

Report of the Legal Commission
Meetings of 28-29 June 2014

The Legal Commission of the FIE met at Lausanne Switzerland to handle the items on its agenda.

All of the members of the Commission were present except for M. Rioja and Mme. Czegledy, whose absences were excused based on their previously delivered reasons for having to miss this meeting.

Mme. Rodriguez joined the meeting to assist the Commission in its work and to take minutes of the meeting.

M. Pietruszka joined the meeting for the first 2 hours of the morning of the 28th. He had the previous day sent a letter to the President of the Commission, who read the letter to the Commission and responded to M. Pietruszka noting the following:

- A Commission differs from a Council in that it is elected by the Congress and owes its primary duty to the Congress. It must be able to deliver its independent viewpoints to the Congress and its opinions cannot be stifled by the COMEX.
- The COMEX and the Commission will, of course harmonize their work.
- The Commission is fully capable of developing its own meeting agenda and will be happy to share it with the COMEX, which may suggest additional subjects it wishes the Commission to discuss.
- The Legal Commission does not implement proposals. That is the job of the Officers, Bureau and COMEX.
- The Legal Commission has a minimal budget and its activities primarily come from assignments given it by the President, CEO, Bureau, COMEX or other Commissions or Councils and to which individuals members, committees or the entire Legal Commission responds.

M. Pietruszka spoke and said he agreed with these comments and that his letter was really aimed at certain other bodies, which were not fulfilling their statutory duties.

1. Gordon Rapp provided an outline of the work of his good governance committee, which the Commission discussed, especially those areas in which the FIE was judged not to have scored well on the “Basic Indicators for Better Governance in International Sport.” M. Rapp’s committee will provide concrete proposals for the Commission to consider and those agreed upon will be submitted for the 2015 Congress.
2. M. Rioja sent to the Commission the rough drafts of his Ethics proposals, which he will complete and then distribute to the Commission for review. This Ethics proposal will also be presented for consideration by the 2015 Congress.
3. M. Vergara and his committee are working on a statute template for new federations. It will be refined and sent to the Commission for its approval.

Once the Commission has approved the template it will be submitted to the CEO for use in helping new federations prepare their statutes in line with the requirements of the FIE.

4. The Commission review the Fair Play Council proposal of M. Kamuti and agreed in principle with the concept. Mssrs. Jacobs and Chervis will refine the proposal and circulate to the Commission for comment. Once approved it will be submitted for consideration by the 2015 Congress.
5. The Commission review all of the proposals submitted to it by the COMEX. It discussed and comments on each of them, which comments and suggested changes are found in the annex to this report.
6. M. Chervis thanked all of the members of the Commission for their work during the year related to:
 - a. review of statutes submitted and helping the federations get them in line with FIE requirements;
 - b. review of contracts;
 - c. handling challenges to changes of nationality;
 - d. working with other commissions to help draft proposals;
 - e. working with the Bureau regarding procedures relating to equipment failures; and
 - f. selection of a disciplinary panel.

Respectfully submitted,

Samuel David Chervis, President
Legal Commission

**PROPOSITIONS DE MODIFICATIONS DES STATUTS
PROPOSALS FOR THE AMENDMENTS OF THE STATUTES
PROPUESTAS DE MODIFICACIONES DE LOS ESTATUTOS**

CONGRES / CONGRESS / CONGRESO 2014

*Soumises à la Commission Juridique
Submitted to the Legal Commission
Sometidas a la Comisión Jurídica*

**Propositions du Comité exécutif
Proposals of the Executive Committee
Propuestas del Comité Ejecutivo**

Proposal 1

ANG

Motivation :

In order to make the World Championships easier to organise, of a shorter duration and to help to find organisers. Actually, the organisation of the junior and cadet World championships is too heavy and the FIE does not find organisers, or only one organizer at the last minute. Besides, the FIE does not have any Cadet World Cups, while confederations, or some confederations, have cadet circuits opened to all the federations.

1.1 MISSION

The Aims of the F.I.E. are:

d) to organise the ~~Open~~ Senior World Championships, as well as Junior, ~~Cadet~~ and Veteran World Championships;

Opinion of the Legal Commission : While we have insufficient information to why the cadets should be eliminated, we defer to the coaches, athletes and PP Commissions to make a decision.

Proposal 2

ANG

Motivation :

In order bring the FIE in full compliance with the basic universal principles of good governance of the Olympic and Sports Movement. These principles are advertised in the motivation of each proposal.

“The mission should include the respect of the environment”

1.1 MISSION

The Aims of the F.I.E. are:

k) to apply appropriate measures to contribute to the respect of the environment during FIE competitions

Opinion of the Legal Commission : In favour of:

k) to apply appropriate measures to contribute to the respect of the environment by the FIE.

Proposal 3

ANG

Motivation :

In line with paragraph 1 of article 2.1.1 and in order to clarify the role of the Executive Committee in such issues.

