



**European Fencing Confederation
Confédération Européenne d'Esgrime**

23.05.2016

Information Letter no. 22-2016

Dear Member Federations,

with regard to the recent Information Letters no. 19 and 20 we have to add two more documents. These have to be discussed and voted on prior to the final voting on the restructured statutes.

I apologise for sending them after the two above mentioned letters, there were too many items to include in the first mailings.

With best regards,

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LIST OF MATERIAL CHANGES OTHER THAN TO ACHIEVE FIE COMPLIANCE

Prelude.

Reason: To define legal status of the EFC (comparable to the preamble in the FIE Statutes)

Add:

The European Fencing Confederation (EFC) is a non-profit making organisation that is subject to the laws and regulations of the Grand Duchy of Luxembourg.

The EFC's functioning is regulated by these Statutes as well as by the Internal Rules.

Article 1.6.

Reason: To correct accuracy of statement re source of EFC income.

Change as follows:

Income of the EFC also includes ~~entry fees for the European Championships~~, licence fees, sums paid according to the contracts concluded with partners and contributions received ~~by the Executive Committee~~.

Article 2.1.1 (Conditions of membership).

Reason: To add further explanation.

Add as follows:

The association is a confederation composed of European fencing federations geographically belonging to Europe. Nevertheless, other countries can be associated for reasons of geographical or cultural proximity providing they are not associated to other continent fencing associations.

Article 2.1.2.

Reason: To provide greater precision.

Change as follows:

The EFC may accept as its Members National Federations (Federations, Unions, Fencing Sections, National Sports Organisations etc.) which bind themselves to the present Statutes and the Interior Rules of the EFC, provided that they are officially recognised by the Olympic Committee of their country ~~and by the International Fencing Federation as the only representatives of fencing in their country and are FIE member federations~~.

Article 2.6.

Reason: To explain further.

Add as follows:

For outstanding merits to the EFC and long and loyal service to European fencing, the Congress may grant to a person the title Member of Honour of the EFC. The Executive Committee recommends the possible Member of Honour to the Congress. The Members of Honour assist at the Congress in advisory capacity with no voting rights.

Articles 4.1.1.

Reason: To confirm that at the end of their term of office elected post-holders are eligible for re-election

Add as follows:

They are elected for a term of four years. They are eligible for re-election at the end of their term of office.

Articles 4.1.3.

Reason: To confirm that a candidate for the presidency can only be presented by the Member Federation of the candidate's nationality

Add as follows:

A candidate for the presidency or to be an elected member of the Executive Committee, a commission or a council must be presented to the General Secretariat by the Member Federation of the candidate's nationality ----- .

Articles 4.4.3 and 4.4.4.

Reason: To elaborate a process for submitting commission/council candidates

Add as follows:

4.4.3 ~~4.4~~ All candidates for membership of these Commissions/Councils must be presented to the General Secretariat for the attention of the Executive Committee by a Member Federation and are subject to the following conditions:

- Only one candidate may be proposed by each Member Federation for each post
 - A candidate for a Commission/Council can only be presented by the Member Federation of the country of which the candidate has nationality.
- The Member Federation that presents the candidate must also be a full Member of the EFC.

4.4.3 ~~4.4~~ The Secretary General asks the Member Federations to present their candidates for the different Commissions/Councils after the Elective Congress has taken place and at least one month before the date of the Executive Committee meeting at which the Commission members will be elected. Names of Commission/Council candidates must be submitted in writing to the General Secretariat at least two (2) weeks before the date of the above-mentioned meeting.

Article 4.5, also Articles 4.1.1, 5.3.1.9 and 6.5.

Reason: To detail a process for the election by athletes of an Athletes Commission and the commission's election of its president.

A consequence of the demand that the president of the Athletes Commission be a voting member of the COMEX. The fulfillment of the spirit of this requirement necessitates a commission elected by the athletes and electing its own president.

ARTICLE 4.5. ELECTION OF THE ATHLETES COMMISSION

4.5.1 The elections for the Athletes Commission are held at the European Senior Championships in the year of the Olympic Games.

4.5.2 All athletes who, in the weapon in which they fence, have been entered to compete in at least one of the European Senior Championships held over the last 5 years can be a candidate for the Athletes Commission.
If the fencer has fenced several weapons during such competitions, he must choose only one of those weapons for this candidature.
Each member federation can nominate one single athlete for the Athletes Commission

