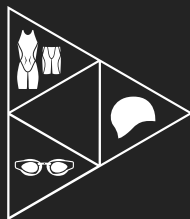




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FÉDÉRATION  
INTERNATIONALE  
DE NATATION

# FINA CONSTITUTION

*Approved by the FINA Congress on 22 July 2017*

- C 1 NAME**
- C 2 LEGAL STATUS AND HEADQUARTERS**
- C 3 DEFINITIONS**
- C 4 DISCRIMINATION**
- C 5 OBJECTIVES**
- C 6 LANGUAGE**
- C 7 MEMBERSHIP**
- C 8 RIGHTS AND DUTIES OF MEMBERS**
- C 9 APPLICATION FOR MEMBERSHIP**
- C 10 TERMINATION OF MEMBERSHIP**
- C 11 FEES**
- C 12 SANCTIONS**
- C 13 THE ORGANISATION OF FINA**
- C 14 CONTINENTAL ORGANISATIONS**
- C 15 GENERAL CONGRESS**
- C 16 TECHNICAL CONGRESS**
- C 17 BUREAU**
- C 18 RIGHTS AND DUTIES**
- C 19 COMMITTEES**
- C 20 POWERS AND DUTIES OF THE TECHNICAL COMMITTEES**



- C 21 POWERS AND DUTIES OF THE SPECIALISED COMMITTEES**
- C 22 DOPING PANEL**
- C 23 DISCIPLINARY PANEL**
- C 24 ETHICS PANEL**
- C 25 FINANCIAL MONITORING AND CONTROL**
- C 26 ARBITRATION**
- C 27 PRINTING OF RULES**
- C 28 DISSOLUTION**



## **C 1 NAME**

The FEDERATION INTERNATIONALE DE NATATION, hereinafter known as FINA, is the world governing body for the sport of Aquatics.

## **C 2 LEGAL STATUS AND HEADQUARTERS**

FINA is established for an indefinite period with legal status as an association in accordance with article 60ff of the Swiss Civil Code. FINA has its headquarters in the city of Lausanne, Switzerland.

## **C 3 DEFINITIONS**

**C 3.1** Aquatics – means swimming, open water swimming, diving, high diving, water polo, artistic swimming and Masters programme / activity.

**C 3.2** Bureau – means all FINA Bureau members elected or serving in accordance with C 15.10 and C 17.

**C 3.3** CAS – means the Court of Arbitration for Sport, based in Lausanne, Switzerland.

**C 3.4** Competitions – includes FINA world championships, world cups, grand prix, world leagues, world trophies and world series events and tournaments, events sanctioned by FINA members, and international events in any of the Aquatics disciplines.

**C 3.5** Competitor – means a person who is taking part in competitions.

**C 3.6** Congresses – means the General Congress, the Technical Congress and the Extraordinary Congress.

**C 3.7** Continental Organisations – means organisations formed by the FINA Member Federations from the same geographical continent and specified in FINA Rule C 14.

**C 3.8** Executive – means the FINA Executive Committee consisting of eight (8) Bureau members - the President, the First Vice President, the Second Vice President, three Vice Presidents, the Honorary Treasurer, and one more member to be nominated by the President in accordance with FINA Rule C 17.8.

**C 3.9** Executive Director – means the Executive Director of FINA appointed pursuant to C 17.14.14.

**C 3.10** FINA Rules – means the Constitution, Code of Ethics, General Rules, By-laws, Technical Rules, Facilities Rules, Medical Rules, Doping Control Rules, and any other rules and regulations adopted by FINA.

**C 3.11** Judicial Panel – means the Doping Panel, the Disciplinary Panel or the Ethics Panel.

**C 3.12** Management Committee – means the committee responsible for the entire management of a Competition.

**C 3.13** Member, Member Federation - means the national federations affiliated to FINA in a country or Sport Country recognized by FINA in accordance with FINA Rule C 7, C 8 and C 9.

**C 3.14** Officers – means the President, the First Vice President, the Second Vice President, other three Vice Presidents and the Honorary Treasurer.

**C 3.15** Official – means any person elected or appointed to any position within FINA, the Continental Organisations, the FINA Member Federations and any person appointed into any position pursuant to FINA Rule C 5.

**C 3.16** Specialised Committees – means any committee including all members appointed by the Bureau for special tasks in accordance with FINA Rule C 19.1.2.

**C 3.17** Sport Country – means a geographical territory or region which, though not recognized as a country, has certain aspects of self-government at least to the extent in being autonomous in the control of its sports, and is recognized as such by FINA.

**C 3.18** Swimsuits – means, whenever used in these rules, the attire worn by Competitors.

**C 3.19** Swimwear – means swimsuit, cap and goggles.

**C 3.20** Technical Committees – means the FINA technical committees, one for each of the six FINA disciplines and Masters, including all members therein appointed by the Bureau in accordance with FINA Rules C 19.1.1.

**C 3.21** Whenever the fact or context so requires in order to give effect to the FINA Rules, words in the singular shall include the plural, words in the plural shall include the singular; words of the masculine, feminine or neuter gender shall include any gender, except in the specification of a Competition being for male or female Competitors; and correction of any clerical errors shall be made.

## **C 4 DISCRIMINATION**

FINA shall not allow any discrimination against national federations or individuals (competitors, officials, judges, delegates, etc.) on the grounds of race, gender, religion, or political affiliations.

## **C 5 OBJECTIVES**

The objectives of FINA are:

- a) to promote and encourage the development of Aquatics in all possible regards throughout the world,
- b) to provide fair and drug free sport,
- c) to promote and encourage the development of international relations,

- d) to encourage participation in Aquatic disciplines at all levels throughout the world regardless of age, gender or race,
- e) to adopt necessary uniform rules and regulations and to hold competitions in swimming, open water swimming, diving, high diving, water polo, artistic swimming, and masters,
- f) to promote and organise World Championships and other FINA competitions,
- g) to encourage the increase of facilities for Aquatic' disciplines throughout the world with the support of other interested parties, and
- h) to carry out such other activities as may be desirable to promote the sport.

## **C 6 LANGUAGE**

The official languages of FINA shall be English and French. The working language shall be English. Any other language may be used in correspondence or debate providing that adequate translation is provided. In case of doubt, the English language shall prevail.

## **C 7 MEMBERSHIP**

**C 7.1** The national body governing swimming, open water swimming, diving, high diving, water polo, artistic swimming, and Masters in any country or Sport Country shall be eligible for membership in FINA.

**C 7.2** Only one Member Federation from each country or Sport Country may be affiliated to FINA and such Member shall be recognised by FINA as the only national governing body for Aquatics in such country or Sport Country. The jurisdiction of a Member shall be limited to the political boundaries of the country or Sport Country that it represents.

**C 7.3** The constitution and rules of a Member must not be in conflict with the FINA Rules. Where there is a conflict, the FINA Rules shall prevail.

**C 7.4** Members must seek approval of the Bureau for any change of name and/or constitution before such changes come into effect.

**C 7.5** Each Member shall acknowledge in its national rules that FINA is the only recognized body in the world which governs Aquatics internationally.

**C 7.6** A Member Federation may choose to have separate organisations responsible for the different aquatic disciplines providing the Member Federation notifies FINA of the identity of each organisation and the Member Federation assumes ultimate responsibility for the action of such organisations.

## **C 8 RIGHTS AND DUTIES OF MEMBERS**

**C 8.1** All Members are entitled:

**C 8.1.1** to use the services of FINA,

**C 8.1.2** to take part in the FINA World Championships and FINA competitions when they are eligible, and

**C 8.1.3** to be recognised as the only Aquatics' governing body of its country or Sport Country, by everybody, including its National Olympic Committee.