1.2. MEANS OF ACHIEVING THE AIMS

1.2.2 The F.I.E. must not interfere in the purely internal functioning of its constituent members, **except in case of violation of the FIE Statutes or Rules or of the Olympic charter. The FIE executive committee is responsible for addressing the issue, and for setting its urgency and priority.**

Opinion of the Legal Commission : In favour as follows:

1.2.2 The F.I.E. must not interfere in the purely internal functioning of its constituent members, **except in case of violation of the FIE Statutes or Rules or of the Olympic charter. The FIE executive committee is responsible for addressing the issue.**

Proposal 4

ANG

Motivation :

To clarify the current text.

1.2.4

The F.I.E. requires each member national Federation to apply the principle of political, racial and religious non-discrimination.

In particular, no competitor from a member national Federation may take part in an official competition of the F.I.E. or in any other international competition if he **or she** refuses **for any reason** to fence against any other **registered** competitor, unless his refusal is authorised by the Statutes or the Rules.

Opinion of the Legal Commission : In favour.

Proposal 5

ANG

Motivation :

All federations have the right to participate and the organiser should guarantee this participation, and not only make the maximum effort.

1.2.5

The member Federation which applies as a candidate to organise congresses, official competitions, or any other F.I.E. international events, must ~~be solemnly bound to make the maximum effort~~ **guarantee** to enable all the member Federations to take part in those events, without any discrimination whatever.

Opinion of the Legal Commission : In favour as follows:

The member Federation which applies as a candidate to organise congresses, official competitions, or any other F.I.E. international events, must document that the organizer has used all means to enable all the member Federations to take part in those events, without any discrimination whatever.

Failure to comply will subject the member federations to sanctions by the FIE.

Proposal 6

ANG

Motivation :

In order to answer to several requests, to protect the fencers and to contribute to the development of fencing in sub-regional level.

1.2.6 b)

International competitions which are not organised by a member federation and in which there are more than five nationalities must have the approval of the F.I.E. and must appear on the International Calendar.

Sub-regional competitions may seek the Patronage of the FIE provided that the FIE rules and security standards are implemented.

Opinion of the Legal Commission : In favour as follows:

Sub-regional international competitions with fewer than six nationalities may seek the approval of the FIE provided that the FIE rules and security standards are implemented.

Proposal 7

ANG

Motivation :

To bring the FIE in full compliance with the basic universal principles of good governance of the Olympic and Sports Movement. These principles are advertised in the motivation of each proposal. "The financial statements of sports organizations should be clearly presented in order to be easily understandable. The application of internationally-recognized standards should be highly encouraged in all sports organizations and should be required for an international organization."

1.4 FINANCIAL YEAR

The financial year is a twelve-month period from ~~July 1 to June 30~~ January 1 to December 31.

Opinion of the Legal Commission: Ask the financial Swiss authorities if we meet the requirement of the Swiss Law by approving our accounts almost one year after the closing of the accounts. Changing to a calendar year does not bring the FIE in compliance of the code since any fiscal year is acceptable for the Olympic Movement.

Proposal 8

ANG

Motivation :

The Executive Committee, according to the FIE Administrative Rules and article 1.6 of the FIE statutes, suggests the following new amounts for 2014 and the following seasons:

6.1 Amounts to be paid to the FIE

Subject	Euros	Deadline
Organizing fee junior team tournament	300	Before the 1 st day of the competition

6.2 Amounts to be paid to the organizers:

Subject	Euros
Entry fee junior A grade tournament	25
Entry fee junior team tournament	100

Opinion of the Legal Commission : It is up to the Congress to decide.

Proposal 9

ANG

Motivation :

In order to avoid misunderstandings and to make sure that these documents are effectively agreed by the National Federation.

2.2.1 Rights and duties of member Federations

f) Official documents issued by a National Federations should be signed by the President or the Secretary General and mention any related decision taken by the Board of the National Federation

Opinion of the Legal Commission : In favour of:

f) Official documents issued by a National Federations shall be signed by the President or the Secretary General or equivalent. It is within the internal governance of the National Federations to determine whether specific documents require the approval of their Board.

Proposal 10

ANG

Motivation :

In order to allow the President to nominate a representative in case he cannot attend the event.

2.3 ZONAL CONFEDERATIONS

In order that a confederation be recognized by the FIE, it is necessary that their statutes provide that the President of the FIE is an ex-officio member of their executive committee. As such, he has the right to vote. The President may nominate a representative who will be entitled to vote on his behalf.

Opinion of the Legal Commission : The COMEX and the President selected the Bureau, which should be the individuals to represent the President. **In favour of:**

The President may nominate the Secretary General or another member of the Bureau who will be entitled to vote on his behalf.

Motivation In order to adapt the text according to the current situation in National Federations.

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.

The authority to vote for a member Federation is limited to its President or any other person designated by ~~him~~ the Board of the Federation in writing.

Opinion of the Legal Commission : The Board speaks through the President. Not in favour and remains with the original text.

Motivation :

To bring the FIE in full compliance with the basic universal principles of good governance of the Olympic and Sports Movement. These principles are advertised in the motivation of each proposal.

