

## CONSTITUTIONAL RULES

(UPDATED 19 June 2017)

### C 1. NAME

- 1.1 The "*LIGUE EUROPÉENNE DE NATATION*", hereinafter LEN, is the European body for the sport of Aquatics. It is a self-governing, independent and non-profit-making organisation.

### C 2. LEGAL STATUS AND HEADQUARTERS

- 2.1 LEN is an association established for an indefinite period with legal status as an association in accordance with article 60ff of the Swiss Civil Code. LEN has its headquarters in the area of Geneva, Switzerland and is recognised as a Continental Organisation by the "*Federation Internationale de Natation*" (FINA), the world governing body for the sport of aquatics

### C 3. DEFINITIONS

Aquatics – means swimming, open water swimming, diving, water polo, synchronised swimming, and Masters programmes/activities.

Bureau – means all Bureau Members elected or serving in accordance with C 10.

Bureau Executive – means the Executive consisting of the President, the Vice Presidents, the General Secretary and the Treasurer.

Calendar – means the Annual Calendar of Events according to C 17.

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

Commission – means commissions (ad hoc or permanent) appointed by the Bureau with the purpose of achieving a determined task and composed by members of the Bureau and/or by other people.

Committee – means the LEN Committees including all members therein appointed by the Bureau in accordance with C 12.

Competitions – includes European Championships, European Cups, European Water Polo Cups for Club teams, events and tournaments sanctioned by LEN members, and international events within Europe in any of the aquatic disciplines.

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

Congress – means the Congress provided for in C 9.

Continental Organisation – means organisations formed by the FINA Member Federations from the same geographical Continent and specified in the FINA Rules.

Executive Director – means the Executive Director of LEN.

Auditors – means external certified professional auditors appointed by the Bureau.

FINA – means the *Fédération Internationale de Natation*, a non-profit-making association constituted under Swiss law with its seat in Lausanne, Switzerland.

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

LEN Audit Committee – means the internal auditors of LEN as specified in C 18.2.

LEN Logo – means the graphic representation or symbol which is used to identify LEN on all manner of visual supports including advertisements and which may only be used with the approval of the Bureau.

LEN Office – means the permanent office and headquarters where the LEN Executive Director and the LEN Staff deal with administrative work.

LEN Panel – means the LEN Panel for Disciplinary Matters and Disputes as defined in C 15.

LEN Rules and Regulations – means the LEN Constitutional Rules, Congress Regulations ("CoR"), Financial Regulations, General Event Rules, Code of Conduct, Guidelines For Safety and Security at LEN Events, all Event Regulations, Advertising Regulations and Awards Regulations adopted by LEN (including all decisions of the Congress and the Bureau respectively).

Member Federation – means a federation affiliated to LEN in accordance with C 6.

Officers – means the President, the General Secretary and the Treasurer.

Officials – means any person elected or appointed to any position within FINA, LEN, the Continental Organisations, and/or the Member Federations.

Regional Aquatics Events – means events held by and gathering Federations belonging to the same geographical region.

Registered Federation – means a federation registered and included in the administration of LEN in accordance with C 6.1.4.

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 of being autonomous in the control of its sports, and is recognised as such by FINA.

Sportsmanship – means the behaviour and attitudes that show respect and fairness for the rules and regulations established in sport and for everybody else.

To give effect to the LEN Constitutional Rules and Regulations, 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. Correction of any manifestly evident clerical errors shall be made.

#### **C 4. OBJECTIVES**

##### **4.1 The objectives of LEN are:**

- 4.1.1** to promote and encourage the development of Aquatics in Europe;
- 4.1.2** to encourage participation in Aquatics at all levels throughout Europe, regardless of age, gender or race;
- 4.1.3** to promote and provide fair and drug-free sport;
- 4.1.4** to organise, promote and control LEN Events, namely continental, regional and international competitions in Aquatics in its area of jurisdiction;
- 4.1.5** to establish and enforce necessary Rules and Regulations;
- 4.1.6** where appropriate, to encourage the formation of regional or sub-continental organisations to promote the sport of Aquatics;
- 4.1.7** to recognise European Records;
- 4.1.8** to establish annual European Aquatic Event Calendars;
- 4.1.9** to promote and encourage the development of international sporting relationships and to foster cooperation with FINA, including:
  - 4.1.9.1** to work closely with FINA to achieve the objectives stated in the FINA Constitution;
  - 4.1.9.2** to engage in consultative meetings to resolve matters relating to the interests of LEN, Continental Organisations and FINA; and
  - 4.1.9.3** to coordinate with FINA for the promotion of Aquatics by arranging for development programmes, courses, clinics and conferences.

**4.2** LEN shall not allow any political action inside or in the immediate vicinity of the venue(s) nor any discrimination against National Federations or individuals on racial, religious, sexual, gender or political grounds.

**4.3** The activities of LEN shall be governed by the present Constitutional Rules, the Rules and Regulations of LEN and the decisions taken by the Congress and the Bureau.

**4.4** LEN may issue Regulations in any area related to its objectives. These Regulations are binding for its members, as well as for the organisations involved or affiliated to its members.

**4.5** All LEN Events belong exclusively to LEN. LEN alone shall have the right to organise European Championships and LEN Events for Aquatics. The words "Europe", "European" or "LEN" shall not be used in connection with any Swimming, Diving, Water Polo, Synchronised Swimming, Open Water Swimming, or Masters Event without the consent of LEN.

