

## ADDENDUM N° 4

to the Host City Contract for the Games of the XXXII Olympiad in the year 2020 entered into by and between the City of Tokyo (the “**City**”), the Japanese Olympic Committee (the “**NOC**”) and the International Olympic Committee (the “**IOC**”) on 7 September 2013 and further modified by its successive addenda n° 1, 2 and 3 (the “**HCC 2020**”).

**WHEREAS**, the City, the NOC and the IOC have entered into the HCC 2020 on 7 September 2013 following the election of Tokyo as Host City of the Games of the XXXII Olympiad (the “**Games**”) by the 125<sup>th</sup> IOC Session in Buenos Aires on 7 September 2013 and the Tokyo Organising Committee of the Olympic and Paralympic Games (the “**OCOG**”) has adhered to the HCC 2020 and become a full party thereto, pursuant to the terms of a joinder agreement entered into by and between the City, the NOC, the IOC and the OCOG (together the “**Parties**”) on 6 August 2014;

**WHEREAS**, the HCC 2020 has been modified by the Parties pursuant to three addenda, namely:

1. Addendum n°1 dated 4 May 2017, pursuant to which the Technical Manuals referred to in the HCC 2020 have been replaced by the Host City Contract Operational Requirements – version September 2015, subject to exceptions listed in such Addendum n°1;
2. Addendum n°2, dated 4 May 2017, pursuant to which §85 Confidentiality of the HCC 2020 has been modified;
3. Addendum n°3, dated 20 March 2019; pursuant to which the Host City Contract Operational Requirements – version September 2015 have been replaced by the Host City Contract Operational Requirements – version December 2016, subject to exceptions listed in such Addendum n°3;

**WHEREAS**, consistent with Tokyo’s candidature file, the Games were originally scheduled to take place between the 24 July 2020, date of the Opening Ceremony, and the 9 August 2020, date of the Closing Ceremony, and the Paralympic Games (as further described in §63 HCC 2020) were originally scheduled to take place between 25 August 2020 and 6 September 2020 (collectively the “**Initial Games Dates**”);

**WHEREAS**, during the first quarter of the year 2020, an epidemic of Coronavirus disease (COVID-19) spread throughout the world and was recognized as a pandemic by the World Health Organisation (“**WHO**”) on 11 March 2020;

**WHEREAS**, in response to the threat caused by the COVID-19 pandemic, many national governments, including the Japanese Government, have adopted wide-ranging measures (such as quarantine, travel and immigration restrictions or confinement) to mitigate the risk of propagation of the disease;

**WHEREAS**, on 24 March 2020, in a call between the IOC President and the Japanese Prime Minister Abe Shinzo, which was also attended by the Tokyo Governor Ms. Koike Yuriko and the President of the OCOG, Mr. Mori Yoshiro, a conclusion was reached by all parties involved that, based on the information provided by the WHO on the evolution of the COVID-19 pandemic at the time: (a) it was not possible to hold the Games on the Initial Games Dates or during the remainder of 2020 for a number of reasons, including safeguarding the health of the athletes, everybody involved in the Games and the international community; and (b) the Games should instead be held not later than summer 2021;

**WHEREAS**, during this call, the Prime Minister of Japan Mr. Abe Shinzo has declared and guaranteed to the IOC the full support and commitment of the Japanese Government towards the successful staging of the Games in the year 2021;

**WHEREAS**, the IOC President also reaffirmed the full commitment of the IOC to work with the City, the NOC and the OCOG as well as the Japanese Government to make the Games a success and confirmed that the Games will keep the name Olympic and Paralympic Games Tokyo 2020;

**WHEREAS**, on 30 March 2020, the IOC, the International Paralympic Committee, the City, the OCOG together with the Japanese Government, in consultation with International Federations, National Olympic Committees and other key Olympic stakeholders, confirmed that the Games would take place from 23 July 2021 (date of the Opening Ceremony) to 8 August 2021 (date of the Closing Ceremony) and the Paralympic Games would take place from 24 August 2021 to 5 September 2021 (collectively the “**New Games Dates**”);

**WHEREAS**, on 16 April 2020, the IOC and the OCOG, by Joint Statement, agreed on the framework that will govern preparations for the Relevant Events (as defined below), including: (a) to explore all opportunities to optimize and streamline the scope and service levels of the Games, and reduce the costs that have been caused by the Relevant Events; and, (b) the IOC and the Japanese side, including the OCOG, to continue to assess and discuss jointly about the respective impacts caused by the Relevant Events;