"The members of the Executive body should be chosen according to their abilities, skills, leadership, integrity and experience".

- 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
 - ~~and~~ enjoy the full civic rights of the country to which he belongs
 - ~~Besides, a candidate to the Executive Committee must~~ 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
 - Have 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 other sports body
 - 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 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, Fencing Master, referee, chief of delegation and team captain. 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.

Opinion of the Legal Commission : In favour as follows:

- 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
- ~~and~~ enjoy the full civic rights of the country to which he belongs
- ~~Besides, a candidate to the Executive Committee must~~ 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.

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.

Being a member of the Executive Committee is incompatible with the national roles of technical director, ~~Fencing Master~~, 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.

Proposal 13

ANG

Motivation :

In order to enforce the current rule, as in the previous proposal.

4.4.2 (4th paragraph)

Being a member of the Refereeing Commission is incompatible with the national roles of technical director, referee, chief of delegation and team captain. 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.

Opinion of the Legal Commission : In favour.

Proposal 14

ANG

Motivation :

To help the FIE President to implement efficiently his role of FIE representative as well as to build a stronger team.

5.2.2

Two members of the Executive committee, performing the functions of Secretary General and Secretary-treasurer, are appointed by the President of the F.I.E.

The Executive Committee then elects three Vice-Presidents from among its own members. The President of the FIE may also recommend candidates.

Opinion of the Legal Commission : This proposal is not necessary because it is already covered by article 5.1.3.1 of the Administrative rules

Proposal 15

ANG

Motivation :

To be in line with the duties of the other members of the Executive Committee.

5.2.5

The President in office of the Athletes Commission is a member ~~with full rights~~ of the FIE Executive Committee **with full rights and obligations**. As such, he/she has the right to vote.

Opinion of the Legal Commission : In favour.

Proposal 16

ANG

Motivation :

As Presidents of Confederations are members of the Executive Committee, the same rule should apply to all members.

5.3.4 (2nd paragraph)

In the case of absenteeism of a member of the Executive Committee, **including a Confederation President**, for two consecutive meetings, except through unavoidable circumstances, of which the Executive Committee will be the sole arbiter, the party in question will be regarded as having resigned. **In the case of a Confederation President, the FIE Executive Committee will inform the Confederation which will decide either to have no representative at the Executive Committee or to initiate the election of a new President.**

Opinion of the Legal Commission : In favour as follows:

In the case of absenteeism of a member of the Executive Committee, **including a Confederation President**, for two consecutive meetings, except through unavoidable circumstances, of which the Executive Committee will be the sole arbiter, the party in question will be regarded as having resigned.

In the case of a Confederation President, the FIE Executive Committee will inform the Confederation that such individual is no longer a member of the FIE Executive Committee.

Proposal 17

ANG

Motivation :

To be in line with articles on Commissions and Councils.

5.5.3

The Executive Committee outlines the work of ~~the Commissions and~~ the Congresses and **monitors the work of the Commissions**. To this end, it has to gather information by every possible means on the views, tendencies, and desires of the affiliated groups.

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

It may convene an Extraordinary Congress.

It establishes and approves the agenda of the Congress.

Opinion of the Legal Commission : The first paragraph is unnecessary since the current rule is clear. In favour of the second paragraph.

Proposal 18

ANG

Motivation :

In most of the International Federations, the World Championships are attributed by the Executive Committee. The Executive Committee makes inspections for each candidature and it is thus perfectly informed about the situation of each candidature.

5.5.10

The Executive Committee must examine the ~~nominations candidatures~~ for the organisation of ~~the Senior, and the Junior and Cadet Veteran~~ World Championships and, when necessary, other official competitions of the F.I.E. It ~~will grant the organization to the most convenient and suitable candidature and must then present a~~ report ~~the decision on these nominations~~ to the ~~next~~ Congress.

Opinion of the Legal Commission : In favour as follows :

The Executive Committee must examine the ~~nominations candidatures~~ for the organisation of ~~the Senior, and the Junior and Cadet Veteran~~ World Championships and, when necessary, other official competitions of the F.I.E. It ~~will grant the organization to the most convenient and suitable candidature, in conformity with the criteria established in the Administrative Rules, and must then present a~~ report ~~the decision on these nominations~~ to the ~~next~~ Congress

NB: The Executive Committee shall establish a section in the Administrative Rules regarding these criteria and a pattern of distribution of these competitions.

Proposal 19

ANG

Motivation :

Updating of a provision whose terms were modified several years ago.

5.5.12

The Executive Committee approves the final version of the FIE official calendar ~~which has been finalised at the calendar meeting held at the Junior World Championships.~~

Opinion of the Legal Commission : In favour.

Proposal 20

ANG

Motivation :

Updating of a provision whose terms were modified several years ago.

5.5.13

~~The Executive Committee~~ The ~~SEMI Commission and~~ the Executive Committee ~~representative to the SEMI Commission~~ approves ~~s~~ all designs and colours of the fencing clothing of member Federations.

Opinion of the Legal Commission : In favour.

