation. Where players in a doubles pair are from different Member Associations it shall count as international representation for each player.

**8.2** A player shall be qualified to represent a Member Association providing the player is in good standing with that Member Association and satisfies Regulations 8.2.1 and either 8.2.2 or 8.2.3:

**8.2.1** holds a passport of a country whose territory the Member Association has jurisdiction over;

**8.2.2** has not represented any other Member Association for three years immediately preceding the date of the tournament;

**8.2.3** last represented that Member Association;

**8.3** A player shall be deemed to have represented a Member Association if he or she shall have been officially nominated to represent that Member Association and shall have accepted such nomination.

**8.4** If a player has represented a Member Association and such Member Association is subsequently divided into two or more Member Associations or is absorbed by another Member Association, either politically or

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

by recognition of the BWF, such player shall, for the purposes of these Regulations, be deemed from the date of such alteration not to have represented any Member Association.

**8.5** Notwithstanding the foregoing Regulations, in the case of any officially-recognised competitive multi-sport games in which Badminton is included, the qualifications for the representation of a Member Association shall be in full accordance with the conditions laid down by such a multi-sport international games. However BWF eligibility regulations take precedence and should not be contravened (Regulations 8.2 to 8.4) with the exception of the Olympic Games, where the Olympic Charter takes precedence.

[...]

### **Basketball**

#### **FIBA 2014-2019**

These Internal Regulations have been approved by the FIBA Central Board on 27 August 2014

[These Internal Regulations are divided into four volumes, Books 1 to 4. Referencing and cross-referencing are done by inserting the Book Number first (eg 1) followed by the relevant article (eg 213); article 1-213].

#### **Book 3 – Players and Officials**

Chapter I. - Eligibility and National Status of Players

##### **Eligibility of Players**

**1.** To be entitled to participate in FIBA competitions, a player must observe the General Statutes and Internal Regulations of FIBA.

**2.** The national member federation is responsible for the eligibility of its players at all times and will bear the consequences of any infractions of the Regulations governing Eligibility, National Status, International Transfer, and Age of Players.

**3.** All players who participate in Competitions of FIBA and/or those of its national member federations must:

A) Respect the Code of Conduct and Fair Play and act accordingly at all times on and off the court;

B) Refrain from using substances and methods prohibited by the regulations of FIBA and those of the International Olympic Committee (IOC) and World Anti-Doping Agency (WADA);

C) Agree to submit at any time to medical tests and controls, particularly doping controls, carried out in compliance with the regulations of FIBA, the International Olympic Committee, and WADA.

**4.** A national member federation or FIBA is authorised to deny participation in Competitions of FIBA to players who do not respect the provisions provided for in article 3-3 above. Permission to play may be refused also to any player who does not provide the entry form, as required for Competitions of FIBA, in which he agrees to accept inter alia:

A) The conditions in force for doping control.

B) The jurisdiction of the Court of Arbitration for Sport, Lausanne, to the exclusion of any recourse to ordinary courts, in the event of a dispute with FIBA which cannot be settled within FIBA.

**5.** Players in breach of the principles set out in article 3-3 may not be eligible to participate in the Competitions of FIBA – see articles 1-142 to 1-151.

**6.** Player contracts shall have a maximum duration of four (4) years. It is recommended that the parties to a player contract state their agreement in writing.

**7.** Players who participate in professional leagues must be registered with organisations which are affiliated to a national member federation; otherwise they will not be able to participate in the Competitions of FIBA.8. No financial remuneration for the performance of a player or a team is permitted during the Olympic Games.

**9.** It is within the spirit of all FIBA Regulations that players make themselves available for competitions of both their club and their national team. The national member federations are encouraged to enact regulations securing the participation of all players under their jurisdiction in their respective national teams. (see articles 3-78 to 3-96)

##### **National Status of Players**

###### **General Principles**

**10.** These regulations apply to all Competitions of FIBA. They apply at national team level and at international club level.

**11.** These Regulations apply to both genders.

**12.** If necessary for reasons of mandatory international law, the Zones are authorised to draw up specific regulations applicable to club competitions within the Zone in question. Such regulations are subject to the prior approval of the FIBA Central Board prior to their implementation.

###### **Proof of Legal Nationality**

**13.** FIBA may ask that evidence be provided to verify the legal nationality (or nationalities) of any player by requesting any documents it deems appropriate.

**14.** Proof of legal nationality of a country by itself does not constitute sufficient evidence to guarantee a player's right to play as a national for the national team of that country – see article 3-15.

###### **National Teams**

**15.** In order to play for the national team of a country, a player must hold the legal nationality of that country,

## APPENDICES

and have fulfilled also the conditions of eligibility according to the FIBA Internal Regulations.

### **Players with Two or More Nationalities**

**16.** Any player with two legal nationalities or more, by birth or by naturalisation, may choose at any age the national team for which he wishes to play. Any such choice must be made in a written declaration to FIBA. This provision applies also to any player having acquired legal nationality by birth, or having the right to acquire a second nationality at birth, but who does not lay claim to this right until a given time in the future.

[Note: for exceptions see articles 3-20 and 3-21].

**17.** However, if a player having two (2) or more nationalities is summoned by a national member federation after reaching the age of eighteen (18), he is obliged to choose for which national team he wishes to play. If he has declined the summons, the player may choose only the national team of the other country/one of the other countries, unless he declares, in writing, within fifteen (15) days of receiving the summons that he has chosen the country that summoned him first.

[Note: for exception see article 3-23].

**18.** Any player having played in a main official competition of FIBA for a national team for which he is eligible is considered as having chosen the national team of that country, with the exception of cases provided for under articles 3-23 and 3-34.

**19.** Choices made under articles 3-16, 3-17, and 3-18 are irrevocable.

**20.** A player who has transferred as a young player according to article 3-52 may not choose until he has reached the age of twenty-one (21) the national team of any country other than the country from which he transferred.

**21. a.** A national team participating in a Competition of FIBA may have only one player on its team who has acquired the legal nationality of that country by naturalisation or by any other means after having reached the age of sixteen (16). This provision applies also to any player having the right to acquire a second nationality at birth but who did not lay claim to this right until after having reached the age of sixteen (16).

**b.** For purposes of letter (a) above, in the event that a player claims to have acquired a legal nationality before having reached the age of sixteen (16), without presenting the respective passport with a date of issue before the player's sixteenth birthday, the Secretary General may decide in his sole discretion that the player falls under the restriction of letter (a) above. In taking this decision the Secretary General shall take into account the following criteria:

-The number of years during which the player has lived in the country, for the national team of which he wishes to play;

-The number of seasons during which the player has participated in domestic competitions in the country of the national team for which he wishes to play;

-Any other criteria capable of establishing a significant link between the player and the country, for the national team of which he wishes to play."

**22.** A player who has played in a main official competition (see article 2-1) of FIBA before reaching his seventeenth (17) birthday may play for a national team of another country if both national member federations agree; in the absence of an agreement the Secretary General decides.

**23.** A player who has played in a main official competition of FIBA (see article 2-1) after having reached his seventeenth (17) birthday may not play for a national team of another country. However, in exceptional circumstances the Secretary General may authorise such a player to play for the national team of his country of origin if he is ineligible to play for such country according to this article 3-23 and if this is in the interest of the development of basketball in this country. An administrative fee as stipulated in article 3-305 and decided by the Secretary General is payable to FIBA.

**24.** For any player who has two or more legal nationalities by birth or by naturalisation, the national member federation for which the player wishes to play must obtain written certification from the national member federation of the country(-ies) corresponding to the player's other nationality(-ies), in which it is stated that he has not taken part in a main official competition of FIBA as a member of its national team.

If the request for this certification remains unanswered, FIBA may issue provisional authorisation to the national member federation making the request. After a period of one year, this authorisation shall be considered final.

### **Special Provisions for Players from Dependent Territories**

**25.** Article 3-15 does not apply to players who wish to represent FIBA-recognised national member federations of dependent territories, i.e. territories whose citizens have the legal nationality of the country on which the territory is dependent (the "main" territory). However, with a view to ensuring equitable treatment of players and safeguarding a level playing field in national team competitions, national member federations of dependent territories shall comply with the following provisions in addition to all other provisions of the regulations governing the national status of players.

**26.** In order to represent a dependent territory in the Competitions of FIBA, a player must have the legal nationality of the main territory and additionally fall within one of the following categories:

A) Have been born in the dependent territory; or

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

B)Have:

I)been born in the main territory of at least one parent who was born in the dependent territory; or  
II)been born of parents both of whom were born in the dependent territory, regardless of the place of birth of the player; or

III)at least one grandparent born in the dependent territory, regardless of the place of birth of the player.

27. A player who does not satisfy the provisions of article 3-26 but obtains the legal nationality of the main territory by way of naturalisation and can demonstrate permanent residency of the dependent territory for at least four (4) years is eligible to represent the dependent territory, on the same conditions as apply in 3-21.

28. Articles 3-21, 3-22, and 3-23 apply mutatis mutandis.

[...]

### **Marginal Cases**

34. Decisions on marginal cases are the responsibility of the Secretary General following consultation with the Chairperson of the FIBA Legal Commission.

The same shall apply with respect to refugees enjoying asylum rights and displaced persons (UN Conventions).

In certain cases, FIBA nationality may be granted to a player.

### **Appeals**

35. An appeal against decisions made under the foregoing provisions shall be submitted to the FIBA Appeals' Panel in accordance with the Regulations governing Appeals (see Book 1, Chapter VII).

36. If and when an appeal hearing is organised under these Regulations involving member federations, clubs or players, FIBA shall be authorised to make the organisation of such hearing dependent upon the parties paying to FIBA reasonable administrative costs.

### **Official Basketball Rules 2012**

As approved by FIBA Central Board Rio de Janeiro, Brazil, 29th April 2012. Valid as of 1st October 2012

#### **Art. 4 Teams**

##### **4.1 Definition**

4.1.1 A team member is eligible to play when he has been authorised to play for a team according to the regulations, including regulations governing age limits, of the organising body of the competition.

4.1.2 A team member is entitled to play when his name has been entered on the score-sheet before the start of the game and as long as he has neither been disqualified nor committed five (5) fouls.

4.1.3 During playing time, a team member is:

- A player when he is on the playing court and is entitled to play.
- A substitute when he is not on the playing court but he is entitled to play.
- An excluded player when he has committed five (5) fouls and is no longer entitled to play.

4.1.4 During an interval of play, all team members entitled to play are considered as players.

### **FIBA RULE BOOK**

These Internal Regulations have been approved by the FIBA Central Board on 3 September 2010.

#### **Book 3 – Players and Officials**

##### **Chapter I. - Eligibility and National Status of Players Eligibility of Players**

1. To be entitled to participate in FIBA competitions, a player must observe the General Statutes and Internal Regulations of FIBA.

2. The national member federation is responsible for the eligibility of its players at all times and will bear the consequences of any infractions of the Regulations governing Eligibility, National Status, International Transfer, and Age of Players.

3. All players who participate in Competitions of FIBA and/or those of its national member federations must:

- a. Respect the Code of Conduct and Fair Play and act accordingly at all times on and off the court;
- b. Refrain from using substances and methods prohibited by the regulations of FIBA and those of the International Olympic Committee (IOC) and World Anti-Doping Agency (WADA);
- c. Agree to submit at any time to medical tests and controls, particularly doping controls, carried out in compliance with the regulations of FIBA, the International Olympic Committee, and WADA.

[...]

##### **National Status of Players - General Principles**

10. These regulations apply to all Competitions of FIBA. They apply at national team level and at international club level.

11. These Regulations apply to both genders.

[...]

##### **Proof of Legal Nationality**

13. FIBA may ask that evidence be provided to verify the legal nationality (or nationalities) of any player by requesting any documents it deems appropriate.

## APPENDICES

**14.** Proof of legal nationality of a country by itself does not constitute sufficient evidence to guarantee a player's right to play as a national for the national team of that country – see article 3-15.

### **National Teams**

**15.** In order to play for the national team of a country, a player must hold the legal nationality of that country, and have fulfilled also the conditions of eligibility according to the FIBA Internal Regulations.

### **Players with Two or More Nationalities**

**16.** Any player with two legal nationalities or more, by birth or by naturalisation, may choose at any age the national team for which he wishes to play. Any such choice must be made in a written declaration to FIBA. This provision applies also to any player having acquired legal nationality by birth, or having the right to acquire a second nationality at birth, but who does not lay claim to this right until a given time in the future.

[Note: for exceptions see articles 3-20 and 3-21].#

**17.** However, if a player having two (2) or more nationalities is summoned by a national member federation after reaching the age of eighteen (18), he is obliged to choose for which national team he wishes to play. If he has declined the summons, the player may choose only the national team of the other country/one of the other countries, unless he declares, in writing, within fifteen (15) days of receiving the summons that he has chosen the country that summoned him first. [Note: for exception see article 3-23].

**18.** Any player having played in a main official competition of FIBA for a national team for which he is eligible is considered as having chosen the national team of that country, with the exception of cases provided for under articles 3-23 and 3-34.

**19.** Choices made under articles 3-16, 3-17, and 3-18 are irrevocable.

**20.** A player who has transferred as a young player according to article 3-52 may not choose until he has reached the age of twenty-one (21) the national team of any country other than the country from which he transferred.

**21. a.** A national team participating in a Competition of FIBA may have only one player on its team who has acquired the legal nationality of that country by naturalisation or by any other means after having reached the age of sixteen (16). This provision applies also to any player having the right to acquire a second nationality at birth but who did not lay claim to this right until after having reached the age of sixteen (16).

**b.** For purposes of letter (a) above, in the event that a player claims to have acquired a legal nationality before having reached the age of sixteen (16), without presenting the respective passport with a date of issue before the player's sixteenth birthday, the Secretary General may decide in his sole discretion that the player falls under the restriction of letter (a) above. In taking this decision the Secretary General shall take into account the following criteria:

- The number of years during which the player has lived in the country, for the national team of which he wishes to play;
- The number of seasons during which the player has participated in domestic competitions in the country of the national team for which he wishes to play;
- Any other criteria capable of establishing a significant link between the player and the country, for the national team of which he wishes to play."

**22.** A player who has played in a main official competition (see article 2-1) of FIBA before reaching his seventeenth (17) birthday may play for a national team of another country if both national member federations agree; in the absence of an agreement the Secretary General decides.

**23.** A player who has played in a main official competition of FIBA (see article 2-1) after having reached his seventeenth (17) birthday may not play for a national team of another country. However, in exceptional circumstances the Secretary General may authorise such a player to play for the national team of his country of origin if he is ineligible to play for such country according to this article 3-23 and if this is in the interest of the development of basketball in this country. An administrative fee as stipulated in article 3-305 and decided by the Secretary General is payable to FIBA.

**24.** For any player who has two or more legal nationalities by birth or by naturalisation, the national member federation for which the player wishes to play must obtain written certification from the national member federation of the country(-ies) corresponding to the player's other nationality(-ies), in which it is stated that he has not taken part in a main official competition of FIBA as a member of its national team. If the request for this certification remains unanswered, FIBA may issue provisional authorisation to the national member federation making the request. After a period of one year, this authorisation shall be considered final.

### **Special Provisions for Players from Dependent Territories**

**25.** Article 3-15 does not apply to players who wish to represent FIBA-recognised national member federations of dependent territories, i.e. territories whose citizens have the legal nationality of the country on which the territory is dependent (the "main" territory). However, with a view to ensuring equitable treatment of players and safeguarding a level playing field in national team competitions, national member federations of dependent territories shall comply with the following provisions in addition to all other provisions of the regulations governing the national status of players.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

26. In order to represent a dependent territory in the Competitions of FIBA, a player must have the legal nationality of the main territory and additionally fall within one of the following categories:

a. Have been born in the dependent territory; or

b. Have:

i. been born in the main territory of at least one parent who was born in the dependent territory; or

ii. been born of parents both of whom were born in the dependent territory, regardless of the place of birth of the player; or

iii. at least one grandparent born in the dependent territory, regardless of the place of birth of the player.

27. A player who does not satisfy the provisions of article 3-26 but obtains the legal nationality of the main territory by way of naturalisation and can demonstrate permanent residency of the dependent territory for at least four (4) years is eligible to represent the dependent territory, on the same conditions as apply in 3-21.

[...]

### **Marginal Cases**

34. Decisions on marginal cases are the responsibility of the Secretary General following consultation with the Chairman of the FIBA Legal Commission. The same shall apply with respect to refugees enjoying asylum rights and displaced persons (UN Conventions). In certain cases, FIBA nationality may be granted to a player.

### **Appeals**

35. An appeal against decisions made under the foregoing provisions shall be submitted to the FIBA Appeals' Panel in accordance with the Regulations governing Appeals (see Book 1, Chapter VII).

36. If and when an appeal hearing is organised under these Regulations involving member federations, clubs or players, FIBA shall be authorised to make the organisation of such hearing dependent upon the parties paying to FIBA reasonable administrative costs.

### **License Restrictions**

66. A player may not be licensed by more than one national member federation at the same time.

[...]

## **FIBA Internal Regulations 2009**

Regulation H: rules governing players, coaches, support officials and players' agents

### **H.1 Eligibility of Players**

**H.1.1.** To be entitled to participate in FIBA competitions, a player must observe the General Statutes and Internal Regulations of FIBA.

**H.1.2.** The national member federation is responsible for the eligibility of its players at all times and will bear the consequences of any infractions of the Regulations governing Eligibility, National Status, International Transfer, and Age of Players.

**H.1.3.** All players who participate in competitions of FIBA and/ or those of its national member federations must:

a) Respect the spirit of fair play and non violence and act accordingly at all times on the court.

b) Refrain from using substances and from practices prohibited by the regulations of FIBA and those of the International Olympic Committee (IOC) and World Anti-Doping Agency (WADA).

c) Agree to submit at any time to medical tests and controls, particularly doping controls, carried out on compliance with the regulations of FIBA, the International Olympic Committee, and WADA.

[...]

### **H.2 National status of players**

#### **H.2.1 General Principles**

**H.2.1.1** These regulations apply to all competitions of FIBA. They apply at national team level and at international club level.

**H.2.1.2.** These regulations apply to both genders.

[...]

#### **H.2.2 Proof of nationality**

**H.2.2.1** FIBA may ask that evidence be provided to verify the legal nationality (or nationalities) of any player by requesting any documents it deems appropriate.

**H.2.2.2.** Proof of legal nationality of a country by itself does not constitute sufficient evidence to guarantee a player's right to play as a national for the national team of that country – see H.2.3.1.

#### **H.2.3. National Teams**

**H.2.3.1.** In order to play for the national team of a country, a player must hold the legal nationality of that country, and have fulfilled also the conditions of eligibility according to the Internal Regulations.

#### **H.2.3.2 Players with two or more nationalities**

**H.2.3.2.1** Any player with two legal nationalities or more, by birth or by naturalization, may choose at any age the national team for which he wishes to play. Any such choice must be made in a written declaration to FIBA. This provision applies also to any player having acquired legal nationality by birth or by having the

## APPENDICES

right to acquire a second nationality at birth, but who does not lay claim to this right until a given time in the future. (Note: for exception see H.2.3.2.5).

**H.2.3.2.2.** However, if a player having two (2) or more nationalities is summoned by a national member federation after reaching the age of eighteen (18), he is obliged to choose for which national team he wishes to play. If he has declined the summons, the player may choose only the national team of the other country/one of the other countries, unless he declares, in writing, within fifteen (15) days of receiving the summons that he has chosen the country that summoned him first. (Note: for exception see H.2.3.2.5)

**H.2.3.2.3.** Any player having played in a main official competition of FIBA for a national team for which he is eligible is considered as having chosen the national team of that country, which the exception of cases provided for under H.2.3.5 and H.2.7.

**H.2.3.2.4.** Choices made under H.2.3.2.1, H.2.3.2.2 and H.2.3.2.3 are irrevocable.

**H.2.3.2.5** A player who transferred as a young player according to H.3.4.1.1b may not choose until he has reached the age of twenty-one (21) the national team of any country other than the country from which he transferred

**H.2.3.3.** A national team participating in an international competition of FIBA may have only one player in its team who has acquired the legal nationality of that country by naturalization or by any other means after having reached the age of sixteen (16).

**H.2.3.4.** A player who played in a main official competition of FIBA before reaching his seventeenth (17) birthday may play for a national team of another country if both national member federations agree; in the absence of an agreement the Secretary General decides.

**H.2.3.5.** A player who has played in a main official competition of FIBA after having reached his seventeenth (17) birthday may not play for a national team of another country.

However, in exceptional circumstances the Secretary General may authorise such a player to play for the national team of his country of origin if he is ineligible to play for such country according to this regulation H.2.3.5. and if this is in the interest of the development of basketball of this country. An administrative fee as stipulated in O.3 and decided by the Secretary General is payable to FIBA.

**H.2.3.6.** For any player who has two or more legal nationalities by birth or by naturalization, the national member federation for which the player wishes to play must obtain written certification from the national member federation of the country(-ies) corresponding to the player's other nationality(-ies), in which it is stated that he has not taken part in a main official competition of FIBA as a member of its national team.

If the request for this certification remains unanswered, FIBA may issue provisional authorisation to the national member federation making the request. After a period of one year, this authorisation shall be considered final.

### **H.2.3.7. Special provision concerning the eligibility of players from dependent territories.**

**H.2.3.7.1.** In order to represent the territory in the official competitions of FIBA or in other international competitions organised within their Zones, subject to other following provisions, a player must fulfil the following conditions:

- a) Have the legal nationality of the country on which the territory is dependent (the 'main territory'); and
- b) Have:
  - i. been born in the dependent territory; or
  - ii. been born in the main territory of at least one parent born in the dependent territory, regardless of the place of birth of the player; or
  - iii. been born of parents both of whom were born in the dependent territory, regardless of the place of birth of the player; or
  - iv. at least one grandparent who was born in the dependent territory, regardless of the place of birth of the player.

**H.2.3.7.2.** A player who does not satisfy the provisions of H.2.3.7.1.b) but obtains the legal nationality of the main territory and can demonstrate permanent residency of the dependent territory for at least four years is eligible to represent the dependent territory, subject to the following:

- a. if the player obtains the legal nationality before reaching the age of sixteen (16) years, he will be ineligible to represent the dependent territory without restriction.
- b. if the player obtains the legal nationality of the main territory after the age of sixteen (16) years, then he will be considered in the same way as a naturalised player and the provisions of H.2.3.3. are in effect.

**H.2.3.7.3.** Regulations H.2.3.3, H.2.3.4 and H.2.3.5. are in effect.

[...]

## **FIBA Internal Regulations 2006**

Regulation H: rules governing players, coaches, support officials and players' agents

### **H.1 Eligibility of Players**

**H.1.1.** To be entitled to participate in FIBA competitions, a player must observe the General Statutes and Internal Regulations of FIBA.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**H.1.2.** The national member federation is responsible for the eligibility of its players at all times and will bear the consequences of any infractions of the Regulations governing Eligibility, National Status, International Transfer, and Age of Players.

**H.1.3.** All players who participate in competitions of FIBA and/ or those of its national member federations must:

- a) Respect the spirit of fair play and non violence and act accordingly at all times on the court.
- b) Refrain from using substances and from practices prohibited by the regulations of FIBA and those of the International Olympic Committee (IOC) and World Anti-Doping Agency (WADA).
- c) Agree to submit at any time to medical tests and controls, particularly doping controls, carried out on compliance with the regulations of FIBA, the International Olympic Committee, and WADA.

[...]

### **H.2 National status of players**

#### **H.2.1 General Principles**

**H.2.1.1** These regulations apply to all competitions of FIBA. They apply at national team level and at international club level.

**H.2.1.2.** These regulations apply to both genders.

[...]

#### **H.2.2 Proof of legal nationality**

**H.2.2.1** FIBA may ask that evidence be provided to verify the legal nationality (or nationalities) of any player by requesting any documents it deems appropriate.

**H.2.2.2.** Proof of legal nationality of a country by itself does not constitute sufficient evidence to guarantee a player's right to play as a national for the national team of that country – see H.2.3.1.

#### **H.2.3. National Teams**

**H.2.3.1.** In order to play for the national team of a country, a player must hold the legal nationality of that country, and have fulfilled also the conditions of eligibility according to the Internal Regulations.

##### **H.2.3.2 Players with two or more nationalities**

**H.2.3.2.1** Any player with two legal nationalities or more, by birth or by naturalization, may choose at any age the national team for which he wishes to play. Any such choice must be made in a written declaration to FIBA. This provision applies also to any player having acquired legal nationality by birth or by having the right to acquire a second nationality at birth, but who does not lay claim to this right until a given time in the future.

**H.2.3.2.2.** However, if a player having two (2) or more nationalities is summoned by a national member federation after reaching the age of eighteen (18), he is obliged to choose for which national team he wishes to play. If he has declined the summons, the player may choose only the national team of the other country/one of the other countries, unless he declares, in writing, within fifteen (15) days of receiving the summons that he has chosen the country that summoned him first. (Note: for exception see H.2.3.2.5)

**H.2.3.2.3.** Any player having played in a main official competition of FIBA for a national team for which he is eligible is considered as having chosen the national team of that country, which the exception of cases provided for under H.2.3.5 and H.2.7.

**H.2.3.2.4.** Choices made under H.2.3.2.1, H.2.3.2.2 and H.2.3.2.3 are irrevocable.

**H.2.3.2.5** A player who transferred as a young player according to H.3.4.1.1b may not choose until he has reached the age of twenty-one (21) the national team of any country other than the country from which he transferred

**H.2.3.3.** A national team participating in an international competition of FIBA may have only one player in its team who has acquired the legal nationality of that country by naturalization or by any other means after having reached the age of sixteen (16).

**H.2.3.4.** After having played in the U-17, U-19, U-21 or for a men's or women's national team of a country in a main official competition of FIBA, a player may not, under any circumstances, play for any national team of another country.

**H.2.3.5.** With the agreement of the two member federations concerned, FIBA may authorise a player who has played on a U-14 team of a country in a main official competition of FIBA, to play for a national team of a new country of which he has acquired legal nationality. A player thus authorised to change national teams may do this only once in his lifetime and may not, after this change, play again for the team of his first country. H.2.3.3. applies also in this case.

**H.2.3.6.** For any player who has two or more legal nationalities by birth or by naturalization, the national member federation for which the player wishes to play must obtain written certification from the national member federation of the country(-ies) corresponding to the player's other nationality(-ies), in which it is stated that he has not taken part in a main official competition of FIBA as a member of its national team.

If the request for this certification remains unanswered, FIBA may issue provisional authorisation to the national member federation making the request. After a period of one year, this authorisation shall be considered final.

**H.2.3.7. Special provision concerning the eligibility of players from dependent territories.**

**H.2.3.7.1.** The following players are eligible to play for a dependent territory:

- a. Players born in the dependent territory;
  - b. Players born in the respective main territory of at least one person born in the dependent territory; and
  - c. Players, regardless of their place of birth, born of parents both of whom were born in the dependent territory.
- [...]

**FIBA Internal Regulations 2004**

**3. Regulations governing the National Status of Players**

1 There regulations apply to all competitions of FIBA as defined in the International Regulations of FIBA (1.1.1 and 1.1.2). They apply at national team level and at international club level.

2. These regulations apply to both genders.

[...]

**3.2 Proof of nationality**

1. FIBA may ask that evidence be provided to verify the legal nationality (or nationalities) of any player by requesting any documents it deems appropriate.

2. Proof of legal nationality of a country by itself does not constitute sufficient evidence to guarantee a player's right to play as a national for the national team of that country – see H.2.3.1.

**3.3. National Teams**

1. Only a player holding the legal nationality of that country and having fulfilled also the terms of eligibility according to the appropriate Internal Regulations may play for the national team of that country.

2. Any player with two legal nationalities or more, by birth or by naturalization, may choose at any age the national team for which he wishes to play. Any such choice must be made in a written declaration to FIBA.

This provision applies also to any player having acquired legal nationality by birth or by having the right to acquire a second nationality at birth, but who does not lay claim to this right until a given time in the future.

However, if a player having two (2) or more nationalities is summoned by a national member federation after reaching the age of eighteen (18), he is obliged to choose for which national team he wishes to play. If he has declined the summons, the player may choose only the national team of the other country/one of the other countries, unless he declares, in writing, within fifteen (15) days of receiving the summons that he has chosen the country that summoned him first.

Any player having played in a main official competition of FIBA for a national team for which he is eligible is considered as having chosen the national team of that country, which the exception of cases provided for under article 3.3.5.

These choices are irrevocable.

3. A national team participating in an international competition of FIBA may have only one player in its team who has acquired the legal nationality of that country by naturalization or by any other means after having reached the age of sixteen (16). This does not apply to those players whose eligibility was defined prior to the new regulations coming into force.

4. After having played in the junior (U- 19), young people's (U-21) or senior age categories for a national team of a country in a main official competition of FIBA, a player may not, under any circumstances, play for any national team of another country.

5. With the agreement of the two national federations concerned, FIBA may authorise a player having played on a national cadet team of a country in a main official competition of FIBA, to play for a national team of a new country of which he has acquired legal nationality. A player thus authorised to change national teams may do this only once in his lifetime and may not, after this change, play again for the team of his first country. Article 3.3.3 also applies in this case.

6. For any player who has two or more legal nationalities by birth or by naturalization, the national member federation for which the player wishes to play must obtain written certification from the national member federation of the country(-ies) corresponding to the player's other nationality(-ies), in which it is stated that he has not taken part in a main official competition of FIBA as a member of its national team.

If the request for this certification remains unanswered, FIBA may issue provisional authorisation to the national member federation making the request. After a period of one year, this authorisation shall be considered final.

[...]

**Biathlon**

**IBU EVENT AND COMPETITION RULES Adopted by the 1998 IBU Congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010, 2012 and 2014 Congresses**

**1. General Regulations**

**1.1 Application**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

These rules must be applied at all IBU events. At the Olympic Winter Games (OWG) these rules must be used accordingly, except when otherwise stipulated by the IOC. In other international events (as defined in the IBU Constitution) these rules will be applied unless changes, which have been authorized by the IBU, are specified in the invitation.

### **1.4 Eligibility rules for competitors and team staff**

#### **1.4.1 General**

Only such competitors and team staff who comply with the following IBU regulations will be eligible to take part in biathlon events and competitions organized by an IBU member federation. In order to be eligible to participate in an IBU event, biathletes and team staff must sign the IBU Declaration of Obligations, the Court of Arbitration Declaration and the Declaration to Fight Doping in Sport, signifying agreement to abide by and follow all IBU rules and policies. Competitors and team staff members must sign these declarations prior to taking part in their first IBU competition and must include a copy of their passport with their signed declaration.

Each signed declaration will remain in effect until terminated by either party.

#### **1.4.2. Responsibility of Competitors and Team Staff**

Competitors and team staff may only participate in an IBU event or competition with materials, equipment, clothing and advertising that are in compliance with the pertinent IBU rules, including the IBU Rules for Advertising. It is the competitors' and team staff's responsibility to ensure that all rules regarding material and advertising are followed and that they undergo materials, equipment and clothing inspections before the start and after the finish. All competitors participating in IBU competitions are requested to certify their nationality, age and gender with their national passport or official photo identification document.

## **IBU RULES**

### **Adopted by the 11th Regular IBU Congress 2014. WADA CODE compliant.**

#### **1. CONSTITUTION OF THE INTERNATIONAL BIATHLON UNION (IBU)**

The general reformulation was made by the 2014 Congress.

The Constitution was made subject to Austrian law at the establishment of the seat of the IBU by the Congress at the 1999 Constituent General Assembly in Minsk/BLR.

#### **9. Nationality of Athletes**

The sphere of responsibility of the member federations is restricted to the territory of the country they represent. The respective member federation may only enter athletes who are citizens of the respective country. Athletes who are citizens of two or more countries at the same time may start either for one of them, as they may elect. However, after having started for one country in the Olympic Games, in Continental or Regional Games or in World or Continental Championships under the authority of the IBU, they may not start for another country, unless they meet the conditions for athletes who have changed their citizenship or acquired a new citizenship. Athletes who have started for one country in the Olympic Games, in Continental or Regional Games and/or World or Continental Championships under the authority of the IBU, and who have changed their citizenship or assumed a new citizenship may not participate in IBU competitions representing their new country until at least two years have passed since they last started for their former country. This period may be reduced or even annulled, with the agreement of the IBU member federations concerned, by the Executive Board of the IBU, which will take into account the circumstances of each case.

Stateless persons may participate for a member federation assigned by the IBU Executive Board upon the authorization of the IBU Executive Board and with that member federation's agreement.

### **IBU EVENT AND COMPETITION RULES Adopted by the 1998 IBU Congress with amendments by the 2000, 2002, 2004, 2006, 2008, 2010 and 2012 Congresses**

#### **1.1 APPLICATION**

These rules must be applied at all IBU events. At the Olympic Winter Games (OWG) these rules must be used accordingly, except when otherwise stipulated by the IOC. In other international events (as defined in Art. 1.4.2 of the IBU Constitution) these rules will be applied unless changes, which have been authorized by the IBU, are specified in the invitation.

### **1.4 ELIGIBILITY RULES FOR COMPETITORS AND TEAM STAFF**

#### **1.4.1 General**

Only such competitors and team staff who comply with the following IBU regulations will be eligible to take part in biathlon events and competitions organized by an IBU member federation. In order to be eligible to participate in an IBU event, biathletes and team staff must sign the IBU Declaration of Obligations and the Court of Arbitration Declaration and the Declaration to Fight Doping in Sport, signifying agreement to abide by and follow all IBU rules and policies. These declarations must be signed prior to starting in the first IBU competition in which a competitor or staff member takes part. In addition, a copy of the passport must be attached. Each signed declaration will remain in effect until terminated by either party.

#### **1.4.2 Responsibility of Competitors and Team Staff**

Competitors and team staff may only participate in an IBU event or competition with materials, equipment, clothing and advertising that are in compliance with the IBU Materials Catalogue. It is the competitors and team staff's responsibility to ensure that all rules regarding materials and advertising are followed and that they undergo material, equipment and clothing inspections before the start and after the finish. All competitors participating in IBU competitions are requested to certify their nationality, age and gender with their national passport or official photo identification document.

#### **IBU RULES Adopted by the 2012 10th Regular IBU Congress.**

##### **2.6 Nationality of Athletes**

The sphere of responsibility of the member federations is restricted to the territory of the country they represent. The respective member federation may only enter athletes who are citizens of the respective country. Athletes who are citizens of two or more countries at the same time may represent either one of them, as they may elect. However, after having represented one country in the Olympic Games, in Continental or Regional Games or in World or Continental Championships under the authority of the IBU, they may not represent another country, unless they meet the conditions for athletes who have changed their citizenship or acquired a new citizenship. Athletes who have represented one country in the Olympic Games in Continental or Regional Games or in World or Continental Championships under the authority of the IBU, and who have changed their citizenship or assumed a new citizenship may not participate in IBU competitions representing their new country until at least two years have passed since they last represented their former country. This period may be reduced or even annulled, with the agreement of the IBU member federations concerned, by the Executive Board of the IBU, which will take into account circumstances of each case. Stateless persons may participate for a member federation assigned by the IBU Executive Board upon the authorization of the IBU Executive Board and with that member federation's agreement.

#### **Bobsleigh**

Unchanged since 2005, with only minor change in 2008

#### **Bobsleigh**

**International Bobsleigh Rules 2015 Release Date: June 2015**

##### **3. ADMISSION**

The right to participate in championships and official IBSF competitions is reserved only for teams registered by Members, i.e. teams from

-MEMBERS or  
-ASSOCIATE MEMBERS.

The athletes must fulfill one of the following conditions:

- They must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international IBSF competitions on behalf of another Member/Associate Member, or
- They must have their official residence in the Member/Associate Member concerned, and may not have taken part in international IBSF competitions on behalf of another Member/Associate Member, or
- They must have changed their citizenship or their official residence, and have been released by their former Member/Associate Member and accepted by their member. In this case, the athlete may represent one of the two members, but not both.

An athlete may represent only one nation during any competition season, which lasts from October 1 to September 30 of the following year. Applications to change Member may only be submitted between April 01 and September 30 of each year. When athletes switch Nations, they keep their Scores/Ranking in the IBSF Ranking List, as well as the number of competitions in which they have participated; however, they do not keep the right to the previous quotas for participation, which remains tied to the nation of origin.

**International Bobsleigh Rules 2014 Release Date: October 2014**

##### **3. ADMISSION**

The right to participate in championships and official FIBT competitions is reserved only for teams registered by Members, i.e. teams from

- MEMBERS or
- ASSOCIATE MEMBERS.

The athletes must fulfill one of the following conditions:

- They must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international FIBT competitions on behalf of another Member /Associate Member, or
- They must have their official residence in the Member/Associate Member concerned, and may not

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

have taken part in international FIBT competitions on behalf of another Member/Associate Member, or

- They must have changed their citizenship or their official residence, and have been released by their former Member/Associate Member and accepted by their member. In this case, the athlete may represent one of the two members, but not both.

An athlete may represent only one nation during any competition season, which lasts from October 1 to September 30 of the following year.

Applications to change Member may only be submitted between April 01 and September 30 of each year.

When athletes switch Nations, they keep their Scores/Ranking in the FIBT Ranking List, as well as the number of competitions in which they have participated; however, they do not keep the right to the previous quotas for participation, which remains tied to the nation of origin

### **International Bobsleigh Rules 2013**

#### **3. ADMISSION**

The right to participate in championships and official FIBT competitions is reserved only for teams registered by Members, i.e. teams from

- MEMBERS or
- ASSOCIATE MEMBERS.

The athletes must fulfill one of the following conditions:

- They must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international FIBT competitions on behalf of another Member /Associate Member, or
- They must have their official residence in the Member/Associate Member concerned, and may not have taken part in international FIBT competitions on behalf of another Member/Associate Member, or
- They must have changed their citizenship or their official residence, and have been released by their former Member/Associate Member and accepted by their member. In this case, the athlete may represent one of the two members, but not both.

An athlete may represent only one nation during any competition season, which lasts from October 1 to September 30 of the following year. Applications to change Member may only be submitted between April 01 and September 30 of each year. When athletes switch Nations, they keep their Scores/Ranking in the FIBT Ranking List, as well as the number of competitions in which they have participated; however, they do not keep the right to the previous quotas for participation, which remains tied to the nation of origin.

### **Bobsleigh skeleton**

#### **International Skeleton Rules 2015 Release Date: June 2015**

##### **3, ADMISSION**

The right to participate in championships and official IBSF competitions is reserved only for athletes registered by Members, i.e. athletes from

-MEMBERS or -ASSOCIATE MEMBERS .

The athletes must fulfill one of the following conditions:

- they must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international IBSF competitions on behalf of another nation, or
- they must have their official residence in the nation concerned, and may not have taken part in international IBSF competitions on behalf of another nation, or
- they must have changed their citizenship or their official residence, and have been released by their former Member / Associate Member and accepted by their new federation. In this case, the athlete may represent one of the two Members, but not both.

An athlete may represent only one nation during any competition season, which lasts from October 1 to September 30 of the following year.

Applications to change federations may only be submitted between March 31 and September 30 of each year.

When athletes switch nations, they keep their scores and ranking in the IBSF Ranking List, as well as the number of competitions in which they have participated; however, they do not keep the right to the previous quotas for participation, which remains tied to the nation of origin.

#### **International Skeleton Rules 2014 Release Date: October 2014**

##### **3. ADMISSION**

The right to participate in championships and official FIBT competitions is reserved only for athletes registered by Members, i.e. athletes from

- MEMBERS or
- ASSOCIATE MEMBERS .

The athletes must fulfill one of the following conditions:

## APPENDICES

- they must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international FIBT competitions on behalf of another nation, or
- they must have their official residence in the nation concerned, and may not have taken part in international FIBT competitions on behalf of another nation, or
- they must have changed their citizenship or their official residence, and have been released by their former Member / Associate Member and accepted by their new federation. In this case, the athlete may represent one of the two Members, but not both.

An athlete may represent only one nation during any competition season, which lasts from October 1 to September 30 of the following year.

Applications to change federations may only be submitted between March 31 and September 30 of each year.

When athletes switch nations, they keep their scores and ranking in the FIBT Ranking List, as well as the number of competitions in which they have participated; however, they do not keep the right to the previous quotas for participation, which remains tied to the nation of origin.

### **International Bobsleigh Rules Skeleton 2013 (valid from October 1st of 2013)**

#### **3. ADMISSION**

The right to participate in championships and official FIBT competitions is reserved only for athletes registered by Members, i.e. athletes from

- MEMBERS or
- ASSOCIATE MEMBERS .

The athletes must fulfill one of the following conditions:

- they must hold citizenship of the nation of the Member or Associate Member concerned, and may not have taken part in international FIBT competitions on behalf of another nation, or
- they must have their official residence in the nation concerned, and may not have taken part in international FIBT competitions on behalf of another nation, or
- they must have changed their citizenship or their official residence, and have been released by their former Member / Associate Member and accepted by their new federation. In this case, the athlete may represent one of the two Members, but not both.

An athlete may represent only one nation during any competition season, which lasts from October 1 to September 30 of the following year. Applications to change federations may only be submitted between March 31 and September 30 of each year.

When athletes switch nations, they keep their scores and ranking in the FIBT Ranking List, as well as the number of competitions in which they have participated; however, they do not keep the right to the previous quotas for participation, which remains tied to the nation of origin.

## **Boxing**

### **AIBA TECHNICAL RULES Effective as of February 1, 2015**

#### **RULE 2. MEMBERSHIP AND ELIGIBILITY**

##### **2.1 Membership**

**2.1.1** All Boxers, Coaches, Officials, National Federation Office Holders must be members of or licensed and/or authorized by their National Federation, Confederation and AIBA to participate in national and international AIBA Competitions, unless AIBA otherwise consents.

##### **2.2 Eligibility**

###### **2.2.1 Eligibility on Nationality related Issues**

**2.2.1.1** Prior to any AOB Competition and APB Cycle or during WSB Registration Period, AIBA must confirm the nationality and eligibility of all Boxers. However, if a complaint on the eligibility of a Boxer is received during any AIBA Competition, the Supervisor must immediately report to the AIBA Headquarters. If an ineligibility case is proved, the Supervisor must immediately disqualify the Boxer and inform all parties.

**2.2.1.2** For all disputes on eligibility taking place outside an AIBA Competition, the final decision on determining the nationality lies with the AIBA Executive Committee. If it is believed that nationality rules have been violated, the matter will be submitted to the AIBA Disciplinary Commission for review and sanctions may be imposed on the Boxer and/or his/her National Federation.

**2.2.1.3** Nationality shall be confirmed by the Boxer's passport. When the nationality is in question, AIBA has the right to request the following documents as a proof:

**2.2.1.3.1** Birth Certificate;

**2.2.1.3.2** Citizenship Identity Papers;

**2.2.1.3.3** Nationality Identity Document;

**2.2.1.3.4** Confirmation Letter from the NOC.

###### **2.2.1.4 Change of Nationality**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**2.2.1.4.1** If a Boxer wishes to change nationality, this Boxer can enter any AIBA Competition as a participant of the changed National Federation after two (2) years from this Boxer's change of nationality.

**2.2.1.4.2** If a Boxer having represented one National Federation in any AIBA Competition is also a national of two or more countries simultaneously, this Boxer must select only one National Federation to enter AIBA Competitions. In this case, once the Boxer selects one National Federation, this Boxer must not enter any AIBA Competition as a participant of the changed National Federation for two (2) years.

### **2.2.2 Eligibility on Sport related Issues**

#### **2.2.2.1 Participation in Professional Boxing or Individual Physical Contact Sport**

**2.2.2.1.1** Any Boxer who enters into a contract, memorandum of understanding, pre-agreement or any other form of agreement, with an entity or individual other than AIBA (or any entity that is an affiliate or subsidiary of AIBA), related to such Boxer's future participation in professional boxing or any other professional Individual Physical Contact Sport than boxing, will not be eligible to participate in any AIBA Competition at any level including, for the avoidance of doubt, the Olympic Games.

**2.2.2.1.2.** If a Boxer who has previously competed in AOB, APB or WSB competes in any Bout or Event organized or promoted by any non-AIBA professional boxing organization, then such Boxer will not be eligible to compete in any AIBA Competition at any level ever again.

**2.2.2.1.3.** Any Boxer who has competed professionally in any Individual Physical Contact Sport will not be eligible to compete in any AIBA Competition at any level.

**2.2.2.1.4.** A Boxer who has competed at an amateur level in any Individual Physical Contact Sport is eligible to compete in an AIBA Competition, at any level, under the following conditions:

**2.2.2.1.5.** When a National Federation wishes to register an amateur athlete from any Individual Physical Contact Sport as a Boxer, this National Federation shall complete the Application Form in Appendix B and submit the same to AIBA for acceptance and registration. The registration will be approved by AIBA in consultation with the AIBA Technical & Rules Commission. The National Federation may specify a longer period depending on the history of the athlete and circumstances of registration. If there is any issue in this regard, the case will be reviewed by the AIBA Technical & Rules Commission for a final decision.

**2.2.2.1.6** If the amateur athlete applying for registration has competed in another Individual Physical Contact Sport for:

**2.2.2.1.6.1.** less than a cumulative period of three (3) years, then this amateur athlete shall not be allowed to participate in any AIBA Sanctioned National Level Competition, including National Championships, until at least one (1) year after the date of the acceptance of the athlete's registration

**2.2.2.1.6.2.** more than a cumulative period of three (3) years, then this amateur athlete shall not be allowed to participate in any AIBA Sanctioned National Level Competition, including National Championships, until at least two (2) years after the date of the acceptance of the athlete's registration.

**2.2.2.1.7** In addition, the Boxer may not participate in any other Individual Physical Contact Sport during this time.

**2.2.2.1.8.** The Boxer must have competed in at least one (1) National Championships organized by the National Federation the Boxer is representing before being eligible to participate in any AIBA Competition.

## **AIBA TECHNICAL RULES effective as of August 31, 2014**

### **RULE I. CLASSIFICATION, MEMBERSHIP AND ELIGIBILITY**

#### **1.3 Membership and Eligibility**

**1.3.1** All Boxers, Coaches, Officials, National Federation Office Holders must be members of or licensed and/or authorized by their National Federation, Confederation and AIBA to participate in national and international AIBA Competitions, unless AIBA otherwise consents.

**1.4** When registering for any AIBA Competition, all Boxers and Team Officials must provide a copy of their current passport. No other proof of identity will be accepted.

**1.5** Except in cases where Rule 1.3 of the APB Competition Rules applies, any Boxer who has participated in any Bout or Event organized or promoted by any professional boxing organization or promoter (other than any AIBA, APB or WSB) will not be permitted to compete in any AIBA Competition at any level.

**1.6** If a Boxer, having competed in AOB, APB or WSB competes in any Bout or Event organized or promoted by any professional boxing organization or promoter (other than any AIBA, APB or WSB), then such Boxer will not be eligible to compete in any AIBA Competition at any level ever again.

**1.7** Any Boxer who has competed professionally in any Individual Physical Contact Sport will not be eligible to compete in any AIBA Competition at any level.

**1.8** A Boxer who has competed at an amateur level in any Individual Physical Contact Sport is eligible to compete in an AIBA Competition, at any level, under the following conditions:

**1.8.1.1** When an amateur athlete from any Individual Physical Contact Sport turns to Boxing, his/her National Federation shall inform AIBA officially in a written letter and AIBA will then register this information in the AIBA Database.

## APPENDICES

**1.8.1.2** The National Federation is responsible for ensuring that the amateur athlete will only start participating in all official sanctioned National Level Competitions including National Championships a minimum of at least one (1) year after the amateur athlete has registered in boxing from another Individual Physical Contact Sport based on the history of the athlete in the concerned sport(s). If there is any issue in this regard, the case will be reviewed by the AIBA Technical & Rules Commission for a final decision.

**1.8.1.3** In addition, the Boxer may not participate in any other Individual Physical Contact Sport during this time.

**1.8.1.4** The Boxer must have competed in at least one (1) National Championships organized by the National Federation the Boxer is representing before being eligible to participate in any AIBA Competition.

### **AIBA Bvlaws Adopted July 17, 2013**

#### ***CHAPTER 3 MAINTENANCE OF MEMBERSHIP AND VOTING RIGHTS***

##### **Article 11 Membership**

**11.1** A National Federation can only be responsible for governing the sport of boxing. It is prohibited for a National Federation and/or its President to be responsible for governing any other sporting activity, including mixed martial arts (MMA), UFC, Kickboxing, K-1 and other similar combat sports as may be determined by AIBA.

**11.2** A National Federation President and Executive Committee members must be national passport holders of the National Federation country. In the event the President or Executive Committee member holds dual-nationality, he or she must decide upon one country they wish to represent and provide proof that it is his or her country of residence if requested to do so.

#### ***CHAPTER 11 EXECUTIVE COMMITTEE MEMBER ELIGIBILITY***

##### **Article 35 Eligibility**

**35.1** Upon election as an EC Member, each EC Member must continue to fulfill all of the eligibility criteria set out in Art. 35 of the AIBA Statutes.

**35.2** For the avoidance of doubt, where an EC Member no longer fulfills all of the eligibility criteria set out in Art. 35 of the AIBA Statutes, or, if a National Federation removes their nomination for an EC Member or a National Federation informs AIBA that the EC member is no longer a member of the National Federation, the President shall have the power to remove such EC Member and appoint a replacement in accordance with Art. 37.3 (A) and (B) of the AIBA Statutes.

**35.3** The replacement EC Member will receive full EC Member status immediately after the EC meeting at which that EC Member's appointment is approved by the EC.

**35.4** The President has the power to remove any AIBA EC Member should he or she be absent (without any valid reason) from two (2) EC meetings and appoint a replacement in accordance with Art. 37.3 (A) and (B) of the AIBA Statutes.

### **AIBA TECHNICAL RULES Effective on August 23, 2013**

*Definitions: "Boxer"* means any Boxer who participates in a competition and who is a member of or licensed by a National Federation that is a member of AIBA; the term Boxer refers to Boxers of both genders;

#### **RULE 1. MEMBERSHIP AND ELIGIBILITY**

**1.1.** All Boxers, Coaches, Officials, National Federation Office Holders must be members of or licensed and/or authorized by their National Federation, Confederation and AIBA to participate in national and international AIBA Competitions.

**1.2.** When registering for any AIBA Competition, all Boxers and Team Officials must provide a copy of their current passport. No other proof of identity will be accepted.

**1.3.** Except in cases where Rule 1.2.1. of the APB Competition Rules applies, any Boxer who has participated in any Bout or Event organized or promoted by any professional boxing organization or promoter (other than any AIBA, WSB, BMA Bout or Event) will not be permitted to compete in any AIBA Competition at any level.

**1.4.** If a Boxer, having competed in AOB, APB or WSB, competes in any Bout or Event organized or promoted by any professional boxing organization or promoter (other than any AIBA, WSB, BMA Bout or Event), then such Boxer will not be eligible to compete in any AIBA Competition at any level ever again.

**1.5.** Any Boxer who has competed professionally in any Individual Physical Contact Sport will not be eligible to compete in any AIBA Competition at any level.

**1.6.** In order to be eligible to compete in an AIBA Competition, at any level, a Boxer who has competed at an amateur level in any Individual Physical Contact Sport must submit an application to the AIBA Eligibility Committee. The AIBA Eligibility Committee will review each application based on the information submitted and the guidelines and criteria developed by the Committee. The applying Boxer will only be eligible to compete in an AIBA Competition where the AIBA Eligibility Committee has deemed that Boxer

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

to be eligible. The decision of the AIBA Eligibility Committee will be final and not subject to appeal or challenge (either by the Boxer or by any third party).

**1.7.** If any Boxer having received an authorization from the AIBA Eligibility Committee, in accordance with Rule 1.6 of these Rules, participates again in an Individual Physical Contact Sport, at any level, such Boxer will automatically be ineligible to compete in any AIBA Competition at any level and will not be permitted to reapply to the AIBA Eligibility Committee.

### **Canoe Kayak**

#### **INTERNATIONAL CANOE FEDERATION CANOE SLALOM COMPETITION RULES 2015**

Taking effect from 1 January, 2015

##### **3. Competitors**

**3.1** Only the members of clubs or associations affiliated with an ICF Federation have the right to participate in an international competition.

**3.2** A competitor having satisfied 3.1 and also having first obtained the (written) consent of the competitors Federation, is permitted to compete individually in an International Competition.

**3.3.1** A competitor may compete on behalf of the Federation in a foreign country in which he/she is domiciled, if the competitor obtains the authorisation of their Federation of origin. This authorisation has to be sent before 30<sup>th</sup> November prior to the year concerned to the ICF Headquarters with a copy to the CSL Technical Committee Chair. The same procedure applies, should the competitor revert to their original Federation.

**3.3.2** If he/she has lived for 2 years or more in a foreign country, the approval of his/her Federation of origin is no longer required.

**3.3.3** A competitor may not compete for more than one Federation in any one calendar year in the sport of Canoeing.

**3.4** The first year a competitor can compete in an ICF or International competition is the year that their 15<sup>th</sup> birthday falls in. The last year they can compete in a Junior category is the year that their 18<sup>th</sup> birthday falls in. The last year he/she can compete in Under 23 category is the year that their 23<sup>rd</sup> birthday falls in.

**3.5** Master(s) competitors can compete in a Masters event in the year that he/she reaches the lower limit of the age categories, i.e. in the 35-39 age group they are eligible to compete the year of their 35<sup>th</sup> birthday. In events that have two competitors in the boat, the age of the younger competitor will control the category in which the pair can compete. Age group categories will commence from age 35-39 and increase upwards in 5 year age intervals.

**3.6** Each Federation shall ensure that their competitors are in a good state of health and fitness which allows them to compete at a level commensurate with the competition level of the particular event. Each Federation must also ensure that their competitors, team officials, as well as the Federation itself, carries appropriate health, accident and property insurance covering their persons, equipment and property.

[...]

#### **APPENDIX 1 - QUALIFICATION SYSTEM GAMES OF THE XXXI OLYMPIAD RIO 2016**

##### **C.ATHLETE ELIGIBILITY**

All athletes must comply with the provisions of the Olympic Charter currently in force and only those athletes who have complied with the Olympic Charter may participate in the Olympic Games. This includes Rule 41 of the Olympic Charter (Nationality of Competitors).

##### **Additional IF Requirements:**

To be eligible to participate in the Rio 2016 Olympic Games, all eligible NOCs must participate in at least one

Olympic event at the 2015 Canoe Slalom World Championships.

To be eligible for a Tripartite Commission Invitation Place an NOC must also be listed on the ICF Canoe Slalom Ranking by 1 June 2016.

A minimum of three (3) NOCs must contest each athlete quota place at the Olympic Qualifying Events for the event to be valid. If there are less than three (3) NOCs in any Olympic event then the athlete quota place will be returned to the ICF Canoe Slalom Ranking for reallocation as outlined in section F.

#### **INTERNATIONAL CANOE FEDERATION CANOE SLALOM COMPETITION RULES 2011**

##### **3. COMPETITORS**

**3.1** Only the members of clubs or associations affiliated with an ICF National Federation have the right to participate in an international competition.

**3.2** A competitor having satisfied 3.1 and also having first obtained the (written) consent of the competitors National Federation, is permitted to compete individually in an International Competition.

**3.3.1** A competitor may compete on behalf of the National Federation in a foreign country in which he/she is domiciled, if the competitor obtains the authorisation of their Federation of origin. This authorisation has to

## APPENDICES

be sent before 30th November prior to the year concerned to the ICF Headquarters with a copy to the CSL Technical Committee Chair. The same procedure applies, should the competitor revert to their original National Federation.

**3.3.2** If he/she has lived for 2 years or more in a foreign country, the approval of his/her Federation of origin is no longer required.

**3.3.3** A competitor may not compete for more than one Federation in any one calendar year in the sport of Canoeing. This rule does not apply in the case of a competitor who leaves their country of origin to marry and live in another country. He/she can, in this case, compete for their new Federation without awaiting the delay of 2 years.

**3.4** The first year a competitor can compete in a Junior competition is the year in that their 15th birthday falls in. The last year they can compete in a Junior category is the year that their 18th birthday falls in. The last year he/she can compete in Under 23 category is the year that their 23rd birthday falls in.

**3.5** Master(s) competitors can compete in a Masters event in the year that he/she reaches the lower limit of the age categories, i.e. in the 35-39 age group they are eligible to compete the year of their 35th birthday. In events that have two competitors in the boat, the age of the younger competitor will control the category in which the pair can compete. Age group categories will commence from age 35-39 and increase upwards in 5 year age intervals.

**3.6** Each National Federation shall ensure that their competitors are in a good state of health and fitness which allows them to compete at a level commensurate with the competition level of the particular event. Each Federation must also ensure that their competitors, team officials, as well as the Federation itself, carries appropriate health, accident and property insurance covering their persons, equipment and property.

[...]

### **C. ATHLETE ELIGIBILITY**

Only those athletes who have complied with the Olympic Charter (at all times) may participate in the Olympic Games. For the sake of clarity, all athletes must comply with the provisions of the Olympic Charter in force during the qualification period for the Olympic Games up until the end of the period of the Olympic Games.

An NOC must participate in at least one event at the 2011 Canoe Slalom World Championships to be eligible for an Athlete Quota Place in the canoeing events at the Olympic Games.

## **INTERNATIONAL CANOE FEDERATION CANOE SPRINT COMPETITION RULES 2015**

Taking effect from 1 January, 2015

### **3. COMPETITORS**

**3.1** Only the members of clubs or associations affiliated with an ICF National Federation have the right to participate in an international competition.

**3.2** A competitor is always allowed to take part individually in an international competition but must in each case obtain special permission from his/her National Federation.

**3.3** A Competitor may take part on behalf of the Federation in a foreign country in which he/she is domiciled, if he/she obtains the authorisation of his/her Federation of origin. This authorisation has to be sent before 30<sup>th</sup> November prior to the year concerned to the ICF Headquarters with a copy to the Chair of the Canoe Sprint Committee. The same procedure applies, should the Competitor change back his/her starting right to the Federation of origin.

**3.4** If he/she has lived for 2 (two) years or more in (this) a foreign country, the approval of his/her Federation of origin is no longer required.

**3.5** A competitor may not compete for more than one Federation in any calendar year in the sport of canoeing.

**3.6** The first year a competitor can compete in a junior category is the year that his/her 15<sup>th</sup> birthday falls in and the last year he/she can compete, as a junior is the year that his/her 18<sup>th</sup> birthday falls in. Last year he/she can compete in Under 23 category is the year that his/her 23<sup>th</sup> birthday falls in.

**3.7** A competitor can compete in a Masters event in the year in which he or she reaches the lower limit of the age categories i.e. for the 35 - 39 age group, athlete is eligible in the year of his or her 35<sup>th</sup> birthday. In K2/C2 or K4/C4 events the average age of the competitors will determine the category in which a crew can compete.

**3.8** Each National Federation shall ensure that their competitors are in a good state of health and fitness which allows them to compete at a level commensurate with the competition level of the particular event and ensure each competitor, team official and the National Federation carries appropriate health, accident and property insurance covering their persons, equipment and property.

[...]

### **C.ATHLETE ELIGIBILITY**

All athletes must comply with the provisions of the Olympic Charter currently in force, including but not

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

limited to, Rule 41 (Nationality of Competitors). Only those athletes who have complied with the Olympic Charter may participate in the Olympic Games.

Additional Requirements:

To be eligible to participate in the Rio 2016 Olympic Games, all eligible NOCs must participate in at least one (1) Olympic event at the 2015 Canoe Sprint World Championships to be eligible for an Athlete Quota Place in the Canoe Sprint events at the Olympic Games.

To be eligible for a Tripartite Commission Invitation Place the athlete must have participated in at least one (1) Olympic Qualification Event in Canoe Sprint.

### **INTERNATIONAL CANOE FEDERATION CANOE SPRINT COMPETITION RULES 2013**

Taking effect from 1 January, 2013

#### **3. COMPETITORS**

**3.1** Only the members of clubs or associations affiliated with an ICF National Federation have the right to participate in an international competition.

**3.2** A competitor is always allowed to take part individually in an international competition but must in each case obtain special permission from his/her National Federation.

**3.3** A Competitor may take part on behalf of the Federation in a foreign country in which he/she is domiciled, if he/she obtains the authorisation of his/her Federation of origin. This authorisation has to be sent before 30<sup>th</sup> November prior to the year concerned to the ICF Headquarters with a copy to the Chair of the Canoe Sprint Committee. The same procedure applies, should the Competitor change back his/her starting right to the Federation of origin.

**3.4** If he/she has lived for 2 (two) years or more in (this) a foreign country, the approval of his/her Federation of origin is no longer required.

**3.5** A competitor may not compete for more than one Federation in any calendar year in the sport of canoeing. This rule does not apply in the case of a competitor who leaves his/her country of origin to marry and live in another country. He/she can, in this case, compete for his/her new Federation without awaiting the delay of 2 years.

**3.6** The first year a competitor can compete in a junior category is the year that his/her 15<sup>th</sup> birthday falls in and the last year he/she can compete, as a junior is the year that his/her 18<sup>th</sup> birthday falls in. Last year he/she can compete in Under 23 category is the year that his/her 23<sup>th</sup> birthday falls in.

**3.7** A competitor can compete in a Masters event in the year in which he or she reaches the lower limit of the age categories i.e. for the 35 - 39 age group, athlete is eligible in the year of his or her 35<sup>th</sup> birthday. In K2/C2 or K4/C4 events the average age of the competitors will determine the category in which a crew can compete.

**3.8** Each National Federation shall ensure that their competitors are in a good state of health and fitness which allows them to compete at a level commensurate with the competition level of the particular event and ensure each competitor, team official and the National Federation carries appropriate health, accident and property insurance covering their persons, equipment and property.

[...]

### **APPENDIX 3 - QUALIFICATION SYSTEM – GAMES OF THE XXX OLYMPIAD LONDON 2012**

#### **C.ATHLETE ELIGIBILITY**

Only those athletes who have complied with the Olympic Charter (at all times) may participate in the Olympic Games. For the sake of clarity, all athletes must comply with the provisions of the Olympic Charter in force during the qualification period for the Olympic Games up until the end of the period of the Olympic Games. All NOCs (including those who receive Tripartite Commission Places) must participate in at least one event at the 2011 Canoe Sprint World Championships to be eligible for an Athlete Quota Place in the canoeing events at the Olympic Games.

## **Curling**

### **THE RULES OF CURLING and Rules of Competition October 2015**

#### **ELIGIBILITY**

1. Athletes are a national of the country they are representing – their residence can be anywhere.

or

Athletes are a resident of the country they are representing for a period of at least two consecutive years immediately prior to the start of the competition.

2. If an athlete has represented a country in any WCF competition, or played in an international qualifier for a WCF competition, that athlete may not represent another country in any WCF competition or WCF international qualifier until the athlete fulfills one of the above criteria **AND** a period of two consecutive years has elapsed.

3. This eligibility does not apply to competing in the Olympic / Paralympic Winter Games, which are governed by the regulations of the International Olympic / Paralympic Committee.

## APPENDICES

4. The WCF Executive Board shall resolve any dispute relating to the determination of the WCF Member Association that an athlete may represent in a WCF competition.

### **THE RULES OF CURLING and Rules of Competition October 2014**

#### **Eligibility (effective 1 June 2010)**

1. Athletes are a national of the country they are representing – their residence can be anywhere.

or

Athletes are a resident of the country they are representing for a period of at least two consecutive years immediately prior to the start of the competition.

2. If an athlete has represented a country in any WCF competition, or played in an international qualifier for a WCF competition, that athlete may not represent another country in any WCF competition or WCF international qualifier until the athlete fulfills one of the above criteria **AND** a period of two consecutive years has elapsed.

3. This eligibility does not apply to competing in the Olympic / Paralympic Winter Games, which are governed by the regulations of the International Olympic / Paralympic Committee.

4. Any dispute relating to the determination of the WCF Member Association which an athlete may represent in a WCF competition, shall be resolved by the WCF Executive Board.

### **THE RULES OF CURLING and Rules of Competition June 2011**

#### **ELIGIBILITY (effective 1 June 2010)**

1. Athletes are a national of the country they are representing – their residence can be anywhere.

or

Athletes are a resident of the country they are representing for a period of at least two consecutive years immediately prior to the start of the competition.

2. If an athlete has represented a country in any WCF competition, or played in an international qualifier for a WCF competition, that athlete may not represent another country in any WCF competition or WCF international qualifier until the athlete fulfills one of the above criteria **AND** a period of two consecutive years has elapsed.

3. This eligibility does not apply to competing in the Olympic / Paralympic Winter Games, which are governed by the regulations of the International Olympic / Paralympic Committee.

4. Any dispute relating to the determination of the WCF Member Association which an athlete may represent in a WCF competition, shall be resolved by the WCF Executive Board.

## **Cycling**

### **UCI CYCLING REGULATIONS GENERAL ORGANISATION OF E0116 CYCLING AS A**

### **SPORT PART 1 GENERAL ORGANISATION OF CYCLING AS A SPORT (Version on 05.03.2016)**

#### **PART 1 GENERAL ORGANISATION OF CYCLING AS A SPORT**

**1.1.33 §1**For the world championships, continental championships and for teams participating in UCI world cup events, a rider may only be selected by the federation of his nationality, regardless of the federation that issued his licence. A rider shall be subject to the regulations and disciplinary procedures of the national federation of his nationality in all matters concerning his selection for the national team. A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

**§2** A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. The nationality chosen will then be the rider's nationality for all matters regarding the UCI regulations.

The first application for a licence permanently defines a rider's nationality for the whole of his career, except in the following cases:

- a. If the nationality in question is lost for any reason, and without prejudice to paragraph b, the rider may choose one of the nationalities to which he is entitled in accordance with his civil status;
- b. If the rider was a minor at the time of first applying for a licence in accordance with the relevant laws of each of the nations in question, the rider may choose a different nationality – to which he is entitled in accordance with his civil status – when making a first application for a licence after he reaches the age of majority, in accordance with the laws of each of the nations in question;
- c. If a rider acquires an additional nationality, the rider may choose this nationality. This choice must be made, at the latest, when applying for a licence for the second year following the year of acquisition of the new nationality. This choice is final unless the rider loses the nationality in question (§2a) or if a global agreement intervenes (§2d);
- d. In exceptional cases and in the event of the agreement of the national federations concerned (the nations in question) and the UCI, a rider may choose another nationality to which he is eligible in accordance with

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

his civil status, even if he had already made an initial choice that had been considered final in principle. A change of this kind is only allowed once in a rider's career;

e. In the cases described in §2c and d and insofar as the rider has already represented the former nationality in the events described in §1, a rider who has validly chosen a new nationality may not be selected nor participate in:

i. the world championships held in the year in which the rider's change of nationality is approved by the UCI;

ii. the world championships held in the year after the change of nationality.

*Example: a rider holding nationality A acquires nationality B on 1 July 2013 and wishes to henceforth represent nation B. The change of nationality is approved by the UCI on 5 October 2013. The rider may not represent nation B at the world championships of 2013 (i) or 2014 (ii). However, the rider may immediately represent nation B at other competitions, in particular continental championships and as a member of the national team for world cup events. A rider who has never represented nation A at the world championships, continental championships or as a member of the national team competing in world cup events, shall not be subject to any restrictions and may immediately represent nation B at the world championships.*

The rider must send the UCI Legal Services the following documents in order to formalise his choice of nationality:

-Proof of eligibility for the nationality chosen, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.

-A formal statement by the rider, signed and dated, expressing the choice of nationality and the fact that the rider is aware that this choice is final for his entire career in accordance with UCI regulations.

§ 3 A rider who changes nationality may not be selected to participate in the world championships held in the year in which the change was approved by the UCI, nor in the world championships of the year following the change of nationality.

*Comment: a change of nationality means that a person of nationality A loses this nationality upon acquiring nationality B. There is thus no need to make a choice of nationality as described in §2c.*

The rider must send the UCI Legal Services the following documents in order to formalise his change of nationality:

-Proof of acquisition of the new nationality, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.

-A formal statement by the rider, signed and dated, expressing the new nationality and acknowledging the fact that the rider is aware that this change is final for his entire career in accordance with UCI regulations.

§4 Participation in national championships is governed by Art. 1.2.028 of these regulations.

§5 The determination of a country that a rider can represent at the Olympic and Paralympic Games is governed by the Olympic Charter.

*(text modified on 8.06.00; 1.01.04; 1.10.11; 1.05.14).*

### **UCI CYCLING REGULATIONS GENERAL ORGANISATION OF E0116 CYCLING AS A SPORT PART 1 GENERAL ORGANISATION OF CYCLING AS A SPORT (Version on 01.01.2016)**

**1.1.33 §1** For the world championships, continental championships and for teams participating in UCI world cup events, a rider may only be selected by the federation of his nationality, regardless of the federation that issued his licence. A rider shall be subject to the regulations and disciplinary procedures of the national federation of his nationality in all matters concerning his selection for the national team.

A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

§2 A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. The nationality chosen will then be the rider's nationality for all matters regarding the UCI regulations.

The first application for a licence permanently defines a rider's nationality for the whole of his career, except in the following cases:

a. If the nationality in question is lost for any reason, and without prejudice to paragraph b, the rider may choose one of the nationalities to which he is entitled in accordance with his civil status;

b. If the rider was a minor at the time of first applying for a licence in accordance with the relevant laws of each of the nations in question, the rider may choose a different nationality – to which he is entitled in accordance with his civil status – when making a first application for a licence after he reaches the age of majority, in accordance with the laws of each of the nations in question;

## APPENDICES

c.If a rider acquires an additional nationality, the rider may choose this nationality. This choice must be made, at the latest, when applying for a licence for the second year following the year of acquisition of the new nationality. This choice is final unless the rider loses the nationality in question (§2a) or if a global agreement intervenes (§2d);

d.In exceptional cases and in the event of the agreement of the national federations concerned (the nations in question) and the UCI, a rider may choose another nationality to which he is eligible in accordance with his civil status, even if he had already made an initial choice that had been considered final in principle. A change of this kind is only allowed once in a rider's career;

e.In the cases described in §2c and d and insofar as the rider has already represented the former nationality in the events described in §1, a rider who has validly chosen a new nationality may not be selected nor participate in:

i. the world championships held in the year in which the rider's change of nationality is approved by the UCI;

ii. the world championships held in the year after the change of nationality.

*Example: a rider holding nationality A acquires nationality B on 1 July 2013 and wishes to henceforth represent nation B. The change of nationality is approved by the UCI on 5 October 2013. The rider may not represent nation B at the world championships of 2013 (i) or 2014 (ii). However, the rider may immediately represent nation B at other competitions, in particular continental championships and as a member of the national team for world cup events. A rider who has never represented nation A at the world championships, continental championships or as a member of the national team competing in world cup events, shall not be subject to any restrictions and may immediately represent nation B at the world championships.*

The rider must send the UCI Legal Services the following documents in order to formalise his choice of nationality:

-Proof of eligibility for the nationality chosen, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.

-A formal statement by the rider, signed and dated, expressing the choice of nationality and the fact that the rider is aware that this choice is final for his entire career in accordance with UCI regulations.

§ 3 A rider who changes nationality may not be selected to participate in the world championships held in the year in which the change was approved by the UCI, nor in the world championships of the year following the change of nationality.

*Comment: a change of nationality means that a person of nationality A loses this nationality upon acquiring nationality B. There is thus no need to make a choice of nationality as described in §2c.*

The rider must send the UCI Legal Services the following documents in order to formalise his change of nationality:

-Proof of acquisition of the new nationality, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.

-A formal statement by the rider, signed and dated, expressing the new nationality and acknowledging the fact that the rider is aware that this change is final for his entire career in accordance with UCI regulations.

§4 Participation in national championships is governed by Art. 1.2.028 of these regulations.

§5 The determination of a country that a rider can represent at the Olympic and Paralympic Games is governed by the Olympic Charter.

*(text modified on 8.06.00; 1.01.04; 1.10.11; 1.05.14).*

### **UCI CYCLING REGULATIONS GENERAL ORGANISATION OF E0115 CYCLING AS A SPORT PART I GENERAL ORGANISATION OF CYCLING AS A SPORT (Version on 13.03.2015)**

#### **Chapter I LICENCE-HOLDERS**

**1.1.33 §1** For the world championships, continental championships and for teams participating in UCI world cup events, a rider may only be selected by the federation of his nationality, regardless of the federation that issued his licence. A rider shall be subject to the regulations and disciplinary procedures of the national federation of his nationality in all matters concerning his selection for the national team.

A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

§2 A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. The nationality chosen will then be the rider's nationality for all matters regarding the UCI regulations.

The first application for a licence permanently defines a rider's nationality for the whole of his career, except in the following cases:

A) If the nationality in question is lost for any reason, and without prejudice to paragraph b, the rider may choose one of the nationalities to which he is entitled in accordance with his civil status;

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B) If the rider was a minor at the time of first applying for a licence in accordance with the relevant laws of each of the nations in question, the rider may choose a different nationality – to which he is entitled in accordance with his civil status – when making a first application for a licence after he reaches the age of majority, in accordance with the laws of each of the nations in question;

C) If a rider acquires an additional nationality, the rider may choose this nationality. This choice must be made, at the latest, when applying for a licence for the second year following the year of acquisition of the new nationality. This choice is final unless the rider loses the nationality in question (§2a) or if a global agreement intervenes (§2d);

D) In exceptional cases and in the event of the agreement of the national federations concerned (the nations in question) and the UCI, a rider may choose another nationality to which he is eligible in accordance with his civil status, even if he had already made an initial choice that had been considered final in principle. A change of this kind is only allowed once in a rider's career;

E) In the cases described in §2c and d and insofar as the rider has already represented the former nationality in the events described in §1, a rider who has validly chosen a new nationality may not be selected nor participate in:

I) the world championships held in the year in which the rider's change of nationality is approved by the UCI;

II) the world championships held in the year after the change of nationality.

*Example: a rider holding nationality A acquires nationality B on 1 July 2013 and wishes to henceforth represent nation B. The change of nationality is approved by the UCI on 5 October 2013. The rider may not represent nation B at the world championships of 2013 (i) or 2014 (ii). However, the rider may immediately represent nation B at other competitions, in particular continental championships and as a member of the national team for world cup events. A rider who has never represented nation A at the world championships, continental championships or as a member of the national team competing in world cup events, shall not be subject to any restrictions and may immediately represent nation B at the world championships.*

The rider must send the UCI Legal Services the following documents in order to formalise his choice of nationality:

- Proof of eligibility for the nationality chosen, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.
- A formal statement by the rider, signed and dated, expressing the choice of nationality and the fact that the rider is aware that this choice is final for his entire career in accordance with UCI regulations.

§ 3 A rider who changes nationality may not be selected to participate in the world championships held in the year in which the change was approved by the UCI, nor in the world championships of the year following the change of nationality.

*Comment: a change of nationality means that a person of nationality A loses this nationality upon acquiring nationality B. There is thus no need to make a choice of nationality as described in §2c.*

The rider must send the UCI Legal Services the following documents in order to formalise his change of nationality:

- Proof of acquisition of the new nationality, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.
- A formal statement by the rider, signed and dated, expressing the new nationality and acknowledging the fact that the rider is aware that this change is final for his entire career in accordance with UCI regulations.

§4 Participation in national championships is governed by Art. 1.2.028 of these regulations.

§5 The determination of a country that a rider can represent at the Olympic and Paralympic Games is governed by the Olympic Charter.

*(text modified on 8.06.00; 1.01.04; 1.10.11; 1.05.14).*

### **UCI CYCLING REGULATIONS GENERAL ORGANISATION OF E0914 CYCLING AS A SPORT PART 1 GENERAL ORGANISATION OF CYCLING AS A SPORT (Version of 25.09.2014)**

**1.1.033 §1** For the world championships, continental championships and for teams participating in UCI world cup events, a rider may only be selected by the federation of his nationality, regardless of the federation that issued his licence. A rider shall be subject to the regulations and disciplinary procedures of the national federation of his nationality in all matters concerning his selection for the national team.

A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

§2 A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. The nationality chosen will then be the rider's nationality for all matters regarding the UCI regulations.

