

RAPPORT DE LA COMMISSION JURIDIQUE DE LA FIE **FIE LEGAL COMMISSION REPORT** **INFORME DE LA COMISIÓN JURÍDICA DE LA FIE**

Date, lieu et heure de la réunion : Date, place and time of the meeting: Fecha, lugar y horario de la reunión:	7 July 2023, by zoom
Participants: Participants: Participantes:	1. El HADUARI Mohammed 2. IONESCU Anca 3. JACOBS Peter 4. RAPP Gordon 5. SAMIR Ahmed 6. SINYAVSKAYA Maria 7. RIOJA PEREZ, Marco 8. SZEGLEDI Edina PEROVIC Novak, representative of the Executive Committee
Absences (indiquer si l'absence avait été annoncée) : Absent (indicate if the absence had been announced): Ausencias (indicar si la ausencia fue anunciada):	1. CHERIS Sam (announced) 2. ATALI Murat (not announced)

INTRODUCTION **INTRODUCTION** **INTRODUCCIÓN**

The meeting commenced shortly after 13.15 CET and ended at 18.00 CET under the chairmanship of Peter JACOBS and Marco RIOJA, Sam Cheris having sadly submitted his apologies. It was joined briefly at different times by the Ethics Committee, the Medical Commission and the president of the Women and Fencing Council.

RAPPORT DE LA RÉUNION **MEETING REPORT** **INFORME DE LA REUNIÓN**

Point 1 / Item 1 / Punto 1:

Not in favour of the proposition.

There are no legal reasons for this requirement, it is not necessary for transparency as the congress report is published later in the year and it is contentious in terms of outside pressures, of the implications for congress attendees of unwanted social media attention.

Point 2 / Item 2 / Punto 2:

In favour of the proposition.

The Commission would like to add the attendance of presidents of commissions, councils and committees, so that paragraph 2 of the proposal would read (added words highlighted in yellow):-

At FIE Elective Congresses, the FIE member Federations may be represented by 2 delegates. Members of the Executive Committee, presidents of commissions, councils and committees and candidates to elected positions have the right to take part in the FIE Elective Congresses.

The commission considers that as the congress might discuss matters relating to the work of these bodies their presidents should have the right to be present to represent them and to assist the Congress better to understand the topic concerned.

Point 3 / Item 3 / Punto 3:

In favour of the proposition.

The Commission however proposes the modification of the proposition as follows:-

A candidate for the Medical Commission - must have completed the educational requirements for being an MD, DO or DC ~~or have practiced as a physiotherapist, or have been a member of the Commission for at least 8 years and hold a valid and active licence, or be qualified and be practicing as a physiotherapist.~~

The Commission considers that to ensure they maintain their knowledge and skills up to date through continuous professional development it is necessary that its members are currently qualified to practice, and that therefore the clause in the following propositions accepting previous membership of the commission as a criterion for candidature, in order to benefit from their experience, is not appropriate.

Point 4 / Item 4 / Punto 4:

In favour of the proposition.

The Commission however proposes to change 'the' to 'this', for the sake of clarity, and delete the last 4 words (for at least 8 years), as unnecessary, so as to read:-

A candidate for the Legal Commission — must have the educational requirements or ~~be practising have practiced~~ as a lawyer, judge or notary or have been a member of this Commission

Point 5 / Item 5 / Punto 5:

In favour of the proposition.

The Commission however proposes to change 'the' to 'this', for the sake of clarity, delete the last 4 words (for at least 8 years), as unnecessary, so as to read:-

A candidate for the Promotion, Communication and Marketing Commission must have a college or university degree in marketing or communications and have held a management position in marketing or communications or have been the producer of films, or have been a member of **this** Commission.

Point 6/ Item6 / Punto 6:

In favour of the first half of the proposition (up to “been part of the master list”). The commission proposes however to replace “have refereed, at least once, in one weapon, in the table of 32/16 or eight... etc” by “have refereed, at least once, in one weapon, in the table of 16 or eight etc”.