Proposal 21

ANG

Motivation :

Clarification of the text.

5.6.2

The President may employ **and discharge**, with the ~~approval~~-**ratification** of the Executive Committee, the personnel necessary to run the F.I.E. efficiently,

Opinion of the Legal Commission : the more efficient running of the FIE (HR) to avoid significant costs relating to improper discharges. Good governance dictates that hiring and firing decisions receive prior approval rather than ratification. In favour of:

The President may employ **and discharge**, with the **prior** approval of the Executive Committee, the personnel necessary to run the F.I.E. efficiently.

Proposal 22

ANG

Motivation :

Adaptation to the current means of communication.

5.8.1

e) Payments of the management account can be made with the sole signature of the President, with the prior approval of the Treasurer and the CEO, with the sole signature of the Treasurer and the CEO, with the prior approval of the President, or with the signature of the Secretary General with the prior approval of the President or the Treasurer and the CEO (who advise the President).

The prior agreement can be made by fax or **e-mail**.

Opinion of the Legal Commission : In favour.

Proposal 23

ANG

Motivation :

New function that was decided by the Executive Committee.

5.9 RESPONSIBILITIES OF THE SECRETARY GENERAL

The Secretary General is responsible for: coordinating the works of the Commissions, **supervising the work of the Sport department**, representing the FIE and the FIE President during the meetings of International Organisations and coordinating the plan of development of fencing.

Opinion of the Legal Commission : In favour.

Proposal 24

ANG

Motivation :

Clarification of the current text.

6.1 THE COMMISSIONS

FIE Commissions are technical bodies. The Executive committee consults the Commissions about all necessary issues.

Opinion of the Legal Commission : In favour.

Proposal 25

ANG

Motivation :

In order to clarify the responsibility of the members of the Executive Committee delegated in Commissions and also to open the meetings to experts who propose their services to the FIE.

6.2.3

The Executive Committee will delegate one of its members to be responsible to ~~raise~~ **monitor** and coordinate the work of the commissions (cf. 5.5.7).

The President of the FIE may, ~~as agreed with the Executive Committee and~~ after consultation with the ~~President of the Commission~~ **Secretary General and CEO**, have relevant experts involved in the commissions' work.

Opinion of the Legal Commission : Have collaboration with the Commission.

Not in favour of changes in paragraph one. The Commissions are elected by the Congress and have their primary duty to the Congress.

Second paragraph, in favour as follows:

The President of the FIE may, ~~as agreed with the Executive Committee and~~ after consultation with the President of the Commission, have relevant experts involved in the commissions' work.

Proposal 26

ANG

Motivation :

In order to clarify the rules regarding the expenses and also to be in line with article 6.2.3.

6.4.3

Commissions must admit to their meetings the persons, or their representatives, responsible for the proposals submitted to the Congress and placed on its agenda by the Executive Committee of the F.I.E. The attendance of such a person, or his representative, is restricted to when the proposal in question is being discussed. **The expense for such attendance is borne by the persons, or their representatives, responsible for the proposals,**
Commissions must also admit to their meetings any person designated by the President of the FIE.

Opinion of the Legal Commission : In favour.

Proposal 27

ANG

Motivation :

The reports are first studied by the Executive Committee which then determines its final opinion based on the recommendations of the Commissions.

6.5.1

The Legal Commission.

a) It presents **to the Executive Committee** a report **which will be submitted** to the Congress on all the proposals to modify the Statutes submitted for consideration by the Congress.

Opinion of the Legal Commission : In favour.

Proposal 28

ANG

Motivation :

The reports are first studied by the Executive Committee which then determines its final opinion based on the recommendations of the Commissions.

6.5.3

The Refereeing Commission

It presents [to the Executive Committee](#) a report [which will be submitted](#) to the Congress on all the proposals submitted to it.

Opinion of the Legal Commission : In favour.

Proposal 29

ANG

Motivation :

The reports are first studied by the Executive Committee which then determines its final opinion based on the recommendations of the Commissions.

6.5.4 The Electronic Signalling Equipment and Installations Commission (S.E.M.I.)

c) It presents [to the Executive Committee](#) a report [which will be submitted](#) to the Congress on all the proposals submitted to it. The drafting of the Congress decisions, in their final form, must to be submitted to the Rules Commission for approval by the Executive Committee;

Opinion of the Legal Commission : In favour.

Proposal 30

ANG

Motivation :

The reports are first studied by the Executive Committee which then determines its final opinion based on the recommendations of the Commissions.

6.5.5 The Promotion and Publicity Commission

Last paragraph:

It presents [to the Executive Committee](#) a report [which will be submitted](#) to the Congress on all the proposals submitted to it. The definitive formulation of texts for the decisions taken by the Congress must be entrusted to the Rules Commission or the Legal Commission as applicable for approval by the Executive Committee.

Opinion of the Legal Commission : In favour.

Proposal 31

ANG

Motivation :

The reports are first studied by the Executive Committee which then determines its final opinion based on the recommendations of the Commissions.

