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**Proposals for the 2022 Congress**  
**Modifications of the Statutes**

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**Article: 1.2.7**

**P. 1**

**Proposal from: Legal Commission**

**Motivation:** Expand the Section regarding the sharing of information on bans and suspensions between the FIE and the Member Federations

Rationale: To make sure that persons who have been banned, expelled suspended, etc by one body are not permitted to participate in another jurisdiction during the duration of their penalty

1.2.7 All bans, suspensions, expulsions, disqualifications ~~or other penalties~~ issued by a member federation to a licensee of the FIE because of the issuance of Black Card(s) or violation(s) of Codes of Conduct, Codes of Ethics, Disciplinary Codes or SafeGuarding policies of the member federation or criminal infractions should be made known, as soon as possible, to the Central-Head Office of the FIE which will inform the member federations of the FIE by listing such sanctions under the Tab for FIE Documents - the Administrative Department. The FIE will ban, suspend, expel or disqualify such licensee during the duration of the penalty imposed by the member federation.

**Legal Commission:** Unanimously in favour of the proposal.

Re: Section 1.2.7

The Commission would like to add "or" the following in the first line:

Expulsions **or** disqualifications.

**Executive Committee:** In favour of the proposal as revised by the Legal Commission.

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**Article: Proposal to clarify definitions of Bureau and Head Office**

**P. 2**

**Proposal from: Legal Commission**

**Motivation:** Obsolete and confusing terms were still be used to refer to the Bureau and the Head Office of the FIE. These changes will clarify the use of these terms.

**Change from "Central Office" to "Bureau"**

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**Change from Central Office” to “Head Office”**

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Definition of Head Office

Preamble

**The International Fencing Federation (FIE) is a non-profit making organisation which is subject to the laws and regulations of the country on whose territory its head-office is located. The Head Office of the FIE is the main office for conducting its business.**

### **1.3 REGISTERED OFFICE**

The registered **Head Office** of the FIE is located in Lausanne (Switzerland).

**Legal Commission:** Unanimously in favour of the proposal.

**Executive Committee:** In favour of the proposal.

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**Article: 2.1. 2 d) and new article 2.6**

**Proposal from: Swedish Fencing Federation**

**P. 3**

**Motivation: Regulate the processes of expulsion and suspension of a Member federation**

A more precise regulation of the process of expulsion of Member Federation is desirable. Also, the Statutes do not mention the possibility of suspension of a Member Federation, yet there has already been cases where Member Federations have been suspended.

This proposal aims to find a reasonable regulation of the processes of expulsion and suspension, respecting the hierarchy of sports organizations and the need to safeguard the credibility of our sport by respecting decisions from the United Nations and the IOC.

**ARTICLE 2.1. 2 d)**

A Member Federation may lose its membership of the FIE:

- by resignation;
- by expulsion

The decision to expulse a Member Federation is taken by the Congress upon proposal of the Executive committee or a member federation.

The reasons that could motivate an expulsion are:

- sanctions imposed by the United Nations
- decisions of the International Olympic Committee
- failure to comply with the requirements of the present Statutes.

A Member Federation must be given an opportunity to be heard before a decision of expulsion is taken, either in writing, during a special hearing or by being present at the Congress where the decision is taken.

**ARTICLE 2.6. SUSPENSION OF MEMBERSHIP**

The membership of a Member Federation of the FIE may be suspended.

The decision to suspend the membership of a Member Federation is taken by the Executive Committee or the Congress upon proposal of the Executive committee or a member federation. If the decision is taken by the Executive Committee it must be endorsed by the next Congress.

The reasons that should motivate a suspension of a Member Federation are:

- sanctions imposed by the United Nations
- decisions of the International Olympic Committee
- decision of the Executive Committee to propose the expulsion of a member federation at the next Congress
- failure to comply with the requirements of the present Statutes.
- when there is solid ground to suspect that the behaviour of the Member Federation, the president of the Member Federation or other persons that seem to have the role of beneficial owner of the Member Federation is in violation of national or international law or of the statutes of the Member Federation
- disciplinary measures

The suspension of a Member Federation implies the following consequences:

- that athletes and coaches representing the suspended Member Federation are not allowed to participate in any activities organised by the FIE
- that referees and other competition officials representing the suspended Member Federation are not allowed to participate in any activities organised by the FIE
- that elected individuals in the organisation representing the suspended Member Federation are not allowed to participate in any activities organised by the FIE or to take part in meetings to exercise their right to vote in the body of the FIE to which they have been elected
- that the Member Federation cannot organise any activity of the FIE
- that individuals representing the Member Federation are not allowed to participate in the Congress or to be candidates in any elections within the FIE
- the non-eligibility of the Member Federation for any grants or other funding from the FIE and the forfeit of any grants or other funding which have been decided but where payment has not yet been executed.

If the consequences of the suspension of a Member Federation are expanded or reduced compared to the list above, the consequences must be specified in the decision.

A Member Federation must be given an opportunity to be heard before a decision of suspension is taken, either in writing, during a special hearing or by being present at the Congress where the decision is taken.

**Legal Commission:** Unanimously against the proposal.

Expulsion and suspensions of a Member Federation is covered in the Disciplinary Code through an adjudicatory process and should not be made a political process with the vote being handled by the Executive Committee. Additionally, the reason for expulsions and suspensions are overly broad and, in many cases, have nothing to do with the behaviour of the Member Federation. The issues of the consequences of the expulsion or suspension of a Member Federation are already covered in the Disciplinary Code.

