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**Introduction - Governance of Aquatics**

Good governance is essential to having an efficient, effective and ethical Aquatics Federation. While it may not solve all the problems or challenges your federation might face, it can help to prevent and solve some of the most important ones.

Developing structural governance within your Federation goes well beyond just staying within the legal boundaries of your nation. The purpose of incorporating good sporting governance is important in terms of running your Federation smoothly and effectively. By assigning proper roles and responsibilities your Aquatics Federation can think and plan for its current activities but also establish a solid basis for its future Aquatics success.

This document will provide you with the means for setting your own good practices. Please note that the suggestions provided are not meant to serve as replacements for existing laws within your own countries; they should rather serve as guidelines to set a minimum standard for Aquatics governance within your Federation.

What is good governance and how can you implement it in your Federation? To start, there are many types of governance your Federation needs to keep in mind, organisational governance, sporting governance, are only two of them. From whichever point of view, it is still just a framework that your Federation will use to work properly and efficiently.

Good governance within your Federation should aim at promoting long term value at all levels. When setting up your framework and structure, it is important that your federation aims to be transparent, ethical and responsible in all manners.

**1. Objectives of governance in Aquatics**

The governance of your Aquatics Federation should above all serve as a tool to remain stable, withstand hardship and possible problems, and be used to bring together members and combine them in their best possible interest.

Therefore, Good Governance can be understood as the framework and culture within which a sports body sets policy, delivers its strategic objectives, engages with stakeholders, monitors performance, evaluates and manages risk and reports to its constituents on its activities and progress including the delivery of effective, sustainable and proportionate sports policy and regulation.

1. **To establish a clear strategy:** A transparent business strategy should be the result of an inclusive internal and external strategy development process. The strategy should be published and evaluated on a regular basis.

2. **To have clear structure and statutes:**

3. **To promote ethical values, integrity and competent governance:** National Federations are invited to include ethical values, integrity rules and good governance as priority objectives in their statutes. Moreover, with respect to ethical matters, associations are free to decide whether they want to address them in their disciplinary regulations or by means of a specific code of ethics.

4. **To ensure the Stakeholder involvement:** National associations are called to recognise and consult regularly their various stakeholders, both those that belong to the Aquatics family (i.e. clubs, leagues, players, coaches, referees and supporters) and other interest groups such as political bodies, media and relevant NGOS who are important partners for the overall development of Aquatics at national level.

5. **To professionalise structures:** An association’s committees also have a very important role; therefore, not only are clear stipulations regarding the work, responsibilities and composition of every committee strongly recommended, but also fair gender representation and a balance of interests.
6. **To have an independent and efficient administration:** The key element here is to guarantee that the administration, i.e. those who run the association’s day-to-day business, is protected from undue political interference.

7. **To be accountable:** FINA is addressing the need to safeguard national associations from mismanagement. Some examples like, double signature systems, proper risk management programmes, appropriate tender processes, budgeting, and definition of duties and responsibilities are all deemed as essential. Focusing, in particular, to the double signature systems, the idea behind is that important documents cannot be signed off only by a single person but rather require two persons co-signing them, for instance by the President of a national association and one of his directors. With such a procedure in place, not only there is a higher accountability since more than one person appears as a signatory, but also there is a higher degree of protection for the top management.

8. **To be transparent in financial matters and corporate documents:** The need for transparency is highlighted, especially in financial matters. National associations are therefore called upon to have transparent financial structures and strict financial controls, both internal and external. Moreover, for the sake of transparency towards the various stakeholders, certain documents should be made publicly available.

9. **Compliance:** FINA strongly recommends that Federations implement a strong compliance policy and culture to ensure that statutes and regulations are adhered to.

10. **Volunteer programmes:** Considering that an association’s overall goal should be to stimulate participation in Aquatics, associations are recommended to have effective grassroots and volunteer programmes to boost active involvement, especially among young people.

To support the implementation of these ten good governance principles at national level, FINA will organise regional workshops in the coming years. These workshops will aim at analysing in detail the ten principles and at giving the opportunity to national associations to share knowledge and good governance practices. In parallel to that, upon request, FINA will be supporting individually any national association that wishes to go through a good governance reform process, including any statutory revision process.

In conclusion, in the last few years FINA has set good governance – both from a corporate point of view and at national association level – as a priority. It must also be borne in mind that good governance is not something that can be achieved or not achieved, but rather an ongoing process of professionalisation and better management over time.

