

[illegible]

a) regarding me:

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Eligibility questionnaire to be filled in by candidates for a seat on the UEFA Executive Committee

b) regarding members of my family and/or friends:

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3. Remarks and observations which may be of relevance in the present context:

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4. Have you previously been convicted by a final decision of any intentional indictable offence or of any offence corresponding to a violation of the rules of conduct set out in Articles 17 to 22 of the *UEFA Disciplinary Regulations (Edition 2022)*?

Yes ☐ No ☐

If yes, please specify:.....

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5. Has a sports governing body ever imposed any disciplinary sanction or similar measure on you in the past for actions which amounts to a violation of the rules of conduct set out in Articles 17 to 22 of the *UEFA Disciplinary Regulations (Edition 2022)*?

Yes ☐ No ☐

If yes, please specify:

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6. Are you the subject of any pending civil, criminal or disciplinary proceedings or investigations which are relevant for your eligibility purposes?

Yes ☐ No ☐

If yes, please specify:

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7. If you wish to include any other material information that could be relevant for your eligibility purposes, please do so hereafter:

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By signing this questionnaire, the undersigned candidate:

1) recognises to be bound by, and agrees to respect, the *UEFA Statutes* (see, in particular Articles 21 to 31 related to the UEFA President and UEFA Executive Committee), the *UEFA Organisational Regulations* (see, in particular, Articles 54, 55 and 60 relating to confidentiality, independence, loyalty, ethical conduct, professional conduct and other duties), the *UEFA Disciplinary Regulations* (see, in particular Articles 17 to 22 relating to ethical conduct, duties, obligations and other responsibilities), all other UEFA regulations and directives (as available on the UEFA website under the following link: <https://www.uefa.com/insideuefa/documentlibrary/regulations/index.html>) and decisions, as well as the jurisdiction of the Court of Arbitration for Sport (CAS) in Lausanne (as laid down in the *UEFA Statutes*).

2) acknowledges and agrees to be subject to an eligibility check to be carried out by an electoral committee as provided for in Article 4^{bis} of the *UEFA Regulations governing the Implementation of the UEFA Statutes*;

3) acknowledges and agrees that, in the framework of such eligibility check, (s)he may be asked by the electoral committee to provide further relevant information than that requested in this eligibility questionnaire and that the electoral committee may conduct independent research and/or investigations on his/her person in order to obtain such further relevant information, if deemed appropriate and necessary by retaining outside counsel, experts and other advisers (as foreseen in Article 77(3) of the *UEFA Organisational Regulations*);

4) acknowledges and agrees that the electoral committee may also request information about himself/herself directly from FIFA or any member association as well as from other institutions such as the International Olympic Committee or the CAS and agrees to release these institutions from any obligation of confidentiality relating to the requested information;



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5) undertakes to collaborate at any time with the electoral committee in its task to carry out the eligibility check (s)he is subject to and, in particular, to comply with any request to provide further documents, information or any other material of any nature held by him/her or not but which (s)he is entitled to obtain;

6) undertakes to update the electoral committee in writing without delay about any facts and information related to his/her eligibility that have changed since the signature of this questionnaire;

7) acknowledges that any incomplete or false information provided in the context of the eligibility check could lead to disciplinary proceedings before the competent UEFA bodies (this is without prejudice to the application of Article 28 of the *UEFA Statutes*, should the candidate be elected or ratified by the UEFA Congress);

8) acknowledges that the electoral committee has a wide margin of appreciation in evaluating and weighing the information gathered in the framework of the eligibility check and that such eligibility check shall, in principle, be deemed as not passed if the candidate is found to have committed misconduct that has a direct material connection to the position (s)he is a candidate for;

9) undertakes - if and once elected or ratified by the UEFA Congress - to comply with the following obligations until the end of his/her term of office:

(i) to respect all obligations referred to under pt. 1 above;

(ii) to "*act faithfully, loyally and independently, in the best interests of UEFA and the promotion and development of European football*" (Article 21(1) of the *UEFA Statutes*), i.e. to always focus on football at a pan-European level and not on the interests of any single association and/or any group representing the interests of a stakeholder recognised by UEFA;



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(iii) to respect all obligations to which any member of an association board is subject to under Swiss law as applicable from time to time, in particular those described in the Annex to this questionnaire.

Place and date:

Name:

Signature:

Annex: Obligations under Swiss law of a member of an Executive Committee of a Swiss association

1. Introduction

1. Members of an executive body of a Swiss association have certain duties and liabilities. This applies to members of the UEFA Executive Committee, since UEFA is indeed an association governed by Swiss law.