The first application for a licence permanently defines a rider's nationality for the whole of his career, except in the following cases:

## APPENDICES

A. If the nationality in question is lost for any reason, and without prejudice to paragraph b, the rider may choose one of the nationalities to which he is entitled in accordance with his civil status;

B. If the rider was a minor at the time of first applying for a licence in accordance with the relevant laws of each of the nations in question, the rider may choose a different nationality – to which he is entitled in accordance with his civil status – when making a first application for a licence after he reaches the age of majority, in accordance with the laws of each of the nations in question;

C. If a rider acquires an additional nationality, the rider may choose this nationality. This choice must be made, at the latest, when applying for a licence for the second year following the year of acquisition of the new nationality. This choice is final unless the rider loses the nationality in question (§2a) or if a global agreement intervenes (§2d);

D. In exceptional cases and in the event of the agreement of the national federations concerned (the nations in question) and the UCI, a rider may choose another nationality to which he is eligible in accordance with his civil status, even if he had already made an initial choice that had been considered final in principle. A change of this kind is only allowed once in a rider's career;

E. In the cases described in §2c and d and insofar as the rider has already represented the former nationality in the events described in §1, a rider who has validly chosen a new nationality may not be selected nor participate in:

(i) the world championships held in the year in which the rider's change of nationality is approved by the UCI;

(ii) the world championships held in the year after the change of nationality.

*Example: a rider holding nationality A acquires nationality B on 1 July 2013 and wishes to henceforth represent nation B. The change of nationality is approved by the UCI on 5 October 2013. The rider may not represent nation B at the world championships of 2013 (i) or 2014 (ii). However, the rider may immediately represent nation B at other competitions, in particular continental championships and as a member of the national team for world cup events. A rider who has never represented nation A at the world championships, continental championships or as a member of the national team competing in world cup events, shall not be subject to any restrictions and may immediately represent nation B at the world championships.*

The rider must send the UCI Legal Services the following documents in order to formalise his choice of nationality:

- Proof of eligibility for the nationality chosen, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.

- A formal statement by the rider, signed and dated, expressing the choice of nationality and the fact that the rider is aware that this choice is final for his entire career in accordance with UCI regulations.

**§ 3** A rider who changes nationality may not be selected to participate in the world championships held in the year in which the change was approved by the UCI, nor in the world championships of the year following the change of nationality.

*Comment: a change of nationality means that a person of nationality A loses this nationality upon acquiring nationality B. There is thus no need to make a choice of nationality as described in §2c.*

The rider must send the UCI Legal Services the following documents in order to formalise his change of nationality:

- Proof of acquisition of the new nationality, which may be illustrated by a certificate issued by a competent authority (ministry, consulate, embassy, etc.) attesting to the date of acquisition of the nationality.

- A formal statement by the rider, signed and dated, expressing the new nationality and acknowledging the fact that the rider is aware that this change is final for his entire career in accordance with UCI regulations.

**§4** Participation in national championships is governed by Art. 1.2.028 of these regulations.

**§5** The determination of a country that a rider can represent at the Olympic and Paralympic Games is governed by the Olympic Charter.

*(text modified on 8.06.00; 1.01.04; 1.10.11; 1.05.14).*

## **UCI CYCLING REGULATIONS GENERAL ORGANISATION OF E1014 CYCLING AS A SPORT PART 1 GENERAL ORGANISATION OF CYCLING AS A SPORT (version on 7.03.14)**

### **Chapter LICENCE-HOLDERS**

#### **Licences**

##### **Definition**

**1.1.001** The licence is an identity document confirming that its holder undertakes to respect the constitution and regulations and which authorise him to participate in cycling events.

[...]

**1.1.008** The licence shall be valid for one year, from 1 January to 31 December. It shall be valid in all countries where there is a UCI member national federation.

**1.1.009** A licence holder may hold the licence of only one national federation.

[...]

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

### Issuing procedure

**1.1.011** The licence shall be issued by the federation of the country where, according to the legislation of that country, the applicant has his main residence at the time of application. He shall remain affiliated to that federation until the expiry of the licence, even if he changes country of residence.

[...]

**1.1.020** Any member federation of which a licence holder possesses the nationality shall be informed within one month of the licence holder's application and the issuing of the licence in the following cases:

- a) if the applicant does not hold the nationality of the federation to which he applied;
- b) if the applicant holds the nationality of the federation to which he applied but also of one or more other national federations;
- c) if the licence application is made to the UCI.

*(text modified on 1.01.00).*

[...]

**1.1.033 § 1** A rider may be selected solely by the federation of his nationality to participate in world championships, continental championships, and regional games or to be part of teams participating in UCI world cup events, regardless of the federation that issued his licence. The rider shall be subject to the regulations and the discipline of the national federation of his nationality in all matters concerning his selection for the national team. A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

**§ 2** A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. This choice of nationality shall be final for the rider's entire career unless he loses that nationality for any reason, without prejudice to the application of the third paragraph below. The rider shall be deemed to hold the nationality thus chosen for any matter regarding the UCI regulations. Such a rider may choose another nationality which he legitimately holds, if when first electing a nationality the rider was a minor under the relevant laws of each of the nationalities in question, and the choice is made on the first application for a licence after he reaches the age of majority under the laws of each nationality in question.

**§ 3** A rider who acquires an additional nationality may choose this nationality. Such a choice must be made at the latest by the application for a licence for the second year following the one of the acquisition of the new nationality. This choice is final. The rider who validly chose his new nationality can be selected by the national federation of his new nationality and represent it in events mentioned in § 1 as from the second calendar year he chose his new nationality.

*Example: a rider holding nationality A also acquires nationality B on 1st July 2011. Should he wish to ride under nationality B, he must choose nationality B at the latest when requesting his licence for the year 2013. Otherwise, he will be definitely considered as a rider holding nationality A. In case he chooses nationality B when requesting his licence for the year 2012, he may ride for his new national team as from the year 2013. By choosing the nationality B when requesting his licence for the year 2013, he may ride for his new national team as from the year 2014. He may be selected by the national team A until 2012, respectively 2013.*

**§ 4** A rider who changes his nationality can be selected by the national federation of his new nationality and represent it in events mentioned in § 1 as from the second calendar year following the one during which the change of nationality took place.

*Comment: the change of nationality implies that a person holding the A nationality loses that nationality when acquiring nationality B. A choice of a nationality, as in the case mentioned in § 3 does therefore not take place. For example, a rider who changes his nationality on 1st July 2011 may ride for his new national team B as from the year 2013. Until 31 December 2012, he may be selected by the national team A.*

**§ 5** The determination of a country that a rider can represent at the Olympic and Paralympic Games is governed by the Olympic Charter.

*(text modified on 8.06.00; 1.01.04; 1.10.11).*

### National team

**1.1.044** A national team is a team of riders selected by the national federation of their nationality.

*(article introduced on 1.01.05).*

### UCI Cycling Regulations PART 11 OLYMPIC GAMES (version on 1.02.13)

**11.1.001** Participation in cycling competitions at the Olympic Games shall be governed by the rules of the International Olympic Committee (IOC) and of the UCI. Participation in the Olympics shall imply acceptance and respect of the IOC and UCI rules by the rider and any other licence holder.

### Participation

**11.1.003** To take part in the Olympics, each rider shall:

- hold a licence issued by a National Federation
- be at least 18 years old for track events, 19 years old for road, mountain bike and BMX events or reach this age in the year of the Olympics.
- be in the Junior category for competitions in the Youth Olympic Games.

**UCI CYCLING REGULATIONS GENERAL ORGANISATION OF E1013 CYCLING AS A SPORT PART 1 GENERAL ORGANISATION OF CYCLING AS A SPORT (version on 1.10.13)**

**Art. 1 Licences**

**Definition**

**1.1.001** The licence is an identity document confirming that its holder undertakes to respect the constitution and regulations and which authorise him to participate in cycling events.

[...]

**1.1.008** The licence shall be valid for one year, from 1 January to 31 December. It shall be valid in all countries where there is a UCI member national federation.

**1.1.009** A licence holder may hold the licence of only one national federation.

[...]

**Issuing procedure**

**1.1.011** The licence shall be issued by the federation of the country where, according to the legislation of that country, the applicant has his main residence at the time of application. He shall remain affiliated to that federation until the expiry of the licence, even if he changes country of residence.

[...]

**1.1.020** Any member federation of which a licence holder possesses the nationality shall be informed within one month of the licence holder's application and the issuing of the licence in the following cases:

- a) if the applicant does not hold the nationality of the federation to which he applied;
- b) if the applicant holds the nationality of the federation to which he applied but also of one or more other national federations;
- c) if the licence application is made to the UCI.

[...]

**1.1.033 § 1** A rider may be selected solely by the federation of his nationality to participate in world championships, continental championships, and regional games or to be part of teams participating in UCI world cup events, regardless of the federation that issued his licence. The rider shall be subject to the regulations and the discipline of the national federation of his nationality in all matters concerning his selection for the national team. A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

**§ 2** A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. This choice of nationality shall be final for the rider's entire career unless he loses that nationality for any reason, without prejudice to the application of the third paragraph below. The rider shall be deemed to hold the nationality thus chosen for any matter regarding the UCI regulations. Such a rider may choose another nationality which he legitimately holds, if when first electing a nationality the rider was a minor under the relevant laws of each of the nationalities in question, and the choice is made on the first application for a licence after he reaches the age of majority under the laws of each nationality in question.

**§ 3** A rider who acquires an additional nationality may choose this nationality. Such a choice must be made at the latest by the application for a licence for the second year following the one of the acquisition of the new nationality. This choice is final.

The rider who validly chose his new nationality can be selected by the national federation of his new nationality and represent it in events mentioned in § 1 as from the second calendar year he chose his new nationality.

*Example: a rider holding nationality A also acquires nationality B on 1st July 2011. Should he wish to ride under nationality B, he must choose nationality B at the latest when requesting his licence for the year 2013. Otherwise, he will be definitely considered as a rider holding nationality A. In case he chooses nationality B when requesting his licence for the year 2012, he may ride for his new national team as from the year 2013. By choosing the nationality B when requesting his licence for the year 2013, he may ride for his new national team as from the year 2014. He may be selected by the national team A until 2012, respectively 2013.*

**§ 4** A rider who changes his nationality can be selected by the national federation of his new nationality and represent it in events mentioned in § 1 as from the second calendar year following the one during which the change of nationality took place.

*Comment: the change of nationality implies that a person holding the A nationality loses that nationality when acquiring nationality B. A choice of a nationality, as in the case mentioned in § 3 does therefore not take place. For example, a rider who changes his nationality on 1st July 2011 may ride for his new national team B as from the year 2013. Until 31 December 2012, he may be selected by the national team A.*

**§ 5** The determination of a country that a rider can represent at the Olympic and Paralympic Games is governed by the Olympic Charter.

*(text modified on 8.06.00; 1.01.04; 1.10.11).*

**National team**

**1.1.044** A national team is a team of riders selected by the national federation of their nationality.

**UCI Cycling Regulations PART 11 OLYMPIC GAMES (version on 1.02.13)**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**11.1.001** Participation in cycling competitions at the Olympic Games shall be governed by the rules of the International Olympic Committee (IOC) and of the UCI. Participation in the Olympics shall imply acceptance and respect of the IOC and UCI rules by the rider and any other licence holder.

### **Participation**

**11.1.003** To take part in the Olympics, each rider shall:

- hold a licence issued by a National Federation
- be at least 18 years old for track events, 19 years old for road, mountain bike and BMX events or reach this age in the year of the Olympics.
- be in the Junior category for competitions in the Youth Olympic Games.

### **UCI 2011 Version**

**1.1.033 § 1** A rider may be selected solely by the federation of his nationality to participate in world championships, continental championships, and regional games or to be part of teams participating in UCI world cup events, regardless of the federation that issued his licence. The rider shall be subject to the regulations and the discipline of the national federation of his nationality in all matters concerning his selection for the national team.

A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

**§ 2** A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. This choice of nationality shall be final for the rider's entire career unless he loses that nationality for any reason, without prejudice to the application of the third paragraph below.

The rider shall be deemed to hold the nationality thus chosen for any matter regarding the UCI regulations.

Such a rider may choose another nationality which he legitimately holds, if when first electing a nationality the rider was a minor under the relevant laws of each of the nationalities in question, and the choice is made on the first application for a licence after he reaches the age of majority under the laws of each nationality in question.

**§ 3** A rider who acquires an additional nationality may choose this nationality. Such a choice must be made at the latest by the application for a licence for the second year following the one of the acquisition of the new nationality. This choice is final.

The rider who validly chose his new nationality can be selected by the national federation of his new nationality and represent it in events mentioned in § 1 as from the second calendar year he chose his new nationality.

*Example: a rider holding nationality A also acquires nationality B on 1st July 2011. Should he wish to ride under nationality B, he must choose nationality B at the latest when requesting his licence for the year 2013. Otherwise, he will be definitely considered as a rider holding nationality A. In case he chooses nationality B when requesting his license for the year 2012, he may ride for his new national team as from the year 2013. By choosing the nationality B when requesting his license for the year 2013, he may ride for this new national team as from the year 2014. He may be selected by the national team A until 2012, respectively 2013.*

**§ 4** A rider who changes his nationality can be selected by the national federation of his new nationality and represent it in events mentioned in § 1 as from the second calendar year following the one during which the change of nationality took place.

*Comment: the change of nationality implies that a person holding the A nationality loses that nationality when acquiring nationality B. A choice of nationality as in the case mentioned in § 3 does therefore not take place. For example, a rider who changes his nationality on 1<sup>st</sup> July 2011 may ride for his new national team B as from the year 2013. Until 31 December 2012, he may be selected by the national team A.*

**§ 5** The determination of a country that a rider can represent at the Olympic and Paralympic Games is governed by the Olympic Charter.

*(text modified on B.06.00; 1.01.04; 1.10.11).*

### **UCI 2005 Version**

**1.1.033 § 1** A rider may be selected solely by the federation of his nationality to participate in world championships, continental championships, and regional games or to be part of teams participating in cyclo-cross world cup and mountain bike world cup events, regardless of the federation that issued his licence. The rider shall be subject to the regulations and the discipline of the national federation of his nationality in all matters concerning his selection for the national team.

A stateless rider may be selected only by the national federation of a country where he has been continuously in residence for at least five years.

**§ 2** A rider holding multiple nationalities shall be required to choose between them on the occasion of first applying for a licence. This choice of nationality shall be final for the rider's entire career unless he loses that nationality for any reason, without prejudice to the application of the third paragraph below.

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The rider shall be deemed to hold the nationality thus chosen for any molter regarding the UCI regulations. Such a rider may choose another nationality which he legitimately holds, if when first electing a nationality the rider was a minor under the relevant laws of each of the nationalities in question, and the choice is made on the first application for a licence after he reaches the age of majority under the laws of each nationality in question.

§ 3 A rider who acquires an additional nationality may choose this nationality. Such a choice shall be final, and shall be made at the latest by the second application for a licence following the acquisition of the new nationality.

§ 4 The determination of a country that a rider can represent at the Olympic Games is governed by the Olympic Charter.

*(text modified on 8.06.00; 1.01.04).*

### **Equestrian**

#### **FEI GENERAL REGULATIONS 23rd edition, 1 January 2009, updates effective 1 January 2016**

##### **Article 113 - Registration and Eligibility of Athletes and Horses**

1. All Athletes and Horses must be registered with the FEI, and their own NF, or where appropriate with their host NF, before they can be entered and permitted to take part in an International Event, unless otherwise specified by the Sport Rules. (See also Article 119- Sport Nationality Status of Athletes and Chapter V Horses).

2. NFs are responsible for registering all Athletes and Horses and shall ensure that such Athletes have the appropriate corresponding sport nationality pursuant to Article 119. NFs are also responsible for unregistering any Athlete and/or Horse that are not competing anymore for any reason.

3. Any Athlete and/or any Horse not registered with the FEI and/or not fulfilling an eligibility requirement shall be automatically disqualified, unless compelling circumstances warrant otherwise.

4. An Athlete and/or Horse, even if registered with the FEI, is not eligible to participate in an International Event or National Event (and so may not be invited by an OC to such Event or entered by an NF in such Event) if that Athlete and/or Horse has participated, in the six (6) months prior to the first day of the International Event or National Event in question, in an Unsanctioned Event.

5. For purposes of Article 113.4, an 'Unsanctioned Event' is an event and/or a competition that is neither published in the official Calendar nor authorised by an NF and/or a National Event authorised or organised by a NF that is suspended by the FEI.

6. An Athlete, Chef d'Equipe, Owner, or NF may challenge the application of Article 113.4, or seek a waiver thereof in exceptional circumstances, by application to the Secretary General. A denial of that application may be appealed to the FEI Tribunal, such appeal to be heard on the papers without a live hearing unless the FEI Tribunal orders otherwise.

##### **Article 119- Sport Nationality Status of Athletes**

###### **1. General principles:**

1.1. The NF of a country where an Athlete has his nationality is his "own" NF. Proof of nationality is necessary for an Athlete to compete for a country.

1.2 Except as provided in paragraphs 4, 5, 6.2, and 6.3, an Athlete may only compete, at International Events, for his "own NF", as defined in paragraph 1.1.

###### **2. Sport nationality and sport nationality changes: Adult Athletes**

2.1 An Athlete who is a national of more than one (1) country must decide as of the age of (eighteen) 18 years which of his countries of nationality will be his own NF for international competition purposes. Thereafter, subject to paragraph 2.2.1, he can only represent that NF in international competition. Further changes to his sport nationality can only be accomplished through a sport nationality change process, subject to the conditions outlined in this paragraph 2.

###### **2.2 Sport nationality changes:**

2.2.1 Basic requirement: an Adult Athlete who is or who becomes the national of more than one country and wishes to compete for his new/other country of nationality may apply for a sport nationality change to the FEI. In the case of a new nationality, this nationality must have been acquired by 31st December of the preceding year.

2.2.2 Additional requirements prior to participation in FEI Championships (except FEI Championships for Young Horses), FEI World Cup™ Series, and team competitions at CIOs:

(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for either: (a) a minimum of two (2) uninterrupted years; or (b) a total of five (5) years of non-consecutive periods.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

(ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.

**2.2.3** The residency requirement set out in paragraph 2.2.2 (i) shall be mandatory, except where the Athlete can establish one of the following:

(i) the Athlete's entitlement to his new nationality was established by his birth in that country;

(ii) The Athlete's entitlement to his new nationality was acquired by virtue of descent or through other means related to family heritage-

(iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or

(iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one.

**2.2.4** Where the naturalized Athlete can establish that he is legally married to a national of the new country of nationality, the residency requirement set out in paragraph 2.2.2 (i) shall be reduced to one (1) year of uninterrupted legal residence or three (3) years of non- consecutive periods of legal residence.

**2.2.5** An application for an Athlete's change of sport nationality must be filed with the FEI Secretary General, through his new NF, stating the reason for the change and supported by the Athlete's passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of sport nationality has been filed.

**2.2.6** An Athlete shall only be entitled to compete for his new NF once the FEI has given its written approval of the change in sport nationality.

**2.2.7** In special and exceptional circumstances, the FEI has the discretion to grant exceptions, with the agreement of the NFs concerned.

**2.2.8** Participation in the Olympic and Paralympic Games is also subject to Olympic and Paralympic Regulations (Bye-law to Rule 42, Olympic Charter) and in particular to any waiting period imposed by these regulations. Similarly, participation in Regional and Continental Games is also subject to the regulations of the relevant governing body.

### **3. Sport nationality and sport nationality changes: Minor Athletes**

**3.1** A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.

**3.2** A Minor Athlete may subsequently change his NF (only once per calendar year). Such change of NF is subject to the previous NF's, the new NF's and the FEI's approvals if the Minor Athlete has already participated in an international event for another NF since 1 January of that calendar year.

**3.3** As of the Minor Athlete's 18th birthday, paragraph 2 above applies. At such time, the Athlete will register with the chosen NF who will, in turn, register the Athlete with the FEI.

**4.** If an associate state, province or overseas department, a country or a colony acquires independence; if a country becomes incorporated within another country by reason of a change of border; or if a new NF is recognized by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

**5.**

**5.1** An Athlete Living outside his country of nationality who: (i) loses his nationality; (ii) becomes a refugee; or (iii) whose home country does not have an NF which is a member of the FEI, can compete internationally as if he were a national of the host country in all International Events including Championships, until such time as his home country has an NF which is a member of the FEI.

**5.2** Athletes whose country of citizenship does not have an NF which is a member of the FEI, and whose situation does not qualify under paragraphs 4 and 5.1 above, may receive special authorisation from the FEI to compete in FEI Events under the FEI flag, in exceptional circumstances and on a case by case basis.

### **6. Athletes Living outside their country of nationality:**

**6.1** An Adult Athlete Living outside his country of nationality can have his entries processed by his "host-NF" for participation in CNs, CIMs as well as CIs if he is given permission of his own NF and the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and must take part according to the relevant Sport Rules. This administrative facility is not a change of sport nationality. The Athlete will in all circumstances keep his "own NF", and always compete under its flag.

**6.2** A Minor Athlete may compete for his country of residence in the following Events, and regardless of the country where the Event is organised: CIs for Children, Pony Riders, Junior Riders and Young Riders (which excludes CIOs and Championships), and senior CIMs as defined in Appendix E, GRs. In such circumstances, the Athlete will be compelled to inform his "own NF" as well as the FEI.

**6.3** A Minor Athlete who has always competed for his country of residence and not his own NF, may apply to the FEI to establish his country of residence as his own NF once he turns eighteen (18), even though he is not a national of such country, only if: (i) he has never competed under the flag of his own NF; (ii) the

## APPENDICES

country of residence, in the FEI's opinion, qualifies as a country where obtaining nationality is overly burdensome; (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and (iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years. The FEI shall have sole discretion to grant or deny an application presented under this provision, weighing the best interests of equestrian sport against the best interests of the Minor Athlete.

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

1. Only Athletes who satisfy the applicable conditions set forth in the GRs, the Olympic Regulations, the Olympic Charter, its Bylaws and the regulations of the relevant governing bodies may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions set forth in the GRs and applicable Paralympic Regulations may be entered for the Paralympic Games.

2. All Athletes, Officials, Persons Responsible, grooms, veterinarians, trainers, Chefs de Mission, Chefs d'Equipes, National Federation representatives, and/or any other member of the Athlete's support personnel or entourage participating in, or accredited to the Olympic, Paralympic, and/or Regional Games are subject, by virtue of such participation and/or accreditation, to any IOC, IPC, and/or applicable Regional Organisations' Rules.

### **FEI GENERAL REGULATIONS 23rd edition, 1 January 2009, updates effective 1 January 2015**

#### **CHAPTER II - PARTICIPATION OF ATHLETES AND HORSES**

##### **Article 113 - Registration and Eligibility of Athletes and Horses**

1. All Athletes and Horses must be registered with the FEI, and their own NF, or where appropriate with their host NF, before they can be entered and permitted to take part in an International Event, unless otherwise specified by the Sport Rules. (See also Article 119- Sport Nationality Status of Athletes and Chapter V Horses).

2. NFs are responsible for registering all Athletes and Horses and shall ensure that such Athletes have the appropriate corresponding sport nationality pursuant to Article 119. NFs are also responsible for unregistering any Athlete and/or Horse that are not competing anymore for any reason.

3. Any Athlete and/or any Horse not registered with the FEI and/or not fulfilling an eligibility requirement shall be automatically disqualified, unless compelling circumstances warrant otherwise.

4. An Athlete and/or Horse, even if registered with the FEI, is not eligible to participate in an International Event or National Event (and so may not be invited by an OC to such Event or entered by an NF in such Event) if that Athlete and/or Horse has participated, in the six (6) months prior to the first day of the International Event or National Event in question, in an Unsanctioned Event.

5. For purposes of Article 113.4, an 'Unsanctioned Event' is an event and/or a competition that is neither published in the official Calendar nor authorised by an NF.

6. An Athlete, Chef d'Equipe, Owner, or NF may challenge the application of Article 113.4, or seek a waiver thereof in exceptional circumstances, by application to the Secretary General. A denial of that application may be appealed to the FEI Tribunal, such appeal to be heard on the papers without a live hearing unless the FEI Tribunal orders otherwise.

##### **Article 119- Sport Nationality Status of Athletes**

###### **1. General principles:**

1.1. The NF of a country where an Athlete has his nationality is his "own" NF. Proof of nationality is necessary for an Athlete to compete for a country.

1.2. Except as provided in paragraphs 4, 5, 6.2, and 6.3, an Athlete may only compete, at International Events, for his "own NF", as defined in paragraph 1.1.

###### **2. Sport nationality and sport nationality changes: Adult Athletes**

2.1. An Athlete who is a national of more than one (1) country must decide as of the age of (eighteen) 18 years which of his countries of nationality will be his own NF for international competition purposes. Thereafter, subject to paragraph 2.2.1, he can only represent that NF in international competition. Further changes to his sport nationality can only be accomplished through a sport nationality change process, subject to the conditions outlined in this paragraph 2.

###### **2.2. Sport nationality changes:**

2.2.1. Basic requirement: an Adult Athlete who is or who becomes the national of more than one (1) country and wishes to compete for his new/other country of nationality may apply for a sport nationality change to the FEI. In the case of a new nationality, this nationality must have been acquired by 31st December of the preceding year.

2.2.2. Additional requirements prior to participation in FEI Championships (except FEI Championships for Young Horses), FEI World Cup™ Series, and team competitions at CIOs:

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(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for either: (a) a minimum of two (2) uninterrupted years; or (b) a total of five (5) years of non-consecutive periods.

(ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.

**2.2.3** The residency requirement set out in paragraph 2.2.2 (i) shall be mandatory, except where the Athlete can establish one of the following:

(i) the Athlete's entitlement to his new nationality was established by his birth in that country;

(ii) The Athlete's entitlement to his new nationality was acquired by virtue of descent or through other means related to family heritage-

(iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or

(iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one

**2.2.4.** Where the naturalized Athlete can establish that he is legally married to a national of the new country of nationality, the residency requirement set out in paragraph 2.2.2 (i) shall be reduced to one (1) year of uninterrupted legal residence or three (3) years of non-consecutive periods of legal residence.

**2.2.5.** An application for an Athlete's change of sport nationality must be filed with the FEI Secretary General, through his new NF, stating the reason for the change and supported by the Athlete's passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of sport nationality has been filed.

**2.2.6.** An Athlete shall only be entitled to compete for his new NF once the FEI has given its written approval of the change in sport nationality.

**2.2.7.** In special and exceptional circumstances, the FEI has the discretion to grant exceptions, with the agreement of the NFs concerned.

**2.2.8.** Participation in the Olympic and Paralympic Games is also subject to Olympic and Paralympic Regulations (Bye-law to Rule 42, Olympic Charter) and in particular to any waiting period imposed by these regulations. Similarly, participation in Regional and Continental Games is also subject to the regulations of the relevant governing body.

### **3. Sport nationality and sport nationality changes: Minor Athletes**

**3.1.** A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.

**3.2.** A Minor Athlete may subsequently change his NF (only once per calendar year). Such change of NF is subject to the previous NF's, the new NF's and the FEI's approvals if the Minor Athlete has already participated in an international event for another NF since 1 January of that calendar year.

**3.3.** As of the Minor Athlete's 18th birthday, paragraph 2 above applies. At such time, the Athlete will register with the chosen NF who will, in turn, register the Athlete with the FEI.

**4.** If an associate state, province or overseas department, a country or a colony acquires independence; if a country becomes incorporated within another country by reason of a change of border; or if a new NF is recognized by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

### **5.**

**5.1.** An Athlete Living outside his country of nationality who: (i) loses his nationality; (ii) becomes a refugee; or (iii) whose home country does not have an NF which is a member of the FEI, can compete internationally as if he were a national of the host country in all International Events including Championships, until such time as his home country has an NF which is a member of the FEI.

**5.2.** Athletes whose country of citizenship does not have an NF which is a member of the FEI, and whose situation does not qualify under paragraphs 4 and 5.1 above, may receive special authorisation from the FEI to compete in FEI Events under the FEI flag, in exceptional circumstances and on a case by case basis.

### **6. Athletes Living outside their country of nationality:**

**6.1.** An Adult Athlete Living outside his country of nationality can have his entries processed by his "host-NF" for participation in CNs, CIMs as well as CIs if he is given permission of his own NF and the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and must take part according to the relevant Sport Rules. This administrative facility is not a change of sport nationality. The Athlete will in all circumstances keep his "own NF", and always compete under its flag.

**6.2.** A Minor Athlete may compete for his country of residence in the following Events, and regardless of the country where the Event is organised: CIs for Pony Riders, Junior Riders and Young Riders (which excludes

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CIOs and Championships), and senior CIMs as defined in Appendix E, GRs. In such circumstances, the Athlete will be compelled to inform his "own NF" as well as the FEI.

**6.3.** A Minor Athlete who has always competed for his country of residence and not his own NF, may apply to the FEI to establish his country of residence as his own NF once he turns eighteen (18), even though he is not a national of such country, only if: (i) he has never competed under the flag of his own NF; (ii) the country of residence, in the FEI's opinion, qualifies as a country where obtaining nationality is overly burdensome; (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and (iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years. The FEI shall have sole discretion to grant or deny an application presented under this provision, weighing the best interests of equestrian sport against the best interests of the Minor Athlete.

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

**1.** Only Athletes who satisfy the applicable conditions set forth in the GRs, the Olympic Regulations, the Olympic Charter, its Bylaws and the regulations of the relevant governing bodies may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions set forth in the GRs and applicable Paralympic Regulations may be entered for the Paralympic Games.

**2.** All Athletes, Officials, Persons Responsible, grooms, veterinarians, trainers, Chefs de Mission, Chefs d'Equipes, National Federation representatives, and/or any other member of the Athlete's support personnel or entourage participating in, or accredited to the Olympic, Paralympic, and/or Regional Games are subject, by virtue of such participation and/or accreditation, to any IOC, IPC, and/or applicable Regional Organisations' Rules.

### **Article 124 - Young Riders, Juniors, Pony Riders, Children and Veterans**

**1.** Athletes of the appropriate age may take part in FEI Competitions and FEI Championships of more than one (1) Category for Young Riders, Juniors and Pony Riders, but in each Discipline only in one (1) of these FEI Championships in any one (1) calendar year.

**2.** Athletes may take part in FEI Senior Competitions and Championships from the beginning of the year they reach the age of (eighteen) 18 but they may only take part either in a Junior or a Young Rider or a FEI Championship for Seniors in the same Discipline in any calendar year. Further exceptions regarding age limits are set forth in the Sport Rules of the relevant Disciplines.

**3.** In exceptional cases, Technical Committees may with the approval of the Bureau vary any of the ages set out in the definitions for specific Events or regions.

**4.** Rules regarding Veteran Athletes are set forth in the Sport Rules of each Discipline.

## **FEI GENERAL REGULATIONS 23rd edition, 1 January 2009, updates effective 1 January 2014**

### **Article 119- Sport Nationality Status of Athletes**

#### **1. General principles:**

**1.1** The NF of a country where an Athlete has his nationality is his "own" NF. Proof of nationality is necessary for an Athlete to compete for a country.

**1.2** Except as provided in paragraphs 4, 5, 6.2, and 6.3, an Athlete may only compete, at International Events, for his "own NF", as defined in paragraph 1.1.

#### **2. Sport nationality and sport nationality changes: Adult Athletes**

**2.1** An Athlete who is a national of more than one (1) country must decide as of the age of (eighteen) 18 years which of his countries of nationality will be his own NF for international competition purposes. Thereafter, subject to paragraph 2.2.1, he can only represent that NF in international competition. Further changes to his sport nationality can only be accomplished through a sport nationality change process, subject to the conditions outlined in this paragraph 2.

#### **2.2 Sport nationality changes:**

**2.2.1** Basic requirement: an Adult Athlete who is or who becomes the national of more than one (1) country and wishes to compete for his new/other country of nationality may apply for a sport nationality change to the FEI. In the case of a new nationality, this nationality must have been acquired by 31st December of the preceding year.

**2.2.2** Additional requirements prior to participation in FEI Championships (except FEI Championships for Young Horses), FEI World Cup™ Series, and team competitions at CIOs:

(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for either: (a) a minimum of two (2) uninterrupted years; or (b) a total of five (5) years of non-consecutive periods.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

(ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.

**2.2.3** The residency requirement set out in paragraph 2.2.2 (i) shall be mandatory, except where the Athlete can establish one of the following:

(i) the Athlete's entitlement to his new nationality was established by his birth in that country;

(ii) The Athlete's entitlement to his new nationality was acquired by virtue of descent or through other means related to family heritage-

(iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or

(iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one

**2.2.4** Where the naturalized Athlete can establish that he is legally married to a national of the new country of nationality, the residency requirement set out in paragraph 2.2.2 (i) shall be reduced to one (1) year of uninterrupted legal residence or three (3) years of non-consecutive periods of legal residence.

**2.2.5** An application for an Athlete's change of sport nationality must be filed with the FEI Secretary General, through his new NF, stating the reason for the change and supported by the Athlete's passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of sport nationality has been filed.

**2.2.6** An Athlete shall only be entitled to compete for his new NF once the FEI has given its written approval of the change in sport nationality.

**2.2.7** In special and exceptional circumstances, the FEI has the discretion to grant exceptions, with the agreement of the NFs concerned.

**2.2.8** Participation in the Olympic and Paralympic Games is also subject to Olympic and Paralympic Regulations (Bye-law to Rule 42, Olympic Charter) and in particular to any waiting period imposed by these regulations. Similarly, participation in Regional and Continental Games is also subject to the regulations of the relevant governing body.

### **3. Sport nationality and sport nationality changes: Minor Athletes**

**3.1** A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.

**3.2** A Minor Athlete may subsequently change his NF (only once per calendar year). Such change of NF is subject to the previous NF's, the new NF's and the FEI's approvals if the Minor Athlete has already participated in an international event for another NF since 1 January of that calendar year.

**3.3** As of the Minor Athlete's 18th birthday, paragraph 2 above applies. At such time, the Athlete will register with the chosen NF who will, in turn, register the Athlete with the FEI.

**4.** If an associate state, province or overseas department, a country or a colony acquires independence; if a country becomes incorporated within another country by reason of a change of border; or if a new NF is recognized by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

**5.**

**5.1.** An Athlete Living outside his country of nationality who: (i) loses his nationality; (ii) becomes a refugee; or (iii) whose home country does not have an NF which is a member of the FEI, can compete internationally as if he were a national of the host country in all International Events including Championships, until such time as his home country has an NF which is a member of the FEI.

**5.2** Athletes whose country of citizenship does not have an NF which is a member of the FEI, and whose situation does not qualify under paragraphs 4 and 5.1 above, may receive special authorisation from the FEI to compete in FEI Events under the FEI flag, in exceptional circumstances and on a case by case basis.

### **6. Athletes Living outside their country of nationality:**

**6.1.** An Adult Athlete Living outside his country of nationality can have his entries processed by his "host-NF" for participation in CNs, CIMs as well as CIs if he is given permission of his own NF and the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and must take part according to the relevant Sport Rules. This administrative facility is not a change of sport nationality. The Athlete will in all circumstances keep his "own NF", and always compete under its flag.

**6.2** A Minor Athlete may compete for his country of residence in the following Events, and regardless of the country where the Event is organised: CIs for Pony Riders, Junior Riders and Young Riders (which excludes CIOs and Championships), and senior CIMs as defined in Appendix E, GRs. In such circumstances, the Athlete will be compelled to inform his "own NF" as well as the FEI.

**6.3** A Minor Athlete who has always competed for his country of residence and not his own NF, may apply to the FEI to establish his country of residence as his own NF once he turns eighteen (18), even though he is not a national of such country, only if: (i) he has never competed under the flag of his own NF; (ii) the

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country of residence, in the FEI's opinion, qualifies as a country where obtaining nationality is overly burdensome; (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and (iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years. The FEI shall have sole discretion to grant or deny an application presented under this provision, weighing the best interests of equestrian sport against the best interests of the Minor Athlete.

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

1. Only Athletes who satisfy the applicable conditions set forth in the GRs, the Olympic Regulations, the Olympic Charter, its Bylaws and the regulations of the relevant governing bodies may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions set forth in the GRs and applicable Paralympic Regulations may be entered for the Paralympic Games.

2. All Athletes, Officials, Persons Responsible, grooms, veterinarians, trainers, Chefs de Mission, Chefs d'Equipes, National Federation representatives, and/or any other member of the Athlete's support personnel or entourage participating in, or accredited to the Olympic, Paralympic, and/or Regional Games are subject, by virtue of such participation and/or accreditation, to any IOC, IPC, and/or applicable Regional Organisations' Rules.

### **FEI GENERAL REGULATIONS 23rd edition, 1 January 2009, updates effective 1 January 2013**

#### **Article 119- Sport Nationality Status of Athletes**

##### **1. General principles:**

1.1 The NF of a country where an Athlete has his nationality is his "own" NF. Proof of nationality is necessary for an Athlete to compete for a country.

1.2 Except as provided in paragraphs 4, 5, 6.2, and 6.3, an Athlete may only compete, at International Events, for his "own NF", as defined in paragraph 1.1.

##### **2. Sport nationality and sport nationality changes: Adult Athletes**

2.1 An Athlete who is a national of more than one (1) country must decide as of the age of (eighteen) 18 years which of his countries of nationality will be his own NF for international competition purposes. Thereafter, subject to paragraph 2.2.1, he can only represent that NF in international competition. Further changes to his sport nationality can only be accomplished through a sport nationality change process, subject to the conditions outlined in this paragraph 2.

##### **2.2. Sport nationality changes:**

2.2.1 Basic requirement: an Adult Athlete who is or who becomes the national of more than one (1) country and wishes to compete for his new/other country of nationality may apply for a sport nationality change to the FEI. In the case of a new nationality, this nationality must have been acquired by 31st December of the preceding year.

2.2.2. Additional requirements prior to participation in FEI Championships (except FEI Championships for Young Horses), FEI World Cup™ Series, and CIOs:

(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for *either*: (a) a minimum of two (2) uninterrupted years ; *or* (b) a total of five (5) years of non-consecutive periods.

(ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.

2.2.3 The residency requirement set out in paragraph 2.2.2 (i) shall be mandatory, except where the Athlete can establish one of the following:

(i) the Athlete's entitlement to his new nationality was established by his birth in that country;

(ii) The Athlete's entitlement to his new nationality was acquired by virtue of descent or through other means related to family heritage-

(iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or

(iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one

2.2.4 Where the naturalized Athlete can establish that he is legally married to a national of the new country of nationality, the residency requirement set out in paragraph 2.2.2 (i) shall be reduced to one (1) year of uninterrupted legal residence or three (3) years of non-consecutive periods of legal residence.

2.2.5 An application for an Athlete's change of sport nationality must be filed with the FEI Secretary General, through his new NF, stating the reason for the change and supported by the Athlete's passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of sport nationality has been filed.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**2.2.6** Athlete shall only be entitled to compete for his new NF once the FEI has given its written approval of the change in sport nationality.

**2.2.7** In special and exceptional circumstances, the FEI has the discretion to grant exceptions, with the agreement of the NFs concerned.

**2.2.8** Participation in the Olympic and Paralympic Games is also subject to Olympic and Paralympic Regulations (Bye-law to Rule 42, Olympic Charter) and in particular to any waiting period imposed by these regulations. Similarly, participation in Regional and Continental Games is also subject to the regulations of the relevant governing body.

### **3. Sport nationality and sport nationality changes: Minor Athletes**

**3.1** A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.

**3.2** A Minor Athlete may subsequently change his NF (only once per calendar year). Such change of NF is subject to the previous NF's, the new NF's and the FEI's approvals if the Minor Athlete has already participated in an international event for another NF since 1 January of that calendar year.

**3.3** As of the Minor Athlete's 18th birthday, paragraph 2 above applies. At such time, the Athlete will register with the chosen NF who will, in turn, register the Athlete with the FEI.

**4.** If an associate state, province or overseas department, a country or a colony acquires independence; if a country becomes incorporated within another country by reason of a change of border; or if a new NF is recognized by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

**5.** An Athlete Living outside his country of nationality who: (i) loses his nationality; (ii) becomes a refugee; or (iii) whose home country does not have an NF which is a member of the FEI, can compete internationally as if he were a national of the host country in all International Events including Championships, until such time as his home country has an NF which is a member of the FEI.

**5.2** Athletes whose country of citizenship does not have an NF which is a member of the FEI, and whose situation does not qualify under paragraphs 4 and 5.1 above, may receive special authorisation from the FEI to compete in FEI Events under the FEI flag, in exceptional circumstances and on a case by case basis.

### **6. Athletes Living outside their country of nationality:**

**6.1** An Adult Athlete Living outside his country of nationality can have his entries processed by his "host-NF" for participation in CNs, CIMs as well as CIs if he is given permission of his own NF and the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and must take part according to the relevant Sport Rules. This administrative facility is not a change of sport nationality. The Athlete will in all circumstances keep his "own NF", and always compete under its flag.

**6.2** A Minor Athlete may compete for his country of residence in the following Events, and regardless of the country where the Event is organised: CIs for Pony Riders, Junior Riders and Young Riders (which excludes CIOs and Championships), and senior CIMs as defined in Appendix E, GRs. In such circumstances, the Athlete will be compelled to inform his "own NF" as well as the FEI.

**6.3** A Minor Athlete who has always competed for his country of residence and not his own NF, may apply to the FEI to establish his country of residence as his own NF once he turns 18, even though he is not a national of such country, only if: (i) he has never competed under the flag of his own NF; (ii) the country of residence, in the FEI's opinion, qualifies as a country where obtaining nationality is overly burdensome; (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and (iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years. The FEI shall have sole discretion to grant or deny an application presented under this provision, weighing the best interests of equestrian sport against the best interests of the Minor Athlete.

[...]

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

**1.** Only Athletes who satisfy the applicable conditions set forth in the GRs, the Olympic Regulations, the Olympic Charter, its Bylaws and the regulations of the relevant governing bodies may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions set forth in the GRs and applicable Paralympic Regulations may be entered for the Paralympic Games.

**2.** All Athletes, Officials, Persons Responsible, grooms, veterinarians, trainers, Chefs de Mission, Chefs d'Equipes, National Federation representatives, and/or any other member of the Athlete's support personnel or entourage participating in, or accredited to the Olympic, Paralympic, and/or Regional Games are subject, by virtue of such participation and/or accreditation, to any IOC, IPC, and/or applicable Regional Organisations' Rules.

**FEI GENERAL REGULATIONS 23rd edition, 1 January 2009, updates effective 1 January 2012**

**Article 119- Sport Nationality Status of Athletes**

**1. General principles:**

**1.1** The NF of a country where an Athlete has his nationality is his “own” NF. Proof of nationality is necessary for an Athlete to compete for a country.

**1.2** Except as provided in paragraphs 4, 5, 6.2, and 6.3, an Athlete may only compete, at International Events, for his “own NF”, as defined in paragraph 1.1.

**2. Sport nationality and sport nationality changes: Adult Athletes**

**2.1** An Athlete who is a national of more than one (1) country must decide as of the age of (eighteen) 18 years which of his countries of nationality will be his own NF for international competition purposes. Thereafter, subject to paragraph 2.2.1, he can only represent that NF in international competition. Further changes to his sport nationality can only be accomplished through a sport nationality change process, subject to the conditions outlined in this paragraph 2.

**2.2 Sport nationality changes:**

**2.2.1** Basic requirement: an Adult Athlete who is or who becomes the national of more than one (1) country and wishes to compete for his new/other country of nationality may apply for a sport nationality change to the FEI. In the case of a new nationality, this nationality must have been acquired by 31st December of the preceding year.

**2.2.2** Additional requirements prior to participation in FEI Championships, FEI World Cup™ Series, and FEI Nations Cup Series:

(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for *either*: (a) a minimum of two (2) uninterrupted years ; *or* (b) a total of five (5) years of non-consecutive periods.

(ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.

**2.2.3** The residency requirement set out in paragraph 2.2.2 (i) shall be mandatory, except where the Athlete can establish one of the following:

(i) the Athlete’s entitlement to his new nationality was established by his birth in that country;

(ii) The Athlete’s entitlement to his new nationality was acquired by virtue of descent or through other means related to family heritage-

(iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or

(iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one

**2.2.4** Where the naturalized Athlete can establish that he is legally married to a national of the new country of nationality, the residency requirement set out in paragraph 2.2.2 (i) shall be reduced to one (1) year of uninterrupted legal residence or three (3) years of non-consecutive periods of legal residence.

**2.2.5** An application for an Athlete’s change of sport nationality must be filed with the FEI Secretary General, through his new NF, stating the reason for the change and supported by the Athlete’s passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of sport nationality has been filed.

**2.2.6** An Athlete shall only be entitled to compete for his new NF once the FEI has given its written approval of the change in sport nationality.

**2.2.7** In special and exceptional circumstances, the FEI has the discretion to grant exceptions, with the agreement of the NFs concerned.

**2.2.8** Participation in the Olympic and Paralympic Games is also subject to Olympic and Paralympic Regulations (Bye-law to Rule 42, Olympic Charter) and in particular to any waiting period imposed by these regulations. Similarly, participation in Regional and Continental Games is also subject to the regulations of the relevant governing body.

**3. Sport nationality and sport nationality changes: Minor Athletes**

**3.1** A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.

**3.2** A Minor Athlete may subsequently change his NF (only once per calendar year). Such change of NF is subject to the previous NF’s, the new NF’s and the FEI’s approvals if the Minor Athlete has already participated in an international event for another NF since 1 January of that calendar year.

**3.3** As of the Minor Athlete’s 18th birthday, paragraph 2 above applies. At such time, the Athlete will register with the chosen NF who will, in turn, register the Athlete with the FEI.

**4.** If an associate state, province or overseas department, a country or a colony acquires independence; if a country becomes incorporated within another country by reason of a change of border; or if a new NF is recognized by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

**5. An Athlete Living outside his country of nationality who:** (i) loses his nationality; (ii) becomes a refugee; or (iii) whose home country does not have an NF which is a member of the FEI, can compete internationally as if he were a national of the host country in all International Events including Championships, until such time as his home country has an NF which is a member of the FEI.

**5.1** Athletes whose country of citizenship does not have an NF which is a member of the FEI, and whose situation does not qualify under paragraphs 4 and 5 above, may receive special authorization from the FEI to compete in FEI Events under the FEI flag, in exceptional circumstances and on a case by case basis.

### **6. Athletes Living outside their country of nationality:**

**6.1** An Adult Athlete Living outside his country of nationality can have his entries processed by his "host-NF" for participation in CNs, CIMs as well as CIs if he is given permission of his own NF and the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and must take part according to the relevant Sport Rules. This administrative facility is not a change of sport nationality. The Athlete will in all circumstances keep his "own NF", and always compete under its flag.

**6.2** A Minor Athlete may compete for his country of residence in the following Events, and regardless of the country where the Event is organized: CIs for Pony Riders, Junior Riders and Young Riders (which excludes CIOs and Championships), and senior CIMs as defined in Appendix E, GRs. In such circumstances, the Athlete will be compelled to inform his "own NF" as well as the FEI.

**6.3** A Minor Athlete who has always competed for his country of residence and not his own NF, may apply to the FEI to establish his country of residence as his own NF once he turns 18, even though he is not a national of such country, only if: (i) he has never competed under the flag of his own NF; (ii) the country of residence, in the FEI's opinion, qualifies as a country where obtaining nationality is overly burdensome; (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and (iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years. The FEI shall have sole discretion to grant or deny an application presented under this provision, weighing the best interests of equestrian sport against the best interests of the Minor Athlete.

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

**1.** Only Athletes who satisfy the applicable conditions set forth in the GRs, the Olympic Regulations, the Olympic Charter, its Bylaws and the regulations of the relevant governing bodies may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions set forth in the GRs and applicable Paralympic Regulations may be entered for the Paralympic Games.

**2.** All Athletes, Officials, Persons Responsible, grooms, veterinarians, trainers, Chefs de Mission, Chefs d'Equipes, National Federation representatives, and/or any other member of the Athlete's support personnel or entourage participating in, or accredited to the Olympic, Paralympic, and/or Regional Games are subject, by virtue of such participation and/or accreditation, to any IOC, IPC, and/or applicable Regional Organisations' Rules.

### **FEI GENERAL REGULATIONS 23rd edition, 1 January 2009, updates effective 1 January 2011**

#### **Article 119- Sport Nationality Status of Athletes**

##### **1.General principles:**

**1.1** The NF of a country where an Athlete has his nationality is his "own" NF. Proof of nationality is necessary for an Athlete to compete for a country.

**1.2** Except as provided in paragraphs 4, 5, 6.2, and 6.3, an Athlete may only compete, at International Events, for his "own NF", as defined in paragraph 1.1.

##### **2.Sport nationality and sport nationality changes: Adult Athletes**

**2.1** An Athlete who is a national of more than one (1) country must decide as of the age of (eighteen) 18 years which of his countries of nationality will be his own NF for international competition purposes. Thereafter, subject to paragraph 2.2.1, he can only represent that NF in international competition.

Further changes to his sport nationality can only be accomplished through a sport nationality change process, subject to the conditions outlined in this paragraph 2.

##### **2.2 Sport nationality changes:**

**2.2.1** Basic requirement: an Adult Athlete who is or who becomes the national of more than one (1) country and wishes to compete for his new/other country of nationality may apply for a sport nationality change to the FEI. In the case of a new nationality, this nationality must have been acquired by 31st December of the preceding year.

**2.2.2** Additional requirements prior to participation in FEI Championships, FEI World Cup™ Series, and

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### FEI Nations Cup Series:

(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for *either*: (a) a minimum of two (2) uninterrupted years ; *or* (b) a total of five (5) years of non-consecutive periods.

(ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.

**2.2.3** The residency requirement set out in paragraph 2.2.2 (i) shall be mandatory, except where the Athlete can establish one of the following:

(i) the Athlete's entitlement to his new nationality was established by his birth in that country;

(ii) The Athlete's entitlement to his new nationality was acquired by virtue of descent or through other means related to family heritage-

(iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or

(iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one

**2.2.4** Where the naturalized Athlete can establish that he is legally married to a national of the new country of nationality, the residency requirement set out in paragraph 2.2.2 (i) shall be reduced to one (1) year of uninterrupted legal residence or three (3) years of non-consecutive periods of legal residence.

**2.2.5** An application for an Athlete's change of sport nationality must be filed with the FEI Secretary General, through his new NF, stating the reason for the change and supported by the Athlete's passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of sport nationality has been filed.

**2.2.6** Athlete shall only be entitled to compete for his new NF once the FEI has given its written approval of the change in sport nationality.

**2.2.7** In special and exceptional circumstances, the FEI has the discretion to grant exceptions, with the agreement of the NFs concerned.

**2.2.8** Participation in the Olympic and Paralympic Games is also subject to Olympic and Paralympic Regulations (Bye-law to Rule 42, Olympic Charter) and in particular to any waiting period imposed by these regulations. Similarly, participation in Regional and Continental Games is also subject to the regulations of the relevant governing body.

### **3. Sport nationality and sport nationality changes: Minor Athletes**

**3.1** A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.

**3.2** A Minor Athlete may subsequently change his NF (only once per calendar year). Such change of NF is subject to the previous NF's, the new NF's and the FEI's approvals if the Minor Athlete has already participated in an international event for another NF since 1 January of that calendar year.

**3.3** As of the Minor Athlete's 18th birthday, paragraph 2 above applies. At such time, the Athlete will register with the chosen NF who will, in turn, register the Athlete with the FEI.

**4.** If an associate state, province or overseas department, a country or a colony acquires independence; if a country becomes incorporated within another country by reason of a change of border; or if a new NF is recognized by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

**5.** An Athlete Living outside his country of nationality who: (i) loses his nationality; (ii) becomes a refugee; or (iii) whose home country does not have an NF which is a member of the FEI, can compete internationally as if he were a national of the host country in all International Events including Championships, until such time as his home country has an NF which is a member of the FEI.

### **6. Athletes Living outside their country of nationality:**

**6.1** An Adult Athlete Living outside his country of nationality can have his entries processed by his "host-NF" for participation in CNs, CIMs as well as CIs if he is given permission of his own NF and the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and must take part according to the relevant Sport Rules. This administrative facility is not a change of sport nationality. The Athlete will in all circumstances keep his "own NF", and always compete under its flag.

**6.2** A Minor Athlete may compete for his country of residence in the following Events, and regardless of the country where the Event is organized: CIs for Pony Riders, Junior Riders and Young Riders (which excludes CIOs and Championships), and senior CIMs as defined in Appendix E, GRs. In such circumstances, the Athlete will be compelled to inform his "own NF" as well as the FEI.

**6.3** A Minor Athlete who has always competed for his country of residence and not his own NF, may apply to the FEI to establish his country of residence as his own NF once he turns 18, even though he is not a

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national of such country, only if: (i) he has never competed under the flag of his own NF; (ii) the country of residence, in the FEI's opinion, qualifies as a country where obtaining nationality is overly burdensome; (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and (iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years. The FEI shall have sole discretion to grant or deny an application presented under this provision, weighing the best interests of equestrian sport against the best interests of the Minor Athlete.

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

1. Only Athletes who satisfy the applicable conditions set forth in the GRs, the Olympic Regulations, the Olympic Charter, its Bylaws and the regulations of the relevant governing bodies may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions set forth in the GRs and applicable Paralympic Regulations may be entered for the Paralympic Games.

### **FEI GENERAL REGULATIONS 23rd edition, 1 January 2009, updated 1 January 2010**

#### **Article 119- Sport Nationality Status of Athletes**

##### **1. General principles:**

1.1 The NF of a country where an Athlete has his nationality is his "own" NF. Proof of nationality is necessary for an Athlete to compete for a country.

1.2 Except as provided in paragraphs 4, 5, 6.2, and 6.3, an Athlete may only compete, at International Events, for his "own NF", as defined in paragraph 1.1.

##### **2. Sport nationality and sport nationality changes: Adult Athletes**

2.1 An Athlete who is a national of more than one (1) country must decide as of the age of (eighteen) 18 years which of his countries of nationality will be his own NF for international competition purposes. Thereafter, subject to paragraph 2.2.1, he can only represent that NF in international competition. Further changes to his sport nationality can only be accomplished through a sport nationality change process, subject to the conditions outlined in this paragraph 2.

##### **2.2 Sport nationality changes:**

2.2.1 Basic requirement: an Adult Athlete who becomes the national of more than one (1) country and wishes to compete for his new country of nationality may apply for a sport nationality change to the FEI, provided he has acquired his new nationality by 31st December of the preceding year.

2.2.2. Additional requirements prior to participation in FEI Championships, FEI World Cup™ Series, FEI Super League Series, and FEI Nations Cup Series:

(i) Subject to the exceptions set forth in paragraph 2.2.3 below, the Athlete must have had legal residence in his new country prior to the first competition he wishes to compete in under his new sport nationality, for *either*: (a) a minimum of two (2) uninterrupted years ; *or* (b) a total of five (5) years of non-consecutive periods.

(ii) The Athlete shall not have taken part in any of the competitions set forth in Article 2.2.2. above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new sport nationality.

2.2.3 The residency requirement set out in paragraph 2.2.2 (i) shall be mandatory, except where the Athlete can establish one of the following:

(i) the Athlete's entitlement to his new nationality was established by his birth in that country;

(ii) The Athlete's entitlement to his new nationality was established by one of his biological parents being born in that country;

(iii) the naturalized Athlete was a former national whose loss of nationality was neither voluntary or due to criminal acts; or

(iv) the naturalized Athlete had to renounce his former nationality as a condition of acquiring a new one

2.2.4 Where the naturalized Athlete can establish that he is legally married to a national of the new country of nationality, the residency requirement set out in paragraph 2.2.2 (i) shall be reduced to one (1) year of uninterrupted legal residence or three (3) years of non-consecutive periods of legal residence.

2.2.5 An application for an Athlete's change of sport nationality must be filed with the FEI Secretary General, through his new NF, stating the reason for the change and supported by the Athlete's passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of sport nationality has been filed.

2.2.6 An Athlete shall only be entitled to compete for his new NF once the FEI has given its written approval of the change in sport nationality.

2.2.7 In special and exceptional circumstances, the FEI has the discretion to grant exceptions, with the agreement of the NFs concerned.

2.2.8 Participation in the Olympic and Paralympic Games is also subject to Olympic and Paralympic

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Regulations (Bye-law to Rule 42, Olympic Charter).

### **3. Sport nationality and sport nationality changes: Minor Athletes**

**3.1** A Minor Athlete who is a citizen of more than one country can choose each calendar year which NF he wants to represent.

**3.2** A Minor Athlete may subsequently change his NF (only once per calendar year). Such change of NF is subject to the previous NF's, the new NF's and the FEI's approvals if the Minor Athlete has already participated in an international event for another NF since 1 January of that calendar year.

**3.3** As of the Minor Athlete's 18th birthday, paragraph 2 above applies. At such time, the Athlete will register with the chosen NF who will, in turn, register the Athlete with the FEI.

**4.** If an associate state, province or overseas department, a country or a colony acquires independence; if a country becomes incorporated within another country by reason of a change of border; or if a new NF is recognized by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

**5.** An Athlete Living outside his country of nationality who: (i) loses his nationality; (ii) becomes a refugee; or (iii) whose home country does not have an NF which is a member of the FEI, can compete internationally as if he were a national of the host country in all International Events including Championships, until such time as his home country has an NF which is a member of the FEI.

### **6. Athletes Living outside their country of nationality:**

**6.1** An Adult Athlete Living outside his country of nationality can have his entries processed by his "host-NF" for participation in CNs, CIMs as well as CIs if he is given permission of his own NF and the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and must take part according to the relevant Sport Rules. This administrative facility is not a change of sport nationality. The Athlete will in all circumstances keep his "own NF", and always compete under its flag.

**6.2** A Minor Athlete may compete for his country of residence in the following Events, and regardless of the country where the Event is organized: CIs for Pony Riders, Junior Riders and Young Riders (which excludes CIOs and Championships), and senior CIMs as defined in Appendix E, GRs. In such circumstances, the Athlete will be compelled to inform his "own NF" as well as the FEI.

**6.3** A Minor Athlete who has always competed for his country of residence and not his own NF, may apply to the FEI to establish his country of residence as his own NF once he turns 18, even though he is not a national of such country, only if: (i) he has never competed under the flag of his own NF; (ii) the country of residence, in the FEI's opinion, qualifies as a country where obtaining nationality is overly burdensome; (iii) the Minor Athlete has a valid identity card or residence permit for the country of residence, or other equivalent document; and (iii) the Minor Athlete has been a resident of the country of residence for at least the last five (5) consecutive years. The FEI shall have sole discretion to grant or deny an application presented under this provision, weighing the best interests of equestrian sport against the best interests of the Minor Athlete.

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

**1.** Only Athletes who satisfy the conditions laid down in the GRs, the Olympic Regulations, and the Olympic Charter and its Bylaws may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions laid down in the GRs, the Paralympic Regulations may be entered for the Paralympic Games.

### **FEI GENERAL REGULATIONS 23rd edition, effective 1 January 2009**

#### **Article 119- Sport Nationality Status of Athletes**

**1.** The NF of a country where an Athlete has his nationality/citizenship is his own NF.

**2.** Except as provided in paragraphs 8 and 12, an Athlete may take part in International Events only under the jurisdiction of his own NF.

**3.** An Athlete who is the national/citizen of more than one (1) country must decide from the age of 18 years which is his own NF and must thereafter, subject to paragraph 4, compete under the jurisdiction of that NF.

**4.** An Athlete who is the national/citizen of more than one (1) country must decide which is his own NF and may take part in competitions for that NF, provided he was citizen/national of that NF by 31st December of the preceding year.

**5.** Proof of legal citizenship or nationality is necessary to compete for the respective country. In addition, the following conditions apply prior to participation in FEI Championships, FEI World Cup™ Series, FEI Super League Series, and FEI Nations Cup Series:

(i) The Athlete must have had legal residence in his new country for (a) a minimum of two (2) years uninterrupted residence in the new country immediately prior to the competition or (b) a total of five (5) years of non-consecutive periods.

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(ii) In the event of a change of nationality, an Athlete shall not have taken part in competitions mentioned above for his previous NF in the two (2) years prior to the first competition he wishes to compete in under his new nationality/citizenship.

**6.** In special and exceptional circumstances, the FEI may grant exceptions for justifiable cases, with the agreement of the NFs concerned.

**7.** Participation to the Olympic and Paralympic Games is subject to Olympic and Paralympic Regulations.

**8.** If an associate state, province or overseas department, a country or a colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NF is recognised by the FEI, an Athlete may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

**9.** An application for an Athlete's change of nationality must be filed with the FEI Secretary General, through his new NF, stating the reason of the change and supported by the Athlete's passport or equivalent document for the new country that he wishes to represent. The FEI must inform the current NF that a request for change of nationality has been filed.

**10.** An Athlete shall only be entitled to compete for his new NF, provided the FEI has given its prior written approval.

**11.** An Athlete Living Abroad can take part regularly in CNs and CIMs and CIs for Juniors, Young Riders and Pony Riders of his host country if he is given permission from the NF of his host country or, in very exceptional circumstances, given special approval by the FEI. The Athlete, while keeping his own NF, comes under the jurisdiction of the host NF for the above- mentioned Events and he must take part according to the relevant Sport Rules.

**12.** An Athlete Living Abroad who loses his nationality or becomes a refugee or whose home country does not have an NF which is or ever had been a member of the FEI can compete internationally as if he were a national of the host country in all International Events including Championships until his home country has an NF which is a member of the FEI.

### **Article 123 - Olympic and Regional Games under the Patronage of the IOC, and Paralympic Games under the patronage of the IPC**

**1.** Only Athletes who satisfy the conditions laid down in the GRs, the Olympic Regulations, and the Olympic Charter and its Bylaws may be entered for the Olympic and Regional Games under the patronage of the IOC (see Appendix B). Only Athletes who satisfy the conditions laid down in the GRs, the Paralympic Regulations may be entered for the Paralympic Games.

### **Changes made to article 123 in the 2008 General Regulations:**

#### **Art. 123.5 was modified as follows:**

"Proof of legal citizenship or nationality is necessary to compete for the respective country. In addition, the following conditions apply prior to participation in FEI Championships, FEI World Cup™ Series, FEI Super League Series, and FEI Nations Cup Series:

(i) the Competitor must have had legal residence in his new country for (a) a minimum of two uninterrupted years in the new country immediately prior to the competition or (b) a total of five years of non-consecutive periods;

(ii) in the event of a first change of nationality, a competitor shall not have taken part in competitions for his previous NF in the two years prior to the first competition he wishes to compete in under his new nationality/citizenship."

### **FEI GENERAL REGULATIONS 22<sup>nd</sup> edition, effective 1 June 2007**

#### **Article 123 -NATIONALITY STATUS OF COMPETITORS**

**1.** The NF of a country where a competitor has his nationality/citizenship is his own NF.

**2.** Except as provided in paragraphs 8 and 12, a competitor may take part in International Events only under the jurisdiction of his own NF.

**3.** A competitor who is the national/citizen of more than one nation must decide from the age of 18 years which is his own NF and must thereafter, subject to paragraph 4, compete under the jurisdiction of that NF.

**4.** A competitor who is the national/citizen of more than one country must decide which is his own NF and may take part in competitions for that NF, provided he was citizen/national of that NF by 31st December of the preceding year.

**5.** Proof of legal citizenship or nationality is necessary to compete for the respective country. In addition, the following conditions apply prior to participation in FEI Championships, FEI World Cup™ Series, FEI Super League Series, and FEI Nations Cup Series:

(i) The Competitor must have had legal residence in his new country for (a) a minimum of two years uninterrupted residence in the new country immediately prior to the competition or (b) a total of five years of non- consecutive periods.

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(ii) In the event of a first change of nationality, a competitor shall not have taken part in competitions for his previous NF in the two years prior to the first competition he wishes to compete in under his new nationality/citizenship.

6. In special and exceptional circumstances, the FEI may grant exceptions for justifiable cases, with the agreement of the NFs concerned.

7. Participation to the Olympic and Paralympic Games is subject to Olympic and Paralympic Regulations.

8. If an associate state, province or overseas department, a country or a colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NF is recognised by the FEI, a competitor may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the Approval of the FEI and may be made only once.

9. All changes of a competitor's NF must be reported by the new NF to the Secretary General of the FEI.

10. Competitors Living Abroad - A competitor is considered to be living abroad if he spends more than six months of a year in one foreign country (the host country).

11. A Competitor Living Abroad can take part regularly in CNs and CIMs and CIs for Juniors, Young Riders and Pony Riders of his host country if he is given permission from the NF of his host country or, in very exceptional circumstances, given special Approval by the FEI. The competitor, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned Events and he must take part according to the relevant Sport Rules.

12. A Competitor Living Abroad who loses his nationality or becomes a refugee or whose home country does not have an NF which is or ever has been a member of the FEI can compete internationally as if he were a national of the host country in all International Events including Championships until his home country has an NF which is a member of the FEI.

### **FEI GENERAL REGULATIONS 21<sup>st</sup> edition, effective 1 January 2005 revision May 2006**

#### **Article 123 -NATIONALITY STATUS OF COMPETITORS**

1. The NF of a country where a competitor has his nationality/ citizenship is his own NF.

2. Except as provided in paragraphs 4 and 8, a competitor may take part in international events only under the jurisdiction of his own NF.

3. A competitor who is the national/citizen of more than one nation must decide from the age of 18 years which is his own NF and must thereafter, subject to paragraph 4, compete under the jurisdiction of that NF.

4. If an associate state, province or overseas department, a country or a colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NF is recognised by the FEI, a competitor may continue to represent the country to which he belongs or belonged if that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the approval of the FEI and may be made only once.

5. All changes of a competitor's NF must be reported by the new NF to the Secretary General of the FEI.

6. The provisions of this Article shall apply to all FEI office holders and candidates for nomination or election to an office as they apply to competitors.

7. Competitors Living Abroad - A competitor is considered to be living abroad if he spends more than six months of a year in one foreign country (the host country).

8. A Competitor Living Abroad can take part regularly in CNs and CIMs and CIs for Juniors, Young Riders and Pony Riders of his host country if he is given permission from the NF of his host country or, in very exceptional circumstances, given special approval by the FEI. The competitor, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned events and he must take part according to the relevant regulations.

9. A Competitor Living Abroad who loses his nationality or becomes a refugee or whose home country does not have an NF which is or ever has been a member of the FEI can compete internationally as if he were a national of the host country in all international events including Championships until his home country has an NF which is a member of the FEI.

### **FEI GENERAL REGULATIONS 21<sup>st</sup> edition, effective 1 January 2005**

#### **Article 123 NATIONALITY STATUS OF COMPETITORS**

1. The NF of a country where a competitor has his nationality/ citizenship is his own NF.

2. Except as provided in paragraphs 4 and 8, a competitor may take part in international events only under the jurisdiction of his own NF.

3. A competitor who is the national/citizen of more than one nation must decide from the age of 18 years which is his own NF and must thereafter, subject to paragraph 4, compete under the jurisdiction of that NF.

4. If an associate state, province or overseas department, a country or a colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NF is recognised by the FEI, a competitor may continue to represent the country to which he belongs or belonged if

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that country continues to have an NOC. However, he may, if he prefers, choose to represent his new NF. This particular choice must receive the approval of the FEI and may be made only once.

5. All changes of a competitor's NF must be reported by the new NF to the Secretary General of the FEI.

6. The provisions of this Article shall apply to all FEI office holders and candidates for nomination or election to an office as they apply to competitors.

7. Competitors Living Abroad - A competitor is considered to be living abroad if he spends more than six months of a year in one foreign country (the host country).

8. A Competitor Living Abroad can take part regularly in CNs and CIMs and CIs for Juniors, Young Riders and Pony Riders of his host country if he is given permission from the NF of his host country or, in very exceptional circumstances, given special approval by the FEI. The competitor, while keeping his own NF, comes under the jurisdiction of the host NF for the above-mentioned events and he must take part according to the relevant regulations.

9. A Competitor Living Abroad who loses his nationality or becomes a refugee or whose home country does not have an NF which is or ever has been a member of the FEI can compete internationally as if he were a national of the host country in all international events including Championships until his home country has an NF which is a member of the FEI.

### **Fencing**

#### **FIE Statutes December 2015**

#### **CHAPTER VIII – ELIGIBILITY FOR COMPETITIONS**

##### ***8.1.1. Eligibility for competitions***

A) To be allowed to participate in the Olympic Games, in all official competitions of the FIE and in all international and national competitions, a fencer must observe and respect the IOC Rules established for admission to the Olympic Games.

#### **9.2. FENCERS' NATIONALITY**

**9.2.1** At the Olympic Games a competitor's nationality is set by rules of the I.O.C. to which the F.I.E. must conform.

**9.2.2** For official competitions of the F.I.E., competitors must be strictly of the nationality of the country which they are representing:

a) The fencer who enjoys multiple nationality must choose which country he wishes to represent. The fact that he has fenced for one of the countries implies that he has made a choice. If he wishes to represent another country of which he enjoys nationality, he must so advise the Office of the F.I.E. and he may only represent this other country after an interval of three years from when he advised the Central Office of the F.I.E., during which he can no longer represent the other country.

b) A fencer who has already represented a country and acquires a new nationality (from being stateless or through naturalisation) can only represent his new country after an interval of three years from his last participation in a competition for his previous country.

c) The fencer who acquires a new nationality as a result of marriage may fence for that new country immediately, without waiting three years.

d) The Executive Committee of the F.I.E., with the agreement of the member federations concerned, and only for just reasons, may reduce or dispense with the interval of three years.

e) The fencer who has never participated in an official competition of the F.I.E. or in a Regional Championships, is not constrained by these limitations concerning change of nationality and may fence for his new country immediately.

f) Any change in country which a fencer represents is definitive; no further change can be authorised.

g) In cases of dispute the Executive Committee of the F.I.E. will make a ruling, which is not subject to appeal.

**9.2.3** For the FIE competitions fencers who are legally stateless may compete as long as they are registered by the member federation of the country in which they live.

The practical process for a request of modification of nationality is stated in the FIE Administrative Rules, "Licences and nationality" chapter.

#### **ADMINISTRATIVE RULES OF THE FIE December 2015**

##### **CHAPTER 1**

#### **LICENCES AND NATIONALITY**

**1.1** The method for awarding FIE licences is determined in Chapter 9 of the FIE Statutes.

#### **1.2 COMMITMENT**

The national federations ordering an FIE licence confirm that the athletes who participate in FIE competitions undertake to:

1) abide by the provisions of the FIE Rules and Statutes ;

## APPENDICES

2) respect the FIE anti-doping Rules, use neither prohibited substances nor prohibited methods and agree to undergo any in competition and out-of competition testing;

3) transfer to the FIE, in FIE competitions, any individual or collective image rights and agree to be filmed (notably by the television), photographed, identified and registered in any way. The FIE undertakes to use these rights only in connection with the promotion and development of fencing on the aids below : publications and reviews, Internet website, audiovisual aids.

### **1.3 DELIVERY**

All application for a licence or a renewal must be made by means of the FIE Internet Website and are only valid if the FIE has already been credited with the appropriate licence fee (in Euro/CHF) which is fixed by each Congress for the following season.

A licence is only issued if the following information is provided: family name, first name, nationality, date of birth, gender, personal address, right handed / left handed.

### **1.4 CHANGE OF NATIONALITY**

Consult chapter 9.2 of the FIE Statutes.

As delegated by the Executive Committee, all "regular" change of nationality requests are decided by the Legal Commission's Executive Committee representative and by the CEO. The above mentioned persons are also designated to verify that the appropriate grounds for requesting the cancellation or reduction of the 3 year period were indeed presented. The Legal Commission's Executive Committee representative reports periodically on the changes examined.

The "non regular" change of nationality requests (for example a very high level athlete or the multiple transfer of athletes from a federation to another) are decided by the Executive Committee.

**1.4.1** All athlete change of nationality requests must be made by the particular athlete's new federation.

**1.4.2** Any change in country which a fencer represents is definitive; no further change can be authorised.

**1.4.3** The federation requesting the change of nationality must forward the following documents to the FIE:

-a letter from the new federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;

-a letter from the athlete requesting the change of nationality;

-a letter from the former federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;

-a copy of the athlete's valid identity document (passport, ID card, driving licence) indicating his/her new nationality;

-if the athlete is a minor, a letter from his/her parents requesting the change of nationality, and a photocopy of their passports;

-if the new nationality has been obtained by marriage, a copy of the marriage certificate.

## **FIE Statutes, December 2014 (unchanged since 2005)**

### **9.2 FENCERS' NATIONALITY**

**9.2.1** At the Olympic Games a competitor's nationality is set by rules of the I.O.C. to which the F.I.E. must conform.

**9.2.2** For official competitions of the F.I.E., competitors must be strictly of the nationality of the country which they are representing:

a) The fencer who enjoys multiple nationality must choose which country he wishes to represent. The fact that he has fenced for one of the countries implies that he has made a choice. If he wishes to represent another country of which he enjoys nationality, he must so advise the Office of the F.I.E. and he may only represent this other country after an interval of three years from when he advised the Central Office of the F.I.E., during which he can no longer represent the other country.

b) A fencer who has already represented a country and acquires a new nationality (from being stateless or through naturalisation) can only represent his new country after an interval of three years from his last participation in a competition for his previous country.

c) The fencer who acquires a new nationality as a result of marriage may fence for that new country immediately, without waiting three years.

d) The Executive Committee of the F.I.E., with the agreement of the member federations concerned, and only for just reasons, may reduce or dispense with the interval of three years.

e) The fencer who has never participated in an official competition of the F.I.E. or in a Regional Championships, is not constrained by these limitations concerning change of nationality and may fence for his new country immediately.

f) Any change in country which a fencer represents is definitive; no further change can be authorised.

g) In cases of dispute the Executive Committee of the F.I.E. will make a ruling, which is not subject to appeal.

**9.2.3** For the FIE competitions fencers who are legally stateless may compete as long as they are registered by the member federation of the country in which they live.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

The practical process for a request of modification of nationality is stated in the FIE Administrative Rules, "Licences and nationality" chapter.

### **Administrative Rules of the FIE, September 2014**

#### **1.4 CHANGE OF NATIONALITY**

Consult chapter 9.2 of the FIE Statutes.

As delegated by the Executive Committee, all "regular" change of nationality requests are decided by the Legal Commission's Executive Committee representative and by the CEO. The above mentioned persons are also designated to verify that the appropriate grounds for requesting the cancellation or reduction of the 3 year period were indeed presented. The Legal Commission's Executive Committee representative reports periodically on the changes examined.

The "non regular" change of nationality requests (for example a very high level athlete or the multiple transfer of athletes from a federation to another) are decided by the Executive Committee.

**1.4.1** All athlete change of nationality requests must be made by the particular athlete's new federation.

**1.4.2** Any change in country which a fencer represents is definitive; no further change can be authorised.

**1.4.3** The federation requesting the change of nationality must forward the following documents to the FIE:

- a letter from the new federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;
- a letter from the athlete requesting the change of nationality;
- a letter from the former federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;
- a copy of the athlete's valid identity document (passport, ID card, driving licence) indicating his/her new nationality;
- if the athlete is a minor, a letter from his/her parents requesting the change of nationality, and a photocopy of their passports;
- if the new nationality has been obtained by marriage, a copy of the marriage certificate.

#### **2.1 OLYMPIC GAMES**

The place and date of the Olympic Games and the Youth Olympic Games are determined by the International Olympic Committee.

Each international Federation recognised by the IOC is responsible for the control and technical organisation of its sport.

The technical liaison with the Organizing Committee is ensured by the technical delegates of the FIE.

### **Administrative Rules of the FIE, February 2014**

#### **LICENCES AND NATIONALITY**

**1.1** The method for awarding FIE licences is determined in Chapter 9 of the FIE Statutes.

#### **1.2 COMMITMENT**

The national federations ordering an FIE licence confirm that the athletes who participate in FIE competitions undertake to:

- 1) abide by the provisions of the FIE Rules and Statutes ;
- 2) respect the FIE anti-doping Rules, use neither prohibited substances nor prohibited methods and agree to undergo any in competition and out-of competition testing;
- 3) transfer to the FIE, in FIE competitions, any individual or collective image rights and agree to be filmed (notably by the television), photographed, identified and registered in any way. The FIE undertakes to use these rights only in connection with the promotion and development of fencing on the aids below : publications and reviews, Internet website, audiovisual aids.

#### **1.3 DELIVERY**

All application for a licence or a renewal must be made by means of the FIE Internet Website and are only valid if the FIE has already been credited with the appropriate licence fee (in Euro/CHF) which is fixed by each Congress for the following season. A licence is only issued if the following information is provided: family name, first name, nationality, date of birth, gender, personal address, right handed / left handed.

#### **1.4 CHANGE OF NATIONALITY**

Consult chapter 9.2 of the FIE Statutes.