6.5.6 The Medical Commission

3rd paragraph:

It presents [to the Executive Committee](#) a report [which will be submitted](#) to the Congress on all the proposals submitted to it. The drafting of the Congress decisions, in their final form, must be submitted to the Rules Commission or Legal Commission as applicable for approval by the Executive Committee.

Opinion of the Legal Commission : In favour.

Proposal 32

ANG

Motivation :

Clarification of the current rule.

6A.1 THE COUNCILS

[FIE Councils are technical bodies. The Executive committee consults the Councils about all necessary issues.](#)

Opinion of the Legal Commission : In favour.

Proposal 33

ANG

Motivation :

In order to clarify the responsibility of the members of the Executive Committee delegated in Councils and also to open the meetings to experts who propose their services to the FIE.

6A.2.3

The Executive Committee will delegate one of its members to be responsible to [raise monitor](#) and coordinate the work of each of the Councils (cf. 5.5.4).

The President of the FIE may, ~~as agreed with the Executive Committee and~~ after consultation with the ~~President of the Council~~ [Secretary General and CEO](#), have relevant experts involved in the councils' work.

Opinion of the Legal Commission : In favour.

Proposal 34

ANG

Motivation :

Same motivation as for Commissions and in order to clarify the rules regarding the expenses.

6A.4.3

Councils must admit to their meetings the persons, or their representatives, responsible for the proposals submitted to the Congress and placed on its agenda by the Executive Committee of the FIE. The attendance of such a person, or his representative, is restricted to the time when that proposal in question is being discussed. [The expense for such attendance is borne by the persons, or their representatives, responsible for the proposals,](#)

[Councils must also admit to their meetings any person designated by the President of the FIE.](#)

Opinion of the Legal Commission : In favour.

Proposal 35

ANG

Motivation :

In order for the FIE to be fully informed.

9.1.7

Refusal to Grant a Licence by a member federation

Should a member federation refuse to apply for an international licence, it should inform the F.I.E. Bureau **and explain the motivations** in order to prevent a fencer living in a foreign country from applying again through a different channel.

Opinion of the Legal Commission : In favour.

Proposal 36

ANG

Motivation :

Consequence of proposal 18 and same motivation.

10.2.1

Candidatures for a World Championship

a) Each year, requests to undertake the organisation of the World Championships for the following years, accompanied by a file describing the technical and financial circumstances of the candidature, must reach the head office of the F.I.E. three years before the organising of the competition. These requests are to be placed on the agenda of the Congress and must arrive within the time limit laid down by the F.I.E. Statutes for inclusion thereon.

b) When it puts forward its candidature, a federation must present a full dossier which complies with the FIE instructions, and make a commitment **before the Congress to the Executive Committee** to comply with the specifications set down by the FIE and to respect its financial obligations.

c) When the **Congress Executive Committee** has awarded the World Championships to a Member Federation, the President of the organising Federation and, if the case arises, the organiser himself shall sign a protocol detailing their complete awareness of the specifications set down by the FIE and of their financial obligations.

d) The **Congress Executive Committee** will decide **at least** two years in advance to which member federation the organisation of these Championships will be entrusted, and, at the same time, fix the date and place where they will be held.

~~e) Should the Ordinary Congress be unable to decide by the above process which member federation will organise the World Championships, because no candidate has come forward, the Central Office of the F.I.E. may itself decide which member federation will organise these Championships if it receives one or more candidates after the Congress has taken place.~~

f) The Executive Committee of the F.I.E. will have the same powers should the member federation to whom the organisation was entrusted by the Congress withdraw and in the event of any discriminatory act by the organising federation.

~~g) Furthermore, the Congress will accept the candidatures proposing to organise separate Junior and Cadet Championships.~~

h) Requests to undertake the organisation of the Veteran World Championships for the following years, must reach the head office of the F.I.E **at least** two years before the organising of the competition.

Opinion of the Legal Commission: See opinion on proposal 18. To modify these 2 paragraphs as follows:

a) Each year, requests to undertake the organisation of the World Championships for the following years, accompanied by a file describing the technical and financial circumstances of the candidature, must reach the head office of the F.I.E. three years before **the year of** the competition. ~~These requests are to be placed on the agenda of the Congress and must arrive within the time limit laid down by the F.I.E. Statutes for inclusion thereon.~~

f) **In the event of any discriminatory act by the organising federation, the Executive Committee will select a substitute member federation.**

Proposal 37

ANG

Motivation :

Consequence of proposal 1 and same motivation.

10.2.2

Participation in a World Championship

A member federation which is not up to date with its financial obligations towards the FIE at midday the day before the opening of a **Cadet**, Junior, Senior or Veteran World Championship may not participate in this World Championship, unless exception is justified and granted by the Executive Committee.

Opinion of the Legal Commission : Same opinion as proposal 1.

Proposal 38

ANG

Motivation :

In order to use the same terminology.

10.3 THE **OPEN SENIOR** WORLD CHAMPIONSHIPS

10.3.1 General Rules

The official championships called "**Senior** World Championships" are held annually, between July 15th and August 15th, under the auspices of the F.I.E.