**Executive Committee:** Not in favour of the proposal.

**Article:** 2.2; 3.2; 3.4; 5.5.7; new articles 5.5.8 and 5.5.9

**Proposal from:** Legal Commission

**P. 4**

**Motivation:** To regulate the procedures regarding the submission of proposals.

To clarify the various authorities relating to proposals submitted to a Congress by Member Federations.

## **2.2 RIGHTS AND DUTIES OF MEMBERS**

### *2.2.1 Rights and duties of member Federations*

b) Each member Federation has the right to present its candidates for the different bodies of the FIE (see chapter 4).

They also have the right to draw up proposals which may be submitted to the Congress (~~see in accordance with the processes described in chapters 3.4~~) and 5.5.

## **3.2 ROLE OF THE CONGRESS**

3.2.1 Each year the Congress receives the reports on the management of the Executive Committee and on the operational and financial situation of the Federation, the report on the accounts for the financial year that has ended and the report of the auditors. It approves the amounts of the fees listed in article 1.6, items 1) to 4) determined by the Executive Committee for the following season.

It votes on the provisional budget.

It approves the positive report of the auditors.

Should the accounts for the financial year that has ended not be approved by the auditors, the President and the Executive Committee are dismissed from their positions.

The Congress appoints professional auditors as auditors for the following fiscal year, which can be renewed. The report of the auditors shall be based on recognized international financial reporting standards.

It approves changes proposed to the Statutes and to the Rules that are within the power and purview of the FIE and may discuss other proposals and requests submitted to it (cf.5.5).

### 3.4 AGENDA

3.4.1 All the proposals and requests shall reach the FIE's head office no later than midnight Lausanne time 8 months before the opening day of the next Congress.

Any proposal reaching the head office after this date cannot be put on the agenda.

3.4.2 Any proposal presented relating to of the Statutes or the Rules must mention the number of the article of the Statutes or the Rules concerned, the deleted text, the added or modified text, as well as the motivation of the proposal. Proposals that do not respect this form will not be taken into account.

### 5.5 EXECUTIVE COMMITTEE FUNCTIONS

5.5.3 The Executive Committee outlines the work of the Commissions and the Congresses. For this purpose, it can use all means of communication to gather relevant information.

5.5.7 The Executive Committee is responsible for planning, modifying and drafting the text of the Administrative Rules. ~~It approves the drafting of the texts prepared by the Rules Commission and the Legal Commission for submission to the Congress~~

5.5.8 The Executive Committee reviews all proposals submitted to the FIE for inclusion on the forthcoming Congress's agenda. It is responsible for deciding which are the appropriate amendments to the Rules or Statutes and determines which commissions, committees or councils should review further each proposal in preparation for that congress. It also determines which are the proposals that may be discussion topics at the Congress and those that may be assigned to a Working Group for further analysis. It advises the submitting National Federations of its decisions regarding these latter categories and the reasons for which the proposal has been so designated as a discussion topic or has been forwarded to a Working Group, details of which shall also be included in the Congress documents for information. For the structure, mandate and reporting of Working Groups, see Chapter VI-B.

5.5.9 The Executive Committee in particular reviews and comments on the texts drafted by the Rules Commission and the Legal Commission for submission to the Congress.

**Legal Commission:** Unanimously in favour of the proposal.

**Executive Committee:** In favour of the proposal.

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**Article:** 3.3.1

**Proposal from:** Legal Commission

P. 5

**Motivation:** To help ensure new candidates at Elective Congresses are not at a disadvantage compared to current incumbents by enabling attendee federations to be introduced to them.

### 3.3 COMPOSITION AND REPRESENTATION

3.3.1 The FIE member Federations may be represented at a FIE Congress by 2 delegates, whose names must be made known to the FIE Head Office one month before the Congress in writing. Members of the Executive Committee, the Commissions and the permanent councils (“Councils”) have the right to take part in the Congress.

In addition candidates for commissions (other than the Athletes Commission) and for the Ethics Committee have the right to take part in Elective Congresses.

**Legal Commission:** Unanimously in favour of the proposal.

The Commission would like to add Candidates for the Executive Committee so the change would read:

In addition, candidates for the Executive Committee, the Commissions (other than the Athletes Commission) and for the Ethics Committee have the right to take part in Elective Congresses.

It is understood that the additional number of participants may be a burden on staff and would like them to propose fixes, such as moving up the date by which candidates must be nominated. The Legal Commission would be willing to delay this proposal until the 2023 Congress to evaluate means of preventing the organisation of the Congress from becoming unmanageable.

**Executive Committee:** In favour of the suggestion from the Legal Commission to postpone this proposal to 2023.

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#### **Article: 3.3.3**

#### **Proposal from: Legal Commission**

P. 6

**Motivation:** Establish a delivery deadline for proxies to permit the efficient use of voting machines, which must be programmed for each country in order to assure electoral integrity.

#### 3.3.3 *Proxies and mandates*

a) The right to vote at a Congress can be delegated to another federation. This must be signed by the President, **Secretary General or equivalent** of the Member Federation, and the mandate can be imperative for all statutory modifications.

In no instance may a proxy agent have more than one mandate for another Member Federation.

b) The only valid proxies are those received by the FIE **twenty-four (24) hours** before the opening of the Congress, **except as permitted, within twelve (12) hours of the opening of the Congress, by the Bureau, in its reasonable discretion, upon showing proof of unavoidable delay in issuing of the proxy. ~~the proxy must bear the signature of the President of the Member Federation.~~**

When a Member Federation has already received a proxy, and now receives another proxy from another Member Federation, it must inform the latter that it cannot accept the proxy.