As delegated by the Executive Committee, all "regular" change of nationality requests are decided by the Legal Commission's Executive Committee representative and by the CEO. The above mentioned persons are also designated to verify that the appropriate grounds for requesting the cancellation or reduction of the 3 year period were indeed presented. The Legal Commission's Executive Committee representative reports periodically on the changes examined. The "non regular" change of nationality requests (for example a very high level athlete or the multiple transfer of athletes from a federation to another) are decided by the Executive Committee.

**1.4.1** All athlete change of nationality requests must be made by the particular athlete's new federation.

## APPENDICES

**1.4.2** Any change in country which a fencer represents is definitive; no further change can be authorised.

**1.4.3** The federation requesting the change of nationality must forward the following documents to the FIE:

- a letter from the new federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;
- a letter from the athlete requesting the change of nationality;
- a letter from the former federation accepting the transfer and requesting the cancellation or reduction of the 3 year period only for just reasons;
- a copy of the athlete's valid identity document (passport, ID card, driving licence) indicating his/her new nationality;
- if the athlete is a minor, a letter from his/her parents requesting the change of nationality, and a photocopy of their passports;
- if the new nationality has been obtained by marriage, a copy of the marriage certificate.

### **Football**

#### **FIFA STATUTES April 2016 edition**

Regulations Governing the Application of the Statutes Standing Orders of the Congress April 2015 edition

#### **Regulations Governing the Application of the Statutes**

#### **III. Eligibility to play for representative teams**

##### **5 Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain Country is eligible to play for the representative teams of the Association of that Country.
2. With the exception of the conditions specified in article 8 below, any Player who has already participated in a match (either in full or in part) in an Official Competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

##### **6 Nationality entitling Players to represent more than one Association**

1. A Player who, under the terms of art. 5, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- A) He was born on the territory of the relevant Association;
- B) His biological mother or biological father was born on the territory of the relevant Association;
- C) His grandmother or grandfather was born on the territory of the relevant Association;
- D) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

##### **7. Acquisition of a new nationality**

Any Player who refers to art. 5 par.1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

- A) He was born on the territory of the relevant Association;
- B) His biological mother or biological father was born on the territory of the relevant Association;
- C) His grandmother or grandfather was born on the territory of the relevant Association;
- D) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

##### **8. Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another Country of which he holds nationality, subject to the following conditions:

- A) He has not played a match (either in full or in part) in an Official Competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an Official Competition for his current Association, he already had the nationality of the representative team for which he wishes to play.
- B) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 5 par. 2 permanently loses the nationality of that Country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

3. Any Player who has the right to change Associations in accordance with par.1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

### **FIFA STATUTES April 2015 edition**

Regulations Governing the Application of the Statutes Standing Orders of the Congress April 2015 edition

#### **Regulations Governing the Application of the Statutes**

#### **III. Eligibility to play for representative teams**

##### **5 Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain Country is eligible to play for the representative teams of the Association of that Country.

2. With the exception of the conditions specified in article 8 below, any Player who has already participated in a match (either in full or in part) in an Official Competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

##### **6 Nationality entitling Players to represent more than one Association**

1. A Player who, under the terms of art. 5, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- A) He was born on the territory of the relevant Association;
- B) His biological mother or biological father was born on the territory of the relevant Association;
- C) His grandmother or grandfather was born on the territory of the relevant Association;
- D) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

##### **7. Acquisition of a new nationality**

Any Player who refers to art. 5 par.1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

- A) He was born on the territory of the relevant Association;
- B) His biological mother or biological father was born on the territory of the relevant Association;
- C) His grandmother or grandfather was born on the territory of the relevant Association;
- D) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

##### **8. Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another Country of which he holds nationality, subject to the following conditions:

- A) He has not played a match (either in full or in part) in an Official Competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an Official Competition for his current Association, he already had the nationality of the representative team for which he wishes to play.
- B) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 5 par. 2 permanently loses the nationality of that Country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par.1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

São Paulo, 11 June 2014

### **FIFA STATUTES August 2014 edition**

Regulations Governing the Application of the Statutes of 11 June 2014

#### **5. Principle**

## APPENDICES

1. Any person holding a permanent nationality that is not dependent on residence in a certain Country is eligible to play for the representative teams of the Association of that Country.

2. With the exception of the conditions specified in article 8 below, any Player who has already participated in a match (either in full or in part) in an Official Competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

### **6. Nationality entitling Players to represent more than one Association**

1. A Player who, under the terms of art. 5, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- A) He was born on the territory of the relevant Association;
- B) His biological mother or biological father was born on the territory of the relevant Association;
- C) His grandmother or grandfather was born on the territory of the relevant Association;
- D) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

### **7. Acquisition of a new nationality**

Any Player who refers to art. 5 par.1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

- A) He was born on the territory of the relevant Association;
- B) His biological mother or biological father was born on the territory of the relevant Association;
- C) His grandmother or grandfather was born on the territory of the relevant Association;
- D) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

### **8. Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another Country of which he holds nationality, subject to the following conditions:

- A) He has not played a match (either in full or in part) in an Official Competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an Official Competition for his current Association, he already had the nationality of the representative team for which he wishes to play.
- B) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 5 par. 2 permanently loses the nationality of that Country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par.1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

## **FIFA Statutes July 2013 edition**

### **REGULATIONS GOVERNING THE APPLICATION OF THE STATUTES**

#### **5 Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain Country is eligible to play for the representative teams of the Association of that Country.

2. With the exception of the conditions specified in article 8 below, any Player who has already participated in a match (either in full or in part) in an Official Competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

#### **6 Nationality entitling Players to represent more than one Association**

1. A Player who, under the terms of art. 5, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- a) He was born on the territory of the relevant Association;
- b) His biological mother or biological father was born on the territory of the relevant Association;
- c) His grandmother or grandfather was born on the territory of the relevant Association;

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

d) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

### **7 Acquisition of a new nationality**

Any Player who refers to art. 5 par. 1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

- a) He was born on the territory of the relevant Association;
- b) His biological mother or biological father was born on the territory of the relevant Association;
- c) His grandmother or grandfather was born on the territory of the relevant Association;
- d) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

### **8 Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another Country of which he holds nationality, subject to the following conditions:

- a) He has not played a match (either in full or in part) in an Official Competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an Official Competition for his current Association, he already had the nationality of the representative team for which he wishes to play.
- b) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 5 par. 2 permanently loses the nationality of that Country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par. 1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

## **FIFA Statutes July 2012 edition - REGULATIONS GOVERNING THE APPLICATION OF THE STATUTES**

### **III. Eligibility to play for representative teams**

#### **5. Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain country is eligible to play for the representative teams of the Association of that country.

2. With the exception of the conditions specified in article 8 below, any Player who has already participated in a match (either in full or in part) in an official competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

#### **6 Nationality entitling players to represent more than one Association**

1. A Player who, under the terms of art. 5, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- (a) He was born on the territory of the relevant Association;
- (b) His biological mother or biological father was born on the territory of the relevant Association;
- (c) His grandmother or grandfather was born on the territory of the relevant Association;
- (d) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

#### **7. Acquisition of a new nationality**

Any Player who refers to art. 5 par. 1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

- (a) He was born on the territory of the relevant Association;
- (b) His biological mother or biological father was born on the territory of the relevant Association;
- (c) His grandmother or grandfather was born on the territory of the relevant Association;

## APPENDICES

(d) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

### **8. Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another country of which he holds nationality, subject to the following conditions:

(a) He has not played a match (either in full or in part) in an official competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an official competition for his current Association, he already had the nationality of the representative team for which he wishes to play.

(b) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 5 par. 2 permanently loses the nationality of that country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par. 1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

## **FIFA Statutes July 2011 edition REGULATIONS GOVERNING THE APPLICATION OF THE STATUTES**

### III. Eligibility to play for representative teams

#### **5. Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain country is eligible to play for the representative teams of the Association of that country.

2. With the exception of the conditions specified in article 8 below, any Player who has already participated in a match (either in full or in part) in an official competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

#### **6. Nationality entitling players to represent more than one Association**

1. A Player who, under the terms of art. 5, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

(a) He was born on the territory of the relevant Association;

(b) His biological mother or biological father was born on the territory of the relevant Association;

(c) His grandmother or grandfather was born on the territory of the relevant Association;

(d) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

#### **7. Acquisition of a new nationality**

Any Player who refers to art. 5 par. 1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

(a) He was born on the territory of the relevant Association;

(b) His biological mother or biological father was born on the territory of the relevant Association;

(c) His grandmother or grandfather was born on the territory of the relevant Association;

(d) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

#### **8. Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another country of which he holds nationality, subject to the following conditions:

(a) He has not played a match (either in full or in part) in an official competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an official competition for his current Association, he already had the nationality of the representative team for which he wishes to play.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

(b) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 5 par. 2 permanently loses the nationality of that country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par. 1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

### **FIFA Statutes August 2010 edition - REGULATIONS GOVERNING THE APPLICATION OF THE STATUTES**

#### **VII. ELIGIBILITY TO PLAY FOR REPRESENTATIVE TEAMS**

##### **15. Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain country is eligible to play for the representative teams of the Association of that country.

2. With the exception of the conditions specified in article 18 below, any Player who has already participated in a match (either in full or in part) in an official competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

##### **16. Nationality entitling players to represent more than one Association**

1. A Player who, under the terms of art. 15, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

(a) He was born on the territory of the relevant Association;

(b) His biological mother or biological father was born on the territory of the relevant Association;

(c) His grandmother or grandfather was born on the territory of the relevant Association;

(d) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

##### **17. Acquisition of a new nationality**

Any Player who refers to art. 15 par. 1 to assume a new nationality and who has not played international football in accordance with art. 15 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

(a) He was born on the territory of the relevant Association;

(b) His biological mother or biological father was born on the territory of the relevant Association;

(c) His grandmother or grandfather was born on the territory of the relevant Association;

(d) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

##### **18. Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another country of which he holds nationality, subject to the following conditions:

(a) He has not played a match (either in full or in part) in an official competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an official competition for his current Association, he already had the nationality of the representative team for which he wishes to play.

(b) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 15 par. 2 permanently loses the nationality of that country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par. 1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

**FIFA Statutes August 2009 edition REGULATIONS GOVERNING THE APPLICATION OF THE STATUTES**

**VII. ELIGIBILITY TO PLAY FOR REPRESENTATIVE TEAMS**

**15. Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain country is eligible to play for the representative teams of the Association of that country.

2. With the exception of the conditions specified in article 18 below, any Player who has already participated in a match (either in full or in part) in an official competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

**16. Nationality entitling players to represent more than one Association**

1. A Player who, under the terms of art. 15, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- (a) He was born on the territory of the relevant Association;
- (b) His biological mother or biological father was born on the territory of the relevant Association;
- (c) His grandmother or grandfather was born on the territory of the relevant Association;
- (d) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

**17. Acquisition of a new nationality**

Any Player who refers to art. 15 par. 1 to assume a new nationality and who has not played international football in accordance with art. 15 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

- (a) He was born on the territory of the relevant Association;
- (b) His biological mother or biological father was born on the territory of the relevant Association;
- (c) His grandmother or grandfather was born on the territory of the relevant Association;
- (d) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

**18. Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, only once, request to change the Association for which he is eligible to play international matches to the Association of another country of which he holds nationality, subject to the following conditions:

- (a) He has not played a match (either in full or in part) in an official competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an official competition for his current Association, he already had the nationality of the representative team for which he wishes to play.
- (b) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 15 par. 2 permanently loses the nationality of that country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par. 1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed.

**FIFA STATUTES Regulations Governing the Application of the Statutes May 2008 edition**

**Regulations Governing the Application of the Statutes**

**Article 15 Principle**

1. Any person holding a permanent nationality that is not dependent on residence in a certain country is eligible to play for the representative teams of the Association of that country.

2. With the exception of the conditions specified in article 18 below, any Player who has already participated in a match (either in full or in part) in an official competition of any category or any type of football for one Association may not play an international match for a representative team of another Association.

**Article 16 Nationality entitling players to represent more than one Association**

A Player who, under the terms of art. 15, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

relevant nationality, he fulfils at least one of the following conditions:

- (a) He was born on the territory of the relevant Association;
- (b) His biological mother or biological father was born on the territory of the relevant Association;
- (c) His grandmother or grandfather was born on the territory of the relevant Association;
- (d) He has lived continuously on the territory of the relevant Association for at least two years.

2. Regardless of par. 1 above, Associations sharing a common nationality may make an agreement under which item (d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements shall be lodged with and approved by the Executive Committee.

### **Article 17 Acquisition of a new nationality**

Any Player who refers to art. 15 par. 1 to assume a new nationality and who has not played international football in accordance with art. 15 par. 2 shall be eligible to play for the new representative team only if he fulfils one of the following conditions:

- (a) He was born on the territory of the relevant Association;
- (b) His biological mother or biological father was born on the territory of the relevant Association;
- (c) His grandmother or grandfather was born on the territory of the relevant Association;
- (d) He has lived continuously for at least five years after reaching the age of 18 on the territory of the relevant Association.

### **Article 18 Change of Association**

1. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several representative teams due to nationality, he may, up to his 21st birthday, and only once, request to change the Association for which he is eligible to play international matches to the Association of another country of which he holds nationality, subject to the following conditions:

- a) He has not played a match (either in full or in part) in an official competition at "A" international level for his current Association, and at the time of his first full or partial appearance in an international match in an official competition for his current Association, he already had the nationality of the representative team for which he wishes to play.
- b) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association.

2. If a Player who has been fielded by his Association in an international match in accordance with art. 15 par. 2 permanently loses the nationality of that country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

3. Any Player who has the right to change Associations in accordance with par. 1 and 2 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the Player has filed his request, he is not eligible to play for any representative team until his request has been processed

### **Regulations on the Status and Transfer of Players July 2005 with amendments in force on 1 January 2008.**

#### **ANNEXE 2 ELIGIBILITY TO PLAY FOR ASSOCIATION TEAMS OF PLAYERS WHOSE NATIONALITY ENTITLES THEM TO REPRESENT MORE THAN ONE ASSOCIATION**

##### **Article 1 Conditions**

1. A player who, under the terms of article 15 of the Regulations Governing the Application of the FIFA Statutes, is eligible to represent more than one association on account of his nationality, may play in an international match for one of these associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- a) he was born on the territory of the relevant association;
- b) his biological mother or biological father was born on the territory of the relevant association;
- c) his grandmother or grandfather was born on the territory of the relevant association;
- d) he has lived on the territory of the relevant association for at least two years without interruption.

2. Notwithstanding paragraph 1 of this article, associations sharing a common nationality may make an agreement under which item d) of paragraph 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements must be lodged with and approved by FIFA.

### **FIFA STATUTES - Regulations Governing the Application of the Statutes 2007**

#### **VII. ELIGIBILITY TO PLAY FOR ASSOCIATION TEAMS**

##### **Article 15 Principle**

1. Any person holding the nationality of a country is eligible to play for the representative teams of the Association of that country. The Executive Committee shall decide on the conditions of eligibility for any Player who has not played international football in accordance with par. 2 below, and either acquires a new

## APPENDICES

nationality or is eligible to play for the teams of more than one Association due to his nationality.

2. With the exception of the conditions specified in par. 3 and 4 below, any Player who has already represented one Association in a match (either in full or in part) in an official competition of any category or any type of football may not play an international match for a representative team of another Association.

3. If a Player has more than one nationality, or if a Player acquires a new nationality, or if a Player is eligible to play for several Associations' teams due to nationality, he may, up to his 21st birthday, request to change the Association for which he is eligible to play international matches to the Association of another country of which he holds nationality, subject to the following conditions:

(a) He has not played a match (either in full or in part) at "A" international level for his current Association, and if at the time of his first full or partial appearance in an international match in an official competition for his current Association, he already had the nationality of the Association's team for which he wishes to play.

(b) He is not permitted to play for his new Association in any competition in which he has already played for his previous Association. A player may exercise this right only once.

4. If a Player who has been fielded by his Association in an international match in accordance with par. 2 above permanently loses the nationality of that country without his consent or against his will due to a decision by a government authority, he may request permission to play for another Association whose nationality he already has or has acquired.

5. Any Player who has the right to change Associations in accordance with par. 3 and 4 above shall submit a written, substantiated request to the FIFA general secretariat. The Players' Status Committee shall decide on the request. The procedure will be in accordance with the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. Once the player has filed his request, he is not eligible to play for any Association team until his request has been processed.

### **FIFA Regulations for the Status and Transfer of Players 2005**

#### **Annex II ELIGIBILITY TO PLAY FOR ASSOCIATION TEAMS FOR PLAYERS WHOSE NATIONALITY ENTITLES THEM TO REPRESENT MORE THAN ONE ASSOCIATION**

##### **Article 1 Conditions**

1. A player who, under the terms of Art. 15 of the Regulations Governing the Application of the FIFA Statutes, is eligible to represent more than one Association on account of his nationality, may play in an international match for one of these Associations only if, in addition to having the relevant nationality, he fulfils at least one of the following conditions:

- a) he was born on the territory of the relevant Association;
- b) his biological mother or biological father was born on the territory of the relevant Association;
- c) his grandmother or grandfather was born on the territory of the relevant Association;
- d) he has lived on the territory of the relevant Association for at least two years without interruption.

2. Notwithstanding par. 1 of this article, Associations sharing a common nationality may make an agreement under which item d) of par. 1 of this article is deleted completely or amended to specify a longer time limit. Such agreements must be lodged with and approved by FIFA.

## **Golf**

### **IGF NATIONALITY POLICY June 2014**

#### **I. General**

Any competitor in an *International Golf Competition* (Section II) must be a *National* of the country which the competitor is representing or under which the competitor is eligible for the competition.

The IGF publishes this Nationality Policy as it pertains to matters relating to the determination of the country which a competitor may represent in an *International Golf Competition* listed below, and from time-to-time will advise sanctioning organizations of *International Golf Competitions* as to guidelines and standards on making determinations on a competitor's Nationality.

Each sanctioning organization has adopted the IGF Nationality Policy and shares decisions based on nationality with the IGF and other sanctioning organizations. All matters relating to the determination of the country which a competitor may represent in an *International Golf Competition* listed below shall be resolved by the sanctioning organization for that event, in its sole discretion.

[...]

#### **III. Nationality**

A competitor will be considered a *National* of a country if the competitor is a citizen of the country, as defined by the laws of such country.

A competitor who is a *National* of two or more countries at the same time may represent either one of them, as the competitor may elect. However, after having represented one country in an *International Golf Competition*, the competitor may not represent another country unless first meeting the conditions set forth below that apply to persons who have changed their nationality or acquired a new nationality.

A competitor who has represented one country in an *International Golf Competition*, and who has changed

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

nationality or acquired a new nationality, may participate in another *International Golf Competition* representing the new country provided that, as of the start of the qualification period for such event, at least four years have passed since the competitor last represented his/her former country. This period may be extended, reduced or even cancelled, with the agreement of the sanctioning organization, which takes into account the circumstances of each case and any applicable guidelines and standards provided by the IGF.

If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a country merges with another country, a competitor may continue to represent the country to which the competitor belongs or belonged. However, if the competitor prefers, the competitor may elect to represent the new country. This particular choice may be made only once.

Furthermore, in all cases in which a competitor would be eligible to participate in an *International Golf Competition*, either by representing another country than his/hers or by having the choice as to the country which such competitor intends to represent, the sanctioning organization may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period, taking into account the circumstances of each case and any applicable guidelines and standards provided by the IGF.

### IV. Countries and Continents

For the purposes of defining a country (or territory, if applicable) of which a competitor is a *National*, the current list of National Olympic Committees as recognized by the International Olympic Committee will be used. For *International Golf Competitions* other than the Olympic Games and Youth Olympic Games, England, Scotland and Wales will be considered to be separate countries.

[...]

### V. Rankings

A competitor should ensure that his/her nationality is correctly listed on the appropriate world golf ranking system. For women's *International Golf Competitions*, this shall be the Rolex Women's World Rankings. For men's *International Golf Competitions*, this shall be the Official World Golf Rankings. For the purposes of applying this policy, the competitor will be presumed to be a *National* of the country listed on the appropriate world rankings system, subject to verification in accordance with this policy. Any decisions taken related to a competitor's nationality in accordance with this policy shall be referred by the IGF to the appropriate ranking system, who shall display the correct nationality of each player within the rankings.

A competitor eligible to participate in an *International Golf Competition* by representing another country to the one previously represented (by either changing nationality or acquiring a new nationality) in accordance with this policy will only be eligible for *International Golf Competitions* for which the qualification period has not yet started, unless otherwise allowed by the sanctioning organization.

A competitor eligible to participate in an *International Golf Competition* by having the choice as to the country which such competitor intends to represent in accordance with this policy will only be eligible for *International Golf Competitions* for which the qualification period has not yet started, unless otherwise allowed by the sanctioning organization.

A competitor who changes his/her nationality for an *International Golf Competition* prior to the qualifications and eligibility period beginning for such event, yet subsequently fails to qualify for the competition, is subject to the provisions of this policy including the time periods prescribed herein.

## Gymnastics

### FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE- QUALIFICATION SYSTEM – GAMES OF THE XXXI OLYMPIAD – RIO 2016 -Artistic Gymnastics

#### C. ATHLETE ELIGIBILITY

All athletes must comply with the provisions of the Olympic Charter currently in force and only those athletes who have complied with the Olympic Charter may participate in the Olympic Games. This includes Rule 41 of the Olympic Charter (Nationality of Competitors).

#### Age Requirements:

All athletes participating in the Rio 2016 Olympic Games must be born:

on or before 31 December 1998 for the Men's competitions.

on or before 31 December 2000 for the Women's competitions.

#### Additional IF Requirements:

To be eligible to participate in the Rio 2016 Olympic Games, all athletes must:

– have reached the minimum technical standard established by FIG. Full information regarding the minimum technical standards is available on the FIG official website ([www.fig-gymnastics.com](http://www.fig-gymnastics.com))

– hold a valid FIG License until the end of the 2016 Olympic Games Artistic Gymnastics competitions.

In addition, only NOCs which had a team entered at the 2015 World Championships and/or at the 2016 Olympic Games Test Events will be eligible to earn a team quota place.

## APPENDICES

All individual athletes who are not part of a team, including those receiving Host Country and/or Tripartite Commission Invitation places must have participated at the 2015 World Championships and/or at the 2016 Olympic Games Test Events.

### **FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE - QUALIFICATION SYSTEM – GAMES OF THE XXXI OLYMPIAD – RIO 2016- Rhythmic Gymnastics**

#### **C. ATHLETE ELIGIBILITY**

All athletes must comply with the provisions of the Olympic Charter currently in force and only those athletes who have complied with the Olympic Charter may participate in the Olympic Games. This includes Rule 41 of the Olympic Charter (Nationality of Competitors).

#### **Age Requirements:**

All athletes participating in the Rio 2016 Olympic Games must be born on or before 31 December 2000.

#### **Additional IF Requirements:**

To be eligible to participate in the Rio 2016 Olympic Games, all athletes must:

have reached the minimum technical standard established by FIG. Full information regarding the minimum technical standards is available on the FIG official website ([www.fig-gymnastics.com](http://www.fig-gymnastics.com)).

hold a valid FIG License until the end of the 2016 Olympic Games Rhythmic Gymnastics competitions.

In addition, only NOCs which had a group entered at the 2015 World Championships and/or at the 2016 Olympic Games Test Events will be eligible to earn a Group quota place. For the Host Country, a Group must have participated in the 2014 World Championships and, if qualified, in the 2015 World Championships and in the Olympic Games Test Events in order to obtain its quota place.

All individual athletes, including those receiving Host Country and Tripartite Commission Invitation places, must have participated at the 2015 World Championships and/or at the 2016 Olympic Games Test Events.

### **FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE - QUALIFICATION SYSTEM – GAMES OF THE XXXI OLYMPIAD – RIO 2016- Trampoline**

#### **C. ATHLETE ELIGIBILITY**

All athletes must comply with the provisions of the Olympic Charter currently in force, including but not limited to, Rule 41 (Nationality of Competitors). Only those athletes who have complied with the Olympic Charter may participate in the Olympic Games.

#### **Age Requirements:**

All athletes participating in the Rio 2016 Olympic Games must be born on or before 31 December 1998.

#### **Additional IF Requirements:**

To be eligible to participate in the Rio 2016 Olympic Games, all athletes must:

have reached the minimum technical standard established by FIG. Full information regarding the minimum technical standards is available on the FIG official website ([www.fig-gymnastics.com](http://www.fig-gymnastics.com)).

hold a valid FIG License until the end of the 2016 Olympic Games Trampoline Gymnastics competitions.

In addition, NOCs must have participated in the 2015 World Championships and/or the 2016 Olympic Games Test Event for their gymnasts to be eligible to compete at the Rio 2016 Olympic Games.

For places obtained through the Continental representation criteria, the Host Country place or the Tripartite Commission Invitation place, the gymnast who obtains the quota place must have participated in the 2015 World Championships and/or the 2016 Olympic Games Test Event to be eligible.

### **QUALIFICATION SYSTEM – GAMES OF THE XXX OLYMPIAD FIG ORIGINAL VERSION: ENGLISH APRIL 2011 - PAGE 1/10 FEDERATION INTERNATIONALE DE GYMNASTIQUE**

#### ***Artistic Gymnastics APRIL 2011 - PAGE 1/10***

#### **C. Athlete Eligibility**

**ATHLETE ELIGIBILITY** All athletes must comply with the provisions of the Olympic Charter currently in force and only those athletes who have complied with the Olympic Charter may participate in the Olympic Games.

NOCs which had a team entered at the 2011 World Championships and/or the Olympic Games Test Events will be eligible to earn a team quota place. All individual athletes must have participated at the 2011 World Championships and/or the Olympic Games Test Events.

All athletes must have reached the minimum technical standard established by FIG. Full information regarding the minimum technical standards is available on the FIG official website ([www.fig-gymnastics.com](http://www.fig-gymnastics.com)).

In order to be eligible to participate, athletes must be born in 1996 or earlier

### **QUALIFICATION SYSTEM – GAMES OF THE XXX OLYMPIAD FIG ORIGINAL VERSION: ENGLISH APRIL 2011 - PAGE 5/10 FEDERATION INTERNATIONALE DE GYMNASTIQUE**

#### ***Rhythmic Gymnastics***

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

### **C. Athlete Eligibility**

#### **ATHLETE ELIGIBILITY**

All athletes must comply with the provisions of the Olympic Charter currently in force and only those athletes who have complied with the Olympic Charter may participate in the Olympic Games.

Only NOCs which had a group entered at the 2011 World Championships and/or the Olympic Games Test Events will be eligible to earn a group quota place. For the Host Country, the group must have participated in the 2010 World Championships and, if qualified, in the 2011 World Championships and the Olympic Games Test Events in order to obtain its quota place. All individual athletes must have participated at the 2011 World Championships and/or the Olympic Games Test Events.

All athletes must have reached the minimum technical standard established by FIG. Full information regarding the minimum technical standards is available on the FIG official website ([www.fig-gymnastics.com](http://www.fig-gymnastics.com))

In order to be eligible to participate, athletes must be born in 1996 or earlier.

### **QUALIFICATION SYSTEM – GAMES OF THE XXX OLYMPIAD FIG ORIGINAL VERSION: ENGLISH APRIL 2011 - PAGE 8/10 FEDERATION INTERNATIONALE DE GYMNASTIQUE**

#### ***Trampoline***

### **C. Athlete Eligibility**

#### **ATHLETE ELIGIBILITY**

All athletes must comply with the provisions of the Olympic Charter currently in force and only those athletes who have complied with the Olympic Charter may participate in the Olympic Games.

NOCs must have participated in the 1st and/or 2nd Olympic qualification for their gymnasts to be eligible to compete at the Olympic Games

For places obtained through the continental representation criteria, the host country quota or as tripartite invitation, the gymnast who obtains the quota place must have participated in the 1st and/or 2nd Olympic qualification in order to be eligible

All athletes must have reached the minimum technical standard established by FIG. Full information regarding the minimum technical standards is available on the FIG official website ([www.fig-gymnastics.com](http://www.fig-gymnastics.com))

In order to be eligible to participate, athletes must be born in 1994 or earlier.

### **FIG Licence Rules Final version – last update September 25th 2012/mb 1/5 (unchanged since 2005)**

#### **1. Introduction:**

At the 2008 Council in Cape Town (RSA), Article 5.1 of the FIG Technical Regulations was extended and the principle of a compulsory Licence or “gymnastics passport” was introduced.

#### ***Reg. 5.1 GENERAL RIGHTS OF PARTICIPATION IN COMPETITIONS AND LICENCE***

*Official FIG competitions are open to gymnasts who:*

- belong to a federation affiliated to the FIG*
- have the nationality of the federation in accordance with the FIG Statutes,*
- Technical Regulations and the Olympic provisions*
- fulfil the requirements of the Statutes (as well as the admission conditions)*
- fulfil specified performance prerequisites (.i.e. limits)*
- have a valid licence as long as the prescriptions of the rules elaborated by*
  - the FIG Executive Committee are respected*

The following rules have been decided by the FIG Executive Committee based on the above mentioned Article 5.1. of the FIG Technical Regulations.

#### **2. Compulsory Licence or “Gymnastics Passport”**

All gymnasts (Age Group, juniors and seniors) must be in possession of a valid FIG Licence in order to be eligible to participate in an international competition. “Gymnastics for All” events are exempted from this rule.

The following competitions are defined as INTERNATIONAL COMPETITIONS under these Licence Rules:

World Championships

Continental Championships and Games

Any and all Multisport Games (Olympic Games, World Games, Mediterranean Games,

Commonwealth Games, Central American Games, University Games, etc.)

World Cup events

FIG sanctioned International Events

#### **3. Conditions to obtain an FIG Licence**

The FIG Licence shall only be issued to those gymnasts who:

## APPENDICES

□ fulfil the conditions mentioned in Article 5.1 of the FIG Technical Regulations; have personally signed Appendix I of the Licence Rules (FIG Licence – application form). Through their signature, gymnasts consent and agree to comply with and be bound by the FIG Statutes and any and all of the FIG Rules and Regulations and their amendments;

– have personally signed Appendix I of the Licence Rules (Acknowledgement and Agreement). Through their signature, gymnasts consent and agree to the creation of their profile in WADA Doping Control Clearing House (ADAMS), and/or any other similar system from an authorized National Anti-Doping Organization (NADO) under FIG's agreement for the sharing of information, and to the entry in such systems of data related to their doping controls, Whereabouts and Therapeutic Use Exemptions ;

– belong to an FIG affiliated Federation in good standing;

– have obtained the signature of the President or the Secretary General of their National Federation on the application form.

### **5. Validity of the Licence**

The Licence shall be valid for two years as of its issue date by FIG.

## **FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE STATUTES EDITION 2015 in effect from January 1st, 2015 (unchanged since 2005)**

### **ARTICLE 36**

#### **Nationality of Gymnasts and Judges and membership within a Federation**

##### **36.1 Principle**

In principle, gymnasts and judges taking part in any international competition must have the nationality (citizenship) of the federations they represent and authority to participate, from their federation.

##### **36.2 Permission to represent another federation**

###### **36.2.1 Gymnasts who have represented their countries internationally**

When a gymnast who has represented his country, moves to another country and obtains citizenship (official nationality) of the latter country, he may – with the consent of the two federations concerned and the Executive Committee - immediately represent the new country. Where such consent is not granted, he may (with the consent of the Executive Committee) represent the new country one year after the date on which he received the new citizenship.\*

###### **36.2.2 Dual Nationality**

Where a gymnast or a judge has dual nationality he may choose which country he wishes to represent but, having represented that country, he cannot also - except as provided for in paragraph 36.2.1 above - represent the other country in question.\*

###### **36.2.3 Gymnasts who have not represented their countries internationally**

Where a gymnast moves to another country, and has not represented his former country, he may immediately after receiving citizenship (official nationality) represent his new country with the consent of the Executive Committee.\*

In the case of a gymnast -born in a country in which his parents are "bona fide" residents but have not received citizenship (official nationality), the federation of the country in which he was born may include him in its national team subject to the consent of the Executive Committee.\*

###### **36.2.4 Political Division of Countries**

Where a country ceases to be a political entity and divides into one or more countries a gymnast may choose to represent any one of the new countries, or to represent any other country to which he may have moved.\*

###### **36.2.5 Change of Discipline**

When a gymnast moves from one specific discipline to another discipline, Reg. 36.2.1 will apply with the exception that the gymnast may represent the new country immediately in the new discipline.

###### **36.2.6 Club Competitions**

A gymnast, temporarily or permanently resident in another country, and who is a bona fide member of a club in that country, may – with the consent of his national federation and that of the country in which he is resident – represent the said club.

###### **36.2.7 Other Cases**

In other cases (exceptional or unforeseen circumstances) the Executive Committee shall make the determination\*.

Rules 36.2.1 to 36.2.4 and 36.2.7 are valid with the exception of Olympic Games. For Olympic Games see

\*

the Olympic Charter.

### **ARTICLE 37**

#### **37 Observance of rules of eligibility and IOC rules**

Gymnasts, entered into competitions by their federations, must follow the Rules of Eligibility of the FIG (set out in the Technical Regulations) and the relevant Rule of the International Olympic Committee. Special

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Rules of the FIG must be followed for advertising and publicity: At the Olympic Games it is necessary to comply with the Rules of the International Olympic Committee.

### **FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE STATUTES EDITION 2013 in effect from January 1st, 2013 (unchanged since 2005)**

#### **ARTICLE 36**

#### **Nationality of Gymnasts and Judges and membership within a Federation**

##### **36.1 Principle**

In principle, gymnasts and judges taking part in any international competition must have the nationality (citizenship) of the federations they represent and authority to participate, from their federation.

##### **36.2 Permission to represent another federation**

###### **36.2.1 Gymnasts who have represented their countries internationally**

When a gymnast who has represented his country, moves to another country and obtains citizenship (official nationality) of the latter country, he may – with the consent of the two federations concerned and the Executive Committee - immediately represent the new country. Where such consent is not granted, he may (with the consent of the Executive Committee) represent the new country one year after the date on which he received the new citizenship.\*

###### **36.2.2 Dual Nationality**

Where a gymnast or a judge has dual nationality he may choose which country he wishes to represent but, having represented that country, he cannot also - except as provided for in paragraph 36.2.1 above - represent the other country in question.\*

###### **36.2.3 Gymnasts who have not represented their countries internationally**

Where a gymnast moves to another country, and has not represented his former country, he may immediately after receiving citizenship (official nationality) represent his new country with the consent of the Executive Committee.\*

In the case of a gymnast -born in a country in which his parents are "bona fide" residents but have not received citizenship (official nationality), the federation of the country in which he was born may include him in its national team subject to the consent of the Executive Committee.\*

###### **36.2.4 Political Division of Countries**

Where a country ceases to be a political entity and divides into one or more countries a gymnast may choose to represent any one of the new countries, or to represent any other country to which he may have moved.\*

###### **36.2.5 Change of Discipline**

When a gymnast moves from one specific discipline to another discipline, Reg. 36.2.1 will apply with the exception that the gymnast may represent the new country immediately in the new discipline.

###### **36.2.6 Club Competitions**

A gymnast, temporarily or permanently resident in another country, and who is a bona fide member of a club in that country, may – with the consent of his national federation and that of the country in which he is resident – represent the said club.

###### **36.2.7 Other Cases**

In other cases (exceptional or unforeseen circumstances) the Executive Committee shall make the determination\*.

\* Rules 36.2.1 to 36.2.4 and 36.2.7 are valid with the exception of Olympic Games. For Olympic Games see the Olympic Charter.

#### **ARTICLE 37**

#### **37 Observance of rules of eligibility and IOC rules**

Gymnasts, entered into competitions by their federations, must follow the Rules of Eligibility of the FIG (set out in the Technical Regulations) and the relevant Rule of the International Olympic Committee. Special Rules of the FIG must be followed for advertising and publicity: At the Olympic Games it is necessary to comply with the Rules of the International Olympic Committee.

### **TECHNICAL REGULATIONS Version 2014 FIG 2014 from June 2013 (unchanged since 2005)**

#### **Reg. 5.1 GENERAL RIGHTS OF PARTICIPATION IN COMPETITIONS AND LICENCE**

Official FIG competitions are open to gymnasts who:

- belong to a NF affiliated to the FIG
  - have the nationality of the NF in accordance with the FIG Statutes, the TR and the Olympic provisions
  - fulfil the requirements of the Statutes
  - fulfil specified performance prerequisites (i.e. limits).
  - have a valid licence and respect the decisions and rules elaborated by the EC
- [...]

#### **Reg. 5.3 CONTROL OF NATIONALITY AND AGE**

## APPENDICES

Through the accreditation process, before official FIG competitions, personnel of the LOC, in cooperation with the FIG Secretariat, will check the nationality of athletes and judges as well as the age of athletes.

[...]

### APPENDIX B

#### RULES OF ELIGIBILITY FOR THE INTERNATIONAL GYMNASTICS FEDERATION

##### 1. Rule of Eligibility

An eligible gymnast is any gymnast who abides by the eligibility rules of the FIG and the gymnast's National Federation.

2. In any competition sanctioned or conducted by the FIG, each National Federation is responsible for certifying the eligibility of gymnasts from its country.

3. Only gymnasts meeting the requirements of Regulation I are authorised to participate in official competitions and particularly those competitions which qualify gymnasts for Olympic Games.

4. Subject to approval by his/her National Federation, a gymnast may receive material and financial support for training and competition as well as prizes from competitions.

5. A gymnast may not:

a) have been expelled from any National or International Sports Federation for the use of drugs

b) take part in any gymnastic competition or exhibition which is not sanctioned by the FIG or his/her National Federation

c) bear on his/her sportswear or his/her sports equipment any advertising trademarks during the Olympic Games or any competition sanctioned by the FIG or National Federation, except for the manufacturing trademarks on equipment or sportswear in accordance with the specifications of the IOC, FIG or National Federation.

6. The restrictions detailed in 5 (c) also apply to the Olympic Games, World Cups, Continental and World Championships and the qualifying tournaments for those Events.

7. The Executive Committee of the FIG interprets these eligibility rules and determines whether they have been violated.

8. Any gymnast infringing these rules, after their enforcement, may not claim to be eligible to participate in the Olympic Games or qualifying tournaments for the Games.

#### **FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE STATUTES EDITION 2009 in effect from January 1st, 2009**

#### **ARTICLE 35 NATIONALITY OF GYMNASTS AND JUDGES AND MEMBERSHIP WITHIN A FEDERATION**

##### **35.1 Principle**

In principle, gymnasts and judges taking part in any international competition must have the nationality (citizenship) of the federations they represent and authority to participate, from their federation.

##### **35.2 Permission to represent another federation**

###### **35.2.1 Gymnasts who have represented their countries internationally**

When a gymnast who has represented his country, moves to another country and obtains citizenship (official nationality) of the latter country, he may - with the consent of the two federations concerned and the Executive Committee - immediately represent the new country. Where such consent is not granted, he may (with the consent of the Executive Committee) represent the new country one year after the date on which he received the new citizenship.\*

###### **35.2.2 Dual Nationality**

Where a gymnast or a judge has dual nationality he may choose which country he wishes to represent but, having represented that country, he cannot also - except as provided for in paragraph 35.2.1 above - represent the other country in question.\*

###### **35.2.3 Gymnasts who have not represented their countries internationally**

Where a gymnast moves to another country, and has not represented his former country, he may immediately after receiving citizenship (official nationality) represent his new country with the consent of the Executive Committee.\*

In the case of a gymnast -born in a country in which his parents are "bona fide" residents but have not received citizenship (official nationality), the federation of the country in which he was born may include him in its national team subject to the consent of the Executive Committee.\*

###### **35.2.4 Political Division of Countries**

Where a country ceases to be a political entity and divides into one or more countries a gymnast may choose to represent any one of the new countries, or to represent any other country to which he may have moved.\*

\* Rules 35.2.1 to 35.2.4 are valid with the exception of Olympic Games. For Olympic Games see the Olympic Charter.

###### **35.2.5 Change of Discipline**

When a gymnast moves from one specific discipline to another discipline, Reg.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

35.2.1 will apply with the exception that the gymnast may represent the new country immediately in the new discipline.

### **35.2.6 Club Competitions**

A gymnast, temporarily or permanently resident in another country, and who is a bona fide member of a club in that country, may – with the consent of his national federation and that of the country in which he is resident – represent the said club.

### **35.2.7 Other Cases**

In other cases (exceptional or unforeseen circumstances) the Executive Committee shall make the determination\*.

## **ARTICLE 36**

### **OBSERVANCE OF RULES OF ELIGIBILITY AND OLYMPIC RULES**

Gymnasts, entered into competitions by their federations, must follow the Rules of Eligibility of the FIG (set out in the Technical Regulations) and the relevant Rule of the International Olympic Committee. Special Rules of the FIG must be followed for advertising and publicity: At the Olympic Games it is necessary to comply with the Rules of the International Olympic Committee.

## **ARTICLE 36**

### **OBSERVANCE OF RULES OF ELIGIBILITY AND OLYMPIC RULES**

Gymnasts, entered into competitions by their federations, must follow the Rules of Eligibility of the FIG (set out in the Technical Regulations) and the relevant Rule of the International Olympic Committee. Special Rules of the FIG must be followed for advertising and publicity: At the Olympic Games it is necessary to comply with the Rules of the International Olympic Committee.

## **FEDERATION INTERNATIONALE DE GYMNASTIQUE STATUTES EDITION 2 0 0 7 in effect from January 1st, 2007**

### **ARTICLE 35 NATIONALITY OF GYMNASTS AND JUDGES AND MEMBERSHIP WITHIN A FEDERATION**

#### **35.1 Principle**

In principle, gymnasts and judges taking part in any international competition must have the nationality (citizenship) of the federations they represent and authority to participate, from their federation.

#### **35.2 Permission to represent another federation**

##### **35.2.1 Gymnasts who have represented their countries internationally**

When a gymnast who has represented his country, moves to another country and obtains citizenship (official nationality) of the latter country, he may - with the consent of the two federations concerned and the Executive Committee - immediately represent the new country. Where such consent is not granted, he may (with the consent of the Executive Committee) represent the new country one year after the date on which he received the new citizenship.\*

##### **35.2.2 Dual Nationality**

Where a gymnast or a judge has dual nationality he may choose which country he wishes to represent but, having represented that country, he cannot also - except as provided for in paragraph 35.2.1 above - represent the other country in question.\*

##### **35.2.3 Gymnasts who have not represented their countries internationally**

Where a gymnast moves to another country, and has not represented his former country, he may immediately after receiving citizenship (official nationality) represent his new country with the consent of the Executive Committee.\*

In the case of a gymnast -born in a country in which his parents are "bona fide" residents but have not received citizenship (official nationality), the federation of the country in which he was born may include him in its national team subject to the consent of the Executive Committee.\*

##### **35.2.4 Political Division of Countries**

Where a country ceases to be a political entity and divides into one or more countries a gymnast may choose to represent any one of the new countries, or to represent any other country to which he may have moved.\*

\* Rules 35.2.1 to 35.2.4 are valid with the exception of Olympic Games. For Olympic Games see the Olympic Charter.

##### **35.2.5 Change of Discipline**

When a gymnast moves from one specific discipline to another discipline, Reg.

35.2.1 will apply with the exception that the gymnast may represent the new country immediately in the new discipline.

##### **35.2.6 Club Competitions**

A gymnast, temporarily or permanently resident in another country, and who is a bona fide member of a club in that country, may – with the consent of his national federation and that of the country in which he is resident – represent the said club.

##### **35.2.7 Other Cases**

## APPENDICES

In other cases (exceptional or unforeseen circumstances) the Executive Committee shall make the determination\*.

### **ARTICLE 36**

#### **OBSERVANCE OF RULES OF ELIGIBILITY AND OLYMPIC RULES**

Gymnasts, entered into competitions by their federations, must follow the Rules of Eligibility of the FIG (set out in the Technical Regulations) and the relevant Rule of the International Olympic Committee. Special Rules of the FIG must be followed for advertising and publicity: At the Olympic Games it is necessary to comply with the Rules of the International Olympic Committee.

### **FEDERATION INTERNATIONALE DE GYMNASTIQUE STATUTES EDITION 2 0 0 4 in effect from January 1st, 2005**

#### **ARTICLE 35 NATIONALITY OF GYMNASTS AND JUDGES AND MEMBERSHIP WITHIN A FEDERATION**

##### **35.1 Principle**

In principle, gymnasts and judges taking part in any international competition must have the nationality (citizenship) of the federations they represent and authority to participate, from their federation.

##### **35.2 Permission to represent another federation**

###### **35.2.1 Gymnasts who have represented their countries internationally**

When a gymnast who has represented his country, moves to another country and obtains citizenship (official nationality) of the latter country, he may - with the consent of the two federations concerned and the Executive Committee - immediately represent the new country. Where such consent is not granted, he may (with the consent of the Executive Committee) represent the new country one year after the date on which he received the new citizenship.\*

###### **35.2.2 Dual Nationality**

Where a gymnast or a judge has dual nationality he may choose which country he wishes to represent but, having represented that country, he cannot also - except as provided for in paragraph 35.2.1 above - represent the other country in question.\*

###### **35.2.3 Gymnasts who have not represented their countries internationally**

Where a gymnast moves to another country, and has not represented his former country, he may immediately after receiving citizenship (official nationality) represent his new country with the consent of the Executive Committee.\*

In the case of a gymnast -born in a country in which his parents are "bona fide" residents but have not received citizenship (official nationality), the federation of the country in which he was born may include him in its national team subject to the consent of the Executive Committee.\*

###### **35.2.4 Political Division of Countries**

Where a country ceases to be a political entity and divides into one or more countries a gymnast may choose to represent any one of the new countries, or to represent any other country to which he may have moved.\*

\* Rules 35.2.1 to 35.2.4 are valid with the exception of Olympic Games. For Olympic Games see the Olympic Charter.

###### **35.2.5 Change of Discipline**

When a gymnast moves from one specific discipline to another discipline, Reg.

**35.2.1** will apply with the exception that the gymnast may represent the new country immediately in the new discipline.

###### **35.2.6 Club Competitions**

A gymnast, temporarily or permanently resident in another country, and who is a bona fide member of a club in that country, may - with the consent of his national federation and that of the country in which he is resident - represent the said club.

###### **35.2.7 Other Cases**

In other cases (exceptional or unforeseen circumstances) the Executive Committee shall make the determination\*.

### **ARTICLE 36**

#### **OBSERVANCE OF RULES OF ELIGIBILITY AND OLYMPIC RULES**

Gymnasts, entered into competitions by their federations, must follow the Rules of Eligibility of the FIG (set out in the Technical Regulations) and the relevant Rule of the International Olympic Committee. Special Rules of the FIG must be followed for advertising and publicity: At the Olympic Games it is necessary to comply with the Rules of the International Olympic Committee.

## **Handball**

### **IV. Regulations for Transfer Between Federations Edition: 8 July 2014**

#### **II. International Transfer Certificate**

#### **VII. Protection of Minors**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

§ 1 International transfers of players under the age of 16 shall be permitted only under the following conditions:

a. as a general rule, when the player's family moves to the country in which the new club is located for reasons that are not linked to handball

b. international transfers of amateur players under the age of 16 shall be permitted (e.g. students, pupils).

For such transfers (§ 1. a and b of this Article), no fees shall be charged, neither by the releasing federation nor by the Continental Confederation nor the IHF. The same principles apply to the first registration of players under the age of 16 who have a nationality other than that of the country in which they first apply for registration.

### **III. Player Eligibility Code Edition: 1 July 2011**

#### **I. Basic Principles**

All handball players shall be subject to the Player Eligibility Code of the International Handball Federation (IHF). Member federations may issue player eligibility regulations, provided these do not contradict IHF regulations.

#### **ARTICLE 5**

##### **V. Eligibility to Play**

**5.1** Only players eligible to play may take part in games and competitions announced by the National Federation concerned.

**5.2** The National Federation must confirm eligibility:

a) if, in the case of a transfer from one federation to another, once the player is in possession of an International Transfer Certificate approved by the IHF and/or the Continental Confederation concerned, releasing him from the previous federation where he was eligible to play.

b) if the player is under 16 at the moment of the request and has not yet played for any other federation.

**5.3** The National Federation may confirm the eligibility to play in cases 5.2.a) and 5.2.b) only after receipt of the corresponding written approval from the IHF or the Continental Confederation concerned:

a) if the player has refugee or asylum seeker status and a valid residence permit in the country of the National Federation concerned.

b) if the player has not played in any National Federation for the previous 24 months.

**5.4** If 5.3b) applies, the federation for which the player has last been eligible to play shall confirm the date of the last game in writing. This confirmation shall be submitted within 15 days at the latest following the request. In case no confirmation is submitted in compliance with the deadline, the IHF or the Continental Confederation concerned will be able to grant player eligibility following the request by the new federation.

#### **ARTICLE 6**

##### **VI. National Players**

**6.1 National team players shall meet the following conditions:**

a) Citizenship of the country concerned.

b) They shall not have played in any national team of another country in the three years preceding their first appearance in the national team in an official match. Official matches are considered to be: the qualifying matches for a continental championship, matches in a continental championship, qualifying matches for IHF World Championships and Olympic Games, matches in IHF World Championships and Olympic Games

**6.2 Player eligibility in case of multiple nationalities**

A player who holds more than one nationality and who complies with 6.1., is eligible to officially represent one of those countries if:

a) he was born in the territory of the federation concerned or

b) his biological mother or biological father were born in the territory of the federation concerned or

c) he has been living in the territory of the federation concerned for more than 24 months in any period of his life.

**6.3 Change eligibility to play for a National Federation**

It is only permitted to change the National Federation and thus to obtain eligibility to play for a new national team one time. In case of dissolution of an existing federation or a constitution of a new one, the IHF shall create a separate body to examine the cases should disputes over eligibility arise.

[...]

#### **ARTICLE 8**

##### **VIII. Participation in Olympic Games**

Participation in the Olympic Games shall be subject to the IHF's and the International Olympic Committee's eligibility codes.

**8.1.** Players participating in the Olympic Games

a) shall respect the spirit of fair play and inviolability and act accordingly,

b) shall use no illegal substances or make use of illegal applications as set forth by IOC and International Handball Federation regulations,

## APPENDICES

c) shall observe the stipulations of the IOC Medical Code and act accordingly.

**8.2.** For the duration of the Olympic Games, players taking part in the Olympic Games shall not permit their persons, names, visual representation or performance to be used for advertising purposes.

**8.3.** There shall be no connection to financial compensation of any kind regarding a player's registration or participation in the Olympic Games.

### **IV. Regulations for Transfer Between Federations Edition: 1 July 2011**

#### **II. International Transfer Certificate**

#### **VII. Protection of Minors**

§ 1 International transfers of players under the age of 16 shall be permitted only under the following conditions:

**a.** as a general rule, when the player's family moves to the country in which the new club is located for reasons that are not linked to handball

**b.** international transfers of amateur players under the age of 16 shall be permitted (e.g. students, pupils).

For such transfers (§ 1. a and b of this Article), no fees shall be charged, neither by the releasing federation nor by the Continental Confederation nor the IHF. The same principles apply to the first registration of players under the age of 16 who have a nationality other than that of the country in which they first apply for registration.

## **Hockey**

### **INTERNATIONAL HOCKEY FEDERATION FIH REGULATIONS Governing the Eligibility of a Player to play International Hockey for a Country/ National Association Approved by Executive Board – 3 July 2015**

#### **1. General Principles**

**1.1** To be eligible to represent a country as a Junior or Senior player in an inter-nations event, a player must be a national of that country. To be eligible to represent a country in a Masters inter-nations event a player must be a national of that country, or have been a resident of that country for a minimum of 12 months immediately prior to the event.

**1.2** Nationality is determined by the holding of a valid passport of the country the player is selected to represent.

**1.3** The rules for the eligibility of players to compete in Olympic Games are governed by the IOC Olympic Charter.

**1.4** The Executive Board is empowered to recognize suspensions or disqualifications of clubs declared by the NA to which they belong and, if so, to see to it that these decisions are applied by all National Associations.

**1.5** In the case of Junior and Senior players the FIH Executive Board, and in the case of Masters the Board of IMHA / WGMA, may authorise National Associations to play against non-affiliated associations but only when the non-affiliated association has shown interest in seeking affiliation to the FIH or in the case of Masters then to the IMHA / WGMA.

#### **2. Junior Players**

**2.1** A junior player is any player under twenty-one (21) years of age at the relevant date.

**2.2** A junior player who is a national of two or more countries at the same time, may elect to represent only one of them but while a junior he may, with the approval of the Executive Board, elect to represent the other of which the player is a national.

**2.3** A junior player who, having represented a country while he is a junior, obtains a second or other nationality may, with the approval of the Executive Board, represent that second or other country.

**2.4** On a junior player who has represented a country at junior level becoming a senior player, he may make a new choice but, having made that choice and having represented a country at senior level, he cannot then represent another country at senior level for three years from the date he last represented the original country without the prior written approval of the Executive Board and the National Association for whom he has previously represented.

**2.5** Any junior player who has represented his country at a senior level ceases to be a junior player for the purposes of this Eligibility Regulation and his eligibility is governed by the provisions of paragraphs 3 and 4 (below) of these Regulations.

#### **3. Senior Players**

**3.1** Senior players are all players selected to represent a country in an FIH sanctioned match or tournament which has no restrictions on age.

**3.2** A senior player who is a national of two or more countries at the same time may elect to represent only one of them.

**3.3** Having represented a country at senior level and / or been on the final entry team list as presented at the pre-tournament briefing, the player cannot then represent another country (including the other country of

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

which he is a national) for three years from the date he last represented the original country and without the prior written approval of the Executive Board.

**3.4** A senior player who, having represented a country at senior level, changes nationality or acquires a new nationality, may not represent the new country for three years after the date he last represented the original country without the written approval of the Executive Board and the previous National Association. Unless the player elects to represent the new country in accordance with this paragraph the player may continue to represent the original country assuming he has retained that country's passport.

**3.4** If an associated State, a province or overseas department of a country or a colony, acquires its independence, or if a country becomes incorporated within another country by reason of a change of borders, or if a new National Association is recognized by the FIH, a player may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his new country. This choice may only be made once.

**3.5** In all cases not expressly addressed in the Statutes or Regulations, in particular in those cases in which a player would be in a position to represent a country other than that of which he is a national or to have a choice as to the country which he intends to represent, the Executive Board may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of players, including the length of any waiting period.

### **4. Masters Players**

**4.1** Masters players are all players selected to represent a country in an FIH sanctioned Masters match or tournament which has restrictions on age. The age of a Masters player shall be determined and calculated as at 31st December in the year of the event.

**4.2** A Masters player who is a national of two or more countries at the same time may elect to represent only one of them. In addition a Masters player may qualify to represent a country by having been a resident of that country whom he elects to represent for a minimum of 12 months immediately prior to the event in which he is to play.

**4.3** Having represented a country at Masters level and/or been on the final entry team list as presented at the pre-tournament briefing, the player cannot then represent another country for 12 months from the date he last represented the original country without the written approval of the Board of IMHA / WGMA.

**4.4** In all cases not expressly addressed in these Regulations the Board of IMHA / WGMA may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of players, including the length of any waiting period.

## **INTERNATIONAL HOCKEY FEDERATION FIH REGULATIONS Governing the Eligibility of a Player to Play International Hockey for a Country / National Association Approved by EB 29th March 2012**

### **1. General Principles**

**1.1** To be eligible to represent a country in an inter-nations event, a player must be a national of that country.

**1.2** Nationality is determined by the holding of a valid passport of the country the player is selected to represent.

**1.3** The rules for the eligibility of players to compete in Olympic Games are governed by the IOC Olympic Charter.

**1.4** The Executive Board is empowered to recognize suspensions or disqualifications of players declared by the National Association to which they belong and, if so, to see to it that these decisions are applied by all National Associations.

**1.5** The Executive Board may authorise National Associations to play against non-affiliated associations but only when the non-affiliated association has shown interest in seeking affiliation to the FIH.

### **2. Junior Players**

**2.1** A junior player is any player under twenty-one (21) years of age at the relevant date as specified in the regulations or entry application for a tournament.

**2.2** A junior player who is a national of two or more countries at the same time may elect to represent only one of them but while a junior he may, with the approval of the Executive Board, elect to represent the other of which the player is a national.

**2.3** A junior player who, having represented a country while he is a junior, obtains a second or other nationality may, with the approval of the Executive Board, represent that second or other country.

**2.4** On a junior player who has represented a country at junior level becoming a senior player, he may make a new choice but, having made that choice and having represented a country at senior level, he cannot then represent another country at senior level for three years from the date he last represented the original country without the prior written approval of the Executive Board and the National Association for whom he has previously represented.

## APPENDICES

**2.5** Any junior player who has represented his country at a senior level ceases to be a junior player for the purposes of this Eligibility Regulation and his eligibility is governed by the provisions of paragraph 3 (below) of these Regulations.

### **3. Senior Players**

**3.1** Senior players are all players selected to represent a country in an FIH sanctioned match or tournament which has no restrictions on age.

**3.2** A senior player who is a national of two or more countries at the same time may elect to represent only one of them.

**3.3** Having represented a country at senior level and/or been on the final entry team list as presented at the pre-tournament briefing, the player cannot then represent another country (including the other country of which he is a national) for three years from the date he last represented the original country and without the prior written approval of the Executive Board.

**3.4** A senior player who, having represented a country at senior level, changes nationality or acquires a new nationality, may not represent the new country for three years after the date the he last represented the original country without the written approval of the Executive Board and the previous NA. Unless the player elects to represent the new country in accordance with this paragraph the player may continue to represent the original country assuming he has retained that country's passport.

**3.5** If an associated State, a province or overseas department of a country or a colony, acquires its independence, or if a country becomes incorporated within another country by reason of a change of borders, or if a new National Association is recognized by the FIH, a player may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his new country. This choice may only be made once.

**3.6** In all cases not expressly addressed in the Statutes or Regulations, in particular in those cases in which a player would be in a position to represent a country other than that of which he is a national or to have a choice as to the country which he intends to represent, the Executive Board may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of players, including the length of any waiting period.

## **INTERNATIONAL HOCKEY FEDERATION STATUTES UPDATED 13 NOVEMBER, 2010 - INTERNATIONAL HOCKEY FEDERATION BYE-LAWS UPDATED MARCH, 2011**

### **ARTICLE 5.2 ELIGIBILITY**

#### **1. General Principles**

**1.1** To be eligible to represent a country in an inter-nations event, a player must be a national of that country.

**1.2** Nationality is determined by the holding of a valid passport of the country the player is selected to represent.

**1.3** The rules for the eligibility of players to compete in Olympic Games are governed by the IOC Olympic Charter.

[...]

#### **2. Junior Players**

**2.1** A junior player is any player under twenty-one (21) years of age at the relevant date.

**2.2** A junior player who is a national of two or more countries at the same time, may elect to represent only one of them but while a junior he may, with the approval of the Executive Board, elect to represent the other of which the player is a national.

**2.3** A junior player who, having represented a country while he is a junior, obtains a second or other nationality may, with the approval of the Executive Board, represent that second or other country.

**2.4** On a junior player who has represented a country at junior level becoming a senior player, he may make a new choice but, having made that choice and having represented a country at senior level, he cannot then represent another country at senior level for three years from the date he last represented the original country without the prior written approval of the NAs concerned and the Executive Board.

**2.5** Any junior player who has represented his country at a senior tournament ceases to be a junior player for the purposes of this Bye-Law and his eligibility is governed by the provisions of paragraphs 3 and 4 of this Bye-Law.

#### **3. Senior Players**

**3.1** Senior players are all players selected to represent a country in an FIH tournament other than a junior tournament.

**3.2** A senior player who is a national of two or more countries at the same time may elect to represent only one of them. Having represented a country at senior level, the player cannot then represent another country (including the other country of which he is a national) for three years from the date he last represented the original country without the prior written approval of the NAs concerned and the Executive Board

**3.3** A senior player who, having represented a country at senior level, changes nationality or acquires a new nationality, may not represent the new country for three years after the date the he last represented the

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

original country without the written approval of the NAs concerned and the Executive Board. Unless the player elects to represent the new country in accordance with this paragraph the player may continue to represent the original country.

**3.4** If an associated State, a province or overseas department of a country or a colony, acquires its independence, or if a country becomes incorporated within another country by reason of a change of borders, or if a new NA is recognized by the FIH, a player may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his new country. This choice may only be made once.

**3.5** In all cases not expressly addressed in the Statutes or Bye-Laws, in particular in those cases in which a player would be in a position to represent a country other than that of which he is a national or to have a choice as to the country which he intends to represent, the Executive Board may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of players, including the length of any waiting period.

### **4. Players Recognised by More Than One Country**

**4.1** Where the nationality of a player is recognized by more than one country, that player may only represent the country in which the player is a bona fide resident at the date of initial selection.

**4.2** Where countries share common nationality and common residency within one international border a player will be eligible to represent one of these countries as determined by where:

- he was born; or
- one of his parents was born; or
- he is a bona fide resident in the country he wishes to represent.

**4.3** For the purposes of paragraphs 4.1 and 4.2 of this Bye-Law, bona fide residence means that the player has permanently resided in the country he wishes to represent for a continuous period of 210 days in each of the three (3) years immediately prior to the date of his initial selection.

**4.4** Where a player has represented one of the countries that recognizes the nationality of that player, that player may not represent any other of the countries that recognize that player's nationality for three years from the date the player last represented the original country without the prior written approval of the NAs concerned and the Executive Board.

**4.5** The provisions of paragraph 3.2 apply to any player who, having represented a country at senior level, changes nationality or acquires a new nationality, other than a player to which to which paragraph 4.4 would apply.

[...]

## **ARTICLE 5.2 ELIGIBILITY FOR THE OLYMPIC GAMES AND INTERNATIONAL EVENTS**

### **1. General Principles**

**1.1** All Athletes shall:

- (a) Respect the spirit of fair play and non-violence and behave accordingly on the field of play; and
- (b) Abstain from using substances prohibited by the rules of the IOC and/or the FIH.

**1.2** An Athlete may not:

- (a) Have been expelled for life from an International Sports Federation or a National Sports Association.
- (b) Allow his person, name, picture or sports performance to be used for advertising purposes during the Olympic Games, unless permitted by the IOC Executive Board.

## **Ice Hockey**

### **IIHF STATUTES AND BYLAWS 2014 – 2018 of May 2014**

#### **400 COMPETITIONS, ELIGIBILITY, TRANSFERS**

##### **405.Olympic Competitions**

The Olympic ice hockey competitions are operated by the IIHF and are subject to the competition Bylaws, Regulations/Codes and Official Playing Rules of the IIHF.

The eligibility of players must be as permitted by the IIHF and accepted by the IOC.

Participation by the IIHF in the Olympic Winter Games is subject to Congress approval. The IIHF will comply with the IOC Charter with respect to participation.

##### **406.Player Eligibility Rules for Participation in IIHF Championships and Olympic Competitions**

It is the objective of the IIHF that national teams competing in IIHF championships shall reflect the status and standard of the sport as currently played by both citizens of and citizens in the country concerned and to protect the integrity of international competition.

1. Only players meeting the following qualification requirements can participate in the IIHF Championships, the Olympic Competition and in the qualifications to these Competitions:

**1.1** Each player must be under the jurisdiction of a Member National Association of the IIHF and be a citizen of the country he represents. The player must properly complete and sign the IIHF Player Entry Form which must also be completed and countersigned by his Member National Association which shall at all times be responsible for the player's eligibility.

## APPENDICES

**1.2** The player must submit (a) his signed Player Entry Form and (b) his national passport which is valid for the duration of the event and which must confirm that he is a citizen of the country he represents.

**1.3** Once a player has represented a country in any IIHF championship, or in the Olympic competition or in the qualification to these competitions he will not be eligible to represent another country excepting that he may apply to the IIHF to represent another country provided that

A) he is a citizen of that country;

B) he has an international transfer that was approved by the IIHF and dated at least four years before the start of the IIHF competition in which he wishes to participate;

C) he has participated, on a consistent basis, for at least four consecutive years (1460 days) in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and

D) he has not played for his previous country in an IIHF competition either during this four year period or between completion of this four-year period and the start of the IIHF championship he wishes to compete.

**1.4** A player who has represented a country in any IIHF championship, Olympic competition or in the qualifications to these competitions and has later acquired another citizenship shall still be eligible to represent his old country provided he is still a citizen of that country.

**1.5** If a country or part of it becomes independent, or if a country or part of it becomes incorporated into another country, or if two or more countries are united into a new country, or if a country is divided into more countries, a player who has already represented a country and whose citizenship was thus changed by decision of the state authorities, may apply to the IIHF to play for any one of the partitioned or united countries without a waiting period subject to his providing proof of his new citizenship. This particular choice may only be made once and is final and irrevocable.

**1.6** When a player has changed his citizenship or has acquired or surrendered another citizenship and wants to participate for the first time in an IIHF championship and/or an Olympic competition or in qualifications to these competitions, then in order to play for his country of current citizenship he must:

A) prove that he has participated on a consistent basis, for at least two consecutive hockey seasons and 16 consecutive months (480 days) after his 10<sup>th</sup> birthday in the national competitions of and having resided in his new country during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and

B) if the country of his choice is one to which the player has transferred then he must have had an international transfer that was approved by the IIHF and dated at least 16 months (480 days) to his proposed participation.

**1.7** When a player has multiple citizenships where the relevant citizenships are for countries of Member National Associations and he has never represented any country in any IIHF championship or an Olympic competition or in qualifications to these competitions, then in order to play for the country of his choice he must:

A) prove that he has participated on a consistent basis, for at least two consecutive hockey seasons and 16 consecutive months (480 days) after his 10<sup>th</sup> birthday in the national competitions of and having resided in the country that he wishes to represent during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and

B) if the country of his choice is one to which the player has transferred then he must have had an international transfer that was approved by the IIHF and dated at least 16 months (480 days) prior to his proposed participation.

**1.8** In the case of Female Hockey, the eligibility requirement described in 1.6 and 1.7 of this By-Law will be met if a player has participated on a consistent basis for at least one (1) hockey season in the competitions of the Member National Association (MNA) of that country, and was a member of that MNA for at least twelve (12) consecutive months during that period.

**1.9** When a player wishes to establish his eligibility under subsections 1.3 through 1.7, the Member National Association for which he wishes to play must submit an application to the IIHF together with all relating evidence at the latest four weeks before the competition or game in which the player wishes to play. The General Secretary is responsible for investigating the application and confirming the player's eligibility to play for the country concerned. Notwithstanding the above, the decision of the General Secretary is not conclusive proof of the eligibility of the player to play for the country concerned.

**1.10** Cases involving exceptional circumstances can be submitted to Council for a Council exception. All other IIHF eligibility decisions can be appealed to the IIHF Disciplinary Board within 14 days of the IIHF eligibility notification in accordance with the Disciplinary Code.

[...]

### **Sochi 2014 Eligibility for men**

To play in the IIHF World Championship, the Olympic ice hockey tournament and the qualifications to these competitions, players must fulfill the following qualification requirements:

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

- Each player must be under the jurisdiction of an IIHF member national association
- Each player must be a citizen of the country he represents.

**Acquiring a new national eligibility (The 'two-year' case)** When a player has changed his citizenship or has acquired another citizenship and wants to participate for the first time in an IIHF competition representing his new country he must:

- Prove that he has participated for at least two consecutive years in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey within any other country.
- Have an international transfer card (ITC) that shows the transfer to the national competition of his new country and which was approved and dated at least two years before the start of the IIHF competition in which he wishes to participate.

**Change of national eligibility (The 'four-year' case)**

A player, who has previously participated in IIHF competition, can switch national eligibility (but only once in a player's life) if:

- He is a citizen of the new country of his choice.
- He has participated for at least four consecutive years in the national competitions of his new country, during which period he has neither transferred to another country nor played ice hockey within any other country and has not played for his previous country in an IIHF competition during this four year period.
- He has an international transfer card (ITC) that shows the transfer to the national competition of his new country and which was approved and dated at least four years before the start of the IIHF competition in which he wishes to participate.

### Sochi 2014 Eligibility for women

To play in the IIHF World Championship, the Olympic ice hockey tournament and the qualifications to these competitions, players must fulfill the following qualification requirements:

- Each player must be under the jurisdiction of an IIHF member national association- Each player must be a citizen of the country he represents.

**Acquiring a new national eligibility (The 'two-year' case)**

When a player has changed his citizenship or has acquired another citizenship and wants to participate for the first time in an IIHF competition representing his new country he must:

- Prove that he has participated for at least two consecutive years in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey within any other country.
- Have an international transfer card (ITC) that shows the transfer to the national competition of his new country and which was approved and dated at least two years before the start of the IIHF competition in which he wishes to participate.

**Change of national eligibility (The 'four-year' case)**

A player, who has previously participated in IIHF competition, can switch national eligibility (but only once in a player's life) if:

- He is a citizen of the new country of his choice.
- He has participated for at least four consecutive years in the national competitions of his new country, during which period he has neither transferred to another country nor played ice hockey within any other country and has not played for his previous country in an IIHF competition during this four year period.
- He has an international transfer card (ITC) that shows the transfer to the national competition of his new country and which was approved and dated at least four years before the start of the IIHF competition in which he wishes to participate.

### IIHF STATUTES AND BYLAWS 2012 – 2014 (September 2012)

#### **405. Olympic Competitions**

The Olympic ice hockey competitions are operated by the IIHF and are subject to the competition Bylaws, Regulations and Official Playing Rules of the IIHF. The eligibility of players must be as permitted by the IIHF and accepted by the IOC. Participation by the IIHF in the Olympic Winter Games is subject to Congress approval. The IIHF will comply with the IOC Charter with respect to participation.

#### **406. Player Eligibility Rules for Participation in IIHF Championships and Olympic Competitions**

It is the objective of the IIHF that national teams competing in IIHF championships shall reflect the status and standard of the sport as currently played by both citizens of and citizens in the country concerned and to protect the integrity of international competition.

**1.** Only players meeting the following qualification requirements can participate in the IIHF Championships, the Olympic Competition and in the qualifications to these Competitions:

**1.1** Each player must be under the jurisdiction of a Member National Association of the IIHF and be a citizen of the country he represents. The player must properly complete and sign the IIHF Player Entry Form which

## APPENDICES

must also be completed and countersigned by his Member National Association which shall at all times be responsible for the player's eligibility.

**1.2** The player must submit (a) his signed Player Entry Form and (b) his national passport which is valid for the duration of the event and which must confirm that he is a citizen of the country he represents.

**1.3** Once a player has represented a country in any IIHF championship, or in the Olympic competition or in the qualification to these competitions he will not be eligible to represent another country excepting that he may apply to the IIHF to represent another country provided that

a) he is a citizen of that country;

b) he has an international transfer that was approved by the IIHF and dated at least four years before the start of the IIHF competition in which he wishes to participate;

c) he has participated, on a consistent basis, for at least four consecutive years (1460 days) in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and

d) he has not played for his previous country in an IIHF competition either during this four year period or between completion of this four-year period and the start of the IIHF championship he wishes to compete.

Such a change will be allowed only once in a player's life and is final and irrevocable.

**1.4** A player who has represented a country in any IIHF championship, Olympic competition or in the qualifications to these competitions and has later acquired another citizenship shall still be eligible to represent his old country provided he is still a citizen of that country.

**1.5** If a country or part of it becomes independent, or if a country or part of it becomes incorporated into another country, or if two or more countries are united into a new country, or if a country is divided into more countries, a player who has already represented a country and whose citizenship was thus changed by decision of the state authorities, may apply to the IIHF to play for any one of the partitioned or united countries without a waiting period subject to his providing proof of his new citizenship. This particular choice may only be made once and is final and irrevocable.

**1.6** When a player has changed his citizenship or has acquired or surrendered another citizenship and wants to participate for the first time in an IIHF championship and/or an Olympic competition representing his country of choice he must:

a) prove that he has participated on a consistent basis, for at least two consecutive years (730 days) after his 12th birthday in the national competitions of and be a legal resident in his new country during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and

b) have an international transfer that was approved by the IIHF and dated at least two years (730 days) before the start of the championship in which he wishes to participate.

**1.7** When a player has multiple citizenships where the relevant citizenships are for countries of Member National Associations and he has never represented any country in any IIHF championship or an Olympic competition or in qualifications to these competitions, then in order to play for the country of his choice he must

a) prove that he has participated on a consistent basis, for at least two consecutive years (730 days) after his 12th birthday in the national competitions of and be a legal resident in the country that he wishes to represent during which period he has neither transferred to another country nor played ice hockey for a team registered/located within any other country; and

b) if the country of his choice is one to which the player has transferred then he must have had an international transfer that was approved by the IIHF and dated at least two years (730 days) prior to his proposed participation.

**1.8** When a player wishes to establish his eligibility under subsections 1.3 through 1.7, the Member National Association for which he wishes to play must submit an application to the IIHF together with all relating evidence at the latest four weeks before the competition or game in which the player wishes to play. The General Secretary is responsible for investigating the application and confirming the player's eligibility to play for the country concerned. Notwithstanding the above, the decision of the General Secretary is not conclusive proof of the eligibility of the player to play for the country concerned.

**1.9** Exceptional circumstances can be decided by Council.

**1.10** Players of non-member organizations who participate in competitions of the IIHF including Olympic competitions and in qualifications to these competitions must, for the period of these events, be under the control and management of the respective Member National Association and be eligible in accordance with the applicable criteria to compete. When competing in the above specified competitions, these players are subject to the same conditions as other players and to the disciplinary procedures of the IIHF.

[...]

### **IIHF STATUTES AND BYLAWS 2008 – 2012 (with May 2011 Amendments)**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

The current 2008-2012 IIHF Statutes and Bylaws reflect the decisions taken by the General Congress in 2008 in Montreal, Canada and will be applicable from July 2008 until June 2012. It also includes the amendments approved by the 2011 Extra-Ordinary Congress in Bratislava.

### **200 COMPETITIONS, ELIGIBILITY, TRANSFERS**

#### **203. Olympic Competitions**

The Olympic ice hockey competitions are operated by the IIHF and are subject to the competition Bylaws, Regulations and official playing rules of the IIHF.

The eligibility of players must be as permitted by the IIHF and accepted by the IOC.

Participation by the IIHF in the Olympic Winter Games is subject to approval of Congress. The IIHF will comply with the IOC Charter.

#### **204. Player Eligibility Rules for Participation in IIHF Championships and Olympic Competitions**

It is the objective of the IIHF that national teams competing in IIHF championships shall reflect the status and standard of the sport as currently played by citizens of and in the country concerned and to protect the integrity of international competition.

1. Only players meeting the following qualification requirements can participate in the IIHF championships, the Olympic competition and in the qualifications to these competitions:

**1.1.** Each player must be under the jurisdiction of a member national ice hockey association of the IIHF and be a citizen of the country he represents. The player must properly complete and sign the IIHF Player Entry Form which must also be completed and countersigned by his member national association which shall at all times be responsible for a player's eligibility.

**1.2** The player must submit (a) his signed Player Entry Form and (b) his valid national passport, which must confirm that he is a citizen of the country he represents.

**1.3** When once a player has represented a country in any IIHF championship, or in the Olympic competition or in the qualification to these competitions he will not be eligible to represent another country excepting that he may apply to the IIHF to represent another country provided that

A) he is a citizen of that country,

B) he has an international transfer card that was approved and dated by the IIHF at least four years before the start of the IIHF competition in which he wishes to participate,

he has participated for at least four consecutive years in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey within any other country, and

D) he has not played for his previous country in an IIHF competition either during this four year period or between completion of this four year period and the start of the IIHF championship he wishes to compete.

Such a change will be allowed only once in a player's life and is final and irrevocable

**1.4** A player who has represented a country in any IIHF championship, Olympic competition or in the qualifications to these competitions and has later acquired another citizenship shall still be eligible to represent his old country provided he is still a citizen of that country.

**1.5** If a country or part of it becomes independent, or if a country or part of it becomes incorporated into another country, or if two or more countries are united into a new country, or if a country is divided into more countries, a player who has already represented a country and whose citizenship was thus changed by decision of the state authorities, may apply to the IIHF to play for any one of the partitioned or united countries without a waiting period subject to his providing proof of his new citizenship. This particular choice may only be made once and is final and irrevocable.

**1.6** When a player has changed his citizenship or has acquired or has surrendered another citizenship and wants to participate for the first time in an IIHF competition and represent his new country he must

A) have an IIHF international transfer card that was approved and dated by the IIHF at least two years before the start of the championship in which he wishes to participate, and

B) he must prove that he has participated for at least two consecutive years in the national competitions of and resident in his new country during which period he has neither transferred to another country nor played ice hockey within any other country.

