

DECISION OF THE **ADJUDICATORY BODY**

As per Article 32.3 of the World Aquatics Integrity Code

Decision by:

Raymond Hack (South Africa), Chairperson

In the matter related to:

Mr. Ivan Petrov (Hungary), Respondent

Regarding:

Articles 5.1, 5.2, 5.3 and 10.2 of the World Aquatics Integrity Code

Lausanne, 26 November 2024

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I. Overview

1. The present case concerns alleged violations of Articles 5.1, 5.2, 5.3, and 10.2 of the World Aquatics Integrity Code (the “Integrity Code”) committed by Mr. Ivan Petrov (the “Respondent” or “Mr. Petrov”), who serves as a coach within the Hungarian Swimming Association (“HSA”).
2. More precisely, in the context of the change of sport nationality of the athlete Henrietta Fangli (the “Athlete”), the Respondent provided an official statement to World Aquatics through a lawyer in support of the Athlete’s request. In this statement, the Respondent claimed that the Athlete was residing with him in Hungary when in fact the Athlete would be studying and residing in the United States.

II. Factual and procedural background

3. The following summary of the facts does not purport to include every single contention put forth by the parties during these proceedings. However, the Adjudicatory Body of the Aquatics Integrity Unit has thoroughly considered all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of its positions and in the ensuing discussion on the merits.
4. The Athlete is a twenty-two-year-old swimmer with dual citizenship in both Romania and Hungary.
5. On 13 May 2024, the HSA submitted to World Aquatics a request of change of sports nationality from Romania to Hungary for the Athlete.
6. Pursuant to Part One - Article 3.3.1 of the World Aquatics Competition Regulations (version 1st January 2024) (the “Competition Regulations”):

3.3.1 Any Athlete that intends to change his/her Sport Nationality from one World Aquatics Member to another (“New World Aquatics Member”) shall request World Aquatics’ approval, which will be granted under the following requisites:

- *the Athlete shall observe a waiting period of three years between the last representation for the Member and the first representation for the New World Aquatics Member. The Athlete shall not be entitled to represent any World Aquatics Member at International Competitions during this waiting period;*
 - *the Athlete shall be a citizen by birth or naturalization of the country or Sport Country he/she will represent; and*
 - *the Athlete shall have uninterrupted residence in the country or Sport Country of the New World Aquatics Member for at least three years prior to his/her first International Competitions or shall be able to demonstrate by the end of the waiting period at the latest, that he/she has a genuine, close and established link to the country or Sport Country he/she will represent.*
7. In this context, on 28 May 2024, the Respondent provided to World Aquatics an official statement (the “Official Statement”) through a lawyer asserting that

the Athlete resides with him in Hungary, in order to convince World Aquatics that the third requisite of Part One - Article 3.3.1 of the Competition Regulations was met and that the change of sport nationality should be approved.

8. On 18 June 2024, World Aquatics inquired about the Athlete's current residence, as publicly available information indicated that she had currently been studying and living in the United States for the past few years. This information appeared to directly contradict the Respondent's Official Statement.
9. On the same day, the Athlete confirmed that she lives and studies in the United States and she only returns to Hungary to train during the holidays (Christmas or New Year) and the summer break.
10. Nevertheless, on 21 June 2024, pursuant to Part One - Article 3.3.1 of the Competition Regulations, World Aquatics approved the request for the change of sport nationality of the Athlete, even if she does not reside in Hungary. The reason for the approval was that the Athlete has a genuine, close and established link to Hungary considering, *inter alia*, that both she and her relatives have held Hungarian citizenship for eleven years.
11. On 10 July 2024, given the contradictory evidence between that set out in the Official Statement and that publicly available, the AQIU wrote to the Respondent informing him of the initiation of an investigation and asking him to provide his position.
12. On 11 July 2024, the Respondent replied stating that he is not a native English speaker, and he signed the Official Statement with an honest intention to declare that she resides in Hungary. The Respondent also mentioned that he is aware that the Athlete was studying and residing in the United States, but she still resides at his place when she is in Hungary.
13. On 8 August 2024, based on all received information and documents, pursuant to Article 23 of the Integrity Code, the Chief Ethics and Compliance Officer ("CECO") decided to formally charge the Respondent by means of a notice of charge ("Notice of Charge") for a possible violation of Articles 5.1, 5.2, 5.3 and 10.2 of the Integrity Code:
 - i. 5.1 Covered Persons must always act honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency.
 - ii. 5.2 Covered Persons must avoid any conduct that is inconsistent with or that undermines in any way the objectives of this Integrity Code.
 - iii. 5.3 Covered Persons must avoid acts or omissions that give the appearance of impropriety, or that disparage World Aquatics, or that bring (or have the potential to bring) World Aquatics, Aquatics and/or sport generally into disrepute.
 - iv. 10.2 Covered Persons must not knowingly give false information, including false results, nationality and/or date of birth.
14. According to the Notice of Charge and based on the information in his

