



## **Olympic Council of Asia (OCA) Code on the Prevention of the Manipulation of Competitions**

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## 亞洲奧林匹克理事會 (OCA) 預防競賽操縱守則

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## 1- Preamble

- a. Acknowledging the danger to sports integrity from the manipulation of sports competitions, the Olympic Council of Asia (OCA) restate their commitment to safeguarding the integrity of sport, including the protection of clean athletes and competitions as stated in Olympic Agenda 2020;
- b. Due to the complex nature of this threat, the OCA recognises that they cannot tackle this threat alone, and hence cooperation with public authorities, in particular law enforcement and sports betting entities, is crucial;
- c. The OCA declares their commitment to support the integrity of sport and fight against the manipulation of competitions by adhering to the standards set out in the Olympic Movement Code on the Prevention of the Manipulation of Competitions.

## 2- Application and Scope

- a. *This Code will come into force on [insert date].*
- b. *It shall be the personal responsibility of every Participant to make himself or herself aware of this Code including, without limitation, what conduct constitutes a violation of this Code and to comply with those requirements. Participants should also be aware that conduct prohibited under this Code may also constitute a criminal offence and/or a breach of other applicable laws and regulations. Participants must comply with all applicable laws and regulations at all times.*

## 3- Article 1 - Definitions

- 1.1. "Benefit" means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts;
- 1.2. "Competition" means any sports competition, tournament, match or event, organised in accordance with the rules of the OCA or its affiliated

## 1- 前言

- a. 亞洲奧林匹克理事會 (Olympic Council of Asia，以下稱亞洲奧會) 知曉運動賽事遭到操縱會對運動誠信造成危害，因此重申其保護運動誠信的承諾，包括依《奧林匹克 2020 改革議題》保護乾淨的運動員與競賽；
- b. 有鑑於此威脅的複雜性，亞洲奧會理解其無法獨力解決，因此與公家機關，尤其是執法部門及運動博彩實體的合作至關重要；
- c. 亞洲奧會聲明，其承諾遵守《奧林匹克活動預防競賽操縱守則》所定標準，以支持運動誠信，反對操縱競賽之一切行為。

## 2- 適用範圍

- a. 本守則將於 [插入日期] 生效。
- b. 每位參加者均需自行負責了解本守則，包括但不限於了解哪些行為違反本守則，並確實遵守相關規定。參加者亦應留意，本守則所禁止的行為可能同時構成刑事犯罪及/或違反其他適用法規。在任何情況下，參加者皆應遵守所有適用法規。

## 3- 第 1 條 - 定義

- 1.1. 「利益」指直接或間接收取或提供金錢或等價物，例如但不限於賄賂、收益、禮物及其他好處 (包括但不限於賭注的獎項及/或潛在獎項)，但不包括官方獎金、出場費或根據贊助或其他契約支付的款項；
- 1.2. 「競賽」指根據亞洲奧會或其轄下附屬機關的規則而舉辦的任何運動競賽、錦標賽、賽事或活動；

organisations;

- 1.3. “Inside Information” means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition;
- 1.4. “Participant” means any natural or legal person belonging to one of the following categories:
- a. “athlete” means any person or group of persons participating in any major event under the umbrella of the OCA
  - b. “athlete support personnel” means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions, and all other persons working with the athletes;
  - c. “official” means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organise and/or promote sports competitions, as well as referees, jury members and any other accredited or engaged persons. The term also covers the executives and staff of OCA, or where appropriate, other competent sports organisation or club that recognises the major event.

1.5 “Sports Betting, Bet or Betting” means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition.

#### **4- Article 2 – Violations**

The following conduct as defined in this Article constitutes a violation of this Code:

##### **2.1 Betting**

Betting in relation to any event related to the OCA in which he/she is a Participant.