Replace "Open" by "Senior" in 10.3.2, 10.3.3, 10.3.4

Opinion of the Legal Commission : In favour.

Proposal 39

ANG

Motivation :

Consequence of proposal 1 and following and same motivation.

10.1 OFFICIAL COMPETITIONS OF THE F.I.E.

10.1.1 The official competitions of the FIE include the Olympic Games, the **Open Senior** Junior, ~~Cadet~~ and Veteran World Championships, the individual and team Open World Cups (Category A candidates, Category A, Grand Prix, satellites) and the Junior World Cup, the zonal Championships, as well as the Masters and Super Masters that are organised, any qualifying events for the Olympic Games that are organised, and any other competitions designated by the Congress of the FIE.

10.1.2 Of these official events the Olympic Games and the ~~Open Senior and Junior and Cadet~~ World Championships take priority. No other official F.I.E. competitions in the same age category may coincide with them or be organised on dates which prevent a fencer from taking part in these World Championships.

10.4 JUNIOR ~~AND CADET~~ WORLD CHAMPIONSHIPS

10.4.1 General Rules

The World Junior Championship ~~and World Cadet Championships are~~ is to be held ~~together~~ annually under the auspices of the F.I.E., comprising individual competitions at men's and women's foil, épée and sabre. A team event under the same principles as for the ~~Open Senior~~ World Championships shall be held for the Juniors.

The Junior ~~and Cadet~~ World Championships are held every year, during the first two weeks of April, under the auspices of the FIE.

Opinion of the Legal Commission : Same opinion as proposal 1. The wording is fine.

Proposal 40

ANG

Motivation :

It is the case for all FIE competitions.

10.5 THE VETERANS CHAMPIONSHIPS

10.5.1 Organization and rules

The Rules ~~Organization Rules, the Technical Rules and the Competition Rules~~ of Veterans Championships are defined in specific sections of the ~~respective~~ FIE Rules. Rules related to all categories are applicable when not otherwise specified in those sections.

Opinion of the Legal Commission : In favour.

Proposition du Conseil femme et escrime de la FIE
Proposal from FIE women & fencing Council
Propuestas del Consejo mujer & esgrima

Proposal 1

ANG

That the minimum representation of men and women on the FIE Executive Committee and all FIE Commissions should be raised from at least 20% to at least 30%.

Rationale

In 2007 the Olympic Charter was amended to include, for the first time in history, the following reference:
"The IOC encourages and supports the promotion of women in sport at all levels and in all structures, with a view to implementing the principle of equality of men and women."
Rule 2, paragraph 7, Olympic Charter in force as from 07.07.2007

The Olympic Movement and the sports community at large have undertaken initiatives to allow broader participation by women in sport. More sports and disciplines have been opened up to women at all levels and in most countries of the world. In the last 20 years especially, the IOC in cooperation with the respective International Sports Federations (IFs) and the Organising Committees for the Olympic Games (OCOGs) have pressed for the women's programme at the Olympic Games to be enlarged. This development has been further reinforced by the IOC's decision that all sports seeking inclusion in the programme must include women's events. The IOC also pressed for women's deeper inclusion and involvement at leadership levels in sport in 1981, under the initiative of former President Juan Antonio Samaranch, who wanted to have women co-opted as IOC members. As a result, 24 members out of 107 are women (22.4%).

The International Olympic Committee (IOC) has publically committed itself to increasing the number of women occupying leadership positions within the Olympic Movement, including in the IOC itself. Eleven years ago, in 2003, the FIE Congress took the decision to require minimum representation of 20% of men and women on the FIE Executive Committee and all FIE Commissions. Since 2003, the membership of all Commissions (apart from the Medical Commission and the Executive Committee which exceed the 20% requirement by one) still has not exceeded the 20% requirement in regard to female members. Additionally, if we want to further encourage growth in fencing in terms of athletes, supporting the growth for women in leadership roles is imperative. For this reason, many FIE member federations believe that it is time to lift the minimum requirement for representation of either gender to 30%. This policy change reflects the vision and desire of FIE leadership to increase the participation of women in all areas of the sport and to ensure that the leadership of the FIE is increasingly representative of the entire fencing family and society in general.

Proposed changes to FIE Statutes (with changes shown in red and blue)

4.3.4: In order to secure the principle of equal treatment, women and men must be represented in overall view by at least ~~3~~20% of the elected members of the Executive Committee. If the 15 candidates who have obtained the most votes do not include at least ~~5~~3 persons of each gender, the Executive Committee will consist of the ~~5~~3 candidates for the Executive Committee who have obtained the greatest number of votes of the gender not otherwise being so represented and the ~~10~~2 candidates of the other gender who have obtained the greatest number of votes.

If there are less than ~~5~~3 candidates of either gender, that gender will be represented by the number of candidates put forward and the remainder of the Executive Committee will consist of the candidates of the other gender who have obtained the most votes.

