

FINA
REQUIREMENTS FOR
SWIMWEAR APPROVAL

These By-Laws include the rules applicable to swimwear in accordance with FINA Rule GR 5.

1. SWIMWEAR

Swimwear includes swimsuit, caps and goggles.

These rules apply to swimwear to be used in FINA competition in all disciplines (swimming, open water swimming, diving, synchronised swimming, water-polo and masters).

2. SWIMWEAR TO BE SUBMITTED TO APPROVAL

As from the date of application (see below) of these by-laws, any new swimwear to be used in FINA competitions shall be submitted to FINA for approval.

A swimwear shall be deemed as new if it includes a material modification in either design (notably cut), material or construction (notably seams for caps and swimsuits) in comparison to swimwear as existing and already approved as of the date of application of these guide-lines.

Non material changes of an approved swimwear model, such as for example limited corrections of cut, change of zipper etc. shall not be deemed as modifications constituting a new swimwear to be approved. Manufacturers may ask for confirmation of non-submission.

3. CRITERIA

3.1 Swimsuits

The following criteria will apply:

(a) Design

- Decency: the wearing of the swimsuit shall not offend good moral and taste (in particular but not exclusively because of the cut and of the parts of body, covered or not)
- Surface covered: the swimsuit shall not cover the hands from the wrist, the feet from the ankles, the head from the neck. Limits at the wrists, ankles and neck are shown in exhibit 1.
- Composition: swimsuits must be in one piece for men. They can be in two pieces for women, one covering the upper part of the body and one the lower part. Other items covering the body and not part of the swimsuit are prohibited.

(b) Material

- Health. The material used shall not put the health of the athletes at stake.
- Regular flat fabrics and exclusion of outside applications: the fabrics used shall be regular and shall not form outstanding shapes or structures, such as scales. No outside application shall be added on the fabrics. For the avoidance of doubt, impregnation is not subject to limitation and paint can be used for motives in regular and usual thickness.
- Variety of fabrics: Different fabrics can be used in one swimsuit
- Colours: for the avoidance of doubt, colours shall not be considered as part of the design for the purpose of these provisions

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(c) Construction

- Seams shall be functional and shall not create outside shapes.
- Laces: are permitted to hold the swimsuit around the waist.

3.2 Caps

The following criteria will apply:

(a) Design

- Independent item: shall not be attached to the swimsuit or goggles nor be in continuity therewith (no "hood" or "mask" effect)
- Shape: Shall follow the natural shape of the head
- Surface: The outer surface shall not include outside artificial shaping (rigs, spoilers etc.).

(b) Material

- Hardness: no hard material (material can have some rigidity but shall be able to follow the shape of the head: no hard helmets)
- Types: Different types of materials can be used on the same cap. They can be of different thickness. However, differences in thickness of different materials shall not be used to form shapes.

(c) Construction

- Seams if any shall be functional and shall not create outside shapes.

(d) Waterpolo

Same as above, however waterpolo cap must include malleable ear protectors.

3.3 Goggles

The following criteria will apply:

(a) Design

- Independent item: shall not be attached to the cap nor be in continuity therewith (no "mask" effect)

(b) Material/construction:

- Safety standards: shall be in accordance with prevailing safety standards for eyewear

4. APPROVAL PROCEDURE

4.1 Products to be submitted

(a) New Products

New products in designs, materials or construction shall be subject to approval.

Any material modification of a product will be deemed a new product. For the avoidance of doubt, minor changes in a product such as minor correction of cut, change of zippers etc which do not modify the product from the perspective of the criteria used shall not be deemed a new product.

(b) Product variations

All variations of a given product (e.g. various cuts, silhouettes, Men, Women models etc) shall be submitted for approval.

4.2 Approval cycles / reconfirmation of approved products

Approval cycles of four years apply. They are linked with FINA General Congress cycles.

Each cycle ends at the end of the second full month following the General Congress.

At the end of each cycle, all approvals shall be submitted for reconfirmation for the next cycle.

For this purpose, each manufacturer shall submit a list of the approved products which it intends to continue into the new cycle. The list shall include a short description of the products and the date of approval.

To the extent no relevant changes (including precisions or interpretations) have occurred in the rules or applicable criteria since the respective approvals were granted, the approvals will be automatically reconfirmed.

In the event relevant changes occurred in the approval rules and criteria, the approvals granted in connection with the concerned products will be re-examined in this respect.

4.3 Application**(a) Application form**

An application shall be submitted for each product (including all variations if applicable) using the application form in exhibit 2.

The application shall include a detailed description of the product and of its technical specifications. Samples shall be provided.

The form shall be signed by authorised signatories of the Applicant. By this signature, the Applicant confirms its acceptance of the approval rules and procedures.

Additional information may be required from the applicant.

(b) Submission dead-line

The application shall be filed with FINA at the latest ten working days (date of receipt) in advance of each submission date.

The Commission may examine late applications at its full discretion. Otherwise, they will be examined at the next regular Commission meeting.

The list of approvals to be reconfirmed at the end of each cycle, shall be submitted 60 days in advance of the last submission date of the current ending cycle.