**1.7** When a player has multiple citizenships where the relevant citizenships are for countries of member national associations and he has never represented any country in any IIHF championship or an Olympic competition or in qualifications to these competitions, then in order to play for the country of his choice he must

A) prove that he has participated for at least two consecutive years in the national competitions of and resident in the country that he wishes to represent during which period he has neither transferred to another country nor played ice hockey within any other country and

B) if the country of his choice is one to which the player has transferred then he must have had an IIHF international transfer card approved and dated by the IIHF at least two years prior to his proposed participation.

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When a player wishes to establish his eligibility under subsections c) or e) or f) or g) the member national association for which he wishes to play must submit an application to the IIHF together with all relating evidence at the latest four weeks before the competition or game in which the player wishes to play. The General Secretary is responsible for investigating the application and confirming the player's eligibility to play for the country concerned. Notwithstanding the above, the decision of the General Secretary is not conclusive proof of the eligibility of the player to play for the country concerned.

**1.8** Exceptional circumstances can be decided by Council.

**1.9** Players of non-member organizations who participate in competitions of the IIHF including Olympic competitions and in qualifications to these competitions must, for the period of these events, be under the control and management of the respective member national association and be eligible in accordance with the applicable criteria to compete. When competing in the above specified competitions, these players are subject to the same conditions as other players and to the disciplinary procedures of the IIHF.

[...]

### **IIHF STATUTES AND BYLAWS 2003-2008**

#### **200 COMPETITIONS, ELIGIBILITY, TRANSFERS**

##### **203. Olympic Competitions**

The Olympic ice hockey competitions are operated by the IIHF under and are subject to the competition Bylaws, Regulations and official playing rules of the IIHF. The eligibility of players must be as permitted by the IIHF and accepted by the IOC. Participation by the IIHF in the Olympic Winter Games is subject to approval of Congress.

##### **204. Player Eligibility Rules for Participation in IIHF Championships and Olympic Competitions**

It is the objective of the IIHF that national teams competing in IIHF championships shall reflect the status and standard of the sport as currently played in the country concerned.

**1.** Only players meeting the following qualification requirements can participate in the IIHF championships, the Olympic competition and in the qualifications to these competitions:

a) Each player must be under the jurisdiction of a member national ice hockey association of the IIHF and be a citizen of the country he represents. The player must properly complete and sign the IIHF Player Entry Form which must also be completed and countersigned by his member national association which is at all times responsible for the player's eligibility.

b) The player must submit (a) his signed Player Entry Form and (b) his valid national passport, which must confirm that he is a citizen of the country he represents.

c) When once a player has represented a country in any IIHF championship, or in the Olympic competition or in the qualification to these competitions he will not be eligible to represent another country excepting that he may apply to the IIHF to represent another country provided that (a) he is a citizen of that country, (b) he has an international transfer card that was approved and dated by the IIHF at least four years before the start of the IIHF competition in which he wishes to participate, (c) he has participated for at least four consecutive years in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey within any other country, and (d) he has not played for his previous country in an IIHF competition during this four year period. Such a change will be allowed only once in a player's life and is final and irrevocable.

d) A player who has represented a country in any IIHF championship, Olympic competition or in the qualifications to these competitions and has later acquired another citizenship shall still be eligible to represent his old country provided he is still a citizen of that country.

e) If a country or part of it becomes independent, or if a country or part of it becomes incorporated into another country, or if two or more countries are united into a new country, or if a country is divided into more countries, a player who has already represented a country and whose citizenship was thus changed by decision of the state authorities, may apply to the IIHF to play for any one of the partitioned or united countries without a waiting period subject to his providing proof of his new citizenship. This particular choice may only be made once and is final and irrevocable.

f) When a player has changed his citizenship or has acquired another citizenship and wants to participate for the first time in an IIHF competition and represent his new country he must (a) have an IIHF international transfer card that was approved and dated by the IIHF at least two years before the start of the championship in which he wishes to participate, and (b) he must prove that he has participated for at least two consecutive years in the national competitions of his new country during which period he has neither transferred to another country nor played ice hockey within any other country.

g) When a player has multiple citizenship where the relevant citizenships are for countries of member national associations and he has never represented any country in any IIHF championship or an Olympic competition or in qualifications to these competitions, then in order to play for the country of his choice he must (a) prove that he has participated for at least two consecutive years in the national competitions of the country that he wishes to represent during which period he has neither transferred to another country nor

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

played ice hockey within any other country and (b) if the country of his choice is one to which the player has transferred then he must have had an IIHF international transfer card approved and dated by the IIHF at least two years prior to his proposed participation. When a player wishes to establish his eligibility under subsections c) or e) or f) or g) the member national association for which he wishes to play must submit an application to the IIHF together with all relating evidence at the latest four weeks before the competition or game in which the player wishes to play. The General Secretary is responsible for investigating the application and confirming the player's eligibility to play for the country concerned. Notwithstanding the above, the decision of the General Secretary is not conclusive proof of the eligibility of the player to play for the country concerned.

h) Exceptional circumstances can be decided by Council.

i) Players of non-member organizations who participate in competitions of the IIHF including Olympic competitions and in qualifications to these competitions must, for the period of these events, be under the control and management of the respective member national association and be eligible in accordance with the applicable criteria to compete. When competing in the above specified competitions, these players are subject to the same conditions as other players and to the disciplinary procedures of the IIHF.

[...]

### **Judo**

#### **Sports and Organization Rules of the International Judo Federation Edition 2015**

##### **1.7 Minor Athlete**

The National Federation is responsible for obtaining legal approval and permission for minor athletes to compete in IJF competitions. This also applies to doping testing. The National Federation must ensure that minor athletes have parental/guardian permission to undergo testing.

##### **1.9 Nationality**

The athletes must be of the same nationality as the National Federation for which they have been entered. Persons appointed by the Executive Committee of the IJF shall verify the citizenship of the athletes. The evidence of citizenship shall be the production of a passport issued by the represented country.

In the following cases, particular procedures must be applied:

A) Where the competitions are being held in a country in which the residents do not hold passports while in that country.

B) Where there is a possible problem of "joint citizenship", e.g. Puerto Rico an acceptable substitute for the passport will be a letter or certificate from the athlete's National Olympic Committee or, if there is no such body, from the National Sports Authority confirming the athlete's residence in that country and the citizenship.

If a competitor has multiple citizenships they may compete for only one country. A competitor who has represented one country in the Olympic Games, World Championships, in continental, regional games and/or Championships or International Tournaments organized by IJF or under its auspices, and who has changed their nationality or acquired a new nationality may participate to represent their new country provided that at least three years have passed since the athletes last represented their former country. If the two National Federations concerned agree, they may request the IJF to shorten the period of three years or even to cancel the duration (see Olympic Charter, Rule 41 and the Bye-law to Rule 41).

Thus, the IJF can't shorten the three years period without written agreement from both the National Federations concerned.

The aforementioned "three years rule" is only implemented in case of the athlete having already represented a country during Olympic Games, World Championships, in continental, regional games and/or Championships or International Tournaments organized by IJF or under its auspices.

The request to shorten the "three years period" shall be sent by the host National Federation to the IJF General Secretary.

This request has to be sent with the documents below:

- Letter from the athlete, who has already represented their country, giving evidence of their wish to represent their new Federation.

- Letter from the President of the National Federation (the country of origin) certifying the absence of objection to the change of the nationality of the concerned athlete. **17**

- Letter from the President of the National Federation (the host country) authorizing the athlete to represent this Federation in international competitions.

- A copy of the athlete passport mentioning the nationality of the host country.

On receipt of a complete file the IJF General Secretary will examine it and send it out to the IJF Executive Committee for approval. If the majority of the IJF Executive Committee approves the request, the IJF General Secretary confirms the acceptance of the application to the concerned party, with both origin and host Federations in copy. Any athlete disrespecting this rule may be subject to disciplinary measures.

**IJF GENERAL SECRETARY 24/01/2014**

**PROCEDURE OF PARTICIPATION IN IJF COMPETITIONS FOR THE ATHLETES\* WHO WANT TO REPRESENT ANOTHER COUNTRY**

**The Article 13.3.1 of the IJF Sport Organization Rules relating to changes of nationality tells that:**

*“The competitors must be of the same nationality as the National Federation, which has entered them.*

*[...]*

*If a competitor has multiple citizenships he may compete for only one country. A competitor who has represented one country in the Olympic Games, World Championships, in continental, regional games and/or Championships or International Tournaments organized by IJF or under its auspices, and who has changed his nationality or acquired a new nationality may participate to represent his new country provided that at least three years have passed since the competitor last represented his former country. If the two National Federations concerned agree they may request the International Judo Federation to shorten the period of three years, even to cancel the duration.”*

Thus, The IJF can't shorten the three years period requested by the article 13.3.1 of the SOR without written agreement from both federations concerned. The “three years rule” aforementioned is only implemented in case of the athlete have already represented a country during Olympic Games, World Championships, in continental, regional games and/or Championships or International Tournaments organized by IJF or under its auspices.

**The request of shorten the “3 years period” shall be sent by the host national federation to the IJF General Secretary.**

This request has to be sent with the documents below:

- Letter from the athlete giving evidence of his wish to represent his new federation.
- Letter from the President of the National Federation (the country of origin) certifying the absence of objection to the change of the nationality of the concerned athlete.
- Letter from the President of the National Federation (the host country) authorizing the athlete to represent this Federation in the international competitions.
- A copy of the athlete passport mentioning the nationality of the host country.

From receipt of a complete file the General Secretary examines it and sends it out to the IJF EC members for approval.

In the request is approved by the majority of the EC members, the General Secretary confirms the acceptance of the application to the concerned party, with both origin and host Federations in copy.

\*Athletes who has already represented their country.

**Sports and Organization Rules of the International Judo Federation 2013**

**12.6 Gender Control and MINOR athletes**

The gender control is placed under the responsibility of the National Federations nevertheless the IJF keeps the right to request under certain circumstances the communication of the documentation to the IJF Medical Director.

**Minor athlete**

The National Federation is responsible to obtain all the necessary legal approvals and permissions for the minor athlete to take part in the IJF competition. This also applies for antidoping testing. The national federation is to ensure that the minor athlete has the parent/guardian permission to undergo these tests.

**13.3 Accreditation card**

For each official team member from a national delegation (competitor, coach, team official, doctor,...) an accreditation card is issued from IJF during official registration. This card contains: Family NAME, Given name, country, IJF id number, picture and for competitors additionally weight category and World Ranking list number. This accreditation card is valid for duration of the Championships and represents for all controls the personal identity document of the competitor.

**13.3.1 Nationality**

The competitors must be of the same nationality as the National Federation, which has entered them. Persons appointed by the Executive Committee of the IJF shall verify the citizenship of the competitors. The evidence of citizenship shall be the production of a passport issued by the country for which the competitor is entered to compete.

In the following cases, particular procedures must be applied:

- a) where the competitions are being held in a country in which the residents do not hold passports while in that country;
- b) where there is a possible problem of “joint citizenship”, e.g. Dutch Antilles and the Netherlands an acceptable substitute for the passport will be a letter or certificate from the competitor's National Olympic Committee or, if there is no such body, from the National Sports Authority confirming the competitor's residence in that country and the citizenship. If a competitor has multiple citizenships he may compete for only one country. A competitor who has represented one country in the Olympic Games, World

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Championships, in continental, regional games and/or Championships or International Tournaments organized by IJF or under its auspices, and who has changed his nationality or acquired a new nationality may participate to represent his new country provided that at least three years have passed since the competitor last represented his former country. If the two National Federations concerned agree they may request the International Judo Federation to shorten the period of three years, even to cancel the duration (see Olympic Charter, Rule 42 and the Bye-law to Rule 42). The competitor himself must come to the control. During the control the name, the age, the sex, the weight category for which the competitor has been entered, and the placing at the previous Olympic Games and World Championships shall be verified  
[...]

### **Annex 1 Regulations for Team Event (Men and Women)**

#### **2) CONTROL OF THE RIGHT TO COMPETE**

During the control (based on the Sport and Organization Rules of the IJF), identity, gender and weight category in which the competitors have been entered will be checked:

##### **2.1) Check of the nationality of the competitors**

Competitors must be of the same nationality as the country enters them. Proof of identity will be established by production of a passport or an official document or its copy from the country for which the competitor has been entered and then the control card will be issued for the competitor. If a competitor has more than one nationality, such competitor can only represent one country and thereafter may not represent any other country, until after a period of three (3) years has elapsed. If the two federations concerned wish so, they can ask the IJF to reduce or even to suppress this delay in conformity with the Sport and Organization Rules of the IJF and the Olympic Chart, point 42. Only two persons of a National Federation shall be permitted to attend the control and shall produce the competitors' documents.  
[...]

### **IJF STATUTES (SWISS ASSOCIATION) (Translated from the French original) IJF CONGRESS AUGUST 23, 2013 RIO DE JANEIRO APPLICABLE IMMEDIATELY AS SOON AS ADOPTED**

#### **1.5 Country**

A "Country" shall mean an independent State recognized by the international community and which has a flag and a national anthem.  
[...]

##### **5.1 Athletes' right to participate**

To be eligible to participate in the Olympic Games, World Championships, Continental Championships, International Competitions and Competitions held under the supervision of or recognized by the IJF, a judoka must comply with rules of the IJF and the IOC.

## **Luge**

### **Artificial Track**

#### **International Luge Federation IRO INTERNATIONAL LUGE REGULATIONS - ARTIFICIAL TRACK- 2014 Edition Approved at the 62nd FIL Congress on June 20, 2014 in Innsbruck / Austria**

##### **§ 1 General Regulations**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid FIL license.

The licenses are filled out by the respective National Federation on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season.

With the signature of the National Federation's representative, it has to be confirmed that

- A) the athlete is a member of his/her federation or one of its associated clubs,
- B) the athlete is insured for practicing the sport of luge also in foreign countries,
- C) the athlete has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge,
- D) the athlete has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions in a safe way.

The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations.

The license has to be submitted to the race director prior to each competition.  
[...]

##### **8. Authorization to participate in training**

An athlete is authorized to participate in training if

## APPENDICES

- he/she fulfills the general athletic demands of the sport and has successfully completed a FIL luge school. The confirmation is provided by the responsible FIL coach. If in doubt, an athletics test will be carried out by the responsible FIL coach, of which the athlete must fulfill the minimum requirements.
- he/she has not started for another nation during the respective sport year,
- a valid license is submitted,
- the age class regulations are adhered to,
- he/she has been registered for the competition in correspondence with the regulations for eligibility under § 3 point 3. (Exception: Athletes who do not participate in the competition, but start as forerunners).

### **IRO INTERNATIONAL LUGE REGULATIONS - ARTIFICIAL TRACK – Approved at the 60th FIL Congress on June 15, 2012 in Riga / Latvia**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid FIL license.

The licenses are filled out by the respective National Federation on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season.

With the signature of the National Federation's representative, it has to be confirmed that

- a) the athlete is a member of his/her federation or one of its associated clubs,
- b) the athlete is insured for practicing the sport of luge also in foreign countries,
- c) the athlete has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge,
- d) the athlete has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions in a safe way.

The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

[...]

#### **8. Authorization to participate in training**

An athlete is authorized to participate in training if

- w he/she fulfills the general athletic demands of the sport and has successfully completed a FIL luge school. The confirmation is provided by the responsible FIL coach. If in doubt, an athletics test will be carried out by the responsible FIL coach, of which the athlete must fulfill the minimum requirements.
- w he/she has not started for another nation during the respective sport year,
- w a valid license is submitted,
- w the age class regulations are adhered to,
- w he/she has been registered for the competition in correspondence with the regulations for eligibility under § 3 point 3. (Exception: Athletes who do not participate in the competition, but start as forerunners).

### **IRO INTERNATIONAL LUGE REGULATIONS- ARTIFICIAL TRACK -2010 Edition**

Approved at the 58<sup>th</sup> FIL Congress on June 18, 2010 in Sochi / Russian Federation

#### **§ 1 General Regulations**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid FIL license.

The licenses are filled out by the respective National Federation on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season.

With the signature of the National Federation's representative, it has to be confirmed that

- the athlete is a member of his/her federation or one of its associated clubs,
- the athlete is insured for practicing the sport of luge also in foreign countries,
- the athlete has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge, and
- the athlete has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions in a safe way.

The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations.

The license has to be submitted to the race director prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS- ARTIFICIAL TRACK - 2008 Edition**

Approved at the 56<sup>th</sup> FIL Congress on June 28, 2008 in Calgary / Canada

#### **§ 1 General Regulations**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid FIL license.

The licenses are filled out by the respective National Federation on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season.

With the signature of the National Federation's representative, it has to be confirmed that

- the athlete is a member of his/her federation or one of its associated clubs,
- the athlete is insured for practicing the sport of luge also in foreign countries,
- the athlete has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge, and
- the athlete has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions in a safe way.

The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations.

The license has to be submitted to the race director prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement.

Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS- ARTIFICIAL TRACK -2006 Edition**

Approved at the 54<sup>th</sup> FIL Congress on June 29, 2006 in Berchtesgaden / Germany

#### **§ 1 General Regulations**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid license.

The licenses are filled out by the respective National Federation on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season.

With the signature of the National Federation's representative, it has to be confirmed that

- the athlete is a member of his/her federation or one of its associated clubs,
- the athlete is insured for practicing the sport of luge also in foreign countries,
- the athlete has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge, and
- the athlete has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions in a safe way.

The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations.

The license has to be submitted to the race director prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement.

Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS - ARTIFICIAL TRACK - 2004 Edition**

Approved at the 52<sup>th</sup> FIL Congress on June 11, 2004 in Rio de Janeiro / Brazil

#### **§ 1 General Regulations**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid license. The licenses are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it is confirmed that the athlete is a member of his/her federation or one of its associated club, that he/she is sufficiently insured and medically fit for practicing the sport of luge by going through a medical examination with positive result that is not older than 12 months. The license only becomes valid after the athletes declare in writing that they bindingly

## APPENDICES

acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement. Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS- ARTIFICIAL TRACK -2002 Edition**

Approved at the 50<sup>th</sup> FIL Congress on June 28, 2002 in St. Wolfgang / AUT

#### **§ 1 General Regulations**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid license. The license is issued after the insurance and the medical check-up for the respective sport's year have been entered. The licenses are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it is confirmed that the athlete is a member of his/her federation or one of its associated club, that he/she is sufficiently insured and medically fit for practicing the sport of luge. The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

### **IRO INTERNATIONALE RENNRODELORDNUNG - KUNSTBAHN -Ausgabe 2000**

Beschlossen beim 48. FIL-Kongress am 17.6.2000 in Oberhof / GER

#### **§ 1 General Regulations**

3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid license. The license is issued after the insurance and the medical check-up for the respective sport's year have been entered. The licenses are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it is confirmed that the athlete is a member of his/her federation or one of its associated club, that he/she is sufficiently insured and medically fit for practicing the sport of luge. The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

### **IRO INTERNATIONAL LUGE REGULATIONS- ARTIFICIAL TRACK -1998 Edition**

Approved at the 46<sup>th</sup> FIL Congress on June 7, 1998 in Colorado Springs

#### **§ 1 General Regulations**

3. Athletes and teams registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid license. The license is issued after the insurance and the medical check-up for the respective sport's year have been entered. The licenses are filled out by the respective NF on behalf of the FIL and signed. The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

## **Natural Track**

### **IRO INTERNATIONAL LUGE REGULATIONS - NATURAL TRACK - 2014 Edition**

Approved at the 62<sup>th</sup> FIL Congress on June 20, 2014 in Innsbruck / Austria

#### **International Luge Regulations Natural Track 2014**

##### **§ 1 General Regulations**

1.3 Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid licence. The licences are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it has to be confirmed that the athlete

- is a member of his/her federation or one of its associated club
- that he/she is insured for practicing the sport of luge also in foreign countries,
- that he/she possesses a medical certificate that is based on a medical examination conducted

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

during the preceeding 12 months and a subsequent medical examination in the event of a serious injury, which states that from a point of view of sports medicine, he/she is fit for participating in the sport of luge, and

- that he/she has received sufficient training so as one could expect the athlete to be able to safely navigate luge tracks during competitions and official training..

The licence only becomes valid after the athlete declares in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The licence must be submitted to the chairperson of the jury prior to each competition.

### **IRO INTERNATIONAL LUGE REGULATIONS - NATURAL TRACK - 2012 Edition**

Approved at the 60th FIL Congress on June 15, 2012 in Riga / Latvia

**1.3** Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid licence. The licences are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it has to be confirmed that the athlete

- is a member of his/her federation or one of its associated club
- that he/she is insured for practicing the sport of luge also in foreign countries,
- that he/she possesses a medical certificate that is based on a medical examination conducted during the preceeding 12 months and a subsequent medical examination in the event of a serious injury, which states that from a point of view of sports medicine, he/she is fit for participating in the sport of luge, and
- that he/she has received sufficient training so as one could expect the athlete to be able to safely navigate luge tracks during competitions and official training.

The licence only becomes valid after the athlete declares in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The licence must be submitted to the chairperson of the jury prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to secure liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement. Any liability of the FIL will be explicitly excluded.

[...]

### **6. Authorization to Participate in Training**

An athlete is authorized to participate in training if:

- the athlete has not started for another nation during the respective sport year,
- a valid license is submitted, and
- the age class regulations are adhered to.

During Championships and World Cups one athlete per singles discipline as well as one additional doubles team may start in addition to the athletes named under § 3.3.5.,

All participants in doubles can also take one training run as singles.

### **IRO INTERNATIONAL LUGE REGULATIONS - NATURAL TRACK - 2010 Edition**

Approved at the 58<sup>th</sup> FIL Congress on June 18, 2010 in Sochi / Russian Federation

#### **§ 1 General Regulations**

1.3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid licence. The licences are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it has to be confirmed that the athlete

- is a member of his/her federation or one of its associated club
- that he/she is insured for practicing the sport of luge also in foreign countries,
- that he/she has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge, and
- that he/she has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions and official trainings in a safe way.

The licence only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The licence has to be submitted to the chairperson of the jury prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written

## APPENDICES

agreement. Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS - NATURAL TRACK - 2008 Edition**

Approved at the 56<sup>th</sup> FIL Congress on June 28, 2008 in Calgary / Canada

#### **§ 1 General Regulations**

1.3 Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid licence. The licences are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it has to be confirmed that the athlete

- is a member of his/her federation or one of its associated club
- that he/she is insured for practicing the sport of luge also in foreign countries,
- that he/she has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge, and
- that he/she has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions and official trainings in a safe way.

The licence only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The licence has to be submitted to the chairperson of the jury prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement. Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS - NATURAL TRACK - 2006 Edition**

Approved at the 54<sup>th</sup> FIL Congress on June 29, 2006 in Berchtesgaden / Germany

#### **§ 1 General Regulations**

1.3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid licence. The licences are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it has to be confirmed that the athlete

- is a member of his/her federation or one of its associated club
- that he/she is insured for practicing the sport of luge also in foreign countries,
- that he/she has a medical certificate that is based on a medical examination conducted during the last 12 month or a subsequent medical examination in the event of a serious injury, and states that from a point of view of sports medicine, he/she is fit for practicing the sport of luge, and
- that he/she has received such a basic training that one could expect the athlete to be able to master luge tracks used for competitions and official trainings in a safe way.

The licence only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The licence has to be submitted to the race director prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement. Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS - NATURAL TRACK - 2004 Edition**

Approved at the 52<sup>nd</sup> FIL Congress on June 11, 2004 in Rio de Janeiro, Brazil

#### **§ 1 General Regulations**

1.3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid licence. The licences are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it is confirmed that the athlete is a member of his/her federation or one of its associated club, that he/she is sufficiently insured and medically fit for practicing the sport of luge by going through a medical examination with positive result that is not older than 12 months. The licence only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The licence has to be submitted to the race director prior to each competition.

The event organizer authorized to stage FIL competitions is obligated to conclude a liability insurance for the

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

entire duration of the competition in which the extent of the coverage is to be regulated through a written agreement. Any liability of the FIL will be explicitly excluded.

### **IRO INTERNATIONAL LUGE REGULATIONS - NATURAL TRACK -2002 Edition**

Approved at the 50<sup>th</sup> FIL Congress on June 28, 2002 in St. Wolfgang / AUT

#### **§ 1 General Regulations**

1.3 Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid license. The license is issued after the insurance and the medical check-up for the respective sport's year have been entered. The licenses are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it is confirmed that the athlete is a member of his/her federation or one of its associated clubs, that he/she is sufficiently insured and medically fit for practicing the sport of luge. The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

### **IRO INTERNATIONAL LUGE REGULATIONS- NATURAL TRACK -2000 Edition**

Approved at the 48<sup>th</sup> FIL Congress on June 17, 2000 in Oberhof / GER

#### **§ 1 General Regulations**

1.3. Athletes registered by their National Federations (NFs) can participate in all FIL competitions if they have a valid license. The license is issued after the insurance and the medical check-up for the respective sport's year have been entered. The licenses are filled out by the respective NF on behalf of the FIL and are newly signed by the President of the respective NF or by a person authorized by him/her every season. With the signature of the National Federation's representative, it is confirmed that the athlete is a member of his/her federation or one of its associated clubs, that he/she is sufficiently insured and medically fit for practicing the sport of luge. The license only becomes valid after the athletes declare in writing that they bindingly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

### **INTERNATIONAL LUGE REGULATIONS- NATURAL TRACK -1998 Edition**

Approved at the 46<sup>th</sup> FIL Congress on June 7, 1998 in Colorado Springs

1.3 Athletes and teams registered by their National Federations (NFs) can participate in all FIL competitions, if they have a valid license. The license is issued after the insurance and the medical check-up for the respective sport's year have been entered. The licenses are filled out and signed by the respective NF on behalf of the FIL. The license becomes valid only after the athletes declare in writing that they bindly acknowledge the statutes and regulations of the FIL, especially the IRO, the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations. The license has to be submitted to the race director prior to each competition.

## **Modern Pentathlon**

### **UIPM Rules on Internal Organisation Tapeo November 2015**

#### **Article 1**

1.1 These Rules are established by UIPM General Assembly pursuant to the authority conferred to it by UIPM Statutes (the "Statutes"). In case of conflict or discrepancy between these Rules and the Statutes, the English language version of the Statutes shall prevail.

#### **Article 2**

2. Official UIPM competitions are: the World Championships, World Cups, World Cup Finals, Champion of Champions and World Ranking Competitions, Qualification World Ranking Competitions, Masters' Championship, Military Championships. At the Olympic Games and other multi--sport events UIPM represents the interests and movement of Modern Pentathlon (as defined in the Statutes). Each Continental Confederation is responsible for its Continental Championship according to the international calendar, adopted by the UIPM Executive Board.

#### **Article 3**

3.1 Only competitors and officials who are eligible according to the UIPM's eligibility rules are allowed to take part in competitions organised by UIPM or any of its Members.

3.2 Specific eligibility rules are included in the Competition Rules. They are confirmed by the General Assembly and may in no way be contradictory to Rules and By--Laws on eligibility of the International Olympic Committee (IOC).

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**3.3** A pentathlete who is a national of two or more countries at the same time may freely choose which to represent. However, after having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by UIPM, the same pentathlete may not represent another country unless the conditions set forth in paragraph 3.4 below are met.

**3.4** A pentathlete who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by UIPM, and who has changed nationality or acquired a new nationality, may participate in the Olympic Games and represent the new country provided that at least 3 years have passed since the competitor last represented the former country. This period may be reduced or even cancelled, with the agreement of the relevant Members and their respective National Olympic Committees (NOC) and the UIPM Executive Board, by the IOC Executive Board, which takes into account the circumstances of each case.

**3.5** If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a pentathlete may continue to represent the country to which the pentathlete belongs or belonged. However, a pentathlete may elect to represent the newly formed or recognised country or be entered in the Olympic Games by the relevant new NOC if one exists. This particular choice may be made only once.

**3.6** Furthermore, in all cases in which a competitor would be eligible to participate in the Olympic Games, either by representing another country or by having the choice as to the country which such competitor intends to represent, the IOC Executive Board may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.

**3.7** Decisions made under the rules laid down by paragraphs 3.3 to 3.6 above have legal effect for UIPM competitions following the Olympic Games involving such a change or choice of nationality. Furthermore, a pentathlete who has represented a country in official UIPM Category A or Category B competitions and who has changed nationality or acquired a new nationality, may participate in UIPM Category A or B competitions, not including the Olympic Games, and represent the new country starting from the next calendar year.

**3.8** UIPM Members and their pentathletes are not allowed to compete in any competition organised by a non-member federation without prior written approval from the UIPM Executive Board. Pentathletes from non-member federations are eligible to participate in UIPM competitions on condition of their prior notification to the UIPM Secretary General by the host Member.

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation CHAPTER IV. - ELIGIBILITY RULES 2013 (applicable as of January 2013)**

#### **CHAPTER IV. - ELIGIBILITY RULES**

**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

**4.3** A pentathlete who has represented a country in a Category "A" competition is not entitled to represent in the Olympic Games his new country where he has established his permanent residence and acquired a new nationality until three years after this change, except upon formal agreement by the UIPM, the concerned NFs and NOCs and subsequent approval by the IOC EB.

**4.4** A pentathlete who has represented a country in official UIPM Category "A" or Category "B" competitions is not entitled to represent in UIPM Category "A" or "B" competitions, not including Olympic Games, his new country where he has established his permanent residence and acquired a new nationality in the same calendar year as this change.

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation CHAPTER IV. - ELIGIBILITY RULES 2012**

**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation CHAPTER IV. - ELIGIBILITY RULES 2011**

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**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation CHAPTER IV. - ELIGIBILITY RULES 2010**

**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation 2009 CHAPTER IV. - ELIGIBILITY RULES 2009**

**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation CHAPTER IV. - ELIGIBILITY RULES 2008**

**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation CHAPTER IV. - ELIGIBILITY RULES 2007**

**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

### **Union Internationale de Pentathlon Moderne (International Union of the Modern Pentathlon) STATUTES - UIPM Rules on Internal Organisation CHAPTER IV. - ELIGIBILITY RULES 2005**

**4.1** Only competitors and officials who are eligible according to the Union's eligibility rules are allowed to take part in competitions organised by the UIPM or its Members.

**4.2** Specific eligibility rules are included in the Competition Rules. They are confirmed by the Congress and may in no way be contradictory to Rules and Bye-Laws on eligibility of the International Olympic Committee (IOC).

## **Rowing**

### **FISA Rule Book February 2013**

#### **Rule 18 – Right to Participate**

World Rowing Championships for Lightweight, Para-Rowing, Under 23 and Junior rowers as well as lightweight events included in the Olympic Games and events included in the Olympic Games and events in the Paralympic and Youth Olympic Games are open only to rowers complying with the requirements of the relevant category.

The other events at the World Rowing Championships and Olympic regattas are open to all rowers without restriction of age or weight. Olympic, Paralympic and Youth Olympic regattas are open only to those rowers whose federations have qualified in the appropriate boat classes in accordance with the relevant qualification system prescribed in the Bye-Laws.

#### **Rule 19 – Eligibility and Nationality**

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World Rowing Championship, World Rowing Cup, Continental Championship and International regattas shall be open to all competitors who are authorised to compete by their member federation and who are eligible under the relevant rules.

To represent a country in a World Rowing Championship regatta, a competitor shall be a national of that country. He must be able to prove this by showing an official document (passport or identity card). In exceptional cases, the Executive Committee may make exceptions.

To represent a country at a continental or final qualification regatta for the Olympic, Paralympic or Youth Games, a competitor shall prove that he is eligible under the eligibility rules of the International Olympic Committee or the International Paralympic Committee respectively. In exceptional cases, the Executive Committee may make exceptions.

A rower who is a national of two or more countries at the same time may represent either one of them, as the rower may elect. However, having represented one country in a World Rowing Championship, Olympic or Paralympic Games regatta, or Continental or Regional Games or Championship regatta, the rower may not represent another country unless the rower meets the conditions set out in the paragraph below that apply to persons who have changed nationality or acquired a new nationality.

A rower who has represented one country in a World Championship or Olympic or Paralympic Games regatta, or Continental or Regional Games or Championship regatta, and who has changed nationality or acquired a new nationality, may participate in a World Championship, Continental or Regional Games or Championship regatta representing the new country provided that at least two years of competition have passed since the year in which the rower last represented the former country. In exceptional cases the Executive Committee may make exceptions, and in doing so may consult the member federations concerned.

### **FISA Rule Book - eligibility rules applicable 2005 to 2012:**

#### **Rule 43 - Authorisation of the Member Federation**

a) International Regattas - A crew may compete in an international regatta in another country only if authorised in writing by its member federation. The latter shall be held responsible for the payment of the entry fees. This rule shall not apply to masters.

If an organising committee allows a crew to enter its regatta without written authorisation from the relevant member federation then that federation cannot be held responsible for the crew and for its actions.

b) FISA Championship Regattas - To represent a country in a World Rowing Championship, a competitor shall be a citizen of that country. He must be able to prove this by showing an official document (passport or identity card). In exceptional cases, the Executive Committee may make exceptions.

At World Rowing Championships rowers shall compete under the name of their member federation which shall alone be entitled to represent them. At Olympic Regattas rowers shall compete under the name of their National Olympic Committee which shall alone be entitled to represent them.

## **Rugby**

### **HANDBOOK AS FRAMED BY WORLD RUGBY Last update: 8 March, 2016 REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a-side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

(a) he was born; or

(b) one parent or grandparent was born; or

(c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

(a) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during a World Rugby approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or

(b) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by World Rugby and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or

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(c) He is selected to represent a Union's next senior Touring Squad on a World Rugby approved International Tour and during that International Tour he is present at a Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

(d) He is selected to represent the Under 20s National Representative Team of a Union which has been pre-designated as that Union's next senior fifteen-a-side National Representative Team and the Player is part of the team which participates in an International Match as part of the World Rugby Junior World Championships, World Rugby Junior World Rugby Trophy or the Six Nations U20 Championship and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.4** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.5** Responsibility, breach and penalties for a breach of Regulation 8

### **8.5.1 Unions**

Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(a) For a Union that is represented on the Council £100,000 sterling;

(b) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

**8.5.2** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8. Players

**8.5.3** Notwithstanding Regulations 8.5.1 and 8.5.2 above and without prejudice to any sanction imposed on a Union, Players may also be subject to sanction in accordance with Regulation 18 where they breach Regulation 8 in circumstances where they knew or ought reasonably to have known they were not eligible to play for the relevant Union at the time of participation.

**8.6** To be eligible to participate in the Olympic Games, Olympic qualification events (together "Olympic Events") or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player's Union (namely the Union whose National Representative Team the Player represented);

**8.7.2** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or

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country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

(a) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player's representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his former Union or country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained. This period may be reduced or even cancelled with the agreement of the World Rugby and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

**8.12** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the World Rugby Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or World Rugby procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. World Rugby has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility considerations for Olympic Events.

**8.14** Any Union wishing to obtain clarification around the eligibility of a Player to represent it in the Olympic Games or Olympic Events may do so by referring the matter to the World Rugby Regulations Committee in accordance with Regulation 2 and Regulation 8.7.1 and 8.7.2.

**8.15** The list of Olympic Events is set out in Schedule 2 and shall be updated for each Olympic cycle.

**8.16** The provisions of Regulation 8.5 apply equally to any alleged breach of the Olympic eligibility provisions.

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

#### **1. What is the Rationale/Philosophy of Regulation 8?**

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of

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International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

### 2. Who establishes the eligibility criteria in Rugby Union?

World Rugby will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with World Rugby's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

### 3. What is the eligibility criteria in Rugby Union?

The existing World Rugby eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- (a) The country in which the Player was born; or
- (b) The country in which one parent or grandparent of the Player was born; or
- (c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- (d) For Olympic Event participation, the nationality of the Union /country the Player wishes to represent is also required.

### 4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by World Rugby from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union, through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

### 5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations 8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

#### **Fifteen-a-side**

- (a) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.
- (b) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.
- (c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.
- (d) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the senior National Representative Team or the next senior National Representative Team of another Union.
- (e) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

#### **Seven-a-side**

- (a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### 6. How do I know which team is a Union's next senior fifteen-a-side National Representative Team?

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(a) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify World Rugby of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies World Rugby of a change in this nomination. A Union is entitled to notify World Rugby no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or World Rugby.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8. Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

(c) In addition to (a) and (b) above, Unions who designate their Under 20s National Representative Team as their next senior National Representative Team have a particular onus to clearly make the Team Players aware of the consequences of being captured for that Union at age grade level. Effective 1 July 2014, the Players on any such Team which participates in the World Rugby Junior World Championships, World Rugby Junior World Trophy or the Six Nations U20 Championship (where they are present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority) will be captured. In this regard the status of the opposition teams in any Match in these named tournaments is not a factor to be considered.

### 7. What is the age of majority?

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

### 8. Does the eligibility criteria apply to all forms of Rugby?

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

### 9. Does the eligibility criteria apply to all Unions in membership of World Rugby?

Yes, all Unions in membership of World Rugby are obliged to comply with the eligibility Regulation

### 10. How will the eligibility criteria be assessed?

Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation 8.1 will be applied.

The questions and answers should be regarded as guidelines. They have been prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by World Rugby to make a ruling on a Player's eligibility. In relation to any

such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11. When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to

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this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted.

For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination of what constitutes a Player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b)), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c), the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

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Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a “new” country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the “new” country as his home and other relevant factors.

### 18. What is the position of students?

As far as students are concerned, particularly those that are not financially independent, being resident, as a full time student, in another country, is likely to be considered as a series of temporary absences from the parental home. It is anticipated that in the majority of cases involving students the parental home is likely to continue to constitute the student’s permanent and primary home. Accordingly, attendance at college/university in such circumstances is unlikely to break a Player’s consecutive period of Residence. However, as in all matters of eligibility, the overriding concern of the Regulations Committee in assessing any such case will be to ensure that there remains a close, credible and established link with the country in which the Player claims to have retained his primary and permanent home. There could be circumstances in which a student living in another country may be deemed to have interrupted his Residency period.

### 19. Who is responsible for compliance with the eligibility criteria?

In accordance with Regulation 2.1.2, each Union is responsible for ensuring compliance with all Regulations Relating to the Game This includes, but is obviously not limited to, Regulation 8. Accordingly, it is the responsibility of each Union to ensure that all Players it selects are properly eligible within the provisions of Regulation 8 and, in the event of any uncertainty, to ensure that the position is clarified before the Player is selected. Unions must have in place all necessary procedures and internal controls to ensure compliance with the eligibility Regulations.

### 20. What must Unions do to ensure (and demonstrate) compliance with the eligibility Regulations?

Unions must ensure that before a Player is selected for the first time for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team the Player completes the standard form declaration attached to these Explanatory Guidelines at Schedule 1. In addition, before selecting a Player, Unions must ensure that they obtain valid/authentic documentation and such other evidence that may be necessary to prove, definitively, a Player’s eligibility to play for that Union. Each Union must notify World Rugby of the names of all Player’s selected for its senior and next senior National Representative Team and its senior National Representative Sevens Team on an annual basis. World Rugby shall maintain a database of all such Players. If requested, by the Chairman, or his designee, Unions must supply copies of the completed declaration forms of a Player(s) together with supporting documentation relied on to demonstrate the Player’s eligibility. On 1 December each year, each Union must certify to World Rugby that each Player selected to represent the senior or next senior fifteen-a-side National Representative Team of the Union or its National Representative Sevens Team during the past year has completed, in full, the declaration form and that each Player was eligible to represent the Union in accordance with the provisions of Regulation 8.

World Rugby may, through the Chairman, or his designee, of his own motion or on receipt of a complaint undertake an investigation into a Union’s compliance with Regulation 8. Unions, Players and officials must provide assistance with any such investigation and disclose such information and documents deemed necessary by the Chairman, or his designee, for the purposes of that investigation.

### 21. What are the consequences of a breach of the eligibility Regulations by a Union?

Compliance with Regulation 8 is of fundamental importance in maintaining the integrity of international Rugby Union at senior National Representative level. Any breach of such a fundamental Regulation, howsoever arising, has a detrimental impact on the image and reputation of the sport. Unions must, therefore take all necessary steps to put in place comprehensive review/compliance procedures to ensure that a breach of the eligibility provision does not occur whether negligently or otherwise. Alleged breaches of Regulation 8 may be investigated and handled in accordance with Regulation 18 (Disciplinary and Judicial Matters). However, a breach of the eligibility Regulations constitutes a strict liability offence. This means that a failure by a Union to fulfill its obligations and to comply with the eligibility Regulations will be regarded as a serious breach of the Regulations, howsoever such breach may have occurred. As a reflection of the seriousness with which any breach of the eligibility Regulations will be treated by World Rugby, it has been agreed by Council to establish a minimum fixed penalty to be imposed on a Union that has breached

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Regulation 8. These minimum fixed penalties will appear in Regulation 8 and, for ease of reference, are also set out below.

### 8.5 Responsibility, breach and penalties for a breach of Regulation 8

#### **8.5.1 Unions**

*Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 by a Union are as follows:*

*For a Union that is represented on the Council £100,000 sterling;*

*For all other World Rugby Member Unions £25,000 sterling.*

*Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.*

#### 22. What must Players do to ensure (and demonstrate) compliance with the eligibility Regulations?

Players are required to act honestly in matters relating to their eligibility to represent a particular Union. This would include, without limitation, fully disclosing to the Union (and World Rugby upon request) any matters relevant to the Player's eligibility and providing all reasonable assistance to the Union (and World Rugby upon request) in order to establish the Player's eligibility at the first available opportunity.

#### 23. What are the consequences of a breach of the eligibility Regulations by a Player?

A Player who knowingly (and/or with reasonable enquiry ought to have known) represents a Union where not eligible to do so commits a breach of Regulation 8. Alleged breaches of Regulation 8 will be investigated and handled in accordance with Regulation 18 (Disciplinary and Judicial Matters). Judicial Officers and Judicial Committees may impose sanctions pursuant to their powers taking into consideration, without limitation, the circumstances of the breach including the number of breaches and the level of any deception. This may result in a Player being reprimanded, fined, suspended and/or such other sanction the Judicial Officer or Judicial Committee thinks fit, in accordance with Regulation 18.6.

#### 24. For the Player to be liable for a breach must the Union also have been found liable?

Yes, there must also be a finding that the Union concerned has played an ineligible Player. However such finding would not be affected in circumstances where there was any reduction or suspension of the ordinarily applicable sanction.

#### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of World Rugby eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

#### 1. Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the "Olympic Events"). The eligibility rules in the Olympic Charter together with the World Rugby eligibility rules must be complied with by Players who participate in Olympic Events.

#### 2. Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is ordinarily demonstrated by the Player holding the passport of the Union / county they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

#### 3. Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and

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who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to World Rugby to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of an National Olympic Committee), and the case shall be determined in the first place by the World Rugby Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the World Rugby Regulations Committee.

### 4. What is required to be submitted to the Regulations Committee?

Applications should be submitted to World Rugby accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee (“NOC”)) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player’s Union (namely the Union who’s National Representative Team the Player has previously represented. The Player’s Union may make written submissions to the World Rugby Regulations Committee or may be invited to do so.

### 5. Can a Player with dual nationality, or having World Rugby eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

### 6. Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained.

### 7. How will the Olympic eligibility criteria be assessed?

In the early days of the Olympic participation the view has been taken by World Rugby that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8. Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9. What does ‘first represents’ mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to participate in pre-season Matches or so-called ‘friendly’ matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10. How will the stand-down period be assessed?

The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union/ country in an Olympic Event.

### 11. Are these Olympic Guidelines to be read with the World Rugby Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

### 12. What is the position for Unions who do not have a single NOC to represent them?

Member Unions of World Rugby are not necessarily recognised in their own right with equivalent NOC’s, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore encapsulates the Unions of England, Scotland, Wales and Northern Ireland (represented by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with

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Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

### 13. If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to World Rugby?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **not** captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or Ireland.

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **was** captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

### 14. Is there a right of appeal from the decision of the World Rugby Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the World Rugby Regulations Committee.

### 15. For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect **only** of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

## SCHEDULE 1 REGULATION 8

### SCHEDULE 1. EXPLANATORY NOTE

As from 1 January 2000 a player is only entitled to play Rugby Union for the Senior National Representative Team or the next Senior National Representative Team of one Union. This means that if a player is deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union that player will be unable to play for any other Union. This is the position even if that player is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1. It is important that players and Unions understand the situations in which players will be deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union. These situations are set out in Regulation 8.3.

Regulation 8.3 is based on a “selection and participation” test for players who have reached the age of majority [18 or over]. Players and Unions must familiarize themselves with Regulation 8.3. Players should be made aware by Unions of what constitutes that Union's Senior National Representative Team, its next Senior National Representative Team, its Senior Touring Squad and its next Senior Touring Squad and the Matches that will result in a player being committed to that Unions. The following situations are covered by Regulation 8.3.

1. Players who participate in International Matches for the Senior National Representative Team or the next Senior National Representative Team of a Union against the Senior or next Senior National Representative Team of another Union.
  2. Players selected to represent a Union's Senior Touring Squad who participate in any Match played by members of that Union's Senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.
  3. Players who participate in a Match for the Senior or next Senior National Representative Team of a Union against a team made up of players from a Union's Senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.
  4. Players, representing a Union's next Senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the Senior National Representative Team or the next Senior National Representative Team of another Union.
  5. Players who play for the Senior or next Senior National Representative Team of a Union against a team selected from a Union's next Senior Touring Squad when such Match is played on an International Tour approved by World Rugby.
- [...]

## **HANDBOOK AS FRAMED BY WORLD RUGBY Last update: 1 January, 2016 REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a- side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

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- (a) he was born; or
- (b) one parent or grandparent was born; or
- (c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

(a) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during a World Rugby approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or

(b) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by World Rugby and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or

(c) He is selected to represent a Union's next senior Touring Squad on a World Rugby approved International Tour and during that International Tour he is present at a Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

(d) He is selected to represent the Under 20s National Representative Team of a Union which has been pre-designated as that Union's next senior fifteen-a-side National Representative Team and the Player is part of the team which participates in an International Match as part of the World Rugby Junior World Championships, World Rugby Junior World Rugby Trophy or the Six Nations U20 Championship and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.4** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.5** Responsibility, breach and penalties for a breach of Regulation 8

### **8.5.1 Unions**

Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

- (a) For a Union that is represented on the Council £100,000 sterling;
- (b) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

**8.5.2** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8.

Players

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**8.5.3** Notwithstanding Regulations 8.5.1 and 8.5.2 above and without prejudice to any sanction imposed on a Union, Players may also be subject to sanction in accordance with Regulation 18 where they breach Regulation 8 in circumstances where they knew or ought reasonably to have known they were not eligible to play for the relevant Union at the time of participation.

**8.6** To be eligible to participate in the Olympic Games, Olympic qualification events (together “Olympic Events”) or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player’s Union (namely the Union whose National Representative Team the Player represented);

**8.7.2** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

(a) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player’s representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his former Union or country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained. This period may be reduced or even cancelled with the agreement of the World Rugby and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

**8.12** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the World Rugby Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or World Rugby procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. World Rugby has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility

considerations for Olympic Events.

**8.14** Any Union wishing to obtain clarification around the eligibility of a Player to represent it in the Olympic Games or Olympic Events may do so by referring the matter to the World Rugby Regulations Committee in accordance with Regulation 2 and Regulation 8.7.1 and 8.7.2.

**8.15** The list of Olympic Events is set out in Schedule 2 and shall be updated for each Olympic cycle.

**8.16** The provisions of Regulation 8.5 apply equally to any alleged breach of the Olympic eligibility provisions.

**EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8  
ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

1. What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

2. Who establishes the eligibility criteria in Rugby Union?

World Rugby will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with World Rugby's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

3. What is the eligibility criteria in Rugby Union?

The existing World Rugby eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- (a) The country in which the Player was born; or
- (b) The country in which one parent or grandparent of the Player was born; or
- (c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- (d) For Olympic Event participation, the nationality of the Union /country the Player wishes to represent is also required.

4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by World Rugby from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union, through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations 8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

**Fifteen-a-side**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

(a) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.

(b) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.

(c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.

(d) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the senior National Representative Team or the next senior National Representative Team or the next senior National Representative Team of another Union.

(e) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

### **Seven-a-side**

(a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### **6. How do I know which team is a Union's next senior fifteen-a-side National Representative Team?**

(a) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify World Rugby of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies World Rugby of a change in this nomination. A Union is entitled to notify World Rugby no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or World Rugby.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8. Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

(c) In addition to (a) and (b) above, Unions who designate their Under 20s National Representative Team as their next senior National Representative Team have a particular onus to clearly make the Team Players aware of the consequences of being captured for that Union at age grade level. Effective 1 July 2014, the Players on any such Team which participates in the World Rugby Junior World Championships, World Rugby Junior World Trophy or the Six Nations U20 Championship (where they are present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority) will be captured. In this regard the status of the opposition teams in any Match in these named tournaments is not a factor to be considered.

### **7. What is the age of majority?**

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

### **8. Does the eligibility criteria apply to all forms of Rugby?**

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

### **9. Does the eligibility criteria apply to all Unions in membership of World Rugby?**

Yes, all Unions in membership of World Rugby are obliged to comply with the eligibility Regulation

### **10. How will the eligibility criteria be assessed?**

Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation 8.1 will be applied.

The questions and answers should be regarded as guidelines. They have been prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is

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any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by World Rugby to make a ruling on a Player's eligibility. In relation to any such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11. When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted.

For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination of what constitutes a Player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b))), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c),

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a "new" country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the "new" country as his home and other relevant factors.

### 18. What is the position of students?

As far as students are concerned, particularly those that are not financially independent, being resident, as a full time student, in another country, is likely to be considered as a series of temporary absences from the parental home. It is anticipated that in the majority of cases involving students the parental home is likely to continue to constitute the student's permanent and primary home. Accordingly, attendance at college/university in such circumstances is unlikely to break a Player's consecutive period of Residence. However, as in all matters of eligibility, the overriding concern of the Regulations Committee in assessing any such case will be to ensure that there remains a close, credible and established link with the country in which the Player claims to have retained his primary and permanent home. There could be circumstances in which a student living in another country may be deemed to have interrupted his Residency period.

### 19. Who is responsible for compliance with the eligibility criteria?

In accordance with Regulation 2.1.2, each Union is responsible for ensuring compliance with all Regulations Relating to the Game This includes, but is obviously not limited to, Regulation 8. Accordingly, it is the responsibility of each Union to ensure that all Players it selects are properly eligible within the provisions of Regulation 8 and, in the event of any uncertainty, to ensure that the position is clarified before the Player is selected. Unions must have in place all necessary procedures and internal controls to ensure compliance with the eligibility Regulations.

### 20. What must Unions do to ensure (and demonstrate) compliance with the eligibility Regulations?

Unions must ensure that before a Player is selected for the first time for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team the Player completes the standard form declaration attached to these Explanatory Guidelines at Schedule 1. In addition, before selecting a Player, Unions must ensure that they obtain valid/authentic documentation and such other evidence that may be necessary to prove, definitively, a Player's eligibility to play for that Union. Each Union must notify World Rugby of the names of all Player's selected for its senior and next senior National Representative Team and its senior National Representative Sevens Team on an annual basis. World Rugby shall maintain a database of all such Players. If requested, by the Chairman, or his designee, Unions must supply copies of the completed declaration forms of a Player(s) together with supporting documentation relied on to demonstrate the Player's eligibility. On 1 December each year, each Union must certify to World Rugby that each Player selected to represent the senior or next senior fifteen-a-side National Representative

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Team of the Union or its National Representative Sevens Team during the past year has completed, in full, the declaration form and that each Player was eligible to represent the Union in accordance with the provisions of Regulation 8.

World Rugby may, through the Chairman, or his designee, of his own motion or on receipt of a complaint undertake an investigation into a Union's compliance with Regulation 8. Unions, Players and officials must provide assistance with any such investigation and disclose such information and documents deemed necessary by the Chairman, or his designee, for the purposes of that investigation.

### 21. What are the consequences of a breach of the eligibility Regulations by a Union?

Compliance with Regulation 8 is of fundamental importance in maintaining the integrity of international Rugby Union at senior National Representative level. Any breach of such a fundamental Regulation, howsoever arising, has a detrimental impact on the image and reputation of the sport. Unions must, therefore take all necessary steps to put in place comprehensive review/compliance procedures to ensure that a breach of the eligibility provision does not occur whether negligently or otherwise. Alleged breaches of Regulation 8 may be investigated and handled in accordance with Regulation 18 (Disciplinary and Judicial Matters). However, a breach of the eligibility Regulations constitutes a strict liability offence. This means that a failure by a Union to fulfill its obligations and to comply with the eligibility Regulations will be regarded as a serious breach of the Regulations, howsoever such breach may have occurred. As a reflection of the seriousness with which any breach of the eligibility Regulations will be treated by World Rugby, it has been agreed by Council to establish a minimum fixed penalty to be imposed on a Union that has breached Regulation 8. These minimum fixed penalties will appear in Regulation 8 and, for ease of reference, are also set out below.

### 8.5 Responsibility, breach and penalties for a breach of Regulation 8

#### **8.5.1 Unions**

*Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 by a Union are as follows:*

*For a Union that is represented on the Council £100,000 sterling;*

*For all other World Rugby Member Unions £25,000 sterling.*

*Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.*

### 22. What must Players do to ensure (and demonstrate) compliance with the eligibility Regulations?

Players are required to act honestly in matters relating to their eligibility to represent a particular Union. This would include, without limitation, fully disclosing to the Union (and World Rugby upon request) any matters relevant to the Player's eligibility and providing all reasonable assistance to the Union (and World Rugby upon request) in order to establish the Player's eligibility at the first available opportunity.

### 23. What are the consequences of a breach of the eligibility Regulations by a Player?

A Player who knowingly (and/or with reasonable enquiry ought to have known) represents a Union where not eligible to do so commits a breach of Regulation 8. Alleged breaches of Regulation 8 will be investigated and handled in accordance with Regulation 18 (Disciplinary and Judicial Matters). Judicial Officers and Judicial Committees may impose sanctions pursuant to their powers taking into consideration, without limitation, the circumstances of the breach including the number of breaches and the level of any deception. This may result in a Player being reprimanded, fined, suspended and/or such other sanction the Judicial Officer or Judicial Committee thinks fit, in accordance with Regulation 18.6.

### 24. For the Player to be liable for a breach must the Union also have been found liable?

Yes, there must also be a finding that the Union concerned has played an ineligible Player. However such finding would not be affected in circumstances where there was any reduction or suspension of the ordinarily applicable sanction.

### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of World Rugby eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

### 1. Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the "Olympic Events"). The eligibility rules in the Olympic Charter together with the World Rugby eligibility rules must be complied with by Players who participate in Olympic Events.

### 2. Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is ordinarily demonstrated by the Player holding the passport of the Union / country they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

### 3. Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to World Rugby to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of a National Olympic Committee), and the case shall be determined in the first place by the World Rugby Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the World Rugby Regulations Committee.

### 4. What is required to be submitted to the Regulations Committee?

Applications should be submitted to World Rugby accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee ("NOC")) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player's Union (namely the Union who's National Representative Team the Player has previously represented. The Player's Union may make written submissions to the World Rugby Regulations Committee or may be invited to do so.

### 5. Can a Player with dual nationality, or having World Rugby eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

### 6. Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained.

### 7. How will the Olympic eligibility criteria be assessed?

In the early days of the Olympic participation the view has been taken by World Rugby that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8. Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative

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Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9. What does 'first represents' mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to participate in pre-season Matches or so-called 'friendly' matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10. How will the stand-down period be assessed?

The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union/ country in an Olympic Event.

### 11. Are these Olympic Guidelines to be read with the World Rugby Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

### 12. What is the position for Unions who do not have a single NOC to represent them?

Member Unions of World Rugby are not necessarily recognised in their own right with equivalent NOC's, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore encapsulates the Unions of England, Scotland, Wales and Northern Ireland (represent by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

### 13. If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to World Rugby?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **not** captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or Ireland.

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **was** captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

### 14. Is there a right of appeal from the decision of the World Rugby Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the World Rugby Regulations Committee.

### 15. For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect **only** of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

## SCHEDULE 1 REGULATION 8

### **SCHEDULE 1. EXPLANATORY NOTE**

As from 1 January 2000 a player is only entitled to play Rugby Union for the Senior National Representative Team or the next Senior National Representative Team of one Union. This means that if a player is deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union that player will be unable to play for any other Union. This is the position even if that player is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1. It is important that players and Unions understand the situations in which players will be deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union. These situations are set out in Regulation 8.3.

Regulation 8.3 is based on a "selection and participation" test for players who have reached the age of majority [18 or over]. Players and Unions must familiarize themselves with Regulation 8.3. Players should be made aware by Unions of what constitutes that Union's Senior National Representative Team, its next Senior National Representative Team, its Senior Touring Squad and its next Senior Touring Squad and the Matches that will result in a player being committed to that Unions. The following situations are covered by Regulation 8.3.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

1. Players who participate in International Matches for the Senior National Representative Team or the next Senior National Representative Team of a Union against the Senior or next Senior National Representative Team of another Union.
  2. Players selected to represent a Union's Senior Touring Squad who participate in any Match played by members of that Union's Senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.
  3. Players who participate in a Match for the Senior or next Senior National Representative Team of a Union against a team made up of players from a Union's Senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.
  4. Players, representing a Union's next Senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the Senior National Representative Team or the next Senior National Representative Team of another Union.
  5. Players who play for the Senior or next Senior National Representative Team of a Union against a team selected from a Union's next Senior Touring Squad when such Match is played on an International Tour approved by World Rugby.
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### **HANDBOOK AS FRAMED BY WORLD RUGBY Last update: 11 September, 2015**

#### **REGULATION 8. ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a- side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

- (a) he was born; or
- (b) one parent or grandparent was born; or
- (c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

- (a) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during a World Rugby approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or
- (b) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by World Rugby and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or
- (c) He is selected to represent a Union's next senior Touring Squad on a World Rugby approved International Tour and during that International Tour he is present at a Match against the senior fifteen- a-side National Representative Team or the next senior fifteen-a- side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.
- (d) He is selected to represent the Under 20s National Representative Team of a Union which has been pre-designated as that Union's next senior fifteen-a-side National Representative Team and the Player is part of the team which participates in an International Match as part of the World Rugby Junior World Championships, World Rugby Junior World Rugby Trophy or the Six Nations U20 Championship and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.4** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

Responsibility, breach and penalties for a breach of Regulation 8

**8.5** Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a

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defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(a) For a Union that is represented on the Council £100,000 sterling;

(b) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

**8.5.1** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8.

**8.6** To be eligible to participate in the Olympic Games, Olympic qualification events (together "Olympic Events") or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player's Union (namely the Union whose National Representative Team the Player represented);

**8.7.2** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

(A) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player's representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his former Union or country and the approval of the International Olympic Committee, the relevant National

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Olympic Committee(s) and World Rugby is obtained. This period may be reduced or even cancelled with the agreement of the World Rugby and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

**8.12** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the World Rugby Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or World Rugby procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. World Rugby has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility considerations for Olympic Events.

**8.14** Any Union wishing to obtain clarification around the eligibility of a Player to represent it in the Olympic Games or Olympic Events may do so by referring the matter to the World Rugby Regulations Committee in accordance with Regulation 2 and Regulation 8.7.1 and 8.7.2.

**8.15** The list of Olympic Events is set out in Schedule 2 and shall be updated for each Olympic cycle.

**8.16** The provisions of Regulation 8.5 apply equally to any alleged breach of the Olympic eligibility provisions.

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8**

#### **ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

##### 1 What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

##### 2 Who establishes the eligibility criteria in Rugby Union?

World Rugby will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with World Rugby's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

##### 3 What is the eligibility criteria in Rugby Union?

The existing World Rugby eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- (a) The country in which the Player was born; or
- (b) The country in which one parent or grandparent of the Player was born; or
- (c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- (d) For Olympic Event participation, the nationality of the Union / country the Player wishes to represent is also required.

##### 4 If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by World Rugby from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of

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the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union, through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

### 5 When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations

8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

#### Fifteen-a-side

(a) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.

(b) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.

(c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.

(d) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the senior National Representative Team or the next senior National Representative Team or the next senior National Representative Team of another Union.

(e) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

#### Seven-a-side

(a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### 6 How do I know which team is a Union's next senior fifteen-a-side National Representative Team?

(a) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify World Rugby of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies World Rugby of a change in this nomination. A Union is entitled to notify World Rugby no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or World Rugby.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8. Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

(c) In addition to (a) and (b) above, Unions who designate their Under 20s National Representative Team as their next senior National Representative Team have a particular onus to clearly make the Team Players aware of the consequences of being captured for that Union at age grade level. Effective 1 July 2014, the Players on any such Team which participates in the World Rugby Junior World Championships, World Rugby Junior World Trophy or the Six Nations U20 Championship (where they are present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority) will be captured. In this regard the status of the opposition teams in any Match in these named tournaments is not a factor to be considered.

### 7 What is the age of majority?

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

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### 8 Does the eligibility criteria apply to all forms of Rugby?

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

### 9 Does the eligibility criteria apply to all Unions in membership of World Rugby ?

Yes, all Unions in membership of World Rugby are obliged to comply with the eligibility Regulation

### 10 How will the eligibility criteria be assessed?

Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation

8.1 will be applied.

The questions and answers should be regarded as guidelines. They have been prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by World Rugby to make a ruling on a Player's eligibility. In relation to any such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11 When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12 What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13 What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted.

For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14 How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a

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number of factors will influence the determination of what constitutes a Player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15 Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b)), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c), the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16 Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17 Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a "new" country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the "new" country as his home and other relevant factors.

### 18 What is the position of students?

As far as students are concerned, particularly those that are not financially independent, being resident, as a full time student, in another country, is likely to be considered as a series of temporary absences from the parental home. It is anticipated that in the majority of cases involving students the parental home is likely to continue to constitute the student's permanent and primary home. Accordingly, attendance at college/university in such circumstances is unlikely to break a Player's consecutive period of Residence. However, as in all matters of eligibility, the overriding concern of the Regulations Committee in assessing any such case will be to ensure that there remains a close, credible and established link with the country in which the Player claims to have retained his primary and permanent home. There could be circumstances in which a student living in another country may be deemed to have interrupted his Residency period.

### 19 Who is responsible for compliance with the eligibility criteria?

In accordance with Regulation 2.1.2, each Union is responsible for ensuring compliance with all Regulations Relating to the Game This includes, but is obviously not limited to, Regulation 8. Accordingly, it is the responsibility of each Union to ensure that all Players it selects are properly eligible within the provisions of

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Regulation 8 and, in the event of any uncertainty, to ensure that the position is clarified before the Player is selected. Unions must have in place all necessary procedures and internal controls to ensure compliance with the eligibility Regulations.

### 20 What must Unions do to ensure (and demonstrate) compliance with the eligibility Regulations?

Unions must ensure that before a Player is selected for the first time for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team the Player completes the standard form declaration attached to these Explanatory Guidelines at Schedule 1. In addition, before selecting a Player, Unions must ensure that they obtain valid/authentic documentation and such other evidence that may be necessary to prove, definitively, a Player's eligibility to play for that Union. Each Union must notify World Rugby of the names of all Player's selected for its senior and next senior National Representative Team and its senior National Representative Sevens Team on an annual basis. World Rugby shall maintain a database of all such Players. If requested, by the Chairman, or his designee, Unions must supply copies of the completed declaration forms of a Player(s) together with supporting documentation relied on to demonstrate the Player's eligibility. On 1 December each year, each Union must certify to World Rugby that each Player selected to represent the senior or next senior fifteen-a-side National Representative Team of the Union or its National Representative Sevens Team during the past year has completed, in full, the declaration form and that each Player was eligible to represent the Union in accordance with the provisions of Regulation 8.

World Rugby may, through the Chairman, or his designee, of his own motion or on receipt of a complaint undertake an investigation into a Union's compliance with Regulation 8. Unions, Players and officials must provide assistance with any such investigation and disclose such information and documents deemed necessary by the Chairman, or his designee, for the purposes of that investigation.

### 21. What are the consequences of a breach of the eligibility Regulations?

Compliance with Regulation 8 is of fundamental importance in maintaining the integrity of international Rugby Union at senior National Representative level. Any breach of such a fundamental Regulation, howsoever arising, has a detrimental impact on the image and reputation of the sport. Unions must, therefore take all necessary steps to put in place comprehensive review/compliance procedures to ensure that a breach of the eligibility provision does not occur whether negligently or otherwise. Alleged breaches of Regulation 8 may be investigated and handled in accordance with Regulation 18 (Disciplinary and Judicial Matters). However, a breach of the eligibility Regulations constitutes a strict liability offence. This means that a failure by a Union to fulfill its obligations and to comply with the eligibility Regulations will be regarded as a serious breach of the Regulations, howsoever such breach may have occurred. As a reflection of the seriousness with which any breach of the eligibility Regulations will be treated by World Rugby, it has been agreed by Council to establish a minimum fixed penalty to be imposed on a Union that has breached Regulation 8. These minimum fixed penalties will appear in Regulation 8 and, for ease of reference, are also set out below.

#### 8.5 Responsibility, breach and penalties for a breach of Regulation 8

Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

A) For a Union that is represented on the Council £100,000 sterling;

B) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 17.6 may also be imposed on the Union concerned.

### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of World Rugby eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the

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context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

### 1 Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the “Olympic Events”). The eligibility rules in the Olympic Charter together with the World Rugby eligibility rules must be complied with by Players who participate in Olympic Events.

### 2 Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is ordinarily demonstrated by the Player holding the passport of the Union / country they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

### 3 Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to World Rugby to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of an National Olympic Committee), and the case shall be determined in the first place by the World Rugby Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the World Rugby Regulations Committee.

### 4 What is required to be submitted to the Regulations Committee?

Applications should be submitted to World Rugby accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee (“NOC”)) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player’s Union (namely the Union who’s National Representative Team the Player has previously represented. The Player’s Union may make written submissions to the World Rugby Regulations Committee or may be invited to do so.

### 5 Can a Player with dual nationality, or having World Rugby eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

### 6 Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained.

### 7 How will the Olympic eligibility criteria be assessed?

In the early days of the Olympic participation the view has been taken by World Rugby that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8 Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9 What does ‘first represents’ mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to

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participate in pre-season Matches or so-called 'friendly' matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10 How will the stand-down period be assessed?

The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union

/ country in an Olympic Event.

### 11 Are these Olympic Guidelines to be read with the World Rugby Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

### 12 What is the position for Unions who do not have a single NOC to represent them?

Member Unions of World Rugby are not necessarily recognised in their own right with equivalent NOC's, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore encapsulates the Unions of England, Scotland, Wales and Northern Ireland (represented by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

### 13 If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to World Rugby?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **not** captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or Ireland. If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **was** captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

### 14 Is there a right of appeal from the decision of the World Rugby Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the World Rugby Regulations Committee.

### 15 For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect **only** of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

### **SCHEDULE 1. EXPLANATORY NOTE**

As from 1 January 2000 a player is only entitled to play Rugby Union for the Senior National Representative Team or the next Senior National Representative Team of one Union. This means that if a player is deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union that player will be unable to play for any other Union. This is the position even if that player is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1. It is important that players and Unions understand the situations in which players will be deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union. These situations are set out in Regulation 8.3.

Regulation 8.3 is based on a "selection and participation" test for players who have reached the age of majority [18 or over]. Players and Unions must familiarize themselves with Regulation 8.3. Players should be made aware by Unions of what constitutes that Union's Senior National Representative Team, its next Senior National Representative Team, its Senior Touring Squad and its next Senior Touring Squad and the Matches that will result in a player being committed to that Unions. The following situations are covered by Regulation 8.3.

1. Players who participate in International Matches for the Senior National Representative Team or the next Senior National Representative Team of a Union against the Senior or next Senior National Representative Team of another Union.
2. Players selected to represent a Union's Senior Touring Squad who participate in any Match played by members of that Union's Senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.

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3. Players who participate in a Match for the Senior or next Senior National Representative Team of a Union against a team made up of players from a Union's Senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.
4. Players, representing a Union's next Senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the Senior National Representative Team or the next Senior National Representative Team of another Union.
5. Players who play for the Senior or next Senior National Representative Team of a Union against a team selected from a Union's next Senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

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#### **REGULATION 8. ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a-side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

(A) he was born; or

(B) one parent or grandparent was born; or

(C) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2.** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3.** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

(A) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during a World Rugby approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or

(B) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by World Rugby and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or

(C) He is selected to represent a Union's next senior Touring Squad on a World Rugby approved International Tour and during that International Tour he is present at a Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

(D) He is selected to represent the Under 20s National Representative Team of a Union which has been pre-designated as that Union's next senior fifteen-a-side National Representative Team and the Player is part of the team which participates in an International Match as part of the World Rugby Junior World Championships, World Rugby Junior World Rugby Trophy or the Six Nations U20 Championship and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.4.** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

Responsibility, breach and penalties for a breach of Regulation 8

**8.5.** Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a

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minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(A) For a Union that is represented on the Council £100,000 sterling;

(b) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

**8.5.1.** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8.

**8.6.** To be eligible to participate in the Olympic Games, Olympic qualification events (together “Olympic Events”) or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7.** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1.** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player’s Union (namely the Union whose National Representative Team the Player represented);

**8.7.2.** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

(A) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9.** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1.** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player’s representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2.** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10.** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his former Union or country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained. This period may be reduced or even cancelled with the agreement of the World Rugby and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11.** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

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**8.12.** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13.** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the World Rugby Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or World Rugby procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. World Rugby has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility considerations for Olympic Events.

**8.14.** Any Union wishing to obtain clarification around the eligibility of a Player to represent it in the Olympic Games or Olympic Events may do so by referring the matter to the World Rugby Regulations Committee in accordance with Regulation 2 and Regulation 8.7.1 and 8.7.2.

**8.15.** The list of Olympic Events is set out in Schedule 2 and shall be updated for each Olympic cycle.

**8.16.** The provisions of Regulation 8.5 apply equally to any alleged breach of the Olympic eligibility provisions.

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

#### 1. What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

#### 2. Who establishes the eligibility criteria in Rugby Union?

World Rugby will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with World Rugby's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

#### 3. What is the eligibility criteria in Rugby Union?

The existing World Rugby eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- (a) The country in which the Player was born; or
- (b) The country in which one parent or grandparent of the Player was born; or
- (c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- (D) For Olympic Event participation, the nationality of the Union / country the Player wishes to represent is also required.

#### 4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by World Rugby from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union, through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

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### 5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations 8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

#### Fifteen-a-side

(A) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.

(b) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.

(c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.

(D) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the senior National Representative Team or the next senior National Representative Team or the next senior National Representative Team of another Union.

(E) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

#### Seven-a-side

(a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### 6. How do I know which team is a Union's next senior fifteen-a-side National Representative Team?

(a) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify World Rugby of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies World Rugby of a change in this nomination. A Union is entitled to notify World Rugby no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or World Rugby.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8.

Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

(c) In addition to (a) and (b) above, Unions who designate their Under 20s National Representative Team as their next senior National Representative Team have a particular onus to clearly make the Team Players aware of the consequences of being captured for that Union at age grade level. Effective 1 July 2014, the Players on any such Team which participates in the World Rugby Junior World Championships, World Rugby Junior World Trophy or the Six Nations U20 Championship (where they are present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority) will be captured. In this regard the status of the opposition teams in any Match in these named tournaments is not a factor to be considered.

### 7. What is the age of majority?

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

### 8. Does the eligibility criteria apply to all forms of Rugby?

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

### 9. Does the eligibility criteria apply to all Unions in membership of World Rugby ?

Yes, all Unions in membership of World Rugby are obliged to comply with the eligibility Regulation

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### 10. How will the eligibility criteria be assessed?

Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation 8.1 will be applied.

The questions and answers should be regarded as guidelines. They have been prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by World Rugby to make a ruling on a Player's eligibility. In relation to any such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11. When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted.

For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination of what constitutes a Player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a

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Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b)), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c), the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a "new" country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the "new" country as his home and other relevant factors.

### 18. What is the position of students?

As far as students are concerned, particularly those that are not financially independent, being resident, as a full time student, in another country, is likely to be considered as a series of temporary absences from the parental home. It is anticipated that in the majority of cases involving students the parental home is likely to continue to constitute the student's permanent and primary home. Accordingly, attendance at college/university in such circumstances is unlikely to break a Player's consecutive period of Residence. However, as in all matters of eligibility, the overriding concern of the Regulations Committee in assessing any such case will be to ensure that there remains a close, credible and established link with the country in which the Player claims to have retained his primary and permanent home. There could be circumstances in which a student living in another country may be deemed to have interrupted his Residency period.

### 19. Who is responsible for compliance with the eligibility criteria?

In accordance with Regulation 2.1.2, each Union is responsible for ensuring compliance with all Regulations Relating to the Game This includes, but is obviously not limited to, Regulation 8. Accordingly, it is the responsibility of each Union to ensure that all Players it selects are properly eligible within the provisions of Regulation 8 and, in the event of any uncertainty, to ensure that the position is clarified before the Player is selected. Unions must have in place all necessary procedures and internal controls to ensure compliance with the eligibility Regulations.

### 20. What must Unions do to ensure (and demonstrate) compliance with the eligibility Regulations?

Unions must ensure that before a Player is selected for the first time for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team the Player completes the

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standard form declaration attached to these Explanatory Guidelines at Schedule 1. In addition, before selecting a Player, Unions must ensure that they obtain valid/authentic documentation and such other evidence that may be necessary to prove, definitively, a Player's eligibility to play for that Union. Each Union must notify World Rugby of the names of all Player's selected for its senior and next senior National Representative Team and its senior National Representative Sevens Team on an annual basis. World Rugby shall maintain a database of all such Players. If requested, by the Chairman, or his designee, Unions must supply copies of the completed declaration forms of a Player(s) together with supporting documentation relied on to demonstrate the Player's eligibility. On 1 December each year, each Union must certify to World Rugby that each Player selected to represent the senior or next senior fifteen-a-side National Representative Team of the Union or its National Representative Sevens Team during the past year has completed, in full, the declaration form and that each Player was eligible to represent the Union in accordance with the provisions of Regulation 8.

World Rugby may, through the Chairman, or his designee, of his own motion or on receipt of a complaint undertake an investigation into a Union's compliance with Regulation 8. Unions, Players and officials must provide assistance with any such investigation and disclose such information and documents deemed necessary by the Chairman, or his designee, for the purposes of that investigation.

### 21. What are the consequences of a breach of the eligibility Regulations?

Compliance with Regulation 8 is of fundamental importance in maintaining the integrity of international Rugby Union at senior National Representative level. Any breach of such a fundamental Regulation, howsoever arising, has a detrimental impact on the image and reputation of the sport. Unions must, therefore take all necessary steps to put in place comprehensive review/compliance procedures to ensure that a breach of the eligibility provision does not occur whether negligently or otherwise. Alleged breaches of Regulation 8 may be investigated and handled in accordance with Regulation 18 (Disciplinary and Judicial Matters). However, a breach of the eligibility Regulations constitutes a strict liability offence. This means that a failure by a Union to fulfill its obligations and to comply with the eligibility Regulations will be regarded as a serious breach of the Regulations, howsoever such breach may have occurred. As a reflection of the seriousness with which any breach of the eligibility Regulations will be treated by World Rugby, it has been agreed by Council to establish a minimum fixed penalty to be imposed on a Union that has breached Regulation 8. These minimum fixed penalties will appear in Regulation 8 and, for ease of reference, are also set out below.

#### 8.5 Responsibility, breach and penalties for a breach of Regulation 8

Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(A) For a Union that is represented on the Council £100,000 sterling;

(B) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 17.6 may also be imposed on the Union concerned.

### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of World Rugby eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

#### 1. Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the "Olympic Events"). The

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eligibility rules in the Olympic Charter together with the World Rugby eligibility rules must be complied with by Players who participate in Olympic Events.

### 2. Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is ordinarily demonstrated by the Player holding the passport of the Union / country they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

### 3. Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to World Rugby to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of an National Olympic Committee), and the case shall be determined in the first place by the World Rugby Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the World Rugby Regulations Committee.

Applications should be submitted to World Rugby accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee (“NOC”)) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player’s Union (namely the Union who’s National Representative Team the Player has previously represented. The Player’s Union may make written submissions to the World Rugby Regulations Committee or may be invited to do so.