**C 8.2** All Members are obliged:

**C 8.2.1** to support FINA in its efforts to achieve its objectives,

**C 8.2.2** to act in accordance with the decisions of the FINA Congress, the Bureau as well as the FINA Rules,

**C 8.2.3** to pay the annual membership fee set pursuant to FINA Rule C 11 and all other financial obligations to FINA,

**C 8.2.4** to include within its constitution a provision, which allows out-of-competition doping control by FINA,

**C 8.2.5** to insert in its constitution, rules and regulations such provisions as may be required by the FINA Rules,

**C 8.2.6** to manage its affairs independently and not be influenced by third parties,

**C 8.2.7** to participate in international Aquatics' Competitions recognized and/or sanctioned by FINA, especially in the FINA World Championships and other FINA competitions,

**C 8.2.8** to hold elections at least every four years, to notify FINA of the dates and the location of the elections, and to provide the minutes of its congress to FINA no later than 60 days after conclusion of the congress,

**C 8.2.9** to ensure that their own members comply with the FINA Rules, regulations, directives and decisions of the FINA bodies.

## **C 9 APPLICATION FOR MEMBERSHIP**

**C 9.1** Application for membership shall be submitted to the Bureau with:

**C 9.1.1** a statement of the name of the national body which must reflect the territorial extent, jurisdiction, and sport tradition of that country or Sport Country;

**C 9.1.2** its official address and contact details;

**C 9.1.3** a copy of its current constitution and rules and regulations;

**C 9.1.4** a list of its main officers;

**C 9.1.5** a list of its active membership (i.e. number of clubs, athletes, coaches, officials);

**C 9.1.6** a formal undertaking to observe and abide by the FINA Rules, the World Anti-Doping Code as well as the jurisdiction and decisions of CAS;



**C 9.1.7** the appropriate membership fee.

**C 9.2** The Bureau shall have the power to approve the applicant for membership. If such membership is not accepted, the applicant is allowed to appeal this decision to the next General Congress. The decision of the General Congress shall be final.

## **C 10 TERMINATION OF MEMBERSHIP**

**C 10.1** Membership in FINA ends:

**C 10.1.1** if the Member no longer exists, or

**C 10.1.2** if the Member withdraws its membership, or

**C 10.1.3** if the Member is expelled.

**C 10.2** Any Member who wants to withdraw its membership in FINA shall give written notice thereof to the Executive Director. The membership shall end immediately, but no refund of fees will be made.

**C 10.3** The Bureau shall have the power to expel or suspend a Member for significant violation of the FINA Rules. The respective Member is allowed to appeal the Bureau's decision to the Court of Arbitration for Sport (CAS).

## **C 11 FEES**

Each Member of FINA must pay an annual membership fee. The General Congress shall fix the amount of payment. If payment is not received when it is due, the Member may be suspended or expelled in accordance with the By-Laws.

## **C 12 SANCTIONS**

**C 12.1** Any Member, member of a Member, or individual member of a Member may be sanctioned:

**C 12.1.1** if duties and financial obligations to FINA are not fulfilled, or

**C 12.1.2** in case of violation of the FINA Rules and/or decisions of the Congress and/or decisions of the Bureau, or

**C 12.1.3** for bringing the sport into disrepute.

**C 12.2** Sanctions are:

a) warning

b) fine

c) suspension

d) expulsion

e) cancellation of results

f) return of awards, medals, prizes, etc.

**C 12.3** Sanctions shall be imposed by the Executive except in cases involving violation of FINA Doping Control (DC) Rules in accordance with FINA Rule C 12.5 and in cases referred to the Disciplinary Panel in accordance with FINA Rule C 12.6 and in cases involving violation of the FINA Ethics Code in accordance with FINA Rule C 12.7.

**C 12.4** Any sanction imposed on a competitor or a person by FINA, a Member or by a FINA recognised body shall be recognised and enforced by all Members.

**C 12.5** In cases involving violation of FINA DC Rules, sanctions shall be applied by the Doping Panel (FINA Rule C 22).

**C 12.6** In cases of a disciplinary nature referred by the FINA Executive, sanctions shall be applied by the Disciplinary Panel (FINA Rule C 23).

**C 12.7** In cases involving violation of the FINA Code of Ethics, sanctions shall be applied by the Ethics Panel (FINA Rule C 24).

**C 12.8** Before any Member or individual is sanctioned by the Executive in accordance with FINA Rule C 12.3, the individual or a representative of the Member must be given the right to appear before the Executive either in person or in writing. The Executive Director shall inform the respective Member or individual about this right, in writing, in sufficient time to allow the Member or individual to exercise this right.

**C 12.9** Sanctions shall be in force immediately upon the decision being made unless the deciding body rules otherwise.

**C 12.10** FINA may take no action with respect to violation of FINA Rules unless such action is taken within 10 years of the event to which it relates. Sexual misconduct, bribery and corruption are not subject to such limitation period. The limitation period, when applicable, shall be prolonged if proceedings are opened and/or suspended.

#### **C 12.11 Appeals**

**C 12.11.1** A Member, member of a Member or individual sanctioned by the Executive may appeal to the Bureau.

**C 12.11.2** A Member, member of a Member, or individual sanctioned by the Doping Panel, the Disciplinary Panel or the Ethics Panel may appeal the decision directly to CAS.

**C 12.11.3** Except in accordance with FINA Rule C 12.11.4, an appeal shall be submitted by the appealing party to the Executive Director within twenty-one (21) days from the date of receipt of the decision.

**C 12.11.4** An appeal against a decision by the Bureau, the Doping Panel, the Disciplinary Panel or the Ethics Panel shall be referred to the Court of Arbitration for Sport (CAS), Lausanne, Switzerland, within the same term as in C 12.11.3. The only appeal from a decision of the Doping Panel, the Disciplinary Panel or the Ethics Panel shall be to the CAS. The CAS shall also have exclusive jurisdiction over interlocutory orders and no other court or tribunal shall have authority to issue

interlocutory orders relating to matters before the CAS. Decisions by the CAS shall be final and binding, subject only to the provisions of the Swiss Private International Law Act, section 190.

## **C 13 THE ORGANISATION OF FINA**

The following entities are established to govern and administer FINA (in order of priority):

- a) the General Congress,
- b) the Technical Congress,
- c) the Bureau,
- d) the Executive,
- e) the Technical Committees,
- f) the Specialised Committees,
- g) the Judicial Panels,
- h) the Commissions.

## **C 14 CONTINENTAL ORGANISATIONS**

**C 14.1** FINA Member Federations that belong to the same continent have formed the following Continental Organisations recognised by FINA:

- a) Confédération Africaine de Natation (CANA)
- b) Union Americana de Natacion (UANA)
- c) Asia Swimming Federation (AASF)
- d) Ligue Européenne de Natation (LEN)
- e) Oceania Swimming Association (OSA)

provided their statutes comply with the conditions in FINA Rule C 14.2.

**C 14.2** The constitution of Continental Organisations must be approved by the Bureau to ensure that it is not in conflict with the FINA Rules. Any change must be submitted to FINA for approval.

**C 14.3** FINA may in exceptional circumstances authorise a Continental Organisation to grant membership to a federation that belongs geographically to another continent and is not affiliated to the Continental Organisation on that continent.

**C 14.4** Each continental organisation shall hold elections at least every four years, notify FINA of the dates and the location of the elections, and provide FINA the minutes of its congress.

**C 14.5** Championships/Games FINA Sanction/Approval

**C 14.5.1** Continental and Regional Organisations must before announcing dates and place for championships/games seek approval by FINA. The FINA sanction shall include the following approvals:

- a) dates for the championships/games,
- b) competition programmes,
- c) doping control organization,
- d) any modifications of the FINA Rules and requirements.

**C 14.5.2** The approval shall include the conditions and requirements in accordance with the FINA Rules, whilst the appointment of FINA delegate(s) shall be granted by the Executive. All Competitors must comply with FINA eligibility rules.

**C 14.5.3** The championships/games shall be supervised by one or more FINA delegates. The Organising Committee of championships/games (except for continental competitions organized by the Continental Organisations recognized by FINA) shall provide full board accommodation and travel expenses for the FINA delegate(s).

