



MEMORANDUM SUMMARIZING VARIOUS DUTIES OF FINA MEMBERS, CONTINENTAL AND REGIONAL ORGANISATIONS

1. FINA MEMBERS

The aim of this Memorandum is to recall and summarize a number of key obligations/duties of FINA Members.

It is indeed important that each FINA Member is duly informed of its obligations so that it complies with all the required procedures in a timely manner.

A. Official Email Address

FINA strongly recommends that each FINA Member use a generic official email address, notably for the sake of consistency. In case of changes of officials within a FINA Member, the official email address will thus remain in service.

A change of official email address shall have a valid reason.

Each request for a change of official email address shall be sent to the FINA Legal Department to the following FINA email address: legal@fina.org. The request shall be sent from the current official email address of the FINA Member, shall indicate the planned new official email address and the reasons of the requested change.

B. General Assembly and Board Election

According to FINA Rule C 8.2.8 of the FINA Constitution, each FINA Member is obliged: *“to hold a general assembly at least every two (2) years. The general assembly must approve the accounts, the budget, a technical report as well as an audit report. Elections must be held every four years. FINA shall be notified of the dates and the location of the General Assembly sixty days before the general assembly. The minutes shall be provided to FINA within sixty days of the general assembly”*.

This provision triggers the following obligations:

- Each FINA Member shall notify FINA of the dates and the location of each of its general assembly at least sixty (60) days before the general assembly. This notification shall be done to the following FINA email address: sportsdep@fina.org ;
- Each FINA Member shall provide an English version of the minutes of each of its general assembly within sixty (60) days following the said general assembly. The minutes shall be provided to the FINA Legal Department to the following FINA email address: legal@fina.org ;

Furthermore, in relation to each elective general assembly, FINA requests that each FINA Member duly fill in and sign a Minutes Confirmation Form (**attached**). This document shall also be provided to the FINA Legal Department within sixty (60) days following the said elective general assembly.

C. Change of Name

According to FINA Rule C 7.4, each FINA Member shall seek approval of the FINA Bureau for any change of its name before such change comes into effect.

Each request for a change of name shall be sent to the FINA Legal Department to the following FINA email address: legal@fina.org. This request shall enounce the reasons of the requested change.

To assist it, each FINA Member may use the Change of Name Form (**attached**).

D. Constitution

According to FINA Rule C 7.4, each FINA Member shall seek approval of the FINA Bureau for any change of constitution before such change comes into effect.

FINA Rules set a number of FINA Members' obligations (see notably, but not limited to, FINA Rule C 8.2).

In particular, each FINA Member is obliged to ensure that its own constitution and rules comply at all times with the FINA Rules and to amend them as may be necessary for this purpose.

The FINA Compliance Form (**attached**) will assist each FINA Member to assess if its current own constitution is compliant with FINA Rules.

In this respect, FINA kindly requests that each FINA Member:

1. provides to the FINA Legal Department to the following FINA email address: legal@fina.org, (i) a duly filled in and signed FINA Compliance Form and (ii) an English version of its current constitution **by 12 February 2021 at the latest**;
2. indicates, also in respecting the aforementioned deadline, when its constitution has been amended for the last time and when its constitution was lastly been approved by the FINA Bureau.

If a FINA Member has already provided a FINA Compliance Form to the FINA Legal Department in 2020 and has not amended its constitution since then, the said FINA Member shall resend to the FINA Legal Department, for the sake of good order, the same form in the aforementioned deadline.

E. Procedure if a Need for Constitutional Changes is identified

In relation to the approval's procedure, the FINA Bureau delegates the review of FINA Members' constitutions to the FINA Legal Committee and to the FINA Legal Department.

If a FINA Member identifies that its current constitution does not fully comply with FINA Rules, or has doubt about the conformity of its constitution, FINA kindly requests the following approach:

- i. the FINA Member prepares a first draft of amended constitution, in English, with amendments in track changes, in order to ease the identification of the proposed changes, and send it to the FINA Legal Department to the following FINA email address: legal@fina.org;
- ii. this draft amended constitution is submitted by the FINA Legal Department to the FINA Legal Committee for its review. If it may help, the FINA Legal Department may also provide the FINA Member with some observations;

- iii. the FINA Member takes into account the opinion of the FINA Legal Committee and makes any eventual necessary change;
- iv. the draft amended constitution is finalized in due time to put this item on the agenda of the next general assembly of the FINA Member;
- v. the FINA Member adopts its new constitution and informs the FINA Legal Department of the adoption of the updated constitution;
- vi. Constitutional changes are submitted to the FINA Bureau. If the FINA Bureau is approving the changes, they will come into force only from that moment on.

2. CONTINENTAL AND REGIONAL ORGANISATIONS

The aim of this Memorandum is to recall and summarize a number of key obligations/duties of Continental Organisations and Regional Organisations.

A. Official Email Address

The section above (*A. Official Email Address*) related to FINA Members shall also be respected by Continental Organisations and Regional Organisations.

B. General Assembly

According to FINA Rule C 14.4, each Continental Organisation shall hold a general assembly at least every two years and elections every four years. FINA shall be notified of the dates and the location of general assemblies at least sixty (60) days in advance, and be provided with the minutes within sixty (60) days.

By analogy, these duties also applies to Regional Organisations, which are part of the FINA Family and established by or with the encouragement of their respective Continental Organisations (see notably FINA Rule C 14.6.4).

This provision triggers the following obligations:

- Each Continental Organisation and Regional Organisation shall notify FINA of the dates and the location of each of its general assembly at least sixty (60) days before the general assembly. This notification shall be done to the following FINA email address: sportsdep@fina.org ;
- Each Continental Organisation and Regional Organisation shall provide an English version of the minutes of each of its general assembly within sixty (60) days following the said general assembly. The minutes shall be provided to the FINA Legal Department to the following FINA email address: legal@fina.org ;

Furthermore, in relation to each elective general assembly, FINA requests that each Continental Organisation and Regional Organisation duly fill in and sign a Minutes Confirmation Form (**attached**). This document shall also be provided to the FINA Legal Department within sixty (60) days following the said elective general assembly

C. Constitution

According to FINA Rule C 14.2, the constitution of Continental Organisations must be approved by the FINA Bureau. It must not be in conflict with the FINA Rules which must prevail in case of any inconsistency. A provision to this effect must be included in the constitution. Any change must be submitted to FINA for approval.

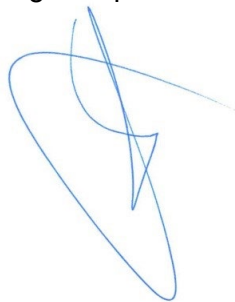
In this respect, FINA kindly requests that each Continental Organisations and Regional Organisations:

1. provides to the FINA Legal Department to the following FINA email address: legal@fina.org, (i) an English version of its current constitution **by 12 February 2021 at the latest**. In the event that a Continental Organisation or a Regional Organisation has more than one official languages, FINA would like to receive the current constitution in each official language;
2. indicates, also in respecting the aforementioned deadline, when its constitution has been amended for the last time and when its constitution was lastly been approved by the FINA Bureau.

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On 23 December 2020

Mr. Loïc Loutan
FINA Legal Department



Enclosures:

- Minutes Confirmation Form;
- Change of Name Form;
- FINA Compliance Form;