### 5. Can a Player with dual nationality, or having World Rugby eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

### 6. Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained.

### 7. How will the Olympic eligibility criteria be assessed?

In the early days of the Olympic participation the view has been taken by World Rugby that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8. Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9. What does ‘first represents’ mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to participate in pre-season Matches or so-called ‘friendly’ matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10. How will the stand-down period be assessed?

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The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union/ country in an Olympic Event.

11. Are these Olympic Guidelines to be read with the World Rugby Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

12. What is the position for Unions who do not have a single NOC to represent them?

Member Unions of World Rugby are not necessarily recognised in their own right with equivalent NOC's, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore encapsulates the Unions of England, Scotland, Wales and Northern Ireland (represented by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

13. If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to World Rugby?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously not captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or Ireland. If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

14. Is there a right of appeal from the decision of the World Rugby Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the World Rugby Regulations Committee.

15. For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect only of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

### **SCHEDULE 1. EXPLANATORY NOTE**

As from 1 January 2000 a player is only entitled to play Rugby Union for the Senior National Representative Team or the next Senior National Representative Team of one Union. This means that if a player is deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union that player will be unable to play for any other Union. This is the position even if that player is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1. It is important that players and Unions understand the situations in which players will be deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union. These situations are set out in Regulation 8.3.

Regulation 8.3 is based on a "selection and participation" test for players who have reached the age of majority [18 or over]. Players and Unions must familiarize themselves with Regulation 8.3. Players should be made aware by Unions of what constitutes that Union's Senior National Representative Team, its next Senior National Representative Team, its Senior Touring Squad and its next Senior Touring Squad and the Matches that will result in a player being committed to that Unions. The following situations are covered by Regulation 8.3.

**1.** Players who participate in International Matches for the Senior National Representative Team or the next Senior National Representative Team of a Union against the Senior or next Senior National Representative Team of another Union.

**2.** Players selected to represent a Union's Senior Touring Squad who participate in any Match played by members of that Union's Senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.

**3.** Players who participate in a Match for the Senior or next Senior National Representative Team of a Union against a team made up of players from a Union's Senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.

**4.** Players, representing a Union's next Senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the Senior National Representative Team or the next Senior National Representative Team of another Union.

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5. Players who play for the Senior or next Senior National Representative Team of a Union against a team selected from a Union's next Senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

### **Rugby HANDBOOK AS FRAMED BY WORLD RUGBY Last update: 15 May, 2015**

#### **REGULATION 8. ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1.** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a-side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

(a) he was born; or

(b) one parent or grandparent was born; or

(c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2.** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3.** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

(a) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during a World Rugby approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or

(b) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by World Rugby and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or

(c) He is selected to represent a Union's next senior Touring Squad on a World Rugby approved International Tour and during that International Tour he is present at a Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from

the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

(d) He is selected to represent the Under 20s National Representative Team of a Union which has been pre-designated as that Union's next senior fifteen-a-side National Representative Team and the Player is part of the team which participates in an International Match as part of the World Rugby Junior World Championships, World Rugby Junior World Rugby Trophy or the Six Nations U20 Championship and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.4.** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**Responsibility, breach and penalties for a breach of Regulation 8**

**8.5.** Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(A) For a Union that is represented on the Council £100,000 sterling;

(b) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

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**8.5.1** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8.

**8.6.** To be eligible to participate in the Olympic Games, Olympic qualification events (together “Olympic Events”) or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7.** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player’s Union (namely the Union whose National Representative Team the Player represented);

**8.7.2** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

(a) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player’s representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his former Union or country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained. This period may be reduced or even cancelled with the agreement of the World Rugby and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

**8.12** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the World Rugby Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or World Rugby procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and

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which will resolve definitively the dispute in accordance with the code of sports related arbitration. World Rugby has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility considerations for Olympic Events.

**8.14** Any Union wishing to obtain clarification around the eligibility of a Player to represent it in the Olympic Games or Olympic Events may do so by referring the matter to the World Rugby Regulations Committee in accordance with Regulation 2 and Regulation 8.7.1 and 8.7.2.

**8.15** The list of Olympic Events is set out in Schedule 2 and shall be updated for each Olympic cycle.

**8.16** The provisions of Regulation 8.5 apply equally to any alleged breach of the Olympic eligibility provisions.

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8**

#### **ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

##### 1. What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

##### 2. Who establishes the eligibility criteria in Rugby Union?

World Rugby will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with World Rugby's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

##### 3. What is the eligibility criteria in Rugby Union?

The existing World Rugby eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- (a) The country in which the Player was born; or
- (b) The country in which one parent or grandparent of the Player was born; or
- (c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- (d) For Olympic Event participation, the nationality of the Union / country the Player wishes to represent is also required.

##### 4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by World Rugby from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union, through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

##### 5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations 8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

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### **Fifteen-a-side**

(a) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.

(b) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.

(c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.

(d) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the senior National Representative Team or the next senior National Representative Team of another Union.

(e) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

### **Seven-a-side**

(a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### **6. How do I know which team is a Union's next senior fifteen-a-side National Representative Team?**

(a) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify World Rugby of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies World Rugby of a change in this nomination. A Union is entitled to notify World Rugby no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or World Rugby.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8. Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International

Match involving the senior or next senior National Representative Teams of two Unions.

(c) In addition to (a) and (b) above, Unions who designate their Under 20s National Representative Team as their next senior National Representative Team have a particular onus to clearly make the Team Players aware of the consequences of being captured for that Union at age grade level. Effective 1 July 2014, the Players on any such Team which participates in the World Rugby Junior World Championships, World Rugby Junior World Trophy or the Six Nations U20 Championship (where they are present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority) will be captured. In this regard the status of the opposition teams in any Match in these named tournaments is not a factor to be considered.

### **7. What is the age of majority?**

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

### **8. Does the eligibility criteria apply to all forms of Rugby?**

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

### **9. Does the eligibility criteria apply to all Unions in membership of World Rugby ?**

Yes, all Unions in membership of World Rugby are obliged to comply with the eligibility Regulation

### **10. How will the eligibility criteria be assessed?**

Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation 8.1 will be applied.

The questions and answers should be regarded as guidelines. They have been prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of

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flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by World Rugby to make a ruling on a Player's eligibility. In relation to any such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11. When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted.

For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination of what constitutes a Player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

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In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b)), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c), the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a "new" country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the "new" country as his home and other relevant factors.

### 18. What is the position of students?

As far as students are concerned, particularly those that are not financially independent, being resident, as a full time student, in another country, is likely to be considered as a series of temporary absences from the parental home. It is anticipated that in the majority of cases involving students the parental home is likely to continue to constitute the student's permanent and primary home. Accordingly, attendance at college/university in such circumstances is unlikely to break a Player's consecutive period of Residence. However, as in all matters of eligibility, the overriding concern of the Regulations Committee in assessing any

such case will be to ensure that there remains a close, credible and established link with the country in which the Player claims to have retained his primary and permanent home. There could be circumstances in which a student living in another country may be deemed to have interrupted his Residency period.

### 19. Who is responsible for compliance with the eligibility criteria?

In accordance with Regulation 2.1.2, each Union is responsible for ensuring compliance with all Regulations Relating to the Game This includes, but is obviously not limited to, Regulation 8. Accordingly, it is the responsibility of each Union to ensure that all Players it selects are properly eligible within the provisions of Regulation 8 and, in the event of any uncertainty, to ensure that the position is clarified before the Player is selected. Unions must have in place all necessary procedures and internal controls to ensure compliance with the eligibility Regulations.

### 20. What must Unions do to ensure (and demonstrate) compliance with the eligibility Regulations?

Unions must ensure that before a Player is selected for the first time for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team the Player completes the standard form declaration attached to these Explanatory Guidelines at Schedule 1. In addition, before selecting a Player, Unions must ensure that they obtain valid/authentic documentation and such other evidence that may be necessary to prove, definitively, a Player's eligibility to play for that Union. Each Union must notify World Rugby of the names of all Player's selected for its senior and next senior National

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Representative Team and its senior National Representative Sevens Team on an annual basis. World Rugby shall maintain a database of all such Players. If requested, by the Chairman, or his designee, Unions must supply copies of the completed declaration forms of a Player(s) together with supporting documentation relied on to demonstrate the Player's eligibility. On 1 December each year, each Union must certify to World Rugby that each Player selected to represent the senior or next senior fifteen-a-side National Representative Team of the Union or its National Representative Sevens Team during the past year has completed, in full, the declaration form and that each Player was eligible to represent the Union in accordance with the provisions of Regulation 8.

World Rugby may, through the Chairman, or his designee, of his own motion or on receipt of a complaint undertake an investigation into a Union's compliance with Regulation 8. Unions, Players and officials must provide assistance with any such investigation and disclose such information and documents deemed necessary by the Chairman, or his designee, for the purposes of that investigation.

### 21. What are the consequences of a breach of the eligibility Regulations?

Compliance with Regulation 8 is of fundamental importance in maintaining the integrity of international Rugby Union at senior National Representative level. Any breach of such a fundamental Regulation, howsoever arising, has a detrimental impact on the image and reputation of the sport. Unions must, therefore take all necessary steps to put in place comprehensive review/compliance procedures to ensure that a breach of the eligibility provision does not occur whether negligently or otherwise. Alleged breaches of Regulation 8 may be investigated and handled in accordance with Regulation 18 (Disciplinary and Judicial Matters). However, a breach of the eligibility Regulations constitutes a strict liability offence. This means that a failure by a Union to fulfill its obligations and to comply with the eligibility Regulations will be regarded as a serious breach of the Regulations, howsoever such breach may have occurred. As a reflection of the seriousness with which any breach of the eligibility Regulations will be treated by World Rugby, it has been agreed by Council to establish a minimum fixed penalty to be imposed on a Union that has breached Regulation 8. These minimum fixed penalties will appear in Regulation 8 and, for ease of reference, are also set out below.

#### 8.5. Responsibility, breach and penalties for a breach of Regulation 8

Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

- (a) For a Union that is represented on the Council £100,000 sterling;
- (b) For all other World Rugby Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 17.6 may also be imposed on the Union concerned.

### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of World Rugby eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

#### 1. Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the "Olympic Events"). The eligibility rules in the Olympic Charter together with the World Rugby eligibility rules must be complied with by Players who participate in Olympic Events.

#### 2. Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is

## APPENDICES

ordinarily demonstrated by the Player holding the passport of the Union / country they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

### 3. Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to World Rugby to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of a National Olympic Committee), and the case shall be determined in the first place by the World Rugby Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the World Rugby Regulations Committee.

### 4. What is required to be submitted to the Regulations Committee?

Applications should be submitted to World Rugby accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee (“NOC”)) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player’s Union (namely the Union who’s National Representative Team the Player has previously represented). The Player’s Union may make written submissions to the World Rugby Regulations Committee or may be invited to do so.

### 5. Can a Player with dual nationality, or having World Rugby eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

### 6. Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained.

### 7. How will the Olympic eligibility criteria be assessed?

In the early days of the Olympic participation the view has been taken by World Rugby that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8. Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9. What does ‘first represents’ mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to participate in pre-season Matches or so-called ‘friendly’ matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10. How will the stand-down period be assessed?

The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union/ country in an Olympic Event.

### 11. Are these Olympic Guidelines to be read with the World Rugby Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

### 12. What is the position for Unions who do not have a single NOC to represent them?

Member Unions of World Rugby are not necessarily recognised in their own right with equivalent NOC's, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore encapsulates the Unions of England, Scotland, Wales and Northern Ireland (represented by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

### 13. If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to World Rugby?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **not** captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or Ireland.

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **was** captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

### 14. Is there a right of appeal from the decision of the World Rugby Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the World Rugby Regulations Committee.

### 15. For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect **only** of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

### **Regulation 8 SCHEDULE 1. EXPLANATORY NOTE**

As from 1 January 2000 a player is only entitled to play Rugby Union for the Senior National Representative Team or the next Senior National Representative Team of one Union. This means that if a player is deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union that player will be unable to play for any other Union. This is the position even if that player is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1. It is important that players and Unions understand the situations in which players will be deemed to have played for the Senior National Representative Team or the next Senior National Representative Team of a Union. These situations are set out in Regulation 8.3.

Regulation 8.3 is based on a "selection and participation" test for players who have reached the age of majority [18 or over]. Players and Unions must familiarize themselves with Regulation 8.3. Players should be made aware by Unions of what constitutes that Union's Senior National Representative Team, its next Senior National Representative Team, its Senior Touring Squad and its next Senior Touring Squad and the Matches that will result in a player being committed to that Unions. The following situations are covered by Regulation 8.3.

1. Players who participate in International Matches for the Senior National Representative Team or the next Senior National Representative Team of a Union against the Senior or next Senior National Representative Team of another Union.
2. Players selected to represent a Union's Senior Touring Squad who participate in any Match played by members of that Union's Senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.
3. Players who participate in a Match for the Senior or next Senior National Representative Team of a Union against a team made up of players from a Union's Senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.
4. Players, representing a Union's next Senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the Senior National Representative Team or the next Senior National Representative Team of another Union.
5. Players who play for the Senior or next Senior National Representative Team of a Union against a team selected from a Union's next Senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

[...]

### **Player availability in circumstances of dual eligibility**

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When a Union enters into a written agreement with a Player that contemplates the Player representing that Union at senior or next Senior Fifteen-A-Side National Representative Team level (whether at fifteen- aside or seven-a-side Rugby), the Union may seek the Player's written agreement that the Player shall not be available for selection, attendance and/or appearance in a National Representative Team or National Squad of another Union during the term of that written agreement, including any extension thereof, provided that, prior to the execution of any such written agreement, the following conditions were satisfied:

(A) The Player had reached the age of majority. For the purposes of the Regulation(s), the age of majority shall be deemed to be acquired by a Player on his 18th birthday.

(B) Pursuant to Regulation 8, the Player was eligible to represent the senior or next senior National Representative Team of the Union with which he has entered into the written agreement and at least one other Union, (i.e., as a minimum requirement the Player had dual Union eligibility status).

(c) The Player had not represented the senior or next senior National Representative Team of any Union in any of the Matches or Tours specified in Regulation 8.3.

(d) As evidenced by completion of the standard form certification set out in Attachment 1, the Player received independent legal advice on the terms of the written agreement. In particular, the fact that in signing the written agreement the Player was acknowledging and accepting that during the course of the written agreement, and any extension thereof, he was foregoing his right to represent the senior or next senior National Representative Team of any other Union for which he may be eligible.

If, subject to compliance with the conditions set out in this Regulation 9.38, a Player's written agreement so provides, then that Player shall not be available for selection, attendance and/or appearance in a National Representative Team or National Squad of another Union during the term of the written agreement, or any extension thereof and during such period the Union with whom the Player is contracted shall have no obligation to release the Player to another Union.

### **RUGBY HANDBOOK AS FRAMED BY WORLD RUGBY Last update: 22 March, 2015**

#### REGULATION 8

#### **REGULATION 8. ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1.** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a- side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

A) he was born; or

B) one parent or grandparent was born; or

C) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2.** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3.** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

A) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during a World Rugby approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or

B) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by World Rugby and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or

C) He is selected to represent a Union's next senior Touring Squad on a World Rugby approved International Tour and during that International Tour he is present at a Match against the senior fifteen- a-side National Representative Team or the next senior fifteen-a- side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

D) He is selected to represent the Under 20s National Representative Team of a Union which has been pre-designated as that Union's next senior fifteen-a-side National Representative Team and the Player is part of the team which participates in an International Match as part of the World Rugby Junior World Championships, World Rugby Junior World Rugby Trophy or the Six Nations U20 Championship and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

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**8.4.** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

Responsibility, breach and penalties for a breach of Regulation 8  
[...]

**8.6.** To be eligible to participate in the Olympic Games, Olympic qualification events (together "Olympic Events") or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7.** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1.** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player's Union (namely the Union whose National Representative Team the Player represented);

**8.7.2.** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

A) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8.** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9.** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1.** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player's representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2.** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10.** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his former Union or country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained. This period may be reduced or even cancelled with the agreement of the World Rugby and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11.** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

**8.12.** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13.** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the World Rugby Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or World Rugby procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the

## APPENDICES

Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. World Rugby has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility considerations for Olympic Events.

[...]

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

#### 1. What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

#### 2. Who establishes the eligibility criteria in Rugby Union?

World Rugby will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with World Rugby's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

#### 3. What is the eligibility criteria in Rugby Union?

The existing World Rugby eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- A) The country in which the Player was born; or
- B) The country in which one parent or grandparent of the Player was born; or
- C) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- D) For Olympic Event participation, the nationality of the Union / country the Player wishes to represent is also required.

#### 4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by World Rugby from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union, through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

#### 5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations

8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

Fifteen-a-side

- A) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.

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B) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by World Rugby.

C) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by World Rugby.

D) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by World Rugby against the senior National Representative Team or the next senior National Representative Team or the next senior National Representative Team of another Union.

E) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by World Rugby.

Seven-a-side

(a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### 6. How do I know which team is a Union's next senior fifteen-a-side National Representative Team?

A) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify World Rugby of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies World Rugby of a change in this nomination. A Union is entitled to notify World Rugby no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or World Rugby.

B) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8.

Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

C) In addition to (a) and (b) above, Unions who designate their Under 20s National Representative Team as their next senior National Representative Team have a particular onus to clearly make the Team Players aware of the consequences of being captured for that Union at age grade level. Effective 1 July 2014, the Players on any such Team which participates in the World Rugby Junior World Championships, World Rugby Junior World Trophy or the Six Nations U20 Championship (where they are present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority) will be captured. In this regard the status of the opposition teams in any Match in these named tournaments is not a factor to be considered.

### 7. What is the age of majority?

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

### 8. Does the eligibility criteria apply to all forms of Rugby?

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

[...]

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

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The term “parent” in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player’s blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player’s blood parent will no longer be relevant for the purposes of establishing the Player’s eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player’s eligibility pursuant to Regulation 8.1(b) will be the Player’s blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted.

For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player’s parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as “the place or location in which the Player has his primary and permanent home” and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination of what constitutes a Player’s permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player’s eligibility is uncertain the Regulations Committee will consider that Player’s eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b)), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player’s eligibility. Under Regulation 8.1(c), the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player’s primary and permanent home and are, therefore, unlikely to interrupt a Player’s period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a “new” country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the “new” country as his home and other relevant factors.

[...]

### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of World Rugby eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

#### 1. Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the “Olympic Events”). The eligibility rules in the Olympic Charter together with the World Rugby eligibility rules must be complied with by Players who participate in Olympic Events.

#### 2. Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is ordinarily demonstrated by the Player holding the passport of the Union / country they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

#### 3. Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to World Rugby to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of an National Olympic Committee), and the case shall be determined in the first place by the World Rugby Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the World Rugby Regulations Committee.

#### 4. What is required to be submitted to the Regulations Committee?

Applications should be submitted to World Rugby accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee (“NOC”)) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player’s Union (namely the Union who’s National Representative Team the Player has previously represented. The Player’s Union may make written submissions to the World Rugby Regulations Committee or may be invited to do so.

#### 5. Can a Player with dual nationality, or having World Rugby eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

#### 6. Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and World Rugby is obtained.

#### 7. How will the Olympic eligibility criteria be assessed?

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In the early days of the Olympic participation the view has been taken by World Rugby that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8. Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for

his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9. What does 'first represents' mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to participate in pre-season Matches or so-called 'friendly' matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10. How will the stand-down period be assessed?

The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union/ country in an Olympic Event.

### 11. Are these Olympic Guidelines to be read with the World Rugby Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

### 12. What is the position for Unions who do not have a single NOC to represent them?

Member Unions of World Rugby are not necessarily recognised in their own right with equivalent NOC's, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore encapsulates the Unions of England, Scotland, Wales and Northern Ireland (represented by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

### 13. If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to World Rugby?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously not captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

### 14. Is there a right of appeal from the decision of the World Rugby Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the World Rugby Regulations Committee.

### 15. For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect only of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

[...]

### **Player availability in circumstances of dual eligibility**

**9.38** When a Union enters into a written agreement with a Player that contemplates the Player representing that Union at senior or next Senior Fifteen-A-Side National Representative Team level (whether at fifteen-a-side or seven-a-side Rugby), the Union may seek the Player's written agreement that the Player shall not be available for selection, attendance and/or appearance in a National Representative Team or National Squad of another Union during the term of that written agreement, including any extension thereof, provided that, prior to the execution of any such written agreement, the following conditions were satisfied:

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

A) The Player had reached the age of majority. For the purposes of the Regulation(s), the age of majority shall be deemed to be acquired by a Player on his 18th birthday.

B) Pursuant to Regulation 8, the Player was eligible to represent the senior or next senior National Representative Team of the Union with which he has entered into the written agreement and at least one other Union, (i.e., as a minimum requirement the Player had dual Union eligibility status).

C) The Player had not represented the senior or next senior National Representative Team of any Union in any of the Matches or Tours specified in Regulation 8.3.

D) As evidenced by completion of the standard form certification set out in Attachment 1, the Player received independent legal advice on the terms of the written agreement. In particular, the fact that in signing the written agreement the Player was acknowledging and accepting that during the course of the written agreement, and any extension thereof, he was foregoing his right to represent the senior or next senior National Representative Team of any other Union for which he may be eligible.

If, subject to compliance with the conditions set out in this Regulation 9.38, a Player's written agreement so provides, then that Player shall not be available for selection, attendance and/or appearance in a National Representative Team or National Squad of another Union during the term of the written agreement, or any extension thereof and during such period the Union with whom the Player is contracted shall have no obligation to release the Player to another Union.

### **INTERNATIONAL RUGBY BOARD HANDBOOK AS FRAMED BY THE INTERNATIONAL RUGBY BOARD Last updated: 1<sup>st</sup> September 2014**

#### **REGULATION 8. ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a-side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

(a) he was born; or

(b) one parent or grandparent was born; or

(c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing

**8.2** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

(a) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during an IRB approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or

(b) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by the IRB and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or

(c) He is selected to represent a Union's next senior Touring Squad on an IRB approved International Tour and during that International Tour he is present at a Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

(d) He is selected to represent the Under 20s National Representative Team of a Union which has been pre-designated as that Union's next senior fifteen-a-side National Representative Team and the Player is part of the team which participates in an International Match as part of the IRB Junior World Championships, IRB Junior World Rugby Trophy or the Six Nations U20 Championship and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

**8.4** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

Responsibility, breach and penalties for a breach of Regulation 8

**8.5** Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown

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in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(a) For a Union that is represented on the Council £100,000 sterling;

(b) For all other IRB Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

**8.5.1** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8.

**8.6** To be eligible to participate in the Olympic Games, Olympic qualification events (together "Olympic Events") or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player's Union (namely the Union whose National Representative Team the Player represented);

**8.7.2** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

(a) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player's representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his

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former Union or country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and the IRB is obtained. This period may be reduced or even cancelled with the agreement of the IRB and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

**8.12** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the IRB Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or IRB procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. The IRB has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility considerations for Olympic Events.

[...]

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

#### 1. What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

#### 2. Who establishes the eligibility criteria in Rugby Union?

The IRB will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with the IRB's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

#### 3. What is the eligibility criteria in Rugby Union?

The existing IRB eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- (a) The country in which the Player was born; or
- (b) The country in which one parent or grandparent of the Player was born; or
- (c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- (d) For Olympic Event participation, the nationality of the Union / country the Player wishes to represent is also required.

#### 4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by the IRB from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union,

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through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

### 5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations 8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

#### Fifteen-a-side

- (a) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.
- (b) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by the IRB.
- (c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by the IRB.
- (d) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by the IRB against the senior National Representative Team or the next senior National Representative Team of another Union.
- (e) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by the IRB.

#### Seven-a-side

- (a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### 6. How do I know which team is a Union's next senior fifteen-a-side National Representative Team?

(a) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify the IRB of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies the IRB of a change in this nomination. A Union is entitled to notify the IRB no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or the IRB.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8. Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

(c) In addition to (a) and (b) above, Unions who designate their Under 20s National Representative Team as their next senior National Representative Team have a particular onus to clearly make the Team Players aware of the consequences of being captured for that Union at age grade level. Effective 1 July 2014, the Players on any such Team which participates in the IRB Junior World Championships, IRB Junior World Trophy or the Six Nations U20 Championship (where they are present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority) will be captured. In this regard the status of the opposition teams in any Match in these named tournaments is not a factor to be considered.

### 7. What is the age of majority?

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

### 8. Does the eligibility criteria apply to all forms of Rugby?

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

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### 9. Does the eligibility criteria apply to all Unions in membership of the IRB?

Yes, all Unions in membership of the IRB are obliged to comply with the eligibility Regulation

### 10. How will the eligibility criteria be assessed?

Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation 8.1 will be applied.

The questions and answers should be regarded as guidelines. They have been prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by the IRB to make a ruling on a Player's eligibility. In relation to any such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11. When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted.

For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination of what constitutes a Player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible,

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close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b)), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c), the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a "new" country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the "new" country as his home and other relevant factors.

### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of IRB eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

#### 1. Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the "Olympic Events"). The eligibility rules in the Olympic Charter together with the IRB eligibility rules must be complied with by Players who participate in Olympic Events.

#### 2. Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is

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ordinarily demonstrated by the Player holding the passport of the Union / country they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

### 3. Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to the IRB to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of a National Olympic Committee), and the case shall be determined in the first place by the IRB Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the IRB Regulations Committee.

### 4. What is required to be submitted to the Regulations Committee?

Applications should be submitted to the IRB accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee (“NOC”)) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player’s Union (namely the Union who’s National Representative Team the Player has previously represented). The Player’s Union may make written submissions to the IRB Regulations Committee or may be invited to do so.

### 5. Can a Player with dual nationality, or having IRB eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

### 6. Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and the IRB is obtained.

### 7. How will the Olympic eligibility criteria be assessed?

In the early days of the Olympic participation the view has been taken by the IRB that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8. Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9. What does ‘first represents’ mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to participate in pre-season Matches or so-called ‘friendly’ matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10. How will the stand-down period be assessed?

The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union/ country in an Olympic Event.

### 11. Are these Olympic Guidelines to be read with the IRB Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

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### 12. What is the position for Unions who do not have a single NOC to represent them?

Member Unions of the IRB are not necessarily recognised in their own right with equivalent NOC's, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore encapsulates the IRB Unions of England, Scotland, Wales and Northern Ireland (represented by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

### 13. If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to the IRB?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **not** captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or Ireland.

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **was** captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

### 14. Is there a right of appeal from the decision of the IRB Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the IRB Regulations Committee.

### 15. For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect **only** of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

## **INTERNATIONAL RUGBY BOARD HANDBOOK AS FRAMED BY THE INTERNATIONAL RUGBY BOARD Last updated: 1 December, 2013**

### **REGULATION 8. ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a-side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

- (a) he was born; or
- (b) one parent or grandparent was born; or
- (c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

- (a) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during an IRB approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or
- (b) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by the IRB and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or
- (c) He is selected to represent a Union's next senior Touring Squad on an IRB approved International Tour and during that International Tour he is present at a Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

**8.4** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National

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Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

### **Responsibility, breach and penalties for a breach of Regulation 8**

**8.5** Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For

the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation) Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(a) For a Union that is represented on the Council £100,000 sterling;

(b) For all other IRB Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

**8.5.1** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8.

**8.6** To be eligible to participate in the Olympic Games, Olympic qualification events (together "Olympic Events") or other events governed by the Olympic Charter all members of the senior National Representative Sevens Team(s) of a Union or the selected Olympic Sevens Team(s) of a National Olympic Committee shall comply with Regulation 8.1 and must be a national of the country of the National Olympic Committee which it is representing in such Olympic Events. Regulation 8.2 applies equally to all Players.

**8.7** A Player who is a national of the country or Union for which he has been captured under Regulation 8.2 and who holds the nationality of another country or Union, may apply to participate in an Olympic Event to represent his new country or Union subject to the following conditions;

**8.7.1** The Regulations Committee shall consider the application of a Player under this Regulation 8.7 which must be submitted with all relevant supporting documentation by the Union for whom the Player wishes to next represent in an Olympic Event (or a Union associated with the Olympic Sevens Team the Player wishes to represent). The application shall be pre-notified to the Player's Union (namely the Union whose National Representative Team the Player represented);

**8.7.2** The Player will be required to observe and demonstrate a stand down period of at least 3 years since the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event. The Player may not represent the second Union in any other form of the Game until after they have participated in such Olympic Event.

(a) Solely in respect of the Rio Olympic Games 2016, a stand down period of at least 18 months will be permitted, between the time the Player last represented their former Union and the time the Player first plays for the second Union or country, which must be in an Olympic Event in the Rio Olympic Games cycle, which the Player must observe and demonstrate.

**8.8** Where the Player is not a national of the Union for which he has been captured under Regulation 8.2, and he meets the Olympic eligibility criteria (in Regulation 8.6 to 8.13) as determined by the Regulations Committee, he shall be eligible for selection to play for the Union / country of which he is a national, in an Olympic Event, subject to satisfying the applicable stand down period.

**8.9** A Player who is eligible or captured for a Union that cannot participate in an Olympic Event because there is no National Olympic Committee solely for the territory of such Union, may, subject to the Olympic eligibility criteria (in Regulation 8.6 to 8.13), be eligible to play for the Olympic Sevens Team of a National Olympic Committee of which he is a national, provided that such team is not associated with any one single Union. In such circumstances the following provisions shall apply;

**8.9.1** Where the Player has been captured under Regulation 8.2 for a Union he shall remain captured for such Union notwithstanding the Player's representation for the Olympic Sevens Team of a National Olympic Committee in an Olympic Event;

**8.9.2** Where the Player has not previously been captured under Regulation 8.2 and he represents the Olympic Sevens Team of a National Olympic Committee in an Olympic Event he will be deemed to be captured for

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one of the underlying Unions which support the Olympic Sevens Team of the relevant National Olympic Committee, and the Player must elect which of those underlying Unions he shall be captured by for the purposes of Regulation 8.

**8.10** A Player who has represented one Union or Olympic Team in an Olympic Event and who has changed his nationality or acquired a new nationality, may apply to participate in an Olympic Event to represent his new Union or country provided that at least three years have passed since the Player last represented his former Union or country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and the IRB is obtained. This period may be reduced or even cancelled with the agreement of the IRB and the National Olympic Committees concerned and by the IOC Executive Board, which takes into account the circumstances of each case.

**8.11** A Player may not represent two different Unions or a Union and an Olympic Sevens Team(s) of a National Olympic Committee in the same Olympic Event(s).

**8.12** Once the Player has represented the Union of which he is a national, in an Olympic Event, he shall thereafter be tied to that Union for all forms of the Game and in all events.

**8.13** Players who participate in the Olympic Events accept and agree that any disputes relating to eligibility shall first be addressed pursuant to the rules of such Olympic Events and the IRB Regulations and that all internal procedures (including applicable National Olympic Committee rules/procedures) and/or IRB procedures shall be exhausted first. Thereafter, recourse may be had in respect of Olympic Events only (and not in relation to eligibility matters to which Regulation 8.6 to 8.16 does not apply) to the Court of Arbitration for Sport (CAS) in accordance with the provision applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. The IRB has the right to appear, attend and/or participate as a party in any appeal to CAS involving eligibility considerations for Olympic Events.

[...]

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

#### 1. What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

#### 2. Who establishes the eligibility criteria in Rugby Union?

The IRB will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with the IRB's eligibility criteria. In relation to Olympic eligibility criteria see the Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility.

#### 3. What is the eligibility criteria in Rugby Union?

The existing IRB eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

- (a) The country in which the Player was born; or
- (b) The country in which one parent or grandparent of the Player was born; or
- (c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly; and
- (d) For Olympic Event participation, the nationality of the Union / country the Player wishes to represent is also required.

#### 4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by the IRB from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union, through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his "Rugby Nationality" which becomes fixed.

### 5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. These situations are set out in Regulations 8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

#### **Fifteen-a-side**

(a) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.

(b) Players selected to represent a Union's senior Touring Squad who participate in any Match played by members of that Union's senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by the IRB.

(c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union's senior Touring Squad during an International Tour which includes International Match(es) approved by the IRB.

(d) Players, representing a Union's next senior Touring Squad who participate in a Match on an International Tour approved by the IRB against the senior National Representative Team or the next senior National Representative Team of another Union.

(e) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union's next senior Touring Squad when such Match is played on an International Tour approved by the IRB.

#### **Seven-a-side**

(a) Players who play for a Union's senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.

### 6. How do I know which team is a Union's next senior fifteen-a-side National Representative Team?

(a) There should be no uncertainty over which team constitutes a Union's next senior National Representative Team. Unions are required to notify the IRB of the name of their nominated next senior National Representative Team. The team nominated remains the Union's next senior National Representative Team unless the Union notifies the IRB of a change in this nomination. A Union is entitled to notify the IRB no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union's next senior National Representative Team can be verified with the Union concerned and/or the IRB.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8. Notwithstanding the Union's obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

### 7. What is the age of majority?

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player's 18th birthday.

### 8. Does the eligibility criteria apply to all forms of Rugby?

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union's senior National Representative Sevens Team.

### 9. Does the eligibility criteria apply to all Unions in membership of the IRB?

Yes, all Unions in membership of the IRB are obliged to comply with the eligibility Regulation

### 10. How will the eligibility criteria be assessed?

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Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation 8.1 will be applied. The questions and answers should be regarded as guidelines. They have been prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by the IRB to make a ruling on a Player's eligibility. In relation to any such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11. When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted. For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination of what constitutes a Player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the

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questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b)), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c), the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to demonstrate that the country is the place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a "new" country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the "new" country as his home and other relevant factors.

[...]

### **Explanatory Guidelines on the Implementation of Regulation 8 – Olympic Eligibility**

With the re-introduction of Rugby Sevens into the Olympic Games in Rio in 2016 there are certain rules which participants must adhere to for eligibility purposes. The Olympic Eligibility Regulations (8.6 to 8.16) have been introduced to accommodate the Olympic Charter Rules. To assist in the implementation of these Regulations, the following Guidelines have been developed to address the specifics around Olympic Sevens eligibility which differs from that of IRB eligibility requirements in that it is based solely upon a nationality consideration alone. The two sets of rules have been combined to achieve harmony between the objectives and underlying philosophy of Regulation 8 and the requirements of the Olympic Charter in the context of participation in Olympic Events. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8 and the Guidelines thereto.

#### 1. Who is eligible to play Olympic Sevens?

Any Player who meets the eligibility criteria in 8.1 and holds the nationality of the Union / country they wish to represent in the Olympic Games or Olympic Qualification process (known as the "Olympic Events"). The eligibility rules in the Olympic Charter together with the IRB eligibility rules must be complied with by Players who participate in Olympic Events.

#### 2. Must a Player have the passport of the Union / country he represents in Olympic Sevens?

The nationality of the Union / country the Player wishes to represent in Olympic Sevens is a requirement under the Olympic Charter and is therefore necessary for participation in Olympic Events. Nationality is ordinarily demonstrated by the Player holding the passport of the Union / country they wish to represent. All matters relating to the determination of the country which a Player may represent in the Olympic Games shall ultimately be resolved by the IOC Executive Board.

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### 3. Who will decide on Olympic Sevens eligibility?

Ordinarily, the assessment of whether a Player satisfies the eligibility criteria in Regulation 8.1 and 8.6 will be straightforward. However, in all cases where a Player who has been captured under Regulation 8.2 and who holds the nationality of another Union / country and wishes to participate in an Olympic Event(s) for the Union / country of which he is a national, the Player may apply to the IRB to represent the National Representative Sevens Team of that Union (or the Olympic Sevens Team of an National Olympic Committee), and the case shall be determined in the first place by the IRB Regulations Committee. In the event there are other cases of uncertainty or there is the need for clarification a referral may be made to the IRB Regulations Committee.

### 4. What is required to be submitted to the Regulations Committee?

Applications should be submitted to the IRB accompanied by all relevant supporting documents by the Union (or in applicable cases where there is no Union, the National Olympic Committee (“NOC”)) of the country the Player wishes to represent in an Olympic Event. The application shall be pre-notified to the Player’s Union (namely the Union who’s National Representative Team the Player has previously represented. The Player’s Union may make written submissions to the IRB Regulations Committee or may be invited to do so.

### 5. Can a Player with dual nationality, or having IRB eligibility for one Union but the nationality of another, represent both Unions / countries in the same Olympic qualification process?

No. A Player may only represent one Union / country in the Olympic Events. For example if a Player played for a Union in the Sevens World Series in the year it was designated as an Olympic Event the Player could not later in the same Sevens World Series play for another Union / country even in circumstances where he was deemed eligible by the Regulations Committee to play for the second Union / country of which he is a national. The principle of Regulation 8.2 applies equally to Olympic Events, such that if a Player, having represented one Union / country in an Olympic Event they may not represent another Union / country thereafter.

### 6. Can a Player switch nationality?

Nationality is a matter which is governed by nation states. If a Player does switch nationality the effect of this upon their Olympic eligibility would need to be considered taking into account Regulation 8.6 to 8.16 and the Olympic Charter Rules regarding eligibility which can be found at [www.olympic.org](http://www.olympic.org). However, a Player who has represented one Union / country in an Olympic Event(s) and who has changed their nationality or acquired a new nationality may participate in Olympic Events to represent their new Union / country provided that at least three (3) years have passed since the Player last represented their former Union / country and the approval of the International Olympic Committee, the relevant National Olympic Committee(s) and the IRB is obtained.

### 7. How will the Olympic eligibility criteria be assessed?

In the early days of the Olympic participation the view has been taken by the IRB that the Regulations Committee should assess all cases where a Player who has already been captured for a Union under the one Union only rule (Regulation 8.2) but wishes to subsequently play for another Union / country for which s/he holds nationality in an Olympic Event.

### 8. Is there any stand-down period?

Yes. The Player will be required to observe and demonstrate a stand down period of three (3) years between the time the Player last played for his Union and the time the Player first represents the second Union, which must be in an Olympic Event. Played, shall mean when s/he played for the senior, next senior or senior sevens National Representative Team of that Union for which s/he is captured. The principles of Regulation 8.3 apply in any assessment of this provision.

### 9. What does ‘first represents’ mean?

It means the first occasion when the Player represents the second Union in a Match, Tournament or Series of Matches – which must be in an Olympic Event. The Player would not however, be permitted for example to participate in pre-season Matches or so-called ‘friendly’ matches or other Matches which are not Olympic Events representing the second Union. Training with the team of the second Union is permitted but the circumstances should not be such that it presents or implies to third parties that the Player is part of the National Representative Sevens Team or Olympic Sevens Team of the second Union / country.

### 10. How will the stand-down period be assessed?

The onus will be on the Player to demonstrate to the reasonable satisfaction of the Regulations Committee the last occasion upon which s/he played for their former Union and that they have not represented such Union in the three year period before they represent their new Union/ country in an Olympic Event.

### 11. Are these Olympic Guidelines to be read with the IRB Eligibility Guidelines?

Yes, both sets of Guidelines should be read together.

### 12. What is the position for Unions who do not have a single NOC to represent them?

Member Unions of the IRB are not necessarily recognised in their own right with equivalent NOC’s, for example the British Olympic Association (Team GB) is the NOC for Great Britain and therefore

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

encapsulates the IRB Unions of England, Scotland, Wales and Northern Ireland (represented by the all-Ireland body of the IRFU). In such case, Players from the underlying Unions would be eligible (where they comply with Regulation 8.1 and 8.6) to represent the Olympic Sevens Team of the NOC (if selected) in relevant Olympic Events.

### 13. If a Player plays for a combined team in an Olympic Event does it affect his eligibility in relation to the IRB?

If a Player plays for a combined team of a country in an Olympic Event (e.g. Team GB) and he was previously **not** captured for a Union (under Regulation 8.2) then the Player will be deemed to be captured for one of the underlying Unions of the combined team of country he represented. So in the case of Team GB it would mean that the Player would then be free to play for one of England, Scotland, Wales and/or Ireland. (e.g. Team GB) and he was previously **was** captured for a Union (under Regulation 8.2) then the Player remains captured for such Union and their participation in the combined team in the Olympic Event will not affect their status.

### 14. Is there a right of appeal from the decision of the IRB Regulations

Yes. An Olympic Eligibility appeals committee has been established under Regulation 2 to deal with any appeals of decisions by the IRB Regulations Committee.

### 15 For the Olympic Games 2016 in Rio, do any special provisions apply?

Rugby Sevens will enter the Olympic Games for the first time in 2016. The qualification process has been established and all persons eligible to participate must have qualified by 11 July 2016. In terms of eligibility, the three (3) year stand-down period applies. However, given the timing of the clarification of the qualification process and the constitutional review of the eligibility requirements for Olympic Events a shorter stand-down period in respect only of the Olympic Games 2016 shall apply. In this regard any Player who wishes to represent a Union / country for whom s/he holds the nationality and has previously been captured for another Union may do so provided the Player stands down from their current Union at least 18 months before representing the Second Union in an Olympic Event in the Rio Olympic Games cycle.

## INTERNATIONAL RUGBY BOARD HANDBOOK 2013 AS FRAMED BY THE INTERNATIONAL RUGBY BOARD Last updated: 31 July, 2013

### **REGULATION 8. ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

**8.1** Subject to Regulation 8.2, a Player may only play for the senior fifteen-a-side National Representative Team, the next senior fifteen-a-side National Representative Team and the senior National Representative Sevens Team of the Union of the country in which:

- (a) he was born; or
- (b) one parent or grandparent was born; or
- (c) he has completed thirty six consecutive months of Residence immediately preceding the time of playing.

**8.2** A Player who has played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of a Union is not eligible to play for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of another Union.

**8.3** For the purposes of this Regulation, a Player is deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union if:

- (a) He is selected for such team to play in an International Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union (or in a fifteen-a-side international Match against another Union's senior or next senior Touring Squad during an IRB approved International Tour) and is present at the Match played by that team either as a replacement, substitute or a playing member of that team and has, at the time of the Match, reached the age of majority; or
- (b) He is selected to represent a Union's senior Touring Squad on an International Tour which includes an International Match or Matches approved by the IRB and is present at any fifteen-a-side Match played on that International Tour either as a replacement, substitute or a playing member of a team selected from the Union's senior Touring Squad and has, at the time of the Match, reached the age of majority; or
- (c) He is selected to represent a Union's next senior Touring Squad on an IRB approved International Tour and during that International Tour he is present at a Match against the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of another Union either as a replacement, substitute or playing member of a team selected from the Union's next senior Touring Squad and has, at the time of the Match reached the age of majority.

**8.4** For the purposes of this Regulation, a Player is deemed to have played for the senior National Representative Sevens Team of a Union if he is selected to represent a Union's senior National Representative Sevens Team in an International Match against the senior National Representative Sevens Team of another Union and is present at the Match played by that Team either as a replacement, substitute or playing member of that Team and has, at the time of the Match, reached the age of majority.

### **Responsibility, breach and penalties for a breach of Regulation 8**

## APPENDICES

**8.5** Regulation 8 is a strict liability offence and shall be construed in accordance with the principles of strict liability under English law. It is not, therefore, necessary that fault or intent on the part of a Union be shown in order for a breach of Regulation 8 to be established. Nor is lack of fault or intent on the part of a Union a defence to a breach of Regulation 8. For the avoidance of any doubt (and without limiting a Union's other obligations and responsibilities for the conduct, acts or omissions of its members and Persons under its jurisdiction pursuant to any other Regulation). Unions are responsible and accountable for the conduct of their Players and all Persons under its jurisdiction in relation to compliance with the provisions of Regulation 8 and any breach of Regulation 8 by such Player(s) or Person(s) shall be deemed to be a breach of Regulation 8 by the Union concerned. Each breach of Regulation 8 by a Union, howsoever arising, will result in a minimum fixed fine being imposed on the Union concerned. The minimum fixed fines for each breach of Regulation 8 are as follows:

(a) For a Union that is represented on the Council £100,000 sterling;

(b) For all other IRB Member Unions £25,000 sterling.

Based on the facts and circumstances of any breach of Regulation 8 the applicable minimum fixed fine as set out above may be increased. In addition, other penalties as set out in Regulation 18.6 may also be imposed on the Union concerned.

**8.6** In exceptional circumstances, a Union in breach of Regulation 8 may make submissions to the relevant disciplinary body appointed under Regulation 18 to adjudicate on the case as to why the Union should not be subject to the applicable minimum fixed fine. For the avoidance of any doubt, however, the relevant disciplinary body shall only be entitled to reduce the applicable minimum fixed fine set out in this Regulation where the Union is able to provide clear and indisputable evidence that truly exceptional circumstances exist and that the Union concerned had taken all necessary steps to comply with Regulation 8.

### **EXPLANATORY GUIDELINES ON THE IMPLEMENTATION OF REGULATION 8 ELIGIBILITY TO PLAY FOR NATIONAL REPRESENTATIVE TEAMS**

Following its deliberations on the question of Player eligibility, the Working Party has produced these Explanatory Guidelines on the implementation of Regulation 8. These Explanatory Guidelines must be read in conjunction with the terms of Regulation 8.

#### 1. What is the Rationale/Philosophy of Regulation 8?

The rationale/philosophy of Regulation 8 is to ensure that Players selected to represent either the senior and next senior fifteen-a-side National Representative Teams of a Union or a Union's senior National Representative Sevens Team have a genuine, close, credible and established national link with the country of the Union for which they have been selected. Such a national link is essential to maintain the unique characteristics and culture of elite international sporting competition between Unions. The integrity of International Matches between Unions depends upon strict adherence to the eligibility criteria set out in the Regulations.

#### 2. Who establishes the eligibility criteria in Rugby Union?

The IRB will continue to establish the criteria by reference to which a Player's eligibility to play for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which Union a Player is eligible to represent. This will be determined solely in accordance with the IRB's eligibility criteria.

#### 3. What is the eligibility criteria in Rugby Union?

The existing IRB eligibility criteria set out in Regulation 8.1 will be maintained. This is based on the following:

(a) The country in which the Player was born; or

(b) The country in which one parent or grandparent of the Player was born; or

(c) The country in which the Player has completed thirty-six consecutive months of Residence immediately preceding the time of playing. Residence means the place or location in which a Player has his primary and permanent home and Resident shall be construed accordingly.

#### 4. If a Player has dual eligibility, can he play for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of more than one Union?

No, save for those Players that, before 1 January 2000, allowed a period of 36 consecutive months to elapse after they had played for another Union and who played for the second Union before 1 January 2000. The one Union only rule, introduced by the IRB from 1st January 2000 (as set out in Regulation 8.2), will be maintained. A Player is only entitled to play Rugby Union for the senior or next senior fifteen-a-side National Representative Team or the senior National Representative Sevens Team of one Union. Accordingly, if a Player is deemed to have played for such a team, even if he is able to satisfy one or more of the eligibility criteria set out in Regulation 8.1, he will not be able to play for any other Union. Consistent with the overall rationale underlying the eligibility Regulations, the one Union only rule is designed to maintain the integrity of the international Game. Once a Player has committed himself to a particular Union,

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

through participation in one of the Matches or Tours identified in Regulations 8.3 or 8.4, he is unable to change his “Rugby Nationality” which becomes fixed.

### 5. When is a Player deemed to have played for the senior or next senior fifteen-a-side National Representative Team of a Union or a Union’s senior National Representative Sevens Team?

As a result of the one Union only rule, in particular, it is essential that Players and Unions understand the situations in which Players will be deemed to have played for the senior fifteen-a-side National Representative Team or the next senior fifteen-a-side National Representative Team of a Union or a Union’s senior National Representative Sevens Team. These situations are set out in Regulations 8.3 and 8.4. Players and Unions shall, at all times, have regard to the full terms of Regulations 8.3 and 8.4, however, by way of a summary only, the situations set out below are covered:

#### **Fifteen-a-side**

- (a) Players who participate in International Matches for the senior National Representative Team or the next senior National Representative Team of a Union against the senior or next senior National Representative Team of another Union.
- (b) Players selected to represent a Union’s senior Touring Squad who participate in any Match played by members of that Union’s senior Touring Squad during an International Tour provided such International Tour includes an International Match(es) approved by the IRB.
- (c) Players who participate in a Match for the senior or next senior National Representative Team of a Union against a team made up of Players from a Union’s senior Touring Squad during an International Tour which includes International Match(es) approved by the IRB.
- (d) Players, representing a Union’s next senior Touring Squad who participate in a Match on an International Tour approved by the IRB against the senior National Representative Team or the next senior National Representative Team of another Union.
- (e) Players who play for the senior or next senior National Representative Team of a Union against a team selected from a Union’s next senior Touring Squad when such Match is played on an International Tour approved by the IRB.

#### **Seven-a-side**

- (a) Players who play for a Union’s senior National Representative Sevens team in an International Match against the senior National Representative Sevens team of another Union.
- ### **6. How do I know which team is a Union’s next senior fifteen-a-side National Representative Team?**

(a) There should be no uncertainty over which team constitutes a Union’s next senior National Representative Team. Unions are required to notify the IRB of the name of their nominated next senior National Representative Team. The team nominated remains the Union’s next senior National Representative Team unless the Union notifies the IRB of a change in this nomination. A Union is entitled to notify the IRB no more than once per calendar year of a change to its next senior National Representative Team provided that in doing so it shall take account of any Matches such team may be scheduled to play and shall advise the Union of any senior or next senior National Representative Team it is scheduled to play reasonably in advance of such Match. The identity of a Union’s next senior National Representative Team can be verified with the Union concerned and/or the IRB.

(b) Unions must ensure that all persons involved in an International Match (Players and team management including coaching staff) are made aware of the status of their team as the next senior National Representative Team and that of their opposing team where it is the senior or next senior National Representative Team of another Union and what that means from a capturing perspective under Regulation 8. Notwithstanding the Union’s obligation to inform the Player and team management it shall be the sole responsibility of each Player to ensure that he is aware of the status of every Match in which he plays and the implications of playing in an International Match involving the senior or next senior National Representative Teams of two Unions.

### 7. What is the age of majority?

For the purposes of the Regulations (including, but not limited to Regulation 8), the age of majority is deemed to be acquired on a Player’s 18th birthday.

### 8. Does the eligibility criteria apply to all forms of Rugby?

The eligibility criteria applies to the fifteen-a-side Game at senior and next senior National Representative level and in respect of a Union’s senior National Representative Sevens Team.

### 9. Does the eligibility criteria apply to all Unions in membership of the IRB?

Yes, all Unions in membership of the IRB are obliged to comply with the eligibility Regulation

### 10. How will the eligibility criteria be assessed?

Ordinarily, the task of assessing whether a Player satisfies any of the eligibility criteria set out in Regulation 8.1 is straightforward. However, as a result of professionalism, greater mobility and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in Regulation 8.1 will be applied. The questions and answers should be regarded as guidelines. They have been

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prepared on the basis of operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, in the event that there is any uncertainty or the need for clarification in relation to the application of the eligibility criteria in particular circumstances, then the Regulations Committee may be asked by the IRB to make a ruling on a Player's eligibility. In relation to any such adjudication, the Regulations Committee will always have in mind the rationale behind Regulation 8. The aim of the Regulations Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a Player has, by reference to the eligibility criteria in Regulation 8.1, been able to demonstrate a genuine, close and credible national link with the country that the Player wishes to represent. It is anticipated that over time a body of rulings by the Regulations Committee may develop which may, in turn, assist in providing further guidance to Unions in relation to eligibility matters.

### 11. When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a Player represents the senior or next senior fifteen-a-side National Representative Team of a Union or a Union's senior National Representative Sevens Team. This is particularly important in light of the one Union only rule. Accordingly, if a Union has any doubt over a Player's eligibility status it must take all steps necessary to clarify the position before selecting the Player to play for its senior or next senior fifteen-a-side National Representative Team or its senior National Representative Sevens Team.

### 12. What does place of birth mean?

This should be the most straightforward criterion to apply. A Player's place of birth shall be the country within whose geographical borders he was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a Player was born within the geographical borders of one country, but in a part of that country deemed by the law of the country concerned, to be the sovereign territory of another, or where a Player was born in a military hospital. In such circumstances the matter should be referred to the Regulations Committee for a ruling. The Regulations Committee would need to establish the legal position together with other relevant facts and circumstances. In exceptional circumstances it may be possible for a Player to demonstrate, to the satisfaction of the Regulations Committee, that he is eligible to play for the Union within whose sovereign territory he was born, even though that sovereign territory may be within the geographical borders of another country.

### 13. What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a Player in accordance with the applicable legal requirements of the country concerned. Unless a Player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a Player's blood parent. When a Player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birth place of the Player's blood parent will no longer be relevant for the purposes of establishing the Player's eligibility pursuant to Regulation 8.1(b). The relevant parent will be the parent that has formally and legally adopted the Player. However in such circumstances, the relevant grandparents for the purposes of establishing a Player's eligibility pursuant to Regulation 8.1(b) will be the Player's blood grandparents. It is not possible under Regulation 8.1(b) to assume eligibility via non-blood grandparents even if a Player has been formally and legally adopted. For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a Player's parent for the purposes of Regulation 8.1(b).

### 14. How is the Residence criteria satisfied?

Regulation 8.1(c) requires a Player to complete 36 consecutive months of Residence immediately preceding the time of playing. Residence is defined as "the place or location in which the Player has his primary and permanent home" and Resident shall be construed accordingly. In essence, Regulation 8.1(c) constitutes a sporting naturalization procedure, based on a geographical/presence test. As in any naturalisation process, a number of factors will influence the determination include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being Resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a Union, a Player is deemed to acquire a credible, close and established national link with a country/Union that entitles him to participate in sporting competitions for that Union. Based on the overriding rationale of the eligibility Regulations, in cases where a Player's eligibility is uncertain the Regulations Committee will consider that Player's eligibility by reference to the particular facts and circumstances of his case to establish if the Residency test, in the context of the overall rationale of the eligibility Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulations Committee when it is asked to consider any cases pursuant to this criterion.

### 15. Whose burden of proof?

In all cases where a Player is seeking to establish eligibility by reference to the Residency criteria in Regulation 8.1(c) (and, indeed, in relation to Regulation (or 8.1(a) and (b))), the burden of proof is on the Player and the Union that he wishes to represent to prove that Player's eligibility. Under Regulation 8.1(c),

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

the Player and his Union must be able to demonstrate that, during the relevant period, the country in which he claims he has been Resident was, genuinely, the country that the Player treated as his home and is clearly the country in which the Player has his primary and permanent home. If a Player has moved from one country to another, and is seeking to establish Residence in that new country, then he must also be able to demonstrate that he is clearly no longer Resident in the country in which he lived previously and that he no longer treats that country as his home. For the avoidance of any doubt, a Player cannot nominate a country as his home without demonstrating that he has satisfied the geographical commitment/presence test enshrined in Regulation 8.1(c). The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the Residency criteria. For example, a Player that acquired/leased property in a country and who nominated that property as his permanent and primary home (even though he may only be present at that property and in that Union on a short term/temporary basis) would not satisfy the Residency test.

### 16. Will short breaks interrupt a period of Residence?

Short breaks in Residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a Player's primary and permanent home and are, therefore, unlikely to interrupt a Player's period of Residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the Player in the country concerned throughout any qualifying year of the Residency period, will be required to place where the Player has his primary and permanent home.

### 17. Does the 36 month period of Residence have to immediately precede playing for a Union?

Save in exceptional circumstances, the 36 months Residence will be expected to have been completed consecutively and be achieved immediately before the Player represents a Union. This is designed to create a contemporary national link with the country of the Union concerned. This factor will be particularly significant if a Player has moved to make a "new" country his Residence having been Resident in another country previously. In essence, in such circumstances, the Player, as well as demonstrating his commitment to a new country, must also be (and seen to be) relinquishing his ties with the country in which he lived previously. For the avoidance of any doubt, seeking to rely on short periods of Residence as a child in a particular country, combined with a short period of Residence in that same country prior to playing for a Union, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a Union. However, each case will be assessed on its overall merits to establish if a Player is able to demonstrate a genuine, close, credible and established national link by reference to the amount of time the Player can demonstrate that he has treated the "new" country as his home and other relevant factors.

## **Sailing**

### **2016 ISAF REGULATIONS Updated With Changes Approved By Council November 2015**

#### **APPENDIX 3 – ELIGIBILITY CODE**

*Note: From 1 January 2017, Regulations 19.8 – 19.13 will be substantially amended. For details, please see Submission 008-15 on the World Sailing website.*

#### **19. ELIGIBILITY CODE**

##### **19.1 Competition Eligibility**

**19.1** An individual shall have Competition Eligibility unless that eligibility has been suspended or revoked. 'Competition Eligibility' means the individual has a general entitlement to take part in competition in the sport of sailing.

**19.2** An individual who does not have Competition Eligibility, or who is in breach of any condition imposed on his Competition Eligibility, shall not compete in any competition in the sport of sailing to which the RRS or these Regulations apply in whole or in part.

**19.3** A boat that races with, as part of her crew, a competitor who is in breach of this Code shall be disqualified from all such races.

##### **World Sailing Eligibility**

**19.4** In addition to Competition Eligibility, a competitor has 'World Sailing Eligibility' if he meets the following conditions:

(a) he is a member of his/her Member National Authority or one of its affiliated organizations. Such membership to be established by the competitor either:

(i) by being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or

(ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership;

(b) he is registered as an 'World Sailing Sailor' on the World Sailing Website for those events listed under Regulations 19.6(a) to (c), Olympic Qualification Events and World Sailing Graded Match Racing Events;

(c) he has agreed to be governed and bound by the Regulations and any other requirements issued by World Sailing; and

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(d)he has not had either his Competition Eligibility or World Sailing Eligibility suspended or revoked under Regulation 19.

**19.5** In exceptional circumstances the Executive Committee may waive the requirements contained in Regulations 19.4.(a) and (b) for a sailor who, for good reason, is unable to comply with those requirements.

### ***Events Requiring World Sailing Eligibility***

**19.6** World Sailing Eligibility is required for the following events:

(a)the Olympic Sailing Competition;

(b)the sailing events of Regional Games recognized by the International Olympic Committee;

(c)events including "World Sailing" in their titles;

(d)world and continental championships of World Sailing classes and world championships of the IMS, Major Events and other events approved by World Sailing as a World Championship;

(e)any event at which the Organizing Authority, Member National Authority or World Sailing has appointed an International Jury, International Umpires, International Race Officers, International Measurers or World Sailing Technical Delegates to act in that capacity;

(f)any event approved by a Member National Authority of World Sailing as an Olympic qualifying event;

(h)any event designated by a Member National Authority within its jurisdiction as requiring competitors to satisfy the requirements of Regulation 19.7; and

(i)any event designated by World Sailing.

**19.7** Additionally, with the prior approval of the relevant Member National Authority, an Organizing Authority may also impose the same requirements as in Regulation 19.6 above for an event and that fact shall then be stated in the notice of race and the sailing instructions.

### ***Nationality Criteria***

**19.8** When participating in a World Sailing Event, a competitor must be a national of the Member National Authority that enters him or that he represents as determined under the guidelines set out in 19.12 below. However, the Notice of Race may specify that Regulation 19.8 does not apply to crew substitutes.

**19.9** The following wording shall be included in the notice of race and sailing instructions:

*"Any competitor in the championship must be a national of the country of the Member National Authority which is entering him/her or which he represents."*

**19.10** All applications or disputes relating to the determination of the country that a competitor may represent in the championship shall be determined by the Executive Committee.

**19.11** The requirements of Regulation 19.8 shall not apply to competitors participating in the World Sailing Open Match World Racing Championship, World Sailing Women's Match Racing World Championship or the World Sailing Offshore Team World Championship.

**19.12** On application, the Executive Committee may grant exemptions to Regulation 19.8 in case of a competitor being a permanent resident of the country he wishes to represent. The following conditions will apply:

(a) a competitor must have been an ordinary resident of the country for more than three (3) consecutive years and must be able to establish his residency for this period;

(b) a competitor must have been member of the relevant Member National Authority, or a club or other organization affiliated to the relevant national authority for at least three (3) consecutive years;

(c) a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognized by the Federation (World Sailing), and who wants to represent another country, may represent this country provided that at least three (3) consecutive years have passed since the competitor last represented a different country in the events referred to above or the Executive Committee has reduced this period.

### ***Nationality Criteria Guidelines***

**19.13** Based on the criteria used by the IOC for the Olympic Games and World Sailing policy, the following guidelines shall be used by the Executive Committee in assessing an application or dispute:

(a) A competitor who is a national of two or more countries at the same time may represent either one of them, as he/she may elect. However, after having represented one country in the Olympic Games, in World Sailing events, in continental or regional games or in world or regional championships recognized by World Sailing, he may not represent another country unless he/she meets the conditions set forth in Regulation 19.12 that apply to persons who have changed their nationality or acquired a new nationality.

(b) A competitor who has represented one country in the Olympic Games, in World Sailing events, in continental or regional games or in world or regional championships recognized by World Sailing, and who has changed his nationality or acquired a new nationality, shall not participate in any of the events referred to above in this paragraph to represent his new country until three years after such change or acquisition. The Executive Committee may after taking into account the circumstances of each case, and with the agreement of the Member National Authorities concerned, reduce or cancel this period.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

(c) If a part of an existing country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country recognized by the IOC, Regulations 19.12(a) and (b) shall not apply and a competitor may:

(i) continue to represent the former country if he remains a national of that country; or  
(ii) represent the new country of the country into which the newly independent territory has been incorporated provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country; and

(iii) the choice provided for in this paragraph may only be made once in respect of such change in national status.

(d) In all cases not expressly addressed in these Regulations, in particular those cases in which a competitor would be in a position to represent a country other than that of which he/she is a national, or to have a choice as to the country which he/she intends to represent, the Executive Committee may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the competitors, including the duration of any waiting period.

(e) In the instance of applications that need to be decided in haste, possibly shortly before the start of a championship, the Executive Committee shall nominate two individuals to determine applications/disputes on its behalf for the specific championships only.

### ***Suspension or revocation of Competitor Eligibility or World Sailing Eligibility***

**19.14** Competition Eligibility or World Sailing Eligibility (or both) may be suspended or revoked:

(a) by a National Authority (for events within its own jurisdiction) or by World Sailing:

(i) for a breach of RRS 69.1(a); or

(ii) for competing, within the preceding two years, in an event that the competitor knew or should reasonably have known was a Prohibited Event; or

(b) for a breach of RRS 5.

World Sailing's powers in this Regulation are in addition to the provisions of RRS 69.

**19.15** A 'Prohibited Event' means an event:

(a) permitting or requiring advertising beyond that permitted by the World Sailing Advertising Code;

(a) with prizes or other benefits referred to in Regulation 25.12.2 that is a national event not approved by the National Authority of the venue or an international event not approved by World Sailing;

(b) that is described as a world championship or uses the word "world", either in the title of the event or otherwise, and that is not approved by World Sailing;

(c) that does not conform to the requirements of RRS 89.1 and is not otherwise approved by World Sailing; or

(d) for which the Organizing Authority that has not paid the World Sailing event fees, and

(e) has been listed on the World Sailing website on a list maintained for this purpose

Subsequent review and appeals

**19.16** The procedures for reviewing and appealing decisions of a National Authority or World Sailing under this Regulation are set out in Regulation 35.

**19.17** After a decision to suspend or revoke, or to impose conditions on, Competition Eligibility and/or World Sailing Eligibility has become final, the Chief Executive Officer shall report the decision to all National Authorities, World Sailing Class Associations and other World Sailing affiliated organizations, which may also suspend eligibility for events held within their own jurisdiction. The Chief Executive Officer may do this by publishing an appropriate notice on the World Sailing website.

### ***Reinstatement of Competition and/or World Sailing Eligibility***

**19.18** A competitor may apply to the World Sailing Judicial Board for his Competition Eligibility and/or World Sailing Eligibility to be reinstated, or have any conditions imposed upon it removed or amended, if

(a) he establishes substantial, changed circumstances justifying the change; and

(b) a minimum of three years has passed since the original decision.

### ***Class Eligibility***

**19.26** 19.26 Any competitor whose eligibility has been suspended, denied, or revoked by an World Sailing Class may appeal that decision to the Judicial Board in accordance with Articles 77 to 81 and the procedures set out in the Judicial Board Rules of Procedure

## **2015 ISAF REGULATIONS Updated With Changes Approved By Council November 2014**

### **APPENDIX 3 – ELIGIBILITY CODE**

#### **19. ELIGIBILITY CODE**

##### ***19.1 Competition Eligibility***

**19.1.** An individual shall have Competition Eligibility unless that eligibility has been suspended or revoked. 'Competition Eligibility' means the individual has a general entitlement to take part in competition in the sport of sailing.

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**19.2** An individual who does not have Competition Eligibility, or who is in breach of any condition imposed on his Competition Eligibility, shall not compete in any competition in the sport of sailing to which the RRS or these Regulations apply in whole or in part.

**19.3** A boat that races with, as part of her crew, a competitor who is in breach of this Code shall be disqualified from all such races.

### ***ISAF Eligibility***

**19.4** In addition to Competition Eligibility, a competitor has 'ISAF Eligibility' if he meets the following conditions:

(a) he is a member of his/her Member National Authority or one of its affiliated organizations. Such membership to be established by the competitor either:

(i) by being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or

(ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership;

(b) he is registered as an 'ISAF Sailor' on the ISAF Website for those events listed under Regulations 19.6(a) to (c), Olympic Qualification Events and ISAF Graded Match Racing Events;

(c) he has agreed to be governed and bound by the Regulations and any other requirements issued by ISAF; and

(d) he has not had either his Competition Eligibility or ISAF Eligibility suspended or revoked under Regulation 19.

**19.5** In exceptional circumstances the Executive Committee may waive the requirements contained in Regulations 19.4.(a) and (b) for a sailor who, for good reason, is unable to comply with those requirements.

### ***Events Requiring ISAF Eligibility***

**19.6** ISAF Eligibility is required for the following events:

(a) the Olympic Sailing Competition;

(b) the sailing events of Regional Games recognized by the International Olympic Committee;

(c) events including "ISAF" in their titles;

(d) world and continental championships of ISAF classes and world championships of the IMS, Major Events and other events approved by ISAF as a World Championship;

(e) any event at which the Organizing Authority, Member National Authority or ISAF has appointed an International Jury, International Umpires, International Race Officers, International Measurers or ISAF Technical Delegates to act in that capacity;

(f) any event approved by a Member National Authority of ISAF as an Olympic qualifying event;

(h) any event designated by a Member National Authority within its jurisdiction as requiring competitors to satisfy the requirements of Regulation 19.7; and

(i) any event designated by ISAF.

**19.7** Additionally, with the prior approval of the relevant Member National Authority, an Organizing Authority may also impose the same requirements as in 19.6 above for an event and that fact shall then be stated in the notice of race and the sailing instructions.

### ***Nationality Criteria***

**19.8** When participating in an ISAF Event, a competitor must be a national of the Member National Authority that enters him or that he represents as determined under the guidelines set out in 19.12 below. However, the Notice of Race may specify that Regulation 19.8 does not apply to crew substitutes.

**19.9** The following wording shall be included in the notice of race and sailing instructions:

*"Any competitor in the championship must be a national of the country of the Member National Authority which is entering him/her or which he represents."*

**19.10** All applications or disputes relating to the determination of the country that a competitor may represent in the championship shall be determined by the Executive Committee.

**19.11** The requirements of Regulation 19.8 shall not apply to competitors participating in the ISAF Open Match World Racing Championship, ISAF Women's Match Racing World Championship or the ISAF Offshore Team World Championship.

**19.12** On application, the Executive Committee may grant exemptions to Regulation 19.8 in case of a competitor being a permanent resident of the country he wishes to represent. The following conditions will apply:

(a) a competitor must have been an ordinary resident of the country for more than three (3) consecutive years and must be able to establish his residency for this period;

(b) a competitor must have been member of the relevant Member National Authority, or a club or other organization affiliated to the relevant national authority for at least three (3) consecutive years;

(c) a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognized by the Federation (ISAF), and who wants to represent another country, may represent this country provided that at least three (3) consecutive years have passed

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since the competitor last represented a different country in the events referred to above or the Executive Committee has reduced this period.

### **Nationality Criteria Guidelines**

**19.13.** Based on the criteria used by the IOC for the Olympic Games and ISAF policy, the following guidelines shall be used by the Executive Committee in assessing an application or dispute:

(a) A competitor who is a national of two or more countries at the same time may represent either one of them, as he/she may elect. However, after having represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships recognized by the ISAF, he may not represent another country unless he/she meets the conditions set forth in Regulation 19.12 that apply to persons who have changed their nationality or acquired a new nationality.

(b) A competitor who has represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships recognized by the ISAF, and who has changed his nationality or acquired a new nationality, shall not participate in any of the events referred to above in this paragraph to represent his new country until three years after such change or acquisition. The Executive Committee may after taking into account the circumstances of each case, and with the agreement of the Member National Authorities concerned, reduce or cancel this period.

(c) If a part of an existing country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country recognized by the IOC, Regulations 19.12(a) and (b) shall not apply and a competitor may:

(i) continue to represent the former country if he remains a national of that country; or

(ii) represent the new country of the country into which the newly independent territory has been incorporated provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country; and

(iii) the choice provided for in this paragraph may only be made once in respect of such change in national status.

(d) In all cases not expressly addressed in these Regulations, in particular those cases in which a competitor would be in a position to represent a country other than that of which he/she is a national, or to have a choice as to the country which he/she intends to represent, the Executive Committee may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the competitors, including the duration of any waiting period.

(e) In the instance of applications that need to be decided in haste, possibly shortly before the start of a championship, the Executive Committee shall nominate two individuals to determine applications/disputes on its behalf for the specific championships only.

### **Suspension or revocation of Competitor Eligibility or ISAF Eligibility**

**19.14** Competition Eligibility or ISAF Eligibility (or both) may be suspended or revoked:

(a) by a National Authority (for events within its own jurisdiction) or by ISAF:

(i) for a breach of RRS 69.1(a); or

(ii) for competing, within the preceding two years, in an event that the competitor knew or should reasonably have known was a Prohibited Event; or

(b) for a breach of RRS 5.

ISAF's powers in this Regulation are in addition to the provisions of RRS 69.

**19.15** A 'Prohibited Event' means an event:

(A) permitting or requiring advertising beyond that permitted by the ISAF Advertising Code;

(B) with prizes or other benefits referred to in Regulation 25.12.2 that is a national event not approved by the National Authority of the venue or an international event not approved by ISAF;

(C) that is described as a world championship or uses the word "world", either in the title of the event or otherwise, and that is not approved by ISAF;

(D) that does not conform to the requirements of RRS 89.1 and is not otherwise approved by ISAF; or

(e) for which the Organizing Authority that has not paid the ISAF Event Fees, and

(f) has been listed on the ISAF website on a list maintained for this purpose

### **Review by ISAF**

**19.16** A National Authority must report any decision it makes under RRS 69.3 or Regulation 19.14 to ISAF, including where it suspends or revokes Competition Eligibility and/or ISAF Eligibility. The decision of the National Authority (together with its reasons) shall be sent promptly in writing to the Chief Executive Officer.

**19.17** On receipt of such a report, ISAF may confirm, revise or annul the decision (or remit it to the National Authority for reconsideration in accordance with the ISAF's directions).

**19.18** After a decision to suspend or revoke, or to impose conditions on, Competition Eligibility and/or ISAF Eligibility has become final, the Chief Executive Officer shall report the decision to all National Authorities, ISAF Class Associations and other ISAF affiliated organizations, which may also suspend eligibility for

## APPENDICES

events held within their own jurisdiction. The Chief Executive Officer may do this by publishing an appropriate notice on the ISAF website.

### **Appeals**

**19.19** A competitor may appeal a decision to suspend, revoke, or impose conditions on his Competition or ISAF Eligibility to the Review Board. The competitor shall be advised of the right to appeal and be provided with a copy of the Review Board Rules of Procedure.

**19.20** A National Authority or ISAF may ask for a review of its decision by the Review Board. The Review Board Rules of Procedure shall govern all appeals and requests for review.

**19.21** Upon an appeal or request for review, the Review Board may confirm, revise or annul the decision, or require a hearing or rehearing.

**19.22** Decisions of the Review Board may be appealed only in accordance with Article 82.

**19.23** The Chief Executive Officer shall promptly notify all National Authorities, ISAF Class Associations and other ISAF affiliated organizations of all Review Board decisions made pursuant to this Regulation. The Chief Executive Officer may do this by publishing an appropriate notice on the ISAF website.

### **Reinstatement of Competition and/or ISAF Eligibility**

**19.24** A competitor may apply to ISAF for his Competition Eligibility and/or ISAF Eligibility to be reinstated, or have any conditions imposed upon it removed or amended, if

A) he establishes substantial, changed circumstances justifying the change; and

B) a minimum of three years has passed since the original decision.

**19.25A** competitor may appeal a refusal to grant such an application to the Review Board, in which case the procedures set out in Regulations 19.19 to 19.23 shall apply.

### **Class Eligibility**

**19.26** Any competitor whose eligibility has been suspended, denied, or revoked by an ISAF Class may appeal that decision to the Review Board in accordance with Articles 79, 81 and 82 and the procedures set out in the Review Board Rules of Procedure

## **ISAF REGULATIONS Updated With Changes Approved By Council November 2013**

### **APPENDIX 3 – ELIGIBILITY CODE**

#### **19. ELIGIBILITY CODE**

##### **19.1 Competition Eligibility**

**19.1** An individual shall have Competition Eligibility unless that eligibility has been suspended or revoked. 'Competition Eligibility' means the individual has a general entitlement to take part in competition in the sport of sailing.

**19.2** An individual who does not have Competition Eligibility, or who is in breach of any condition imposed on his Competition Eligibility, shall not compete in any competition in the sport of sailing to which the RRS or these Regulations apply in whole or in part.

**19.3** A boat that races with, as part of her crew, a competitor who is in breach of this Code shall be disqualified from all such races.

##### **ISAF Eligibility**

**19.4** In addition to Competition Eligibility, a competitor has 'ISAF Eligibility' if he meets the following conditions:

(a) he is a member of his/her Member National Authority or one of its affiliated organizations. Such membership to be established by the competitor either:

(i) by being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or

(ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership;

(b) he is registered as an 'ISAF Sailor' on the ISAF Website for those events listed under Regulations 19.6(a) to (c), Olympic Qualification Events and ISAF Graded Match Racing Events;

(c) he has agreed to be governed and bound by the Regulations and any other requirements issued by ISAF; and

(d) he has not had either his Competition Eligibility or ISAF Eligibility suspended or revoked under Regulation 19.

**19.5** In exceptional circumstances the Executive Committee may waive the requirements contained in Regulations 19.4.(a) and (b) for a sailor who, for good reason, is unable to comply with those requirements.

##### **Events Requiring ISAF Eligibility**

**19.6** ISAF Eligibility is required for the following events:

(a) the Olympic Sailing Competition;

(b) the sailing events of Regional Games recognized by the International Olympic Committee;

(c) events including "ISAF" in their titles;

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

- (d) world and continental championships of ISAF classes and world championships of the IMS, Major Events and other events approved by ISAF as a World Championship;
  - (e) any event at which the Organizing Authority, Member National Authority or ISAF has appointed an International Jury, International Umpires, International Race Officers, International Measurers or ISAF Technical Delegates to act in that capacity;
  - (f) any event approved by a Member National Authority of ISAF as an Olympic qualifying event;
  - (g) any event designated by a Member National Authority within its jurisdiction as requiring competitors to satisfy the requirements of Regulation 19.7; and
  - (h) any event designated by ISAF.
- [...]

### ***Nationality Criteria***

19.8 When participating in an ISAF Event, a competitor must be a national of the Member National Authority that enters him or that he represents as determined under the guidelines set out in 19.12 below. However, the Notice of Race may specify that Regulation 19.8 does not apply to crew substitutes.

19.9 The following wording shall be included in the notice of race and sailing instructions:

*“Any competitor in the championship must be a national of the country of the Member National Authority which is entering him/her or which he represents.”*

19.10 All applications or disputes relating to the determination of the country that a competitor may represent in the championship shall be determined by the Executive Committee.

19.11 The requirements of Regulation 19.8 shall not apply to competitors participating in the ISAF Open Match World Racing Championship, ISAF Women’s Match Racing World Championship or the ISAF Offshore Team World Championship.

19.12 On application, the Executive Committee may grant exemptions to Regulation 19.8 in case of a competitor being a permanent resident of the country he wishes to represent.