**C 14.6** Continental Organisations shall:

**C 14.6.1** promote the sport of Aquatics in their continents and regions in a permanent regular manner,

**C 14.6.2** work closely with FINA in every domain so as to achieve the Objectives stated in the FINA Rule C 5,

**C 14.6.3** organise continental, regional and international competitions in their area of jurisdiction,

**C 14.6.4** where appropriate, form or encourage the formation of regional or sub-continental organizations to promote the sport of Aquatics in a manner appropriate to the conditions prevailing in their area of jurisdiction,

**C 14.6.5** foster cooperation with FINA, and engage in consultative meetings to resolve matters relating to the interests of Continental Organizations and FINA,

**C 14.6.6** coordinate with FINA for the promotion of Aquatics by arranging development programmes, courses, clinics and conferences,

**C 14.6.7** elect their own President and Bureau members at least every four (4) years, with nominations for these positions emanating from the respective Member Federations.

## **C 15 GENERAL CONGRESS**

**C 15.1** The General Congress is the highest authority of FINA and shall have the power to decide upon any matters arising in FINA. Decisions by the Technical Congress may be overruled by the General Congress. The Bureau may decide to consider proposals relating to Technical Rules as well as other proposals.

**C 15.2** The General Congress of FINA shall consist of:

**C 15.2.1** two (2) duly appointed delegates of each affiliated Member. Each delegate shall have one vote, provided, however, where a Member is represented by only one delegate, such delegate shall be entitled to two votes. Notice of the appointment of delegates, certified in writing by the Member they represent, must be lodged with the Executive Director at least thirty (30) days prior to the commencement of the General Congress. A Member may have no more than two delegates present at the General Congress,

**C 15.2.2** all members of the Bureau without vote,

**C 15.2.3** the Honorary Life President without vote, and

**C 15.2.4** all Honorary Members without vote.

**C 15.3** A Member may appoint delegates in accordance with FINA Rule C 15.2.1 to participate and vote in a meeting of the General Congress provided that:

**C 15.3.1** it has paid all membership fees due to FINA; and

**C 15.3.2** during the preceding twelve (12) months it has participated in at least one International Aquatics Competition (the FINA World Championships, other FINA Competitions, continental Competitions, regional Competitions or other international Competitions); and

**C 15.3.3** it is not suspended.

**C 15.4** A Member that is not suspended but is otherwise in breach of FINA Rules or other FINA requirement may participate at the meeting of the General Congress but shall not be eligible to vote unless the Bureau determines that there was a justifiable reason for the breach in question.

**C 15.5** Members shall only be represented by delegates. Delegates shall be affiliated to the Member which they represent. A delegate may represent only one Member.

**C 15.6** Continental Organisations as listed in FINA Rule C 14 may appoint up to two (2) representatives who may attend the General Congress as observers.

**C 15.7** The President of FINA, or in his or her absence the First Vice President, shall preside at all General Congress meetings.

**C 15.8** The General Congress shall be convened every two (2) years at the site and on the occasion of the FINA World Championships. FINA shall inform the Members not later than twelve (12) months ahead of the exact date fixed for the General Congress concerned. FINA shall send an invitation to all Members, together with the agenda for the General Congress and the reports as in C 15.12.2 and C 15.12.3 below and together with all duly submitted motions and applications at least three (3) months prior to the date fixed for the meeting.

**C 15.9** A special or extraordinary meeting of the General Congress shall be convened by a decision of the Bureau or upon receipt of a written request of one third of the Members. The Executive Director shall call such a meeting, not to be held earlier than five (5) months from the date of the notice, which shall state the reason for the meeting,

date, location and agenda for the meeting. No subject shall be discussed at the special meeting other than the matters stated in the requisition. The quorum shall be twenty (20) Members. Should there be no quorum present, the motion shall be deemed to have been lost and shall not be raised again until the next ordinary meeting of the General Congress.

**C 15.10** The General Congress may, in order to reward exceptional merit in or service for the advancement of international Aquatics, elect an Honorary Life President, who shall be a member of the Bureau without vote. The General Congress may also elect Honorary Members if they fulfilled three (3) terms as a Bureau member.

**C 15.11** The General Congress has a quorum if more than half of the Members are represented. If a quorum is not present at the previously announced opening time of the Congress, the meeting shall not open until one hour later, at which time the quorum shall not be fewer than fifty (50) Members. Decisions by the General Congress are made on vote of a majority of those Members present and voting.

**C 15.12** At each regular General Congress the following items shall be included on the agenda:

**C 15.12.1** declaration of a quorum,

**C 15.12.2** report of the Bureau on its activities during the time since the previous General Congress presented by the President,

**C 15.12.3** financial report of the Honorary Treasurer,

**C 15.12.4** proposals for changes and amendments of the FINA Constitution, Code of Ethics, General Rules, Facilities Rules, Medical Rules and Doping Control Rules,

**C 15.12.5** releasing the previous Bureau from all responsibility and liability,

**C 15.12.6** election of Bureau members in accordance with C 17.5 and Officers in accordance with C 17.6 and Honorary positions in accordance with C 15.10 (during the election Congress every four years),

**C 15.12.7** election of Ethics Panel members in accordance with C 24 (during the election Congress every four years),

**C 15.12.8** election of Audit Committee members in accordance with C 21.13 (during the election Congress every four years), and

**C 15.12.9** other business for which notice has been given.

**C 15.13** Motions, applications and proposals for alteration of or addition to the FINA Rules shall be considered only if submitted by a Member or by the Bureau. All motions, applications, and proposals to be considered by the General Congress must reach the Executive Director at least eight (8) calendar months prior to the Congress and must appear on the agenda given to the Members in accordance with C 15.8. On a motion of urgency approved by a two thirds majority of those delegates present and voting, the Congress may deal with new proposals not appearing on the agenda.

**C 15.14** Any alteration of or addition to the Constitution agreed upon by the General Congress shall become effective immediately unless otherwise determined at the time of such approval. Any alteration of or addition to the General Rules agreed upon by the General Congress shall not become effective earlier than two (2) months after the decision has been made, unless otherwise decided by the General Congress.

## **C 16 TECHNICAL CONGRESS**

**C 16.1** The Technical Congress is authorised to decide upon all technical matters concerning the competitive sport in swimming, open water swimming, diving, high diving, water polo, artistic swimming, and Masters and shall have the power to determine the Technical Rules of FINA.

**C 16.2** The Technical Congress shall be convened every four (4) years, preferably on the occasion of the FINA World Championships. The Executive Director shall inform the Members not later than twelve (12) months ahead of the exact date of the Technical Congress. The Executive Director shall send an invitation to all Members, together with all duly submitted motions and applications at least three (3) months prior to the date of the meeting.

**C 16.3** The Technical Congress shall consist of:

**C 16.3.1** two (2) duly appointed delegates of each affiliated Member, if the Technical Congress is divided into separate meetings for individual disciplines. If the Technical Congress is for two or more disciplines combined, each Member may appoint up to one delegate for each discipline. Notice of the appointed delegates, certified in writing by the Member they represent, must be lodged with the Executive Director at least thirty (30) days prior to the commencement of the Technical Congress. In each Technical Congress, each Member has two votes, regardless of the number of delegates.

**C 16.3.2** all members of the Bureau without vote,

**C 16.3.3** the Honorary Life President without vote,

**C 16.3.4** all Honorary Members without vote, and

**C 16.3.5** all members of the respective Technical Committee without vote.

**C 16.4** The President of FINA, or in his or her absence the First Vice President shall preside at all Technical Congress meetings.