### 2. A National Aquatics Federation constitution

Bringing consistency, credibility and order in the aquatics environment of your country can be done by implementing a constitution in your National Aquatics Federation.

In order to do this, your Federation should aim to achieve the following:

- Develop a governance structure capable of delivering services necessary to achieve all the objectives set out in the constitution.
- Encourage, develop, organise and promote aquatics throughout the country, bringing order, credibility and consistency through the adoption of necessary uniform rules and regulations.
- Maintain political and religious neutrality and not to tolerate any form of discrimination.
- Set up and maintain the lines of communications between its members.
- Establish a financial policy and generate adequate financial resources in order to develop aquatics within a balanced financial budget.
- Generate the necessary resources to realise programs for national teams, which represent the country at various international competitions.
- Provide sports competitions, camps, seminars, conferences, courses, clinics, examinations, development programs, events, campaign, and other promotional activities for its members.
- Promote and develop the standard of coaching, officials and aquatics administration.

### 3. Membership involvement
Keeping your members involved in the governance process of your federation fosters effective governance. Governance is about leadership, therefore it is important to understand your members and keep them in mind when constructing your policies.

When creating guidelines for your federation’s members, keeping in mind current FINA membership procedures can be helpful:

- The national body governing Swimming, Open Water Swimming, Diving, High Diving, Water Polo and Synchronised Swimming, in any country or Sport Country shall be eligible for membership in FINA. Once approved for membership, your federation will then fall within a specific “Sport Country”, meaning a geographical territory or region which, though not recognised as a country, has certain aspects of self-government (to the extent of sport) which is recognised by FINA.
- When developing a constitution and rules within your Federation remember that your rules must not be in conflict with those of FINA. If there is a conflict, you must remember that FINA rules will prevail over those developed by your federation.
- As a member of FINA your national rules must acknowledge that FINA is the only recognised body in the world which governs Swimming, Open Water Swimming, Diving, Water Polo, Synchronised Swimming, High Diving and Masters internationally.

4. General congress

The governance of your National Federation must include specifications about the make up of the General Assembly/Congress within your National Federation. This must also include the allocation of the votes, which in case of a dispute this is going to be the only valid document.

The General Assembly/Congress should be the highest authority within your National Federation, mainly due to the fact that all objectives within your governance should be voted up and withheld through the power of your general congress.

A General Assembly/Congress can be used for the following:

- To adopt, modify and change the governance of your federation.
- To elect Executive Board/Management Committee members, the President and the Treasurer.
- To examine, review and approve all reports (in particular reports of the Executive Board/Management Committee).
- To approve the accounts and the balance sheet, and to vote on the budget of your federation.
- To adopt internal regulations.
- To designate the auditor.
- To take a vote of no confidence in the Executive Board/Management Committee.
- To grant titles of Patron, Honorary and Life Members.
- To exclude officials or members.
- To dissolve the National Federation.

The General Assembly/Congress should meet once a year (after the end of the financial year – preferably the financial year should be the calendar year) and they should have the right to legislate aquatics in the country. This power is fundamentally vested to the members of the National Federation and exercised by them directly or indirectly through a system of representation. As mentioned, for the purpose of transparency, your National Federation should publish (officially announce) the findings of each General Assembly/Congress as well as any votes/decisions which have been made.
5. Minimum Requirements for the Implementation of the Basic Principles of Good Governance

5.1. Vision, Mission and Strategy

- The vision, values, mission and strategy of the National Federation (NF) are elements that allow it to establish its purposes and goals as an organisation and guide its governing bodies and office-bearers in the decision-making processes and the daily activities.
- The vision, values, mission and strategy should form a consistent and coherent whole, from ideals to practical actions.

The vision and overall goals of the organisations have to be clearly defined and communicated.

The mission should include:

- Development and promotion of sport through non-profit organisations
- Promotion of the values of sport
- Organisation of competitions
- Ensuring a fair sporting contest at all times
- Protection of the members and particularly the athletes
- Solidarity
- Respect for the environment.

The vision of the NF should be stated in its statutes and reflect the values and goals of FINA as mentioned in the FINA Constitution and Strategy.

The mission should include:

- The vision of the NF should be stated in its statutes and reflect the Fundamental Principles of the sport and the values and goals that the organization wishes to promote.
- The primary mission of the FINA National Federations shall be to develop, promote and protect the Aquatic Disciplines in their respective countries, in accordance with the FINA Constitution.

The strategy is to be aligned with the vision and regularly adapted to the environment.

The strategy of sporting organisations should be elaborated at the highest level of the organisation.