The following conditions will apply:

- (a) a competitor must have been an ordinary resident of the country for more than three (3) consecutive years and must be able to establish his residency for this period;
- (b) a competitor must have been member of the relevant Member National Authority, or a club or other organization affiliated to the relevant national authority for at least three (3) consecutive years;
- (c) a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognized by the Federation (ISAF), and who wants to represent another country, may represent this country provided that at least three (3) consecutive years have passed since the competitor last represented a different country in the events referred to above or the Executive Committee has reduced this period.

### ***Nationality Criteria Guidelines***

19.13 Based on the criteria used by the IOC for the Olympic Games and ISAF policy, the following guidelines shall be used by the Executive Committee in assessing an application:

- (a) A competitor who is a national of two or more countries at the same time may represent either one of them, as he/she may elect. However, after having represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships recognized by the ISAF, he may not represent another country unless he/she meets the conditions set forth in Regulation 19.12 that apply to persons who have changed their nationality or acquired a new nationality.
- (b) A competitor who has represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships recognized by the ISAF, and who has changed his nationality or acquired a new nationality, shall not participate in any of the events referred to above in this paragraph to represent his new country until three years after such change or acquisition. The Executive Committee may after taking into account the circumstances of each case, and with the agreement of the Member National Authorities concerned, reduce or cancel this period.
- (c) If a part of an existing country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country recognized by the IOC, Regulations 19.12(a) and (b) shall not apply and a competitor may:
  - (i) continue to represent the former country if he remains a national of that country; or
  - (ii) represent the new country of the country into which the newly independent territory has been incorporated provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country; and
  - (iii) the choice provided for in this paragraph may only be made once in respect of such change in national status.
- (d) In all cases not expressly addressed in these Regulations, in particular those cases in which a competitor would be in a position to represent a country other than that of which he/she is a national, or to have a choice as to the country which he/she intends to represent, the Executive Committee may take all decisions of a

## APPENDICES

general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the competitors, including the duration of any waiting period.

(e) In the instance of applications that need to be decided in haste, possibly shortly before the start of a championship, the Executive Committee shall nominate two individuals to determine applications/disputes on its behalf for the specific championships only.

### **APPENDIX 3 – ELIGIBILITY CODE Updated With Changes Approved by Council May 2013**

#### **19. ELIGIBILITY CODE**

##### **19.1 Competition Eligibility**

19.1 An individual shall have Competition Eligibility unless that eligibility has been suspended or revoked. 'Competition Eligibility' means the individual has a general entitlement to take part in competition in the sport of sailing.

19.2 An individual who does not have Competition Eligibility, or who is in breach of any condition imposed on his Competition Eligibility, shall not compete in any competition in the sport of sailing to which the RRS or these Regulations apply in whole or in part.

19.3 A boat that races with, as part of her crew, a competitor who is in breach of this Code shall be disqualified from all such races.

##### **ISAF Eligibility**

**19.4** In addition to Competition Eligibility, a competitor has 'ISAF Eligibility' if he meets the following conditions:

(a) he is a member of his/her Member National Authority or one of its affiliated organizations. Such membership to be established by the competitor either:

(i) by being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or

(ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership;

(b) he is registered as an 'ISAF Sailor' on the ISAF Website for those events listed under Regulations 19.6(a) to (c), Olympic Qualification Events and ISAF Graded Match Racing Events;

(c) he has agreed to be governed and bound by the Regulations and any other requirements issued by ISAF; and

(d) he has not had either his Competition Eligibility or ISAF Eligibility suspended or revoked under Regulation 19.

**19.5** In exceptional circumstances the Executive Committee may waive the requirements contained in Regulations 19.4.(a) and (b) for a sailor who, for good reason, is unable to comply with those requirements.

##### **Events Requiring ISAF Eligibility**

**19.6** ISAF Eligibility is required for the following events:

(a) the Olympic Sailing Competition;

(b) the sailing events of Regional Games recognized by the International Olympic Committee;

(c) events including "ISAF" in their titles;

(d) world and continental championships of ISAF classes and world championships of the IMS, Major Events and other events approved by ISAF as a World Championship;

(e) any event at which the Organizing Authority, Member National Authority or ISAF has appointed an International Jury, International Umpires, International Race Officers, International Measurers or ISAF Technical Delegates to act in that capacity;

(f) any event approved by a Member National Authority of ISAF as an Olympic qualifying event;

(g) any event designated by a Member National Authority within its jurisdiction as requiring competitors to satisfy the requirements of Regulation 19.7; and

(h) any event designated by ISAF.

**19.7** Additionally, with the prior approval of the relevant Member National Authority, an Organizing Authority may also impose the same requirements as in 19.6 above for an event and that fact shall then be stated in the notice of race and the sailing instructions.

##### **Nationality Criteria**

**19.8** When participating in an ISAF Event, a competitor must be a national of the Member National Authority that enters him or that he represents as determined under the guidelines set out in 19.12 below. However, the Notice of Race may specify that Regulation 19.8 does not apply to crew substitutes.

**19.9** The following wording shall be included in the notice of race and sailing instructions:

*"Any competitor in the championship must be a national of the country of the Member National Authority which is entering him/her or which he represents."*

**19.10** All applications or disputes relating to the determination of the country that a competitor may represent in the championship shall be determined by the Executive Committee.

**19.11** The requirements of Regulation 19.8 shall not apply to competitors participating in the ISAF Open Match World Racing Championship or the ISAF Offshore Team World Championship.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**19.12** On application, the Executive Committee may grant exemptions to Regulation 19.8 in case of a competitor being a permanent resident of the country he wishes to represent.

The following conditions will apply:

- (a) a competitor must have been an ordinary resident of the country for more than three (3) consecutive years and must be able to establish his residency for this period;
- (b) a competitor must have been member of the relevant Member National Authority, or a club or other organization affiliated to the relevant national authority for at least three (3) consecutive years;
- (c) a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognized by the Federation (ISAF), and who wants to represent another country, may represent this country provided that at least three (3) consecutive years have passed since the competitor last represented a different country in the events referred to above or the Executive Committee has reduced this period.

### ***Nationality Criteria Guidelines***

**19.13** Based on the criteria used by the IOC for the Olympic Games and ISAF policy, the following guidelines shall be used by the Executive Committee in assessing an application:

- (a) A competitor who is a national of two or more countries at the same time may represent either one of them, as he/she may elect. However, after having represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships recognized by the ISAF, he may not represent another country unless he/she meets the conditions set forth in Regulation 19.12 that apply to persons who have changed their nationality or acquired a new nationality.
- (b) A competitor who has represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships recognized by the ISAF, and who has changed his nationality or acquired a new nationality, shall not participate in any of the events referred to above in this paragraph to represent his new country until three years after such change or acquisition. The Executive Committee may after taking into account the circumstances of each case, and with the agreement of the Member National Authorities concerned, reduce or cancel this period.
- (c) If a part of an existing country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country recognized by the IOC, Regulations 19.12(a) and (b) shall not apply and a competitor may:
  - (i) continue to represent the former country if he remains a national of that country; or
  - (ii) represent the new country of the country into which the newly independent territory has been incorporated provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country; and
  - (iii) the choice provided for in this paragraph may only be made once in respect of such change in national status.
- (d) In all cases not expressly addressed in these Regulations, in particular those cases in which a competitor would be in a position to represent a country other than that of which he/she is a national, or to have a choice as to the country which he/she intends to represent, the Executive Committee may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the competitors, including the duration of any waiting period.
- (e) In the instance of applications that need to be decided in haste, possibly shortly before the start of a championship, the Executive Committee shall nominate two individuals to determine applications/disputes on its behalf for the specific championships only.

## **ISAF regulations 2012 APPENDIX 3 – ELIGIBILITY CODE**

### **19. ELIGIBILITY CODE**

#### ***ISAF Eligibility Rules***

**19.1** A competitor whose ISAF eligibility has been suspended or revoked shall not engage in any competition in the sport of sailing.

**19.2.** To be eligible to compete in an event listed in 19.3, a competitor shall:

- (a) be governed by the regulations and rules of ISAF;
- (b) be a member of his/her Member National Authority or one of its affiliated organizations. Such membership shall be established by the competitor:
  - (i) being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or
  - (ii) presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership.
- (c) Be registered as an 'ISAF Sailor' on the ISAF Website for those events listed under 19.3(a), (b) and (c), Olympic Qualification Events and ISAF Graded Match Racing Events.

**19.2.1** In exceptional circumstances the Executive Committee may waive the requirements contained in Regulations 19.2.1 (b) and (c) for a sailor who, for good reason, is unable to comply with those requirements.

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### ***Events Requiring ISAF Eligibility***

**19.3** ISAF Eligibility is required for the following events:

- (a) the Olympic Sailing Competition;
- (b) the sailing events of Regional Games recognized by the International Olympic Committee;
- (c) events including "ISAF" in their titles;
- (d) world and continental championships of ISAF classes and world championships of the IMS, Major Events and other events approved by ISAF as a World Championship;
- (e) any event at which the Organizing Authority, Member National Authority or ISAF has appointed an International Jury or International Umpires, International Race Officers, International Measurers or ISAF Technical Delegates to serve in their capacity for which they hold a Certificate of Appointment issued by ISAF;
- (f) any event approved by a Member National Authority of ISAF as an Olympic qualifying event; and
- (g) any event designated by a Member National Authority within its jurisdiction as requiring ISAF eligibility.

**19.3.1** With the approval of the relevant Member National Authority, an Organizing Authority may also require ISAF eligibility for an event when so stated in the notice of race and sailing instructions.

### **Shooting**

**Official Statutes Rules and Regulations EDITION 2013 (first print, 11/2012; second print, 01/2014; third print, 01/2015; fourth print 03/2016) Effective 1 JANUARY 2013 Copyright: ISSF (applicable since 2000)**

#### **3.6 ENTRY AND PARTICIPATION**

[...]

**3.6.3** Any athlete must be a national of the country they represent.

**3.6.3.1** All disputes relating to the determination of the country which an athlete may represent shall be resolved by the ISSF Executive Committee.

**3.6.3.2** An athlete who is a national of two (2) or more countries at the same time may represent either one (1) of them, as he may select.

However, after having represented one (1) country in the Olympic Games or in any ISSF Championships, he may not represent another country unless he meets the conditions set forth in paragraphs below that apply to persons who have changed their nationality or acquired a new nationality.

**3.6.3.3** An athlete who has represented one (1) country in the Olympic Games or in any ISSF Championship, and who has changed his nationality or acquired a new nationality, may participate in ISSF Championships to represent his new country provided that at least three (3) years have passed since the athlete last represented his former country. This period may be reduced or even cancelled, with the agreement of the Federations concerned and by the ISSF Executive Committee, which takes into account the circumstances of each case.

**3.6.3.4** If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, an athlete may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in ISSF Championships by his new Federation when recognized by the ISSF. This particular choice may be made only once.

**3.6.3.5** Furthermore, in all cases in which an athlete would be eligible to participate in ISSF Championships, either by representing another country than his or by having the choice as to the country which such athlete intends to represent, the ISSF Executive Committee may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any athlete, including the duration of any waiting period.

**3.6.4** The period following naturalization may be reduced or even cancelled with the agreement of the two (2) National Federations concerned and the final approval of the ISSF Executive Committee.

**3.6.5** An official declaration of eligibility for each athlete will be required from the Member Federation. Team officials participating in ISSF Championships must abide by the ISSF Rules and Regulations.

**3.6.6** All athletes must sign a "Athlete's Declaration" and have an ISSF ID Number before participation in any ISSF Championships. Failure to deliver a signed declaration before any start will lead to disqualification and cancellation of the results obtained.

**3.6.7** Maximum participation in the Olympic Games is established by the IOC. Qualification standards are established by the ISSF Executive Committee that also has the authority to take the final decision on the distribution of the quota places and the Wild Cards in cooperation with the IOC Tripartite Commission.

### **Skating**

**INTERNATIONAL SKATING UNION GENERAL REGULATIONS 2014 as accepted by the 55th Ordinary Congress June 2014**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

### **Eligibility Rule 102**

#### **1. Eligibility Status**

A) The eligibility Rules of the ISU are based upon the principles that:

i) a person has the privilege to take part in the activities and competitions under the jurisdiction of the ISU only if such person respects the principles and policies of the ISU as expressed in the ISU Statutes and fulfills those obligations on the basis of which the ISU functions and governs all its activities;

ii) the condition of eligibility is made for the adequate protection of the economic and other interests of the ISU, which uses its financial revenues for the administration and development of the ISU sport disciplines and for the support and benefit of the Members and their Skaters.

B) An eligible person is one who elects to take part only in International Competitions which are:

i) sanctioned by the Member and/or the ISU;

ii) conducted by ISU recognized and approved Officials, including Referees, Technical Controllers, Technical Specialists, Judges, Starters, Competitors Stewards and others; and

iii) conducted under ISU Regulations.

C) A Skater wishing to take part in ISU activities should not be placed at a disadvantage by reason of the necessity to prepare for and participate in ISU Events, the Olympic Winter Games, the Winter Youth Olympic Games and all International Competitions, exhibitions and tours properly sanctioned by the ISU or a Member. Accordingly, a Skater may receive payments for appearances, endorsements and exhibition performances and still remain eligible, provided:

i) such Skater complies with conditions established by the respective Member of which such Skater is a member concerning such appearances, endorsements and exhibition performances, including all financial arrangements;

ii) payments or other benefits to be received by such Skater for any Skating appearance are made through the respective Member of which such Skater is a member or at least with full information on such payments or benefits given by such Skater to the Member;

iii) such Skater complies with all other provisions of this Rule 102.

D) It is the responsibility of each Member to establish the basis for the receipt of payments by such Skater for appearances, endorsements and exhibition performances.

Members may share such payments in consideration of past and present support of such persons, but with not more than 10%. Members shall monitor their Skaters to ensure that they do not participate in competitions that would render them ineligible.

#### **2. Definition of an ineligible person**

A person becomes ineligible to participate in ISU activities and competitions by:

A) skating or officiating without the prior express authorization of the respective Member, in any capacity in a Skating competition, exhibition or tour in any of the sport disciplines of the ISU;

b) skating or officiating in a competition conducted by Officials (Referees, Technical Controllers, Technical Specialists, Judges, Starters, Competitors Stewards, etc.) not on the approved list of the respective Member or on the ISU approved list;

c) skating or officiating in an event not sanctioned by a Member and/or the ISU; or

d) otherwise violating this Rule 102.

In addition to the consequences and status of ineligibility described in Rule 102, paragraph 7 and Rule 103, paragraph 1, a person specifically declared ineligible by the Council, if the Council so states in its decision, may be also declared to be *persona non grata* within the ISU and such person may not take part in ISU activities, stand for or hold any ISU Office, be a delegate to any Congress, be an ISU Official, be granted credentials to any ISU Event, seminar or meeting in any capacity, or otherwise occupy any position, appointed or otherwise, identified in the ISU Statutes as a position of service or responsibility on behalf of the ISU.

#### **3. Participation of eligible persons**

Only eligible persons, including Skaters, are permitted to take part in ISU Events, ISU Congress, the Olympic Winter Games, the Winter Youth Olympic Games and other International Competitions unless another Rule explicitly provides otherwise (See paragraph 4 below and Rule 121, paragraph 3.a). Eligible persons may take part in exhibitions and tours which may include ineligible Skaters, only if such exhibitions and tours are sanctioned by a Member and/or the ISU.

Eligible persons may participate in ISU approved Open International Competitions that include invited ineligible Skaters as approved by the Council. Members shall have the obligation to inform the ISU immediately in case that a Skater or Official, who has taken part in international activities as an eligible person, becomes ineligible.

[...]

#### **7. Loss of eligibility**

A) The consequence of a breach of the eligibility Rules shall be the loss of eligibility. The status of a person disqualified or suspended under other applicable Rules, does not affect the eligible status of such person, but

## APPENDICES

it limits, according to the terms of the applicable disciplinary sanction, the right of such person to participate in the competitions and activities of the ISU.

B) The ISU Council, upon the presentation of such evidence as it considers sufficient at its sole discretion, may rule upon an alleged breach of the eligibility Rules, whether or not any protest has been made against an individual's eligible status in skating.

C) Before a ruling is made by the Council, both the Member and the person concerned shall be notified and the person concerned shall be given the opportunity to furnish an explanation of the alleged breach (which may be in writing).

If the person concerned does not avail himself of such opportunity within fifteen (15) days of receipt of such notice, his right to furnish an explanation shall be waived.

8. Matters concerning eligibility not otherwise foreseen in the ISU Rules shall be considered by the Member concerned in a manner consistent with the spirit and intent of the ISU Rules.

[...]

### **Rule 109**

#### **1. Participation in Competitions**

The International Competitions, listed in Rule 107, paragraphs 5, 6, 7, 8, 9, 10, 11 and 12 organized by Members, may be entered only by Competitors who belong to a Member and for whom the entry can be made only through the respective Members. For participation in the Olympic Winter Games, Rule 126 applies.

2a) In principle, a Skater may compete only as a member of the Member of the country of which he is a citizen.

B) A Skater may compete for the Member of the country of which he is not a citizen if he fulfils the following conditions:

i) he has resided for at least one year in that country and has been permitted to compete for that Member by the National Association of the country of which he is a citizen, or he has resided for at least one year in that country and he (or his parents if he is not of age) has applied for citizenship in that country;

ii) before July 1st immediately prior to his first International Competition as a member of the Member, he has not competed in any International Competition or ISU Championship for another Member during the twelve (12) preceding months;

iii) before July 1st immediately prior to his first ISU Championship as a member of the Member, he has not competed in any International Competition or ISU Championship for another Member during the eighteen (18) preceding months;

iv) any denial of a request for permit by the Member submitted in accordance with sub-paragraph (i) above may be the subject of a request to the Council by the involved Skater or any involved Member for exceptional permission as provided in paragraph 5 of this Rule.

C) In the case of a Pair Skating or an Ice Dance couple, one partner at least must be a citizen of the country of the Member for which the Pair Skating or Ice Dance couple competes. The other partner may be a citizen or resident of a country of any other Member. The residence and permit requirements and the waiting periods stated above in paragraph 2.b) i), ii), and iii) and in paragraph 3 do not apply to such partner. However, if such partner has already represented another Member, regardless of the discipline, the permit from the Member the Skater represented is required and the waiting period 12 months from the day of the last competition in which the Skater represented another Member applies.

D) In the case of Synchronized Skating Teams, up to 25% (four (4) Skaters on a team with sixteen (16) Skaters and three (3) Skaters on a team with twelve (12) Skaters) of a team may be from a foreign Member, if so permitted by the National Association of the country of which the Skater is a citizen, but such Skaters shall only represent one Member in the course of the same season (July 1st-June 30th). Alternates are not included for the calculation of percentages purposes. Restrictions specified in paragraph 2.b) do not apply.

3. If a Skater, who has already represented one Member in an International Competition or ISU Championship, intends to compete in the future for another Member, regardless of the grounds on which the possibility of such change is based, such Skater shall be subject to the waiting periods set forth in subparagraphs 2.b) ii) and iii) above.

4. In the course of the same season (July 1st–June 30th) a Skater may skate in competitions and exhibitions for only one and the same Member or affiliated club.

5. Exceptions to paragraphs 2 & 3 of this Rule may be granted by the Council, which may also enter a Competitor for an event (see also Rule 115, paragraph 5 and Rules 130 and 131). A Competitor nominated by the ISU does not count in the quota of the country of his citizenship or residence.

The Council may also reject an application from a Member for a permission that a Skater who has or had foreign citizenship may compete for that Member, although the formalities and requirements stated in this Rule have been met, if in the opinion of the Council granting such application would be contrary to the purpose and spirit of the Rule. (e.g. in case that a Member tries to "import" several athletes with foreign

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

citizenship, in particular when such athletes should form a new national team of such Member or its substantial part).

6. In exceptional cases, the Council may permit eligible persons to take part in competitions in countries in which there is no Member.

[...]

### **The Olympic Winter Games Rule 126**

1. Skating Competitions at the Olympic Winter Games

The skating competitions in the Olympic Winter Games are International Competitions and not ISU Championships and are subject to the provisions of the Olympic Charter and ISU Regulations governing such competitions. In accordance with Rule 121, all Referees, Assistant Referees, Technical Controllers, Technical Specialists, Data & Replay Operators, Judges, Starters and Competitors Stewards acting in the Olympic Winter Games must be designated ISU. A Judge may serve in not more than two (2) events.

2. Entry in the Olympic Winter Games is subject to the requirements of the Olympic Charter, as well as of the applicable ISU Regulations. They are subject to the Regulations of the IOC governing such competitions.

[...]

7. Only Competitors from Members may participate in the Skating events of the Olympic Winter Games.

## **INTERNATIONAL SKATING UNION CONSTITUTION and GENERAL REGULATIONS 2012 as accepted by the 54th Ordinary Congress June 2012**

### **B. Eligibility Rule 102**

**1. Eligibility Status** a) The eligibility Rules of the ISU are based upon the principles that:

i) a person has the privilege to take part in the activities and competitions under the jurisdiction of the ISU only if such person respects the principles and policies of the ISU as expressed in the ISU Statutes and fulfills those obligations on the basis of which the ISU functions and governs all its activities;

ii) the condition of eligibility is made for the adequate protection of the economic and other interests of the ISU, which uses its financial revenues for the administration and development of the ISU sport disciplines and for the support and benefit of the Members and their Skaters.

b) An eligible person is one who elects to take part only in International Competitions which are:

i) sanctioned by the Member and/or the ISU;

ii) conducted by ISU recognized and approved Officials, including Referees, Technical Controllers, Technical Specialists, Judges, Starters, Competitors Stewards and others; and

iii) conducted under ISU Regulations.

c) A Skater wishing to take part in ISU activities should not be placed at a disadvantage by reason of the necessity to prepare for and participate in ISU Events, the Olympic Winter Games, the Winter Youth Olympic Games and all International Competitions, exhibitions and tours properly sanctioned by the ISU or a Member. Accordingly, a Skater may receive payments for appearances, endorsements and exhibition performances and still remain eligible, provided:

i) such Skater complies with conditions established by the respective Member of which such Skater is a member concerning such appearances, endorsements and exhibition performances, including all financial arrangements;

ii) payments or other benefits to be received by such Skater for any Skating appearance are made through the respective Member of which such Skater is a member or at least with full information on such payments or benefits given by such Skater to the Member;

iii) such Skater complies with all other provisions of this Rule 102.

d) It is the responsibility of each Member to establish the basis for the receipt of payments by such Skater for appearances, endorsements and exhibition performances. Members may share such payments in consideration of past and present support of such persons, but with not more than 10%. Members shall monitor their Skaters to ensure that they do not participate in competitions that would render them ineligible.

### **2. Definition of an ineligible person**

A person becomes ineligible to participate in ISU activities and competitions by:

i) skating or officiating without the prior express authorization of the respective Member, in any capacity in a Skating competition, exhibition or tour in any of the sport disciplines of the ISU;

ii) skating or officiating in a competition conducted by Officials (Referees, Technical Controllers, Technical Specialists, Judges, Starters, Competitors Stewards, etc.) not on the approved list of the respective Member or on the ISU approved list;

iii) skating or officiating in an event not sanctioned by a Member and/or the ISU; or

iv) otherwise violating this Rule 102. In addition to the consequences and status of ineligibility described in Rule 102, paragraph 7 and Rule 103, paragraph 1, a person specifically declared ineligible by the Council, if the Council so states in its decision, may be also declared to be *persona non grata* within the ISU and such person may not take part in ISU activities, stand for or hold any ISU Office, be a delegate to any Congress, be an ISU Official, be granted credentials to any ISU Event, seminar or meeting in any capacity, or otherwise

## APPENDICES

occupy any position, appointed or otherwise, identified in the ISU Statutes as a position of service or responsibility on behalf of the ISU.

### 3. Participation of eligible persons

Only eligible persons, including Skaters, are permitted to take part in ISU Events, the Olympic Winter Games, the Winter Youth Olympic Games and other International Competitions unless another Rule explicitly provides otherwise (See paragraph 4 below and Rule 121, paragraph 3.a). Eligible persons may take part in exhibitions and tours which may include ineligible Skaters, only if such exhibitions and tours are sanctioned by a Member and/or the ISU. Eligible persons may participate in ISU approved Open International Competitions that include invited ineligible Skaters as approved by the Council.

Members shall have the obligation to inform the ISU immediately in case that a Skater or Official, who has taken part in international activities as an eligible person, becomes ineligible.

[...]

### 7. Loss of eligibility

a) The consequence of a breach of the eligibility Rules shall be the loss of eligibility. The status of a person disqualified or suspended under other applicable Rules, does not affect the eligible status of such person, but it limits, according to the terms of the applicable disciplinary sanction, the right of such person to participate in the competitions and activities of the ISU.

b) The ISU Council, upon the presentation of such evidence as it considers sufficient at its sole discretion, may rule upon an alleged breach of the eligibility Rules, whether or not any protest has been made against an individual's eligible status in skating.

c) Before a ruling is made by the Council, both the Member and the person concerned shall be notified and the person concerned shall be given the opportunity to furnish an explanation of the alleged breach (which may be in writing). If the person concerned does not avail himself of such opportunity within fifteen (15) days of receipt of such notice, his right to furnish an explanation shall be waived.

8. Matters concerning eligibility not otherwise foreseen in the ISU Rules shall be considered by the Member concerned in a manner consistent with the spirit and intent of the ISU Rules.

### Rule 109

#### 1. Participation in Competitions

The International Competitions, listed in Rule 107, paragraphs 5, 6, 7, 8, 9, 10, 11 and 12 organized by Members, may be entered only by Competitors who belong to a Member and for whom the entry can be made only through the respective Members. For participation in the Olympic Winter Games, Rule 126 applies.

2. a) In principle, a Skater may compete only as a member of the Member of the country of which he is a citizen.

b) A Skater may compete for the Member of the country of which he is not a citizen if he fulfils the following conditions:

i) he has resided for at least one year in that country and has been permitted to compete for that Member by the National Association of the country of which he is a citizen, or he has resided for at least one year in that country and he (or his parents if he is not of age) has applied for citizenship in that country;

ii) before July 1st immediately prior to his first International Competition as a member of the Member, he has not competed in any International Competition or ISU Championship for another Member during the twelve (12) preceding months;

iii) before July 1st immediately prior to his first ISU Championship as a member of the Member, he has not competed in any International Competition or ISU Championship for another Member during the eighteen (18) preceding months;

iv) Any denial of a request for permit by the Member submitted in accordance with sub-paragraph (i) above may be the subject of a request to the Council by the involved Skater or any involved Member for exceptional permission as provided in paragraph 5 of this Rule.

c) In the case of a Pair Skating or an Ice Dance couple, one partner at least must be a citizen of the country of the Member for which the Pair Skating or Ice Dance couple competes. The other partner may be a citizen or resident of a country of any other Member. The residence and permit requirements and the waiting periods stated above in paragraph 2.b) i), ii), and iii) and in paragraph 3 do not apply to such partner. However, if such partner has already represented another Member, regardless of the discipline, the permit from the Member the Skater represented is required and the waiting period 12 months from the day of the last competition in which the Skater represented another Member applies.

d) In the case of Synchronized Skating Teams, up to 25% (four (4) Skaters on a team with sixteen (16) Skaters and three (3) Skaters on a team with twelve (12) Skaters) of a team may be from a foreign Member, if so permitted by the National Association of the country of which the Skater is a citizen, but such Skaters shall only represent one Member in the course of the same season (July 1-June 30). Alternates are not included for the calculation of percentages purposes. Restrictions specified in paragraph 2.b) do not apply.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

3. If a Skater, who has already represented one Member in an International Competition or ISU Championship, intends to compete in the future for another Member, regardless of the grounds on which the possibility of such change is based, such Skater shall be subject to the waiting periods set forth in subparagraphs 2.b) ii) and iii) above.

4. In the course of the same season (July 1st–June 30th) a Skater may skate in competitions and exhibitions for only one and the same Member or affiliated club.

5. Exceptions to paragraphs 2 & 3 of this Rule may be granted by the Council, which may also enter a Competitor for an event (see also Rule 115, paragraph 5 and Rules 130 and 131). A Competitor nominated by the ISU does not count in the quota of the country of his citizenship or residence.

The Council may also reject an application from a Member for a permission that a Skater who has or had foreign citizenship may compete for that Member, although the formalities and requirements stated in this Rule have been met, if in the opinion of the Council granting such application would be contrary to the purpose and spirit of the Rule. (e.g. in case that a Member tries to “import” several athletes with foreign citizenship, in particular when such athletes should form a new national team of such Member or its substantial part).

6. In exceptional cases, the Council may permit eligible persons to take part in competitions in countries in which there is no Member.

[...]

### **E. The Olympic Winter Games Rule 126**

#### **1. Skating Competitions at the Olympic Winter Games**

The skating competitions in the Olympic Winter Games are International Competitions and not ISU Championships and are subject to the provisions of the Olympic Charter and ISU Regulations governing such competitions. In accordance with Rule 121, all Referees, Assistant Referees, Technical Controllers, Technical Specialists, Data & Replay Operators, Judges, Starters and Competitors Stewards acting in the Olympic Winter Games must be designated ISU. A Judge may serve in not more than two (2) events.

2. Entry in the Olympic Winter Games is subject to the requirements of the Olympic Charter, as well as of the applicable ISU Regulations. They are subject to the Regulations of the IOC governing such competitions.

3. For the Speed Skating events the provisions of Rules 202, 206, 209, 215 and 241 must be observed. 4. For the Figure Skating events the provisions of Rules 400–403 must be observed.

[...]

## **Skiing**

### **Alpine Skiing**

**THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK IV JOINT REGULATIONS FOR ALPINE SKIING DOWNHILL SLALOM GIANT SLALOM SUPER-G, COMBINED EVENTS TEAM EVENTS PARALLEL EVENTS KO EVENTS APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) Web Version July 2015; Oberhofen, July 2015**

**203** Licence to participate in FIS Races (FIS Licence)

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

#### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change

## APPENDICES

licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK IV JOINT REGULATIONS FOR ALPINE SKIING DOWNHILL SLALOM GIANT SLALOM SUPER-G, COMBINED EVENTS TEAM EVENTS PARALLEL EVENTS KO EVENTS APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) Oberhofen, July 2014**

#### **203. Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

#### **203.5 Application for a change of FIS Licence Registration**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK IV JOINT REGULATIONS FOR ALPINE SKIING DOWNHILL, SLALOM, GIANT SLALOM, SUPER-G, COMBINED EVENTS, TEAM EVENTS, PARALLEL EVENTS, KO EVENTS APPROVED BY THE 48th INTERNATIONAL SKI CONGRESS, KANGWONLAND (KOR) WEB EDITION JULY 2013**

#### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

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**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry. Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to “import” a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **Cross-Country**

**THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK II CROSS-COUNTRY APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015 Oberhofen, November 2015**

### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS Points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK II CROSS-COUNTRY APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015 Edition July 2015**

### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed

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the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

**203.5** Application for a change of FIS Licence Registration

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS Points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK II CROSS-COUNTRY APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) July 2014**

#### **203. Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1st and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS Points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK II CROSS-COUNTRY APPROVED BY THE 48TH INTERNATIONAL SKI CONGRESS, KANGWONLAND (KOR) INCL. MARKED UP CHANGES AND PRECISIONS 2013 WEB EDITION OCTOBER 2013**

### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which

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foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS Points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **Freestyle**

**THE INTERNATIONAL FREESTYLE SKIING COMPETITION RULES (ICR) BOOK V JOINT REGULATIONS FOR FREESTYLE SKIING, AERIALS MOGULS, DUAL MOGULS SKI CROSS SKI HALFPIPE SKI SLOPESTYLE APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015 INTERNATIONAL SKI FEDERATION FEDERATION INTERNATIONALE DE SKI INTERNATONALER SKI VERBAND Oberhofen, Edition August 2015**

### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

**203.5** Application for a change of FIS Licence Registration

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry. Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration. If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association. These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2.** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **FIS THE INTERNATIONAL FREESTYLE SKIING COMPETITION RULES (ICR) BOOK V JOINT REGULATIONS FOR FREESTYLE SKIING, AERIALS MOGULS, DUAL MOGULS SKI, CROSS SKI HALFPIPE, SKI SLOPESTYLE APPROVED BY THE 49th INTERNATIONAL SKI CONGRESS, BARCELONA (SPA), Webedition November 2014**

#### **Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1.** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

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**203.2.** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

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**203.4.** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

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**203.5.1.** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

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These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2.** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5.** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **THE INTERNATIONAL FREESTYLE SKIING COMPETITION RULES (ICR) BOOK V JOINT REGULATIONS FOR FREESTYLE SKIING, AERIALS MOGULS, DUAL MOGULS SKI CROSS SKI HALFPIPE, SKI SLOPESTYLE APPROVED BY THE 48<sup>th</sup> INTERNATIONAL SKI CONGRESS, KANGWONLAND (KOR) October 2014**

### **203. Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

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If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

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**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **THE INTERNATIONAL FREESTYLE SKIING COMPETITION RULES (ICR) BOOK V JOINT REGULATIONS FOR FREESTYLE SKIING/AERIALS MOGULS, DUAL MOGULS, SKI CROSS, SKI HALFPIPE, SKI SLOPESTYLE APPROVED BY THE 48TH INTERNATIONAL SKI CONGRESS, KANGWONLAND (KOR) WEB EDITION NOVEMBER 2013**

### **203 Licence to participate in FIS Races (FIS Licence)**

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A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

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**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration. If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association. These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **THE INTERNATIONAL FREESTYLE SKIING COMPETITION RULES (ICR) BOOK V JOINT REGULATIONS FOR FREESTYLE SKIING AERIALS, MOGULS, DUAL MOGULS, SKI CROSS, SKI HALFPIPE, SKI SLOPESTYLE APPROVED BY THE 48TH INTERNATIONAL SKI CONGRESS, KANGWONLAND (KOR), WEB EDITION JULY 2013**

### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation. Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry. Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **Nordic Combined**

**THE INTERNATIONAL SKI COMPETITION RULES (ICR)/BOOK VII NORDIC COMBINED APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015, Oberhofen, October 2015**

### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

## APPENDICES

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

## **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK VII NORDIC COMBINED APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015 July 2015**

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

**203.5** Application for a change of FIS Licence Registration

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK VII NORDIC COMBINED APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA)**

**August 2014**

#### **203. Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

## APPENDICES

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

**THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK VII NORDIC COMBINED  
APPROVED BY THE 48th INTERNATIONAL SKI CONGRESS, KANGWONLAND (KOR) WEB  
EDITION OCTOBER 2013**

**203 Licence to participate in FIS Races (FIS Licence)**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

**Ski-Jumping****THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK III SKI JUMPING APPROVED BY THE 49<sup>th</sup> INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015 Edition July 2015****203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

**203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK III SKI JUMPING APPROVED BY THE 49th INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) July 2014**

#### **203. Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

#### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

If such a written agreement is not given, the competitor may not participate in any FIS calendar events for a period of twelve months from the end of the last season in which he competed for his present National Ski Association, nor may he be issued with a licence to participate in FIS races by the new National Ski Association.

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

## APPENDICES

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **THE INTERNATIONAL SKI COMPETITION RULES (ICR) BOOK III SKI JUMPING APPROVED BY THE 48th INTERNATIONAL SKI CONGRESS, KANGWONLAND (KOR) WEB EDITION OCTOBER 2013**

#### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1st and finishes on June 30th of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS License to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

**203.4** During the FIS licence year, a competitor may only participate in International FIS competitions with a FIS licence to participate in FIS races issued by one National Ski Association.

#### **203.5 Application for a change of FIS Licence Registration**

All applications to change licence registration from one member National Ski Association to another are subject to consideration by the FIS Council at its Meetings in the spring. In principle an application to change licence registration will not be granted unless the competitor demonstrates his personal association with the new nation.

Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry.

Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

**203.5.1** If a competitor has already participated in FIS calendar events for a National Ski Association, he must have the written agreement to be released from the former National Ski Association in addition to the citizenship, passport and residency requirements in art. 203.5 before the new National Ski Association may submit a request to FIS for a change of registration.

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**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**203.5.4** A competitor will retain his FIS points if he changes his National Ski Association under the condition that the former National Ski Association granted the release of the competitor.

**203.5.5** In the event that any of the documents for an application to change licence registration submitted by the National Ski Association (letter of release from the former National Ski Association, passport, residency papers) are found to be false, the FIS Council will sanction the competitor and the new National Ski Association.

### **Snowboard**

**THE INTERNATIONAL SNOWBOARD COMPETITION RULES (ICR)BOOK VI JOINT REGULATIONS FOR SNOWBOARDING SLALOM / GIANT SLALOM TRIPLE-S, PARALLEL EVENTS, SNOWBOARD CROSS, SNOWBOARD HALFPIPE, SNOWBOARD BIG AIR, SNOWBOARD SLOPESTYLE APPROVED BY THE 49TH INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015 Oberhofen, December 2015 Web Edition**

#### **203 Licence to participate in FIS Races (FIS Licence)**

A licence to participate in FIS races is issued by a National Ski Association to competitors who fulfil the criteria for participation through registering the competitor with FIS in the respective discipline(s).

**203.1** The FIS licence year begins on July 1<sup>st</sup> and finishes on June 30<sup>th</sup> of the following year.

**203.2** To be eligible for participation in FIS events, a competitor must have a licence issued by his National Ski Association. Such a licence shall be valid in the Northern and Southern hemispheres for the licence year only. The validity of a licence can be limited to participation in one specific country or in one or more specific events.

**203.2.1** The National Ski Association must guarantee that all competitors registered with a FIS Licence to participate in FIS races accept the Rules of the International Ski Federation, in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

**203.3** A National Ski Association may only issue a FIS licence to participate in FIS races when the competitor has proven his nationality and therefore eligibility by submitting a copy of his passport and signed the Athletes Declaration in the form approved by the FIS Council and returned it to his National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians. Both the copy of the passport and signed Athletes Declaration must be made available to FIS on request.

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Prior to submitting an application to change licence registration a competitor must possess the citizenship and passport of the country for which he wishes to compete. In addition, the competitor must have had his principal legal and effective place of residence in the new country for a minimum of two (2) years immediately prior to the date of the request to change registration to the new country/National Ski Association. An exception to the two year residency rule may be waived if the competitor was born in the territory of the new country, or whose mother or father is a national of the new country. Applications will not be accepted if a parent has obtained a passport for the new country, but is not resident, and/or there is no family ancestry. Furthermore the competitor is required to submit a detailed explanation with the application about his personal circumstances and the reason for requesting a change of licence registration.

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These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to "import" a competitor).

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**203.5.3** In the event that a competitor does not fulfil all the criteria required to apply for a change of National Ski Association licence registration, the onus shall be on the competitor to demonstrate in writing to the satisfaction of the FIS Council that exceptional circumstances exist and it is in the best interests of the International Ski Federation to grant the change.

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**THE INTERNATIONAL SNOWBOARD COMPETITION RULES (ICR) BOOK VI JOINT REGULATIONS FOR SNOWBOARDING SLALOM / GIANT SLALOM TRIPLE-S, PARALLEL EVENTS, SNOWBOARD CROSS SNOWBOARD HALFPIPE SNOWBOARD, BIG AIR SNOWBOARD SLOPESTYLE APPROVED BY THE 49TH INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) INCL. CHANGES AND PRECISIONS 2015 WEB EDITION SEPTEMBER 2015 Oberhofen, September 2015**

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## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

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### **FIS THE INTERNATIONAL SNOWBOARD COMPETITION RULES (ICR) BOOK VI JOINT REGULATIONS FOR SNOWBOARDING SLALOM / GIANT SLALOM TRIPLE-S, PARALLEL EVENTS SNOWBOARD CROSS SNOWBOARD HALFPIPE, SNOWBOARD BIG AIR SNOWBOARD SLOPESTYLE, APPROVED BY THE 49TH INTERNATIONAL SKI CONGRESS, BARCELONA (SPA) Web edition Oberhofen, October 2014**

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## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

These rules are also valid when a competitor has more than one nationality and would like to change National Ski Association licence registration.

**203.5.2** The FIS Council reserves the right in its absolute discretion, to grant or to decline to grant, a change of licence notwithstanding the fulfilment of the aforementioned conditions where it deems it is contrary to the spirit of the rule and in the best interests of the International Ski Federation to do so (e.g. to decline to grant a change of licence if a member National Ski Association tries to “import” a competitor).

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## APPENDICES

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## Table Tennis

### **ITTF Handbook 1<sup>st</sup> January 2016**

#### **3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.5.1 and eligibility in Paralympic title competitions is regulated separately by the IPC and 4.6.1; additional eligibility regulations apply to World title events (4.1.3, 4.2.3, 4.3.6, 4.4.3).

**3.8.2** A player shall be regarded as representing an Association if he or she accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 or in regional championships other than individual events at Open International Championships.

**3.8.3** A player is eligible to represent an Association only if he or she is a national of the country in which that Association has jurisdiction, except that a player who has already represented an Association of which he or she was not a national in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he or she is born in or has his or her main residence in the territory controlled by that Association.

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he or she will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.18.1) in an event of continental teams only if he or she is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.21) to enter any individual events of Open International Championships; such nomination may be indicated in results lists and ITTF publications but does not affect the eligibility of this player according to 3.8.2.

**3.8.7** A player or his or her Association shall, if so requested by the referee, provide documentary evidence of his or her eligibility and his or her passport.

**3.8.8.** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chair of the Rules Committee and the chair of the Athletes' Commission, whose decision shall be final.

#### **4.1. WORLD CHAMPIONSHIPS**

##### **4.1.3 Eligibility**

**4.1.3.1** Only an Association which is not in arrears (1.16.3.3) and has taken part with at least one player or team (an entry) in its preceding Continental Championships, including qualification tournaments, or Continental Games, shall be eligible to enter teams or individual players in the Championships.

**4.1.3.2** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.1.3.3** Such player shall not represent the new Association before:

**4.1.3.3.1** 3 years after the date of registration, if the player is under the age of 15 when registered, but only 1 year after the date of registration if the player has never represented another association;

**4.1.3.3.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**4.1.3.3.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.1.3.4** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at World Championships.

### **4.2 WORLD JUNIOR CHAMPIONSHIPS**

#### **4.2.3 Eligibility**

**4.2.3.1** Only an Association which is not in arrears (1.16.3.3) shall be eligible to enter teams or individual players in the Championships.

**4.2.3.2** The system of qualification for team and individual events shall be determined by the Board not later than 18 months before the start of the Championships.

**4.2.3.3** All players shall be juniors according to 3.7.4.2.

**4.2.3.4** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.2.3.5** Such player shall not represent the new Association before 3 years after the date of registration, if the player is under the age of 15 when registered, but only 1 year after the date of registration if the player has never represented another association.

### **4.3 WORLD CUP**

#### **4.3.6 Eligibility**

**4.3.6.1** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.3.6.2** Such player shall not represent the new Association before:

**4.3.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered, but only 1 year after the date of registration if the player has never represented another association;

**4.3.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.3.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.3.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Cup.

### **4.4 WORLD TEAM CUP**

#### **4.4.6 Eligibility**

**4.4.6.1** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.4.6.2** Such player shall not represent the new Association before

**4.4.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered, but only 1 year after the date of registration if the player has never represented another association;

**4.4.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.4.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.4.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Team Cup.

### **4.5 OLYMPIC COMPETITIONS**

#### **4.5.1 Eligibility**

**4.5.1.1.** To be eligible for participation in the Olympic Games a player, coach or official shall comply with the Olympic Charter as well as with the ITTF rules. In particular the above mentioned persons shall

**4.5.1.1.1** be entered by their National Olympic Committee (NOC);

**4.5.1.1.2** respect the spirit of fair play and non violence, and behave accordingly on the field of play;

**4.5.1.1.3** respect and comply in all aspects with the World Anti-Doping Code;

**4.5.1.1.4** not allow their person, name, picture or sports performances to be used for advertising purposes during the Olympic Games, except as permitted by the IOC Executive Board.

**4.5.1.2** The entry or participation of a player in the Olympic Games shall not be conditional on any financial consideration.

**4.5.1.3** Any player shall be a national of the country of the NOC which is entering him or her.

**4.5.1.3.1** A player who is a national of 2 or more countries at the same time may represent either one of them, as he or she may elect.

**4.5.1.3.2** After having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF, a player may not represent another country unless he or she meets the conditions set forth in 4.5.1.3.3.

**4.5.1.3.3** A player who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF and who has changed his or her

## APPENDICES

nationality or acquired a new nationality, may participate in the Olympic Games to represent his or her new country provided that at least 3 years have passed since the player last represented his or her former country.

**4.5.1.3.4** The 3-years-period mentioned in 4.5.1.3.3 may be reduced or even cancelled, with the agreement of the NOCs concerned and the ITTF Executive Committee, by the IOC Executive Board, which takes into account the circumstances of each case.

**4.5.1.3.5** If an associated state, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NOC is recognised by the IOC, a player may continue to represent the country to which he or she belongs or belonged. However, he or she may, if he or she prefers, choose to represent his or her country or be entered in the Olympic Games by his or her new NOC if one exists. This particular choice may be made only once.

**4.5.1.4** All disputes relating to the determination of the country which a player may represent in the Olympic Games and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the player, including the duration of any waiting period, shall be resolved by the IOC Executive Board.

### **ITTF Handbook 2014-2015**

#### **3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.5.1 and eligibility in Paralympic title competitions is regulated separately by the IPC and 4.6.1; additional eligibility regulations apply to World title events (4.1.3, 4.2.3, 4.3.6, 4.4.3).

**3.8.2** A player shall be regarded as representing an Association if he or she accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 or in regional championships other than individual events at Open International Championships.

**3.8.3** A player is eligible to represent an Association only if he or she is a national of the country in which that Association has jurisdiction, except that a player who has already represented an Association of which he or she was not a national in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he or she is born in or has his or her main residence in the territory controlled by that Association.

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he or she will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.18.1) in an event of continental teams only if he or she is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.21) to enter any individual events of Open International Championships; such nomination may be indicated in results lists and ITTF publications but does not affect the eligibility of this player according to 3.8.2.

**3.8.7** A player or his or her Association shall, if so requested by the referee, provide documentary evidence of his or her eligibility and his or her passport.

**3.8.8** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chair of the Rules Committee and the chair of the Athletes' Commission, whose decision shall be final.

#### **4.1.3 Eligibility**

**4.1.3.1** Only an Association which is not in arrears (1.16.3.3) and has taken part with at least one player or team (an entry) in its preceding Continental Championships, including qualification tournaments, or Continental Games, shall be eligible to enter teams or individual players in the Championships.

**4.1.3.2** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.1.3.3** Such player shall not represent the new Association before:

**4.1.3.3.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.1.3.3.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.1.3.3.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.1.3.4** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at World Championships.

[...]

#### **4.2 WORLD JUNIOR CHAMPIONSHIPS**

##### **4.2.3 Eligibility**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**4.2.3.1** Only an Association which is not in arrears (1.16.3.3) shall be eligible to enter teams or individual players in the Championships.

**4.2.3.2** The system of qualification for team and individual events shall be determined by the Board not later than 18 months before the start of the Championships.

**4.2.3.3** All players shall be juniors according to 3.7.4.2.

**4.2.3.4** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.2.3.5** Such player shall not represent the new Association before 3 years after the date of registration, if the player is under the age of 15 when registered.

[...]

### **4.3 WORLD CUP**

#### **4.3.6 Eligibility**

**4.3.6.1** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.3.6.2** Such player shall not represent the new Association before:

**4.3.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.3.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.3.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.3.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Cup.

[...]

### **4.4 WORLD TEAM CUP**

#### **4.4.6 Eligibility**

**4.4.6.1** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.4.6.2** Such player shall not represent the new Association before

**4.4.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.4.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.4.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.4.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Team Cup.

[...]

### **4.5 OLYMPIC COMPETITIONS**

#### **4.5.1 Eligibility**

**4.5.1.1** To be eligible for participation in the Olympic Games a player, coach or official shall comply with the Olympic Charter as well as with the ITTF rules. In particular the above mentioned persons shall

**4.5.1.1.1** be entered by their National Olympic Committee (NOC);

**4.5.1.1.2** respect the spirit of fair play and non violence, and behave accordingly on the field of play;

**4.5.1.1.3** respect and comply in all aspects with the World Anti-Doping Code;

**4.5.1.1.4** not allow their person, name, picture or sports performances to be used for advertising purposes during the Olympic Games, except as permitted by the IOC Executive Board.

**4.5.1.2** The entry or participation of a player in the Olympic Games shall not be conditional on any financial consideration.

**4.5.1.3** Any player shall be a national of the country of the NOC which is entering him or her.

**4.5.1.3.1** A player who is a national of 2 or more countries at the same time may represent either one of them, as he or she may elect.

**4.5.1.3.2** After having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF, a player may not represent another country unless he or she meets the conditions set forth in 4.5.1.3.3.

**4.5.1.3.3** A player who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF and who has changed his or her nationality or acquired a new nationality, may participate in the Olympic Games to represent his or her new country provided that at least 3 years have passed since the player last represented his or her former country.

**4.5.1.3.4** The 3-years-period mentioned in 4.5.1.3.3 may be reduced or even cancelled, with the agreement of the NOCs concerned and the ITTF Executive Committee, by the IOC Executive Board, which takes into account the circumstances of each case.

## APPENDICES

**4.5.1.3.5** If an associated state, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NOC is recognised by the IOC, a player may continue to represent the country to which he or she belongs or belonged. However, he or she may, if he or she prefers, choose to represent his or her country or be entered in the Olympic Games by his or her new NOC if one exists. This particular choice may be made only once.

**4.5.1.4** All disputes relating to the determination of the country which a player may represent in the Olympic Games and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the player, including the duration of any waiting period, shall be resolved by the IOC Executive Board.

### **ITTF Handbook 2013 – 2014**

#### **3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.5.1 and eligibility in Paralympic title competitions is regulated separately by the IPC and 4.6.1; additional eligibility regulations apply to World title events (4.1.3, 4.2.3, 4.3.6, 4.4.3).

**3.8.2** A player shall be regarded as representing an Association if he or she accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 or in regional championships other than individual events at Open International Championships.

**3.8.3** A player is eligible to represent an Association only if he or she is a national of the country in which that Association has jurisdiction, except that a player who has already represented an Association of which he or she was not a national in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he or she is born in or has his or her main residence in the territory controlled by that Association.

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he or she will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.18.1) in an event of continental teams only if he or she is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.21) to enter any individual events of Open International Championships; such nomination may be indicated in results lists and ITTF publications but does not affect the eligibility of this player according to 3.8.2.

**3.8.7** A player or his or her Association shall, if so requested by the referee, provide documentary evidence of his or her eligibility and his or her passport.

**3.8.8** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chair of the Rules Committee and the chair of the Athletes' Commission, whose decision shall be final.

#### **WORLD CHAMPIONSHIPS**

##### **4.1.3 Eligibility**

**4.1.3.1** Only an Association which is not in arrears (1.16.3.3) shall be eligible to enter teams or individual players in the Championships.

**4.1.3.2** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.1.3.3** Such player shall not represent the new Association before:

**4.1.3.3.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.1.3.3.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.1.3.3.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.1.3.4** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at World Championships.

[...]

#### **4.2 WORLD JUNIOR CHAMPIONSHIPS**

##### **4.2.3 Eligibility**

**4.2.3.1** Only an Association which is not in arrears (1.16.3.3) shall be eligible to enter teams or individual players in the Championships.

**4.2.3.2** The system of qualification for team and individual events shall be determined by the Board not later than 18 months before the start of the Championships.

**4.2.3.3** All players shall be juniors according to 3.7.4.2.

**4.2.3.4** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**4.2.3.5** Such player shall not represent the new Association before 3 years after the date of registration, if the player is under the age of 15 when registered.

[...]

### **4.3 WORLD CUP**

#### **4.3.6 Eligibility**

**4.3.6.1** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.3.6.2** Such player shall not represent the new Association before:

**4.3.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.3.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.3.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.3.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Cup.

[...]

### **4.4 WORLD TEAM CUP**

#### **4.4.6 Eligibility**

**4.4.6.1** In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association.

**4.4.6.2** Such player shall not represent the new Association before

**4.4.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.4.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.4.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.4.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Team Cup.

[...]

### **4.5 OLYMPIC COMPETITIONS**

#### **4.5.1 Eligibility**

**4.5.1.1** To be eligible for participation in the Olympic Games a player, coach or official shall comply with the Olympic Charter as well as with the ITTF rules. In particular the above mentioned persons shall

**4.5.1.1.1** be entered by their National Olympic Committee (NOC);

**4.5.1.1.2** respect the spirit of fair play and non violence, and behave accordingly on the field of play;

**4.5.1.1.3** respect and comply in all aspects with the World Anti-Doping Code;

**4.5.1.1.4** not allow their person, name, picture or sports performances to be used for advertising purposes during the Olympic Games, except as permitted by the IOC Executive Board.

**4.5.1.2** The entry or participation of a player in the Olympic Games shall not be conditional on any financial consideration.

**4.5.1.3** Any player shall be a national of the country of the NOC which is entering him or her.

**4.5.1.3.1** A player who is a national of 2 or more countries at the same time may represent either one of them, as he or she may elect.

**4.5.1.3.2** After having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF, a player may not represent another country unless he or she meets the conditions set forth in 4.5.1.3.3.

**4.5.1.3.3** A player who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF and who has changed his or her nationality or acquired a new nationality, may participate in the Olympic Games to represent his or her new country provided that at least 3 years have passed since the player last represented his or her former country.

**4.5.1.3.4** The 3-years-period mentioned in 4.5.1.3.3 may be reduced or even cancelled, with the agreement of the NOCs concerned and the ITTF Executive Committee, by the IOC Executive Board, which takes into account the circumstances of each case.

**4.5.1.3.5** If an associated state, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NOC is recognised by the IOC, a player may continue to represent the country to which he or she belongs or belonged. However, he or she may, if he or she prefers, choose to represent his or her country or be entered in the Olympic Games by his or her new NOC if one exists. This particular choice may be made only once.

**4.5.1.4** All disputes relating to the determination of the country which a player may represent in the Olympic Games and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the player, including the duration of any waiting period, shall be resolved by the IOC Executive Board.

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**3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.5.1 and eligibility in Paralympic title competitions is regulated separately by the IPC and 4.6.1; additional eligibility regulations apply to World title events (4.1.3, 4.2.3, 4.3.6, 4.4.3).

**3.8.2** A player shall be regarded as representing an Association if he or she accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 or in regional championships other than individual events at Open International Championships (effective 1 July 2012).

**3.8.3** A player is eligible to represent an Association only if he or she is a national of the country in which that Association has jurisdiction, except that a player who has already represented an Association of which he or she was not a national in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he or she is born in or has his or her main residence in the territory controlled by that Association.

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he or she will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.18.1) in an event of continental teams only if he or she is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.21) to enter any individual events of Open International Championships; such nomination may be indicated in results lists and ITTF publications but does not affect the eligibility of this player according to 3.8.2.

**3.8.7** A player or his or her Association shall, if so requested by the referee, provide documentary evidence of his or her eligibility and his or her passport.

**3.8.8** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chair of the Rules Committee and the chair of the Athletes' Commission, whose decision shall be final.

**4.1 WORLD CHAMPIONSHIPS**

**4.1.3 Eligibility**

**4.1.3.1** Only an Association which is not in arrears (1.16.3.3) shall be eligible to enter teams or individual players in the Championships.

**4.1.3.2** In addition to provisions of 3.8, players being eligible to represent an association other than the one they intend to represent, shall register with the ITTF, through this new Association.

**4.1.3.3** Such player shall not represent the new Association before:

**4.1.3.3.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.1.3.3.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.1.3.3.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.1.3.4** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at World Championships.

[...]

**4.2 WORLD JUNIOR CHAMPIONSHIPS**

**4.2.3 Eligibility**

**4.2.3.1** Only an Association which is not in arrears (1.16.3.3) shall be eligible to enter teams or individual players in the Championships.

**4.2.3.2** The system of qualification for team and individual events shall be determined by the Board not later than 18 months before the start of the Championships.

**4.2.3.3** All players shall be juniors according to 3.7.4.2.

**4.2.3.4** In addition to provisions of 3.8, players being eligible to represent an association other than the one they intend to represent, shall register with the ITTF, through this new Association.

**4.2.3.5** Such player shall not represent the new Association before 3 years after the date of registration, if the player is under the age of 15 when registered.

[...]

**4.3 WORLD CUP**

**4.3.6 Eligibility**

**4.3.6.1** In addition to provisions of 3.8, players being eligible to represent an association other than the one they intend to represent, shall register with the ITTF, through this new Association.

**4.3.6.2** Such player shall not represent the new Association before:

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**4.3.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.3.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.3.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.3.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Cup.

[...]

### **4.4 WORLD TEAM CUP**

#### **4.4.6 Eligibility**

**4.4.6.1** In addition to provisions of 3.8, players being eligible to represent an association other than the one they intend to represent, shall register with the ITTF, through this new Association.

**4.4.6.2** Such player shall not represent the new Association before

**4.4.6.2.1** 3 years after the date of registration, if the player is under the age of 15 when registered;

**4.4.6.2.2** 5 years after the date of registration, if the player is under the age of 18 but at least 15 years of age when registered;

**4.4.6.2.3** 7 years after the date of registration, if the player is under the age of 21 but at least 18 years of age when registered.

**4.4.6.3** Players being 21 years of age or older will not be registered with the ITTF and will not be eligible to represent a new association at the World Team Cup.

### **4.5 OLYMPIC COMPETITIONS**

#### **4.5.1 Eligibility**

**4.5.1.1** To be eligible for participation in the Olympic Games a player, coach or official shall comply with the Olympic Charter as well as with the ITTF rules. In particular the above mentioned persons shall

**4.5.1.1.1** be entered by their National Olympic Committee (NOC);

**4.5.1.1.2** respect the spirit of fair play and non violence, and behave accordingly on the field of play;

**4.5.1.1.3** respect and comply in all aspects with the World Anti-Doping Code;

**4.5.1.1.4** not allow their person, name, picture or sports performances to be used for advertising purposes during the Olympic Games, except as permitted by the IOC Executive Board.

**4.5.1.2** The entry or participation of a player in the Olympic Games shall not be conditional on any financial consideration.

**4.5.1.3** Any player shall be a national of the country of the NOC which is entering him or her.

**4.5.1.3.1** A player who is a national of 2 or more countries at the same time may represent either one of them, as he or she may elect.

**4.5.1.3.2** After having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF, a player may not represent another country unless he or she meets the conditions set forth in 4.5.1.3.3.

**4.5.1.3.3** A player who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the ITTF and who has changed his or her nationality or acquired a new nationality, may participate in the Olympic Games to represent his or her new country provided that at least 3 years have passed since the player last represented his or her former country.

**4.5.1.3.4** The 3-years-period mentioned in 4.5.1.3.3 may be reduced or even cancelled, with the agreement of the NOCs concerned and the ITTF Executive Committee, by the IOC Executive Board, which takes into account the circumstances of each case.

**4.5.1.3.5** If an associated state, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, or if a new NOC is recognised by the IOC, a player may continue to represent the country to which he or she belongs or belonged. However, he or she may, if he or she prefers, choose to represent his or her country or be entered in the Olympic Games by his or her new NOC if one exists. This particular choice may be made only once.

**4.5.1.4** All disputes relating to the determination of the country which a player may represent in the Olympic Games and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the player, including the duration of any waiting period, shall be resolved by the IOC Executive Board.

### **ITTF Version 1 Sep 2010 – 31 Aug 2012**

#### **3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.3.1 and additional eligibility regulations apply to World title events (4.1.3, 4.2.6, 4.4.3).

**3.8.2** A player shall be regarded as representing an Association if he accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 other than individual events at Open International Championships.

## APPENDICES

**3.8.3** A player is eligible to represent an Association only if he is a national of the country in which that Association has jurisdiction, except that a player who has represented an Association of which he was not a national before 1st September 2004 in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he is born in or has his main residence in the territory controlled by that Association.

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.17.1) in an event of continental teams only if he is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.20) to enter any individual events of Open International Championships which may be indicated in ITTF publications such as the World Ranking list but does not result in eligibility of this player to represent the nominating Association according to 3.8.2.

**3.8.7** A player or his Association shall, if so requested by the referee, provide documentary evidence of his eligibility.

**3.8.8** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chairmen of the Rules and Ranking Committee and the chairman of the Athletes' Commission, whose decision shall be final.

### **ITTF Version – 1 Sep 2009 – 31 Aug 2010**

#### **3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.5.1 and additional eligibility regulations apply to World title events (4.1.3, 4.2.3, 4.3.6, 4.4.6).

**3.8.2** A player shall be regarded as representing an Association if he accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 other than individual events at Open International Championships.

**3.8.3** A player is eligible to represent an Association only if he is a national of the country in which that Association has jurisdiction, except that a player who has already represented an Association of which he was not a national in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he is born in or has his main residence in the territory controlled by that Association.

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.17.1) in an event of continental teams only if he is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.20) to enter any individual events of Open International Championships; such nomination may be indicated in result lists and ITTF publications but does not affect the eligibility of this player according to 3.8.2.

**3.8.7** A player or his Association shall, if so requested by the referee, provide documentary evidence of his eligibility and his passport.

**3.8.8** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chairman of the Rules Committee, the chairman of the Ranking Committee and the chairman of the Athletes' Commission, whose decision shall be final.

### **ITTF Version – 1 Sep 2008 – 31 Aug 2009**

#### **3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.3.1 and additional eligibility regulations apply to World title events (4.1.3, 4.2.6, 4.4.3).

**3.8.2** A player shall be regarded as representing an Association if he accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 other than individual events at Open International Championships.

**3.8.3** A player is eligible to represent an Association only if he is a national of the country in which that Association has jurisdiction, except that a player who has already represented an Association of which he was not a national before 1st September 2004 in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he is born in or has his main residence in the territory controlled by that Association if indicated in the player's passport.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.17.1) in an event of continental teams only if he is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.20) to enter any individual events of Open International Championships; such nomination may be indicated in result lists and ITTF publications but does not affect the eligibility of this player which may be indicated in ITTF publications such as the World Ranking list but does not result in eligibility of this player to represent the nominating Association according to 3.8.2.

**3.8.7** A player or his Association shall, if so requested by the referee, provide documentary evidence of his eligibility and his passport.

**3.8.8** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chairmen chairman of the Rules Committee, the chairman of the and Ranking Committee and the chairman of the Athletes' Commission, whose decision shall be final.

### **ITTF Version - 1 Sep 2005 – 31 Aug 2008**

#### **3.8 INTERNATIONAL ELIGIBILITY**

**3.8.1** Eligibility in Olympic title competitions is regulated separately by 4.3.1.

**3.8.2** A player shall be regarded as representing an Association if he accepted to be nominated by this Association and subsequently participates in a competition listed in 3.1.2.3 other than individual events at Open International Championships.

**3.8.3** A player is eligible to represent an Association only if he is a national of the country in which that Association has jurisdiction, except that a player who has represented an Association of which he was not a national before 1st September 2004 in accordance with previous rules may retain that eligibility.

**3.8.3.1** Where the players of more than one Association have the same nationality, a player may represent one of these Associations only, if he is born in or has his main residence in the territory controlled by that Association.

**3.8.3.2** A player who is eligible to represent more than 1 Association shall have the right to choose which of the relevant Associations he will represent.

**3.8.4** A player is eligible to represent a Continental Federation (1.17.1) in an event of continental teams only if he is eligible to represent a member Association of this Continental Federation according to 3.8.3.

**3.8.5** A player shall not represent different Associations within a period of 3 years.

**3.8.6** An Association may nominate a player under its jurisdiction (1.20) to enter any individual events of Open International Championships which may be indicated in ITTF publications such as the World Ranking list but does not result in eligibility of this player to represent the nominating Association according to 3.8.2.

**3.8.7** A player or his Association shall, if so requested by the referee, provide documentary evidence of his eligibility.

**3.8.8** Any appeal on a question of eligibility shall be referred to an Eligibility Commission, consisting of the Executive Committee, the chairmen of the Rules and Ranking Committee and the chairman of the Athletes' Commission, whose decision shall be final.

## **Taekwondo**

### **WORLD TAEKWONDO FEDERATION COMPETITION RULES & INTERPRETATION In force as of May 11, 2015**

#### **Article 4 Contestant**

##### **1. Qualification of Contestant**

**1.1** Holder of the nationality of the participating team

**1.2.** One recommended by the WTF National Taekwondo Association

**1.3.** Holder of Taekwondo Dan/Poom certificate issued by the Kukkiwon or WTF

**1.4.** Holder of the WTF Global Athlete License (GAL)

**1.5.** Contestants at the age of at least 17 years old in the year the pertinent tournament is held (15-17 years old for Junior Taekwondo Championships and 12-14 years old for Cadet Championships). Ages for Youth Olympic Games might be different depending on the decision of the IOC.

##### **(Interpretation)**

The age limit is based on the year, not on the date. For instance, if the Junior Taekwondo Championships are held on June 11, 2013, those contestants born on between January 1, 1996 and December 31, 1998 are eligible to participate.

##### **(Explication #1)**

Holder of the nationality of the participating team:

## APPENDICES

When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done by inspection of the passport.

A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in Qualification Tournaments for Olympic Games, in continental or regional games or in world or regional championships Promoted or recognized by the WTF, he may not represent another country unless at least three (3) years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and the WTF. The WTF may take disciplinary actions at any time against the athlete and his member national association that violates this article including but not limited to deprivation of the achievements. In case of an athlete aged 16 or less, this article shall not be applied unless there is an appeal from any of the two countries. In case of dispute, the WTF shall make evaluation and make a final decision. After the decision, no further appeal shall be acceptable.

### **(Explanation #2)**

One recommended by the WTF National Taekwondo Association: Each National Federation is responsible for control of non-pregnancy and gender and shall ensure that all team members have been given medical exams that show them to be of adequate health and fitness to participate. Also each National Federation assumes full responsibilities for accident and health insurance as well as the civil liabilities for their contestants and officials during the WTF-promoted championships.

## **WORLD TAEKWONDO FEDERATION COMPETITION RULES & INTERPRETATION In force as of January 1, 2015**

### **Article 4 Contestant**

#### **1. Qualification of Contestant**

- 1.1.** Holder of the nationality of the participating team
- 1.2.** One recommended by the WTF National Taekwondo Association
- 1.3.** Holder of Taekwondo Dan/Poom certificate issued by the Kukkiwon or WTF
- 1.4.** Holder of the WTF Global Athlete License (GAL)
- 1.5.** Contestants at the age of at least 17 years old in the year the pertinent tournament is held (15-17 years old for Junior Taekwondo Championships and 12-14 years old for Cadet Championships). Ages for Youth Olympic Games might be different depending on the decision of the IOC.  
(Interpretation)

The age limit is based on the year, not on the date. For instance, if the Junior Taekwondo Championships are held on June 11, 2013, those contestants born on between January 1, 1996 and December 31, 1998 are eligible to participate.

### **(Explanation #1)**

Holder of the nationality of the participating team:

When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done by inspection of the passport.

A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in Qualification Tournaments for Olympic Games, in continental or regional games or in world or regional championships Promoted or recognized by the WTF, he may not represent another country unless at least three (3) years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and the WTF. The WTF may take disciplinary actions at any time against the athlete and his member national association that violates this article including but not limited to deprivation of the achievements. In case of an athlete aged 16 or less, this article shall not be applied unless there is an appeal from any of the two countries. In case of dispute, the WTF shall make evaluation and make a final decision. After the decision, no further appeal shall be acceptable.

## **WORLD TAEKWONDO FEDERATION COMPETITION RULES & INTERPRETATION In force as of July 1, 2014**

### **Article 4 Contestant**

#### **1. Qualification of Contestant**

- 1.1** Holder of the nationality of the participating team
- 1.2** One recommended by the WTF National Taekwondo Association
- 1.3** Holder of Taekwondo Dan/Poom certificate issued by the Kukkiwon or WTF
- 1.4** Holder of the WTF Global Athlete License (GAL)

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**1.5** Contestants at the age of at least 17 years old in the year the pertinent tournament is held (15-17 years old for Junior Taekwondo Championships and 12-14 years old for Cadet Championships). Ages for Youth Olympic Games might be different depending on the decision of the IOC.

**(Explanation #1)**

Holder of the nationality of the participating team:

When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done by inspection of the passport.

A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in Qualification Tournaments for Olympic Games, in continental or regional games or in world or regional championships Promoted or recognized by the WTF, he may not represent another country unless at least three (3) years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and the WTF. The WTF may take disciplinary actions at any time against the athlete and his member national association that violates this article including but not limited to deprival of the achievements. In case of an athlete aged 16 or less, this article shall not be applied unless there is an appeal from any of the two countries. In case of dispute, the WTF shall make evaluation and make a final decision. After the decision, no further appeal shall be acceptable.

### **WORLD TAEKWONDO FEDERATION RULES & INTERPRETATION Amended 14 July, 2013**

#### **Article 4 Contestant**

##### **1 Qualification of Contestant 1.1**

**1.1** Holder of the nationality of the participating team

**1.2** One recommended by the WTF National Taekwondo Association

**1.3** Holder of Taekwondo Dan/Poom certificate issued by the Kukkiwon or WTF

**1.4** Holder of the WTF Global Athlete License (GAL)

**1.5** Contestants at the age of at least 17 years old in the year the pertinent tournament is held (15-17 years old for Junior Taekwondo Championships and 12-14 years old for Cadet Championships). Ages for Youth Olympic Games might be different depending on the decision of the IOC.

(Interpretation: The age limit is based on the year, not on the date. For instance, if the Junior Taekwondo Championships are held on June 11, 2013, those contestants born on between January 1, 1996 and December 31, 1998 are eligible to participate.)

#### **Explanation :1**

Holder of the nationality of the participating team:

When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done by inspection of the passport.

A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in Qualification Tournaments for Olympic Games, in continental or regional games or in world or regional championships Promoted or recognized by the WTF, he may not represent another country unless at least three (3) years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and the WTF. The WTF may take disciplinary actions at any time against the athlete and his member national association that violates this article including but not limited to deprival of the achievements. In case of an athlete aged 16 or less, this article shall not be applied unless there is an appeal from any of the two countries. In case of dispute, the WTF shall make evaluation and make a final decision. After the decision, no further appeal shall be acceptable.

### **WORLD TAEKWONDO FEDERATION COMPETITION RULES & INTERPRETATION In force as of December 26, 2012**

#### **Article 4 Contestant**

##### **1. Qualification of Contestant**

**1.1** Holder of the nationality of the participating team

**1.2** One recommended by the WTF National Taekwondo Association

**1.3** Holder of Taekwondo Dan/Poom certificate issued by the Kukkiwon or WTF

**1.4** Holder of the WTF Global Athlete License (GAL)

**1.5** Contestants at the age of at least 17 years old in the year the pertinent tournament is held (15-17 years old for Junior Taekwondo Championships and 12-14 years old for Cadet Championships). Ages for Youth Olympic Games might be different depending on the decision of the IOC.

[...]

## APPENDICES

### **(Explanation #1)**

Holder of the nationality of the participating team:

When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done by inspection of the passport.

A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in Qualification Tournaments for Olympic Games, in continental or regional games or in world or regional championships recognized by the WTF, he may not represent another country unless at least three (3) years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and the WTF. The WTF may take disciplinary actions at any time against the athlete and his member national association that violates this article including but not limited to deprivation of the achievements.

### **WORLD TAEKWONDO FEDERATION COMPETITION RULES & INTERPRETATION In force as of October 4, 2011**

#### **Article 4 Contestant**

##### **1. Qualification of Contestant**

**1.1** Holder of the nationality of the participating team

**1.2** One recommended by the WTF National Taekwondo Association

**1.3** Holder of Taekwondo Dan certificate issued by the Kukkiwon or WTF

**1.4** Contestants at the age of at least 15 years old in the year the pertinent tournament is held (14-17 years old for Junior Taekwondo Championships)

##### **(Interpretation)**

The age limit is based on the year, not on the date. For instance, if the Junior Taekwondo Championships are held on February 22, 2010, those contestants born on between January 1, 1993 and December 31, 1996 are eligible to participate.

[...]

### **(Explanation #1)**

Holder of the nationality of the participating team:

When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done by inspection of the passport.

A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in Qualification Tournaments for Olympic Games, in continental or regional games or in world or regional championships recognized by the WTF, he may not represent another country unless at least three (3) years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and the WTF. The WTF may take disciplinary actions at any time against the athlete and his member national association that violates this article including but not limited to deprivation of the achievements.

### **WORLD TAEKWONDO FEDERATION COMPETITION RULES & INTERPRETATION Amended: October 7, 2010**

#### **Article 4 Contestant**

##### **(1) Qualification of Contestant**

**1.1** Holder of the nationality of the participating team

**1.2** One recommended by the WTF National Taekwondo Association

**1.3** Holder of Taekwondo Dan certificate issued by the Kukkiwon or WTF

**1.4** Contestants at the age of at least 15 years old in the year the pertinent tournament is held (14-17 years old for Junior Taekwondo Championships)

##### **(Interpretation)**

The age limit is based on the year, not on the date. For instance, if the Junior Taekwondo Championships are held on February 22, 2010, those contestants born on between January 1, 1993 and December 31, 1996 are eligible to participate.

[...]

### **(Explanation #1)**

Holder of the nationality of the participating team:

When a contestant is a representative of a national team, his/her nationality is decided by citizenship of the country he/she is representing before submission of the application to participate. Verification of citizenship is done by inspection of the passport. In the event nationality of a contestant holding more than one

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

citizenship causes conflict, the contestant shall decide which team he/she will compete for. As per the Olympic Games and matters pertaining to the Olympic qualification places, the Olympic Charter shall prevail.

### **Tennis**

**Memorandum, Articles of Association and Bye-laws of ITF LIMITED Trading as the International Tennis Federation 2016**

#### **Chapter 5 – The Olympic Games**

##### **II. Participation in the Olympic Games Rule 40 Eligibility Code**

To participate in the Olympic Games, a competitor, team official or other team personnel must respect and comply with the Olympic Charter and World Anti-Doping Code, including the conditions of participation established by the IOC, as well as with the rules of the relevant IF as approved by the IOC, and the competitor, team official or other team personnel must be entered by his NOC.

##### **Bye-law to Rule 40**

1. Each IF establishes its sport's rules for participation in the Olympic Games, including qualification criteria, in accordance with the Olympic Charter. Such criteria must be submitted to the IOC Executive Board for approval.
2. The application of the eligibility criteria lies with the IFs, their affiliated national federations and the NOCs in the fields of their respective responsibilities.
3. Except as permitted by the IOC Executive Board, no competitor, team official or other team personnel who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games.
4. The entry or participation of a competitor in the Olympic Games shall not be conditional on any financial consideration.

##### **Rule 41 Nationality of Competitors**

1. Any competitor in the Olympic Games must be a national of the country of the NOC which is entering such competitor.
2. All matters relating to the determination of the country which a competitor may represent in the Olympic Games shall be resolved by the IOC Executive Board.

##### **Bye-law to Rule 41**

1. A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, he may not represent another country unless he meets the conditions set forth in paragraph 2 below that apply to persons who have changed their nationality or acquired a new nationality.
2. A competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, and who has changed his nationality or acquired a new nationality, may participate in the Olympic Games to represent his new country provided that at least three years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and IF concerned, by the IOC Executive Board, which takes into account the circumstances of each case.
3. If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a competitor may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in the Olympic Games by his new NOC if one exists. This particular choice may be made only once.
4. Furthermore, in all cases in which a competitor would be eligible to participate in the Olympic Games, either by representing another country than his or by having the choice as to the country which such competitor intends to represent, the IOC Executive Board may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.

### **FC Extract 2016**

#### **VII. ELIGIBILITY**

##### **31. ELIGIBILITY OF PLAYERS AND CAPTAINS**

###### **(a) Age Eligibility**

## APPENDICES

Only Players who have reached their fourteenth birthday by the first day of the tie (for the World Group and World Group II) and the Monday of the week of a Zone Group Event may participate in the Fed Cup Competition.

### (b) Eligibility to Represent a Nation

A player or captain is entitled to represent one Nation only at senior professional international level.