Every proxy may identify one or several other Member Federations who could receive that proxy, in order of preference, should the Member Federation receiving the proxy be prevented from taking it.

**Legal Commission:** Unanimously in favour of the proposal.

**Executive Committee:** In favour of the proposal.

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**Article: 3.4**

P. 7

**Proposal from: Legal Commission**

**Motivation: To streamline the business of Congresses and avoid repetitive interventions, while ensuring that the relevant people have the opportunity to express their opinions**

**3.4 AGENDA**

3.4.4 At Congresses, for each point under discussion ~~the~~ each president of a Member Federation ~~s~~ or his/her representative, ~~the Honorary Members~~ each Member of Honour and each member of the Executive Committee may express their opinion no more than twice, and for a maximum of ~~three~~ two minutes on each occasion. In addition members of commissions, councils and committees concerned with the particular point under discussion may express their opinion once through that body's president or his/her representative. This restriction does not apply to the presentation of commissions' reports, nor to the replies to questions addressed from the podium to any of the above persons, nor to the right to reply to an accusation.

**Legal Commission:** In favour of the proposal by a vote of 8-1.

The Commission would like to modify the text to permit Commission, Council or Committee members could speak with the agreement of the president of the Commission, Council or Committee so, the change would read:

3.4.4 At Congresses, for each point under discussion ~~the~~ each president of a Member Federation ~~s~~ or his/her representative, ~~the Honorary Members~~ each Member of honour and each member of the Executive Committee may express their opinion no more than twice, and for a maximum of ~~three~~ two minutes on each occasion. In addition, members of commissions, councils and committees concerned with the particular point under discussion may express their opinion once through that body's president or his/her representative or with the agreement of that body's president. This restriction does not apply to the presentation of commissions' reports, nor to the replies to questions addressed from the podium to any of the above persons, nor to the right to reply to an accusation.

**Executive Committee:** In favour of the proposal as revised by the Legal Commission.

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**Article: 4.2.1; 4.3.1; 4.4.1; 4.7.1**

P. 8

**Proposal from: Swedish Fencing Federation**

**Motivation:** The FIE should be in line with the principles of good governance. It has been made very clear that it is not beneficial to any organisation to allow individuals to stay for a very long time in office. This is a clear recommendation in all guidelines for good governance in sport organisations. Already at the FIE Congress in 2007, there was a proposal for introducing time limits which did not pass. It is time that the FIE adopts this principle.

**Article 4.2.1**

To be candidate for the presidency a person must hold a licence from his Member Federation, except if he is a Member of Honour, be at least 25 years of age on the date of the elections and enjoy the full civic rights of the country to which he belongs.

A person can be elected to be president a maximum of three terms (12 years). Besides, a candidate for the Presidency must speak one of three working languages of the FIE fluently and it would be desirable that he should be able to understand and speak one of the two other working languages.

The President of the FIE cannot hold any position within his national federation or in any Zonal Confederation.

#### **Article 4.3.1**

To be candidate to the Executive Committee a person must:

- hold a licence from his Member Federation except for Members of Honour
- be at least 21 years of age on the date of the elections
- enjoy the full civic rights of the country to which he belongs
- be able to understand and speak one of the three working languages of the FIE and it is desirable that he should be able to understand and speak one of the two other working languages
- Commit to respect the principle of sports autonomy applicable within the Olympic Movement
- Commit to actively take part in all activities resulting from the function of Executive Committee member.

A person can be elected member of the Executive Committee a maximum of three terms (12 years).

It is desirable that he or she has experience as a leader (President, Vice-President, Secretary General, Treasurer or any other similar function) in his national federation, his National Olympic Committee or any entity.

A member of the Executive Committee, elected as such, cannot be president of a zonal confederation.

Members of the Executive Committee (according to articles 5.2.1 and 5.2.4 definitions), cannot be member of a Commission of the FIE, one of its Councils or of its Disciplinary Panel. Furthermore, members of commissions cannot be members of one of its Councils or of its Disciplinary Panel. An individual can only be a member of one of the following at any point in time - the Executive Committee, a Commission, a Council or the Disciplinary Panel.

Being a member of the Executive Committee is incompatible with the national roles of technical director, referee, chief of delegation and team captain. Being a member of the Bureau is incompatible with the role of Fencing Master.

Once elected, the Executive Committee member shall send to the FIE head-office a letter of commitment signed by both the Executive Committee member and his/her national federation.

#### **Article 4.4.1**

Nobody may be candidate for more than one permanent commission plus the Ethics Committee.

A person can be elected member of a Commission a maximum of three terms (12 years).

#### **Article 4.7.1**

Nobody may be candidate for more than one of the Councils.

A person can be selected to be member of a Council a maximum of three terms (12 years).

**Legal Commission:** Unanimously opposed to the proposal.

The Commission feels that this artifice is undemocratic and is not in line with good governance. The Congress has the right to vote for whichever candidates it feels will best support the Vision and Mission



of the FIE. It appears to be an attempt to prevent certain candidates from being available to the Congress and has nothing to do with good governance.

It should be noted that this proposal has been made and defeated twice previously. Since retroactive provisions are improper, this would mean that current office holders could only have three additional terms starting with the elections at the 2024 Congress. It also does not deal with the issue of persons who take over in the middle of a quadrennium for an officeholder who resigns and whether that counts as a term or not.

**Medical Commission:** Not in favour.

Comments: expertise within related fields may push out long term strategies and leave gaps within commission and councils. Term limits on presidents may be considered; implementing a term limit of 12 years, however, after a cycle out the individual may be allowed for re-election into the same or different commission and council where their expertise may be needed.