**WHEREAS**, the Parties wish to amend the HCC 2020 to reflect that the Games will be held on the New Games Dates;

**WHEREAS**, the City and the NOC, also intend to confirm that their respective Candidature Undertakings (as defined in §7 HCC 2020) will apply to the Games and the Paralympic Games to be held on the New Games Dates, including their planning, organising, financing and staging (the “**Games on the New Games Dates**”);

**WHEREAS**, the inability to hold the Games on the Initial Games Dates and the holding of the Games on the New Games Dates will collectively be referred to in this addendum as the “**Relevant Events**”; and

**WHEREAS**, building upon the work of the “Four-party Working Group” established in 2016 by the Tokyo Metropolitan Government, the IOC, the OCOG and the Japanese Government to identify potential cost savings for the Games, the Parties intend to cooperate among them, with the Japanese Government and other Authorities and with Olympic Movement stakeholders to mitigate all financial consequences of the Relevant Events, as further described in Article 6 of this addendum.

**Today**, therefore the Parties agree as follows:

#### **1. References to the “Games”**

All references to the “Games of the XXXII Olympiad in the year 2020” or to the “Games” contained in the HCC 2020, the Host City Contract Operational Requirements – version December 2016 (subject to exceptions and amendments set forth in Addendum n°3), the City’s and the NOC’s Candidature Undertakings and/or any other documents forming part of the HCC 2020, shall henceforth apply to the Games on the New Games Dates.

#### **2. Further adjustments to the timeframe of the HCC 2020**

Any reference to a specific date after 30 March 2020 (in any case, an “**Original Date**”) contained in the HCC 2020, in the Host City Contract Operational Requirements – version December 2016 (subject to exceptions and amendments set forth in Addendum n°3), in the Parties’ Candidature Undertakings or in any other documents forming part of the HCC 2020 will be deemed to be a reference to the corresponding date that is as close as possible to one year after the Original Date. In particular, all references to the date of 31 December 2020 contained therein shall henceforth be understood as references to the date of 31 December 2021.

#### **3. Candidature Undertakings and other commitments**

3.1. The City, the NOC and the OCOG shall take all necessary steps to ensure that the following guarantees, contracts and other commitments are confirmed, extended or renewed, as applicable and subject to any modifications agreed between the IOC and the OCOG subsequent to the execution of the HCC 2020, so that they all fully apply to the Games on the New Games Dates under the same conditions as if the Games had been held on the Initial Games Dates:

- i. all Candidature Undertakings, as defined in §7 HCC 2020; and
- ii. all the subsequent agreements concluded by the OCOG in furtherance of such Candidature Undertakings.

3.2. The City and the NOC agree that by entering into this addendum they shall be deemed to have extended or renewed, as applicable, all their Candidature Undertakings as may be necessary to make such Candidature Undertakings fully applicable to the Games on the New Games Dates.

- 3.3. The Parties hereby confirm that the Broadcast Refund Agreement concluded between the IOC and the OCOG on 24 February 2018 (the “**BRA**”), shall apply to all Contingency Events (as such term is defined in the BRA) in relation to the Games intended at the Initial Games Dates and to the Games on the New Games Dates.

#### **4. Laws and regulations supporting the organisation of the Games**

The City, the NOC and the OCOG shall take all necessary measures, including by coordinating with the Japanese Government and other competent authorities as necessary, in order to ensure that any and all laws, regulations, decrees or other instruments adopted or contemplated in view of holding the Games on the Initial Games Dates, or required pursuant to the HCC 2020, are adopted, extended or renewed as applicable and necessary in order to apply to the Games on the New Games Dates.

#### **5. Official identification of the Games**

- 5.1. The Games on the New Games Dates shall continue to be officially referred to as the “Games of the XXXII Olympiad” and their “CITY + YEAR” identification shall remain “Tokyo 2020”. Any reference in the HCC 2020 to the “Games of the XXXII Olympiad in the year 2020” shall be deemed replaced by “Games of the XXXII Olympiad”, which will be interpreted as meaning the “Games of the XXXII Olympiad, Tokyo 2020, to be held in the year 2021”.
- 5.2. The City, the NOC and the OCOG shall take all measures necessary to ensure that effective legal protection is and continues to be afforded to all Games Marks (as such term is defined in §42 HCC 2020) in relation to the Games on the New Games Dates and in accordance with the requirements of the HCC 2020 including, where necessary, by extending or renewing any registration of intellectual property rights to this effect.