possession, the CECO determined that a suspension for a fixed period of five (5) months from taking part in any Aquatic-related events on behalf of World Aquatics and/or Continental Organisation and/or World Aquatics Member should be the applicable consequences in this case.

15. The Respondent was also informed that in accordance with Article 23.3 of the Integrity Code, he may respond to the Notice of Charge in one of the following ways:
 - i. admit the charge and accept a five-month suspension from taking part in any Aquatic-related events on behalf of World Aquatics and/or Continental Organisation and/or World Aquatics Member;
 - ii. admit the charge, but dispute and/or seek to mitigate all or any of the potential consequences and have the Adjudicatory Body determine the consequences and sanctions; or
 - iii. deny the charge, and have the Adjudicatory Body determine the charge and any consequences and sanctions.
16. On 13 August 2024, the Respondent denied the allegations against him, exercising his right under Article 23.3 c) of the Integrity Code. In brief, the Respondent claimed that the Athlete, like many others studying in the United States, maintained a registered residence in Hungary, which is standard practice to preserve their connection to Hungary. The Respondent also emphasized that the Official Statement did not suggest that the Athlete lived permanently with him and that Hungarian law allows for an official residence that does not align with day-to-day living arrangements. Therefore, the facts presented do not constitute a violation of the Integrity Code.
17. On 3 October 2024, the CECO referred the matter to the Adjudicatory Body.
18. On 4 October 2024, the Chair of the Adjudicatory Body, informed the Respondent of his rights, including the opportunity to challenge the composition of the single-member panel and to provide additional information or written submissions.
19. On 8 October 2024, the Respondent confirmed that he had no objections to the composition of the single-member panel and again denied any wrongdoing, stating that the Athlete's Hungarian residence was accurately reflected in accordance with local legal standards, despite her temporary stay in the United States for academic purposes. He emphasized that his actions were taken in good faith, supported by legal advice, and there was no intent to deceive World Aquatics. He highlighted a misunderstanding in the phrasing of "resides" versus "living" due to language differences and expressed disappointment over the lack of communication from World Aquatics for clarification. In light of the above, the Respondent requested the dismissal of the charges.

III. CONSIDERATIONS OF THE ADJUDICATORY BODY

A. Jurisdiction, applicability of the Integrity Code and request for a hearing

20. In accordance with Article 24 of the Integrity Code, the Adjudicatory Body of the AQIU is responsible for adjudicating cases where a respondent has denied

the charges or requests laid by the CECO.

21. The Respondent is active as a coach within the HSA and falls within the definition of a “Covered Person” under Article 4.1 c) of the Integrity Code.
22. The above shows that the AQIU, and, more precisely, the Adjudicatory Body, has jurisdiction over the case and is entitled to pass a decision on the basis of the Integrity Code.
23. Pursuant to Article 29.1 of the Integrity Code, the Adjudicatory Body has full discretion to decide whether or not a hearing shall be convened. In this case, the Adjudicatory Body considers itself sufficiently informed to render a decision based on the written submissions. In coming to this conclusion, the Adjudicatory Body noted the fact that the Respondent was afforded an opportunity to provide his position both by the CECO and by the Adjudicatory Body.