**C 16.5** The Technical Congress has a quorum if at least twenty (20) Members are represented.

**C 16.6** At each Technical Congress the following items shall be included on the agenda:

**C 16.6.1** declaration of a quorum,

**C 16.6.2** proposals of changes and amendments of the Technical Rules, and

**C 16.6.3** other technical business for which notice has been given.

**C 16.7** Motions, applications, and proposals for alteration of or addition to the Technical Rules shall be considered only if submitted by a Member or by the Bureau. All motions, applications and proposals to be considered by the Technical Congress must reach the Executive Director at least eight (8) calendar months prior to the Congress and must appear on the agenda given to the Members in accordance with C 16.2. On a motion of urgency approved by a two thirds majority of those delegates present and voting, the Congress may deal with new proposals not appearing on the agenda.

**C 16.8** Any alteration of or addition to the Technical Rules agreed upon by the Technical Congress shall not become effective earlier than two (2) months after the decision has been made unless otherwise decided by the Technical Congress.

## **C 17 BUREAU**

**C 17.1** The Bureau shall consist of:

**C 17.1.1** the President,

**C 17.1.2** the Honorary Treasurer,

**C 17.1.3** five (5) Vice Presidents one from each of the five Continents including the First Vice President and the Second Vice President, and

**C 17.1.4** eighteen (18) additional members.

**C 17.1.5** The Honorary Life President, the Immediate Past President, the Immediate Past First Vice President, and the Immediate Past Honorary Treasurer are also members of the Bureau with voice, but without vote. The Immediate Past President, the Immediate Past First Vice President, and the Immediate Past Honorary Treasurer shall stay as such only for one term of four (4) years.

**C 17.1.6** The Chair of the Athletes Committee shall be a member of the Bureau without vote.

**C 17.1.7** The Bureau shall have the right to co-opt a representative from the Member where the next Olympic Games and/or World Championships will be held. This representative shall be a member of the Bureau without vote until the closing ceremony of the Olympic Games and/or World Championships in his/her country. This rule shall not apply if such a Member has already a representative in the Bureau. The Bureau may remove such co-opted Bureau member if he/she cannot fulfil the role for which he/she was appointed to.

**C 17.1.8** Bureau member shall be an ex-officio member with a voting right in the bureau and the general assembly of his/her national federation.

**C 17.2** Members of the Bureau are not personally liable for the debts and obligations of FINA.

**C 17.3** The voting members of the Bureau shall be elected or confirmed by the General Congress. All the Bureau members, except the Honorary Life President, the Immediate Past President, the Immediate Past First Vice President, the Immediate Past Honorary Treasurer and the Chair of the Athletes Committee, shall be of different countries or



Sport Countries. Persons not actually in attendance may be elected if a written declaration of consent is presented.

**C 17.4** The newly elected Bureau shall take office at the conclusion of the FINA World Championships (50m).

**C 17.5** The Bureau shall consist of twenty-five (25) members elected for a term of four (4) years.

**C 17.5.1** Seventeen (17) members shall be elected by the General Congress in accordance with the elections of their respective Continental Organisations and the following geographical representation:

- a) four (4) from Africa,
- b) four (4) from America,
- c) four (4) from Asia,
- d) four (4) from Europe,
- e) one (1) from Oceania.

The Continental Organisations shall inform the Executive Director in writing of the names of their candidates at least three (3) months in advance. Only candidates proposed by the respective Continental Organisations can be presented for vote in the General Congress provided that they have been previously approved by the Member Federation of which those candidates are citizens.

**C 17.5.2** Another eight (8) members shall be elected from the world at large, not exceeding one (1) from Africa, two (2) from Asia, one (1) from Oceania, two (2) from the Americas and two (2) from Europe.

For this election, candidates must be nominated in writing to the Executive Director at least three (3) months before the Congress by the Member Federation to which they are affiliated.

**C 17.6** The General Congress shall elect from among the seventeen (17) voting Bureau Members elected in accordance with C 17.5.1:

**C 17.6.1** the President;

**C 17.6.1.1** Candidates for President shall be nominated in writing to the Executive Director at the latest three (3) months before the General Congress. The Executive Director shall notify to all FINA Members and Continental Organisations the candidates for President at least two (2) months prior to the General Congress.

**C 17.6.2** Five (5) Vice Presidents who shall be elected on the basis of continental representation, one for each of the continents of Africa, America, Asia, Europe, and Oceania. At the election of the Vice Presidents only the Members from the respective continents may vote on their candidates. The Continental Organisations shall inform the Executive Director of the name of the elected Vice-President by the Continental Congress in writing at least three (3) months in advance. Only

candidates proposed by the respective Continental Organisations can be presented for vote by the General Congress;

**C 17.6.3** the First Vice President from among the newly elected five Vice Presidents;

**C 17.6.3.1** The five Vice Presidents shall propose to the Congress one candidate for the position of the First Vice President. This candidate shall be approved by the Congress by a simple majority in accordance with BL 3.5.2. If the candidate does not receive the required votes, the Vice Presidents shall present another candidate to the Congress.

**C 17.6.4** the Second Vice President from among the remaining four Vice Presidents;

**C 17.6.4.1** The five Vice Presidents shall propose to the Congress one candidate for the position of the Second Vice President. This candidate shall be approved by the Congress by a simple majority in accordance with BL 3.5.2. If the candidate does not receive the required votes, the Vice Presidents shall present another candidate to the Congress.

**C 17.6.5**–the Honorary Treasurer.

**C 17.6.5.1** Candidates for the Honorary Treasurer shall be nominated in writing to the Executive Director at the latest three (3) months before the General Congress. The Executive Director shall notify to all FINA Members and Continental Organisations the candidates for the Honorary Treasurer at least two (2) months prior to the General Congress.

**C 17.7** The President and the First Vice President must be from different Continents.

**C 17.8** The Executive shall consist of eight (8) Bureau members, the President, the First Vice President, the Second Vice President, the Honorary Treasurer, three Vice Presidents and one more member to be nominated by the President to ensure the Continental representation within the FINA Executive in accordance with the geographical distribution provided in C 17.5.

The Executive will be responsible for:

- a) monitoring outcomes and performances with respect to the annual business plan and the long-term strategic plans defined and approved by the Bureau;
- b) being the interface between the Bureau and the management of FINA, in particular the Executive Director and the FINA Office and the management, in dealing with critical issues which may impact on the outcomes of the strategy defined by the Bureau;
- c) dealing with matters requiring immediate attention between meetings of the Bureau;
- d) issuing decisions on the application of FINA Rules, in cases which are not delegated to a specific body (e.g. presently the Doping Panel, the Disciplinary Panel or the Ethics Panel).

The President may, from time to time, request persons with knowledge in special areas to attend meetings with the Executive.

The Executive shall meet on request by the President, when there are items of such importance that cannot be solved by the President alone.

The Executive Director shall attend all the meetings without vote.

**C 17.9** Thirteen (13) members with vote shall form a quorum at any meeting of the Bureau. The members of the Bureau shall serve until their successors are elected and take office.

**C 17.10** The Bureau members can be elected for a maximum of three (3) full terms. The President can be elected for a maximum of three (3) full terms as President irrespective of terms served before as Bureau member.<sup>1</sup>

If the President, the First Vice President, and the Honorary Treasurer are not elected for a second period in their previous post or not elected for other posts, they shall remain as members of the incoming Bureau, without vote, as Immediate Past President, Immediate Past First Vice President, Immediate Second Vice President and Immediate Past Honorary Treasurer.

**C 17.11** The travel and hotel expenses of the Bureau members and Honorary Members when travelling on FINA missions or appointments shall be paid by FINA. The Honorary Members will be invited to the FINA World Championships and only if possible to the Olympic Games.

**C 17.12** Any vacancy in the office of President shall be filled by the First Vice President until election of a new President for the remaining term at the FINA Congress. The Bureau shall decide within three (3) months of the office of the President becoming vacant on the place and date of the Congress which will elect the new President. Otherwise, the Bureau shall have the authority to fill any vacancy, until the next General Congress, which occurs through death or resignation of any member of the Bureau elected in accordance with FINA Rule C 17.3, subject to compliance with the appropriate geographical representation set out in FINA Rule C 17.5 and in consultation with the respective Continental Organisation.

