



FINA REQUIREMENTS FOR SWIMWEAR APPROVAL

(Transitory regulation valid until December 31, 2009)

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 transitory rules apply to swimsuits to be used in FINA competitions in swimming and open water swimming.

2. SWIMWEAR TO BE SUBMITTED TO APPROVAL

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

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 neck and extend past the shoulders and the ankles
- 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.
- 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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(b) Material

- Health. The material used shall not put the health of the athletes at stake.
- Thickness: The material used shall have a maximum thickness of 1mm. It is clarified that this maximum thickness does not apply to seams or zippers as far as they are functional and their thickness results from their natural function. Thickness is measured in accordance with the standard procedure set forth in exhibit 1.
- Buoyancy: The swimsuit shall not have a buoyancy effect of more than 1 Newton. Buoyancy is measured in accordance with the standard procedure set forth in exhibit 2.
- Regular flat material: The material shall be regular and flat. The material shall not form outstanding shapes or structures, such as scales. When used, the material shall follow the body shape.
- Outside application: No outside application shall be added on the material. For the avoidance of doubt, impregnation is not subject to limitation and paint can be used for motives in regular and usual thickness. It is further clarified that the application of material put on top of each other as a result of a manufacturing/application process combining materials is permitted provided that this remains within the thickness limit and does not create outstanding shape(s) or structure(s). The application of different material shall not create air trapping effects. Both materials must be completely attached/bound/stuck together except where required to protect sensitive parts. In that case, the inside protective layer shall be fully permeable.
- Variety of materials: Different materials can be used in one swimsuit.

(c) Construction

- Seams/zippers: shall be functional and shall not create outside shapes.
- Lace: a lace is permitted to hold the swimsuit around the waist.
- Air trapping effects: The swimsuit/material shall not be constructed to or include elements/systems which create an air/water trapping effect (tubing, channels etc.) during use.
- External stimulation or influence: swimsuits which include any system providing external stimulation or influence of any form, including pain reduction, chemical/medical substance release, electro-stimulation etc. are prohibited.

(d) Customisation

- Customisation of swimsuits. All swimsuits of an approved model must be constructed in an identical fashion (no variation/modification for individual swimmers from the samples submitted from approval). Any modification before use is prohibited. It is clarified that an adaptation of size does not constitute customisation.

4. APPROVAL PROCEDURE

4.1 Products to be submitted

All swimsuits to be used during the period of application shall be submitted, even if previously approved.

(a) 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 validity

Approvals issued under these rules remain valid until December 31, 2009.

Thereafter, all approvals given will be subject to reconfirmation under the new rules which will be valid from January 1, 2010.

It is clarified that with the exception of swimsuits which are all subject to submission for re-approval under these rules, approvals (caps, goggles) issued prior to these rules are extended until December 31, 2009 without need to be submitted for re-approval in connection with such extension.

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 3.

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 only submission dead-line under these rules is March 31, 2009.

(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) Examination and Recommendation

The Commission will examine the applications within maximum fifteen working days. This is however subject to delays which may result from the examination process (such as in particular, laboratory testing).The Commission issues a recommendation to the FINA Executive.

In the event the application is to be rejected and if the cause of rejection can be corrected, the manufacturer may be given a dead-line of maximum 30 days to resubmit the same swimsuit with corresponding corrections.

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

The expert and technical testing issues will be conducted in collaboration with the EPFL in Lausanne which will act as independent expert.

4.4 Validity of the approval

An approval is effective upon its notification. It remains valid until the end of the application period.

4.5 Contribution to administrative costs /technical testing costs

As an exception, no contribution to the administrative costs of the approval process to be conducted under these rules nor of corresponding technical testing will be charged.

4.6 Notice of approval

The Manufacturer must indicate the approval on the product in use in a non removable manner, either on the product itself and/or on non removable label by the words "FINA approved 03/09".

The notice shall be accessible to control but shall not be prominent. It shall be written in normal font script and size.

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.

The fact that a swimsuit is of an approved model must in any event be identifiable in relation to its use in a competition during the period of application of these rules. Such identification can occur through the above mentioned marking on the swimsuit or label or through another ad hoc procedure accepted by FINA for the purpose of the application of these transitory rules.

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.

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.

They apply to swimsuits in use until December 31, 2009.

Issued by the FINA Bureau on 14TH March 2009

Exhibit 1: Thickness Measurement
Exhibit 2: Buoyancy Measurement
Exhibit 3: Application form

EXHIBIT 1

Thickness

Value

- 1mm
- Tolerance: +/- 0.1mm

Equipment

The equipment consists of a reference plate, a disk (parallel to the plate) together with a test gauge capable of measuring the distance between disk and plate with an accuracy of at least 0.01 mm.



Specifications:

- according to ISO 5084
- disk size 100 +/- 1 mm² (diameter 11.28 +/- 0.05 mm),
- pressure 1 +/- 0.01 kPa

EXHIBIT 2

Buoyancy Value

- 1 Newton
- Tolerance: +/- 0.1Newton

(NB: Value to be observed for all sizes/recommendation to provide sample in largest available size)

Equipment

The equipment (see illustration below) consists of a tank connected to a vacuum pump and a sample-holder (including rod and a grid cage) allowing force to be applied to immerse the swimsuit below the water line. There must be a measuring system recording with time the force acting on the rod and the pressure inside the tank.

Process:

- Force and vacuum pressure are to be monitored during whole process.
- Swimsuit is softly fold to a ball and fixed below the grid
- The grid is fixed to the force transducer
- When tank is closed (vacuum tight), the grid is immersed at a depth of 30mm and kept immersed 5 minutes to allow for water absorption and air bubbles to escape
- Application of vacuum pressure (100mbar) to force residual air extraction during 5 minutes
- Release of vacuum pressure to atmospheric pressure, wait for equilibrium (5 minutes)
- Read force from the transducer and compensate for the force imposed by the sample holder (weight and buoyancy)
- Illustration