Not in favour of the second part modifications (“Being a member National Federation” as being too wide-ranging and potentially penalizing smaller federations where members fulfill multiple roles:-

A candidate for the Refereeing Commission must:

- be or have been an FIE category B or A referees in at least two weapons; and
- be a current member **or have already been a member** of the Refereeing Commission, or have refereed in official FIE competitions in at least two weapons in at least two (2) of the 4 fencing seasons (1 September to 31 August) preceding his candidature; and
- have refereed, at least once, in one weapon, in the table of **16 or eight or** semi-final or final of the individual or team event of a senior World Cup, or a Grand Prix, or a World Championships or the Olympic Games of the 4 fencing seasons preceding his candidature **or have been part of the master list**.

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

Point 7/ Item7 / Punto 7:

In favour of the proposition. The Commission however proposes to change ‘the’ to ‘this’, for the sake of clarity, and delete the last 4 words (**for at least 8 years**), as unnecessary, so as to read:-

A candidate for the Rules Commission must have been an active ‘A’ or ‘B’ rated referee or have officiated, at least twice, as a president of the DT at a Zonal Championship or as a member of the DT at a World Championship or as a member of the DT at an Olympic Games, or have been a member of **this** Commission.

Point 8/ Item 8 / Punto 8 :

In favour of the proposition. The commission would like to modify the text of the proposition by changing ‘the’ to ‘this’, for the sake of clarity, deleting its last four words (**for at least 8 years**), and adding an additional paragraph (**‘Be a member or’**) as follows:-

A candidate for the - SEMI Commission **must** have a college degree in engineering or science or be practising as an engineer **or have been a member of this** Commission, **and**

Be a member or have already been a member of the SEMI Commission of a National Federation or fulfilled an equivalent role, or have officiated at least twice at weapon control or as a technician at Zonal Championship or a World Championship or an Olympic Games

The commission notes the risk of candidates for the commission having all the academic qualifications required but no experience of the sport of fencing and therefore of practical fencing-related applications, and therefore proposes this additional second paragraph.

Point 9/ Item 9 / Punto 9 :

In favour.

Point 10/ Item 10 / Punto 10 :

In favour.

Point 11/ Item 11 / Punto 11 :

Not in favour.

The proposal would allow a president of a confederation or the president of the athletes' commission to become secretary general, secretary-treasurer or a vice president of the FIE. But these persons' situation in the Executive committee is different from that of the other members, in that they have been elected to that position by a body other than the Elective Congress of the FIE and therefore do not carry the mandate of all the FIE members. They are also likely to perceive their role as representing the interests of their confederation or the athletes rather than the whole FIE; and at a practical level the workload of a confederation president is incompatible with taking on the heavy burden of FIE secretary general or secretary-treasurer

Point 12/ Item 12 / Punto 12 :

In favour.

Point 13/ Item 13 / Punto 13 :

In favour. The commission would however like to modify the text of the proposition by adding the clause highlighted in yellow as follows:-

Zonal Confederations shall appoint at least one person to serve as a Safeguarding Officer at each Zonal Championship. All safeguarding reports which are not resolved through mediation must be reported to the FIE in accordance with the underlying safeguarding rules of the FIE.

The commission asks for this addition to help ensure the confidentiality of such reports.

Other points

A) The commission met with the Ethics Committee at their request. They raised two points:-

1) The need to draw up a procedural code for ethical issues. Maitre Carrard informed the Legal Commission that the lawyer Jorge Ibarrola, who has already advised the FIE on other matters, had been commissioned to prepare this code. It was agreed that the Ethics Committee will send it to the Legal Commission for review when it is finished.

2) They informed the Legal Committee that they had discussed as a proposal amongst ideas new ideas, to improve the contributions of the Ethics Committee, the suggestion that they should analyse the compliance with ethical requirements and principles of candidates for the most senior FIE positions; they suggested that it should only consist of an opinion, without going any further in its consequences. This idea would be given further consideration by them.

B) The commission met briefly with the Medical Commission at the Legal Commission's request to obtain technical medical confirmation of aspects of the text for Medical Commission. The discussion contributed to the Legal Commission's subsequent finalizing of its recommended text (see point 3 above).

C) The commission met briefly with the president of the Women and Fencing Council at the Legal Commission's request to discuss their second proposition (point 13 above) – there was concern in the Legal Commission over the confidentiality implications of the proposition. After some discussion it was mutually agreed that adding the final clause 'in accordance with the underlying safeguarding rules of the FIE' satisfied this concern.