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(c) Commission

The approval procedure will be conducted by a Commission of three to five members.

The Members of the Commission will be appointed by the FINA Executive. The Commission Members shall be independent from the manufacturers. In particular, they shall not have any contractual relationship with a manufacturer nor have had such during the five preceding years.

(d) Quarterly examination

The Commission will examine the approval requests (if any) on a quarterly basis, following the submission dates below:

- January 10
- March 31
- June 30
- September 30

The Commission will examine the pending applications within maximum ten working days of each of the above submission dates. This is however subject to delays which may result from the examination process (such as in particular, requests for additional information or laboratory testing).

The Commission issues a recommendation to the FINA Executive.

The decision on the application is issued by the FINA Executive within maximum five working days of the recommendation of the Commission.

(e) Experts / technical testing

If it deems it appropriate, the Commission can submit issues and questions to experts or laboratories.

In such case, the Commission shall inform the applicant of the expert or laboratories which it intends to consult, the questions to be asked and the costs linked thereto.

The costs of the experts or laboratories shall be borne and advanced by the applicant. Failure to provide the costs advance shall be considered as withdrawal of the application.

4.4 Validity of the approval

An approval is effective upon its notification. It remains valid until the end of the current cycle.

4.5 Contribution to administrative costs

A contribution to the administrative costs will be charged as follows:

- Swimsuits: €1'500.-- €+ VAT (if applicable)
- Caps and goggles: 750.-- €+ VAT (if applicable)
- Reconfirmation end of cycle (global fee covering reconfirmation for all already approved products only of the applicant):
 - If including swimsuits: €2'000.-- + VAT (if applicable)
 - If including caps and or goggles only: €1'000.-- + VAT (if applicable)

The above contribution (except reconfirmation) applies in connection with each application for a product. It is however clarified that an application including product variations shall be considered as one application.

The applicable contribution shall be paid upon application.

4.6 Notice of approval

Once a product is approved, the applicant shall indicate such approval in the product documentation and/or on the product packaging and/or product labels by the words "approved by FINA" in the normal font script and size used in the concerned text. If used in isolation, the above words shall not be prominent.

Usage in public advertising and promotion is not permitted subject to a specific agreement with FINA.

For the avoidance of doubt, usage of the FINA Logo or other trademarks of FINA is not permitted in any way.

5. EXCLUSION OF LIABILITY / INDEMNITY

(a) Exclusion of liability

To the full extent permitted by law, the applicant expressly waives any claim against FINA its officers, employees and/or Commission Members arising out or in connection with the approval process set forth in these provisions.

(b) Indemnity

The applicant shall indemnify and keep FINA, its officers, and/or the Commission Members harmless against claims, damages or costs (including attorney's fees) arising out of or linked with claims by third parties based on the approval of applicant's products and/or use by the applicant of the approval notice.

6. REVIEW OF DECISION /ARBITRATION

6.1 FINA Bureau

The applicant may apply for review of a decision of the FINA Executive denying approval before the FINA Bureau within twenty-one days of the notification of the decision.

Decisions of the Bureau shall be deemed as accepted and final if not challenged before the CAS in accordance with clause b below.

6.2 Arbitration / applicable law

Subject to the review by the FINA Bureau, any dispute (including i.a. challenge of FINA Bureau decision or disputes in connection with payments or other disputes) in connection with an approval procedure shall be exclusively submitted to the Court of Arbitration for Sport in Lausanne.

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Swiss law shall apply as substantive law.

For the avoidance of doubt, criteria set forth in these provisions shall not be subject review.

7. ENTRY INTO FORCE

These By-laws shall become immediately applicable.

For the avoidance of doubt, products already approved before the entry into force of these By-Laws shall be deemed as approved until the end of the current cycle.

With effect from the new cycle, only products fully complying with the above criteria as modified or completed for the new cycle will be approved.



APPLICATION FORM
FOR APPROVAL OF NEW SWIMWEAR

(a) Contact details:

Name of the Company: _____

Contact person: _____

Address: _____

Phone number: _____

Fax number: _____

Email: _____

Web site: _____

(b) Date of application: _____



SWIMWEAR TO BE APPROVED

1. GENERAL DESCRIPTION

2. DESIGN (if applicable, DESCRIPTION OF SILOUHETTES MALE/FEMALE)

3. MATERIAL / TESTING METHOD

4. CONSTRUCTION (e.g. SEAMS)

5. OTHER OBSERVATIONS

This application is made in accordance with the FINA By-Laws SWIMWEAR APPROVAL in force at the time of application and is subject to the provisions contained therein.

FINA shall keep the application, supporting documentation and samples confidential.

..... (date and place)

_____ (Company's authorised signatory(ies))

**PLEASE SIGN & RETURN THIS FORM TOGETHER WITH SUPPORTING
DOCUMENTATION & SAMPLES TO THE FINA OFFICE**

Avenue de l'Avant-Poste 4, 1005 Lausanne, Switzerland

Fax: (41-21) 312 6610