#### **C 5. ACTIVITIES**

**5.1** The activities of LEN and its Member Federations shall be governed by the Constitutional Rules, the General Event Rules and the Rules and Regulations of LEN including all the decisions of the Congress and the Bureau respectively.

**5.2** The rules for the Competitions or Championships authorised by LEN will be the established LEN Regulations and the Rules of FINA in effect when the competition is held.

**5.3** Where LEN Rules and Regulations do not provide for or where there is conflict with the rules of FINA, the rules of FINA shall apply and prevail.

#### **C 6. MEMBERSHIP**

##### **6.1 Member Federations**

**6.1.1** The national Federation governing Aquatics in any European country or Sport Country, acknowledged as a Member of FINA shall be eligible for membership of LEN.

**6.1.2** In exceptional cases, the national federation of a country outside Europe which is acknowledged as a Member of FINA may be accepted to membership of LEN. Such acceptance will only be possible in cases where FINA has authorised LEN to grant

membership to a federation that belongs geographically to another continent and is not affiliated to the Continental Organisation on that continent.

- 6.1.3** Only one federation per country shall be affiliated as a Member Federation of LEN and such a Member Federation shall be recognised by FINA as the only national governing body for Aquatics in that country or Sport Country. The jurisdiction of a Member Federation shall be limited to the political boundaries of the country or Sport Country that it represents.
- 6.1.4** In cases where separate Federations for Swimming, Diving, Water Polo, Synchronised Swimming, Open Water Swimming and/or Masters exist in the same country, only one Federation shall be a Member Federation of LEN. On application by the Member Federation, the other Federations may be registered and included in the administration of LEN. The Registered Federations are subject to the same obligations and duties as the Member Federations. The Member Federations shall be responsible for the fulfilment of such obligations and duties of the Registered Federation(s) in relation to LEN, except where the Registered Federations are directly subject to LEN's jurisdiction.

## **6.2 Rights and duties of Member Federations**

- 6.2.1** Each Member Federation shall have the right:
- 6.2.1.1** to be part of the Congress and vote according to C 9.1.1;
  - 6.2.1.2** to take part in LEN Events;
  - 6.2.1.3** to use the services of LEN;
  - 6.2.1.4** to propose candidates for any position in the LEN Bureau;
  - 6.2.1.5** to propose candidates for the positions of one (1) FINA Vice President and three (3) FINA Bureau Members.
- 6.2.2** It shall be the duty of each Member Federation, including the Registered Federations, all clubs and individuals affiliated (where applicable):
- 6.2.2.1** to follow the principles of sportsmanship;
  - 6.2.2.2** to support LEN to achieve its objectives;
  - 6.2.2.3** to act in accordance with the present Constitutional Rules, and LEN Rules and Regulations, and the decisions of the Congress;
  - 6.2.2.4** to meet responsibility for the conduct of its:
    - 6.2.2.4.1** athletes, officials, members and supporters;
    - 6.2.2.4.2** other persons exercising a function at a LEN Event at the request of the Member Federation;
    - 6.2.2.4.3** Registered Federation or club.
  - 6.2.2.5** to meet responsibility of a host federation or a host club for order and security both inside and around the venue before, during and after the LEN Event. The host federation or host club shall be liable for incidents of any kind, and shall be rendered subject to disciplinary measures and bound to observe directives;
  - 6.2.2.6** to meet its and all their financial liabilities to LEN and/or Member Federations;
  - 6.2.2.7** to include Rules within its constitution which allows doping control at a LEN Event according to FINA Rules;
  - 6.2.2.8** not to make use of the names "European", "Europe" or "LEN" for any Aquatics competition, event, activity or club under the jurisdiction of the Member Federation nor in any other way, unless approved by LEN;
  - 6.2.2.9** not to compete in any Aquatics competition with the names "European", "Europe" or "LEN", unless organised or approved by LEN. Exceptions may be decided by the Bureau.
- 6.2.3** Regional Aquatic events may be held by Member Federations; however such events will be subject to LEN's previous approval in order to avoid conflicts of interest and officials' availability.
- 6.2.4** Any sanction imposed by or decision made by LEN or the CAS shall be recognised and complied with by all Member Federations and Registered Federations, including the affiliated clubs and individuals.
- 6.2.5** The annual subscription fee shall be as decided by the Congress and shall be a maximum of 1.000€.
- 6.2.6** The subscription fee shall be payable by April 1<sup>st</sup> each year.
- 6.2.7** A Member Federation not having paid the subscription fee before May 1<sup>st</sup> shall be regarded as unaffiliated until the payment has been made in full.
- 6.2.8** If a Member Federation does not fulfil any other liability it is responsible for, either to LEN or to a Member Federation organising a LEN Event, the Bureau may decide that it shall be regarded as suspended from participation in all LEN Events or any LEN Event in that discipline in which the liability has arisen until the payment has been made in full.

## **6.3 Application for membership**

- 6.3.1** Application for membership shall be submitted to the LEN Bureau with:
- 6.3.1.1** The Member Federation's official address and contact details;

- 6.3.1.2 A copy of the Member Federation's current constitution and rules and regulations translated to English;
- 6.3.1.3 A list of the Member Federation's main officers;
- 6.3.1.4 A list of the Member Federation's active membership (i.e. number of clubs, athletes, coaches, officials);
- 6.3.1.5 A formal undertaking by the Member Federation to observe and abide by the FINA and LEN Rules, the World Anti-Doping Code as well as the jurisdiction and decisions of CAS;
- 6.3.1.6 The appropriate membership fee; and
- 6.3.1.7 Proof of membership of FINA.