The strategic plan should be developed and proposed by the executive body of the National Federation, through a consultative process involving key stakeholders, and submitted to the General Assembly (GA) for consideration, approval and/or ratification. The action/operational plan can subsequently be established by the executive and/or management body of the National Federation.

The strategy of sporting organisations should be elaborated at the highest level of the organisation.

The NF, as an organization member of FINA, must respect the provisions of the FINA Constitution and the World Anti-Doping Code and abide by the decisions of FINA. The NF must, in accordance with its mission and role at national level, participate in actions to promote gender equity in sport. The National Federation must support and encourage the promotion of sports ethics, fight against doping, peace through sport and demonstrate a responsible concern for sustainability and environmental issues.

Recognising that sport occurs within the framework of society, the National Federation, must have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of its organisation, enjoying the right to elections free from any outside influence, and the responsibility for ensuring that principles of good governance are applied, including the highest standards of ethics, integrity, accountability and transparency.

- The NF must encourage the development of high-performance sport as well as sport for all in the country.
- The NF must help in the training of sports administrators.
- The NF must act against any form of discrimination and violence in sport.
- The NF must adopt and implement the World Anti-Doping Code.
- The NF must encourage and support measures relating to the medical care and health of athletes.
• The NF has the exclusive authority for the representation of the country at the FINA World Championships and at the regional, continental or world multi-sports competitions patronised by FINA or the Olympic Movement, and must constitute, organise and lead its respective delegations at such events and competitions. The National Federation must decide upon the entry of athletes proposed by the respective NFs. Such selection must be based not only on the sports performance of an athlete but also on their ability to serve as an example to the sporting youth of the country. The NF must ensure that the entries comply in all respects with the provisions provided by FINA. The NF is responsible for the behaviour of the members of its delegations.

• The NF is obliged to participate in the FINA World Championships by sending athletes.

• The NF has the exclusive authority to select and designate the city which may apply to organise World Championships (or other regional, continental or world multi-sports competition endorsed by FINA) in the country.

• In order to fulfil its mission, the NF may cooperate with governmental bodies and work to develop and maintain harmonious and fruitful relations with governmental bodies, with mutual understanding and respect for the jurisdiction and responsibilities of each entity. The National Federation may also cooperate with non-governmental bodies.

• The NF must preserve its autonomy and resist all pressures of any kind, including but not limited to political, legal, religious or economic pressures which may prevent it from complying with the FINA Constitution.

• To achieve its objectives, the NF must seek sources of financing in a manner compatible with the FINA Constitution.

• The NF may use the FINA Logo, flag, motto and anthem (which are the exclusive property of the FINA) only within the framework of its non-profit-making activities, provided such use contributes to the development of Aquatics and does not detract from its dignity, and provided that it has obtained the prior approval of FINA, in accordance with the FINA Brand Guidelines.

• The basic mission, role, objectives, powers, prerogatives, responsibilities and activities of the NF can be extended and/or further completed - depending on the additional competences that may be delegated or granted to the NF in the country, on a case-by-case basis, in agreement with the relevant authorities and organisations locally – provided that they do not contradict the FINA Constitution.

• The vision, mission, role, objectives, powers and responsibilities of the NF should be implemented through consistent strategic and action/operational plans established for a limited period of time, with the possibility of reviewing them when necessary and adapting them to changing circumstances, as the case may be. The strategic and action/operational plans should include a risk assessment and a monitoring and evaluation framework, which should be addressed as part of regular operational meetings.

• When establishing or reviewing its vision, mission, role, strategy and operations, the NF should involve the highest level of expertise and experience (from within and/or outside the NF) and seek contributions from the largest possible number of stakeholders concerned to make the process as effective, exhaustive and inclusive as possible.

• When developing a strategic and/or action/operational plan, the following elements should be taken into consideration:
  o Evaluate the environment of the NF with internal (office-bearers, staff members, etc.) and external (partners and stakeholders) information, through broad consultation.
  o Assess the NF’s Strengths, Weaknesses, Opportunities and Threats (SWOT analysis), including resources and (external and internal) factors affecting the performance of the NF
STRUCTURE

All sports organisations in the Sports Movement should be based on the concept of membership within entities established in accordance with applicable laws.

The sports organisations should include as members legal or physical persons who constitute the organisation and contribute to form the will of the organisation.

The stakeholders of the organisation encompass all members who make up the organisation as well as all external entities who are involved and have a link, relation with or interest in the organisation.