**PCM:** Not in favour.

**Refereeing Commission:** Not in favour.

**Rules Commission:** Not in favour.

**SEMI Commission:** no opinion for or against but information requested:

1. are the terms consecutive or cumulative?
2. is this retrospective?

**Athletes' Commission:** Not in favour.

**Coaches Council:** Not in favour.

Only President of the FIE, the Presidents of Confederations, and the chairpersons and the Presidents of the commissions and councils can serve not more than 12 years.

The technical specialists and professionals should be able to serve in the commissions and councils without of time limit.

**Fair Play Council:** Unanimous vote against the proposal in its current form.

**Veterans' Council:** in favour of the proposal on condition that point of application will start at the forthcoming Congress (2024). If it would be retroactive, then the Council won't agree.

**Women and Fencing Council:** Agreed subject to amendments in yellow:

#### **Article 4.2.1**

To be candidate for the presidency a person must hold a licence from his Member Federation, except if he is a Member of Honour, be at least 25 years of age on the date of the elections and enjoy the full civic rights of the country to which he belongs.

A person can be elected to be president a maximum of three consecutive terms (12 years).

Following three consecutive terms as President, a member can stand for election to the position of President, following one elapsed term (4 years).

Besides, a candidate for the Presidency must speak one of three working languages of the FIE fluently and it would be desirable that he should be able to understand and speak one of the two other working languages.

The President of the FIE cannot hold any position within his national federation or in any Zonal Confederation.

#### **Article 4.3.1**

To be candidate to the Executive Committee a person must: - hold a licence from his Member Federation except for Members of Honour - be at least 21 years of age on the date of the elections - enjoy the full civic rights of the country to which he belongs - be able to understand and speak one of the three working languages of the FIE and it is desirable that he should be able to understand and speak one of the two other working languages - Commit to respect the principle of sports autonomy applicable within the Olympic Movement

- Commit to actively take part in all activities resulting from the function of Executive Committee member. A person can be elected member of the Executive Committee a maximum of three consecutive terms (12 years).

Following three consecutive terms as a member of the Executive Committee, a member can stand for election to the Executive Committee, following one elapsed term (4 years).

It is desirable that he or she has experience as a leader (President, Vice-President, Secretary General, Treasurer or any other similar function) in his national federation, his National Olympic Committee or any entity.

A member of the Executive Committee, elected as such, cannot be president of a zonal confederation. Members of the Executive Committee (according to articles 5.2.1 and 5.2.4 definitions), cannot be member of a Commission of the FIE, one of its Councils or of its Disciplinary Panel. Furthermore, members of commissions cannot be members of one of its Councils or of its Disciplinary Panel. An individual can only be a member of one of the following at any point in time - the Executive Committee, a Commission, a Council or the Disciplinary Panel.

Being a member of the Executive Committee is incompatible with the national roles of technical director, referee, chief of delegation and team captain. Being a member of the Bureau is incompatible with the role of Fencing Master.

Once elected, the Executive Committee member shall send to the FIE head-office a letter of commitment signed by both the Executive Committee member and his/her national federation.

#### **Article 4.4.1**

Nobody may be candidate for more than one permanent commission plus the Ethics Committee.

A person can be elected as a member of a Commission or the Ethics Committee for a maximum of three consecutive terms (12 years).

#### **Article 4.7.1**

Nobody may be candidate for more than one of the Councils.

A person can be selected to be a member of a Council for a maximum of three consecutive terms (12 years).

#### **Proposed new Article:**

Following three consecutive terms as a member of a Commission, the Ethics Committee or a Council, a person can stand for election or appointment to:

- a different Commission or Council or the Ethics Committee
- the Commission or Council or the Ethics Committee of which the person was previously a member, following one elapsed term (4 years).

**Ethics Committee:** Limitation to 3 terms of office/12 years, the Ethics Committee does not recommend acceptance of this proposal.

**Executive Committee:** Not in favour of the proposal.

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#### **Article: 4.3.1**

**Proposal from:** Legal Commission

P. 9

**Motivation:** To correct an omission in Article 4.3.1 4th paragraph.

### **4.3 ELECTION OF THE EXECUTIVE COMMITTEE**

#### 4.3.1 4<sup>th</sup> paragraph

Members of the Executive Committee (according to articles 5.2.1 and 5.2.4 definitions), cannot be member of a Commission of the FIE, [the Ethics Committee](#), one of its Councils or of its Disciplinary Panel. Furthermore, members of commissions cannot be members of one of its Councils, [its Ethics Committee](#) or of its Disciplinary Panel. An individual can only be a member of one of the following at any point in time - the Executive Committee, a Commission, [the Ethics Committee](#), a Council or the Disciplinary Panel.

**Legal Commission:** Unanimously in favour of the proposal.

**Ethics Committee:** The Ethics Committee considers this proposition judicious and approves it.

**Executive Committee:** In favour of the proposal.

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**Article:** 4.4 and 6.9

**Proposal from:** Legal Commission

P. 10

**Motivation:** To bring the Committee into line with the Commissions, to increase its availability to both ensure the FIE's observance of its Code of Ethics and to provide a viable quorum of neutral members when required.

#### 4.4 ELECTION OF COMMISSIONS (OTHER THAN THE ATHLETES COMMISSION) AND THE ETHICS COMMITTEE

4.4.3 a) For the elections to the permanent commissions [and the Ethics Committee](#), the 10 candidates with the most votes are elected subject to the fact that they must be of different nationalities.

