

## IWF Ethics and Disciplinary Commission, 10.12.2021

The EDC members wish to jointly respond to your questions as follows:

The EDC is composed of five independent members from five different continents and two reserve members, which were recommended by the IWF Continental Federations and ratified by the IWF Executive Board (EB). As per the EDC Terms of Reference (ToR), the Chair, Vice-Chair and Secretary were all elected by the members of the EDC acting independently.

Because of the extensive interactions the EDC had with the Executive Board at the beginning of 2021 in crafting the EDC's ToR and subsequently the EDC Interim Code of Ethics and Procedural Rules prior to their formal adoption by the Constitutional Congress, the EDC unanimously decided to request that the EB fully delegate the functions of the Eligibility Determination Panel from the EDC to another independent panel of experts appointed by Sport Resolutions (UK). The EDC members themselves were willingly subjected to extensive eligibility checks by the EDP.

The EDC has officially responded to the IWF decision to postpone the elections, which, as you would be aware, was made taking into consideration the IWF Legal Commission's opinion that the EDC had not been ratified by the IWF Congress hence it could not delegate its powers to the Eligibility Determination Panel (EDP).

In the clarifications provided to the IWF Executive Board in response to this decision on 27 November 2021, the EDC reminded the IWF that it was validly constituted in October 2020 upon a decision of the IWF Executive Board and the validly agreed - and signed- Terms of Reference, as they were subsequently amended on 12 February 2021. Since its valid appointment, the EDC has drafted its procedural rules, which were adopted by the IWF, and has acted as the independent body dealing with complaints filed by various IWF stakeholders, including Member Federations and individual Executive Board members, inferring -and confirming- the validity of its appointment in accordance with the principle of good faith. Upon the entry into force of the IWF Constitution on 29 August 2021, the IWF Executive Board officially requested the EDC to delegate its powers to the EDP and send 3 of its members to form part of the Electoral Commission of the IWF, in accordance with Articles 37.4 of the IWF Constitution and Article 9 of Schedule 4, respectively.

The EDC further noted that the EDC ratification "by an ordinary resolution of the Congress" enshrined in Article 34.2 (b) (i) of the IWF Constitution, to the extent that there can be no retroactive effect of the IWF Constitution, could only take place at the next electoral congress following the approval of the IWF Constitution, which in the present case would be the one initially scheduled to take place in December 2021 (cf. Article 15.5 (a) of the IWF Constitution). In the EDC's opinion, such ratification could not be deemed to be a constitutive element of the EDC but would only formally confirm its appointment previously made by the IWF, in line with Swiss law and the principal goals set out in Rule 4.1 of the IWF Constitution.

In accordance with the above position, and to the extent that the ratification of the EDC is a mere formality that cannot affect the functioning and operations of the EDC (including any delegation of powers to the EDP as per the IWF Constitution), the

EDP determinations should stand and would not have to be repeated. The EDC cannot comment on the way the EDP performed its tasks since the latter has acted entirely independently of the EDC. As for the EDC members, they remain committed to continue to act as such in accordance with the IWF Constitution.

Pursuant to the new Constitution, the EDC operates through its Independent Investigatory Chamber, whose operations are administered by Sport Resolutions (SR). The IIC was launched – and the IIC members were officially appointed by SR - on 14 October 2021. To date, the EDC has already laid down Terms of Reference for investigations on numerous individuals based not only on the McLaren Report but also on various other publicly available information and related complaints. This work is ongoing, and the EDC will issue a detailed press release in due course.

With best regards,

Dr Despina Mavromati, EDC Chair  
Mr Andrew Minogue, EDC Vice-Chair  
Prof. Moni Wekesa, EDC Secretary  
Ms Beatriz Merino, EDC Member  
Mr Yoshi Takatori, EDC Member