**C 17.13** Where a Bureau member has been absent from two consecutive meetings without reasons acceptable to the Bureau, the Bureau shall have the right to declare that such a member has forfeited his or her membership. The Bureau according to C 17.12 may then fill the vacancy.

**C 17.14** Rights and duties of the Bureau shall include the following:

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<sup>1</sup> *Transitional provision for the FINA Constitution:*

*Article 17.10 shall apply from the General Congress 2017. It is clarified that terms served prior to the General Congress 2017 as Bureau member shall not be taken into account.*

**C 17.14.1** to discuss and make decisions on all matters assigned to them by the Congresses,

**C 17.14.2** to interpret and enforce the FINA Rules,

**C 17.14.3** to decide and take action on any matter pertaining to the affairs of FINA,

**C 17.14.4** to submit proposals to the General Congress,

**C 17.14.5** to decide on and publish administrative by-laws, including time and manner of payment of any financial obligations,

**C 17.14.6** to decide on and publish regulations for FINA competitions,

**C 17.14.7** to decide on FINA awards,

**C 17.14.8** to make decisions in case of emergency,

**C 17.14.9** to approve the title of international referee, starter, or judge on presentation of registered and certified candidates by the FINA Technical Committees.

These titles are to be awarded to the swimming, open water swimming, diving, high diving, water polo, and artistic swimming referees, starters, and judges who have received satisfactory marks for their officiating at major international competitions,

**C 17.14.10** to establish rules of order for the meetings of the General Congress, Technical Congress, Bureau, Committees, etc., provided that they will not be in opposition to the FINA Constitution,

**C 17.14.11** to determine the dates and sites of World Championships and other FINA competitions and to organise and control all swimming, open water swimming, diving, high diving, water polo, and artistic swimming competitions at the Olympic Games, World Championships, and other FINA competitions,

**C 17.14.12** to appoint and instruct the FINA Committees in accordance with FINA Rule C 19 as well as to control their activities,

**C 17.14.13** to appoint delegates to the Olympic Games, World Championships, other FINA competitions, and other international competitions. The Organising Committee must guarantee proper accreditation. The responsibilities of the delegates are to observe the organisation and to report back to the Bureau,

**C 17.14.14** to appoint the Executive Director on proposal of the President. The Executive Director shall attend all FINA meetings. The Executive Director shall be an ex officio member of the Bureau without vote. The Executive Director shall manage the FINA Office,

**C 17.14.15** to define FINA's mission, strategic direction, policies and values, in particular, with regard to the organisation and development of Aquatic sports at worldwide level and all related matters,

**C 17.14.16** to oversee the overall management of FINA by the Executive Director,

**C 17.14.17** to approve the budget and annual audited financial statement, including the consolidated financial statement, prepared by the Finance Committee and the annual report to be submitted to the FINA Congress for approval,

**C 17.14.18** to appoint the chairpersons, deputy chairpersons and members of the committees with the exception of those who are elected by the Congress, in accordance with this Constitution, as well as to control their activities,

**C 17.14.19** to propose to the Congress for election the chairpersons and members of the Ethics Panel and the Audit Committee.

**C 17.15** The Bureau is not authorised to make any changes in the Constitution, General Rules, Technical Rules, Code of Ethics, Facilities Rules, Medical Rules and Doping Control Rules.

## **C 18 RIGHTS AND DUTIES**

**C 18.1** The principal elected officer of FINA shall be the President.

**C 18.2** The President shall inter alia have the following roles and duties:

**C 18.2.1** to preside at all meetings of the Congresses, the Bureau and the Executive,

**C 18.2.2** to represent FINA in all dealings with the International Olympic Committee (IOC) and the Association of Summer Olympic International Federations (ASOIF) and any other relevant international organizations,

**C 18.2.3** to evaluate the performance of the Executive Director and make an annual report to the Bureau in this regard,

**C 18.2.4** to be an ex officio member of all FINA Committees and commissions,

**C 18.2.5** to create any task force or working group he may deem necessary or advisable to address any urgent situation,

**C 18.2.6** to maintain relations with the Continental Organisations, Members, FINA Committees and commissions.

**C 18.3** The First Vice President shall have the following roles and duties:

**C 18.3.1** in the absence of the President conduct the Congresses and Bureau meetings with all the rights and duties,

**C 18.3.2** represent FINA in the absence of the President at FINA Competitions, ceremonies or other activities requiring the presence of the highest FINA authority.

**C 18.4** The Second Vice President shall have the following roles and duties:

**C 18.4.1** in the absence of the President and the First Vice President conduct the Congresses and Bureau meetings with all the rights and duties,

**C 18.4.2** represent FINA in the absence of the President and the First Vice President at FINA Competitions, ceremonies or other activities requiring the presence of the highest FINA authority.

**C 18.5** The Honorary Treasurer shall have the following roles and duties:

**C 18.5.1** chair the Finance Committee,

**C 18.5.2** fulfill the obligations as specified in FINA Rule C 25,

**C 18.5.3** be responsible for the financial planning of FINA,

**C 18.5.4** supervise the current amount of income and expenditure, and

**C 18.5.5** draw up the general four-year and detailed yearly budget together with the Executive Director and the FINA Accounting Department.

**C 18.6** The FINA Office shall carry out all the administrative work of FINA under the direction of the Executive Director, in accordance with the policies of the Executive.

**C 18.7** The Executive Director shall be appointed on the basis of an agreement governed by the Swiss law.

**C 18.8** The Executive Director shall be responsible for:

**C 18.8.1** implementing decisions passed by the Congresses, the Bureau and the Executive in compliance with the President's directives;

**C 18.8.2** properly managing and keeping the accounts of FINA under the supervision of the Honorary Treasurer;

**C 18.8.3** negotiating or overseeing the negotiation of all major contracts on behalf of FINA in consultation with the members of the Executive;

**C 18.8.4** compiling the minutes for the meetings of the Congress, Bureau and Executive;

**C 18.8.5** FINA's correspondence;

**C 18.8.6** overseeing of the operations of the FINA Office and, where appropriate, taking such measures as may be deemed necessary for the proper administration of FINA. The Executive Director shall periodically report to the Bureau in this regard;

**C 18.8.7** the appointment and dismissal of staff working in the FINA Office in consultation with the President; and

**C 18.8.8** signing decisions on behalf of any FINA Committee, provided that no other ruling exists in the respective regulations;

**C 18.8.9** the agenda of the FINA Committees in co-ordination with the respective Chairs of the Committees.

**C 18.9** The Vice-Presidents representing the Continental Organisations shall be responsible for:

**C 18.9.1** ensuring the coordination between their Continental Organisation and the Executive and FINA Office with respect to all Aquatic activities within their continents,

**C 18.9.2** assisting the Executive and the FINA Office to further the goals of FINA with the Continental Organisations and with the Members from the respective continents, and

**C 18.9.3** assisting the President in his or her duties as may be requested from time to time by the President.

## **C 19 COMMITTEES**

**C 19.1** FINA shall have Technical Committees, Specialised Committees and Judicial Panels.

**C 19.1.1** The Technical Committees are:

- a) the Swimming Committee consisting of 15 members,
- b) the Open Water Swimming Committee consisting of 15 members,
- c) the Diving Committee consisting of 15 members,
- d) the High Diving Committee consisting of 15 members,
- e) the Water Polo Committee consisting of 15 members,
- f) the Artistic Swimming Committee consisting of 15 members,
- g) the Masters Committee consisting of 15 members.

