

To Fide
Att: Executive Director

Tromsø, 16 July 2014

Olympic regulations – registrations after deadline

Dear Nigel,

As previously stated in our mails to Fide (08.07, 11.07 and 12.7), our decision regarding the late entries has been finalized today.

It was unanimously resolved that:

“Teams that failed to submit their participation within the deadline of 1st June will not be accepted as participants in the Tromsø Chess Olympiad.”

Below you will find a summary of the facts and some legal and contractual arguments that led to our decision.

1. Background

The COT2014 agreed early with Fide to use the specially designed Registration System (RS) for all registrations to the Tromsø Chess Olympiad. Representatives from COT2014 had several meetings with Fide in order to test and improve the RS.

The Fide Olympic Regulations (OR) have two deadlines when it comes to the submissions of teams. The first is OR 3.6.1 stating that federations that intend to participate in the Olympiad must inform the Organizer at least four months before the starting date. For the Tromsø Olympiad this deadline was set to be 1st April.

The second deadline is OR point 3.7.1 stating that no later than two months before the event, federations must confirm their participation by submitting their team details. Both these deadlines were published in the formal Olympic Invitation after Fide approval. The COT2014 and Fide Vice President Israel Gelfer had also agreed that the deadlines had no exceptions.

There were several teams that for some reason were unable to confirm within the deadlines. During the registration period, many federations contacted Tromsø informing us about all kinds of technical problems that had arisen. Without any exceptions, we assisted these federations as best we could, not distinguishing between obvious human errors and real technical problems. We also accepted late registration from those federations that took contact and asked for help in the process and within the deadline.

Despite all the efforts of federations all over the world and the assistance provided by COT2014, we have a situation where still some teams did not register and more important, did not contact Tromsø before the deadline. Attached you will find a list of these teams.

In addition to the federations and teams mentioned above, some internal disputes have been finally settled by the ELE.

2. Olympic Regulations

Based on the OR and the previously agreed understanding with Fide, COT2014 is of the opinion that all teams that failed to meet the deadlines set in 3.6.1 and 3.7.1 are ineligible to participate.

After informing Fide of our interpretation and position, we have received mails and phone calls from the Fide Secretariat and Vice President Gelfer asking us to allow the Russian women's team to participate. Of course, we can understand the embarrassment it can create when a significant and powerful federation like RCF does not submit a team within the deadline. Still, we as Organizers have a duty to treat all federations alike.

We have also received a copy of a letter from the Fide president to VP Gelfer. In this letter, the Fide president sets aside the decision of COT2014 in accordance with the power the OR point 6.1 gives the President. We also refer to what VP Gelfer writes in his mails, using the terms “such cases” or just “cases”.

The COT2014 has absolutely no problem accepting that many disputes developing in the last weeks up to the Olympiad need to be solved. Many decisions cannot be postponed, or the regular decision-making process takes too much time. That is the purpose of giving the Fide President his additional power. However, in the current situation there are no “cases” involved in our decision. All the teams and federations in the attached list have simply overstepped the deadline and none of them claims otherwise. Based on this fact there is no “case” in the meaning of a dispute that the Fide President has the power to settle.

If the Fide President is of the opinion that the OR point 6.1 gives him the general power to change regulations singlehandedly three weeks before the Olympiad takes place, we strongly object. Even more, we object to such an interpretation when the purpose is to secure participation from a team coming from his own federation.

There is a general legal term called “*lex specialis derogat legi generali*.” It is a Latin phrase, which refers to “law governing a specific subject matter”. The doctrine states that a law (or regulation) governing a specific subject matter overrides a law that governs general matters. This principle can also apply where a law contains both specific and general provisions. In the case of the OR, the specific provisions regarding deadlines are the “*Lex Specialis*” and prevails over the general authority based on OR 6.1.

According to the argument above, the COT2014 is of the legal opinion that the FIDE President has no such power to change or create new rules in the Olympic regulations.

3. Agreement FIDE - Tromsø

The COT2014 also feels there is a need to remind FIDE that there is a written Agreement between the parties, signed in 2011. This Agreement was signed in good faith between equal partners to the Olympic project.

In this 15-page Agreement there are many provisions and obligations between the parties regarding duties, financial obligations etc. Both parties agreed that the Olympic regulations attached are an integral part of the Agreement.

For your kind information, we would like to emphasize that adding one team to the Olympiad increases the cost for the organizer by an amount of €10,500. A general amnesty for late registrations could possibly include up to 10 teams. This will increase the financial burden for the organizer up to around € 105,000.

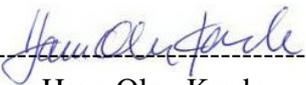
It is obvious that one part of the Agreement cannot impose upon the other part a financial cost of this kind. The entire idea that the highest representative of FIDE can overrule and change obligations “with the stroke of a pen” is unacceptable. If FIDE thinks otherwise, we are looking forward to their legal presentation in the Swiss Court System.

As a last remark, we would like to emphasize the impossible situation FIDE is putting the organizers in, when regulations are changed for no foreseeable reason. The deadlines in the OR secures the Organizer time for planning and allocation of resources. It’s absolutely unacceptable from the Organizers point of view if these rules are changed.

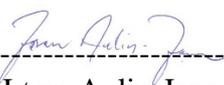
In addition to the pure legal reasoning, it will not be fair to all the federations and teams that actually did comply with the current OR. Any attempt to create special favors to some important teams will go against justice and fair play. We doubt that the FIDE President will put himself in such a position.

We feel we have to draw a line to establish a limit to what is acceptable and what is not. This is not only to defend our rights as Organizer of the Olympiad, but also to help future Organizers from being subject to random decisions by FIDE Presidents.

Tromsø, 16 July 2014



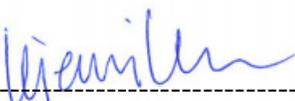
Hans Olav Karde
Chairman of COT2014



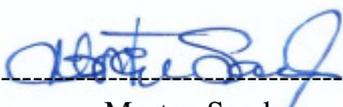
Jøran Aulin-Jansson
President of the Norwegian Chess Federation



Børge Robertsen
CEO COT2014



Kjersti Vikør
Chief Operating Manager COT2014



Morten Sand
Deputy Tournament Director