#### **6. Games scope and financial impact of the Relevant Events**

- 6.1. The Parties agree that, while the Games on the New Games Dates shall have the same overall scope (especially the same number of sports, disciplines and athletes) as the Games planned on the Initial Games Dates, it is in their mutual interest and in the interest of the wider Olympic Movement to take all appropriate measures agreed by the Parties in order to minimize the impact that the Relevant Events will have on the overall costs of the Games.
- 6.2. The Parties agree to cooperate in good faith towards the objectives set forth in Article 6.1 above and to continue to assess and discuss jointly about the respective impacts caused by the Relevant Events. Where appropriate, the Parties will apply the principles identified by the IOC in the February 2018 report “Olympic Games: the New Norm” in order to achieve efficiencies in the delivery by the City, the NOC and the OCOG of their obligations pursuant to the HCC 2020. To this effect, the IOC and the OCOG agree to assess jointly whether the delivery of the Host City Contract Operational Requirements 2016 (subject to the exceptions and amendments set forth in the Addendum n°3), as agreed between the IOC and the OCOG in view of the Games being held on the Initial Games Dates, can be modified, in particular by optimising and streamlining the scope and service levels at the Games, in order to mitigate the overall costs of the Relevant Events, it being understood that any such modifications shall be subject to the IOC’s prior written approval.
- 6.3. Each of the Parties shall be responsible for any additional cost that such Party may incur in connection with the Relevant Events; it being understood that the Parties will continue to assess and discuss jointly, at the Joint Steering Committee, about the respective impacts caused by the Relevant Events (as outlined in Article 6.2 of this addendum). For clarity, the City, the NOC and the OCOG expressly agree that §6 HCC 2020 shall not apply to the Relevant Events as described in this addendum, including in case of any material adverse effects on their respective financial obligations.

**7. Consultation between the Parties regarding a significant change in the overall scope of the Games on the New Games Dates**

In the event of a significant change in the overall scope of the Games on the New Games Dates (such as a significant change equivalent to the change of venue), the IOC shall make a decision on such change after prior consultation with the other Parties.

**8. Division of surplus**

In light of the exceptional circumstances having led to the Relevant Events, the IOC shall relinquish its twenty percent (20%) share of any surplus resulting from the celebration of the Games as contemplated under §44 lit. (c) of the HCC 2020 (the “**IOC Share**”) to the benefit of the OCOG, under the condition that such IOC Share is used by the OCOG for the general benefit of sport, youth and overall benefit of the society in the City and in the Host Country, as may be determined by the OCOG in consultation with the City and the NOC.

**9. Further confirmations**

- 9.1. Except for the modifications expressly agreed between the Parties pursuant to this addendum (and any further adjustments as may be agreed pursuant to Article 6.2 above), the HCC 2020, the Host City Contract Operational Requirements – version December 2016 (subject to the exceptions and amendments set forth in the Addendum n°3), the Candidature Undertakings and/or any other documents forming an integral part of the HCC 2020, shall continue to apply between them, in full force and effect and without further modifications. Subject to the content of the present addendum, the Parties hereby confirm the validity of the HCC 2020.
- 9.2. The Parties hereby declare and confirm that this addendum is governed by Swiss law and that §87 of the HCC 2020 entitled “Governing Law and Resolution of Dispute; waiver of immunity” is applicable to this addendum.

**[signatures on next page]**

## **The Tokyo Organising Committee of the Olympic and Paralympic Games**

*[Signature of Muto Toshiro]*

Muto Toshiro  
Chief Executive Officer

Date: 29 September 2020

## **The Japanese Olympic Committee**

*[Signature of Fukui Tsuyoshi]*

Fukui Tsuyoshi  
Secretary General

Date: 29 September 2020

## **The City of Tokyo**

*[Signature of Enyo Katsura]*

Enyo Katsura  
Deputy Director General, Bureau of Olympic and Paralympic Games Tokyo 2020 Preparation  
Tokyo Metropolitan Government

Date: 30 September 2020

## **The International Olympic Committee**

*[Signature of Christophe Dubi]*

Christophe Dubi  
Olympic Games Executive Director

*[Signature of Lana Haddad]*

Lana Haddad  
Chief Operations Officer

Date: 7 October 2020