6.3.2 Every application for membership shall be decided by the Bureau. The Statutes, Rules and Regulations are automatically accepted if the membership is granted. If membership is not granted, the applicant may appeal to the Congress, which shall then make the final decision.

6.3.3 Each Member Federation shall be named in accordance with the decision of FINA. Its name shall be stated in the LEN List of Nations. At meetings, at events and in official documents only this name and/or the abbreviation decided by FINA shall be used.

#### 6.4 Termination of membership

6.4.1 The membership shall end if:

- 6.4.1.1 the Member Federation no longer exists;
- 6.4.1.2 the Member Federation is no longer recognised by or affiliated to FINA;
- 6.4.1.3 the Member Federation withdraws its affiliation;
- 6.4.1.4 the Member Federation is excluded in accordance with C 6.4.3 below.

6.4.2 Any Member Federation wishing to withdraw its affiliation shall give written notice to LEN. The affiliation shall end immediately, but no refund of fees will be made.

6.4.3 The Bureau shall have the power to exclude a Member Federation in cases of significant violation of the LEN Constitution and/or Rules or where the Member Federation no longer has sufficient representation of Aquatics in its country. The excluded Member Federation may submit an appeal to the LEN Panel for Disciplinary Matters and Disputes.

#### C 7. LANGUAGES

7.1 The official languages of LEN shall be English and French. In cases of doubt, the English language shall prevail. If this Constitution needs to be registered in the country of the headquarters of LEN in another language than English, then that language would prevail for the sole purpose of the registration.

7.2 The working language shall be English. In the Congress simultaneous translation may be organised.

#### C 8. ORGANISATIONAL STRUCTURE OF LEN

8.1 The following entities are established to govern and administer LEN:

- 8.1.1 The Congress;
- 8.1.2 The Bureau;
- 8.1.3 The Bureau Executive;
- 8.1.4 The Technical Committees and Specialised Committees;
- 8.1.5 The Panel for Disciplinary Matters and Disputes.

#### C 9. CONGRESS

##### 9.1 Composition

9.1.1 The Congress of LEN is the highest authority of LEN and shall have the power to decide upon any matters arising in LEN. It shall consist of:

- 9.1.1.1 a maximum of two (2) delegates of each Member Federation, with two votes per Federation;
- 9.1.1.2 the members of the Bureau, without vote;
- 9.1.1.3 Honorary Life Presidents, without vote;
- 9.1.1.4 Honorary members, without vote;
- 9.1.1.5 the Chairmen of the Committees or their substitutes, without vote.

9.1.2 Each delegate of a Member Federation shall be a resident and/or a citizen of the country where the Member Federation is located and shall be a member of the Member Federation he is representing. Notice of the appointment of delegates, certified in writing by the Member Federation they represent, must be lodged with the LEN General Secretary prior to the commencement of the Congress.

9.1.3 The Congress shall be presided over by the LEN President. In his absence, the present Vice President senior in age shall open the Congress and the General Secretary shall conduct the Congress.

- 9.1.4 A valid decision of the Congress cannot be taken unless the representatives of 40% of the Member Federations with voting rights are present (quorum).
- 9.1.5 If a quorum is not present at the previously announced opening time of the Congress the meeting shall open one (1) hour later at which time the Congress shall decide with the present representatives of Member Federations with voting rights.
- 9.1.6 Where the Congress is dealing with the proposed dissolution of LEN, Rule C 22 shall apply.

## 9.2 Conduct and Agenda

- 9.2.1 The Congress shall be held every calendar year.
- 9.2.2 The exact date and place of the Congress shall be decided upon and announced by the Bureau at least six months beforehand and communicated to Member Federations.
- 9.2.3 The invitation to the Congress shall include the Agenda, the financial report of the past financial year and the budget for the following financial year, the activity reports of the Bureau, and of the LEN Audit Committee, as well as any documents related to items on the Agenda. An invitation to the Extraordinary Congress shall include the Agenda and the documentation relating thereto.
- 9.2.4 The Agenda shall be decided upon and announced by the Bureau one month prior to the Congress and sent to the Member Federations.
- 9.2.5 The following items shall be included in the Agenda of the Congress:
  - 9.2.5.1 Opening of Congress;
  - 9.2.5.2 Confirmation of the register of delegates and votes;
  - 9.2.5.3 Confirmation of the minutes of the previous Congress;
  - 9.2.5.4 Report by the Bureau about the activities during the time since the last Congress;
  - 9.2.5.5 Financial Report and Report of External and Internal Auditors;
  - 9.2.5.6 Provisional budget and financial project;
  - 9.2.5.7 Discharge of the Bureau;
  - 9.2.5.8 Proposals;
  - 9.2.5.9 Election of the President who shall also automatically be appointed as candidate for FINA Vice President (if applicable);
  - 9.2.5.10 Election of the General Secretary, the Treasurer, up to five (5) Vice Presidents and up to nine (9) Bureau Members (if applicable);
  - 9.2.5.11 Election of three (3) further candidates to the FINA Bureau (if applicable);
  - 9.2.5.12 Election of Hon. Life President(s) and Hon. Member(s) (if applicable);
  - 9.2.5.13 Election of LEN Audit Committee (if applicable);
  - 9.2.5.14 Update of the list of LEN Events;
  - 9.2.5.15 Information about General Event Rules and Regulations for LEN Events;
  - 9.2.5.16 Closing of Congress.
- 9.2.6 The Bureau may add further items to the Agenda.
- 9.2.7 Except the amendment of Constitutional Rules the Congress may deal with any other matter in cases of a motion of urgency approved by not less than a two-thirds majority of the votes registered.

