

## Legal Commission Opinion on Conflicts of Interests for persons elected to roles on the COMEX of both EFC and FIE.

Conflicts of interest occur when a governing body member has interests that could compromise their impartial decision-making within an organisation. For an individual elected to both COMEXes, key risks include:

1. **Competing Interests:** Situations where advancing the objectives of one organisation may harm the interests of the other.
2. **Misuse of Confidential Information:** Using information obtained in one role to influence decisions in the other, breaching implied confidentiality unless explicitly waived.

Failing to manage conflicts of interest properly can damage reputations and potentially lead to legal challenges under fiduciary duty principles.

When serving as an EFC COMEX member, the individual must act solely in the best interests of the EFC, making decisions that further its purposes and objectives. Similarly, as an FIE COMEX member, their actions must align exclusively with the interests and objectives of the FIE. Given the FIE's stance towards the EFC, there is a credible argument that these interests may be irreconcilably conflicting. Acting in the best interests of one organisation could directly harm the interests of the other.

Additionally, information received in one capacity must not be used in the other role. For instance, information gained as an EFC COMEX member should not influence decisions made as an FIE COMEX member, and vice versa.

The FIE Statutes, particularly in the Code of Ethics, address conflicts of interest:

- **Conflict Avoidance:** The FIE Family must avoid conflicts of interest between themselves, the organisation they represent, and any other entities within the Olympic Movement.
- **Disclosure Requirement:** If a conflict arises or might arise, the affected party must inform the FIE Ethics Committee.
- **Conflict Management:** Section 4 of the Code of Ethics outlines mechanisms for addressing conflicts, including the Chief Ethics and Compliance Officer's role in offering solutions such as:
  - Allowing participation in decisions,
  - Excluding the individual from the decision-making process, or
  - Requiring relinquishment of the conflicting interest.

Conversely, the EFC Statutes lack comparable conflict-of-interest provisions.

Given the present context, the potential for conflicts of interest is significant and likely irreconcilable. While the FIE Code of Ethics provides a framework for addressing such situations, it places the burden of responsibility on the individual to avoid conflicts. The individual must also consider whether they can

fulfil their fiduciary duties to both organisations while recusing themselves from decisions impacting the other. We believe the answer to this question is “no.”

The position differs for ex officio COMEX members, as their potential conflicts are anticipated within the statutes.

Concluding, the EFC Legal Commission strongly advises Mr. Mateev to resign from either the FIE COMEX function or the EFC COMEX function.

On behalf of the Legal Commission

A handwritten signature in blue ink, appearing to read 'E. Van Cann', with a horizontal line underneath.

Etienne Van Cann  
EFC President of Legal Commission  
EFC Vice-President