Any tennis player who is in good standing with her National Association in accordance with Appendix D shall be qualified to represent that Nation as a player or Captain if she:

Is a citizen of that Nation and has held a current valid passport of that Nation for a minimum of 2 years (24 months) or;

Is a citizen of that Nation, but in circumstances where that Nation does not issue its own passport has held a qualifying passport issued by or on behalf of that Nation for a period of two years (24 months) which confirms the player's place of birth as that Nation or;

If after a consecutive period of five years (60 months) residence in that Nation can provide a genuine reason for being unable to hold or make application to hold a current valid passport where:

She was born, or has a parent or grandparent born in that Nation; or,

She has obtained or procured the right to remain permanently or has been granted humanitarian protection in that Nation.

If a player is qualified under this sub-section to represent more than one Nation and the National Association of one of those Nations wishes to nominate her to represent it, that Association must submit an application to the ITF Executive, who will forward a copy to any other National Association concerned, which shall be entitled to comment within 15 days of receipt. The initial application must be received by the ITF Executive at least three months prior to the event for which the player wishes to be nominated.

The ITF Executive will give a ruling having taken into account all relevant matters.

i) A player who has represented, or has been eligible to represent a Nation and such Nation is divided into two or more Nations, shall immediately be eligible to represent any one of those Nations.

ii) A player who has represented, or has been eligible to represent a Nation and such Nation is absorbed in whole or in part by another Nation, shall immediately be eligible to represent such other Nation.

(d) A player shall be deemed to have represented a Nation if she shall have been nominated at the time of the draw and shall have accepted the nomination to play in the Olympic Tennis Event or in any International Team Competition recognized by the ITF and listed in Bye-law 2.1(a).

(e) A National Association may appeal to the Fed Cup Committee to nominate a player who is not eligible under the above Rules and the Fed Cup Committee may agree the application if the full circumstances warrant an exception being made. Such application must be received by the ITF Executive not later than one month after the decision of the Executive has been received by the National Association.

(f) The Fed Cup Committee has the right to ask a National Association to produce evidence to show how a player is qualified to represent that Nation.

*Note: A player, who represented a Nation under the Regulations in force in 1994 or prior thereto, shall continue to be eligible to represent that Nation even if she is no longer qualified to do so under the amended terms of this Regulation.*

## DC extract 2016

### VI. ELIGIBILITY OF PLAYERS AND CAPTAINS

#### 35. ELIGIBILITY TO REPRESENT A NATION

A player or captain is entitled to represent one nation only at senior professional international level.

Any tennis player who is in good standing with his National Association in accordance with Appendix D shall be qualified to represent that nation as a player or captain if he:

(a) (i) Is a citizen of that nation and has held a current valid passport of that nation for a minimum of two years (24 months) or;

(ii) Is a citizen of that nation, but in circumstances where that nation does not issue its own passport has held a qualifying passport issued by or on behalf of that nation for a period of two years (24 months) which confirms the player's place of birth as that nation or;

(iii) If after a consecutive period of five years (60 months) residence in that nation can provide a genuine reason for being unable to hold or make application to hold a current valid passport where:

(a) he was born, or has a parent or grandparent born in that nation; or,

(b) he has obtained or procured the right to remain permanently or has been granted humanitarian protection in that nation.

If a player is qualified under this sub section to represent more than one nation and the National Association of one of those nations wishes to nominate him to represent it, that Association must submit an application to the ITF Executive, who will forward a copy to any other National Association concerned, which shall be entitled to comment within 15 days of receipt. The initial application must be received by the ITF Executive at least three months prior to the event for which the player wishes to be nominated.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

The ITF Executive will give a ruling having taken into account all relevant matters.

(b) (i) A player who has represented, or has been eligible to represent a nation and such a nation is divided into two or more nations, shall immediately be eligible to represent any one of those nations.

(ii) A player who has represented, or has been eligible to represent a nation and such nation is absorbed in whole or in part by another nation, shall immediately be eligible to represent such other nation.

(c) A player shall be deemed to have represented a nation if he shall have been nominated at the time of the draw, and shall have accepted, the nomination to play in the Olympic Games Tennis Event or in any International Team Competition recognised by the ITF and listed in Bye-Law 2.1(a).

(d) A National Association may appeal to the Davis Cup Committee to nominate a player who is not eligible under the above Rules and the Davis Cup committee may agree the application if the full circumstances warrant an exception being made. Such application must be received by the ITF Executive not later than one month after the decision of the Executive has been received by the National Association.

(e) The Davis Cup Committee has the right to ask a National Association to produce evidence to show how a player is qualified to represent that nation.

*Note: A player who represented a nation under the Rules in force in 1994 or prior thereto, shall continue to be eligible to represent that nation even if he is no longer qualified to do so under the amended terms of this Regulation.*

### **The Constitution of ITF Limited 2015 trading as international tennis federation**

Memorandum, Articles of Association and Bye-laws of ITF LIMITED trading as the International Tennis Federation 2015

#### APPENDIX E INTERNATIONAL OLYMPIC COMMITTEE

(Any amendments made to these Rules by the IOC will be accepted by the Company) Extracts from the Olympic Charter

#### **Chapter 5 – The Olympic Games**

##### **II Participation in the Olympic Games Rule 40 Eligibility Code**

To be eligible for participation in the Olympic Games, a competitor, coach, trainer or other team official must comply with the Olympic Charter, including the conditions of eligibility established by the IOC, as well as with the rules of the IF concerned as approved by the IOC, and the competitor, coach, trainer or other team official must be entered by his NOC. The above-noted persons must: respect the spirit of fair play and non-violence, and behave accordingly; and respect and comply in all aspects with the World Anti-Doping Code. Bye-law to Rule 40

1. Each IF establishes its sport's own eligibility criteria in accordance with the Olympic Charter. Such criteria must be submitted to the IOC Executive Board for approval.

2. The application of the eligibility criteria lies with the IFs, their affiliated national federations and the NOCs in the fields of their respective responsibilities.

3. Except as permitted by the IOC Executive Board, no competitor, coach, trainer or official who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games.

4. The entry or participation of a competitor in the Olympic Games shall not be conditional on any financial consideration.

##### **Rule 41 Nationality of Competitors**

1. Any competitor in the Olympic Games must be a national of the country of the NOC which is entering such competitor.

2. All matters relating to the determination of the country which a competitor may represent in the Olympic Games shall be resolved by the IOC Executive Board.

##### **Bye-law to Rule 41**

1. A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, he may not represent another country unless he meets the conditions set forth in paragraph 2 below that apply to persons who have changed their nationality or acquired a new nationality.

2. A competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, and who has changed his nationality or acquired a new nationality, may participate in the Olympic Games to represent his new country provided that at least three years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and IF concerned, by the IOC Executive Board, which takes into account the circumstances of each case.

3. If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a competitor may continue to represent the

## APPENDICES

country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in the Olympic Games by his new NOC if one exists. This particular choice may be made only once.

4. Furthermore, in all cases in which a competitor would be eligible to participate in the Olympic Games, either by representing another country than his or by having the choice as to the country which such competitor intends to represent, the IOC Executive Board may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.

[...]

### **The Constitution of ITF Limited 2014 trading as international tennis federation**

#### **Memorandum, Articles of Association and Bye-laws of ITF LIMITED Trading as the International Tennis Federation**

#### **II Participation in the Olympic Games**

##### **Rule 40 Eligibility Code**

To be eligible for participation in the Olympic Games, a competitor, coach, trainer or other team official must comply with the Olympic Charter, including the conditions of eligibility established by the IOC, as well as with the rules of the IF concerned as approved by the IOC, and the competitor, coach, trainer or other team official must be entered by his NOC.

The above-noted persons must:

- respect the spirit of fair play and non-violence, and behave accordingly; and
- respect and comply in all aspects with the World Anti-Doping Code.

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1 Each IF establishes its sport's own eligibility criteria in accordance with the Olympic Charter. Such criteria must be submitted to the IOC Executive Board for approval.

2 The application of the eligibility criteria lies with the IFs, their affiliated national federations and the NOCs in the fields of their respective responsibilities.

3 Except as permitted by the IOC Executive Board, no competitor, coach, trainer or official who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games.

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3 If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a competitor may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in the Olympic Games by his new NOC if one exists. This particular choice may be made only once.

4 Furthermore, in all cases in which a competitor would be eligible to participate in the Olympic Games, either by representing another country than his or by having the choice as to the country which such competitor intends to represent, the IOC Executive Board may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.

### **The Constitution of ITF Limited 2013 trading as international Tennis Federation**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

Memorandum, Articles of Association and Bye-laws of ITF LIMITED Trading as the International Tennis Federation (unchanged since 2005)

### **Rule 40 Eligibility Code**

To be eligible for participation in the Olympic Games, a competitor, coach, trainer or other team official must comply with the Olympic Charter, including the conditions of eligibility established by the IOC, as well as with the rules of the IF concerned as approved by the IOC, and the competitor, coach, trainer or other team official must be entered by his NOC.

The above-noted persons must:

- respect the spirit of fair play and non-violence, and behave accordingly; and
- respect and comply in all aspects with the World Anti-Doping Code.

### **Bye-law to Rule 40**

1 Each IF establishes its sport's own eligibility criteria in accordance with the Olympic Charter. Such criteria must be submitted to the IOC Executive Board for approval.

2 The application of the eligibility criteria lies with the IFs, their affiliated national federations and the NOCs in the fields of their respective responsibilities.

3 Except as permitted by the IOC Executive Board, no competitor, coach, trainer or official who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games.

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3 If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a competitor may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in the Olympic Games by his new NOC if one exists. This particular choice may be made only once.

4 Furthermore, in all cases in which a competitor would be eligible to participate in the Olympic Games, either by representing another country than his or by having the choice as to the country which such competitor intends to represent, the IOC Executive Board may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.

## **Triathlon**

**INTERNATIONAL TRIATHLON UNION CONSTITUTION Text as approved by ITU Congress  
Approved: ITU Congress Chicago, September 2015**

### **CHAPTER 6: ELIGIBILITY**

**Article 28:** Only those competitors, who are eligible according to the ITU eligibility rules, are allowed to take part in competitions organised by ITU, CCs or their member NFs. Other than as provided in this article, the eligibility rules are included in the Competition Rules.

28.1 Where an athlete:

a)Wishes to represent a NF other than the NF to which they originally belonged, they must reside in the country of the subsequent NF for at least three years after the date they last represented the original NF in any sanctioned event. This period of residence can be reduced to one year if the two NFs concerned agree, and the Executive Board of ITU consents.

b)Holds or is legally entitled to hold citizenship of two or more countries, provided that it is at least three

## APPENDICES

years since the athlete last represented the first NF in any competition, the period of residence may be reduced to one year, if the two NFs concerned agree and if the Executive Board approves.

28.2 If a State, province or overseas department, and a country acquires independence, if a country becomes incorporated within another country by reason of a change of border or if a new NF is recognised by the ITU, an athlete may choose with which existing NF is he/she willing to compete. This particular choice may be made only once, and the Executive Board has to approve it.

### **ITU Competition Rules Approved by the ITU Executive Board, in December 2014 (unchanged since 1989)**

#### **2.5 Eligibility:**

- a.) All athletes must be in good standing with their National Federations. To ensure this, all the entries must be done by the NFs, not by the athletes themselves;
- b.) Athletes under suspension are not allowed to compete in any ITU event, in any competition sanctioned by ITU members, or in any competition held under the ITU Rules;
- c.) An athlete's age is determined by their age on December 31<sup>st</sup> in the year of competition;
- d.) Athletes aged 15 to 17 years old are eligible to compete in the Youth category;
- e.) Athletes aged 16 to 19 years old are eligible to compete in the Junior category;
- f.) Athletes aged 18 to 23 years old are eligible to compete in the U23 category;
- g.) The different qualification criteria are published in Appendix E;
- h.) Specific Olympic qualification criteria are published in Appendix E;
- i.) Athletes may not compete within 48 hours (as determined by the start times of the first wave) in more than one related multi-sport event (see Appendix I) when one event is of standard distance or longer. Exceptions will be for the PT5 guides and team relay events at the defined super-sprint distances (see 15.1.a.);
- j.) Age limits: athletes must be a minimum age to compete in any ITU Event, as outlined in Appendix A. Continental Confederations may add other age limits for Continental Championships, for youth categories with super-sprint events. The age limits as outlined in Appendix A cannot be modified;
- k.) An athlete who competes in a category different from his/her age, in a distance in which is not allowed, or before the 48-hour period, will be disqualified from the events he/she took part in. Any awards, prizes and points will be removed.

### **ITU Competition Rules Approved by the ITU Executive Board, February 2013 (unchanged since 1989)**

#### **2.5. Eligibility:**

- a.) All athletes must be in good standing with their National Federations. To ensure this, all the entries must be done by the NFs, not by the athletes themselves.
- b.) Athletes under suspension are not allowed to compete in any ITU event, in any competition sanctioned by ITU members, or in any competition held under the ITU Rules.
- c.) An athlete's age is determined by their age on December 31<sup>st</sup> in the year of competition.
- d.) Athletes aged 15 to 17 years old are eligible to compete in the Youth category.
- e.) Athletes aged 16 to 19 years old are eligible to compete in the Junior category.
- f.) Athletes aged 18 to 23 years old are eligible to compete in the U23 category.
- g.) The different qualification criteria are published in Appendix E.
- h.) Specific Olympic qualification criteria are published in Appendix E.
- i.) Athletes may not compete within 48 hours (as determined by the start times of the first wave) in more than one related multi-sport event (see Appendix J) when one event is of standard distance or longer. An exception will be for team relay events at the defined super-sprint distances (see 15.1.a.).
- j.) Age limits: athletes must be a minimum age to compete in any ITU Event, as outlined in Appendix A. Continental Confederations may add other age limits for Continental Championships, for youth categories with super-sprint events. The age limits as outlined in Appendix A cannot be modified.
- k.) An athlete who competes in a category different from his/her age, in a distance in which is not allowed, or before the 48-hour period, will be disqualified from the events he/she took part in. Any awards, prizes and points will be removed.

### **INTERNATIONAL TRIATHLON UNION CONSTITUTION Text as approved by ITU Congress, September 2013**

#### **CHAPTER 6: ELIGIBILITY**

**Article 28.** Only those competitors, who are eligible according to the ITU eligibility rules, are allowed to take part in competitions organised by ITU, CCs or their member NFs. Other than as provided in this article, the eligibility rules are included in the Competition Rules.

#### **28.1** Where an athlete:

- a) Wishes to represent a NF other than the NF to which they originally belonged, they must reside in the

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

country of the subsequent NF for at least three years after the date they last represented the original NF in any sanctioned event. This period of residence can be reduced to one year if the two NFs concerned agree, and the Executive Board of ITU consents.

b) Holds or is legally entitled to hold citizenship of two or more countries, provided that it is at least three years since the athlete last represented the first NF in any competition, the period of residence may be reduced to one year, if the two NFs concerned agree and if the Executive Board approves.

**28.2** If a State, province or overseas department, a country acquires independence, if a country becomes incorporated within another country by reason of a change of border or if a new NF is recognised by the ITU, an athlete may choose with which existing NF is he/she willing to compete. This particular choice may be made only once, and the Executive Board has to approve it.

### **Volleyball**

#### **SPORTS REGULATIONS Volleyball FIVB Sports regulations Version: 15 May 2015**

##### **CHAPTER 2: Participation Conditions and Structure for FIVB Competitions**

#### **5. ELIGIBILITY OF PLAYERS**

##### **5.1 ELIGIBLE PLAYERS**

Only players who meet the eligibility conditions laid down by the FIVB in Chapter 9 of the Sports Regulations may participate in FIVB and World Competitions.

##### **5.2. CITIZENSHIP**

Only players holding the citizenship of the country they represent may be registered to participate in FIVB and World competitions, except for the FIVB Club World Championships. They must produce a valid passport as proof.

##### **5.3. EXCEPTIONS TO CITIZENSHIP**

For official competitions, governing bodies may submit to the Board of Administration exceptional ruling concerning citizenship.

##### **5.4. NATURALISED PLAYERS**

Naturalized players may participate whenever the FIVB Sports Regulations allow them to do so (see Articles 41 and 45.3).

##### **5.5. AGE**

Whenever an age limit is imposed, players must present their individual passports.

### **SECTION II: Status of Players, Teams and Referees**

#### **CHAPTER 9: Status of Players**

##### **40. ELIGIBILITY**

###### **40.1 SUPREME AUTHORITY**

The FIVB is the supreme authority in volleyball to decide all questions and disputes relating to the eligibility of players for national and international competitions.

###### **40.2 RIGHT TO DETERMINE PLAYERS' ELIGIBILITY**

Each National Federation has the right to determine the eligibility of its players subject to the provisions of the FIVB Constitution and Regulations.

###### **40.3 CRITERIA FOR THE ELIGIBILITY OF PLAYERS**

The eligibility of a player may be determined after taking into consideration the following criteria:

A) citizenship

B) age

C) sex

D) height (if applicable)

E) other eligibility criteria

###### **40.4 PLAYER PARTICIPATION IN A MATCH**

A player is considered to be in the match when

**40.4.1** his name is registered in the O-2bis form, and

**40.4.2** there is visual confirmation from the passport / ID (identification document) that the player is actually present.

### **SECTION II CHAPTER 9**

#### **41 CITIZENSHIP**

##### **41.1 NATIVE PLAYERS**

Any person holding the citizenship of a country, whether acquired at birth or later (by application or any other means), is eligible to play for the national team of the National Federation of the same country, provided that said National Federation is his Federation of Origin and that the conditions set out in these Regulations are fulfilled.

##### **41.2 NATURALIZED PLAYERS**

**41.2.1** Only one player having previously played for another national team of the same age category can be

## APPENDICES

part of a team, for a given event.

**41.2.2** The O-2bis form and the player's International Transfer Certificate shall include the additional information of the player's former national team, where applicable.

### **41.3 ELIGIBILITY TO PLAY FOR A THIRD NATIONAL TEAM**

A player is not eligible to play for a third national team, nor may he return to the initial national team of his Federation of Origin after having changed his Federation of Origin (*see* also Article 44.1).

### **41.4 FIRST REGISTRATION IN OWN OR FOREIGN COUNTRY**

**41.4.1** The Federation which is the first to:

A) register the player in its national team for an FIVB, World or Official Competition through the final FIVB O-2bis Form, with the player's presence being certified by the Control Committee; or

B) issue a national license for the player or otherwise register the player within its Federation; is considered to be the player's Federation of Origin regardless of the player's citizenship.

**41.4.2** If at the time of registration the player holds the citizenship of another country only, he becomes eligible to play in the national team of his Federation of Origin immediately after obtaining the same citizenship as his Federation of Origin.

### **41.5 PASSPORT**

All players wishing to participate in FIVB, world or official competitions, must present an individual passport issued by the competent authorities of the country they represent. The FIVB Board of Administration may establish different or additional requirements.

## **42. AGE AND GENDER**

### **42.1 AGE AND GENDER CATEGORIES**

The FIVB has determined the following age categories: Girls' Under 18,

Boys' Under 19,

Women's Under 20,

Men's Under 21,

Men's and Women's Under 23

### **42.2 GENDER VERIFICATION CERTIFICATE**

**42.2.1** The gender must be attested by the National Federations through the birth certificate of the player.

**42.2.2** Women competitors in FIVB, world and official competitions, may be required to present the official Gender verification certificate issued by the FIVB Medical Commission or by the International Olympic Committee (IOC).

## **43 OTHER ELIGIBILITY RULES**

### **43.1 GENERAL RULE**

Any player who fulfils the requirements of the rules on citizenship, age, gender and other criteria established by FIVB (and/or IOC, where applicable), is eligible for participation in FIVB competitions, including the Olympic Games and qualifying tournaments, on the condition that he complies with the principles of affiliation established by the respective National Federation and fulfils the conditions set out in these Regulations.

### **43.2 ELIGIBLE PLAYERS**

**43.2.1** An eligible player may receive, during the period of his preparation and his sports activity, material and financial assistance, either from sports organizations (NF, NOC, League, Committees or Clubs belonging to voluntary organizations recognized by his Federation), or from private or public institutions.

**43.2.2.** An eligible player may receive his country's support for preserving and raising the level reached in his studies and in his work within his community at the moment of his incorporation in a sports program.

**43.2.3.** Material assistance includes:

A) board and lodging expenses;

B) sportswear and equipment;

C) travel expenses; and

D) expenses for medical and dental treatment, physiotherapy, including therapeutic and psychological services and necessary medicine.

**43.2.4** Financial help may be granted without limitation as follows:

A) compensation to replace a justified loss of salary or a scholarship to continue his studies or to continue his professional career;

B) pocket money;

C) subscription to an insurance or pension plan whether governmental or private under the terms of the national law; and

D) engagement by or endorsement for a sports, government, private organization, or sports club.

**43.2.5.** No National Federation, club or player may demand any financial guarantee or special economic conditions to participate in FIVB competitions. Infringement of this rule is a basis for sanctions according to FIVB Regulations.

### **43.3 DECISIONS ON THE ELIGIBILITY OF PLAYERS**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

The FIVB Board of Administration, or in urgent cases the Executive Committee/the President, decides on the application of the rules for the eligibility of players. It may ask the Legal Commission to study the case and submit recommendations.

### **44 CHANGE OF FEDERATION OF ORIGIN**

#### **44.1 GENERAL**

A player's Federation of Origin may be changed only once. Changes of Federation of Origin may be approved only by the FIVB Executive Committee upon proposal of the FIVB President.

#### **44.2 CONDITIONS**

A change of Federation of Origin (hereinafter "the Change") may be approved only if the following conditions are cumulatively met:

**44.2.1** The player has established residence in the country of his new Federation of Origin (hereinafter "the new Federation") for a minimum of two (2) continuous years.

**44.2.2** The player has obtained the citizenship of the country of the new Federation.

**44.2.3** The player's Federation of Origin agrees to the Change.

**44.2.4** The new Federation agrees to the Change.

**44.2.5** The applicable administration fee for the Change has been paid to the FIVB (*see* Article 44.3.2 below).

#### **44.3 PROCEDURE**

**44.3.1** The following documents shall be submitted to the FIVB:

A) 6 original copies of the respective FIVB form (*see* [www.fivb.org](http://www.fivb.org)), duly signed and stamped by the player, his Federation of Origin and the new Federation; and

B) Proof of two (2) years continuous residence in the country of the new Federation; and

C) Copy of the player's International Passport of the country of the new Federation.

**44.3.2.** The administrative fee for a Change is CHF 15,000. If the player has played for a senior national team, the applicable administrative fee is CHF 25,000.

#### **44.4. SPECIAL CASES**

**44.4.1** In case the player has never played for any national team and had already at birth the citizenship of the country of the new Federation, the FIVB may approve the Change as follows:

A) The conditions of Article 44.2 shall be met, except for the condition of 2-year continuous residence.

B) The documents mentioned under Article 44.3.1.a and 44.3.1.c above shall be submitted to FIVB, along with proof of when the player acquired the citizenship of the country of the new Federation.

C) The applicable administration fee is CHF 2,000.

D) The National Federations involved (NFs) and the FIVB may agree that the Player's transfers between the two NFs will be exempted from the payment of administration and transfer fees.

#### **44.4.2.** In case

A) the player has established residence in the country of the new Federation for a minimum of eight (8) continuous years; and

B) the application for a Change is filed with the FIVB on or after the 1st of January of the calendar year during which the player turns 38 (for men) or 35 (for women); and

C) the conditions of Article 44.2.2 (citizenship) as well as 44.2.3 and 44.2.4 (agreement of two NFs) are met, the condition of Article 44.2.5 (administration fee) shall be waived.

#### **44.5 CONSEQUENCES**

**44.5.1.** Unless decided otherwise, the decision of the FIVB Executive Committee to approve a Change is effective from the day of its notification to the new Federation.

**44.5.2.** As of that date, the player shall have the same rights and obligations with players of the new Federation (e.g. he can directly compete in club competitions of the new Federation without a need for ITC). However, if the player has previously played for another national team of the same age category, he will be eligible to play for the national team of the new Federation only after two (2) years have elapsed. This two-year period starts from the day that the complete application file, containing all required documents, is received by the FIVB.

#### **45.6 CHANGE OF RESIDENCE**

**45.6.1** The change of a player's residence to another country, whether voluntary or not, still requires the player, the Receiving Federation and the Receiving Club to follow the established transfer procedures as set out in these Regulations.

**45.6.2** Players who have citizenship problems or have completed two (2) years' proven inactivity may be allowed to play in national and/or international competitions under the FIVB umbrella with club teams of their new country of residence before they obtain the citizenship of their new country and/or satisfy other legal requirements. In such cases, the FIVB shall act as the player's Federation of Origin for the purposes of the transfer.

### **CHAPTER 10: Status of Teams**

#### **46. TEAMS AND INTERNATIONAL COMPETITIONS**

**46.1 NATIONAL TEAM**

- 46.1.1** The team selected by its NF and authorized to bear its country's name is considered the national team.  
**46.1.2.** The national team must not include foreign players, in accordance with Section I, Chapter II Article 5 and Section II, Chapter 9 of these Regulations  
**46.1.3.** A national team may only play against another national team. When a club team is involved, the team will be named "All-Star Team of (the country or region)" during the whole competition.  
**46.1.4.** A national team that has participated as such in any international competition may not be given the status of a club team for international competitions.

**FIVB Sports Regulations (2014)SPORTS REGULATIONS Volleyball Version: 15 May 2014**

**5. ELIGIBILITY OF PLAYERS**

**5.1 ELIGIBLE PLAYERS**

Only players who meet the eligibility conditions laid down by the FIVB in Chapter 9 of the Sports Regulations may participate in FIVB and World Competitions.

**5.2 CITIZENSHIP**

Only players holding the citizenship of the country they represent may be registered to participate in FIVB and World competitions, except for the FIVB Club World Championships. They must produce a valid passport as proof.

**5.3 EXCEPTIONS TO CITIZENSHIP**

For official competitions, governing bodies may submit to the Board of Administration exceptional ruling concerning citizenship.

**5.4 NATURALISED PLAYERS**

Naturalized players may participate whenever the FIVB Sports Regulations allow them to do so (see Articles 41 and 45.3).

[...]

**SECTION II**

Status of Players, Teams and Referees

These regulations apply equally to both genders. A reference to one gender (e.g. he) includes a reference to the other gender (e.g. she).

**CHAPTER 9 Status of Players**

**40 ELIGIBILITY**

**40.1 SUPREME AUTHORITY**

The FIVB is the supreme authority in volleyball to decide all questions and disputes relating to the eligibility of players for national and international competitions.

**40.2 RIGHT TO DETERMINE PLAYERS' ELIGIBILITY**

Each National Federation has the right to determine the eligibility of its players subject to the provisions of the FIVB Constitution and Regulations.

**40.3 CRITERIA FOR THE ELIGIBILITY OF PLAYERS**

The eligibility of a player may be determined after taking into consideration the following criteria:

- A) citizenship
- B) age
- C) sex
- D) height (if applicable)
- E) other eligibility criteria

**40.4 PLAYER PARTICIPATION IN A MATCH**

A player is considered to be in the match when

- 40.4.1** his name is registered in the O-2bis form, and
- 40.4.2** there is visual confirmation from the passport / ID (identification document) that the player is actually present.

**41 CITIZENSHIP**

**41.1 NATIVE PLAYERS**

Any person holding the citizenship of a country, whether acquired at birth or later (by application or any other means), is eligible to play for the national team of the National Federation of the same country, provided that said National Federation is his Federation of Origin and that the conditions set out in these Regulations are fulfilled.

**41.2 NATURALIZED PLAYERS**

**41.2.1** Only one player having previously played for another national team of the same age category can be part of a team, for a given event.

**41.2.2** The O-2bis form and the player's International Transfer Certificate shall include the additional information of the player's former national team, where applicable.

**41.3 ELIGIBILITY TO PLAY FOR A THIRD NATIONAL TEAM**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

A player is not eligible to play for a third national team, nor may he return to the initial national team of his Federation of Origin after having changed his Federation of Origin (*see* also Article 44.1).

### **41.4 FIRST REGISTRATION IN OWN OR FOREIGN COUNTRY**

**41.4.1** The Federation which is the first to:

- A) register the player in its national team for an FIVB, World or Official Competition through the final FIVB O-2bis Form, with the player's presence being certified by the Control Committee; or
- B) issue a national license for the player;

is considered to be the player's Federation of Origin regardless of the player's citizenship.

**41.4.2** If at the time of registration the player holds the citizenship of another country only, he becomes eligible to play in the national team of his Federation of Origin immediately after obtaining the same citizenship as his Federation of Origin.

### **41.5 PASSPORT**

All players wishing to participate in FIVB, world or official competitions, must present an individual passport issued by the competent authorities of the country they represent. The FIVB Board of Administration may establish different or additional requirements.

[...]

## **43. OTHER ELIGIBILITY RULES**

### **43.1 GENERAL RULE**

Any player who fulfils the requirements of the rules on citizenship, age, gender and other criteria established by FIVB (and/or IOC, where applicable), is eligible for participation in FIVB competitions, including the Olympic Games and qualifying tournaments, on the condition that he complies with the principles of affiliation established by the respective National Federation and fulfils the conditions set out in these Regulations.

[...]

### **43.3 DECISIONS ON THE ELIGIBILITY OF PLAYERS**

The FIVB Board of Administration, or in urgent cases the Executive Committee/the President, decides on the application of the rules for the eligibility of players. It may ask the Legal Commission to study the case and submit recommendations.

## **44. CHANGE OF FEDERATION OF ORIGIN**

### **44.1 GENERAL**

A player's Federation of Origin may be changed only once. Changes of Federation of Origin may be approved only by the FIVB Executive Committee upon proposal of the FIVB President.

### **44.2 CONDITIONS**

A change of Federation of Origin (hereinafter "the Change") may be approved only if the following conditions are cumulatively met:

**44.2.1** The player has established residence in the country of his new Federation of Origin (hereinafter "the new Federation") for a minimum of two (2) continuous years.

**44.2.2** The player has obtained the citizenship of the country of the new Federation.

**44.2.3** The player's Federation of Origin agrees to the Change.

**44.2.4** The new Federation agrees to the Change.

**44.2.5** The applicable administration fee for the Change has been paid to the FIVB (*see* Article 44.3.2 below).

### **44.3 PROCEDURE**

**44.3.1** The following documents shall be submitted to the FIVB:

- A) 6 original copies of the respective FIVB form ([see www.fivb.org](http://www.fivb.org)), duly signed and stamped by the player, his Federation of Origin and the new Federation; and
- B) Proof of two (2) years continuous residence in the country of the new Federation; and
- C) Copy of the player's International Passport of the country of the new Federation.

**44.3.2** The administrative fee for a Change is CHF 15,000. If the player has played for a senior national team, the applicable administrative fee is CHF 25,000.

### **44.4 SPECIAL CASES**

**44.4.1** In case the player has never played for any national team and had already at birth the citizenship of the country of the new Federation, the FIVB may approve the Change as follows:

- A) The conditions of Article 44.2 shall be met, except for the condition of 2-year continuous residence.
- B) The documents mentioned under Article 44.3.1.a and 44.3.1.c above shall be submitted to FIVB, along with proof of when the player acquired the citizenship of the country of the new Federation.
- C) The applicable administration fee is CHF 2,000.

D) The National Federations involved (NFs) and the FIVB may agree that the Player's transfers between the two NFs will be exempted from the payment of administration and transfer fees.

**44.4.2** In case

## APPENDICES

- A) the player has established residence in the country of the new Federation for a minimum of eight (8) continuous years; and
- B) the application for a Change is filed with the FIVB on or after the 1st of January of the calendar year during which the player turns 38 (for men) or 35 (for women); and
- C) the conditions of Article 44.2.2 (citizenship) as well as 44.2.3 and 44.2.4 (agreement of two NFs) are met, the condition of Article 44.2.5 (administration fee) shall be waived.

### **SPORTS REGULATIONS Volleyball Version: 15 May 2013**

#### **5 ELIGIBILITY OF PLAYERS**

##### **5.1 ELIGIBLE PLAYERS**

Only players who meet the eligibility conditions laid down by the FIVB in Chapter 9 of the Sports Regulations may participate in FIVB and World Competitions.

##### **5.2 CITIZENSHIP**

Only players holding the citizenship of the country they represent may be registered to participate in FIVB and World competitions, except for the FIVB Club World Championships. They must produce a valid passport as proof.

##### **5.3 EXCEPTIONS TO CITIZENSHIP**

For official competitions, governing bodies may submit to the Board of Administration exceptional ruling concerning citizenship.

##### **5.4 NATURALISED PLAYERS**

Naturalized players may participate whenever the FIVB Sports Regulations allow them to do so (see Articles 41 and 45.3).

##### **5.5 AGE**

Whenever an age limit is imposed, players must present their individual passports.

[...]

#### **CHAPTER 9 Status of Players**

##### **40 ELIGIBILITY**

###### **40.1 SUPREME AUTHORITY**

The FIVB is the supreme authority in volleyball to decide all questions relating to the eligibility of players for national and international competitions.

###### **40.2 RIGHT TO DETERMINE PLAYERS' ELIGIBILITY**

Each National Federation has the right to determine the eligibility of its players within the provisions of the FIVB Constitution and these Regulations.

###### **40.3 CRITERIA FOR THE ELIGIBILITY OF PLAYERS**

The eligibility of a player may be determined after taking into consideration the following criteria:

- a) citizenship
- b) age
- c) sex
- d) height (if applicable)
- e) other eligibility criteria

###### **40.4 PLAYER PARTICIPATION IN A MATCH**

A player is considered to be in the match when

**40.4.1** his name is registered in the O-2bis form, and

**40.4.2** there is visual confirmation from the passport / ID (identification document) that the player is actually present.

##### **41 CITIZENSHIP**

###### **41.1 NATIVE PLAYERS**

Any person holding the citizenship of a country is eligible to play for the national team of the National Federation of the same country, subject to the conditions set out in these Regulations.

###### **41.2 NATURALIZED PLAYERS**

**41.2.1** In principle, players who have acquired a new citizenship (naturalized players) can play in national teams of their new country.

**41.2.2** Only one player having previously played for another national team of the same age category can be a part of a team, for a given event.

**41.2.3** The O-2bis form and the player's International Transfer Certificate shall include the additional information of the player's former national team, where applicable.

###### **41.3 ELIGIBILITY TO PLAY FOR A THIRD NATIONAL TEAM**

A player is not eligible to play for a third national team, nor may he return to the initial national team of his Federation of Origin after having changed his Federation of Origin (*see* also Article 44.1).

###### **41.4 FIRST REGISTRATION IN OWN OR FOREIGN COUNTRY**

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**41.4.1** The Federation which is the first to issue a license or register the player with one of its club teams is considered to be the Federation of Origin regardless of the player's citizenship.

**41.4.2** If at the time of registration the player holds the citizenship of another country only, he becomes eligible to play in the national team of his Federation of Origin immediately after obtaining the same citizenship as his Federation of Origin.

### **41.4 PASSPORT**

In order to be eligible to participate in FIVB, world and official competitions, all competitors must present an individual passport issued by the competent authorities. The FIVB Board of Administration may establish different or additional requirements.

[...]

## **43 OTHER ELIGIBILITY RULES**

### **43.1 GENERAL RULE**

Any player who fulfils the requirements of the rules on citizenship, age, gender and other criteria established by FIVB (and/or IOC, where applicable), is eligible for participation in FIVB competitions, including the Olympic Games and qualifying tournaments, on the condition that he complies with the principles of affiliation established by the respective National Federation and fulfils the conditions set out in these Regulations.

[...]

### **43.3 DECISIONS ON THE ELIGIBILITY OF PLAYERS**

The FIVB Board of Administration, or in urgent cases the Executive Committee/the President, decides on the application of the rules for the eligibility of players. It may ask the Legal Commission to study the case and submit recommendations.

## **44 CHANGE OF FEDERATION OF ORIGIN**

### **44.1 GENERAL**

A player's Federation of Origin may be changed only once. Changes of Federation of Origin may be approved only by the FIVB Board of Administration.

### **44.2 CONDITIONS**

A change of Federation of Origin (hereinafter "the Change") may be approved only if the following conditions are cumulatively met:

**44.2.1** The player has established residence in the country of his new Federation of Origin (hereinafter "the new Federation") for a minimum of two (2) continuous years.

**44.2.2** The player has obtained the citizenship of the country of the new Federation.

**44.2.3** The player's Federation of Origin agrees to the Change.

**44.2.4** The new Federation agrees to the Change.

**44.2.5** The applicable administrative fee for the Change has been paid to the FIVB (*see* Article 44.3.2 below).

### **44.3 PROCEDURE**

**44.3.1** The following documents shall be submitted to the FIVB:

a) 6 original copies of the respective FIVB form (see [www.fivb.org](http://www.fivb.org)), duly signed and stamped by the player, his Federation of Origin and the new Federation; and

b) Proof of two (2) years continuous residence in the country of the new Federation; and

c) Copy of the player's International Passport of the country of the new Federation.

**44.3.2** The administrative fee for a Change is CHF 15,000. If the player has played for a senior national team, the applicable administrative fee is CHF 25,000.

### **44.4 SPECIAL CASES**

If the player has never played for any national team and had already at birth the citizenship of the country of the new Federation, the FIVB Board of Administration may approve the Change as follows:

**44.4.1** The conditions of Article 44.2 shall be met, except for the condition of 2- year continuous residence.

**44.4.2** The documents mentioned under Article 44.3.1.a and 44.3.1.c above shall be submitted to FIVB, along with proof of *when* the player acquired the citizenship of the country of the new Federation.

**44.4.3** The applicable administrative fee is CHF 2,000.

[...]

## **45.6 CHANGE OF RESIDENCE**

**45.6.1** A change of legal residence by a player, whether voluntary or not, involving a move to another country, still requires the player and the Receiving Federation to follow the established transfer procedures as set out in these Regulations.

**45.6.2** Players who have citizenship problems or have completed two (2) years' proven inactivity may be allowed to play under the FIVB umbrella with club teams of their new country of residence (including international events) before they obtain the citizenship of their new country and/or satisfy other legal requirements. In such cases, the FIVB shall act as the Federation of Origin for the purposes of the transfer.

## **46 TEAMS AND INTERNATIONAL COMPETITIONS**

## APPENDICES

### 46.1 NATIONAL TEAM

**46.1.1** The team selected by its NF and authorized to bear its country's name is considered the national team.

**46.1.2** The national team must not include foreign players, in accordance with Section I, Chapter II Article 5 and Section II, Chapter 9 of these Regulations

**46.1.3** A national team may only play against another national team. When a club team is involved, the team will be named "All-Star Team of (the country or region)" during the whole competition.

**46.1.4** A national team that has participated as such in any international competition may not be given the status of a club team for international competitions.

### Weightlifting

#### **IWF Technical & competition rules Approved by the IWF Congress – Baku – 2012 Updated by IWF Congress – Kazan – 2014 Updated in Almaty – 2014 in effect with 01.01.2015**

##### **3.4.6 Athlete's CARD**

**3.4.6.1** The Athlete's Card is issued for each athlete and is the official document to record the athletes' declarations, attempts and Team Officials / athletes' initials or signature as allowed by the TCRR.

Each Athlete's Card contains the following athlete information:

- Name
- date of birth
- IWF / IOC code
- Bodyweight
- bodyweight category
- group, if applicable
- Entry Total
- start number, assigned at the completion of weigh-in

##### **5.3 OLYMPIC GAMES**

**5.3.1** As soon as available but no later than twenty-four (24) months before the opening of the Olympic Games and in consultation with the IWF Executive Board, the IOC, the IWF Technical Delegates (TDs) and the Organising Committee of the Olympic Games (OCOG), the IWF shall communicate relevant information to all Member Federations.

**5.3.2** All sport and TCRR related documents must be approved by the IWF before publication.

**5.3.3** A National Olympic Committee (NOC) may enter athletes to the Olympic Games and Youth Olympic Games in accordance with the relevant "Olympic Games Qualification Regulation".

**5.3.4** Olympic gold, silver and bronze medals are awarded respectively to the first three (3) places for the Total in each of the bodyweight categories.

**5.3.5** The IWF Executive Board appoints two (2) Technical Delegates (TDs) for the Olympic Games whose task is to coordinate and assist with the technical organisation of the weightlifting competition.

##### **6.2 VERIFICATION OF FINAL ENTRIES**

**6.2.1** Prior to the Technical Congress / Conference, a Verification of Final Entries (VFE) Meeting shall be held chaired by the CD/TD.

**6.2.2** A copy of each participating athlete's passport must be presented at the VFE Meeting by the relevant Team Official(s).

**6.2.3** The VFE Meeting consists of each participating team receiving a Verification Form on which they are requested / eligible to do the following:

- correct the spelling of the athletes' name
- correct the athletes' date of birth
- modify the athletes' bodyweight category
- modify the athletes' Entry Total

**6.2.4** Substitution of athletes will not be accepted.

**6.2.5** Maximum seven (7) women and eight (8) men shall remain on the Verification Form with a maximum of two (2) athletes per bodyweight category, unless Youth and Junior competitions are held together. All additional athlete(s) must be deleted.

**6.2.6** Once the Verification Form is verified, signed and returned the Entries are considered final.

**6.2.7** Teams with no representation at the VFE Meeting must accept the information according to their submitted Final Entry Form as final and binding.

#### **IWF Constitution and Bylaws Approved by the IWF Congress – Baku Modified by IWF Congress – Almaty 2014 in effect with 1.1.2015**

##### **13 ELIGIBILITY**

**13.1** Eligibility of athletes to participate in competition is determined by the rules of the IWF. The IWF exercises jurisdiction over the eligibility of athletes to participate in IWF World Championships and other IWF Events.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

**13.2** For the Olympic Games, the IOC Eligibility Rule prevails.

### **BY-LAW TO 13 ELIGIBILITY**

**1.** A condition of participation for a given country is that an athlete must hold the citizenship of that country, proven by an official document issued by such country (such as passport). In the case of double or multiple citizenship, proven by an official document issued by such country (such as passport), any athlete may participate in IWF Calendar Events and may represent not more than one (1) country within a period of twelve (12) months. In case a country does not issue its own passport or any similar document, for the determination of nationality the IWF accepts the applicable rules of the UN and/or IOC.

**2.** An athlete residing in a foreign country may only participate in competitions organised in that country if he or she has an authorisation from his or her Member Federation

**3.** An athlete may represent a new country in international competitions provided that: (i) the athlete obtains the citizenship of that new country, and

(ii) the athlete gets the approval of the Member Federation he/she is currently representing, the approval of the Member Federation he/she wishes to represent and the approval of the IWF. If the athlete cannot get the approval of the Member Federation he/she is currently representing, then the athlete has to wait for a period of one (1) year (to be counted from the date of the request for approval) before being automatically authorised to represent the new Member Federation. In the case of a second or further change of citizenship, the condition of participation in international events is four (4) years' of new citizenship, including one Olympic Games.

### **IWF GUIDELINES FOR NATIONALITY CHANGE September 2014**

#### **What shall I do if I want to change my nationality and represent another country?**

Please note that in all cases a condition of participation for a given country is that **you must hold the citizenship of that country**, proven by an official document issued by such country (such as passport). In case a country does not issue its own passport or any similar document, for the determination of nationality the IWF accepts the applicable rules of the UN and/or IOC and/or IWF.

#### **CASE 1.**

In case you never represented your former country at any international competition, after you got the citizenship of your new country and registered in ADAMS you are free to compete on behalf of your new country.

#### **CASE 2.**

In case you have already represented your former country at international events and you have no double or multiple citizenship then you have to

1. obtain the citizenship of the new country
2. get a written approval from your former Federation
3. get a written approval from your new Federation
4. and lastly get an approval from the IWF.

After you got all the above documents you have to be registered in ADAMS and so you are eligible to compete on behalf of your new Federation.

#### **CASE 3.**

In case you have already represented your former country at international events and you have no double or multiple citizenship but you cannot get the written approval from your former Federation, then you have to

1. submit a written request to the IWF that you wish to represent a new country and then you have to wait one year from the date of the request submission to be automatically eligible to compete on behalf of your new Federation.
2. obtain the citizenship of the new country
3. submit a written approval from your new Federation
4. and lastly obtain an approval from the IWF.

#### **CASE 4.**

In the case you have double or multiple citizenship, proven by an official document issued by such country (such as passport), you may participate at IWF Calendar Events but may represent not more than one (1) country within a period of twelve (12) months.

#### **CASE 5.**

In the case of a second or further change of citizenship, the condition of participation at international events is four (4) years of new citizenship, including one Olympic Games.

Please note that for those who wish to compete at the Olympic Games the Olympic Charter's special Rules shall apply: [http://www.olympic.org/documents/olympic\\_charter\\_en.pdf](http://www.olympic.org/documents/olympic_charter_en.pdf)

Should you have any questions regarding the nationality change do not hesitate to contact the IWF through Dr. Magdolna Trombitás at [magdolna.trombitas@iwfnet.net](mailto:magdolna.trombitas@iwfnet.net)

### **IWF TECHNICAL AND COMPETITION RULES & REGULATIONS 2013- 2016**

## APPENDICES

### **Approved by the IWF Congress – Baku in effect with 01.01.2013**

#### **3.4.6 Athlete's Card**

**3.4.6.1** The Athlete's Card is issued for each athlete and is the official document to record the athletes' declarations, attempts and Team Officials / athletes' initials or signature as allowed by the TCRR.

Each Athlete's Card contains the following athlete information:

- name
- date of birth
- IWF / IOC code
- bodyweight
- bodyweight category
- group, if applicable
- Entry Total
- start number, assigned at the completion of weigh-in

#### **5.3 OLYMPIC GAMES**

**5.3.1** As soon as available but no later than twenty-four (24) months before the opening of the Olympic Games and in consultation with the IWF Executive Board, the IOC, the IWF Technical Delegates (TDs) and the Organising Committee of the Olympic Games (OCOG), the IWF shall communicate relevant information to all Member Federations.

**5.3.2** All sport and TCRR related documents must be approved by the IWF before publication.

**5.3.3** A National Olympic Committee (NOC) may enter athletes to the Olympic Games and Youth Olympic Games in accordance with the relevant "Olympic Games Qualification Regulation".

**5.3.4** Olympic gold, silver and bronze medals are awarded respectively to the first three (3) places for the Total in each of the bodyweight categories.

**5.3.5** The IWF Executive Board appoints two (2) Technical Delegates (TDs) for the Olympic Games whose task is to coordinate and assist with the technical organisation of the weightlifting competition.

#### **6.2 VERIFICATION OF FINAL ENTRIES**

**6.2.1** Prior to the Technical Congress / Conference, a Verification of Final Entries (VFE) Meeting shall be held chaired by the CD/TD.

**6.2.2** A copy of each participating athlete's passport must be presented at the VFE Meeting by the relevant Team Official(s).

**6.2.3** The VFE Meeting consists of each participating team receiving a Verification Form on which they are requested / eligible to do the following:

- correct the spelling of the athletes' name
- correct the athletes' date of birth
- modify the athletes' bodyweight category
- modify the athletes' Entry Total

**6.2.4** Substitution of athletes will not be accepted.

**6.2.5** Maximum seven (7) women and eight (8) men shall remain on the Verification Form with a maximum of two (2) athletes per bodyweight category, unless Youth and Junior competitions are held together. All additional athlete(s) must be deleted.

**6.2.6** Once the Verification Form is verified, signed and returned the Entries are considered final.

**6.2.7** Teams with no representation at the VFE Meeting must accept the information according to their submitted Final Entry Form as final and binding.

### **IWF Constitution and By-Laws 2013-2016**

**Approved by IWF Congress – Baku in effect with 01.01.2013**

#### **13 ELIGIBILITY**

**13.1** Eligibility of athletes to participate in competition is determined by the rules of the IWF. The IWF exercises jurisdiction over the eligibility of athletes to participate in IWF World Championships and other IWF Events.

**13.2** For the Olympic Games, the IOC Eligibility Rule prevails.

*(By-Law to 13)*

#### **BY-LAW TO 13 ELIGIBILITY**

**1** A condition of participation for a given country is that an athlete must hold the citizenship of that country, proven by an official document issued by such country (such as passport). In the case of double or multiple citizenship, proven by an official document issued by such country (such as passport), any athlete may participate in IWF Calendar Events and may represent not more than one (1) country within a period of twelve (12) months. In case a country does not issue its own passport or any similar document, for the determination of nationality the IWF accepts the applicable rules of the UN and/or IOC.

**2** An athlete residing in a foreign country may only participate in competitions organised in that country if he or she has an authorisation from his or her Member Federation.

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

3 An athlete may represent a new country in international competitions provided that:

- (i) the athlete obtains the citizenship of that new country, and
- (ii) the athlete gets the approval of the Member Federation he/she is currently representing, the approval of the Member Federation he/she wishes to represent and the approval of the IWF. If the athlete cannot get the approval of the Member Federation he/she is currently representing, then the athlete has to wait for a period of one (1) year (to be counted from the date of the request for approval) before being automatically authorised to represent the new Member Federation. In the case of a second or further change of citizenship, the condition of participation in international events is four (4) years' of new citizenship, including one Olympic Games.

### **Wrestling**

#### **International Rules for the Change of Nationality approved by the Executive Committee on 13 December 2015.**

##### **Introduction**

In principle any wrestler who participates in official competitions in the United World Wrestling calendar represents the country of which he/she holds the nationality.

For various reasons – professional, sports, family or political – athlete emigrate in other countries and obtain their nationality only after a few years and under strict conditions. This should not prevent wrestlers from carrying on an international sports career on the highest level in their country of adoption.

Accordingly, United World Wrestling admits, under certain conditions laid down in the present rules, that wrestlers obtain the sports nationality of the country of adoption without holding the nationality certified by a passport.

The sports nationality is defined as the right granted to a wrestler by United World Wrestling to represent a country of which he/she does not necessarily hold the nationality.

##### **Article 1 – General principles**

In order to participate in a competition in the United World Wrestling calendar, a wrestler must hold the international athlete's license issued by United World Wrestling and valid for the current year.

This license determines the wrestler's sports nationality and thus the country he/she represents in international competitions.

A wrestler has the possibility to change his/her sports nationality once during his/her career whatever the age and the wrestling style. In such case, the new sports nationality is granted definitively and the wrestler who has changed his/her sports nationality may not return to his/her previous sports nationality.

##### **Article 2 – Scope of application**

The rules laid down in the present rules apply to wrestlers in the cadet, junior, senior and veteran age categories and to all types of competitions under the authority of United World Wrestling (international tournaments, Golden Grand Prix, continental championships and cups, world championships and cups).

For Olympic Games and Olympic games qualifying tournaments, the rules of the Olympic Charter apply. For competitions under the authority of major events organizations (Continental Games, Multisport Games or other and qualifying tournaments for these competitions), the rules of the organizer apply.

The present rules apply to all wrestling styles administered under the authority of United World Wrestling.

The principles described in these rules do not apply to international transfers of wrestlers between clubs for interclub competition for which an authorization is granted temporarily by United World Wrestling or a continental council, without change of sports nationality.

##### **Article 3 – Limitation of the number of sports nationality changes**

In order to prevent any abuse, a country may receive only one foreign wrestler who applies for a change of sports nationality by wrestling style per year in each age category (cadet, junior, senior, veteran).

In cases where a wrestler practices more than one wrestling style, the host federation shall indicate to United World Wrestling under which style the change of nationality must be recorded.

The age category under which the change of nationality will be recorded shall be the wrestler's age category the year after the application for a change of nationality.

##### **Article 4 – Procedure for the grant of the new sports nationality**

A wrestler who wishes to change his/her sports nationality shall send a request in writing, through his/her national federation, to United World Wrestling in the period between 1 and 31 December.

No change of sports nationality will be granted by United World Wrestling outside this period.

Notwithstanding the conditions listed hereunder, the authorization for the change of sports nationality will be effective from 1 January of the following year.

The applicant's Federation shall provide the following documents (together with an official translation in French or English):

A) Official attestation by the left federation (signed by its president, on a letter with official header and seal) agreeing with the applicant's change of sports nationality;

## APPENDICES

B) Official attestation by the host federation (signed by its president, on a letter with official header and seal) agreeing with the applicant's change of sports nationality;

C) Copy of the wrestler's original passport (corresponding to the sports nationality waived by the wrestler)

D) Copy of wrestler's new passport or his/her country's official residence permit where the applicant lives and for which he/she applies for the sports nationality;

E) Copy of the country's official work permit where the applicant lives and for which he/she applies for the sports nationality;

F) Proof of payment to United World Wrestling of the fee for the change of sports nationality set to 5.000 Swiss Francs.

G) A parental authorization for minors (under 18 years old)

Where a licence is granted by United World Wrestling for the first time to a wrestler on the basis of a residence and work permit (letter d and e here above), it will be considered as a change of nationality and the present rules and requirements apply except letter a) of the present article.

United World Wrestling's authorization for the change of sports nationality shall be sent to the host federation with copy to the left federation.

### **Article 5 – Training compensation**

When an application for a change of sports nationality is submitted by an Olympic Games medallist, a world or continental medallist, the left federation may ask for a training compensation to the host federation according to the scale hereunder. It must obligatorily inform United World Wrestling when such a compensation is requested.

This compensation may only be requested for wrestlers in the junior and senior age category at the time of the application.

To determine the compensation, only the results obtained in the age category the year of the application to United World Wrestling will be taken into account.

Whether a training compensation has been requested or not according to paragraph 1 of the present article, 10% of the compensation amount calculated according the scale here below will be automatically invoiced by United World Wrestling to the host federation.

A medal obtained in a continental championship has not the same value from a continent to another if one considers the number of participants in each category. Accordingly, the above scale shall be adjusted in function to the participation rate in a category and taking into account as a reference the continental championship with the highest number of participants in the year and category considered<sup>1</sup>.

### **Article 6 – Dual nationality**

Any wrestler with dual nationality may obtain the international license for only one sports nationality.

If he/she wishes to change for the other nationality or for another, the rules and conditions laid down in these rules shall apply in the same way as for any sports nationality change.

### **Article 7 – Expiry of the contract with the former federation**

Any binding contract between a wrestler and his/her federation of origin is deemed terminated by the signing by its president of the federation's official attestation as provided by article 4, letter a here above.

In case the federation of origin is opposed for any reason to a wrestler's change of sports nationality, he/she will obtain the new sports nationality only after a period of twenty-four (24) months. Passed this period the authorization of the federation of origin will not be required anymore. During this period the wrestler may only take part in international tournaments with the federation of origin.

### **Article 8 – Disputes**

In case of a dispute between the applicant wrestler and a national federation regarding a change of sports nationality or between two federations regarding a change of sports nationality or the payment of the compensation provided in article 5 here above, United World Wrestling's Secretary General shall settle the dispute.

Any proceedings of dispute settlement regarding a change of sports nationality may be accompanied by the suspensive effect against the applicant wrestler.

### **Article 9 – Information duties between federations before a change of sports nationality**

A national federation which want to hire a wrestler shall inform in writing his/her current federation of its interest before starting the negotiations with this wrestler.

Any direct or indirect contact with the wrestler, orally or in writing, in violation of the above mentioned obligation will lead to disciplinary consequences.

The United World Wrestling disciplinary committee shall decide on the necessary sanctions based on these rules, the United World Wrestling Disciplinary Procedure and Dispute Resolution rules as well as the nature of the case considered.

<sup>1</sup> Example: Change of nationality of a gold medalist in the African Championship 2014 in FS (74 kg) :

Number of 74 kg FS wrestlers in the European championship: 40

Number of 74 kg FS wrestlers in the African championship: 10 Compensation =  $100.000 / 4 = 25.000$

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

### **Article 10 – Appeals**

The Secretary General's decision (article 8) may be subject to a complaint in accordance with the complaint procedure described in the *Disciplinary Procedure and Dispute Resolution Regulations*.

### **Article 11 – Persons entitled to appeal**

The national federations and the wrestlers directly concerned by the General Secretary's decision may appeal. The appealed decision may be upheld, quashed or modified.

### **Article 12 – Deadline to appeal**

The deadline to appeal is 21 days. It starts from the day the appealed decision has been notified to the parties by United World Wrestling's secretariat.

### **Article 13 – Revocation and annulment of a change of sports nationality**

Once the authorization for a change of sports nationality is given by United World Wrestling, no revocation for any reason (doping case, illness, injury, change of style or age category, etc.) may be granted by United World Wrestling.

However, an annulment may be pronounced for cases of deception in the conditions for granting the sports nationality.

### **Article 14 – Other disputes**

All situations not provided in the present rules may be settled definitively by United World Wrestling's Executive Committee.

## **INTERNATIONAL RULES FOR THE CHANGE OF NATIONALITY January 2015**

International Rules for the Change of Nationality approved by the Bureau on 15 January 2015.

### **Introduction**

In principle any wrestler who participates in official competitions in the United World Wrestling calendar represents the country of which he/she holds the nationality.

For various reasons – professional, sports, family or political – athlete emigrate in other countries and obtain their nationality only after a few years and under strict conditions. This should not prevent wrestlers from carrying on an international sports career on the highest level in their country of adoption.

Accordingly United World Wrestling admits, under certain conditions laid down in the present rules, that wrestlers obtain the sports nationality of the country of adoption without holding the nationality certified by a passport.

The sports nationality is defined as the right granted to a wrestler by United World Wrestling to represent a country of which he/she does not necessarily hold the nationality.

### **Article 1 – General principles**

In order to participate in a competition in the United World Wrestling calendar, a wrestler must hold the international athlete's license issued by United World Wrestling and valid for the current year.

This license determines the wrestler's sports nationality and thus the country he/she represents in international competitions.

A wrestler has the possibility to change his/her sports nationality once during his/her career whatever the age and the wrestling style. In such case, the new sports nationality is granted definitively and the wrestler who has changed his/her sports nationality may not return to his/her previous sports nationality.

### **Article 2 – Scope of application**

The rules laid down in the present rules apply to wrestlers in the cadet, junior, senior and veteran age categories and to all types of competitions under the authority of United World Wrestling (international tournaments, Golden Grand Prix, continental championships and cups, world championships and cups).

For Olympic Games and Olympic games qualifying tournaments, the rules of the Olympic Charter apply.

For competitions under the authority of major events organizations (Continental Games, Multisport Games or other and qualifying tournaments for these competitions), the rules of the organizer apply.

The present rules apply to all wrestling styles administered under the authority of United World Wrestling.

The principles described in these rules do not apply to international transfers of wrestlers between clubs for interclub competition for which an authorization is granted temporarily by United World Wrestling or a continental council, without change of sports nationality.

### **Article 3 – Limitation of the number of sports nationality changes**

In order to prevent any abuse, a country may receive only one foreign wrestler who applies for a change of sports nationality by wrestling style per year in each age category (cadet, junior, senior, veteran).

In cases where a wrestler practices more than one wrestling style, the host federation shall indicate to United World Wrestling under which style the change of nationality must be recorded.

The age category under which the change of nationality will be recorded shall be the wrestler's age category the year after the application for a change of nationality.

### **Article 4 – Procedure for the grant of the new sports nationality**

A wrestler who wishes to change his/her sports nationality shall send a request in writing to United World Wrestling in the period between 1 and 31 December.

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No change of sports nationality will be granted by United World Wrestling outside this period.

Notwithstanding the conditions listed hereunder, the authorization for the change of sports nationality will be effective from 1 January of the following year.

The applicant shall provide the following documents (together with an official translation in French or English):

- A) Official attestation by the left federation (signed by its president, on a letter with official header and seal) agreeing with the applicant's change of sports nationality;
- B) Official attestation by the host federation (signed by its president, on a letter with official header and seal) agreeing with the applicant's change of sports nationality;
- C) Copy of the country's official residence permit where the applicant lives and for which he/she applies for the sports nationality ;
- D) Copy of the country's official work permit where the applicant lives and for which he/she applies for the sports nationality;
- E) Proof of payment to United World Wrestling of the fee for the change of sports nationality set to 5.000 Swiss Francs.
- F) A parental authorization for minors (under 18 years old)

Where a licence is granted by United World Wrestling for the first time to a wrestler on the basis of a residence and work permit (letter c and d here above), it will be considered as a change of nationality and the present rules and requirements apply except letter a) of the present article.

United World Wrestling's authorization for the change of sports nationality shall be sent to the host federation with copy to the left federation.

### Article 5 – Training compensation

When an application for a change of sports nationality is submitted by an Olympic Games medallist, a world or continental medallist, the left federation may ask for a training compensation to the host federation according to the scale hereunder. It must obligatorily inform United World Wrestling when such a compensation is requested.

This compensation may only be requested for wrestlers in the junior and senior age category at the time of the application.

To determine the compensation, only the results obtained in the age category the year of the application to United World Wrestling will be taken into account.

10% of this amount will be automatically paid to United World Wrestling within 30 days from the date of the authorization for the change of nationality.

### Scale :

- Olympic & World gold medallist Swiss Francs 300'000.-
- Olympic & World silver or bronze medallist Swiss Francs 200'000.-
- Continental championship gold medallist Swiss Francs 100'000.-
- Continental championship silver or bronze medallist Swiss Francs 50'000.-

A medal obtained in a continental championship has not the same value from a continent to another if one consider the number of participants in each category. Accordingly the above scale shall be adjusted in function to the participation rate in a category and taking into account as a reference the continental championship with the highest number of participants in the year and category considered1.

### Article 6 – Dual nationality

Any wrestler with dual nationality may obtain the international license for only one sports nationality.

If he/she wishes to change for the other nationality or for another, the rules and conditions laid down in these rules shall apply in the same way as for any sports nationality change.

### Article 7 – Expiry of the contract with the former federation

Any binding contract between a wrestler and his/her federation of origin is deemed terminated by the signing by its president of the federation's official attestation as provided by article 4, letter a here above.

In case the federation of origin is opposed for any reason to a wrestler's change of sports nationality, he/she will obtain the new sports nationality only after a period of twenty-four (24) months. Passed this period the authorization of the federation of origin will not be required anymore. During this period the wrestler may only take part in international tournaments with the federation of origin.

### Article 8 – Disputes

In case of a dispute between the applicant wrestler and a national federation regarding a change of sports nationality or between two federations regarding a change of sports nationality or the payment of the compensation provided in article 5 here above, United World Wrestling's Secretary General shall settle the dispute.

Any proceedings of dispute settlement regarding a change of sports nationality may be accompanied by the suspensive effect against the applicant wrestler.

### Article 9 – Information duties between federations before a change of sports nationality

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

A national federation which want to hire a wrestler shall inform in writing his/her current federation of its interest before starting the negotiations with this wrestler.

Any direct or indirect contact with the wrestler, orally or in writing, in violation of the above mentioned obligation will lead to disciplinary consequences.

The United World Wrestling disciplinary committee shall decide on the necessary sanctions based on these rules, the United World Wrestling Disciplinary Procedure and Dispute Resolution rules as well as the nature of the case considered.

1 Example : Change of nationality of a gold medalist in the African Championship 2014 in FS (74 kg) :

Number of 74 kg FS wrestlers in the European championship: 40

Number of 74 kg FS wrestlers in the African championship: 10 Compensation =  $100.000 / 4 = 25.000$

### Article 10 – Appeals

The Secretary General's decision (article 8) may be subject to a complaint in accordance with the complaint procedure described in the *Disciplinary Procedure and Dispute Resolution Regulations*.

### Article 11 – Persons entitled to appeal

The national federations and the wrestlers directly concerned by the General Secretary's decision may appeal. The appealed decision may be upheld, quashed or modified.

### Article 12 – Deadline to appeal

The deadline to appeal is 21 days. It starts from the day the appealed decision has been notified to the parties by United World Wrestling's secretariat.

### Article 13 – Revocation and annulment of a change of sports nationality

Once the authorization for a change of sports nationality is given by United World Wrestling, no revocation for any reason (doping case, illness, injury, change of style or age category, etc.) may be granted by United World Wrestling.

However an annulment may be pronounced for cases of deception in the conditions for granting the sports nationality.

### Article 14 – Other disputes

All situations not provided in the present rules may be settled definitively by United World Wrestling's Executive Committee.

## **INTERNATIONAL REGULATIONS FOR THE CHANGE OF NATIONALITY 2012**

Effective 3rd August 2012

### **General conditions**

Pursuant to article 34 of the FILA Constitution:

- a. No one taking part in a competition can represent a country, be included in its National team if he/she does not have the nationality of the country concerned.
- b. In case of dual nationality, the participation in international competitions is only possible under one nationality, which will be chosen by the wrestler(s) concerned and retained definitively.
- c. The National Federation is competent for the participation of a foreign wrestler residing in the country in the national championship of this country.
- d. In case of a change of nationality, for all wrestlers holding a FILA licence, whether cadets, juniors or seniors, the following provisions are applicable:

A wrestler who has obtained a new nationality by naturalization may participate, for his/her new country, in all competitions entered in the FILA calendar (tournaments, championships, cups, games, etc.) only after having obtained his/her new nationality which shall be proved by a new passport and upon agreement by FILA within the period between 1 and 31 December. He/she shall be only eligible to participate in the above mentioned competition the year following the request for the change of nationality. For Olympic Games qualifying tournaments and for the Olympic Games, the provisions of the Olympic Charter are applied. A change of nationality is accepted only once by FILA and the wrestler cannot return to his/her previous nationality.

- e. Compulsory procedure for the change of nationality: Refer to Appendix.

### **Article 1**

A wrestler who changes his/her nationality cannot be admitted by the National Federation of his/her new country

- a. If the contract binding him/her to his/her previous Federation is not falling due and expiring within the next six months; or
- b. If the contract binding him/her to the Federation that has been left has been terminated by one or the other party for a right ground; or
- c. If the contract binding him/her to the Federation that has been left has been terminated by both parties by mutual agreement.

The transfer of a wrestler who changed nationality is only possible from 1st December to 31<sup>st</sup> December of each year provided the procedure described in the appendix has been fully complied with.

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### **Article 2**

A National Federation wanting to hire a wrestler must inform in writing his/her Federation of its interest before starting the negotiations with this wrestler. Any direct or indirect contact with the wrestler, orally or in writing, in violation of the above mentioned obligation will lead to disciplinary consequences. The FILA Executive Committee decides on the necessary sanctions based on the FILA Disciplinary Regulations.

### **Article 3**

When a wrestler concludes a contract with his/her new Federation after having changed his/her nationality, his/her former Federation is entitled to an education or promotion allowance as fixed in the appendix of the present regulations. For every change of nationality, FILA will receive CHF 5'000.- administrative charges from the new Federation of the concerned wrestler.

[...]

### **Article 5**

If, within a period of 30 days at the latest, both National Federations did not manage to agree on the payment of the education or promotion allowance, the dispute must be submitted to FILA which will decide. The decision is not subject to an appeal. In case of a disagreement, the wrestler who has changed his/her nationality shall wrestle for his/her new country only after the dispute regarding the payment of allowance has been settled.

### **Article 6**

When two National Federations disagreeing with the allowance have addressed the FILA, the dispute is transmitted to a special commission.

[...]

### **Article 8 Appeal proceedings to the Executive Committee**

The decisions made by the special Commission may be appealed before the Executive Committee. In order to ensure that the appeals are treated quickly, the competence of the final decision is delegated to an ad hoc Commission formed of the Executive Committee members appointed by the FILA President other than the members of the special Commission.

### **Article 10**

The National Federations and the wrestlers directly concerned by the decision contested can lodge an appeal. The contested decisions can be confirmed, nullified or modified. The modification of a decision even if it is detrimental to the party lodging an appeal is possible.

### **Article 11**

The deadline to lodge an appeal to the Executive Committee is 20 days. The deadline starts from the day the disputed decision is notified to the parties by the FILA Secretariat. FILA will only take into consideration the appeals received through a National Federation. The appeal file must be validly signed by the party(ies) lodging an appeal against the decision. An appeal fee of CHF 2'000.- must be paid to the FILA Secretariat, within 20 days. In case the appeal is accepted the appeal fee is reimbursed. If the appeal is rejected, this fee is kept by FILA. In the event of an obviously abusive appeal, the appeal authority can, in addition, condemn the party at fault to a fine of order. The appeal authority can take any decision it deems useful concerning the obligation to bear the expenses caused by the appeal audition.

### **Article 12 Special provisions**

The validity of the transfer contract for a change of nationality cannot be subordinate to the positive result of a medical control or to the obtaining of a work authorization. In consequence the concerned National Federation must, at the risk of being condemned, pay the whole allowances for education and promotion fixed in the present regulations and carry out any desired studies or other necessary steps before the contract is concluded.

### **Article 13**

All cases not considered in the present regulations shall be settled, without possibility of appeal, by the Executive Committee.

### **Article 14**

The present Regulations have been adopted by the FILA Congress and are effective 3rd August 2012.

### **APPENDIX - Compulsory procedure for the change of nationality**

A wrestler who wishes to change his/her nationality to wrestle in another country shall request permission in written to FILA. His/her request shall contain the following documents:

1. A certificate from his/her former Federation granting the departure of the wrestler
2. A certificate from his/her new Federation
3. A copy of the contract with his/her new Federation
4. A copy of his/her new and former passport
5. The payment to FILA of a CHF 5.000.- fee for the change of nationality.
6. For Junior and Senior (but not for Cadet), the payment to the former Federation of the following training compensations, 10% them being paid to FILA :  
- Olympic Gold Medallist or World Champion CHF 300'000.-

## NATIONALITY REQUIREMENTS IN OLYMPIC SPORTS

- Olympic or World Silver & Bronze Medallist CHF 200'000.-
- Continental Gold Medallist CHF 100'000.-
- Continental Silver or Bronze Medallist and others CHF 50'000.-

In compliance with the regulations in force it is understood that the wrestler who changes his/her nationality shall not compete for his/her new country only after the settlement of all regulatory requirements.

A country may induct a foreign wrestler requesting his/her new nationality at the rate of one (1) wrestler per style and per year. The request file for the change of nationality shall be transmitted to FILA between 1 and 31 December of each year. No change of nationality will be granted outside this period. A wrestler who has not received FILA's agreement for the change of nationality may not compete for his/her new country even if he/she has obtained the new nationality. Any incomplete file will not be taken into consideration.

### **FILA International Regulations For The Change Of Nationality 2011**

#### **General conditions**

Pursuant to article 34 of the FILA Constitution:

- A) No one taking part in a competition can represent a country, be included in its National team if he/she does not have the nationality of the country concerned.
- B) In case of dual nationality, the participation in international competitions is only possible under one nationality, which will be chosen by the wrestler(s) concerned and retained definitely.
- C) The National Federation is competent for the participation of a foreign wrestler residing in the country in the national championship of this country.
- D) In case of a change of nationality, for all wrestlers holding a FILA licence, whether cadets, juniors or seniors, the following provisions are applicable:

A wrestler who has obtained a new nationality by naturalization may participate, for his/her new country, in Olympic Qualification Tournaments or Olympic Games, World Championships and World Cups, University Championships and Games, Military Championships and Games, Continental Championships and Games only after having obtained his/her new nationality which shall be proved by a new passport and after a two years period of non-participation in the aforementioned competition under the former nationality.

During this two years period the wrestler may participate in international tournaments for his new nationality provided that he/she possesses the new passport, but not in competitions mentioned in the preceding chapter. A change of nationality is accepted only once by FILA and the wrestler cannot return to his/her previous nationality.

E) Compulsory procedure for the change of nationality: Refer to Appendix I

#### **Article 1**

A wrestler who changes his/her nationality cannot be admitted by the National Federation of his/her new country

- A) If the contract binding him/her to his/her previous Federation is not falling due and expiring within the next six months; or
- B) If the contract binding him/her to the Federation that has been left has been terminated by one or the other party for a right ground; or
- C) If the contract binding him/her to the Federation that has been left has been terminated by both parties by mutual agreement.

However, in any of the eventualities described here above, a wrestler can sign a contract with another Federation only if the National Federation regulations allow it.

The transfer of a wrestler who changed nationality is only possible from 1st December to 31st December of each year, providing the transferred wrestler complies with a two-year period of non- participation, starting from the date of his/her last international Championship for the national team of the country he/she left and as the date he/she obtained his/her new nationality.

#### **Article 2**

A National Federation wanting to hire a wrestler must inform in writing his/her Federation of its interest before starting the negotiations with this wrestler. Any direct or indirect contact with the wrestler, orally or in writing, in violation of the above mentioned obligation will lead to disciplinary consequences. The FILA Executive Committee decides on the necessary sanctions based on the FILA Disciplinary Regulations.

#### **Article 3**

When a wrestler concludes a contract with his/her new Federation after having changed his/her nationality, his/her former Federation is entitled to an education or promotion allowance.

For every change of nationality, FILA will receive CHF 5'000.- administrative charges from the new Federation of the concerned wrestler.

#### **Article 4**

The amount of allowances mentioned in article 3 must be agreed between both Federations. Agreements between wrestlers or other parties with clubs regarding these allowances are prohibited. The agreement between both clubs must be communicated to the concerned Federations and particularly the former

## APPENDICES

Federation which is entitled to an education or promotion allowance.

### **Article 5**

If, within a period of 30 days at the latest, both National Federations did not manage to agree on the amount of the education or promotion allowance, the dispute must be submitted to FILA which will decide. The decision is not subject to an appeal.

In case of a disagreement, the wrestler who has changed his/her nationality shall wrestle for his/her new country only after the dispute regarding the allowance has been settled, even if the two years wait provided by the regulations is spent.

### **Article 6**

When two National Federations disagreeing with the amount of the allowance have addressed the FILA, the dispute is transmitted to a special commission.

[...]

### **Article 16**

The present Regulations were approved by the FILA Executive Committee and come into force in March 2009.

### **APPENDIX I - Compulsory procedure to follow for the change of nationality:**

A wrestler who wishes to change his/her nationality to wrestle in another country shall request permission in written to FILA.

His/her request shall contain the following documents:

- 1) A certificate from his/her former Federation granting the departure of the wrestler
- 2) A certificate from his/her new Federation
- 3) A copy of the contract with his/her new Federation
- 4) A copy of his/her new and former passport
- 5) The payment to FILA of the CHF 5'000.- fee for the change of nationality.

In compliance with the regulations in force it is understood that the wrestler who changes his/her nationality shall not compete for his/her new country before the completion of a two years period starting from the date of his/her last participation to an Olympic Qualification Tournament or to the Olympic Games, World Championships, World Cups, University Championships and Games, Military Championship and Games, Continental Championships and Games.

During this period the wrestler is authorized to compete in international tournaments with his/her new country on the condition he/she has received the new passport, but not in competitions mentioned in the preceding chapter.

A country may induct a foreign wrestler requesting his/her new nationality at the rate of one (1) wrestler per style and per year.

The request file for the change of nationality shall be transmitted to FILA between 1 and 31 December of each year. No change of nationality will be granted outside this period.

A wrestler who has not received FILA's agreement for the change of nationality may not compete for his/her new country even if he/she has obtained the new nationality.

Any incomplete file will not be taken into consideration.



## 22. Summary

This dissertation sets out to explore the *terra incognita* of nationality requirements in Olympic sports. The main aim was to answer the three research questions:

- 1) What are the eligibility criteria currently employed by the Olympic Sports?
- 2) To what extent is it problematic to align these currently applicable eligibility criteria with international standards of nationality law?
- 3) How can tensions that may exist between the criteria applied by the sporting federations and the international standards of nationality law be solved?

In order to achieve this, the dissertation relied on the means of legal comparison with the standards of international nationality law acting as the *tertium valutationis*. The *tertium comparationis* was established by creating a standard set of criteria, which was in force on one specific date. For this date the 15<sup>th</sup> October 2013, the start of the research was chosen.

Throughout this dissertation, the exact terminology used by the different federations is important, as inconsistencies in the terms used in an eligibility code create confusion. The term used in this dissertation to describe the link between a person and a state will be ‘*nationality*’ as opposed to ‘*citizenship*’. This choice was made as the focus for eligibility criteria is purely the link between a person and the state he or she represents and without the added notion of (civil) rights as implied by ‘*citizenship*’.

### 22.1. Nationality Law and Sports Law (Chapters 3 & 4)

Prior to turning to the eligibility criteria themselves, it was necessary to institute the *tertium valutationis*, meaning the relevant essence of nationality law. With the focal point being the relationship between a person and a state, the concept of a ‘*genuine link*’, which was first brought up in the 1955 *Nottebohm* case, was essential. Such a link is usually established at birth when nationality or citizenship is transferred upon children. Here factors like the place of birth (*ius soli*) or blood relations (*ius sanguinis*) determine which nationality or citizenship a child acquires. The situation of foundlings is more problematic, though it is generally agreed that they, as well as children who would otherwise be stateless, should acquire the nationality of the country where they were born or respectively found in.