2. The present Annex shall summarise the most important obligations of members of the UEFA Executive Committee that arise under Swiss law.

2. Duties of the Members of the UEFA Executive Committee

3. The members of the UEFA Executive Committee have the right and the duty to manage UEFA in compliance with its Statutes, internal regulations and Swiss law (see Art. 69 of the Swiss Civil Code¹). If another body such as the UEFA Congress (according to Art. 65 para. 1 of the Swiss Civil Code²) is competent for a specific matter, the Executive Committee acts as the executive organ and implements the decision taken by the UEFA Congress.

4. Members of the UEFA Executive Committee shall act in accordance with Swiss law. In addition, they have always to comply with the UEFA Statutes (in particular with the duties of the Executive Committee according to Art. 24 of the UEFA Statutes), internal regulations and Swiss law. While exercising their rights and performing their obligations, members of the UEFA Executive Committee have to act in good faith (Art. 2 of the Swiss Civil Code³). This is also reflected in Art. 21 para. 1 of the UEFA Statutes, which reads: "every member of the Executive Committee undertakes to act faithfully, loyally and independently, in the best interests of UEFA and the promotion and development of European football".

¹ Art. 69 of the Swiss Civil Code reads as follows: "The committee is entitled and obliged as defined under the articles of association to manage and represent the association."

² Art. 65 para. 1 of the Swiss Civil Code reads as follows: "The general meeting of members decides on admission and exclusion of members, appoints the committee and decides all matters which are not reserved to other governing bodies of the association."

³ Art. 2 of the Swiss Civil Code reads as follows: "(1) Every person must act in good faith in the exercise of his or her rights and in the performance of his or her obligations. (2) The manifest abuse of a right is not protected by law."

5. The members of the UEFA Executive Committee are always obliged to act with due diligence (Art. 398 para. 2 of the Swiss Code of Obligations in analogy⁴). In more detail, a member of the UEFA Executive Committee would commit a violation of his or her duties if he or she were to act in a way that one cannot expect from a prudent and reasonable executive committee member under the concrete circumstances. Further, members of the UEFA Executive Committee have to ensure that they have enough capacity and abilities to fulfil their obligations in the best interests of UEFA: this means for instance, that an Executive Committee member is expected to withdraw from his or her position if he or she lacks the necessary timing availability to perform his or her duties properly.

6. Moreover, it is a duty of the members of the UEFA Executive Committee to ensure that the decisions of the Executive Committee are taken carefully and diligently, i.e. based on sufficient information and in a correct procedure. Further, when taking a decision, each member of the UEFA Executive Committee has to represent and act exclusively in the interest of UEFA. In other words, in case of a conflict of interest, a member has to step aside and shall not influence in any manner the decision-making process of the UEFA Executive Committee. In addition, the UEFA Executive Committee must in its decisions at all times take into account the principle of equal rights of the UEFA's member associations.

7. In case of a delegation of a specific task from the UEFA Executive Committee to another body or person (see Art. 23 para. 2 and 25 of the UEFA Statutes), the UEFA Executive Committee has to ensure that this delegation is in compliance with the UEFA Statutes and UEFA's internal regulations and that the exchange of information is guaranteed. The members of the UEFA Executive Committee have to be aware that they remain responsible and liable for choosing, instructing and supervising the bodies and persons acting on their behalf.

8. Finally, the Executive Committee bears the ultimate responsibility for the financial accounts of UEFA (see Art. 69a of the Swiss Civil Code and Art. 24 para. 1 lit. c of the UEFA Statutes).

⁴ Art. 398 para. 2 of the Swiss Code of Obligations reads as follows: "The agent is liable to the principal for the diligent and faithful performance of the business entrusted to him."

3. Liabilities of the Members of the UEFA Executive Committee

9. The members of the UEFA Executive Committee are liable for a diligent management in accordance with Swiss law and the UEFA Statutes and internal regulations, and thus must personally compensate third parties such as members of UEFA or creditors (so-called "external liability", see para. 3.1 below) as well as UEFA itself (so-called "internal liability", see para. 3.2 below) in case of violation of their duties.

3.1 External Liability

10. The personal liability of organs of associations are regulated in the general provision of Art. 55 of the Swiss Civil Code regarding the acts and liabilities of organs of a legal entity⁵. The organs of an association primarily bind the legal entity by the legal transactions and the actions they perform in their capacity as organ and as members of such organ, respectively.