B. Burden and Standard of proof

24. The above having been established, the Adjudicatory Body recalled that, as a general rule, the AQIU will have the burden of establishing that an Integrity Code violation has been committed.
25. The standard of proof will be the balance of probabilities. Facts shall be established by any reliable means. The Panel shall at its own discretion determine the admissibility, relevance, materiality and weight of the evidence offered.
26. The principle of strict liability applies. Therefore, violations are punishable regardless of whether they have been committed intentionally, recklessly, and/or negligently.
27. Having clarified the foregoing, the Adjudicatory Body proceeded to consider the merits of the case.

C. Merits of the case

28. Articles 5.1, 5.2, 5.3 and 10.2 of the Integrity Code stipulate as follows:

“5.1 Covered Persons must always act honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency.

5.2 Covered Persons must avoid any conduct that is inconsistent with or that undermines in any way the objectives of this Integrity Code.

5.3 Covered Persons must avoid acts or omissions that give the appearance of impropriety, or that disparage World Aquatics, or that bring (or have the potential to bring) World Aquatics, Aquatics and/or sport generally into disrepute.

10.2 Covered Persons must not knowingly give false information, including false results, nationality and/or date of birth.”

29. After reviewing the full case file, the Adjudicatory Body considers it has been established that the Respondent's conduct falls under these provisions.

30. By providing the Official Statement through a lawyer addressed to World Aquatics in which he made an untrue declaration, the Respondent failed to act in accordance with the highest ethical standards of integrity and transparency. His conduct was improper and inconsistent with the objectives set out by the Integrity Code within the meaning of Article 5.1, 5.2, 5.3 and 10.2 of the Integrity Code.
31. In reaching this conclusion, the single-member panel notes that the Official Statement signed by the Respondent, submitted to World Aquatics, only mentions that the Athlete resided in Hungary. There is no indication that this residence was limited to specific periods, such as during training over the summer break and holidays (Christmas and New Year). The Official Statement is therefore false and deceiving, as it implies that the Athlete resides permanently in Hungary.
32. The Respondent claims to have misunderstood the term “Residence”. This misunderstanding appears highly improbable. It is particularly telling that the only alleged confusion involves a term that is central to the decision-making process and directly impacts the eligibility requirements. This undermines the credibility of the Respondent’s explanation and suggests a self-serving motive.
33. If the Respondent genuinely misunderstood the term “Residence,” it was incumbent upon them to seek clarification before proceeding. The failure to do so further indicates that the misunderstanding claim is not credible and likely serves as an *ex post facto* justification for non-compliance.
34. Furthermore, the Respondent admitted that he was fully aware that the Athlete studied and resided in the United States, but he failed to disclose this in the Official Statement. The fact that this practice may be used for other athletes does not exempt the Respondent from responsibility.
35. Finally, the single-member panel considers that the fact Hungarian law may permit an official residence that does not reflect actual daily living conditions is irrelevant in this case. The issue at hand concerns an official statement signed and submitted to World Aquatics for the purpose of an athlete’s nationality change, and domestic legal provisions do not override the obligation for accuracy and completeness in such a declaration. In any case, the Official Statement should have included this information to ensure accuracy and completeness, given the specific purpose for which it was submitted to World Aquatics (i.e., a request for a nationality change).
36. In light of the foregoing, the Adjudicatory Body deems that the Respondent clearly violated Articles 5.1, 5.2, 5.3 and 10.2 of the Integrity Code.

D. Applicable sanction

37. As per Article 33.1 of the Integrity Code, any one or more of the following sanctions may be imposed for an Integrity Code Violation:
- a) *a warning as to future conduct;*
 - b) *a reprimand;*
 - c) *a fine in an amount proportionate to the seriousness of the violation;*