## 9.3 Powers of the Congress

- 9.3.1 The Congress shall have the following duties and powers:
  - 9.3.1.1 to approve the general policies of LEN;
  - 9.3.1.2 to approve the minutes of the preceding or Extraordinary Congress;
  - 9.3.1.3 to approve the reports of the President, the General Secretary and the treasurer;
  - 9.3.1.4 to approve the accounts of the previous financial year and the report of the auditors;
  - 9.3.1.5 to elect every four (4) years the members of the Bureau for a four year term of office, including the President, the General Secretary, the Treasurer and up to five (5) Vice Presidents in accordance with C 10.2;
  - 9.3.1.6 to elect the candidates as three (3) Continental members to the FINA Bureau; (\*)
  - 9.3.1.7 to elect Honorary Life President and Honorary Member;
  - 9.3.1.8 to approve the Constitutional Rules and make all necessary amendments thereto;
  - 9.3.1.9 to decide in the last resort on all issues relating to the objectives of LEN;
  - 9.3.1.10 to consider proposals submitted by Member Federations;
  - 9.3.1.11 to consider any other issue included in the Agenda;
  - 9.3.1.12 to decide on appeal against not granted membership by the Bureau (C 6.3.2);
  - 9.3.1.13 to confirm the LEN Panel for Disciplinary Matters and Disputes; and
  - 9.3.1.14 to elect the LEN Audit Committee.

#### **9.4 Proposals**

- 9.4.1** Proposals for the Congress may be submitted only by a Member Federation or the Bureau.
- 9.4.2** Proposals by a Member Federation shall be submitted to the LEN Office no later than three (3) months before the date of the Congress.
- 9.4.3** All proposals submitted in time shall be communicated to Member Federations and Registered Federations together with the recommendations of the LEN Bureau no later than one (1) month before the date of the Congress.
- 9.4.4** In voting, a proposal shall be regarded as rejected if there is equality in the votes.

#### **9.5 Honorary Life Presidents and Honorary Members**

- 9.5.1** In order to reward exceptional service in the advancement of European Aquatics, the Congress, on the recommendation of the Bureau, shall be entitled to elect:
  - 9.5.1.1** Honorary Life Presidents;
  - 9.5.1.2** Honorary Members.

#### **9.6 Extraordinary Congress**

- 9.6.1** An Extraordinary Congress may be summoned by decision of the Bureau or at the written and signed request of at least twenty (20) Member Federations.
- 9.6.2** Notice shall be circulated by the General Secretary to the Member Federations and Registered Federations no later than one (1) month before the date of the Extraordinary Congress and shall state the reason(s), date, location and requisition for the meeting. No subject shall be discussed at the Extraordinary Congress other than the matters stated in the requisition.
- 9.6.3** Decisions by the Extraordinary Congress cannot be taken unless the majority of the Member Federations with voting rights are present. Should there be no majority 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.

#### **9.7 Decisions of the Congress**

- 9.7.1** The decision processes of the Congress are provided in the LEN Congress Regulations. The Congress shall decide by a simple majority of the votes cast unless otherwise stated in this Constitution. Abstentions and invalid ballots will not be counted.
- 9.7.2** Amendments of the Constitutional Rules approved by the Congress shall come into effect immediately unless the Congress deems otherwise.

### **C 10. BUREAU**

#### **10.1 Composition**

- 10.1.1** The Bureau shall consist of:
  - 10.1.1.1** the President;
  - 10.1.1.2** up to five (5) Vice Presidents, preferably from different areas in Europe; the Bureau may allocate special duties to each of the Vice Presidents;
  - 10.1.1.3** the General Secretary;
  - 10.1.1.4** the Treasurer; and
  - 10.1.1.5** up to nine (9) further members;
  - 10.1.1.6** the President, the General Secretary and the Treasurer of the outgoing Bureau, if not re-elected, remain Bureau members as immediate Past President, immediate Past General Secretary and immediate Past Treasurer, without vote, for the period of an additional mandate.
- 10.1.2** All Bureau members shall be from different Member Federations, except the President, the General Secretary and the Treasurer of the outgoing Bureau if not re-elected.
- 10.1.3** Any Bureau member shall be resident and/or a citizen of the country where the Member Federation is located and shall be under the jurisdiction of that Member Federation.
- 10.1.4** The chairman of the Athletes Commission shall be a Member of the LEN Bureau without vote

#### **10.2 Election of Bureau Members**

- 10.2.1** The members of the Bureau shall be elected by the Congress held in the year of the Summer Olympic Games for a period of four (4) years. They shall remain in office to the end of the Congress electing the next Bureau.

- 10.2.2 Nominations of candidates for election as President, Vice President, General Secretary, Treasurer, and Bureau members may only be made by the Member Federation where the candidate is under the jurisdiction. Nominations must be received in writing, by the LEN General Secretary at least ninety (90) days before the date of the Congress where the elections are to be made.
- 10.2.3 Information about candidates for office shall be communicated to Member Federations together with the proposals and/or the Agenda submitted in time (see Rule C 9.4.3), at least one (1) month prior to the Congress.
- 10.2.4 When a Bureau member has been absent from two consecutive meetings, the Bureau shall have the right to declare that such a member has forfeited his membership.
- 10.2.5 Any vacancy among the Bureau membership shall be filled by the next Congress.