11. In addition, in case of personal fault, the members of an Executive Committee are also personally liable for their wrongful acts (Art. 55 para. 3 of the Swiss Civil Code). In such a case, the legal entity, here: UEFA, and the member of its Executive Committee are jointly liable towards a third party.

12. The specific legal basis for a claim against the members of an Executive Committee can be found in other provisions such as the general tort provision of Art. 41 of the Swiss Code of Obligations⁶ or in special liability provisions such as Art. 28 of the Swiss Civil Code (liability for injury of personality)⁷. All these provisions require the following general conditions for liability: a) damage, b) illegality, i.e. breach of an obligation of due diligence, c) causality and d) generally also personal fault.

⁵ Art. 55 of the Swiss Civil Code reads as follows: "(1) The governing bodies express the will of the legal entity. (2) They bind the legal entity by concluding transactions and by their other actions. (3) The governing officers are also personally liable for their wrongful acts."

⁶ Art. 41 para.1 of the Swiss Code of Obligations reads as follows: "Any person who unlawfully causes loss or damage to another, whether wilfully or negligently, is obliged to provide compensation."

⁷ Art. 28 of the Swiss Civil Code reads as follows: "(1) Any person whose personality rights are unlawfully infringed may petition the court for protection against all those causing the infringement. (2) An infringement is unlawful unless it is justified by the consent of the person whose rights are infringed or by an overriding private or public interest or by law."

3.2 Internal Liability

13. The members of an Executive Committee may also be liable towards the legal entity they represent for damages caused by a violation of their duties defined by the applicable law, the Statutes, internal regulations and, if any, their respective contracts with the legal entity.

14. Members of an Executive Committee may be discharged from their liabilities by a resolution of the general assembly (here: the UEFA Congress). The discharge of liability is, however, effective only for the facts that have been disclosed and only towards the association and those member associations who consented to the resolution or that became members with knowledge thereof.

4. Anti-Bribery and Corruption Law in Switzerland

15. The members of the UEFA Executive Committee are also obliged to comply with the Swiss anti-bribery and corruption law provisions, in particular those which entered into force in July 2016. The new legislation aims to provide a more effective legal framework for the prosecution of bribery in the private sector.

16. The key corruption and bribery offences in Switzerland which could apply to the members of the Executive Committee are the following:

- Art. 322ter of the Swiss Criminal Code (bribery of Swiss public officials) – offering, promising or giving an undue advantage to a Swiss public official or third party in order to cause the public official to carry out or fail to carry out an act in connection with his or her official activity which is contrary to his or her duty or dependent on his or her discretion.
- Art. 322septies para. 1 of the Swiss Criminal Code (bribery of foreign public officials) – offering, promising or granting an undue benefit to a public official, who is acting for a foreign state or an international organisation, or to a third party in order to cause the public official to carry out or fail to carry out an act in connection with his or her official activity which is contrary to his or her duty or dependent on his or her discretion.

- Art. 322octies of the Swiss Criminal Code (bribery of private individuals) – offering, promising or granting an undue benefit to an employee, agent, partner or other auxiliary of a third party, in connection with such person's professional or commercial activity on behalf of the third party, in order to have such person carry out or fail to carry out an act contrary to the activity or within the person's professional discretion (i.e. so-called "active" private sector bribery).
- Art. 322novies of the Swiss Criminal Code (private individuals accepting bribes) – soliciting or accepting an undue benefit for personal gain or for a third party (i.e. so-called "passive" private sector bribery).

17. Bribing a Swiss or a foreign public official (Art. 322ter and 322septies of the Swiss Criminal Code) is considered a felony under Swiss law. The competent Swiss court can sentence the convicted individual to a custodial sentence not exceeding five years or a monetary penalty.

18. Private individuals found guilty of offering or accepting bribes (Art. 322octies and 322novies of the Swiss Criminal Code) may be sentenced to a custodial sentence of up to three years or a monetary penalty.

5. FIFA Code of Ethics

19. Furthermore, the members of the UEFA Executive Committee are bound not only by the UEFA Statutes, UEFA Organisational Regulations and UEFA Disciplinary Regulations, but also by the FIFA Code of Ethics since this Code applies to all football officials and players as well as match agents and intermediaries (Art. 2 of the FIFA Code of Ethics).

20. According to the FIFA Code of Ethics, the aforementioned persons are sanctioned who damage the integrity and reputation of football and in particular who behave in an illegal, immoral and unethical manner (Art. 1 of the FIFA Code of Ethics).

1 June 2022