REGULATIONS

All regulations of each organisation and governing body, including but not limited to, statutes/ constitutions and other procedural regulations, should be clear, transparent, and must be in a position to accomplish its mission, role and goals.

The sports organisations involved and have a link, external entities who are members who make up the organisation encompass all The stakeholders of the organisation.

The statutes of the NF shall be clearly determined in the NF statutes in accordance with the minimum requirements of the FINA Constitution and Rules.

The statutes of the NF should include specific provisions and clear procedural rules in relation in particular to the following items:

- Qualification and application for membership;
- Rights and duties of members;
- Gradual and proportional disciplinary measures and sanctions against members (e.g. warning, suspension, exclusion) depending on the gravity of the facts and the level of damage or infringement (making sure that the principles of natural justice are fully respected, in particular that a fair opportunity is offered to the member concerned to be heard before any decision is taken);
- Register of members kept up-to-date.

In order to accomplish its mission and reach its goals, the NF may require, and benefit from, the input and support of external stakeholders or partners at both national level (governmental authorities, commercial partners, other non-governmental sports organisations, media etc.) and international level (FINA, NOCs, Associations of NF, etc.

The constructive involvement of stakeholders or partners should be beneficial to the NF and its member organisations, and serve to strengthen its activities and operations by developing the means and resources available, concretely for the athletes in the country.

The statutory and regulatory provisions governing the NF should be clearly established, thus avoiding ambiguity and vagueness which may be a source of conflicts among members, between members and office-bearers of the organisation, and between the organisation and external stakeholders.

There should be a clear distinction between the roles of the governing board and staff/volunteers responsible for managing the affairs of the NF as well as a clear definition of the roles established for each Executive Board (EB) member.

5.2. Structures, regulations and democratic processes

- Define and prioritise the objectives of the plan by using, for the operational plan, SMART criteria (Specific, Measurable, Attainable, Ranked, Time-constrained), including KPIs (Key Performance Indicators) for measuring their achievement.
disclosed, publicised and made readily available.

**Clear regulations** allow understanding, predictability and facilitate good governance.

The procedure to modify or amend the **regulations** should also be clear and transparent.

- Clear regulations facilitate implementation and compliance, and allow for internal and external scrutiny of decision-making processes.
- All members of the NF shall have immediate access any time to the rules and regulations of the NF.
- In addition, all stakeholders and partners should have easy access to the rules and regulations of the NF.
- The statutes of the NF should be disclosed and publicised, e.g. on the NF website.
- The statutes of the NF should include specific provisions and articles covering in particular the following items:
  - Compliance with FINA, WADA Code, highest standards of good governance, ethics, integrity, accountability and transparency;
  - Legal status and jurisdiction;
  - Mission, Role, Objectives, Powers, Responsibilities of the NF.
  - Membership (including qualification and application for membership; rights and duties of members; termination or cessation of membership; disciplinary measures and sanctions; updated register of members).
    - Governing Bodies, including:
      - General Assembly (composition based on membership); powers; meetings procedures including election procedure of the members of the Executive Board);
      - Executive Board (composition; term of office; vacancies; powers; meetings procedures; powers and responsibilities of the office-bearers);
      - Commissions and ad-hoc working groups;
      - Finance;
      - Disputes-Resolution;
      - Amendments to the statutes and approval by FINA;
      - Dissolution of the organisation;
- Final provisions.
- A clearly described procedure to modify or amend the statutes and regulations of the NF (usually by a qualified majority (e.g. 2/3) of the voting members and/or a qualified quorum (e.g. 2/3) of the members present) should be included expressly in the NF statutes, as well as a specific reference to the fact that the statutes of the NF, and any subsequent amendments to the statutes, are subject to compliance with the FINA Rules and prior approval by FINA in accordance with the FINA Rules.
- The statutory and regulatory provisions governing the NF should be reviewed periodically to adjust and adapt to changing circumstances, when necessary.

**GOVERNING BODIES**

The size of the **governing bodies** should be adequate and consistent with the size of the sports organisations.

The **tasks and responsibilities** of the governing bodies should be clearly defined in the applicable regulations and should be adapted and reviewed as necessary.

Governing bodies should be entitled to create standing or ad hoc **committees** with

- The size and composition of the governing bodies of the Federation should reflect a satisfactory balance between optimal representation of members and a size (number of members) that does not hinder the effectiveness of the Federation’s operations.
- The number of members in the Executive Board of the NF should be reasonably proportional to the number of voting members or representatives in the General Assembly (GA) while remaining relatively reduced and workable. (By way of example, the FINA Executive Board consists of 7 members, including the President, and the Bureau consists of 27 voting members).
- In principle, the Executive Board (EB) should include (at least) the following positions:
  - President;
  - Vice-President(s);
  - Secretary General / CEO (this position may be filled by a professional hired by the NF with a working contract but, in this case, without voting right);
specific responsibilities, in order to help them in their tasks.