### 10.3 Rights and duties of the Bureau

- 10.3.1 The Bureau shall have the rights and duties, inter alia:
  - 10.3.1.1 to establish and publish a Strategic Plan for the term of its office and to report to the Congress on the progress;
  - 10.3.1.2 to execute all matters assigned to it by the Congress;
  - 10.3.1.3 to decide and to take action in any matter concerning LEN;
  - 10.3.1.4 to establish a headquarters (LEN Office) and appoint the LEN Executive Director upon proposal of the LEN President;
  - 10.3.1.5 to appoint, to exclude and to replace the members of the Committees;
  - 10.3.1.6 to appoint permanent and ad hoc Commissions and nominate their members;
  - 10.3.1.7 to allocate and to determine the dates of LEN Events;
  - 10.3.1.8 to decide upon the place and the date of the LEN Congress;
  - 10.3.1.9 to decide on and to circulate General Event Rules, Regulations for each LEN Event and other Regulations (inter alia for LEN Records, Advertising, Procedures at Congress and other meetings, Reimbursement of expenses, LEN Awards, etc.);
  - 10.3.1.10 to control the conduct of LEN Events (in cooperation with the Committees);
  - 10.3.1.11 to decide on LEN Awards except election of Honorary Life President(s) and Honorary Members;
  - 10.3.1.12 To ensure there is an effective anti-doping strategy in force at LEN Events in compliance with the WADA and FINA Anti-Doping policy;;
  - 10.3.1.13 to annually establish and monitor a budget;
  - 10.3.1.14 to appoint external certified auditors who shall assist the LEN Audit Committee and the Treasurer;
  - 10.3.1.15 to reduce or waive fines and/or fees if there is reason;
  - 10.3.1.16 to decide provisionally on any matter pertaining to the Congress' competence or jurisdiction in case of urgency; such decisions shall remain in force until their ratification or annulment to be made by the following Congress;
  - 10.3.1.17 to decide on any issue not provided for in this Constitution or subject to no other body of LEN.

### 10.4 The LEN Executive Director

- 10.4.1 The LEN Executive Director shall attend the meetings of the Bureau and the Bureau Executive as an "ex officio" member without vote.
- 10.4.2 He shall manage the LEN Office in coordination with the President and the General Secretary.
- 10.4.3 He shall also be responsible for the employment of the LEN Staff, subject to the approval of the President, the General Secretary and the Treasurer.
- 10.4.4 He shall, under the guidance of the Treasurer, manage the accounts and financial statements. He is responsible for operating within the annual budget approved by the Bureau.

### 10.5 Meetings and attendance

- 10.5.1 The Bureau shall meet minimum once in a calendar year and whenever there is business to be transacted.
- 10.5.2 The quorum for a meeting of the Bureau shall be the majority of members with power to vote.

- 10.5.3 The meeting shall be presided over by the LEN President. In his absence, the present Vice President senior in age shall open the meeting and the General Secretary shall conduct the meeting.
- 10.5.4 The Chairmen of the LEN Committees may be invited to attend the Bureau meetings. They may be substituted by the Vice Chairman or the Secretary of the respective Committee.
- 10.5.5 The President may invite the Honorary Life President(s) to attend a meeting.
- 10.5.6 The LEN Audit Committee Members and/or the Professional Audit Company shall be invited to attend the Bureau meetings for the material financial items.

**C 11. BUREAU EXECUTIVE**

**11.1 Composition, Rights and Duties**

- 11.1.1 The Bureau Executive shall consist of the President, the Vice Presidents, the General Secretary and the Treasurer.
- 11.1.2 The rights and the duties of the Bureau Executive shall be:
  - 11.1.2.1 to supervise the activities of the LEN Office;
  - 11.1.2.2 to make decisions on matters transferred to it by the Bureau;
  - 11.1.2.3 to make decisions on urgent matters between the meetings of the Bureau;
  - 11.1.2.4 any other mandate attributed by the Congress or stated in the Rules and Regulations.
- 11.1.3 The Bureau Executive shall report their decisions and actions in writing to the next Bureau meeting and they shall in turn be recorded in the Bureau minutes.

**11.2 Rights and Duties of the Officers**

- 11.2.1 The President, the General Secretary and the Treasurer shall be entitled to represent and legally bind LEN whenever required.

**11.3 The President**

- 11.3.1 The principal elected Officer of LEN shall be the President.
- 11.3.2 The President shall, inter alia, have the following roles and duties:
  - 11.3.2.1 to preside at all meetings of the Congress, the Bureau and the Bureau Executive;
  - 11.3.2.2 to represent LEN in all dealings with FINA and any other relevant international organisations;
  - 11.3.2.3 to negotiate or to oversee the negotiation of all major contracts on behalf of LEN in consultation with the members of the Bureau Executive and the LEN Executive Director;
  - 11.3.2.4 to be an ex officio member of all LEN Committees and Commissions;
  - 11.3.2.5 to create any task force or working group he may deem necessary or advisable to address any urgent situation;
  - 11.3.2.6 to be responsible, as the principal elected Officer of LEN, for the oversight of the operations of the LEN Office and, where appropriate, to take such measures as he may deem necessary for the proper administration of LEN. He shall periodically report to the Bureau in this regard;
  - 11.3.2.7 to maintain relations with FINA and LEN Member Federations;
  - 11.3.2.8 to propose a candidate for LEN Executive Director which is then to be considered for appointment by the LEN Bureau;
  - 11.3.2.9 to evaluate the performance of the LEN Executive Director; and
  - 11.3.2.10 to propose members for the LEN Panel for Disciplinary Matters and Disputes.