4.4.4: If the 10 first members elected do not include ~~two~~ three-members of each gender, the Commission

will consist of the first 7~~8~~ members elected and the ~~two~~ three-members of the other gender who are candidates for the commission and who have obtained the greatest number of votes.
If no candidate of either gender has offered herself/himself as candidates, the 10 candidates of different nationalities with the greatest number of votes are elected.

Opinion of the Legal Commission : In favour.

Propositions de Sam Cheris et Peter Jacobs (MH)
Proposals from Sam Cheris and Peter Jacobs (MH)
Propuestas de Sam Cheris y Peter Jacobs (MH)

Proposal 1

ANG

Motivation :

To complete and clarify the FIE statutes relating to the eligibility for, nomination of and process of selection of Members of Honour.

2.1.2 Members of Honour

a) Nomination

All candidatures must be presented by a national federation, ~~or by~~ a member of the Executive Committee, ~~any commission or a member of honour~~, three months before the Congress, which follows the Elective Congress. The nomination shall include a detailed rationale of the candidate's eligibility for being awarded the title of Member of Honour.

A candidate can be nominated multiple times by a new timely submitted nomination.

b) Eligibility

All individuals currently holding, or having previously held, FIE licenses are eligible to be nominated, except for the current members of the Executive Committee.

The title of Member of Honour may be granted by the Congress to any person who, through a long and loyal service to international fencing has proved his or her constant commitment to the F.I.E. This is granted as a mark of appreciation towards this person and also in order to secure for the F.I.E., in all its activities, the enlightened advice of that person.

Members of Honour may continue to seek elected office with their Member Federations and the FIE.

~~b-c~~ Procedure

Before the Congress, which follows the Elective Congress, the Bureau may single out ~~one or more persons~~ ~~between one and six persons~~ with the intention of proposing their nomination as Members of Honour at the Congress.

The Bureau must seek the approval of the Executive Committee before presenting its proposal to the Honours Commission.

The Honours Commission is made up of:

- the Secretary General, Chairman of the Commission
- the Members of Honour present at the Congress

The Commission meets during ~~the lunch break (on the first day)~~ of the Congress, which follows the Elective Congress and decides, ~~by a series of secret votes, whether or not to present each candidate for Member of Honour~~ to the Congress.

~~e d~~ Loss of membership

The Members of Honour may lose their membership of the F.I.E.:

- by resignation
- by expulsion

Opinion of the Legal Commission : In favour.

Proposal 2

ANG

Motivation :

Establishment of a clear procedure for the Athletes Commission.

3.6.5

The President, **the members** of the Executive Committee and **of** the permanent commissions (**except the Athletes Commission**) take office on the first day of the month following the closing day of the Olympic Games or of the Elective Congress, whichever is the latter.

The members of the Athletes Commission take office on the first day of the month following the meeting at which the Executive Committee selects the final six members.

Opinion of the Legal Commission : In favour.

Proposal 3

ANG

Vice-Presidents of Honour. To discontinue the awarding of this honour.

Motivation:

The title 'vice-president of Honour' is confusing. It sounds more senior than a 'Member of Honour' yet currently bestows no rights or protocol status. Conversely endowing it with status and rights equal to or superior to those of a Member of Honour would be invidious and would detract from the standing of Members of Honour. There should not be varying degrees among those who *'through a long and loyal service to international fencing has proved his or her constant commitment to the F.I.E. This is granted as a mark of appreciation towards this person and also in order to secure for the F.I.E., in all its activities, the enlightened advice of that person'* (Statutes 2.1.2).

Proposal:

Delete Article 5.5.16.

Opinion of the Legal Commission : In favour.

Proposal 4

ANG

Motivation :

Establishment of a clear procedure, according to the same principle applied to other commissions.

6.2.4 *The Athletes Commission.*

The Athletes Commission is made up of 12 athletes ~~of different nationalities., being two (2) representatives of each of the six (6) weapons.~~

~~The Commission elects its own President~~

The Athletes Commission will meet within two months of the date on which they take office in order to elect its President and prepare its working calendar. The procedure for the election of the President is the same as that for the other commissions (cf.6.2.2).

Opinion of the Legal Commission : In favour.

Propositions de Sam Cheris (MH)
Proposals from Sam Cheris (MH)
Propuestas de Sam Cheris (MH)

Proposal 1

ANG

Motivation:

To clarify the difference between the commercial operation of a fencing camp and the running of an international tournament on sites within countries having national fencing federations with regard to the requirement of consent by the national fencing federation.

1.2.6 a) No team or competitor of a member federation has the right to take part in any competition organised by a non-member country or by a “confederation” which is not recognised by the F.I.E. and the converse.

Nevertheless, competitors of countries which are not members of the F.I.E. may be registered for individual competitions organised by member federations, provided that they are F.I.E licensees for the current season. They fence under the banner of the F.I.E.

b) All members of member federations are forbidden from taking part in competitions or **other competitive events** organised by an individual or entity which is not recognised by the national federation of the country **of the member**, unless these competitions or **other competitive events** have been specially authorised by such federation. **Any member or member federation may host non-competitive events in any country, with 30-day notice prior to the event to, but without needing the approval of, the national federation, if any, of the country in which such non-competitive event is to be held.**

International competitions which are not organised by a member federation and in which there are more than five nationalities must have the approval of the F.I.E. and must appear on the International Calendar.