The organisation should set out and adopt reliable and appropriate criteria for the election or appointment of members of the governing bodies so as to ensure a high level of competence, quality and good governance.

- Treasurer / Financial Officer (this position may also be filled by a professional hired by the NF with a working contract but, in this case, without voting right);
- Athletes’ Commission representative;
- Members.

- The governing bodies and office-bearers of the NF should have their powers and tasks clearly described, avoiding potential overlaps in their activities or doubts about their responsibilities.
- The NF statutes should define the powers, tasks and responsibilities of the General Assembly, the supreme organ of the organisation, and the Executive Board, the executive body, as follows:
  - As supreme organ of the NF, the General Assembly should be entitled, in particular, to:
    - Approve and amend the statutes;
    - Admit and/or expel members;
    - Approve the strategic plan;
    - Hear, examine and approve the annual report and the audited financial accounts for the past year, as well as the budget proposed for the following year;
    - Elect/appoint an independent auditor;
    - Elect the members of the Executive Board;
    - Elect or appoint or approve the members of any independent commissions with a decision-making power established by the NF, if any (e.g. election commission; ethics commission; disciplinary commission and/or disputes resolution body);
    - Decide on the dissolution of the organization, if applicable;
    - Exercise any other powers or take any other significant decisions, as supreme organ, as established in the NF statutes.
  - As executive body of the NF, the EB should be entitled, in particular, to:
    - Govern the NF in accordance with the statutes and with the strategic plan and the budget approved by the GA;
    - Submit proposals to the GA for the definition and approval of the strategic plan and general policies;
    - Oversee the implementation of the decisions and resolutions passed by the GA;
    - Prepare the audited financial statements, annual budget and reports for submission to the GA;
    - Manage the property and funds of the Federation as approved by the GA;
    - Shortlist, select and enter the participants for the major competitions (and for regional, continental or world multi-sports competitions, if applicable), following a proposal from the NFs and in close coordination with them, based on a clearly established selection policy;
    - Provide guidance and assistance to the NFs and members, when necessary;
    - Establish commissions and ad-hoc working groups, when necessary, to assist in the activities and operations of the Federation and bring additional technical expertise in certain specific areas;
    - Review any application for membership and make recommendations to the GA for decisions;
    - Take any disciplinary action (such as warning, suspension or exclusion vis-à-vis the members of the NF delegations to the major competitions; or warning and provisional suspension vis-à-vis the NF members) that does not fall under the jurisdiction of the GA and/or any other bodies;
    - Perform any other tasks as established in the NF statutes or as delegated by the GA.
  - The Federation may decide to establish commissions and ad-hoc working groups to facilitate, assist and enhance the work and activities of the NF, and bring additional technical expertise in certain specific areas.
In principle, such commissions and ad-hoc working groups should be advisory bodies (with a power to make recommendations) established by the EB (permanently or temporarily) which determines their authority, composition and operations, unless otherwise specified in the NF statutes and/or unless they are independent NF with a decision-making power (e.g. election commission; ethics commission; disciplinary commission and/or disputes-resolution body) in which case they should be established, and their members elected / appointed, by the GA.

- An Athletes’ Commission should be specifically established by the NF.
- When establishing eligibility criteria for the elected members of the NF EB, there should be the right balance between:
  - The assessment of the competence, field of expertise and experience of the candidates;
  - The necessity of ensuring a fair and balanced representation of the diversity of the voting membership of the GA, including gender equity, and compliance with the requirements of the FINA Rules for a voting majority of representatives of NFs for Aquatics sports within the EB;

- The principle of free and open elections (including access for new candidates).
- In addition, the eligibility criteria should be clearly established and subject to approval by the GA (e.g. as part of the Federation statutes) and should not deprive the GA of its legitimate right to choose and elect the eligible candidates. As a result, the eligibility criteria should not be too restrictive but should be based on minimum standards that should be specific, realistic and objective to best serve the interests of the NF and the development of Aquatics in the country.
- Additional eligibility criteria may be necessary for very specific positions which require specific skills and technical qualifications, in particular the function of Treasurer (or equivalent), for which the necessary educational and/or professional background in accountancy and/or financial management should be required.