- 1.3. 「內線消息」指特定人士因其於運動界或競賽中的地位而擁有的競賽相關資訊，但不包括已公開或周知、有興趣的一般民眾可輕易取得，或根據管轄相關競賽的規則與規範而揭露的資訊；
- 1.4. 「參加者」指下列任一類型的自然人或法人：
- a. 「運動員」指參加亞洲奧會旗下任何重大賽事的個人或團體
  - b. 「運動員支援人員」指與參加或準備運動競賽的運動員共事，或為運動員治療的教練、訓練人員、主管、代理人、團隊工作人員、團隊官員、醫療或輔助醫事人員，以及其他所有與運動員合作的人員；
  - c. 「官員」指籌辦及/或推動運動競賽之實體的負責人、股東、高階主管或工作人員，以及裁判、裁判團成員與其他經認可或受聘僱之人員。此詞彙還包括亞洲奧會的高階主管與工作人員，適當時亦包含其他承認此項大型賽事的當責運動組織或俱樂部。
- 1.5. 「運動博彩、投注或賭博」指期待獲得具貨幣價值、受到涉及運動競賽的未來不確定事件影響的獎勵，而投入的任何具貨幣價值的賭注。

#### 4- 第 2 條 – 違規

以下行為構成違反本守則：

##### 2.1 賭博

當事人具備參加者身分，卻參與涉及任何亞洲奧會相關賽事的賭博。



## **2.2 Manipulation of sports competitions**

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.

## **2.3 Corrupt conduct**

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of a competition or any other form of corruption.

## **2.4 Inside information**

2.4.1. Using Inside Information for the purposes of Betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.

2.4.2. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of competitions or any other corrupt purposes.

2.4.3 Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

## **2.5 Failure to report and reporting mechanism**

2.5.1 Failing to report to the OCA or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of this Code.

2.5.2 Failing to report to the OCA or concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of this Code.

## 2.2 操縱運動競賽

透過故意的安排、行為或疏漏，不當改變運動競賽的結果或過程，以去除運動競賽全部或部分不可預測的性質，藉以使自己或他人獲得不正當利益。

## 2.3 貪污行為

提供、索取、接收、尋求或收受涉及操縱競賽或其他貪污行為的利益。

## 2.4 內線消息

2.4.1. 為賭博、任何形式的運動競賽操縱或其他貪污目的而使用內線消息，無論使用者為實際參加者或透過其他人員及/或實體。

2.4.2. 參加者不論自身是否有獲得利益，在明知或應知揭露內線消息可能導致該資訊遭用於賭博、任何形式的運動競賽操縱或其他貪污目的時，仍向任何人員及/或實體揭露該消息。

2.4.3. 因透露內線消息而提供及/或收受利益，不論是否將該內線消息實際提供給他人。

## 2.5 未通報以及通報機制

2.5.1 參加者獲得參與可能違反本守則的特定行為或事件的管道或邀請，但未在第一時間向亞洲奧會或相關揭露/通報機制或機關通報詳情。

2.5.2 參加者得知 (或理應注意到) 任何事件、事實或事項，其中有其他參加者獲得參與可能違反本守則的特定行為的管道或邀請，但參加者未在第一時間向亞洲奧會或相關揭露/通報機制或機關通報詳情。





2.5.3 Anyone encountering any suspicious approaches or activities related to competition manipulation, should directly report to OCA using the below report mechanism.

EMAIL: [reportmanipulation@ocasia.org](mailto:reportmanipulation@ocasia.org)

## 2.6 Failure to cooperate

2.6.1 Failing to cooperate with any investigation carried out by the OCA or its designate in relation to a possible breach of this Code, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the OCA or its designate as part of such investigation.

2.6.2 Obstructing or delaying any investigation that may be carried out by the OCA or its designate in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

## 2.7 Application of Articles 2.1 to 2.6

2.7.1 For the determination of whether a violation has been committed, the following are not relevant:

- a. Whether or not the Participant is participating in the Competition concerned;
- b. The outcome of the Competition on which the Bet was made or intended to be made;
- c. Whether or not any Benefit or other consideration was actually given or received;
- d. The nature or outcome of the Bet;
- e. Whether or not the Participant's effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;
- f. Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question;
- g. Whether or not the manipulation included a violation of a technical rule of the OCA or its affiliated organization.
- h. Whether or not the competition was attended by the competent national or international representative of the OCA or its affiliated organization.