~~b) For the election to the Ethics Committee, the 5 candidates with the most votes are elected subject to the fact that they must be of different nationalities.~~

4.4.4 a) If the 10 candidates to a Commission [or the Ethics Committee](#) who have obtained the most votes do not include at least 3 persons of each gender, the Commission will consist of the 3 candidates of the under-represented gender who have obtained the greatest number of votes and the 7 candidates of the other gender who have obtained the greatest number of votes.

~~b) For the Ethics Committee, if the 5 members who have obtained the most votes do not include at least 2 persons of each gender, the Committee will consist of 2 candidates of the under-represented gender who have obtained the greatest number of votes and 3 candidates of the other gender who have obtained the greatest number of votes~~

#### 6.9 THE ETHICS COMMITTEE

The Ethics Committee is made up of ~~five~~ [ten](#) voting members elected by the Congress.

**Legal Commission:** Unanimously in favour of the proposal.

This proposal should be effective as of the 2024 Congress.

**Ethics committee:** Extension of the number of members of the Ethics Committee from 5 to 10: the Ethics Committee recommends to postpone this issue to the 2023 Congress when a Code of Procedure for the functioning of the Ethics Committee will have been drafted.

**Executive Committee:** In favour of the recommendation from the Ethics Committee to postpone the proposal to 2023.

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**Article: 4.7; 6A.2**

P. 11

**Proposal from: Legal Commission**

**Motivation:** To bring the Fair Play Council into line with the other Councils and to increase its availability to carry out its functions.

**4.7 SELECTION OF THE COUNCILS ~~AND COMMITTEES~~**

4.7.1 Nobody may be candidate for more than one of the Councils.

**6A.2 STRUCTURE OF THE COUNCILS**

6A.2.1 Each Council is made up of ten voting members selected by the Executive Committee. ~~except the Fair Play Council, which shall consists of seven members selected by the Executive Committee.~~

**Legal Commission:** Unanimously in favour of the proposal.

This proposal should be effective as of the 2024 Congress.

**Fair Play Council:** In favour.

**Executive Committee:** In favour of the proposal as it would potentially allow a larger representation of zones, countries, and genders.

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**Article: 5.5.3; 3.4.1; 3.4.2**

P. 12

**Proposal from: Swedish Fencing Federation**

**Motivation:** The Congress of the FIE should make the final decision on its agenda.

**Article 5.5.3**

The Executive Committee outlines the work of the Commissions and the Congresses. For this purpose, it can use all means of communication to gather relevant information.

It decides the date and the place of the meetings of Congresses, commissions and councils.

In case of a force majeure event or significant budgetary issues of the FIE, such meetings may be designated to be held via teleconference, videoconference or any other appropriate electronic means.

It may convene an Extraordinary Congress.

~~It establishes the agenda of the Congress.~~

It establishes its proposal for the agenda of the Congress.

**Article 3.4.1**

The Congress establishes its agenda

All the proposals shall reach the FIE's head office no later than midnight Lausanne time 8 months before the opening day of the next Congress. [Any proposal that meets this requirement must be put on the agenda.](#)

Any proposal reaching the head office after this date cannot be put on the agenda.

**Legal Commission:** Unanimously opposed to the proposal.

The issues raised here are handled effectively by Proposal number 4 from the Legal Commission.

This proposal is totally unworkable. One cannot come to a Congress with no agenda and then adopt one at the meeting for which appropriate documents may not be available and could not be provided to those attending the Congress for them to be able to study in advance. If additional items needed to be added to the agenda there are procedures for handling items that are not part of the agenda provided by the Executive Committee.

**Executive Committee:** Not in favour of the proposal.

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**Article: 5.7**

**P. 13**

**Proposal from: Legal Commission**

**Motivation:** To provide more detail as to eligibility to fulfil the role of FIE Supervisor. To clarify eligibility for the role of supervisor at World Cups and to ensure consistency between the Statutes and Rules for Competitions regarding this matter.

#### **5.7 RESPONSIBILITIES OF THE CENTRAL OFFICE (BUREAU)**

The Bureau may make decisions on all current issues of FIE activities with the Executive Committee's subsequent approval.

5.7.1 In the course of the financial year the Bureau informs the Members of the FIE (Federations and Members of Honour) of urgent measures which may concern them, by means of any official publications of the FIE

5.7.2 All the members of the Bureau, as described in Article 5.2.2, because of the official duties they are given, may not fill any other posts ~~in the official competitions at the World Championships of the FIE, all categories,~~ with the exception of the supervision of protocol. [In addition the members of the Bureau may not undertake the role of Supervisor at FIE World Cup competitions.](#)

**Legal Commission:** Unanimously in favour of the proposal.

The Commission would like to modify the text to add Grand Prix in the last sentence so it will read as follows:

[In addition, the members of the Bureau may not undertake the role of Supervisor at FIE World Cup or Grand Prix competitions.](#)

**Executive Committee:** In favour of the proposal as revised by the Legal Commission.

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**Article: 6.2 and 6.4**

**P. 14**

**Proposal from: Legal Commission**

**Motivation:** To codify the process for election of the President of each commission and council

**Rationale:** To detail this process including when the meeting is held by electronic means.

## 6.2 STRUCTURE OF THE COMMISSIONS

6.2.2 The commissions will meet within two months of their election in order to elect their President and prepare their working calendar.

- A Commission's meeting is valid only when the majority of its members are present. These meetings may be in a physical location or virtual (via teleconference, videoconference or any other appropriate electronic means), as determined by the Executive Committee. They may not however take the form of a hybrid meeting (physical plus virtual).