**C 19.1.2** The Specialised Committees are:

- a) the Sports Medicine Committee consisting of 8 members,
- b) the Doping Control Review Board (DCRB) consisting of 8 members,
- c) the Athletes' Committee consisting of up to 12 members,
- d) the Coaches Committee consisting of up to 24 members, which shall have six sub-committees, one for each discipline of diving, high diving, swimming, artistic swimming, open water swimming and water polo. Each sub-committee shall consist of at least three coaches from the respective discipline for that sub-committee,
- e) the Finance Committee consisting of up to 4 members,
- f) the National Federation Relations Committee consisting of up to 5 members,
- g) the Development Committee consisting of up to 5 members,
- h) the Legal Committee consisting of up to 5 members,

- i) the Media Committee consisting of up to 10 members,
- j) the Awards Committee consisting of up to 5 members,
- k) the Marketing Committee consisting of up to 4 members,
- l) the Swimwear Approval Committee consisting of up to 5 members,
- m) the Facilities Committee consisting of up to 5 members,
- n) the Audit Committee consisting of up to 3 members.

**C 19.1.3** The Judicial Panels are:

- a) the Doping Panel consisting of 6 members,
- b) the Disciplinary Panel consisting of 6 members,
- c) the Ethics Panel consisting of 6 members.

**C 19.2** The Bureau shall be entitled to nominate any kind of ad hoc committee or working commission when it is considered appropriate.

**C 19.3** The members of the Technical Committees and the Specialised Committees shall be appointed by the Bureau at its first meeting, subject to the approval of the Member Federation to which each appointee is affiliated. Members appointed for a committee shall be from different Member Federations. Notwithstanding the foregoing, the Bureau, whenever it deems necessary, may appoint to the Specialised Committees additional experts in the area for which this committee has been established.

**C 19.4** FINA Committee members shall serve at the discretion of the Bureau and may be appointed for such number of successive terms as considered appropriate by the Bureau. The chair of each of the Technical and the Specialised Committees, except for the Sports Medicine Committee and DCRB, shall be appointed for a maximum of three (3) terms.

**C 19.5** Members may nominate persons for consideration for appointment to a FINA Committee by providing notice of such nomination in writing, signed by the president of such Member, to FINA Office two (2) months prior to the commencement of the General Congress.

**C 19.6** Nominated persons shall be:

**C 19.6.1** in the case of a Technical Committee, those who are recognised experts in the respective discipline, capable of, and interested in, actively and regularly attending the meetings of such Technical Committee;

**C 19.6.2** in the case of the Sports Medicine Committee, those who are qualified sports medicine physicians in active practice or academic positions with experience with Aquatic athletes and are capable of, and interested in, actively and regularly attending the meetings of the Sports Medicine Committee; and

**C 19.6.3** in the case of any other FINA Committees, those who are knowledgeable in and skilled in the area for which the committee has been established, capable



of, and interested in, actively and regularly attending the meetings of such committee.

**C 19.7** From the members appointed to the Technical Committees, the Athletes' Committee, the Coaches' Committee, the Media Committee and the Sports Medicine Committee, the Bureau shall appoint a Chair, a Vice-Chair and an Honorary Secretary for each such FINA Committee, and such individuals, together with the Bureau Liaison (as defined in FINA Rule C 19.12), shall be known as the "Commission" for the respective FINA Committee. The Chair of these Commissions shall be the Bureau Liaison.

**C 19.8** The Committees shall meet whenever there is business to be transacted, all meetings being subject to the approval of the Bureau.

**C 19.9** The absolute majority of members (50% plus one member) shall form a quorum at any meeting of a FINA Committee.

**C 19.10** Where a member of any Committee has been absent from two consecutive meetings without reasons acceptable to the Bureau, the Bureau shall have the right to declare that such a member has forfeited his or her membership. The Bureau according to C 19.3, C 19.11 and BL 5 shall then fill the vacancy.

**C 19.11** The Bureau shall have the authority to fill any vacancy which occurs through death, resignation or removal of any member of the Technical Committee, Specialised Committee or Judicial Panel.

**C 19.12** For any FINA Committee, the Bureau may appoint a Bureau member who shall serve as ex officio to the FINA Committee and ensure necessary communication between the Bureau and the committee. This person shall be known as the Bureau Liaison. The Bureau Liaison shall have the obligation of participating in the committee's meetings and discussions and fairly and accurately representing the activities and decisions of the committee to the Bureau. The Bureau Liaison shall be an advocate for the committee regardless of his or her personal views.

**C 19.13** For the purposes of membership on the Athletes Committee, all athletes on the Committee must have competed at the World Championships and/or Olympic Games for their country. In addition, each athlete must be a current athlete in the sport or be within 12 years of the date of their last competition at an Olympic Games or World Championships. Athletes appointed to the Athletes Committee must represent five aquatic disciplines and all geographical regions.

The chair of the Athletes Committee shall be proposed by the President and confirmed by the Bureau.

**C 19.14** All recommendations or decisions made by any FINA Committee, except decisions of the Judicial Panels, require the approval of the Bureau before becoming effective.

## **C 20 POWERS AND DUTIES OF THE TECHNICAL COMMITTEES**

The powers and duties of the Technical Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming and Masters Committees are:

**C 20.1** to analyse the requirement for improvements of the Technical Rules for Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming and Masters, as applicable, and to consider corresponding proposals received from any Member. When the Technical Committee decides on a proposal for amendments or changes to the Technical Rules, the decision by vote should be made with at least two thirds (2/3) positive vote of the participants on the respective Technical Committee Meeting. The Technical Committee submits in these cases recommendations to the Bureau,

**C 20.2** to consider and decide upon any matter affecting their particular responsibility, which may be referred to them by the Bureau or the Congress,

**C 20.3** to appoint sub committees, if required, to investigate, study, and recommend to the parent committee any matters referred to such subcommittee. The members of a subcommittee may be persons selected from outside the parent committee membership,

**C 20.4** to investigate, study, and recommend on matters dealing with standard equipment and specifications of competitive pools for Olympic Games or international competitions,

**C 20.5** to evaluate and make recommendations regarding candidates, nominated by Members, for the title of international referee, starter or judge to be selected by the Bureau,

**C 20.6** to appoint one or more of its members to report on the qualifications of any person recommended as an international referee, judge, or starter and to report periodically on the continued qualifications of referees, judges, or starters on the existing list,

**C 20.7** to receive and report to the Bureau any complaint made by referees regarding misconduct of individuals in international competitions and to make recommendation thereon,

**C 20.8** to take part in the technical preparations and in the conduct of the competitions in their discipline at the Olympic Games, World Championships and other FINA competitions,

**C 20.9** The Bureau shall ensure participation of the committees in the preparation of the meetings of the Bureau with regard to such tasks that fall within their areas of responsibility. For that purpose, they shall have the right to submit reports, suggestions, recommendations and comments. The Chair or authorised members of the Committee may be heard at the meeting of the Bureau on the respective issue. The Committees shall be involved in the technical preparations of the competitions at the Olympic Games, World Championships, and other FINA competitions,

**C 20.10** to control all technical equipment and installations prior to and during the event,

**C 20.11** to make rosters for officials, and

**C 20.12** to investigate cases of protest as preparation for the Jury of Appeal.

## **C 21 POWERS AND DUTIES OF THE SPECIALISED COMMITTEES**

**C 21.1** The composition, specific duties and powers of the individual committees shall be stipulated in special organisation regulations.

**C 21.2** Each FINA Committee may propose amendments to its regulations to the Bureau.

**C 21.3** Doping Control Review Board (DCRB)

**C 21.3.1** The Doping Control Review Board (DCRB) shall consist of eight persons appointed by the Bureau. A majority of the members of the DCRB shall be either physicians licensed in internal medicine, endocrinology, clinical pharmacology or sports medicine, with experience in antidoping practices or analytical chemists with experience in WADA accredited laboratories or their equivalent.

**C 21.3.2** A person may not serve on the DCRB if he or she has any other responsibilities for FINA.

**C 21.3.3** The Bureau shall appoint a chair of the DCRB from among the members of the DCRB.

**C 21.3.4** The DCRB may act by majority vote or through responsibilities delegated by majority vote to a particular member or members of the DCRB.

**C 21.3.5** The DCRB may review and make recommendations to the Bureau regarding FINA's doping control programme and may make proposals for additions or amendments to the Doping Control Rules for consideration by the Congress. The DCRB should also approve the Therapeutic Use Exemptions on behalf of FINA in accordance with the FINA Doping Control Rules and WADA Code.