2.5.3 任何人一旦獲悉任何與操縱競賽有關的可疑管道或活動，皆應透過以下通報機制直接向亞洲奧會通報。

電子郵件：[reportmanipulation@ocasia.org](mailto:reportmanipulation@ocasia.org)

## 2.6 不合作

2.6.1 未配合亞洲奧會或其指定人員就可能違反本守則之狀況進行任何調查，包括但不限於未準確完整、無不當拖延地提供亞洲奧會或其指定人員因執行該調查而要求的資訊及/或文件及/或取得權限或協助。

2.6.2 妨礙或延誤亞洲奧會或其指定人員對可能違反本守則之狀況進行調查，包括但不限於隱匿、篡改或破壞可能涉及調查的任何文件或其他資訊。

## 2.7 第 2.1 至 2.6 條之適用範圍

2.7.1 決定是否發生違規行為時，無需考量以下因素：

- a. 參加者是否參加相關競賽；
- b. 進行或打算進行投注的競賽之結果；
- c. 是否實際給予或收受任何利益或其他對價；
- d. 投注的性質或結果；
- e. 參賽者於相關競賽中的努力或表現是否受到 (或可預期受到) 有關作為或不作為的影響；
- f. 競賽的結果是否受到 (或可預期受到) 系爭行為或疏漏的影響；
- g. 操縱狀況是否違反亞洲奧會或其轄下附屬機關的技術規則；
- h. 競賽是否有亞洲奧會或其轄下附屬機關的國內或國際代表出席。



2.7.2 Any form of aid, abetment or attempt by a Participant that could culminate in a violation of this Code shall be treated as if a violation had been committed, whether or not such an act in fact resulted in a violation and/or whether that violation was committed deliberately or negligently.

## 5- Article 3 - Disciplinary Procedures

### 3.1. Investigations

3.1.1 The Participant who is alleged to have committed a violation of this Code must be informed of the alleged violations that have been committed, details of the alleged acts and/or omissions, and the range of possible sanctions.

#### **Note:**

***Notice to a Participant may be accomplished by delivery of the notice to the Member Federation concerned. If the Participant concerned by a breach of these rules is an athlete or member of a National Olympic Committee (NOC) or National Team delegation, the NOC President/Secretary General/Chef de Mission or National Team Chef de Mission must be notified. The Member Federation and/or the NOC shall be responsible for immediately communicating the notice to the Participant.***

**The timing of the notice is at the prerogative of OCA.**

3.1.2 Upon request by the OCA or its designate, the concerned Participant must provide any information which the OCA or its designate considers may be relevant to investigate the alleged violation, including records relating to the alleged violation (such as betting account numbers and information, itemised telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and/or a statement setting out the relevant facts and circumstances around the alleged violation.

***Where following investigation, the OCA decides to charge a Participant with a violation of this Code, the OCA shall transfer any such matter to the disciplinary***



2.7.2 參加者如有可能最終導致違反本守則的任何援助、教唆或意圖，應視為違規行為，不問該行為是否實際導致違規及/或違規行為屬故意或過失。

## 5- 第 3 條 - 懲戒程序

### 3.1. 調查

3.1.1 遭控違反本守則的參加者有權知悉其遭指控的違規行為、該行為及/或疏失的詳細資訊，以及可能的懲處。

#### 注意：

向相關會員協會發出通知，即視同已向參加者發出通知。若疑似違規的參加者為國家奧林匹克委員會或國家代表隊的運動員或代表團成員，則必須通知國家奧會的主席/秘書長/總領隊或國家代表隊的總領隊。會員協會和/或國家奧會應負責立即向參加者傳達通知。

通知時間將由亞洲奧會決定。

3.1.2 涉案參加者必須根據亞洲奧會或其指定人員的要求，提供可能與違規調查有關 (由亞洲奧會或其指定人員認定) 的資訊，包括違規行為的相關紀錄 (如投注帳號與資訊、電話帳單細目、銀行對帳單、網際網路服務紀錄、電腦、硬碟及其他電子資訊儲存裝置) 及/或載明涉及違規之相關事實與情況的聲明。