- When the meeting is held via electronic means, the identity of the participants must be verified.

- Any elected member may propose as President any elected member, including himself/herself. If a member proposes someone other than himself/herself, written confirmation that that member agrees to be a candidate must accompany the submission of the candidature.

- The candidatures shall reach the FIE Head Office no later than 00:00 hrs Lausanne time 2 calendar days before the opening of the meeting

- In case of only one candidate, that candidate is automatically elected by acclamation

- The election shall take place as near the beginning of the meeting as is feasible

- Until the new President has been elected the meeting shall be chaired by the Executive Committee representative

- Voting is by secret ballot among the elected members being present. The votes will be counted by a disinterested person from outside the commission and voting may be carried out by electronic ballot. No proxy or advance voting is allowed

~~-The candidate having an absolute majority of those voting shall be the president; if this is not achieved (3+ candidates) the candidate with fewest votes withdraws and a second ballot shall be held, at which a simple majority of the votes is required. In case of a tie in the second ballot (or the first ballot when there are only two candidates), the president will be the younger candidate.~~

- To be elected at the first ballot a majority of the votes cast is required.

If in the first round of voting no candidate receives the absolute majority of the votes cast, the candidate who received the least votes is eliminated and an additional round is organised.

If during the second round an absolute majority of votes is not obtained by a candidate, the candidate who received the least votes is eliminated and one or several additional rounds are organised until one candidate obtains a majority of votes or until only two candidates remain.

In this case, the candidate who receives the most votes at the following round is elected. Should there be a tie between two candidates for two rounds of voting, the younger candidate is elected.

## 6.4 MEETINGS OF COMMISSIONS OTHER THAN TO ELECT THE COMMISSION PRESIDENT

**Legal Commission:** Unanimously in favour of the proposal.

The Commission would like to add '.' after bullets 4 through 8.

**Executive Committee:** In favour of the proposal as revised by the Legal Commission.

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**Article: New chapter 6B**

P. 15

**Proposal from: Legal Commission**

**Motivation:** The FIE needs short term groups of experts to deal with various issues faced by the FIE. This proposal also coordinates with LC 7 regarding the referral of proposals made by Member Federations, which need additional analysis prior to being brought to a Congress.

CHAPTER VI-B- WORKING GROUPS

6B.1 FIE Working Groups are constituted by the Executive Committee to provide support and guidance to the FIE Executive Committee, its Head Office or any FIE Commissions or Councils and may be established to: (1) research an ideas for improvement which may require analysis or tests , deal with special circumstances referred to it by one of those bodies or on its own; (2) because of an issue raised by the IOC, ASOIF or other external body with which the FIE interacts or (3) spurred by a proposal or idea presented by a Member Federation to the Executive Committee.

6B.2 Working Groups shall be established for a single or specific purpose that is limited in scope or in time, and which will be disbanded automatically upon fulfilment of its purpose or upon the expiration of its stated duration. The Executive Committee shall indicate the mission of each Working Group and the deadline for completion of that mission.

6B.3 STRUCTURE OF A WORKING GROUP

6B.3.1 Each Working Group will be made up of experts on the subject matter of the Working Group and may, but need not, be members of the Executive Committee, Ethics Committee, Commissions or Councils. Members outside of the FIE bodies may include lawyers, engineers, professors, physicians, etc. who have expertise in the subject matter of a specific Working Group and can supplement the knowledge of those members of the FIE bodies. The individuals selected for the working Group shall have proven expertise in the subject matter of the specific Working Group and confirm their availability to dedicate the time and effort required for the length of the existence of the Working Group. The individuals shall be free of any conflicts of interest regarding the subject matter of the specific Working Group.

6B.3.2 The composition of a Working Group should contain, whenever possible, individuals from each zone and of both genders.

6B.3.3 In the event of a member's death or resignation, the executive committee will replace him/her by another member, taking into account the above guidelines as applicable from time to time.

6B.3.4 Working Groups shall report to the Executive Committee which shall include at each Congress information regarding the progress of each of the Working Groups. To the extent that the work of a Working Group develops a proposal that affects the Statutes, Rules such proposal shall be submitted to the appropriate Commissions and/or Councils for review and comment before submission to the Congress for approval. To the extent that the proposal relates to the qualification system for the Olympic Games such proposal shall be submitted directly to the Congress for approval.

**Legal Commission:** Unanimously in favour of the proposal.

The Commission would like to correct the spelling of the first word in 6B.1(3) so that phrase reads as follows: (it concerns English version only):

(3) spurred by a proposal or idea presented by a Member Federation to the Executive Committee.

**Executive Committee:** In favour of the proposal as revised by the Legal Commission.

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P. 16

**Article: 7.2**

**Proposal from: Legal Commission**

**Motivation: To allow sufficient time for the disciplinary process to take place efficiently**

**7.2 DISCIPLINARY PROCEDURE**

**7.2.1 *The complaint***

a) Author of the complaint

Any person, individual or entity, whether or not they are a licensee of the FIE, if they are personally the victim of one of the offences enumerated above in Article 7.1.7 can present a complaint, **in one of the FIE working languages**, before the Disciplinary Tribunal.

Additionally, the members of the Executive Committee, the FIE supervisors at international competitions, the Directoire Technique, or the presidents of the member federations can state the existence of an offence susceptible of being pursued by the Disciplinary Panel, and inform the latter of it.

b) Form of the complaint

The complaint must be addressed to the **Head Office** of the FIE within ~~60 days~~ **two (2) years** following the incriminating acts or the date of their discovery. The postmark of the envelope or the reception stamp of the fax **or electronic transmission** establishes the time.