Representative governing bodies

Members of the organisation should be represented within the governing bodies, particularly women and athletes

Special care should be taken for protection and representation of minority groups

- The members of an NF should be adequately represented within the governing bodies of the Federation as established in the NF statutes.
- In the Federation GA:
  - The individual members (physical persons), if any, should represent themselves.
  - The legal entities (legal persons), in particular the NFs, should be represented by their legal representatives (in principle the President of the entity) or, if the President/legal representative is unable to attend the meetings, by another delegate appointed and authorised (in writing) by the entity (who should be, in principle, a member of the executive body of this entity).
- In the NF EB:
  - The election procedure of the members of the EB should ensure a fair and balanced representation of the voting membership of the NF (e.g. a club should not be eligible to nominate more than one or two candidates for election on the EB; or an entity should not be represented by more than one member within the EB, etc.).
  - Special consideration should be made to ensure:
    - A fair representation of both genders within the governing bodies of the NF.
    - A representation of the athletes within the governing bodies of the NF (in principle, at least an athletes’ representatives elected by the NF Athletes’ Commission in the NF GA; and at least one
Democratic process

Democratic processes, such as elections, should be governed by clear, transparent and fair rules.

- The NF statutes should include clear procedural rules for the meetings of the NF governing bodies (in particular the GA and the EB) which ensure democratic, open and transparent decision-making processes.
- In particular, a clear, detailed and fair procedure for the election of the members of the EB should be established in the NF statutes as approved by the GA.
- This may include the setting-up of an independent and impartial election commission by the GA in charge of conducting and monitoring the election process as a whole (from the receipt of the nominations to the declaration of the results). By way of example, this election commission may include three independent members (including a Chair and at least one member with a legal background) elected by the GA from among independent and neutral persons (within the NF or outside) who are not candidates at the elections and do not exercise a right to vote in the elections.
- The election rules should cover in particular the following points:
  - Eligibility criteria;
  - Practical arrangements for the elections, e.g. whether they are conducted by list or position by position;
  - Procedure (including reasonable deadlines) for announcing the election date, submitting nominations, reviewing the nominations against the eligibility criteria (with a possibility for the candidates and/or any voting member to appeal against a decision of the election commission on the eligibility assessment) and communicating the eligible candidates to the GA membership;
  - Voting process (by secret ballot). By way of example only:
    - Any candidate for a position who obtains more than half of the validly cast votes will be declared elected;
    - If there are more than two candidates for a position and none of them obtains more than half of the validly cast votes in the first round, there will be a second round between the two candidates who obtain the highest number of validly cast votes in the first round. In this second round, the candidate who obtains more than half of the validly cast votes will be declared elected;
    - Blank and spoilt votes will not be counted in the calculation of validly cast votes.
    - Declaration of results.

Attributions of the respective bodies

A clear allocation of responsibilities between the different bodies such as general assembly, executive body, committees or disciplinary bodies, should be determined.

There should be a balance of power between the bodies responsible for the management, supervision and control of the sport organisations.

Principle of checks and balances.

- The EB must be accountable to the GA.
- There should be a clearly articulated set of roles and responsibilities among the organs and officials of the NF ensuring accountability and a fair balance of power.
- There should be a separation of powers between the governing bodies of the NF. To this effect, the EB members may naturally participate in the GA meetings, however they should not be entitled to vote in such capacity within the GA (at least when the GA votes on the approval of the annual report or of the audited financial accounts or when the GA votes on the election of the EB members).
- The responsibilities for the most important decisions to be made, or rules to be enacted, should be shared as much as possible (e.g. collective decisions; joint signatures, etc.).
- The NF may also decide to establish a control body (e.g. an Operational and/or Financial Audit Committee or a Compliance Officer position) to verify and/or supervise the compliance of the operations of the NF with the applicable rules.
- The allocation of responsibilities between the members of the EB should be clearly established. In particular, and by way of example:
The President should be the legal representative of the NF and should chair the meetings;

The Vice-President(s) should replace the President in case of absence or incapacity and may be assigned specific functions or portfolios depending on their competences (e.g. chair of specific commissions or person responsible for specific tasks, e.g. Vice-President Marketing; Vice-President Sport for all; Vice-President Medical, etc.);

The Secretary General / CEO should manage and oversee the daily activities and the administration; maintain all administrative records; report regularly to the governing bodies, etc.;

The Treasurer / Finance Officer should govern the administration of the financial affairs and accounts; ensure that all financial records are maintained; ensure that the financial statements and accounts are properly audited by an independent auditor and are approved by the EB before being submitted to the GA for approval; report regularly to the governing bodies, etc.