- 4.5.3 Each member federation shall indicate to the EFC the name of its candidate two months before the first day of the European Senior Championships in the year of the Olympic Games.
- 4.5.4 One month before the European Senior Championships, the E.F.C. shall send to each member federation the list of the candidates.
- 4.5.5 The athletes participating in these European Senior Championships in the year of the Olympic Games will elect six representatives from among these candidates for a four year term.
- 4.5.6 Six ballot boxes will be provided, one per weapons; each participant may vote for one athlete in each weapon.
- 4.5.7 The voting athletes will personally go to the office of the EFC at the competition site to fill in their voting slips (one per weapon, preferably of different colours) and deposit them in the appropriate ballot boxes, after having verified their identity by presenting their accreditation and having signed the attendance sheet.
- 4.5.8 The voting will be open for all weapons and will begin on the first day of the European Senior Championships, and will end at noon local time on the last day of the individual events of the European Senior Championships.
- 4.5.9 In each weapon the candidate who has received the greatest number of votes will be elected.
- 4.5.10 In case of a tie, the candidate who has the highest placing in the world Open ranking on the date of the opening of the European Senior Championships will have the preference.
- 4.5.11 If in any weapon there is no candidate, the un-elected candidate with the highest vote who is of the same gender as the un-represented weapon will be elected; in case of a tie, 4.5.10 will apply.
- 4.5.12 The federations will be informed of the result of the election by the start of the first day of the team event.
- 4.5.13 The six members of the Athletes Commission so elected will meet during the team events to elect the president of their commission on condition that all can conveniently be assembled; otherwise the EFC Secretary General will at a later date conduct an e-mail vote (secret ballot) for this purpose.
- 4.1.1 **Add** The members of the Commissions and Councils are elected by the Executive Committee at a meeting following the Elective Congress, *except in the case of the Athletes Commission (c.f.4.5).*
- 5.3.1.9 **Re** Article on Executive Committee electing members of each commission/council and nominating an Executive Committee member as its president,
Add: (all except in the case of the Athletes Commission, for which see Article 4.5);
- 6.5 **Add:** Exceptionally, in the case of the Athletes Commission the commission members elect their President from among their number and the Executive Committee nominates one of its members to liaise with and coordinate the work of the Athletes Commission.

Article 5.3.1.12.

Reason: To precise that a role of the Executive Committee is to recommend possible Members of Honour to the Congress, in conformity with Article 1.6.

Add a new Article as follows:

5.3.1.12 recommending possible Members of Honour to the Congress

Articles 5.5.3 and 5.5.4.

Reason: To replace the Vice president by the General Secretary as replacement for the President in case of the President's temporary or permanent absence.

Change as follows:

5.5.3 ~~13.3~~ The ~~Vice-president~~ General Secretary replaces the President in case of absence. He performs the functions of the President at the Executive Committee meetings, at the Congresses and in other official activities.

5.5.4 ~~13.4~~ In case of definitive absence, withdrawal or death of the President, the ~~Vice-president~~ General Secretary shall lead the EFC until the next Congress, ----- . .

Article 5.5.4.

Reason: To clarify the tenure of a person elected President to replace a President because of the latter's definitive absence, withdrawal or death.

Add as follows:

----- during which a new President shall be elected to serve as President for the remaining term.

Section 8 - DISCIPLINE.

Reason: To incorporate the EFC disciplinary process within the FIE disciplinary process (Chapter 9 of the FIE Statutes) rather than using a separate EFC disciplinary process as implied by the FIE's wish that there be an EFC Legal/Disciplinary Commission.

Add as follows:

8.1 The EFC is subject to the FIE's Disciplinary Code. In furtherance of this the EFC incorporates by reference the FIE Disciplinary Code, substituting "EFC" for "FIE" as appropriate to make it effective for controversies within the EFC..

8.2 The Disciplinary Panel of the FIE has sole jurisdiction to rule on all offences against the Rules and Statutes, Ethics Code, discipline or sportsmanship within the purview of the E.F.C., except the specific dispositions with respect to discipline at the sites of the competitions to be found in Articles t.114 et seq. of the Rules for Competitions of the F.I.E.

8.3 Any person, therefore, be they individual or entity, wishing to present a complaint or state the existence of an offence within the purview of the EFC susceptible of being pursued in accordance with the above Articles 8.1 – 8.2 must present their complaint before the Disciplinary Tribunal of the FIE in conformity with the Disciplinary Code of the FIE.

Proposal on the coming into force of the modified and restructured statutes:

1) The first sentence of Article 3.4.3, being “The Elective Congress is conducted every four years, during the year the Olympic Games, at the time of the European Senior Championships” comes into force on January 1st, 2020.

Until then the following text shall be valid:

“An Elective Congress will be conducted in 2017 and again in 2020, in each case at the time of the European Senior Championships”.

2) The text of Article 4.5.1, being “The elections for the Athletes Commission are held at the European Senior Championships in the year of the Olympic Games”, comes into force on January 1st, 2020.

Until then the following text shall be valid:

“Elections for the Athletes Commission will be held at the European Senior Championships in 2017”.

3) Article 4.1.1, 3rd paragraph, relating to the president, Executive Committee, commission and council members, being “They are elected for a term of four years. They are eligible for re-election at the end of their term of office.” comes into force on January 1st, 2020.

Until then the following text shall be valid:

.Exceptionally in 2017 they will be elected for a term of three (3) years, that is to say up until 2020 elections. They are eligible for re-election at the end of their term of office.”

4) Proposed text “In all other respects these statutes come into force on July 1st, 2016”.