The Complaint must note:

- the full name of the individual or entity, the nationality, address and title of the complainant(s);
- the full name of the individual or entity and nationality of the person being prosecuted or the indication that their address is unknown;
- a summary of the facts, the objectives of the complaint, with an indication of the rule or principle infringed; and
- the signature of the complainant.

The complaint can, moreover, be accompanied by documents necessary for the investigative file.

Supplementary or new information can be communicated up to the 60 the day following the date of the complaint or upon request of the tribunal, in its discretion.

**7.2.2 *Composition of the Disciplinary Tribunal***

The head office of the FIE will inform the President of the Legal Commission of any complaint filed with the F.I.E and the parties involved within ~~three~~ **thirty** days after the **complaint, the translation into the language to be used by the Tribunal of the complaint and accompanying documents are filed with the FIE Head Office.** ~~was filed with the FIE~~

In case of admissibility of the complaint according to Article 7.2.1, the Legal Commission, or a sub-committee thereof selected for this purpose, will within ~~7~~ **ten (10) working** days after being informed about the complaint by the head office of the FIE eliminate those



members of the D.P. who have a conflict of interest, either because of the countries represented in the controversy or because of involvement in the incident in another role (e.g. DT, Arbitrage, etc.). It will then select the 3 members of the Disciplinary Tribunal by lots to be designated as the Tribunal, plus one additional person, also selected by lots, to be the alternate, who shall be substituted on the Tribunal if one of the 3 persons originally chosen is not available or shall be determined to have a conflict of interest which causes that person to be eliminated from the Tribunal. The Legal Commission shall designate the president of the Disciplinary Tribunal. Any member of the Tribunal selected by the Legal Commission shall have the responsibility to disclose any relationships with the parties and to refuse to accept any assignment to a Tribunal where there is a conflict of interest.

The proceedings of the Disciplinary Tribunal and the Legal Commission with regard to any complaint shall be strictly confidential until a decision is rendered. No copies of the complaint shall be sent to anyone other than the parties involved, the Head Office of the FIE, the Disciplinary Tribunal, the Legal Commission and the Bureau with respect to matters relating to 7.2.11.

### 7.2.3 *The disciplinary Tribunal - composition, powers, obligations*

The head office of the FIE will send to the president of the Disciplinary Tribunal within ~~40~~ 30 working days after ~~the later of its creation or the translation of the complaint and accompanying documents into the language to be used by the Tribunal~~, the complaint, which was filed with the FIE

The president of the Disciplinary Tribunal will, within 15 days, transmit a copy of the complaint ~~and accompanying documents, if any~~ to the person (s) being prosecuted therein.

A copy of the complaint is also sent ~~by the president of the Disciplinary Tribunal~~ to the president(s) of the federation(s) to which the parties belong.

The Disciplinary Tribunal can, on its own motion, decide that there are no grounds to prosecute the complaint which has been submitted to them.

That decision can be appealed according to the rules of Article 7.2.7.

The Disciplinary Tribunal has all of the powers for investigating the complaint, and pronouncing, if the case arises, a penalty.

It must, in all circumstances, respect and ensure respect of the rights of all parties.

**Legal Commission:** Unanimously in favour of the proposal.

**Executive Committee:** In favour of the proposal.

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**Article:** new article 9.1.10

**Proposal from:** Legal Commission

P. 17

**Motivation:** There has been no statutory provision delineating the nationality of licensees other than coaches and fencers and this has led to confusion among the Coaches, the Member Federations and the FIE.

9.1.10 *Change of Nationality for Licensees other than Fencer or Coach*

a) A licensee, other than a fencer or coach, (“Licensee”) who enjoys multiple nationality must choose which country s/he wishes to represent. The fact that s/he has represented one of the countries in any capacity implies that s/he has made a choice. If s/he wishes to represent another country of which s/he enjoys nationality, s/he must so advise the Head Office of the FIE and thereafter s/he may only represent this new country and can no longer represent the other country.

b) A Licensee who has already represented a country in any capacity and acquires a new nationality (from being stateless, through marriage or through naturalisation) can represent his /her new country immediately. Application for change of nationality must be received by the FIE Head Office no later than 90 days after the acquisition of the new nationality.

c) No approval of the national federation of the prior country s/he represented is required.

d) Any change in country which a Licensee represents is definitive; no further change can be authorised.

e) In cases of dispute the Executive Committee of the FIE will make a ruling, which is not subject to appeal.

**Legal Commission:** Unanimously in favour of the proposal.

**Executive Committee:** In favour of the proposal.

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**Article: 9.2**

**Proposal from: Legal Commission**

**P. 18**

**Motivation:** The current statutes were confusing and difficult to apply in a consistent manner

## **9.2 FENCERS' NATIONALITY OF FENCERS**

9.2.1 At the Olympic Games a ~~competitor's~~ fencer's nationality is set by rules of the I.O.C. to which the FIE must conform.