若亞洲奧會在調查之後決定指控參加者違反本守則，則應將任何相關事宜移交紀律小組，以根據亞洲奧會之規則作出裁決。

***panel for determination in accordance with the Rules of the OCA.***

### **3.2 Rights of the concerned person**

In all procedures linked to violations of the present Code, the following rights must be respected:

3.2.1 The right to be informed of the charges; and

3.2.2 The right to a fair, timely and impartial hearing either by appearing personally in front of the OCA disciplinary panel and/or submitting a defence in writing; and

3.2.3 The right to be accompanied and/or represented.

### **3.3 Burden and standard of proof**

The OCA shall have the burden of establishing that a violation has been committed. The standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred.

### **3.4 Confidentiality**

The principle of confidentiality must be strictly respected by the OCA during all the procedure; information should only be exchanged with entities on a need to know basis. Confidentiality must also be strictly respected by any person concerned by the procedure until there is public disclosure of the case.

### **3.5 Anonymity of the person making a report**

Anonymous reporting is facilitated through the OCA anonymous reporting mechanism.

### **3.6 Appeals**

1. The OCA has an appropriate appeal framework within the organisation through the OCA Executive Board, the concerned person has the right to appeal to OCA Executive Board within 21 days, and then he/she can appeal to the Court of Arbitration (CAS) within 21 days from Executive Board's decision.

### 3.2 當事人之權利

所有涉及本守則違規行為的程序皆必須尊重以下權利：

- 3.2.1 獲知指控內容的權利；以及
- 3.2.2 親自到場向亞洲奧會紀律小組說明及/或提出書面辯護狀，以獲得公平、及時、公正的聽證之權利；以及
- 3.2.3 由他人陪同及/或代表的權利。

### 3.3 舉證責任與標準

亞洲奧會負有證明違法行為的責任。本守則所涉一切事項的證據標準應採取優勢證據法則，即證明違規行為發生的可能性大於未發生的可能性時，該證據即具優勢。

### 3.4 保密義務

亞洲奧會必須全程嚴守保密原則，僅向有必要了解資訊的實體提供資訊。案件公布前，所有程序相關人員皆必須嚴格保密。

### 3.5 通報者匿名處理

匿名通報是透過亞洲奧會的匿名通報機制進行。

### 3.6 申訴

1. 亞洲奧會已透過執行委員會於內部設置適當申訴機制；當事人有權在 21 天內向亞洲奧會執行委員會提出申訴，並得於執行委員會作出裁決後的 21 天內，向國際運動仲裁庭 (CAS) 提出申訴。



2. The general procedure of the appeal framework shall include provisions such as, but not limited to, the time limit for filing an appeal and the notification procedure for the appeal.

The concerned person has the right to appeal to OCA Executive Board within 21 days and then he/she can appeal to the Court of Arbitration (CAS) within 21 days from OCA Executive Board's decision.

## 6- Article 4 - Provisional Measures

4.1 The OCA may impose provisional measures, including a provisional suspension, on the participant where there is a particular risk to the reputation of the sport, while ensuring respect for Articles 3.1 to 3.4 of this Code.

4.2 Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

## 7- Article 5 - Sanctions

5.1 Where it is determined that a violation has been committed, the OCA shall impose an appropriate sanction upon the Participant from the range of permissible sanctions, which may range from a minimum of a warning to a maximum of life ban.