**11.4 The General Secretary**

- 11.4.1 The duties of the General Secretary shall, inter alia, be as follows:
  - 11.4.1.1 to manage the administration of Secretarial functions together with the Executive Director;
  - 11.4.1.2 to monitor the relations between LEN and Member Federations;
  - 11.4.1.3 to supervise the organisation of the Congress and the Bureau meetings and agenda, together with the Executive Director;
  - 11.4.1.4 to collect candidacies for the LEN Bureau, the Bureau Executive and the FINA Bureau and FINA Vice President;
  - 11.4.1.5 to evaluate the performance of the LEN Executive Director.

**11.5 The Treasurer**



**11.5.1** The duties of the Treasurer shall be as follows:

- 11.5.1.1** to supervise LEN's finances;
- 11.5.1.2** to advise on the annual finance plans;
- 11.5.1.3** to administer LEN's capital;
- 11.5.1.4** to settle all financial obligations;
- 11.5.1.5** to participate in the negotiations with official suppliers and in relation to TV and broadcasting rights;
- 11.5.1.6** to manage all intellectual properties of LEN;
- 11.5.1.7** to provide at each Bureau meeting an up to date report on LEN's financial position against budget and where possible provide a financial forecast.

**11.5.2** The Treasurer shall be mandatorily consulted on all financial matters.

## **C 12. COMMITTEES**

**12.1** The Committees of LEN shall be appointed by the Bureau and shall be the following:

### **12.1.1 Technical Committees:**

- 12.1.1.1** Swimming Committee (TSC);
- 12.1.1.2** Water Polo Committee (TWPC);
- 12.1.1.3** Diving Committee (TDC);
- 12.1.1.4** Synchronised Swimming Committee (TSSC);
- 12.1.1.5** Open Water Swimming Committee (TOWSC);
- 12.1.1.6** Masters Committee (MaC);
- 12.1.1.7** Medical Committee (MedC)

### **12.1.2 Specialized Commission (or Committees):**

- 12.1.2.1** Marketing;
- 12.1.2.2** Award;
- 12.1.2.3** Legal;
- 12.1.2.4** Press;
- 12.1.2.5** Athletes;

### **12.1.2 Composition**

- 12.1.2.1** Each Committee shall consist of seven to fourteen (7 - 14) members each one from a different Member Federation.
- 12.1.2.2** The officers of the committees shall be the Chairman, the Vice Chairman and the Secretary.
- 12.1.2.3** For each Committee the Bureau may appoint ex officio a Bureau member without vote who shall ensure necessary communication between the Bureau and the Committee (Bureau Liaison).

### **12.1.3 Appointment of the Committee Members**

- 12.1.3.1** Candidates for Committee Membership may be proposed by a Bureau Member or by the Member Federation.
- 12.1.3.2** Any candidate shall be a resident and/or a citizen of the country where the Member Federation is located and shall be under the jurisdiction of that Member Federation.
- 12.1.3.3** The appointment of a Committee Member is only valid after the Member Federation he belongs to has confirmed in writing that it will cover the expenses of the Committee Member for the full term of appointment
- 12.1.3.4** The Chairman, the Vice Chairman, the Secretary and the other members of the Committees shall be appointed by the Bureau at its first meeting after its election and shall remain in office for the same period as the Bureau.
- 12.1.3.5** Only those persons may be appointed members of a Committee who are recognised experts in the respective sport, possess comprehensive experience as an athlete, judge, official, trainer or teacher, and are capable of and interested in actively and regularly attending meetings of the Committee and cooperating with it.

### **12.1.4 Rights and duties**

**12.1.4.1** The rights and duties of the Committees and Specialized Commission shall, inter alia, include the following:

- 12.1.4.1.1** to discuss and to take decisions on all matters assigned to them by the Bureau or the Bureau Executive;
- 12.1.4.1.2** to promote their discipline in any possible way e.g. by collecting experiences, conducting clinics, circulating technical expertise to affiliated Member Federations, etc.;
- 12.1.4.1.3** to exchange continuously expertise and opinions with Member Federations in regard to technical matters;

- 12.1.4.1.4** to consider and decide on all technical matters in their discipline;
- 12.1.4.1.5** to evaluate, promote and maintain the quality of referees, judges and officials and to establish annually a list of LEN recognised officials in their discipline;
- 12.1.4.1.6** to cooperate in the technical preparation and holding of the competitions in their discipline at the European Championships and the other LEN Events;
- 12.1.4.1.7** to investigate standard equipment and specifications of venues and facilities for LEN Events;
- 12.1.4.1.8** to control the technical preparations and technical conduct of the European Championships and all other LEN Events in their respective discipline;

- 12.1.4.1.9 to consider and take decisions on applications for European Records;
- 12.1.4.1.10 to appoint sub-committees, consisting of Committee Members, to investigate, study and make recommendations to the Committee on any matter referred to them;
- 12.1.4.1.11 to establish and recommend for the approval of the Bureau binding regulations for the conduct of LEN Events.