**C 21.4** Sport Medicine Committee

**C 21.4.1** The Sport Medicine Committee shall deal with all medical aspects of all Aquatic disciplines.

**C 21.4.2** The powers and duties of the Sports Medicine Committee are:

- a) to provide medical and sport science expertise to the Bureau and to give recommendations on any matter regarding sport science,
- b) to consider the development of the medical, sanitary, and medical control rules and to submit proposals for legislation to the Bureau,
- c) to give recommendations on any matter regarding conditions of health in the practice of swimming, open water swimming, diving, high diving, water polo, artistic swimming and Masters, and
- d) to assess the availability of appropriate medical care for FINA athletes and Officials at FINA Competitions.

## **C 21.5 Athletes Committee**

**C 21.5.1** The powers and duties of the Athletes Committee are:

- a) to bring input of athletes' experience to the organization of FINA World Championships,
- b) to collaborate in the Technical Rules proposals and amendments for each discipline, and
- c) with the occasion of FINA World Championships, to be in contact with participating athletes and bring forward their suggestions and remarks.

**C 21.5.2** The representative of the Athletes Committee shall participate in the Technical Committee meeting in disciplines where he is specialized.

**C 21.5.3** The Chair of the Athletes Committee as an ex officio member of the Bureau shall provide perspective on the athlete experience as required.

## **C 21.6 Coaches Committee**

**C 21.6.1** The powers and duties of the Coaches Committee are:

- a) in coordination with the Development Committee, to fulfil FINA development programme requirements,
- b) to participate in the Coaches Certification programme for each discipline,
- c) to bring the coaches experience and requirements with occasion of FINA Competitions to the respective Management Committee of the event,
- d) to be in contact with and bring forward recommendations and proposals from the coaches around the world, and
- e) to advise on any proposal or amendments to Technical Rules for each discipline.

## **C 21.7 Finance Committee**

**C 21.7.1** The Finance Committee shall be proposed by the President and approved by the Bureau. The Finance Committee shall be chaired by the Honorary Treasurer and may include such other members as the Bureau may deem particularly suited to contribute to oversight of the financial affairs of FINA by virtue of their relevant financial expertise and experience.

**C 21.7.2** The Finance Committee shall:

- a) set a global compensation and benefits policy within FINA;
- b) review the total compensation of the functions of President, Honorary Treasurer, members of the Bureau and the Executive, Chair of the Committees (Technical Committees, Specialized Committees and Judicial Panels);

- c) evaluate the performance of the top management of FINA compared with agreed goals and objectives and review the total compensation of the top management of FINA.

#### **C 21.8 National Federations Relations Committee**

**C 21.8.1** The powers and duties of the National Federations Relations Committee are:

- a) to deal with any issue concerning the autonomy of FINA Members,
- b) to send delegates if requested by the Executive when there is a violation of FINA Rules, especially when interference of other parties in the autonomy of FINA Members occurs, and
- c) to make proposals on rules and regulations related to the FINA Members' autonomy and independence.

#### **C 21.9 Media Committee**

**C 21.9.1** The powers and duties of the Media Committee are:

- a) to offer guidance and advice to the FINA Communications Department, particularly in relation to the organisation of major competitions,
- b) to assist the FINA Communications Department in reaching and staying in contact with a network of journalists around the world who cover aquatic sports,
- c) to assist the Organising Committees of FINA competitions in order to ensure the best possible facilities for journalists, photographers and other media personnel as per FINA regulations,
- d) to advise the FINA Communications Department in what services and information are required by the media worldwide and in what formats and platforms the media are most likely to wish to receive information,
- e) to assist in updating and implementing the FINA Media Guide for FINA competitions, and
- f) to offer advice to the FINA Communications Department on the best way to promote FINA and the image of its Aquatic sports throughout the world.

#### **C 21.10 Legal Committee**

**C 21.10.1** The powers and duties of the Legal Committee are:

- a) to provide legal expertise to the Bureau and to give recommendations regarding legal matters whenever needed,
- b) to assist the Bureau, FINA Committees and the commissions in drafting amendments to the Constitution, FINA Rules and regulations,

- c) to conduct administrative reviews regarding whereabouts violations referred to the Legal Committee,
- d) to advise, if necessary, on matters referred to CAS by FINA, and
- e) to advise, if necessary, on agreements between FINA and third parties.

#### **C 21.11 Swimwear Approval Committee (SAC)**

**C 21.11.1** The FINA SAC executes the process of swimwear approval according to the FINA Rules in force; it follows and studies the development of the swimwear.

**C 21.11.2** The FINA SAC shall consist of five (5) persons representing the five continents appointed by the Bureau. The members shall have knowledge about the sport equipment, of sport in general and the aquatics sport in particular. At least one (1) of them shall also have knowledge in material science specifically in fabrics and/or polymers. At least one of the members of the committee shall have legal training and experience.

**C 21.11.3** The Bureau shall appoint one (1) of the members to be Chair.

**C 21.11.4** In principle the committee shall have a meeting at least once per year (upon submission of the swimwear for approval).

#### **C 21.12 Facilities Committee**

**C 21.12.1** The powers and duties of the Facilities Committee are:

- a) to advise on aquatic venues (swimming pools) design in accordance with the FINA Facilities Rules.

#### **C 21.13 Audit Committee**

**C 21.13.1** The FINA Audit Committee shall consist of three (3) persons elected by the Congress based on the recommendation of the Bureau. The members shall be experts in auditing and financial statement matters. The Audit Committee shall be fully independent to be able to carry out its assurance role effectively.

**C 21.13.2** The powers and duties of the Audit Committee are:

- a) to execute efficient financial controls and review the financial statements, budget and the external auditors' report;
- b) to assist the governing bodies in monitoring FINA's financial and compliance matters;
- c) to liaise with external auditors;
- d) to conduct risk management;
- e) to review the quality of the internal control system.

## **C 22 DOPING PANEL**

**C 22.1** The Doping Panel shall consist of six (6) persons. No two members of the Doping Panel shall be from the same country or Sport Country. Members of the Doping Panel shall serve for a period of four (4) years, or until their successors are appointed.

**C 22.2** Members shall nominate persons for consideration for appointment to the Doping Panel by providing notice of such nomination in writing, signed by the President of the Member, to the Executive Director at least two (2) months prior to the commencement of the General Congress.

**C 22.3** Members shall nominate persons for consideration for appointment to the Doping Panel who are known for their ability, their impartiality and their knowledge about the FINA Rules as well as their experience of sport in general and the Aquatic sports in particular. They shall also have legal training, experience and knowledge of doping matters.

**C 22.4** Members of the Doping Panel shall be appointed by the Bureau at its first meeting following its election. The appointment of the members of the Doping Panel shall be made in accordance with applications received from individuals nominated by the Member to which they are affiliated.

**C 22.5** Members of the Doping Panel may be appointed for such number of successive terms as considered appropriate by the Bureau.

**C 22.6** On the proposal by the President, the Bureau shall appoint one of the members of the Doping Panel to be Chair.

**C 22.7** A person may not serve on the Doping Panel if he or she:

- a) is a member of the Bureau, a Technical Committee, Specialised Committee or other Judicial Panel; or
- b) cannot speak English or French.

**C 22.8** The Doping Panel shall conduct hearings and impose sanctions pursuant to FINA Doping Control Rules.

**C 22.9** Whenever necessary the Chair of the Doping Panel shall appoint one or three persons from the Doping Panel to adjudicate all matters before it. No member of the Doping Panel shall be appointed to hear a specific case when he or she is a citizen of the country of the individual or organisation suspected of violating FINA Rules; the Chair of the Doping Panel may also determine situations in which a Panel member should not be appointed due to other potential conflicts.