The Athletes’ Representative should represent the interest of the athletes and ensure that their voice is heard within the EB;

The members may be assigned specific functions and tasks depending on the needs and their competences.

Decision-making

All members of the sports organisations shall have the right to express their opinion on the issues on the agenda through appropriate channels.

Members shall have the right to vote and be able to exercise that right in appropriate form as defined in the regulations of the governing body.

Decision-making bodies should be fully aware of all relevant information before taking a decision.

Bodies of the organisation should meet on a regular basis taking into consideration their specific duties and obligations (e.g. the holding of an annual General Assembly is recommended where possible).

• The members of a governing body should have the right to express their opinion on the items on the agenda of the meeting of that governing body.

• In addition, external persons, experts or partners may be invited to participate in a specific meeting of a governing body to express an opinion and/or partake in the discussions as it may be appropriate and relevant for the NF.

• In principle, the agenda of the meetings of the GA and the EB should be established respectively by the EB and by the President / Secretary General and circulated to all members within a reasonable deadline before the meeting (together with the notice of the meeting and relevant documentation). This is to ensure that decision-making bodies of the NF are in a position to make informed decisions. A member should also be able to propose to add an item to the agenda within a reasonable deadline before the meeting and before the definitive version of the agenda is circulated among members.

• The voting rights may be limited to certain categories of members: (i) obligatory voting members and (ii) optional members (voting or non-voting, at the entire discretion of each NF).

• The NF statutes should clearly establish the voting rights for each category of members. In particular, the NF statutes should:
  o clearly define which members have a right to vote and which do not (if any);
  o if the members (legal entities) are represented by more than one delegate, clearly define who is entitled to exercise a right to vote (e.g. the member is represented by two delegates and each delegate has one vote; or the member is represented by two delegates however the vote of the member is exercised only by the “principal” delegate, etc.);

• The NF governing body must meet on a regular basis.

• In particular, the GA must meet in ordinary session at least once a year, and more often if necessary. The EB should meet in ordinary session at least quarterly, and more often if necessary.

• In addition, the possibility for holding extraordinary meetings of the GA and EB should be provided for in the NF statutes.

• The NF statutes should include specific rules and procedures for holding meetings of the GA and of the EB, whether ordinary or extraordinary, including in particular:
  o Deadlines for the notification of date, time and place as well as for the circulation of the agenda and necessary documentation to the members;
- Chairing the meetings;
- Quorum required and specific provisions in the event of not reaching it;
- Voting procedures, including the majority required to pass a decision;
- Minutes and records of the meetings.

By way of example, a basic procedure for the meetings of the GA that can be considered is as follows:

- The GA shall meet in ordinary session at least once a year.
- The GA shall be convened by notice signed by the President and/or the SG / CEO and sent to the members at least thirty (30) days prior to the date of the meeting, indicating the date, time, place and agenda of the meeting and including all necessary documents.
- The GA can validly act on the items appearing on its agenda. Proposals from the members concerning the agenda shall reach the President and/or SG / CEO no later than twenty-one (21) days prior to the date of the meeting. If any modification has to be made, the final agenda shall be communicated to the members no later than fifteen (15) days prior to the date of the meeting.
- An extraordinary meeting of the GA may be convened, whenever it is necessary, at the request of the President, and/or the EB and/or at least one-third (1/3) of the voting members of the GA (stating the reasons for which the extraordinary meeting is requested), by notice sent to the members at least fifteen (15) days prior to the meeting including the date, time, place and agenda as well as all necessary documents.
- The meetings of the GA shall be chaired by the President. In the absence or incapacity of the President, the Vice-President or any of the Vice-Presidents (by order of protocol or seniority) or, in the absence or incapacity of the Vice-President(s), a voting member elected by the GA shall chair the meeting.
- Unless otherwise stated in the statutes, the quorum required for a GA shall be more than half of the voting members. If this quorum cannot be reached, the meeting shall be adjourned and held again seven (7) days later. If the quorum is still not reached at this second meeting, the meeting shall take place provided that at least one-third (1/3) of the voting members are present. Unless otherwise stated in the statutes, decisions shall be taken by more than half of the votes validly cast by the voting delegates present.
- In the event of a tie, the Chair of the meeting shall have a casting vote (except when elections take place and when voting on the approval of the annual report or of the audited financial accounts).
- Voting may be conducted by open or secret ballot. Secret ballot is requested when voting on persons (elections; sanctions against members, etc.).
- Voting by proxy should not be allowed.
- Voting by electronic means may be considered.
- The Secretary General / CEO (or in his/her absence a member of the EB or GA designated by the Chair) shall be responsible for taking the minutes of the meetings of the GA. The minutes shall be circulated to all members within thirty (30) days following the meeting.
- Information shall be sent to the IOC when elections or replacement of members have taken place.