**12.1.5 Meetings and attendance**

- 12.1.5.1 All Committee meetings shall be subject to Bureau approval. Each Committee shall normally meet once a year and at such other time as the Bureau shall agree.
- 12.1.5.2 The Chairman of the Committee shall compose the agenda.
- 12.1.5.3 The quorum for a meeting shall be the majority of the members.
- 12.1.5.4 The meeting shall be presided over by the Chairman of the Committee or, in his absence, the Vice Chairman. If neither is present, the members shall appoint from amongst themselves a person to act as the meeting chairman.
- 12.1.5.5 The Secretary shall keep minutes and submit reports to the Bureau.
- 12.1.5.6 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 membership. The Bureau according to C 10.3.1.5 shall then fill the vacancy

**C 13. VOTING BY THE BUREAU AND THE COMMITTEES**

- 13.1 Decisions shall be taken by a simple majority of votes.
- 13.2 In cases of equal votes the Chairman or the chairman of the meeting shall have a casting vote.
- 13.3 The Bureau Executive and the officers of the Committees may call for a decision by mail (including fax and email) vote.
- 13.4 Where a mail vote is called, the Secretary in charge shall:
  - 13.4.1 send each member entitled to vote a clear statement of the question to be voted;
  - 13.4.2 request that each member shall send his/her vote thereon to the mentioned address;
  - 13.4.3 state on what date the voting shall be closed.
- 13.5 After the closing of the vote the Secretary in charge shall inform all those entitled to vote of the result.
- 13.6 The ballots cast shall be kept in the files until the end of the next meeting of the respective body where the decision will be recorded.

**C 14. REPRESENTATION TOWARDS THIRD PARTIES**

- 14.1 The Bureau represents LEN toward third parties and is validly engaged by the collective signature of its President, General Secretary and Treasurer.
- 14.2 The Bureau may delegate to any of its members or a third party, under its responsibility, the power to represent LEN and sign on its behalf.

**C 15. LEN PANEL FOR DISCIPLINARY MATTERS AND DISPUTES**

**15.1 Composition and election**

- 15.1.1 The LEN Panel for Disciplinary Matters and Disputes (LEN Panel) shall consist of five (5) persons from different Member Federations. Members of the LEN Panel shall serve for the same period as the Bureau or until their successors are appointed.
- 15.1.2 Before the electoral Congress the President shall select five (5) persons to serve on the LEN Panel.
- 15.1.3 They shall be known for their ability, their impartiality and their general knowledge of the aquatic sports. At least three (3) of them shall also have legal training and experience.
- 15.1.4 A person may not serve on the LEN Panel if he:
  - 15.1.4.1 is a member of the Bureau or a Committee;
  - 15.1.4.2 cannot speak English.
- 15.1.5 The Bureau shall confirm the LEN Panel proposed by the President and appoint one of the members to be Chairman.

- 15.1.6 The Congress shall confirm the LEN Panel.
- 15.1.7 If a member of the LEN Panel should die or retire, a replacement may be decided by the Bureau, whose appointment shall be confirmed by the next Congress.

**15.2 Rights and duties**

- 15.2.1 The LEN Panel shall deal with cases which are under the jurisdiction of LEN and:
  - 15.2.1.1 decide in disciplinary matters and in regard to cases of misconduct, which are not the jurisdiction of a LEN Delegate or a LEN Committee, and which are put forward to the LEN Panel by the LEN Bureau, the Bureau Executive or by one of the Officers;
  - 15.2.1.2 decide, in cases put forward by the LEN Bureau, the Bureau Executive or by one of the Officers about sanctions on a Federation, club or individual for not fulfilling duties to LEN and/or violating Rules and Regulations or decisions by the Congress;
  - 15.2.1.3 decide on appeals against exclusion of Member Federations by the Bureau (C 6.7.3);
  - 15.2.1.4 decide on appeals put forward to the LEN Panel by a party involved in regard to sanctions imposed by either a LEN Delegate or a LEN Committee, subject to the payment of a fee of five hundred (500) EUR to LEN;
  - 15.2.1.5 decide on disputes regarding a transfer of a water polo player, subject to the payment of a fee of five hundred (500) EUR to LEN.
- 15.2.2 An appeal may be submitted against a decision taken by the LEN Panel according to C 15.2.1.1, C 15.2.1.2 and C 15.2.1.3 to the Court of Arbitration for Sport in Lausanne (Switzerland) within twenty-one (21) days after notification.
- 15.2.3 A decision taken by the LEN Panel according to C 15.2.1.4 and C 15.2.1.5 shall be final.
- 15.2.4 The LEN Panel may at its sole discretion also award costs to one or more parties which shall be separate to any other fee due under other LEN Rules and Regulations.
- 15.2.5 Representation by legal counsel shall always be at the party's own expense.

**15.3 Proceedings**

- 15.3.1 The Chairman shall appoint three (3) members of the LEN Panel to adjudicate all matters in the specific case. He can be one of these members.
- 15.3.2 No member of the LEN Panel shall be appointed to decide a specific case when he is a citizen of the country of the individual or of the Member Federation/s involved in the case.

**15.4 Relevant Principles of due Process**

- 15.4.1 The hearings of the LEN Panel shall respect the following principles taking into account the urgency of the matter, if applicable:
  - 15.4.1.1 a timely hearing either personally or by written submissions;
  - 15.4.1.2 a fair and impartial hearing body;
  - 15.4.1.3 the right to be represented by counsel at the hearing, with no expense to LEN;
  - 15.4.1.4 the right to be fairly and timely informed of the relevant violation;
  - 15.4.1.5 the right to respond to the violation and resulting consequences;
  - 15.4.1.6 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);
  - 15.4.1.7 the right to an interpreter at the hearing, at no expense to LEN; and
  - 15.4.1.8 the right to a timely, written, reasoned decision; specifically, including an explanation of the reason(s) for any period of suspension.
- 15.4.2 The LEN Panel may conduct a hearing or decide a matter based upon written submissions of the parties, however in any case the principles expressed in C 15.4.1 must be respected.