## **C 23 DISCIPLINARY PANEL**

**C 23.1** The Disciplinary Panel shall consist of six (6) persons. No two members of Disciplinary Panel shall be from the same country or Sport Country. Members of the Disciplinary Panel shall serve for a period of four (4) years or until their successors are appointed.

**C 23.2** At least three (3) members of the Disciplinary Panel shall also have legal training and experience. Members of the Disciplinary Panel shall be appointed by the Bureau at its first meeting following its election. On the proposal by the President, the Bureau shall appoint one of the members of the Disciplinary Panel to be Chair.

**C 23.3** The Chair of the Disciplinary Panel shall appoint three (3) persons from the Disciplinary Panel of whom at least one (1) shall have legal training to adjudicate all matters before it. In cases where the Chair of the Disciplinary Panel and the other party respectively the other parties agree, a sole member of the Disciplinary Panel may hear and decide the matter, such member must have legal training. No member of the Disciplinary Panel shall be appointed to a specific case when he or she is a citizen of the country of the competition suspected of violating FINA Rules.

**C 23.4** The Disciplinary Panel shall conduct hearings and impose sanctions in all disciplinary cases originating from violations of any FINA Rules (except matters regarding doping control FINA Rule C 12.5) referred to it by the Executive. The sanctions determined by the Disciplinary Panel are limited to those described in C 12.2 of the FINA Constitution.

**C 23.5** The hearings of the Disciplinary Panel shall respect the following principles:

- a) A timely hearing;
- b) A fair and impartial hearing body;
- c) The right to be represented by counsel at the hearing, with no expense to FINA;
- d) The right to be fairly and timely informed of the rule violation;
- e) The right to respond to the rule violation and resulting consequences;
- f) The right of each party to present evidence, including the right to call and question witnesses (subject to the hearing body's discretion to accept testimony by telephone or written submission);
- g) The right to an interpreter at the hearing, at no expense to FINA; and
- h) The right to a timely, written, reasoned decision; specifically, including an explanation of the reason(s) for any period of suspension.

## **C 24 ETHICS PANEL**

**C 24.1** The Ethics Panel shall consist of six members elected by the General Congress for a term of four (4) years on a proposal of the Bureau. The President shall appoint the chairperson of the Ethics Panel from amongst its members.

**C 24.2** A person may not serve on the Ethics Panel if he or she:

- a) is a member of the Bureau, a FINA Technical Committee, a FINA Specialized Committee or other Judicial Panel,
- b) cannot speak English or French,



- c) has no knowledge of Aquatics as well as FINA,
- d) is a member of the Bureau of the Continental or Regional Organisations.

**C 24.3** Members of the Ethics Panel may be elected for a maximum three (3) terms.

**C 24.4** If a member of the Ethics Panel should die or resign, a replacement shall be decided by the Bureau in compliance with C 24.2 until the next elections of the Ethics Panel.

**C 24.5** The matters are transferred to the Ethics Panel by the Executive.

**C 24.6** At least three (3) members of the Ethics Panel (as determined by the Chairperson), shall be appointed as required on a case by case basis, to investigate, hear and determine any matter.

**C 24.7** The Ethics Panel shall investigate, hear and determine any alleged violation of the FINA Code of Ethics or the FINA Rules on the Prevention of the Manipulation of Competitions (PMC), and to impose sanction(s) as set out in C 24.9 and C 24.10, referred to it by the Executive.

**C 24.8** The Ethics Panel shall act in accordance with the principles of natural justice and shall determine its own procedure.

**C 24.9** For any violation of the FINA Code of Ethics, the Ethics Panel may impose any or more of the following sanctions:

- a) a warning or reprimand;
- b) a suspension for a fixed period of up to four (4) years from holding office or other position held by an Official and/or until a specified set of conditions have been met to the satisfaction of the Ethics Panel;
- c) a return of any FINA award;
- d) a ban for a fixed period of up to a lifetime from taking part in any Aquatics related activity;
- e) a recommendation to the Executive of the notification of the matter to the appropriate law enforcement authorities.

**C 24.10** For any violation of the PMC, the Ethics Panel may impose, in addition to the sanctions provided for in C 24.9, the sanctions provided for in the PMC.

**C 24.11** The Ethics Panel may propose amendments to any FINA Rule relevant to its functions.

**C 24.12** The Ethics Panel shall receive nominations and curricula vitae of the candidates from National Federations and/or Continental Organisations for all positions on the Bureau, Committees, Judicial Panels, Honorary positions and make decisions on those nominations based on objective eligibility criteria for each position as determined by the FINA Constitution, FINA Code of Ethics and other FINA Rules as well as any other criteria determined by the Ethics Panel which must be established at least six (6) months before elections' date and officially published on the FINA website. The decisions of the

Ethics Panel regarding candidates shall be circulated among the National Federations, Continental Organisations as well as FINA Committees and FINA Panels at least one (1) month before elections' date.

**C 24.13 Nominations Procedure:**

- a) For all positions, the Executive Director will inform all National Federations and Continental Organisations of the final date for submission of nominations;
- b) Nominations received by the Executive Director should be circulated to the members of the Ethics Panel;
- c) For all applications, the Ethics Panel then screens each candidate to ensure his or her compliance with the objective eligibility criteria for each position as provided in C 24.12;
- d) The Ethics Panel will then make a decision in terms of those candidates who meet the criteria and comment with regard to any candidate who does not meet the criteria. The decisions of the Ethics Panel will be then circulated as provided in C 24.12.

**C 25 FINANCIAL MONITORING AND CONTROL**

**C 25.1** The fiscal year of FINA is the calendar year. For each calendar year the FINA Office shall establish a statement of accounts. These annual statements of accounts shall be audited by a certified public accountant, approved by the Bureau and published on the FINA website.

**C 25.2** The audited statement of accounts established by the Honorary Treasurer and presenting two (2) fiscal years shall be approved by each General Congress in accordance with C 15.12.3 and C 15.12.5.

**C 25.3** The annual budget of FINA shall be prepared by the FINA Office under the supervision of the Honorary Treasurer and reviewed by the Audit Committee. The Bureau shall approve this budget every year.

**C 25.4** The Chief Internal Audit Officer shall be appointed by the Bureau for a period of four (4) years. The Chief Internal Audit Officer shall not be from the same Member as the Honorary Treasurer and shall report directly to the Audit Committee.

**C 25.5** The Chief Internal Audit Officer shall have the following functions:

- a) study the effectiveness and adequacy of the internal control systems of FINA;
- b) review the implementation and compliance with the FINA Rules and other applicable regulations and laws by the FINA bodies and the FINA Office and prepare reports in this respect for the attention of the Audit Committee;
- c) understand the scope of review by external auditors of controls over financial reporting, and obtain reports on significant findings and recommendations and measures taken accordingly by the Executive and/ or the Executive Director;

- d) recommend and oversee the establishment and functioning of an internal audit procedure.

## **C 26 ARBITRATION**

Disputes between FINA and any of its Members or members of Members, individual members of Members or between Members of FINA that are not resolved by a Bureau decision may be referred for arbitration by either of the involved parties to the Court of Arbitration for Sports (CAS), Lausanne. Any decision made by the Arbitration Court shall be final and binding on the parties concerned.

## **C 27 PRINTING OF RULES**

All Rules of FINA are solely for the benefit of Members and may be reprinted or translated by Members under their responsibility, with the understanding that in all cases where the translated text differs in interpretation, the English version shall prevail. Any other organisations desiring to publish these Rules shall obtain the permission of FINA.

## **C 28 DISSOLUTION**

**C 28.1** FINA may be dissolved only by a 2/3 majority vote at a special Congress convened for this purpose.

**C 28.2** In the event of dissolution, the Congress shall appoint a liquidator who shall discharge all debts and liabilities incurred on behalf of FINA. The remaining assets, if any, shall be donated as directed by the Congress to a suitable body for the ongoing promotion and development of Aquatics.

**C 28.3** At the conclusion of the liquidation, the liquidators shall submit a final report to the Congress, which shall declare the liquidation closed.