Opinion of the Legal Commission : In favour.

Proposition de la Fédération Italienne d'escrime (Statuts et RA)
Proposal of the Italian Fencing Federation (Statutes and AR)
Propuestas de la Federación Italiana de Esgrima (Estatutos y RA)

Proposal 1

ANG

Motivation :

The modifications to this article aim to create the conditions so to allow the FIE to work for a real and complete integration of the Olympic and Para-Olympic fencing.

1.1 MISSION

k) to promote the possibility to cooperate for the development of the wheelchair fencing.

Opinion of the Legal Commission : Not in favour.

Proposal 2

ANG

Motivation :

This proposals aim to adapt the number of members of the Commission to the number of the COMEX members, which has been increased up to 15 and also to adapt the number of the members of the Commissions to the increased number of Federations affiliated.

6.2.1 Permanent commissions, except the Athletes Commission.

a) Each permanent commission except the Athletes Commission is made up of ~~ten~~ eleven voting members elected by the Congress.

Opinion of the Legal Commission : Not in favour. This proposal was presented to the Congress last year and was defeated. Non-profit governance professionals do not feel it is good governance to have larger bodies running the organizations. At the same time this proposal would increase the costs of operation of the Commissions by 10%.

Proposal 3

ANG

Motivation :

As these investments transactions could have consequences on the long-term management of the FIE, it is necessary that they are not the result of decisions only of the President but of the whole COMEX

5.6.3 Statute

The President is authorized to open and maintain current and deposit accounts with any bank at his discretion, having the right to sign all requisite documents and perform current transactions, ~~as well as,~~ and,

with the previous authorization of the Executive Committee, to conduct investment transactions on these accounts. ~~about which the Executive Committee will be informed.~~

The President may issue a power of attorney to the Secretary General, Secretary-Treasurer or Chief Executive Officer for these current transactions, and to the Secretary-Treasurer for these investment transactions.

Opinion of the Legal Commission : Not in favour. The investments referred to are changed monthly by the treasurer, after determining the amounts of each currency that would be needed by the FIE.

Proposal 4

ANG

Motivation :

In consideration of the age of the Cadet category, it could be enough the participation only to the Zonal Competition. It being understood that if a Federation wants a Cadet to participate in a Junior competition will be allowed to do it.

Furthermore, we must add the fact that organizing a tournament of the two categories together, Junior and cadet, could be more difficult than organizing the Senior World Championships for certain aspects, and therefore, excluding the Cadet category would make the World Championships period shorter and to find organizers would be easier. As far as the qualification for the Youth Olympic Games, this could be through the Zonal cadet Championships. This would also make these competitions more interesting.

10.1 OFFICIAL COMPETITIONS OF THE F.I.E.

10.1.1 The official competitions of the FIE include the Olympic Games, the Open, Junior, ~~Cadet~~ and Veteran World Championships, the individual and team Open World Cups (Category A candidates, Category A, Grand Prix, satellites) and the Junior World Cup, the zonal Championships, as well as the Masters and Super Masters that are organised, any qualifying events for the Olympic Games that are organised, and any other competitions designated by the Congress of the FIE.

10.1.2 Of these official events the Olympic Games and the Open, Junior and ~~Cadet~~ World Championships take priority. No other official F.I.E. competitions in the same age category may coincide with them or be organised on dates which prevent a fencer from taking part in these World Championships.

10.4 JUNIOR AND ~~CADET~~ WORLD CHAMPIONSHIPS

10.4.1 General Rules

The World Junior ~~and World Cadet~~ Championships are to be held ~~together~~ annually under the auspices of the F.I.E., comprising individual competitions at men's and women's foil, épée and sabre. A team event under the same principles as for the Open World Championships shall be held for the Juniors.

The Junior ~~and Cadet~~ World Championships are held every year, during the first two weeks of April, under the auspices of the FIE.

Opinion of the Legal Commission : See opinion on the same proposal of the Executive Committee.

Proposal 5

ANG

6.2 AMOUNTS TO BE PAID TO THE ORGANISERS

Subject	Euros
Entry fee junior A grade tournament	25 -75
Entry fee senior A grade tournament	60
Entry fee GP tournament	100
Entry fee senior team tournament	400
Entry fee junior team tournament	100 -300
Individual entry fee Juniors, Seniors World Championships World Championships	55
Team entry fee Juniors, Seniors and Veterans World Championship	140
REFEREE FEE Individual Veterans World championships	45
REFEREE FEE Team Veterans World championships	45

The amounts of the entry fees for the Zonal Championships are determined by the Confederations.

Note: in case that the proposal of cut the World Cadet Championships is rejected, the fee of € 55,00 must be intended for this category as well

Opinion of the Legal Commission : Same subject matter as proposal 8 of the Executive Committee .It is up to the Congress to decide.