

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION with recommendations
No. D/03/07**

CASE No. 4/2006

Mr Henri Sérandour, IOC member
and President of the French National Olympic Committee (CNOSF),
domiciled at Paris 13ème, CNOSF - Maison du sport
1, avenue Pierre de Coubertin

REFERRAL and FACTS:

In a letter dated 6 July 2006, the IOC President referred the situation of Mr Henri Sérandour, IOC member and President of the French National Olympic Committee (CNOSF), to the Ethics Commission, following his appearance before the Paris Regional Court.

In its decision of 12 October 2006, the Paris Regional Court sentenced Mr Henri Sérandour to a suspended term of three months' imprisonment and a fine of 20,000 euros on the charge of unlawfully obtaining an advantage by a person responsible for a public service mission, the acts having been committed between 12 March 2001 and 31 August 2002. As Mr Henri Sérandour abandoned his appeal on 19 September 2007, the sentence of the Paris Regional Court is final.

The French Court based its judgment on the following grounds:

- the CNOSF is entrusted with a public service mission and must therefore respect the legal provisions intended to ensure the transparency and impartiality of decisions involving the award of contracts;
- Mrs Poirot, Mr Henri Sérandour's wife, was hired by the communications company *Les Pléiades* on 12 March 2001 as head of the sports department;
- the CNOSF, without approaching any rival companies, tasked *Les Pléiades* in April 2001 with producing a fresco of French Olympic medallists;
- in June 2001, the CNOSF awarded the same company, *Les Pléiades*, a second contract, to update and maintain the NOC's web site, without opening this contract to public bidding;
- Mr Henri Sérandour alone took the decisions to award these contracts to a company for which his wife was working.

As a result, the Court held that Mr Henri Sérandour, as President of the CNOSF, had, directly or indirectly, obtained an advantage in a company for which he was, at the time of the act, responsible for ensuring its supervision or administration.

Mr Henri Sérandour explained that he had abandoned his appeal against the decision handed down; the offence of unlawfully obtaining an advantage was established, even though there was no misconduct, no prejudice to the CNOSF and no personal enrichment for himself or his wife.

OPINION:

The IOC Ethics Commission noted the decision handed down by the Paris Regional Court on 12 October 2006 and the fact that, as Mr Henri Sérandour had abandoned his appeal, the suspended sentence of three months' imprisonment and a fine of 20,000 euros had become final.

The Ethics Commission recalls that whether or not the conduct of an Olympic party is ethical is wholly independent of its criminal nature. Indeed, although the same acts may or may not be a criminally punishable depending on the law in different countries, they may nevertheless be ethically reprehensible.

The Ethics Commission observes that the Olympic parties must at all times respect and ensure respect of the ethical principles contained in the Olympic Charter and included in the Code of Ethics.

It notes that Mr Henri Sérandour is an Olympic party by virtue of being an IOC member as well as the President of a National Olympic Committee.

The Ethics Commission based its assessment of the facts on the question of both the tarnishing of the image and reputation of the Olympic Movement linked to the criminal conviction, and the creation of a conflict of interests situation as defined in the Code of Ethics and its implementing provisions, namely the Rules concerning conflicts of interests affecting the behaviour of Olympic parties.

The Ethics Commission, taking into consideration the nature of the acts of which Mr Henri Sérandour was found guilty, deems that his conduct has tarnished the reputation of the Olympic Movement, in the meaning of part B.5 of the IOC Code of Ethics, and has also constituted a failure to respect the prohibition on creating a conflict of interests situation.

Duly taking into account the facts of the case and the principle of proportionality, it recommends that, for Mr Henri Sérandour, there be a combination of the sanctions provided under Rule 23.1.1 of the Olympic Charter, namely a reprimand and a suspension of the right to be a member of any IOC Commission for five years.

The Ethics Commission further proposes that the CNOSF and its President be recommended to establish a procedure designed to avoid any future conflicts of interests..

RECOMMENDATIONS:

The Ethics Commission, after deliberating in accordance with its Statutes, recommends that, pursuant to Rule 22 of the Olympic Charter, the IOC Executive Board:

- 1° decide that Mr Henri Sérandour has violated the ethical principles set out in the Olympic Charter and the IOC Code of Ethics, has tarnished the reputation of the Olympic Movement and failed in his duty not to engage in activities involving conflicts of interest;

- 2° pursuant to Rule 23.1.1 of the Olympic Charter, impose the following sanctions on Mr Henri Sérandour:
- a) a reprimand
 - b) a suspension of the right to be a member of any IOC commission for five years;
- 3° recommend to the CNOSF and its President establish a procedure designed to avoid any future conflicts of interests.

Done in Lausanne on 30 October 2007

For the Chairman,
Pâquerette Girard Zappelli
Secretary to the Ethics Commission