

Zurich, 13 November 2014

Re: Report on the Inquiry into the 2018/2022 FIFA World Cup™ Bidding Process prepared by the Investigatory Chamber of the FIFA Ethics Committee

Statement of the Chairman of the Adjudicatory Chamber of the FIFA Ethics Committee of 13 November 2014

On 2 December 2010, the FIFA Executive Committee determined the hosts for the final rounds of the 2018 and 2022 FIFA World Cup™ tournaments. Subsequently, the Investigatory Chamber of the FIFA Ethics Committee determined to review the relevant bidding and award process in the light of the FIFA Code of Ethics and other relevant Ethics rules and regulations. The investigation has been led by the Chairman of the Chamber, Michael J. Garcia, and the Deputy Chairman, Cornel Borbély, and resulted in a comprehensive report which has been submitted to the Chairmen of the Adjudicatory Chamber of the FIFA Ethics Committee.

Given the fact that a bid team from Australia had participated in the bidding process regarding the 2022 World Cup™ and that the relevant report therefore also contained considerations and findings on this particular team, the Deputy Chairman of the Adjudicatory Chamber of the FIFA Ethics Committee, being of Australian nationality, deemed it appropriate to refrain from being involved in examining the report and issuing a corresponding statement. This step is however without any prejudice to the Deputy Chairman's involvement in possible Ethics proceedings that might result from the investigations presently relevant. Whether or not the Deputy Chairman – or any other member of the Ethics Committee – will have to withdraw from any such proceeding will be assessed separately on the basis of the circumstances of each particular case.

As a consequence of the Deputy Chairman's withdrawal, the Chairman of the Adjudicatory Chamber has examined the relevant report, including its annexes, during the past weeks alone. One of the main issues of this examination was whether the relevant investigations

conducted by the Chairmen of the Investigatory Chamber have been carried out in compliance with the FIFA Code of Ethics. The Chairman of the Adjudicatory Chamber of the FIFA Ethics Committee published his findings, including certain descriptions of the contents of the Investigatory Chamber's report, in a separate statement.

The statement concerned sought to strike a balance between the public's – legitimate – demand for transparency with regard to the occurrences related to the relevant World Cup bidding and award process and the legal framework the Ethics Committee is operating under. This framework includes, in particular, the provisions on confidentiality contained in the FIFA Code of Ethics as well as the personality rights of any individuals and entities mentioned in the Investigatory Chamber's report. The aforementioned balance is a very delicate one and not easy to achieve. In this respect, it shall be stressed in particular that article 36 of the FIFA Code of Ethics (the key provision with regard to confidentiality) is of major importance in order to ensure that the integrity of Ethics proceedings is protected and that information disclosed to the FIFA Ethics Committee is treated adequately.

In the light of this, publication of the Investigatory Chamber's report in its entirety is incompatible with the obligation of confidentiality the members of the FIFA Ethics Committee are under. By contrast, the statement issued by the Chairman of the Adjudicatory Chamber of the FIFA Ethics Committee complies with the principle of confidentiality contained in the FIFA Code of Ethics as well as with all other relevant provisions of FIFA regulations and of Swiss national laws. It shall also be pointed out in the present context that decisions, reports and statements issued by public authorities on investigations or judicial proceedings are also subject to certain constraints in terms of information that may be published. As a private organisation, FIFA (or the FIFA Ethics Committee respectively) cannot disclose information that may not even be published by such authorities.

Moreover, it must be stressed that the principle of presumption of innocence also applies to FIFA Ethics proceedings. As a consequence, the statement of the Chairman of the Adjudicatory Chamber of the FIFA Ethics Committee presently relevant is of no prejudicial effect whatsoever with regard to possible proceedings that might be opened against specific officials. These are completely separate proceedings that must be initiated and carried out in accordance with the FIFA Code of Ethics, i.e. separate investigation reports must be produced and – if there are sufficient grounds – adjudicatory proceedings must be conducted.

As already mentioned above, the statement presently relevant essentially contains the Adjudicatory Chamber Chairman's assessment of whether the investigation conducted by the Chairmen of the Investigatory Chamber of the FIFA Ethics Committee has been carried

out in compliance with the FIFA Code of Ethics. Moreover, it evaluates the Investigatory Chamber's findings related to the issue of whether the bid teams involved in the bidding and award process presently obtained certain advantages in violation of the FIFA Code of Ethics. As also already mentioned, the Investigatory Chamber's findings may result in separate Ethics proceedings against specific officials. Apart from that, the statement contains, based on the Investigatory Chamber's findings, general recommendations to World Cup bidding and award procedures.

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION

Hans Joachim Eckert
Chairman of the Adjudicatory Chamber