9.2.2 For official competitions of the FIE, ~~competitors~~ fencers must be strictly of the nationality of the country which they are representing:

a) The fencer who enjoys multiple ~~nationality~~ nationalities must choose which country he wishes to represent. The fact that s/he has fenced for one of the countries in an official FIE competition or Regional Games implies that s/he has made a choice. If s/he wishes to represent another country of which s/he enjoys nationality, s/he must so advise the Head Office of the FIE and s/he may only represent this other country after an interval of three years from the earlier of the last time s/he represented the other country or ~~when~~ the date s/he advised the ~~Central~~ Head Office of the FIE regarding such change, during which he can no longer represent ~~the other~~ any country.

b) A fencer who has already represented a country and acquires a new nationality (from being stateless, ~~or~~ through naturalisation or through other means other than marriage) can only represent his/her new country after an interval of three years from his/her last participation in a competition for his/her previous country. Application for change of nationality must be received by the FIE Head Office no later than 90 days after the

acquisition of the new nationality. The delay of three (3) years can be reduced by the FIE Head Office with the consent of the fencer's previous country.

c) The fencer who acquires a new nationality as a result of marriage may fence for that new country immediately, without waiting three years and without the approval of the national federation of the prior country s/he represented. Such application to fence for the new country must be filed with the FIE Head Office no later than the 1<sup>st</sup> of August immediately following the date of receiving the new nationality through the marriage.

d) The Executive Committee of the FIE, with the agreement of the member federations concerned, and only for just reasons, may reduce or dispense with the interval of three years.

e) The fencer who has never participated in an official competition of the FIE or in a Regional Games, is not constrained by these limitations concerning change of nationality and may fence for his new country immediately.

f) Any change in country which a fencer represents is definitive; no further change can be authorised.

g) In cases of dispute the Executive Committee of the FIE will make a ruling, which is not subject to appeal.

9.2.3 For the FIE competitions, fencers who are legally stateless or hold an official refugee status issued by the governmental authorities in the country in which they live, may compete as long as they are registered by the member federation of the country in which they live with approval of the FIE Bureau. Fencers holding refugee status shall be treated as nationals of the country of such member federation for purposes of these Statutes and FIE rules unless the Member Federation refuses to allow them to compete on behalf of such Federation in which case they shall be treated as stateless, but shall not be permitted to represent any particular country in competitions, either individually or as part of a team, unless authorized to do so by the FIE Bureau.

The practical process for a request of modification of nationality is stated in the FIE Administrative Rules, "Licences and nationality" chapter.

**Legal Commission:** Unanimously in favour of the proposal.

The Commission would like to amend 9.2.2 (c) to give a person getting married at least 30 days to change their nationality if they so desire. It should read as follows:

c) The fencer who acquires a new nationality as a result of marriage may fence for that new country immediately, without waiting three years and without the approval of the national federation of the prior country s/he represented. Such application to fence for the new country must be filed with the FIE Head Office no later than the 1<sup>st</sup> of August immediately following the date of receiving the new nationality through the marriage. However, if the person receives the new nationality through marriage in July, they shall have thirty (30) days from the date of such receipt to file their application.

**Executive Committee:** In favour of the proposal as revised by the Legal Commission.

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**Article:** Chapter XIII

**Proposal from:** Legal Commission

**Motivation:** To coordinate procedures between Disciplinary Code and SafeGuarding Policy

P. 19

## COMPLAINT PROCEDURE

Any person, whether or not they are a licensee of the FIE that experiences or witnesses abuse, harassment or neglect is encouraged to seek the initial advice of the Safeguarding Officer(s). A parent or guardian may represent a minor individual.

The Safeguarding officer(s), as the case may be shall inform the complainant of the option to pursue one of the following:

- Mediation, where the Safeguarding Officer will deal directly with the complainant and the respondent in order to find a suitable solution
- The right to file a formal written complaint before the Disciplinary Tribunal, by addressing it to the administrative office of the FIE, under this policy when an informal resolution is inappropriate or not possible. This procedure will assure due process for all parties.
- Referral to law enforcement agencies in the host country if the incident breaks the law of such host country.

## COMPLAINT TO THE DISCIPLINARY PANEL

### a) Author of the complaint

Any person, individual or entity (or the parent or guardian of a minor), whether or not they are a licensee of the FIE., if they are personally the victim of harassment/abuse/neglect can present a complaint before the Disciplinary Tribunal.

The members of the Executive Committee, FIE Safeguarding Officers, the FIE supervisors at international competitions, the Directoire Technique, or the presidents of the member federations can state the existence of an offence of harassment/abuse/neglect susceptible of being pursued by the Disciplinary Panel, and inform the latter of it.

Any witness to an incident of harassment/abuse/neglect can present a complaint before the Disciplinary Panel if the victim of such incident is less than [18] years of age.

### b) Form of the complaint

(i) The written complaint, in one of the FIE working languages, must be addressed to the ~~Disciplinary Panel~~ Head Office of the FIE within ~~60 days~~ two (2) years following the incriminating acts or the date of their discovery. The complaint can be filed:

- In writing, in which case the postmark of the envelope, the date of the email or the reception stamp of the fax establishes the time.

~~Via online form~~

The written Complaint must include:

- the full name of the individual or entity, the nationality, address and title of the complainant(s);
- the full name of the individual or entity, address and nationality of the person against whom the complaint is being made or the indication that their address is unknown;
- a summary of the facts of the alleged harassment/abuse/neglect, the objectives of the complaint; and
- the signature of the complainant; or

(ii) By using the FIE online complaint platform, in which case the complaint may either contain the same information as in the written complaint or may be anonymous in which case the name of the complainant should be eliminated.

- no signature is required when using the online platform

The complaint can, moreover, be accompanied by documents, including photos, necessary for the investigative file.

Supplementary or new information can be communicated by the complainant at the discretion of the Disciplinary Panel.

**Legal Commission:** Unanimously in favour of the proposal.

**Women and Fencing Council:** Agreed

**Executive Committee:** In favour of the proposal.