- d) an order of reimbursement or restitution;*
- e) a suspension from carrying out specific activities on behalf of World Aquatics and/or Continental Organisation and/or World Aquatics Member for a specified period;*
- f) a period of ineligibility, the length of which is to be determined based on what is proportionate in the circumstances of the case, taking into account in particular (i) the nature of the violation(s), (ii) the degree of fault of the Covered Person, (iii) the harm that the violation(s) has/have done to the sport, (iv) the need to deter future violations, and (v) any specific aggravating or mitigating factors; and*
- g) any other sanction deemed appropriate, including, but not limited to disqualification of results, annulment of results of any Event, removal from office, forfeiture of points and/or of quota places and/or of hosting rights, other loss of privileges, no contact directives, requirement to complete educational or other programs, and return of World Aquatics awards.*

38. Pursuant to Article 33.2 of the Integrity Code, the sanction(s) to be imposed in a particular case shall be determined by reference to all of the relevant circumstances of the case, including an assessment of the seriousness of the violation, and any mitigating or aggravating factors that may be present.

39. The single-member panel observes that the Official Statement was submitted in the context of official proceedings with World Aquatics linked to the Athlete's nationality change, which is an important aspect to consider. In this respect, the single-member panel does not view the fact that the Respondent's Official Statement had no impact on World Aquatics' decision regarding the Athlete's nationality change request as a mitigating factor.

40. The Official Statement is not fully accurate and is actually misleading. The Respondent omitted information that should have been mentioned for the perusal of World Aquatics, which was called to decide upon a request of change of nationality. Such conduct by the Respondent does not align with the standards expected of a Covered Person under the Integrity Code and must therefore be condemned in every respect.

41. Therefore, the single-member panel is convinced of the necessity to issue an appropriate sanction, excluding any mitigating circumstances initially presented by the Respondent. That said, the single-member panel acknowledges that the Respondent has maintained a clean record up to this point, which serves as a mitigating factor in determining the severity of the sanction. However, the Respondent's violation of multiple Articles of the Integrity Code is considered an aggravating factor.

42. Considering the above, the single-member panel decides to impose on the Respondent a three-month suspension from holding any position, including coaching, within World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body. The suspension imposed on the Respondent shall also prevent him from taking part in any Aquatic-related activities and/or events on behalf of World Aquatics, any Continental Organisation or any World Aquatics Member or recognised body, as well as participating or attending, in any capacity, in any

aquatic competition.

43. While the proportionality of the sanction must be assessed based on the specific circumstances of each case, the single-member panel notes that in *CAS 2022/A/9175, Federación Peruana de Fútbol v. Federación Ecuatoriana de Fútbol & FIFA*, and *CAS 2022/A/9176, Federación de Fútbol de Chile v. Federación Ecuatoriana de Fútbol, Byron Castillo Segura & FIFA*, the Ecuadorian Football Federation was sanctioned with a deduction of 3 points in the next edition of the preliminary competition to the FIFA World Cup and a fine of CHF 100,000 for violating Article 21 of the FIFA Disciplinary Code by using a document containing false information.
44. Moreover, in a recent case handled by the AQIU, the physiotherapist of the Ukrainian Diving Federation accepted a six-month suspension proposed by the CECO for violating Article 5.3 and Article 10.1 of the Integrity Code, due to tampering with his accreditation at the World Aquatics Championships in Doha, Qatar.
45. In light of the above, the single-member panel is confident that the sanction imposed is appropriate and proportional to the violation committed.

V. DECISION OF THE ADJUDICATORY BODY

- (i) The AQIU has jurisdiction over this matter.**
- (ii) The Respondent has violated Articles 5.1, 5.2, 5.3 and 10.2 of the World Aquatics Integrity Code.**
- (iii) The Respondent is sanctioned with a three-month period of ineligibility from holding any position, including coaching, within World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body. The suspension imposed on the Respondent shall also prevent him from taking part in any aquatic-related activities and/or events on behalf of World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body, as well as participating or attending, in any capacity, in any aquatic competition. The sanction begins on the day this decision is issued i.e. 26 November 2024.**
- (iv) This decision is rendered without costs and will be made public.**
- (v) As per Article 35 of the World Aquatics Integrity Code, this decision can be appealed to CAS within twenty-one (21) calendar days of the appealing Party's receipt of the written reasoned decision in question by email.**

On behalf of the Adjudicatory Body of the Aquatics Integrity Unit:



Raymond Hack
Chairperson