**E.g. for sanctions: Disqualification of results, forfeiture of medals or prizes won, education, costs, and any other sanctions OCA may impose.**

**Note: The OCA adopts and applies the International Olympic Committee's "Guidelines for Sports Organizations on the Sanctioning of Competition Manipulation" when imposing sanctions on the concerned person.**

2. 申訴機制的一般程序應納入但不限於申訴提起時限、申訴通知程序等條款。

當事人有權在 21 天內向亞洲奧會執行委員會提出申訴，並得於亞洲奧會執行委員會作出裁決後的 21 天內，向國際運動仲裁庭 (CAS) 提出申訴。

## 6- 第 4 條 - 暫時處分

4.1 如對該運動的聲譽有特殊風險，亞洲奧會得對參加者實施暫時處分，包括暫時停權，但應確保遵循本守則第 3.1 至 3.4 條。

4.2 若實施暫時處分，決定最終懲處時應將之納入考量。

## 7- 第 5 條 – 懲處

5.1 若認定有違規行為，亞洲奧會應對參加者實施適當的懲處；允許的懲處方式最低為警告，最高為終生禁賽。

懲處方式包括：註銷競賽成績、沒收已頒發的獎牌或獎品、實施教育、罰款，以及亞洲奧會有權採行的任何其他懲處。

注意：亞洲奧會在對當事人實施懲處時，將採用並適用國際奧林匹克委員會的《運動組織之競賽操縱懲處準則》。



5.2 When determining the appropriate sanctions applicable, the OCA shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.

5.3 Substantial assistance provided by a Participant that results in the discovery or establishment of an offence by another Participant may reduce any sanction applied under this Code.

- ***If a Participant violates any prohibition on participation in a Competition imposed in accordance with this Code, such Participant shall be disqualified immediately from the relevant Competition and the period of ineligibility originally imposed in accordance with this Code shall recommence from the date of such violation.***
- ***This Code shall continue to apply to any ineligible Participant and any violation committed during a period of ineligibility shall be treated as a distinct violation and separate proceedings may be brought against the Participant in accordance with this Code.***

### **Reinstatement**

- *Once the period of the Participant's ineligibility has expired, he or she will become automatically re-eligible to participate in OCA events provided that he or she has:*
  - *completed to OCA 's satisfaction any official integrity education imposed on him or her as a sanction by the OCA disciplinary body;*
  - *has paid, in full, any fine imposed under this Code and/or any order of costs made against him or her by OCA disciplinary body; and*
  - *has agreed to subject himself or herself to any reasonable and proportionate monitoring of his or her future activities in connection with his/her sport as the OCA may reasonably consider necessary given the nature and scope of the violation that he or she has committed.*

## **8- Article 6 - Mutual recognition**

6.1 Subject to the right of appeal, any decision in compliance with this Code by any other Sporting Organisation will be recognised and respected by the OCA.

5.2 決定適用的適當懲處時，亞洲奧會應考量所有加重與減輕因素，並於裁決書中詳細說明該因素對最終懲處的影響。

5.3 參加者如提供實質協助，幫助發現或確定其他參加者的違法行為，得減輕根據本守則實施的懲處。

- 若參加者違反根據本守則實施的任何禁賽規定，則應立即註銷參加者參與相關競賽的資格，且原本根據本守則實施之禁賽期間應自違規之日起重新計算。
- 本守則應繼續適用於任何喪失資格的參加者，且在喪失資格期間發生的任何違規行為均應視為個別的違規行為，並可根據本守則對參加者另外進行仲裁。

#### 恢復資格

- 一旦參加者的喪失資格期限屆滿，參加者參與亞洲奧會賽事的資格將自動恢復，前提是參加者必須：
  - 已完成亞洲奧會懲戒單位為懲處參加者，而要求其接受的任何官方誠信教育，且成果由亞洲奧會認可；
  - 已全額付清根據本守則裁處之任何罰款，和/或亞洲奧會懲戒單位下達的任何付款命令；且
  - 同意自己未來的運動相關活動將受到合理且符合比例原則的監控(若亞洲奧會根據其違規性質和範圍，合理認定有其必要性)。

## 8- 第 6 條 - 相互認可

6.1 對於其他非本守則所定義的「運動組織」、但具備完善管轄權的其他運動組織或法院所作出的裁決，亞洲奧會將予以認可並尊重。



6.2 The OCA will recognise and respect the decision(s) made by any other sporting body or court of competent jurisdiction which is not a Sporting Organisation as defined under this Code.



6.2 對於其他非本守則所定義的「運動組織」、但具管轄權的其他運動組織或法院所作出的裁決，亞洲奧會將予以認可並尊重。