Establishing a *genuine link* and thus acquiring a (new) nationality at a point after birth through a process called naturalisation is usually significantly more difficult. For this an individual needs to have created a significant link with a country which is not the country of origin, e.g. through permanent residence. This process mainly aims at including those into the political community that have spent a significant part of their lives there, such as children who migrated to the country at an early age and spend

their formative years there or second generation migrants in a *ius sanguinis* country and to whom option rights or facilitated naturalisation procedures are available.

Improved travel possibilities and cross-border marriages have led to people developing ties to more than one country: some people acquire a second nationality through naturalisation, and children born to nationals from different *ius sanguinis* countries may acquire two nationalities at birth. While multiple nationality has become more accepted in recent years, there are still reasons why it can be seen as problematic, with issues such as double taxation, military obligations and general divided loyalty being cited.

The *genuine link* and thus a person's nationality may be subject to changes due to external circumstances, e.g. when the state's territory changes through either state succession, cession or decolonization. In such a situation, the states involved will often draft treaties with rules tailored to the circumstances.

Furthermore, while the *genuine link* between a person and a state is usually deemed to be permanent or at least stable and long lasting, actions by either the state or the person may sever the bond. However, it is important to stress that no person should be arbitrarily deprived of his or her nationality, especially if this might result in statelessness.

Having seen the underlying principles of nationality law, it was necessary to distil the touchstone principles of nationality law (see Chapter 3.8) that were to be used when analysing and evaluating the sport's eligibility criteria. These principles are:

- No violation of fundamental human rights, in particular the right to nationality;
- Statelessness is to be avoided;
- Right to change one's nationality
- Renunciation of nationality should be allowed, if it does not cause statelessness
- Attribution of nationality has to be based on a *genuine link* between person and state;
- Birth right citizenship can be based on *ius sanguinis* or *ius soli* or a combination thereof;
- Family unity should be upheld;
- Gender equality should be respected;
- No arbitrary deprivation of nationality;
- No discrimination.

Additionally, the position of children and minors is of paramount importance as they are in an especially vulnerable position and need additional protection.

### **22.2. What are the eligibility criteria currently employed by the Olympic Sports? (Chapter 5 – 15)**

To answer the first research question the eligibility codes of all Olympic sports were examined in the following chapters. The focus was on the possibility to change the country of representation under different circumstances, as well as on the position of

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minors and stateless athletes. In addition, close attention was paid to the wording of the respective statutes and eligibility laws, e.g. whether ‘nationality’ and ‘citizenship’ are used, which meaning is attributed to the terms, and whether an actual distinction between these is made. For better comparability, this was not done alphabetically, but according to the sporting category, namely:

- Chapter 5: Classic Sports IAAF (Athletics), IBU (Biathlon), UIPM (Modern Pentathlon), ITU (Triathlon), IWF (Weightlifting).
- Chapter 6: Sports focussing on body control: FINA (Aquatics), FIG (Gymnastics).
- Chapter 7: Martial Arts without bodily contact between contestants: WA (Archery), FIE (Fencing), ISSF (Shooting).
- Chapter 8 Martial Arts with direct bodily contact between contestants: AIBA (Boxing), IJF (Judo), WTF (Taekwondo), UWW (Wrestling).
- Chapter: 9 Team sports involving a ball: FIBA (Basketball), FIFA (Football), IHF (Handball), FIH (Hockey), IIHF (Ice Hockey), World Rugby (Rugby), FIVB (Volleyball).
- Chapter 10: Ball sports with rackets: BWF (Badminton), ITTF (Table Tennis), ITF (Tennis).
- Chapter 11: Aiming with an object for a goal: WCF (Curling), IGF (Golf).
- Chapter 12: Movement over ground: UCI (Cycling), FEI (Equestrian).
- Chapter 13: Movement over water: ICF (Canoe Kayak), FISA (Rowing), ISAF (Sailing).
- Chapter 14: Movement over ice and snow: IBSF (Bobsleigh), FIL (Luge), ISU (Skating), FIS (Skiing).

It became clear that the 35 Olympic sports present a very diverse picture regarding their eligibility criteria. Generally, there are three different approaches taken by the sports. Some have extremely detailed rules, others only briefly mentioned problematic points and even others remained rather unspecific in their rules.

In Chapter 15 the rules previously examined were brought together for the comparison. Here the *tertium comparationis* was difficult to establish, for different reasons. Firstly, rules applicable prior to 2013 were not always forthcoming from the federations. Secondly, not all topics, which are of interest for the purpose of this dissertation, were treated in equal detail amongst the federations’ current eligibility codes. Thirdly, not all sports experienced a substantial change in their eligibility criteria within the examined period.

Consequently, there is a certain bias in the results not only because several aspects were dealt with by less than a third of the sports, but also as developments could only be monitored in a limited number of cases. However, the most striking observation is that while the sports differ hugely regarding the details, most sports have rules in force that require athletes to have a *genuine link* with the country they represent, either through residence or by being a national of the country.

While few trends could be determined, e.g. with regard to stateless athletes and competing for the country of residence, this is bound to change as for the upcoming

Olympics, when the IOC will for the first time allow refugee athletes to compete. Similarly, since 2013, trends regarding territorial transfers have been limited to the introduction of a rule dealing with the aftermath of state succession by golf in 2014 and modern pentathlon in 2015. Likewise, the important topic of minor athletes also has not been brought up by many sports and while on the one hand since 2008 FIFA does no longer focus on an athlete's 21<sup>st</sup> birthday, on the other hand ice hockey now places importance on the 10<sup>th</sup> birthday and the country in which an athlete has lived in since.

There was, however, a discernible trend towards allowing changes of country of representation, even after an athlete competed internationally. In 2012 athletics introduced such a rule for athletes who wish to change their country of representation and since 2013 their approach is even more detailed. Similarly, boxing has added the possibility to change the country of representation in 2015, as did golf in 2014. Furthermore, athletes with multiple nationality have become more important and most federations have chosen to treat them like those having changed their nationality and face the same waiting periods, e.g. four years for golf since 2014 or two years for boxing since 2015.

The opposite held true regarding the federations' take on modes of acquisition of nationality, which do not feature prominently in most eligibility codes. Similarly, while residence periods are still used by many federations, recently three federations changed this aspect of their eligibility criteria, e.g. in 2007 equestrian first introduced a residence requirement, but is allowing exceptions to the rule since 2010. Non-competition periods have become more important and new ones were recently introduced, e.g. two years for boxing in 2015 or rowing since 2013. However, on the other side of the spectrum wrestling only imposes a two year period since 2012 if the federations do not agree, and since 2013 athletics offers the possibility to reduce the three year non-competition period by proving three continuous years of residence in the relevant country. Yet, the overall trend goes towards limiting changes of country of representation by means of non-competition periods.

### **22.3. To what extent are these currently applicable eligibility criteria in accordance with the international standards of nationality law? (Chapter 16)**

Having compared the different eligibility codes, the focus turned to the compatibility of the eligibility codes with the touchstone principles of nationality. It was most important that the definitions the sporting federations gave for a *genuine link* should not be at odds with the principles of international nationality law. In order to better examine other potential clashes between the two systems, the previously established principles were used to formulate several desiderata, i.e. desirable aspects of eligibility criteria:

- a) Sporting federations should recognise the athlete's nationality and should have provisions for stateless athletes and refugees that allow them to continue to compete internationally;

## SUMMARY

- b) Changes of country of representation have to be allowed and should not be limited by a maximum number of changes;
- c) The *genuine link* between athlete and country should be recognised by the sporting federations if established via i) *ius soli*, *ius sanguinis* or a combination thereof; ii) option rights; iii) facilitated naturalisation after marriage or iv) naturalisation;
- d) Gender equality should be respected;
- e) Sporting federations should provide rules for those who lost their nationality and allow them to continue their career;
- f) There should be no discriminatory rules;
- g) Rules concerning minor athletes should offer additional protection.

Upon comparing the current status quo with the desiderata, several problems became clear.

- Firstly, the terminology used and the definitions of the various terms are inconsistent and contradictory;
- Secondly, the issue of stateless athletes and asylum seekers is being inadequately addressed by most federations; better rules are needed that provide fast solutions and allow athletes to continue their career;
- Thirdly, allowing only a set number of changes of the country of representation, or none at all, is contrary to the right of changing one's nationality;
- Fourthly, additional requirements may have discriminatory elements, such as focussing on the biological parents and thus placing adopted children and foundlings at a disadvantage;
- Fifthly, waiving or reducing residence and waiting periods leads to similar cases not being treated equally. Consequently, there is no legal certainty and, what is even more problematic, discriminatory practices cannot be counter-acted;
- Finally, minors who do not have the legal capacity to make binding decisions are expected to make binding decisions concerning their nationality and country of representation.

### **22.4. How can tensions that may exist between the criteria applied by the sporting federations and the international standards of nationality law be solved? (Chapters 17 & 18)**

After establishing, that the current eligibility criteria clash with the principles of international nationality law, the question arose how these problems might be solved.

#### **22.4.1. Option one: a free market approach**

The first suggestion was to further reduce the federations' articles on eligibility and adopt a free-market approach. Without the often contradictory and sometimes even discriminatory rules, supply and demand would be the determining factors in international sports. The countries wanting the best athletes would need to invest in the best facilities and other benefits to the athletes. Sport development would see new investments and the sport as a whole could benefit. In turn, athletes could freely

choose for which country they want to compete. Due to fast-track naturalisation procedures they might quickly acquire the nationality of a country and changes between countries could be immediately effective. For practical reasons changes within a tournament would not be allowed, but for the rest athlete transfers between countries could be handled akin to the ones between the top sporting clubs.

Herein lies one of the main problems of this approach, as fast-track naturalisation schemes have recently fuelled heated debates on citizenship as a whole. Examples of this were the investor citizenship programmes currently operating in some European Union member states such as Malta, Cyprus and Portugal. As almost no residence requirements are in place for rich investors, who are thus able to buy a European passport from one of these countries and consequently gain free access to the Schengen area, an EU-wide discussion on these practices has arisen. Furthermore, while the *genuine link* between athlete and country should be recognised by the sporting federations if established by naturalisation, these fast-track options are often circumventing the standard nationality law. Alternatively also the principle of taking nationality as a basis for selecting national teams might be re-considered. However, in that case the whole matter of representative national teams becomes a moot point.

Another problem might arise as creating a market akin to the market for athletes for national leagues could lead to an alignment between the national leagues and the national teams, as richer clubs are situated in the countries in which more money is allocated to sporting issues. Such an alignment would render the distinction between international club and international competitions obsolete. Totally abolishing the rules is therefore not an option.

#### **22.4.2. Option two: a separate *sporting nationality***

The second suggestion was to follow the lead of some authors who proposed the introduction of a separate *sporting nationality*. As they did not go into detail of how this was to be achieved, some problems arose in this context. Firstly, the precise definition of '*sporting nationality*' was unclear and secondly, to what extent a *sporting nationality* should be dependent on an athlete's state nationality was debatable. As authors suggested a concept in which the *sporting nationality* would be entirely disconnected from the athlete's nationality, this led to the question how such a notion of national belonging can be established without referring to nationality itself or without relying on the same criteria on which the attribution of nationality usually relies. Examining all possibilities to establish a *genuine link* between athlete and country of representation and seeing that this proposal would only shift the focus of the problem, one has to conclude that introducing a separate *sporting nationality* does not have major benefits. Moreover, the term *sporting nationality* should also not be chosen because any workable definition of this concept is at odds with the generally accepted use of the term 'nationality'.

Having examined nationality law not only in general, but also more specifically the concept of *sporting nationality*, one finds that while greater simplicity for athlete

eligibility in international competitions is certainly desirable, the introduction of a *sporting nationality* is not.

### **22.4.3. Option three: A *sporting licence* in accordance with international standards of nationality law**

The solution favoured in this dissertation is to introduce a separate *sporting licence* issued by the national federations, as presented in a ‘Draft article’ (see Chapter 17.4.2). This *sporting licence* would notably not be a *sporting nationality* as advocated by some scholars. The criteria for granting a *sporting licence* need to be very detailed and have to guarantee that there is indeed a *genuine link* between athletes and the country of representation in order to prevent fast track naturalisations prior to major sporting events. The underlying principles determining these criteria have to be in line with the general standards of international nationality law, and such a *sporting licence* cannot be given to athletes who do not have a *genuine link* with the state. In general, one can presume that an athlete who holds the nationality of a state does have such a link. If, however, as in the case of dual nationals, additional requirements are introduced to ensure or select the link created by the nationality, these requirements have to be selected very carefully. Caution is needed because countries set down different rules regarding the acquisition and loss of nationality. Consequently, there is already an inherent imbalance between states based on their domestic nationality rules. If states with more restrictive domestic laws aim to counterbalance this through providing option rights or facilitated naturalisation procedures, there should not be additional requirements re-imposing the imbalance.

The problems encountered by stateless and refugee athletes need to be explicitly addressed and a solution like the one currently favoured by the IOC for the Rio 2016 Games needs to be provided. Furthermore, the position of minors needs special attention and they should be able to decide freely for which country they wish to compete before they reach the age of majority. After their eighteenth birthday they need to have a chance to re-decide within the next three years without facing a non-competition period.

For this *sporting licence*, the rules need to refer explicitly to all modes of acquisition of nationality, ensuring that option rights and facilitated naturalisation procedures are recognised and treated akin to acquisition of nationality at birth. In addition, changes of nationality are to be allowed without any limits and the proposed waiting period of two years is not too strict. Moreover, as the waiting period cannot be waived, legal certainty is ensured. Since terms and terminology have been a large issue with current codes, the definitions and explanations should be spelled out before the article to clarify all issues.



## 23. Samenvatting

Het doel van dit proefschrift was het ontdekken van de *terra incognita* van de nationaliteitsregels in de olympische sporten. De vraagstelling was:

- 1) Welke nationaliteitsregels bestaan er op dit moment binnen de olympische sporten?
- 2) In hoeverre zijn deze regels problematisch en mogelijk in het licht van de internationale standaarden van nationaliteitsrecht?
- 3) Hoe kan men de spanning tussen deze regels en de beginselen van de internationale standaarden van nationaliteitsrecht oplossen?

Hiervoor heeft dit proefschrift gebruik gemaakt van rechtsvergelijking met de beginselen van internationaal nationaliteitsrecht als *tertium valutionis*. Het *tertium comparationis* werd gecreëerd door het vastleggen van een standaard nationaliteitsregel die op een bepaalde datum geldig was. Deze datum was 15 oktober 2013, de dag waarop dit onderzoek begon.

Voor dit proefschrift zijn de precieze woorden en definities die door de sportorganisaties gebruikt worden van belang geweest, omdat verschillen hierin tot verwarring kunnen leiden. In dit proefschrift zelf zal van het begrip '*nationality*' gebruik worden gemaakt en niet van '*citizenship*', omdat het tweede begrip meer in verband met de rechten van een burger wordt gebruikt.

### 23.1. Nationaliteitsrecht en sportrecht (Hoofdstukken 3 & 4)

Voor het onderzoek naar de nationaliteitsregels van de olympische sporten was het belangrijk om het *tertium valutionis*, namelijk de beginselen van internationaal nationaliteitsrecht, vast te stellen. Een nationaliteitsrechtelijke band tussen een persoon en een land bestaat als er een '*genuine link*' band vastgesteld kan worden. Dit concept is bij de *Nottebohm* beslissing van 1955 geïntroduceerd. Meestal ontstaat deze band tussen een persoon en een land bij de geboorte van een kind. Factoren zoals de plek waar een kind wordt geboren (*ius soli*) of de bloedrelaties (*ius sanguinis*) bepalen welke nationaliteit een kind heeft. Vondelingen of kinderen die anders staatloos zullen zijn verkrijgen in beginsel de nationaliteit van het land waarin ze gevonden of geboren worden.

Het creëren van een *genuine link* later in het leven en dus het verkrijgen van een nieuwe nationaliteit is moeilijker. Hiervoor moet een *genuine link* met een nieuw land ontstaan, bijvoorbeeld door het hebben van een vaste woonplaats in het land. Landen gebruiken naturalisatie om mensen die al lang in het land leven, meer in de gemeenschap te laten integreren en hen meer inspraak, bijvoorbeeld ook in de politiek, te geven. Voorbeelden hiervan zijn ten eerste mensen die als kinderen in het land kwamen en er dus hun vormende jaren hebben doorgebracht, of ten tweede kinderen van tweede generaties allochtonen in een *ius sanguinis* land, voor wie optierechten of versnelde naturalisatie procedures mogelijk zijn.

Verbeterde reismogelijkheden en grensoverschrijdende huwelijken hebben ertoe geleid dat mensen banden met meer dan één land ontwikkelen. Sommige mensen verkrijgen een tweede nationaliteit door middel van naturalisatie en kinderen van ouders uit verschillende *ius sanguinis* landen kunnen twee nationaliteiten bij de geboorte verkrijgen. Terwijl in de afgelopen jaren meervoudige nationaliteit meer geaccepteerd is geworden, wordt het voor redenen zoals dubbele belastingheffing, dubbele militaire verplichtingen en algemene conflicterende loyaliteiten soms als problematisch gezien.

De *genuine link* en dus de nationaliteit van een persoon kan als gevolg van externe omstandigheden veranderen, bijvoorbeeld als het grondgebied van de staat verandert, zowel via staatsopvolging, cessie of dekolonisatie. In deze situaties maken de betrokken landen vaak gebruik van onderling verdragen om de vraag van nationaliteit op te lossen.

Terwijl de *genuine link* tussen een persoon en een staat meestal wordt geacht permanent of op zijn minst stabiel en langdurig te zijn, is het voor de staat en de persoon zelf mogelijk deze verbinding te doorbreken. Het is echter belangrijk te benadrukken dat niemand willekeurig zijn of haar nationaliteit mag verliezen, vooral als het verlies zal leiden tot staatloosheid.

Na het vaststellen van de beginselen van internationaal nationaliteitsrecht was het nodig de grondbeginselen vast te leggen (Hoofdstuk 3.8) met welke de nationaliteitsregels van de verschillende sporten vergeleken zullen worden. Deze grondbeginselen zijn:

- Geen schending van de fundamentele rechten van de mens, in het bijzonder het recht op een nationaliteit;
- Staatloosheid moet worden vermeden;
- Iedereen heeft het recht om van nationaliteit te veranderen;
- Afstand doen van de nationaliteit moet worden toegestaan, zolang het niet tot staatloosheid leidt;
- Nationaliteit wordt verkregen op basis van een *genuine link* tussen persoon en staat;
- Verkrijging van nationaliteit bij geboorte kan worden gebaseerd op *ius sanguinis* of *ius soli* of een combinatie daarvan;
- De eenheid van het gezin moet worden ondersteund;
- Gendergelijkheid moet worden gerespecteerd;
- Geen willekeurig verlies van de nationaliteit;
- Geen discriminatie.

Daarnaast is de positie van kinderen en minderjarigen van groot belang, aangezien zij zich in een bijzonder kwetsbare positie bevinden en extra bescherming nodig hebben.

### **23.2. Welke nationaliteitsregels bestaan er op dit moment binnen de olympische sporten? (Hoofdstukken 5 – 15)**

Voor de eerste onderzoeksvraag worden alle nationaliteitsregels van de olympische sporten in de volgende hoofdstukken onderzocht. De focus lag op de mogelijkheid om

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tussen landen van representatie te wisselen, alsmede op de positie van minderjarigen en staatloze atleten. Daarnaast werd aandacht besteed aan de formulering van de respectieve regelboeken, bijvoorbeeld of de termen ‘nationality’ of ‘citizenship’ worden gebruikt, welke betekenis deze termen wordt toegeschreven en of er een werkelijk onderscheid tussen deze begrippen wordt gemaakt. Voor een betere vergelijkbaarheid werd dit niet alfabetisch gedaan, maar per sportcategorie:

- Hoofdstuk 5: Klassieke Sporten: IAAF (Atletiek), IBU (Biatlon), UIPM (Moderne vijfkamp), ITU (Triatlon), IWF (Gewichtheffen).
- Hoofdstuk 6: Sporten gericht op lichaamscontrole: FINA (Zwemsport), FIG (Gymnastiek).
- Hoofdstuk 7: Gevechtssporten zonder direct lichamelijk contact tussen atleten: WA (Boogschieten), FIE (Schermen), ISSF (Schietsport).
- Hoofdstuk 8 Gevechtssporten met direct lichamelijk contact tussen atleten: AIBA (Boksen), IJF (Judo), WTF (Taekwondo), UWW (Worstelen).
- Hoofdstuk 9 Teamsporten met een bal: FIBA (Basketbal), FIFA (Voetbal), IHF (Handbal), FIH (Hockey), IIHF (Ijshockey), World Rugby (Rugby), FIVB (Volleybal).
- Hoofdstuk 10: Balsporten met rackets: BWF (Badminton), ITTF (Tafeltennis), ITF (Tennis).
- Hoofdstuk 11: Een object naar een doel toe brengen: WCF (Curling), IGF (Golf).
- Hoofdstuk 12: Beweging over de grond: UCI (Wielersport), FEI (Paardensport).
- Hoofdstuk 13: Beweging over water: ICF (Kanovaren), FISA (Roeien), ISAF (Zeilen).
- Hoofdstuk 14: Beweging over ijs en sneeuw: IBSF (Sleesporten), FIL (Rodelen), ISU (Schaatsen), FIS (Skiën).

Hier werd duidelijk dat de 35 Olympische sporten veel verschillende nationaliteitsregels en verdere voorwaarden of vereisten gebruiken. Over het algemeen zijn er drie manieren waarop de sporten met nationaliteitsregels omgaan. Sommige hebben extreem gedetailleerde regels, andere benoemen slechts kort welke punten problematisch zijn en andere hebben zelfs helemaal geen specifieke regels.

In Hoofdstuk 15 werden de eerder onderzochte regels met elkaar vergeleken. Het hiervoor benodigde *tertium comparationis* was om verschillende redenen moeilijk vast te stellen. Ten eerste hadden niet alle sporten hun regels, die voor 2013 van toepassing waren, doorgegeven. Ten tweede werden in de huidige regels niet alle onderwerpen die van belang zijn voor het doel van dit proefschrift in gelijk detail behandeld. Ten derde hebben niet alle sporten substantiële veranderingen in hun criteria ondergaan binnen de onderzochte periode. Hierdoor is een bepaalde bias in de resultaten ontstaan, niet alleen omdat een aantal aspecten door minder dan een derde van de sporten ter sprake werden gebracht, maar ook omdat ontwikkelingen maar in een beperkt aantal gevallen hebben plaatsgevonden. Echter, de meest opvallende observatie is dat de meeste sporten wel eisen dat een atleet een *genuine link* met een land heeft om het in

een internationaal toernooi te mogen representeren, terwijl de sporten met betrekking tot de details hierin enorm verschillen.

Desondanks was het mogelijk enkele trends te ontdekken. Hoewel er tot nu toe nog weinig ontwikkelingen met betrekking tot de staatloze atleten zijn geweest zal dit door de komende Olympische Spelen veranderen omdat het IOC voor de eerste keer vluchteling atleten toestaat ook deel te nemen. Evenzo zijn de trends met betrekking tot territoriale transfers sinds 2013 gering geweest tot de invoering van zulke regels over de gevolgen staatsopvolging, cessie of dekolonisatie bij golf in 2014 en voor moderne vijfkamp in 2015. Ook het belangrijke thema van minderjarige sporters wordt tot nu toe niet vaak ter sprake gebracht. FIFA maakt sinds 2008 geen gebruik meer van een regel met betrekking tot de 21<sup>ste</sup> verjaardag van een atleet, maar aan de andere kant is nu de 10<sup>de</sup> verjaardag en het land waarin een atleet hierna zijn vaste woonplaats had heel belangrijk voor ijshockey geworden.

Toch zijn er sommige duidelijk ontwikkelingen in de laatste jaren geweest, bijvoorbeeld dat atleten hun land van representatie mogen wisselen zelfs als ze al eerder bij internationale toernooien mee hadden gedaan. In 2012 introduceerde Atletiek een dergelijke regel en sinds 2013 zijn hun voorschriften nog gedetailleerder. In 2015 heeft ook boksen deze mogelijkheid aan hun regelboek toegevoegd, net als golf in 2014. Bovendien zijn atleten met meer dan één nationaliteit steeds belangrijker geworden en de meeste federaties hebben ervoor gekozen om hen gelijk te stellen met atleten die een nieuwe nationaliteit hebben verkregen. Zij moeten nu dezelfde wachtperiodes in acht nemen, bijvoorbeeld vier jaar voor golf sinds 2014 of twee jaar voor boksen sinds 2015.

Het tegenovergestelde gold ten aanzien van de wijze waarop de nationaliteit wordt verkregen, die in de meeste regelboeken geen of weinig attentie krijgt. Regels met betrekking tot de (vaste) woonplaats van atleten zijn in de laatste jaren voor sommige sporten veranderd. In 2007 wordt een woonplaatsvereiste voor het eerst geïntroduceerd voor paardensport maar al in 2010 worden er uitzonderingen op toegelaten. Een wachttijd of geen-competitie periode wordt voor de meeste sporten steeds belangrijker en nieuwe vereisten werden onlangs geïntroduceerd, zoals een twee jaar geen-competitie periode voor boksen in 2015 of voor roeien sinds 2013. Maar er zijn ook tegenovergestelde ontwikkelingen geweest: worstelen eist sinds 2012 enkel een geen-competitie periode van twee jaar als de federaties niet akkoord zijn met het wisselen van land. Verder biedt atletiek sinds 2013 de mogelijkheid om de drie jaar geen-competitie periode te verminderen als de atleet kan bewijzen dat zijn of haar vaste woonplaats voor minstens drie jaar in het betreffende land was. Toch wordt de algemene ontwikkeling gezien in de richting dat veranderingen van het land van representatie beperkt worden door middel van geen-competitie periodes.

### **23.3. In hoeverre is het problematisch om deze regels met de internationale standaarden van nationaliteitsrecht overeen te brengen? (Hoofdstuk 16)**

Na de vergelijking tussen de verschillende regelboeken was het belangrijk om te analyseren in hoeverre de nationaliteitsvereisten van de sporten met de beginselen van

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internationaal nationaliteitsrecht overeen stemmen. Hiervoor was het essentieel dat de definities van de '*genuine link*' zoals gebruikt door de sporten niet in tegenstrijd waren met de definities van internationaal nationaliteitsrecht. Om beter te kunnen onderzoeken waar potentiële conflicten tussen de twee systemen ontstaan, zijn de eerder vastgestelde beginselen gebruikt om verschillende desiderata, dat wil zeggen wenselijke aspecten, van deze nationaliteitsregels te formuleren:

- a) Sportfederaties moeten de nationaliteit van de atleet erkennen en moeten regels voor staatlozen atleten en vluchtelingen hebben waardoor deze hun deelname aan internationale toernooien kunnen continueren;
- b) Wisselen tussen landen van representatie moet worden toegestaan en mag niet worden beperkt door een maximum aantal wissels;
- c) Sportfederaties moeten erkennen dat een *genuine link* tussen de atleet en het land bestaat als deze is ontstaan door i) *ius soli*, *ius sanguinis* of een combinatie daarvan; ii) optierechten; iii) vergemakkelijkte naturalisatie na een huwelijk of iv) naturalisatie;
- d) Gendergelijkheid moet worden gerespecteerd;
- e) Sportfederaties moeten regels voor atleten die hun nationaliteit verliezen hebben en hen in staat stellen om hun carrière voort te zetten;
- f) Er mogen geen discriminerende regels zijn;
- g) De regels voor minderjarige atleten moeten extra bescherming bieden.

Bij het vergelijken van de huidige status quo met de desiderata, werd een aantal problemen duidelijk.

- Ten eerste zijn de terminologie en de definities van de verschillende termen vaak inconsistent en tegenstrijdig;
- Ten tweede wordt de kwestie van de staatloze atleten en asielzoekers onvoldoende aangepakt door de meeste federaties; betere regels zijn nodig om snel een oplossing te vinden zodat deze atleten hun carrière voort kunnen zetten;
- Ten derde zijn regels waardoor een atleet niet, of slechts een bepaald aantal keer, het land van representatie mag wisselen in strijd met het recht om van nationaliteit te veranderen;
- Ten vierde kunnen aanvullende eisen, zoals speciale aandacht voor de biologische ouders waardoor geadopteerde kinderen en vondelingen een nadeel hebben, discriminerende gevolgen hebben;
- Ten vijfde worden door de mogelijkheid om vereisten van woonplaats of geencompetitie periodes te verminderen of te verwerpen niet alle vergelijkbare gevallen gelijk behandeld. Bijgevolg is er geen rechtszekerheid en, wat nog problematischer is, is het niet mogelijk om discriminerende praktijken tegen te gaan;
- Ten slotte wordt van minderjarigen, die normaal geacht worden onbekwaam te zijn om bindende beslissingen te nemen, verwacht dat ze bindende beslissingen over hun nationaliteit en het land van representatie nemen.

**23.4. Hoe kan men de spanning tussen deze regels en de beginselen van de internationale standaarden van nationaliteitsrecht oplossen? (Hoofdstukken 17 & 18)**

Na vastgesteld te hebben dat de huidige regels vaak in strijd zijn met de beginselen van internationaal nationaliteitsrecht was de vraag hoe deze problemen kunnen worden opgelost.

**23.4.1. Optie één: een vrije markt**

De eerste suggestie was om alle regels met betrekking tot nationaliteit en het land van representatie uit de regelboeken te verwijderen waardoor er een vrije markt zal ontstaan. Zonder de vaak tegenstrijdige en soms zelfs discriminerende regels zouden vraag en aanbod de bepalende factoren in de internationale sport zijn. Landen die de beste atleten willen, zouden dan moeten investeren in de beste faciliteiten en andere voordelen voor de sporters. Van de nieuwe ontwikkelingen en investeringen zou de sport als geheel kunnen profiteren. Atleten zullen vrij kunnen kiezen voor welk land ze willen deelnemen bij internationale wedstrijden. Dankzij versnelde naturalisatie procedures kunnen atleten ook snel een nieuwe nationaliteit verkrijgen en hierdoor zal de wisseling tussen landen direct effect hebben. Om praktische redenen zullen deze veranderingen niet tijdens een toernooi worden toegestaan, maar op andere momenten kunnen transfers van atleten tussen landen op dezelfde manier plaatsvinden als de transfers tussen de top sportclubs.

Hierin ligt een van de belangrijkste problemen van deze optie, ook omdat de versnelde naturalisatie procedures onlangs debatten over burgerschap als geheel hebben uitgelokt. Voorbeelden hiervan waren de ‘investor citizenship’ programma's die momenteel gebruikt worden in een aantal lidstaten van de Europese Unie, zoals Malta, Cyprus en Portugal. Aangezien er voor rijke investeerders bijna geen vereisten qua woonplaats bestaan, kunnen deze hierdoor heel makkelijk een Europees paspoort kopen waardoor ze makkelijk toegang tot het Schengen-gebied verkrijgen.

Bovendien, terwijl sportfederaties het ontstaan van een *genuine link* tussen de sporter en een land door naturalisatie moeten herkennen, worden deze fast-track opties vaak gebruikt om aan de vereisten van het standaard nationaliteitsrecht te ontkomen. Alternatief zal ook het beginsel dat de nationaliteit belangrijk is voor de selectie van een nationaal team kunnen worden heroverwogen. Maar deze suggestie is in tegenstrijd met het hele idee van het representeren van een land.

Een ander probleem zou kunnen ontstaan als het creëren van een vrije markt, die gelijk is aan de markt voor atleten voor de nationale competities, leidt tot een samensmelting van de nationale competities en de nationale teams, omdat rijkere clubs meestal gesitueerd zijn in landen zijn die meer geld voor sport uitgeven. Een dergelijke samensmelting zou het onderscheid tussen internationale club en internationale wedstrijden overbodig maken. Het helemaal afschaffen van de regels is dus geen optie.

### **23.4.2. Optie twee: een separate *sporting nationality***

De tweede optie was om de suggestie van een aantal auteurs te volgen en een aparte *sporting nationality* of sportnationaliteit in te voeren. Omdat de definities en de uitleg van deze auteurs niet heel gedetailleerd waren, zijn hier een aantal problemen ontstaan. Ten eerste was de precieze definitie van *sporting nationality* onduidelijk en ten tweede blijft het discutabel in hoeverre een *sporting nationality* afhankelijk is van de ‘gewone’ nationaliteit van een atleet. Sommige auteurs wilden een *sporting nationality* die volledig losgekoppeld zou worden van de nationaliteit van de atleet. Dit leidde tot de vraag hoe ‘nationaliteit’ kan worden erkend zonder ook aan de vereisten die voor een normale nationaliteit gebruikelijk zijn te voldoen. Als men alle verdere mogelijkheden hoe een *genuine link* tussen een atleet en het land kan ontstaan heeft geanalyseerd, wordt duidelijk dat door dit voorstel de focus van het probleem alleen zal verschuiven. De invoering van een aparte *sporting nationality* zal dus geen grote voordelen hebben. Bovendien is de term ‘*sporting nationality*’ zelf een probleem, omdat elke werkbare definitie van deze optie in tegenstrijd is met het concept en de term ‘nationaliteit’ zoals deze algemeen gebruikelijk is.

Terwijl een eenvoudigere manier van nationaliteitsregels wenselijk is om de huidige problemen op te lossen is de invoering van een sportnationaliteit niet de juiste manier hiervoor.

### **23.4.3. Optie drie: Een *sporting licence* in overeenstemming met de beginselen van internationaal nationaliteitsrecht**

Volgens dit proefschrift zou de best mogelijke oplossing voor de problemen een aparte ‘*sporting licence*’ zijn, zoals in het ‘Draft Article’ wordt beschreven (zie Hoofdstuk 17.4.2). Deze *sporting licence* zou met name niet een *sporting nationality* zijn, maar gebruik maken van de desiderata om voldoende gedetailleerde vereisten voor de toetsing van de *genuine link* tussen atleet en land te kunnen toepassen. Hierdoor zal deze regeling in overeenstemming met de beginselen van internationaal nationaliteitsrecht zijn, bijvoorbeeld omdat een *licence* niet door atleten verkregen kan worden die geen *genuine link* met het land hebben. In het algemeen kan men veronderstellen dat een atleet die de nationaliteit van een staat bezit wel een dergelijke *genuine link* met het land heeft. Indien echter, zoals in het geval van dubbele nationaliteit, aanvullende eisen worden gebruikt om dit verband te toetsen, moeten de eisen zeer zorgvuldig worden geselecteerd. Voorzichtigheid is geboden omdat landen verschillende regels met betrekking tot verkrijging en verlies van de nationaliteit hebben. Door het verschil tussen de nationale wetten over nationaliteit bestaat er al een disbalans tussen landen. Als landen met strengere wetten proberen dit door middel van optierechten of vergemakkelijkte naturalisatie mogelijkheden te compenseren, zullen strikte aanvullende eisen van de sportfederaties opnieuw een disbalans veroorzaken.

De problemen van staatloze atleten en vluchtelingen moeten expliciet aan de orde komen en een oplossing, bijvoorbeeld de oplossing die momenteel door het IOC voor de Rio 2016 Spelen gebruikt wordt, moet geïntroduceerd worden. Bovendien is de positie van minderjarigen bijzonder belangrijk omdat deze de mogelijkheid moeten

krijgen om vrij te beslissen welk land ze willen representeren. Na hun achttiende verjaardag moeten ze de kans krijgen om binnen drie jaar opnieuw te beslissen zonder door een geen-competitie periode tegengehouden te worden.

Voor deze *sporting licence* moeten de regels ook expliciet naar alle vormen van verkrijging van de nationaliteit verwijzen en ervoor zorgen dat de optierechten en vergemakkelijkte naturalisatie als gelijkwaardige mogelijkheden erkend worden. Bovendien moet het verkrijgen van een nieuwe nationaliteit worden toegestaan zonder een maximum aantal keer hiervoor te bepalen. Als een atleet niet van optierechten, vergemakkelijkte naturalisatie mogelijkheden of een gewone naturalisatie gebruik heeft gemaakt is een geen-competitie periode van twee jaren vereist. Aangezien termen en definitie een groot probleem zijn geweest bij de huidige codes, moeten de definities en toelichtingen bij het artikel in de regelboeken staan om duidelijk te maken wat er precies bedoeld wordt.

## 24. Zusammenfassung

Die Staatsangehörigkeitsvorschriften in den Olympischen Sportarten waren bis jetzt eine *Terra incognita*, welche nur jeweils für einzelne Sportarten halbwegs erforscht war. Daher war das Ziel dieser Dissertation, das gesamte Gebiet nicht nur zu erkunden, sondern auch die Ergebnisse besser und übersichtlicher wiederzugeben. Hierbei wurde auf drei Forschungsfragen zurückgegriffen:

- 1) Welche Staatsangehörigkeitsvorschriften gelten derzeit für die Olympischen Sportarten?
- 2) In wie weit sind die derzeit geltenden Staatsangehörigkeitsvorschriften der Olympischen Sportarten mit den Internationalen Grundsätzen des Staatsangehörigkeitsrechts in Einklang zu bringen?
- 3) Wie können die Spannungen, die zwischen den derzeit geltenden Staatsangehörigkeitsvorschriften der Olympischen Sportarten und den Internationalen Grundsätzen des Staatsangehörigkeitsrechts existieren, aufgelöst werden?

Die hierfür verwendete Methode war die des Rechtsvergleichs, wodurch es geboten war sowohl ein *tertium comparationis*, d.h. einen werteneutralen Standard der benutzt wurde um die verschiedenen Regeln miteinander zu vergleichen, als auch ein *tertium valuationis*, d.h. ein Standard der benutzt wird um die verschiedenen Regeln zu bewerten, festzulegen. Das *tertium comparationis* wurde durch das Festlegen eines Basisstandards, unter Berücksichtigung der zu einem festen Zeitpunkt geltenden Regeln, gebildet. Der Stichtag hierfür war der 15. Oktober 2013, da an diesem Tag die vorliegende Arbeit begonnen wurde.

Im Gegensatz hierzu wurden die Internationalen Grundsätze des Staatsangehörigkeitsrechts als *tertium valuationis* genutzt.

Darüber hinaus waren nicht nur die verschiedenen Regeln, sondern auch deren Wortlaut und Formulierungen wichtig bei der Analyse, da Ungenauigkeiten in den verschiedenen Regelwerken zu Verwirrung und Missverständnissen führen können. Daher war es geboten für die Dissertation selbst festzulegen, welche Begriffe benutzt werden sollten um die Beziehung zwischen einer natürlichen Person und einem Staat zu beschreiben. Dies wurde zumeist durch den Begriff ‚nationality‘ (Nationalität) getan und nicht durch ‚citizenship‘ (Staatsangehörigkeit). Grund hierfür war, dass der Fokus der Regelwerke nur auf der Verbindung zwischen der natürlichen Person und des zu repräsentierenden Staates liegt und nicht auch die implizierten (bürgerlichen) Rechte und Pflichten, die durch ‚citizenship‘ im Englischen zum Ausdruck gebracht werden, berücksichtigt werden. Da ‚Nationalität‘ im Deutschen jedoch weniger oft gebraucht wird, wird diese Zusammenfassung den Begriff ‚Staatsangehörigkeit‘ verwenden.

### 24.1. Staatsangehörigkeitsrecht und Sportrecht (Kapitel 3 & 4)

Wie bereits erwähnt musste zunächst das *tertium valutationis* festgelegt werden, bevor man sich den Regelwerken der Sportverbände selbst zuwenden konnte. , musste ein Hierfür war es zunächst notwendig, die relevanten Grundsätze des Internationalen Staatsangehörigkeitsrechts zu ergründen. Der wichtigste Aspekt iIn diesem Zusammenhang ist der ‚*genuine link*‘, d.h. ein besonderes Nähe-Verhältnis zwischen Staat und der betreffenden natürlichen Person, wie er zuerst im Fall Nottebohm von 1955 angeführt wird. Solch ein Nähe-Verhältnis entsteht normalerweise schon bei der Geburt eines Kindes, wenn es aus Gründen der Blutsverwandtschaft (*ius sanguinis*) oder durch Geburt auf dem Territorium eines Staates (*ius soli*) eine Staatsangehörigkeit bzw. Nationalität erhält. Findelkinder, sowie Kinder die andernfalls staatenlos wären, erhalten zumeist die Staatsangehörigkeit des Landes in dem sie geboren bzw. gefunden wurden.

Es ist durchaus möglich einen *genuine link* nach der Geburt aufzubauen und durch ein Einbürgerungsverfahren eine neue Staatsangehörigkeit zu erwerben, allerdings ist dies deutlich schwieriger, da in diesen Fällen die Verbindung zwischen Staat und der natürlichen Person sehr genau geprüft wird. Die betreffende natürliche Person muss eine besondere Beziehung zu dem Land, dessen Staatsangehörigkeit er oder sie erlangen will, aufbauen, zum Beispiel durch einen festen Wohnsitz und somit der Entscheidung, den Lebensmittelpunkt in dem Land zu haben. Einbürgerungsverfahren bieten Ländern die Möglichkeit, Menschen in die politische Gemeinschaft aufzunehmen, die zwar einen großen Teil ihres Lebens in dem Land verbracht haben, jedoch nicht die Staatsangehörigkeit des Landes besitzen. Beispiele hierfür sind zum einen die Kinder, die in sehr jungen Jahren mit in das Land gekommen sind und ihre Kindheit und Jugend dort verbracht haben, oder zum anderen Kinder von Einwanderern der zweiten Generation in einem Land, dessen Staatsangehörigkeitsrecht primär *ius sanguinis* vorsieht. Für diese beiden Gruppen gibt es zumeist Optionsrechte oder vereinfachte oder beschleunigte Einbürgerungsverfahren.

Fragen der Staatsangehörigkeit treten darüber hinaus auch auf, wenn eine natürliche Person, z.B. durch verbesserte Reisemöglichkeiten oder den hieraus resultierenden grenzübergreifenden Ehen, einen *genuine link* mit mehr als nur einem Land haben. Während einige von ihnen durch Einbürgerungsverfahren eine weitere Staatsangehörigkeit erlangen, haben Kinder von Eltern aus *ius sanguinis* Ländern oftmals eine doppelte Staatsangehörigkeit von Geburt an. Obwohl die mehrfache Staatsangehörigkeit in den letzten Jahren flächendeckender akzeptiert wird, bleiben einige Probleme wie die Doppelbesteuerung oder die doppelte Verpflichtung zum Militärdienst bestehen.

Zudem kann sich der *genuine link* und die daraus resultierende Staatsangehörigkeit im Laufe eines Lebens durch externe Einflüsse verändern, so z.B. wenn sich die Grenzen eines Staatsgebiete ändern, entweder durch Staatennachfolge, Dekolonisation oder das Abtreten eines Gebiets an einen anderen Staat. In diesen Fällen der Gebietsübertragung lösen die betroffenen Staaten die hieraus resultierenden Staatsangehörigkeitsfragen zumeist durch bilaterale Verträge.

Obwohl der *genuine link* normalerweise als permanent oder zumindest sehr beständig angesehen wird, gibt es sowohl für die betreffende natürliche Person, als auch für den Staat die Möglichkeit, dieses Verhältnis aufzukündigen. Dies darf jedoch nicht durch staatliche Willkür geschehen und sollte nie dazu führen, dass jemand staatenlos wird.

Aus diesen Regeln kristallisieren sich die Internationalen Grundsätze des Staatsangehörigkeitsrechts heraus, welche für die Analyse und Evaluierung der Regelwerke der Sportsverbände als Prüfstein dienen sollten. Diese Grundsätze können folgendermaßen zusammengefasst werden:

- Gegen die Menschenrechte und besonders gegen das Recht auf eine Staatsangehörigkeit darf nicht verstoßen werden;
- Staatenlosigkeit sollte vermieden werden;
- Jeder hat das Recht, seine Staatsangehörigkeit zu ändern;
- Die Widerrufung einer Staatsangehörigkeit ist nur dann zulässig, wenn diese nicht zu Staatenlosigkeit führt;
- Staatsangehörigkeit kann nur durch einen *genuine link* zwischen einer natürlichen Person und einem Staat erworben werden;
- Der Erwerb der Staatsangehörigkeit bei der Geburt erfolgt basiert auf *ius sanguinis* oder *ius soli* oder einer Mischform der beiden vorgenannten;
- Familienmitglieder sollten die selbe Staatsangehörigkeit haben;
- Die Gleichberechtigung sollte respektiert werden;
- Staatsangehörigkeit kann nicht willkürlich entzogen werden;
- Diskriminierung ist nicht erlaubt.

Zusätzlich ist die Situation von Kindern und Minderjährigen sehr wichtig, da diese sich in einer besonders schützenswerten Position befinden, der Rechenschaft getragen werden sollte.

### **24.2. Welche Staatsangehörigkeitsregeln gelten derzeit in den Olympischen Sportarten (Kapitel 5 – 15)**

In den folgenden Kapiteln wurden die derzeit geltenden Regelwerke der Sportverbände analysiert, wobei sich das Augenmerk besonders auf die Möglichkeiten der Athleten, zwischen den Repräsentationsländern zu wechseln, sowie auf die Position von minderjährigen oder staatenlosen Sportlern, richtete. Zudem wurde besonders auf die Formulierungen der jeweiligen Regeltexte geachtet, so z.B. darauf ob der Sportverband ‚nationality‘ oder ‚citizenship‘ verwendete, welche Definitionen gegeben wurden und ob es einen realen Unterschied zwischen den Begriffen gab. Um die verschiedenen Sportverbände und deren Regeln besser miteinander vergleichen zu können, wurden die Sportarten in folgende Kategorien eingeteilt:

- Kapitel 5: Klassische Sportarten: IAAF (Leichtathletik), IBU (Biathlon), UIPM (Moderner Fünfkampf), ITU (Triathlon), IWF (Gewichtheben).
- Kapitel 6: Sportarten mit Hauptziel Körperbeherrschung: FINA (Schwimmsport), FIG (Gymnastik).

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- Kapitel 7: Kampfsport ohne Körperkontakt zwischen Sportlern: WA (Bogenschießen), FIE (Fechten), ISSF (Schießen).
- Kapitel 8: Kampfsport mit direktem Körperkontakt zwischen Sportlern: AIBA (Boxen), IJF (Judo), WTF (Taekwondo), UWW (Ringern).
- Kapitel 9: Teamsportarten mit Ball: FIBA (Basketball), FIFA (Fußball), IHF (Handball), FIH (Hockey), IIHF (Eishockey), World Rugby (Rugby), FIVB (Volleyball).
- Kapitel 10: Ballsportarten mit Schlägern: BWF (Badminton), ITTF (Tischtennis), ITF (Tennis).
- Kapitel 11: Sportarten bei denen ein Objekt zu einem Ziel gebracht werden muss: WCF (Curling), IGF (Golf).
- Kapitel 12: Bewegung über festen Grund: UCI (Radsport), FEI (Reitsport).
- Kapitel 13: Bewegung über Wasser: ICF (Kanusport), FISA (Rudern), ISAF (Segeln).
- Kapitel 14: Bewegung über Eis oder Schnee: IBSF (Bobsport), FIL (Rennrodeln), ISU (Eislauf), FIS (Skisport).

Im Laufe der Analyse wurde schnell deutlich, dass die 35 Olympischen Sportarten sehr unterschiedliche Staatsangehörigkeitsvorschriften haben, welche sich in drei generelle Strömungen einteilen lassen. Die erste dieser Strömungen geht sehr genau ins Detail und gibt verschiedene Beispiele für die Anwendungen der Regeln, während die zweite Strömung nur bei den problematischen Aspekten genauere Regeln vorsieht. Im Gegensatz hierzu haben die anderen Sportverbände wenige oder nur sehr vage Regeln.

Im 15. Kapitel sollten die vorher analysierten Regeln nun miteinander und mit einem *tertium comparationis* verglichen werden, dessen Erstellen sich aus vielerlei Gründen jedoch als problematisch erwies. Erstens war es in mehreren Fällen unmöglich gewesen, die Regelwerke, welche vor 2013 in Kraft waren, zu erhalten. Zweitens wurden nicht alle Aspekte, welche für diese Dissertation von Belang waren, von allen Sportverbänden in deren Regelwerken erwähnt und selbst wenn Sportverbände sich mit diesen Themen auseinandersetzen, so geschah dies auf sehr unterschiedlich detaillierter Weise. Und drittens war es nicht möglich bei allen Sportarten eine Entwicklung in ihrer Position zu Staatsangehörigkeitswechseln aufzuzeigen, da sich die Regelwerke im Bezug hierauf oftmals nicht inhaltlich geändert hatten. Hieraus resultiert eine gewisse Verzerrung der Ergebnisse, da einige Themen nur von einem Drittel der 35 Sportarten behandelt werden und von diesem Drittel oftmals nur ein Bruchteil die Regeln zu diesen Themen in den letzten Jahren verändert hat. Nichtsdestotrotz lässt sich feststellen, dass alle Sportarten, unabhängig davon wie stark sie sich ansonsten unterscheiden, im Prinzip darauf Wert legen, dass Sportler nur dann ein Land bei einem internationalen Wettkampf repräsentieren können, wenn sie einen *genuine link* mit diesem Land haben. Zumeist wird solch ein

*genuine link* anerkannt, wenn der betreffende Sportler ein Staatsangehöriger des Landes ist oder dort seinen festen Wohnsitz hat.

Bislang gab es nur wenige neue Entwicklungen mit Auswirkungen für Sportler in extremen Situationen, so wie staatenlose Sportler, Flüchtlinge oder Sportlern, die aus anderen Gründen für das Land ihres festen Wohnsitzes anzutreten wollen. Dies wird sich mit Sicherheit in Folge der nächsten Olympischen Spiele in Rio ändern, da das IOC dort zum ersten Mal Flüchtlinge bewusst unter der Flagge des IOC antreten lässt. Es bleibt also zu erwarten, dass mehrere Sportverbände nachziehen und eigene Regeln für ihre internationalen Wettbewerbe entwickeln werden, die es Flüchtlingen ermöglichen, ihre Sportkarriere fortzusetzen. Auch andere wichtige Themen mit hohem Konfliktpotential, wie die Fragestellung, für welches Land ein Sportler nach einer Gebietsübertragung, d.h. wenn sich die Grenzen eines Staates verändert haben, antreten kann, waren in den letzten Jahren wenig Wandel unterworfen. So haben nur Golf und Moderner Fünfkampf ihre Regeln hierzu in den Jahren 2014 bzw. 2015 geändert. Regeln mit Bezug auf minderjährige Sportler, welche sich von Anfang an nur in wenigen Regelwerken finden ließen, haben sich in zwei Richtungen hin entwickelt. Während die FIFA seit 2008 nicht mehr besonders darauf achtet, dass Sportler ab ihrem 21. Geburtstag als erwachsene Athleten gelten, prüft Eishockey im Gegensatz hierzu nun, in welchem Land ein Sportler nach seinem zehnten Geburtstag gelebt hat, wenn es darum geht, einen *genuine link* zwischen Sportler und Land herzustellen.

Andererseits gab es einige Entwicklungen, die sich deutlich ablesen lassen. So erlauben nun die meisten Sportverbände, dass Sportler im Laufe ihrer Karriere für mehr als ein Land antreten können. Solche Regeln wurden zum Beispiel von Boxen 2015 eingeführt, während Golf dies 2014 tat. Für Leichtathletik gelten solche Regeln seit 2012, die seitdem detaillierter ausgearbeitet wurden. Auch die Möglichkeit für Sportler mit doppelter oder mehrfacher Staatsangehörigkeit, ebenfalls zwischen Repräsentationsländern zu wechseln, haben zugenommen. Zumeist werden diese Sportler behandelt wie solche, die eine neue Staatsangehörigkeit erworben haben und danach ihr Repräsentationsland ändern wollen. In beiden Fällen müssen Sportler einen gewissen Nichtwettbewerbszeitraum beachten, bevor sie wieder an internationalen Turnieren teilnehmen dürfen, so z.B. seit 2014 vier Jahre bei Golf oder zwei Jahre seit 2015 bei Boxen.

Im Gegensatz hierzu haben Sportverbände wenige Regeln, die sich genau mit dem Erwerb einer Staatsangehörigkeit beschäftigen. Auch hat der Fokus auf den festen Wohnsitz in den letzten Jahren nachgelassen. Während Reitsport noch 2007 Regeln mit Berücksichtigung der Dauer und Existenz eines festen Wohnsitzes in dem relevanten Land einführt, wurden bereits 2010 Ausnahmeregelungen zugelassen. Dem gegenüber steht, dass im selben Zeitraum viele Sportarten fixierten, dass Sportler bei Repräsentationsland-Wechseln einen Nichtwettbewerbszeitraum beachten müssen, wie z.B. zwei Jahre Boxen seit 2015 (wie schon oben erwähnt) oder Rudern seit 2013. Andererseits hat sich Ringen 2012 dafür entschieden, solch einen Nichtwettbewerbszeitraum nur noch zu verlangen, wenn sich die Sportverbände bei einem

Wechsel nicht einig werden können. Leichtathletik erlaubt nun eine Verringerung des Nichtwettbewerbszeitraums, wenn der betreffende Sportler drei Jahre seinen festen Wohnsitz in dem relevanten Land hatte. Generell bleiben die vorgeschriebenen Nichtwettbewerbszeiträume jedoch das meisteingesetzte Mittel, um Repräsentationsland-Wechsel zu unterbinden.

### **24.3. In wie weit existieren Spannungen zwischen den derzeit geltenden Staatsangehörigkeitsvorschriften der Olympischen Sportarten und den Internationalen Grundsätzen des Staatsangehörigkeitsrechts? (Kapitel 16)**

Nach diesem Vergleich der verschiedenen Regelwerke ging es nun darum festzustellen, ob Regeln der Sportverbände mit den Internationalen Grundsätzen des Staatsangehörigkeitsrechts kongruent seien. Dreh- und Angelpunkt hierbei war der *genuine link*, welchen die Sportverbände nicht konträr zu den Internationalen Grundsätzen des Staatsangehörigkeitsrechts definierten sollten. Um dieses Verhältnis besser zu ergründen, wurden verschiedene *Desiderata*, d.h. wünschenswerte Aspekte von Staatsangehörigkeitsvorschriften, festgelegt:

- a) Sportverbände sollten die Staatsangehörigkeit eines Sportlers anerkennen und sollen dafür Sorge tragen, dass staatenlose Sportler, sowie Flüchtlinge, ihre internationale Sportkarriere fortsetzen können;
- b) Repräsentationsland-Wechsel sollten erlaubt werden, ohne dass eine Höchstzahl an Wechseln festgelegt ist;
- c) Ein *genuine link* zwischen Sportler und Land soll von den Sportverbänden anerkannt werden, wenn dieser durch i) *ius soli*, *ius sanguinis* oder eine Mischform von beiden ii) Optionsrechte iii) erleichterte Einbürgerung in Folge einer Eheschließung oder iv) Einbürgerung, zu Stande gekommen ist;
- d) Gleichberechtigung sollte respektiert werden;
- e) Sportverbände sollten Regeln haben, die es Sportlern erlauben, ihre Karriere fortzusetzen, nachdem diese ihre Staatsangehörigkeit verloren haben;
- f) Es sollte keine Regeln geben, die in irgendeiner Weise diskriminierend wirken;
- g) Minderjährige Sportler sollten besonders geschützt werden.

Vergleicht man dieser *Desiderata* mit den derzeitigen Regelwerken, so werden schnell mehrere Probleme und Spannungsfälle deutlich.

- Erstens, sind die Begrifflichkeiten, welche benutzt werden, oftmals inkonsistent und widersprüchlich;
- Zweitens, gibt es derzeit zu wenige und zudem inadäquate Regeln für staatenlose Sportler und Flüchtlinge; hier ist besonderer Handlungsbedarf gegeben, da diese Sportler sich in Extremsituationen befinden und möglichst schnell wieder ihre Karriere aufnehmen können sollten;
- Drittens, verstoßen Regeln, welche eine Höchstzahl von Repräsentationsland-Wechseln vorschreiben oder solche Wechsel nicht zulassen, gegen das Recht, die Staatsangehörigkeit zu wechseln;

- Viertens, können zusätzliche Anforderungen diskriminierend wirken, so z.B. wenn nur die biologischen Eltern in Betracht gezogen werden und hierdurch Findelkinder sowie Adoptivkinder einen Nachteil haben;
- Fünftens, führt das Erlassen oder Reduzieren von vorgeschriebenen Aufenthaltsdauern oder Nichtwettbewerbszeiträumen dazu, dass gleiche Fälle nicht gleich behandelt werden. Daher gibt es in solchen Fällen oftmals keine Rechtssicherheit und darüber hinaus können diskriminierende Praktiken nicht erkannt und behoben werden;
- Letztens, wird von Minderjährigen, die normalerweise als nichts geschäftsfähig betrachtet werden, erwartet, dass sie bindende Entscheidungen bezüglich ihrer Staatsangehörigkeit und des Repräsentationslandes treffen.

#### **24.4. Wie können die Spannungen, die zwischen den derzeit geltenden Staatsangehörigkeitsvorschriften der Olympischen Sportarten und den Internationalen Grundsätzen des Staatsangehörigkeitsrechts existieren, aufgelöst werden? (Kapitel 17 & 18)**

Da nur ein Aufzeigen der deutliche Spannungen zwischen den derzeitigen Regelwerken der Sportverbände und den Internationalen Grundsätzen des Staatsangehörigkeitsrechts nur den Status quo beschreiben würde, war die folgerichtige Frage, wie die erkannten Probleme gelöst werden könnten.

##### **24.4.1. Option eins: ein freier Markt**

Die erste Möglichkeit wäre, in den Regelwerken der Sportverbände alle Beschränkungen zu beseitigen und einen freien Markt zu schaffen. Ohne die oft widersprüchlichen Regeln könnten so die Kräfte von Angebot und Nachfrage den internationalen Sport bestimmen. Sportlich ambitionierte Länder müssten mehr in ihre Sportler und ihre Sporteinrichtungen investieren, was dem Sport generell zu Gute kommen würde, da hier durch neue und bessere Werkstoffe, Techniken und Trainingspläne gefördert würden. Sportler wären nicht nur vollkommen frei sich für ein Repräsentationsland zu entscheiden, sondern könnten auch dank schnellerer Einbürgerungsverfahren leicht eine neue Staatsangehörigkeit erwerben und direkt für das neue Land antreten. Aus technischen Gründen gäbe es nur die Einschränkung, dass dies nicht im Laufe eines internationalen Wettbewerbs geschehen dürfte. Darüber hinaus würde sich aber schnell ein Transfersystem wie zwischen den großen Sportclubs etablieren.

Dies führt jedoch auch zu den Hauptkritikpunkten dieser Option, da solche schnellen Einbürgerungsverfahren, wie es derzeit auf Malta, Zypern oder in Portugal gibt, bereits eine hitzige Debatte über Staatsangehörigkeit in der Europäischen Union ausgelöst haben. Da in solchen Fällen zumeist der Antragssteller keinen festen Wohnsitz in dem jeweiligen Land haben muss, sind diese Verfahren sehr beliebt bei reichen Investoren, die sich somit einen europäischen Pass und hierdurch freien Zutritt zum Schengen-Raum erkaufen. Während Sportverbände Einbürgerungsverfahren und den daraus resultierenden *genuine link* zwischen Sportler und Land anerkennen sollten, umgehen diese schnellen Einbürgerungsverfahren jedoch das normal geltende

Staatsangehörigkeitsrecht der einzelnen Länder. Alternativ könnte man sich von dem Prinzip der Staatsangehörigkeit als Ausgangspunkt für die Auswahl eines Repräsentationslandes lösen. Dies würde jedoch dazu führen, dass eine ‚Nationalmannschaft‘ nur noch wenig mit dem Repräsentationsland zu tun hätte.

Ein weiteres Problem in diesem Zusammenhang ist, dass durch solch einen freien Markt der Unterschied zwischen den Nationalmannschaften und den nationalen Ligawettbewerben verschwimmen würde. Die reichen Klubs befinden sich zumeist in Ländern, welche grundsätzlich mehr Geld für Sport ausgeben und daher auch für die Nationalmannschaften mehr Ressourcen hätten. Solch eine Vermischung von Klub- und Nationalmannschaftswettbewerben würde das Fortbestehen der Nationalmannschaften ad absurdum führen. Daher kann die Aufhebung sämtlicher Regeln nicht die richtige Lösung sein.

#### **24.4.2. Option zwei Eine separate *sporting nationality* (Sportstaatsangehörigkeit)**

Eine zweite Möglichkeit, wie sie einige Autoren anraten, wäre es, eine separate *sporting nationality*, d.h. eine Sportstaatsangehörigkeit, einzuführen. Da diese Autoren nicht genau beschreiben, wie sie hier vorgehen würden, ergeben sich einige Probleme. Erstens, gibt es derzeit keine präzise Definition von ‚*sporting nationality*‘ und zweitens bleibt es unklar, in wie weit eine *sporting nationality* noch von der Staatsangehörigkeit des Sportlers abhängt. Da einige Autoren vorschlugen, dass die *sporting nationality* komplett unabhängig von der Staatsangehörigkeit des Sportlers sein sollte, stellte sich die Frage, wie man eine Sportstaatsangehörigkeit feststellen wollte, ohne dabei in irgendeiner Weise auf Staatsangehörigkeit und deren normalen Erwerb zu verweisen. Nach Prüfung sämtlicher Möglichkeiten wie ein alternativer *genuine link* zwischen Sportler und Land entstehen könnte, wurde deutlich, dass hier das Problem nur verschoben und nicht behoben würde. Daher hätte die Einführung einer separaten *sporting nationality* keine Vorzüge. Darüber hinaus ist der Begriff der Sportstaatsangehörigkeit oder *sporting nationality* an sich schon problematisch, da man bei jeglicher ‚Staatsangehörigkeit‘ erwartet, dass es um eine vollwertige Staatsangehörigkeit handelt und nicht, wie hier vorgeschlagen, davon komplett gelöst ist.

Wenn man Staatsangehörigkeitsrecht im Ganzen und das Konzept der *sporting nationality* im Besonderen betrachtet, wird deutlich, dass diese *sporting nationality* nicht zu der erhofften Vereinfachung der Situation beitragen, sondern, im Gegenteil, die bestehenden Probleme vergrößern würde.

#### **24.4.3. Option drei: Eine *sporting licence* (Sportlizenz), welch im Einklang mit den internationalen Grundätzen des Staatsangehörigkeitsrechts ist**

Die Lösung, welche von dieser Dissertation bevorzugt wird, wäre die Einführung einer separaten Sportlizenz oder *sporting licence* wie im ‚Draft article‘ (Kapitel 17.4.2) beschrieben. Diese *sporting licence* wäre keine Variante der *sporting nationality*, wie einige Autoren sie vorschlugen, da ihr Kriterien sehr detailliert wären und somit garantieren, dass ein *genuine link* zwischen Sportler und Repräsentationsland besteht, auch um schnellen Einbürgerungsverfahren vor internationalen Wettbewerben

vorzubeugen. Diese Kriterien müssen mit den internationalen Grundsätzen des Staatsangehörigkeitsrechts übereinstimmen, und es ist daher nicht möglich, dass sein Sportler die Sportlizenz eines Landes erwirbt, mit dem er oder sie keinen *genuine link* hat. Generell kann man solch einen *genuine link* als existent ansehen, wenn der Sportler die Staatsangehörigkeit des Landes hat; aber in anderen Fällen, so z.B. bei doppelter Staatsangehörigkeit, müssten zusätzliche Kriterien betrachtet werden um sicherzustellen, dass wirklich ein Nähe-Verhältnis besteht. Da Länder in ihren nationalen Gesetzen verschieden mit dem Erwerb oder dem Verlust der Staatsangehörigkeit umgehen, existiert ein generelles Ungleichgewicht zwischen den Ländern. Wenn Länder mit restriktiverem Staatsangehörigkeitsrecht versuchen, dies durch Möglichkeiten wie Optionsrechte oder vereinfachte Einbürgerungsverfahren nach einer Eheschließung auszugleichen, sollten die Sportverbände durch strikte Regeln dieses Ungleichgewicht nicht wieder herstellen.

Für die Probleme, denen sich Flüchtlinge und staatenlose Sportler gegenüber sehen, sollte es klare Lösungen in den Regelwerken geben. Hierbei sollten sich die Verbände an dem Lösungsansatz, wie er vom IOC für die Olympischen Spiele 2016 in Rio vorgesehen ist, orientieren. Des Weiteren sollte besonderes Augenmerk auf die Situation von minderjährigen Sportlern gerichtet werden, die nicht dazu gezwungen werden sollten, vor Erreichen ihrer Volljährigkeit bereits bindend festzulegen, für welches Land sie bei internationalen Wettbewerben antreten wollen. Nach Erreichen des 18. Lebensjahres sollten sie die Möglichkeit haben, innerhalb der nächsten drei Jahre sich nochmals um zu entscheiden, ohne von einem Nichtwettbewerbszeitraum betroffen zu sein.

Die Kriterien für diese Sportlizenz müssen genau auf die Weisen, durch welche eine Staatsangehörigkeit erworben werden kann, Bezug nehmen, sodass auch Optionsrechte und erleichterte Einbürgerungsverfahren anerkannt und als gleichwertig mit dem Erwerb einer Staatsangehörigkeit bei der Geburt behandelt werden. Zudem müssen Staatsangehörigkeitswechsel erlaubt werden, ohne dass hierfür eine Höchstanzahl festgesetzt ist. Für Sportler, die nicht beweisen können, dass sie bereits einen *genuine link* zu dem jeweiligen Land durch *ius soli*, *ius sanguinis* oder eine Mischform der beiden, durch Optionsrechte, durch erleichterte Einbürgerung in Folge einer Eheschließung oder durch die normal gebräuchliche Einbürgerungsverfahren, aufgebaut haben, gilt ein nicht reduzierbarer Nichtwettbewerbszeitraum von zwei Jahren. Da die gewählten Begriffe und deren Definitionen in den derzeitigen Regelwerken sehr widersprüchlich und verworren sind, sollten Begriffe und deren Beziehung zueinander vorab erklärt werden, um Verwirrung vorzubeugen.



## **25. Valorisation addendum for: Nationality requirements in Olympic sports**

### **25.1. Olympic sports and nationality requirements in the societal and economic context**

Sports are an important aspect of everyday life for many people around the globe, regardless whether they practice a sport themselves, are involved in the organisation of a club or just enjoy watching it. In addition, sports are amongst the topics almost everyone has an opinion on, whether it concerns coaching, the composition of a team or a decision made by a referee, umpire or judge. Sports do not only have an integrating aspect, bringing together people from different countries or societies, but also have become a universal language.

Sports and sporting activities are organised on different levels with the local sports clubs forming valuable parts of their respective communities. The clubs help to bring people together and provide possibilities for young people to form valuable parts of their local communities and society as a whole. Especially troubled youths have been taught the values of fairness, respect and teamwork by their sport's continuous emphasis on fair play both on and off the field.

Besides amateur sports and their contribution to society, there are the professional sports, which are multi-million businesses. Yet, unlike some other multi-national corporations, the professional clubs are businesses about which people are extremely passionate. Competitive leagues and other sporting competitions generate a lot of money for all stakeholders, ranging from the sponsoring companies, whose logos are printed on the athletes' jerseys, to TV rights and specialised TV channels and to the sporting clubs and athletes themselves. World Championships for each sport and the Olympic Games at which bring together the best athletes of all sports, are highly profitable for all businesses involved. This profitability has however has a negative impact on some sports and the organisers of the tournaments. After all, this flourishing industry is unfortunately not, as recent allegations of both doping and corruption have shown, immune to controversies and scandals and may thus sometimes be detrimental to the aforementioned value of fairness.

Nationality has always been an essential topic and has been brought to the forefront of political debates in recent times in the context of the refugee crisis. Recent developments have been occurring on two sides of the spectrum: on the one hand, some countries are now selling their passports and the travel rights that come with them, while on the other hand asylum seekers from war torn countries are desperately trying to reach safety abroad. In both cases, the issue of which passport one holds and which country one might be allowed to enter, as well as where one might be allowed to stay or settle, is of paramount importance.

This dissertation focussed on the overlap between nationality laws and sports. For representative sporting teams, especially the legal issue for which country an athlete may compete for arises. Whereas this question seems to be straightforward at first

glance, there are several aspects, which have resulted in a more complicated picture such as dual nationality and the tendency of wealthier countries to offer their passports to promising athletes. While on the one hand flexibility is needed to adapt to new circumstances, on the other hand there has been a ‘muscle drain’ with talented athletes leaving their countries of origin, causing problems for their national teams and the development of the sport in these countries.

With the current refugee crisis, the issue of refugee and stateless athletes has further gained importance. The IOC has started to tackle the problem for the 2016 Games in Rio by allowing refugees to compete under the IOC flag, which will be the first time such a measure was taken. In view of modern conflicts, these problems are likely going to increase in frequency and hence a solution that goes beyond one international competition should be reached.

### **25.2. The importance of Olympic sports and their nationality requirements for different audiences**

Many people care a lot about sports and especially the Olympic Games and as such this dissertation will be of interest to many people and may be used for many purposes, which may be broadly characterized as practical, academic and general.

As sports are interesting to many people, the general public – or at least all those with a liking for sports – might find the book at hand interesting to read and especially fans of one particular sport might enjoy the individual sports chapters.

With regard to academic impact, this dissertation was written mainly two aims; firstly to provide other researchers and students with a first insight into the current position of athletes and the nationality requirements they may be faced with at the Olympics and other international competitions; and secondly to lay a foundation for further research. Such further research and the monitoring of developments will be needed as the chapters 5 to 15 can only provide a picture of today’s situation and give a brief analysis of the past 10 or 15 years. With the contemporary rules acting as a basis, future trends and developments can be analysed and evaluated in the context.

As this dissertation also has practical impact on the in the relatively narrow field of sports law and nationality law, the sporting federations and athletes themselves or athlete representatives are certainly a core part of the target audience. For sporting federations the comparison between their own eligibility criteria and those used by similar sports may help to identify best practices. Especially Chapter 15 can serve as basis for discussions, as common grounds and similarities are underlined therein and critical reflections of the aspects missing from the various federations are provided. Moreover, the relation between eligibility criteria and standards of international nationality laws is of paramount importance for the federations when deciding on new rules or when amending the old ones to better deal with newly arisen circumstances.

In addition, athlete representatives as well as athletes may find the overview of the current situation helpful to assess the rules they may be faced with when deciding to compete for another country. This might be especially the case for young or junior athletes wishing to decide for which country to embark on an international career.

They might also find the underlying legal principles, which are frequently addressed when critically assessing the nationality requirements, helpful when building their case in problematic situations.

### **25.3. The innovative character of this dissertation's approach**

As not much had been written so far about the topic of eligibility criteria in Olympic sports this dissertation is innovative in several ways.

Firstly, this is the first time the comparative method has been used on this scale on all Olympic sports. Prior to this dissertation, neither federations nor scholars could see the similarities, differences as well as overall trends in such a comprehensive manner. Until now, most research was either focussed on one particular sport, which was then thoroughly examined, or took a more general approach without going into extensive detail. However, it was only in the context of all Olympic sports that certain problems became apparent, such as the general lack of rules for refugee or stateless athletes at the level of the individual federations. Furthermore, with the help of the new overview best practices can be identified.

Secondly, eligibility codes had not been systematically scrutinized with regard to standards of international nationality law. Based on nationality law, this dissertation has first formulated several touchstone principles that should be respected by all entities dealing with nationality law. Furthermore, several desiderata for eligibility rules based on nationality for the sporting context were established, which had not been done before. Hence, the resulting analysis of all the problems and the consequent proposals for solutions are entirely new.

Thirdly, the solutions advocated in the dissertation at hand largely relied on the principles of nationality law. It was possible to bring forward the first real alternative to both the current status quo and the advocated '*sporting nationality*' forward while taking legal concepts such as the *genuine link* into consideration.

### **25.4. The practical applicability of the research results**

The practical implications and applicability of this research are threefold. Most importantly, the draft article, which is brought forward in Chapter 17 and which is in accordance with nationality law, marks the first article encompassing all issues brought forward by the individual sports. This article, or a slight variation thereof, should not only be incorporated by the sporting federations in their rulebooks, but could also find its way into the more overarching IOC eligibility code. That way several problems, such as the inadequate way in which stateless athletes or refugee athletes are addressed or the problems of waiving or reducing residence and waiting, could be solved.

Furthermore, through corresponding with several sporting federations, a discussion of the eligibility criteria has already been sparked. In some instances, pointing out the differences between the rules currently applicable and the principles of nationality law, has already given rise to the federations critically reflecting on their eligibility codes.

With the help of the comparative aspects of this dissertation, sporting federations might find it easier to work together and to agree on common grounds in the future.

Finally, besides furthering the research in the field of sports law, this dissertation has provided the field of nationality law with some examples how nationality laws are employed by non-state entities and which problems might arise in these cases. While athletes wishing to change their country of representation are a relatively small part of the world's population, the issues they are faced with, e.g. refugee status or passports offered to them, mirror problems that affect many. Moreover, the established touchstone principles and desiderata may prove important in other contexts, since they are applicable to all issues of nationality law and to all cases in which a person's nationality may be used as an eligibility criterion.

### **25.5. Implementing the research results**

In order to further the implementation of the findings, this dissertation will be sent not only to the relevant sporting federations, some of which are already eagerly awaiting the research results, but also to the IOC. This way the organisations most concerned with eligibility criteria in Olympic sports will be able to review and adapt their current eligibility criteria accordingly. The costs for such an implementation largely depend on the extent that current rules differ from the suggested solution and on the process necessary to change the federation's rule book.

Furthermore, copies will be distributed to international legal scholars and law schools offering sports law programmes as well as to sport universities or colleges. This dissertation shall also be published by Wolf Legal Publishers and thus reach a wider distribution. As the publisher will promote the book at relevant conferences and to research institutes, a great number of interested scholars will have access to the research results. Thus, there is a high number of scholars potentially using this dissertation as a stepping-stone for their own research. The costs for the initial distribution is comparatively low, as only the posting will require additional funds.

## 26. Biography

Born in Bonn, Germany, in July 1988, Anna Sabrina Wollmann attended the Nicolaus-Cusanus Gymnasium in Bonn from 1999 to 2008. Following her bilingual German – English Abitur, Sabrina started studying European Studies at Maastricht University Faculty of Arts and Social Sciences in September 2008. From June 2010 till December 2011 Sabrina worked at TIER (TOP Institute for Evidence based education research) in Maastricht as a research assistant. In addition, she started her second bachelor at Maastricht University Faculty of Law in September 2010, choosing the English language track of the European Law School with a minor in Dutch law. After graduating from the European Studies Programme in June 2011, Sabrina enrolled in the Master Programme of the European Law School in February 2012 and specialised in European Union Law. In addition to following two fulltime studies for three years, Sabrina has also participated in PREMIUM, the Honours Programme for excellent Master students at Maastricht University in 2013.

From February 2012 until June 2013 Sabrina worked as student assistant to prof. dr. Hildegard Schneider. In addition, she was a national reporter for a project on shareholding requirements and legal form requirements in Germany for Maastricht University and the European Commission, DG Internal Market. Sabrina graduated with an LL.B. and LL.M. European Law School with civil effect due to her minor in Dutch law in July 2013 and started working as an external PhD candidate in October 2013. Besides writing her dissertation Sabrina has worked as Admissions Assistant at Maastricht University Faculty of Psychology and Neuroscience in 2014 as well as Marketing and PR Agent at VinAuthority since 2015.

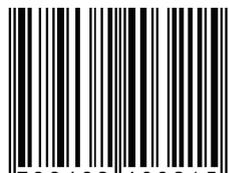
In her free time Sabrina is an enthusiastic athlete herself, having joined Maastricht University Fencing Club *MAS Incontro* in autumn 2008. Sabrina has had a passion for acting since secondary school, attended several summer schools at the Royal Academy of Dramatic Art in London and has been an active member of the Bonn University Shakespeare Company since 2014.

# Who may compete for a country at the Olympics?

While the qualification rounds for the Rio Olympics have received huge media attention, the underlying question regarding which country an athlete may compete for only makes headlines when prominent athletes change the country for whom they are competing. Nationality requirements are an issue that has yet to be brought to the forefront of public discussion, as most recent works have only focussed on a small number of Olympic sports.

This book explores the terra incognita of nationality requirements in Olympic sports, providing not only a comprehensive overview of the different sports, but also placing them in the wider context of the international standards of nationality law. The following questions are examined:

What are the eligibility criteria currently employed by the Olympic Sports? To what extent is it problematic to align these currently applicable eligibility criteria with international standards of nationality law? How can tensions that may exist between the criteria applied by the sporting federations and the international standards of nationality law be solved?



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