**C 16. SANCTIONS**

- 16.1 Any Member Federation, Registered Federation and/or any club or individual registered with the Member Federation may be sanctioned by LEN as stated in the Rules and Regulations if any:
  - 16.1.1 duties to LEN are not fulfilled;
  - 16.1.2 LEN has been brought into disrepute;
  - 16.1.3 Rules, Regulations and/or decisions of the Congress, of the Bureau or of the LEN Panel are violated or not complied with.
- 16.2 Possible sanctions are:

- 16.2.1 a warning;
- 16.2.2 a fine;
- 16.2.3 a suspension for a fixed period;
- 16.2.4 a suspension until an imposed obligation will be fulfilled;
- 16.2.5 a suspension until a specified set of circumstances changes or ceases to exist;
- 16.2.6 withholding of grants or subsidies from a Member Federation;
- 16.2.7 exclusion.

One or several of the sanctions may be combined.

- 16.3 Any sanction shall be recognised and complied with by all Member Federations, Registered Federations and/or any club or individual registered with the Member Federation.

#### **C 17. ANNUAL LEN CALENDAR OF EVENTS**

- 17.1 The LEN Calendar shall include:

- 17.1.1 the LEN Events;
- 17.1.2 fixtures agreed between Member Federations;
- 17.1.3 events announced by a Member Federation and accepted for inclusion in the LEN Calendar by the LEN General Secretary.

- 17.2 Events of common interest, including all FINA international events, may be added for information.

#### **C 18. FINANCES**

##### **18.1 Funds**

- 18.1.1 All funds or other property of LEN shall be applied to the furtherance of the objectives of LEN.
- 18.1.2 No funds or other property of LEN shall be paid to, or distributed among, the members of LEN. In the event of dissolution of LEN, the funds remaining shall be transferred to FINA.
- 18.1.3 Members of the LEN Bureau are not personally liable for the debts and obligations of LEN.
- 18.1.4 The Congress may decide to use the whole or any part of the funds or other property of LEN to secure and/or to compensate any present or expected liability of LEN due to negligent acts on behalf of LEN by any member of the Bureau Executive.

##### **18.2 Financial Administration and Control**

- 18.2.1 The financial year of LEN shall be the calendar year.
- 18.2.2 The Treasurer shall prepare the annual accounts, present them to the Bureau for approval. The Bureau approved accounts shall then be presented to the Congress each year.
- 18.2.3 The annual accounts shall be audited by certified professional auditors approved by the Bureau. The audit process shall be overseen and managed by the LEN Audit Committee.
- 18.2.4 The LEN Audit Committee shall be elected by the Congress for the same period as the Bureau. They shall be from two different Federations, but not from the same Federation as the Treasurer.

##### **18.3 Expenses of Bureau and Committee Members**

- 18.3.1 All Bureau and Committee Members are volunteers and shall not receive any kind of remuneration. Other than such emoluments as the Bureau shall approve from time to time to cover out of pocket expenses.

#### **C 19. ARBITRATION**

- 19.1 Final decisions made by the Congress or Bureau that violate the Constitution or mandatory legal provisions may be submitted to the Court of Arbitration for Sport (CAS), in Lausanne, Switzerland, which shall resolve the dispute finally in accordance with the CAS Code of Sports-related Arbitration.
- 19.2 The time limit for filing an appeal shall be 21 days after the reception of the decision against which the appeal is directed. The governing law of the appeal shall be the Constitution and the Rules and Regulations of LEN and complementarily, Swiss law. The arbitration proceedings shall be conducted in English, unless the parties agree otherwise.

#### **C 20. AMENDMENTS TO THE CONSTITUTIONAL RULES**

- 20.1 Any amendment to the LEN Constitutional Rules must be:
  - 20.1.1 presented by the Bureau or a Member Federation;

- 20.1.2 approved by a minimum of two thirds of Member Federations present at the Congress;
- 20.1.3 submitted to FINA for approval in accordance with FINA Rule C 14.2.

20.2 Amendments of the Constitutional Rules approved by the Congress shall come into effect immediately unless the Congress deems otherwise.

**C 21. PRINTING OF RULES**

21.1 All Rules of LEN 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 be accepted. Any other organisations desiring to publish these Rules shall obtain the permission of LEN.

**C 22. DISSOLUTION**

22.1 The dissolution of LEN may only be decided by an Extraordinary Congress.

22.2 A four-fifths majority of Member Federations shall be required to dissolve LEN.

22.3 If LEN is dissolved all LEN properties shall be transferred to FINA.

(\*) In regard to this specific situation the proposal is to include the following provision in the Congress Regulations:

*'In case the LEN President is candidate for a position as FINA President, FINA Honorary Secretary or FINA Honorary Treasurer, the LEN Bureau on proposal of the LEN President, shall decide who of the three (3) Continental FINA Bureau Members, elected as such at the LEN Congress, will replace him in the position of FINA Vice President, if he will be elected by the FINA Congress in the position he is candidate for. The LEN Bureau shall take the decision at its last meeting before the FINA Congress.'*