By way of example, a basic procedure for the meetings of the EB that can be considered is as follows:

- The EB shall meet at least once every three months.
- Urgent meetings of the EB may be requested as necessary by the President and/or at the request of at least one-third (1/3) of the voting members of the EB.
- The meetings shall be convened and chaired by the President. In the absence or incapacity of the President, the Vice-President or any of the Vice-Presidents (by order of protocol or seniority) or, in the absence or incapacity of the Vice-President(s), a voting member of the EB elected by the EB shall chair the meeting.
- Meetings of the EB shall be convened by notice sent to all members of the EB no later than seven (7) days prior to the meeting including the date, time, place and agenda as well as all necessary documents.
- The quorum required for a meeting of the EB shall be more than half of the voting members of the EB.
- Each voting member of the EB shall have one voting right.
- Decisions are taken by simple majority of the votes validly cast by the voting members present.
- In the event of a tie, the Chair of the meeting shall have a casting vote.
- Voting shall be conducted by show of hands or by secret ballot. Votes on persons shall be conducted by secret ballot.
- The SG / CEO (or in his/her absence a member of the EB designated by the Chair) shall be responsible for taking the minutes of the meetings of the EB. The minutes shall be circulated to all members of the EB within seven (7) days following the meeting.

Conflicts of interests

- The NF should adopt and implement its own Code of Ethics and/or set ethical principles and rules applicable for the NF members, office-bearers, and for the relations between the NF and its members, compliant with the FINA Code of Ethics. A specific independent body (e.g. Ethics Commission) or person (e.g. Ethics / Integrity / Compliance Officer) should be responsible for monitoring the proper implementation of the ethical principles and rules established by the NF and for providing advice when necessary.
- As part of this, the matter of the conflicts of interests should be clearly addressed and reflected in the NF statutes.
- As a general principle, members of any decision-making body should be independent in their decisions and should not be influenced, or be perceived as being influenced, by other direct or indirect interests the member concerned might have.
- To this effect, any member of a decision-making body should be responsible for disclosing any potential conflict of interests he/she might have with the matter to be discussed and decided, and should not be involved in the decision-making process. In particular, the member concerned should abstain from (i) being present in the meeting when the matter is discussed (and the member concerned should not be counted for the calculation of the quorum of the meeting at which the decision is taken); (ii) participating in the discussion; and (iii) voting on the matter in question.
- Failure to declare a conflict of interests may result in sanctions against the member concerned as provided for in the NF Code of Ethics or the applicable ethical rules.
- NF office-bearers/members/decision-makers may be requested to sign a form to confirm that the person:
  o has taken note of the principles of good governance and ethical standards in place within the NF and has accepted them;
  o is not currently engaged in any other activity which would create a conflict of interests with a project, contract or decision in which he/she is involved within the NF;
  o shall declare any potential conflict of interests that may arise and consult with, and request advice from, the independent body/person in charge within the NF, when necessary and/or if there is any doubt.

As a general principle, members of any decision-making body should be independent in their decisions.

No-one with a personal or business interest in the issue under discussion should be involved in the decision.

Adequate procedures should be established in order to avoid any conflicts of interests.
**Election or renewal of office-bearers on a regular basis.**

- NF elections must take place at least once every four (4) years. The term of office of the elected members of the EB must not exceed four (4) years, but may be renewable.
- The NF statutes should clearly determine the election cycle and the election rules.
- FINA do not establish any specific limitation of the maximum number of terms and/or age limit for the members of the NF. However, in terms of good governance, it is expected that each NF considers term and/or age limits and, at least, addresses these matters openly with its membership in order to take appropriate decisions within the GA which should be reflected accordingly in the NF statutes (e.g. not more than a specified number of terms (consecutive or not) for a specific position or for any position within the EB; pre-determined age limit for the EB members; etc.). When reviewing and discussing this matter, the NF should find the most suitable balance between (i) stability / continuity and (ii) regular renewal of the leadership / incorporation of innovative ideas.
- The regular elections can be held in once / one block (e.g. election for all positions with the EB at the same time every four years) or by sequence (e.g. election for the President and half of the EB members after the World Championships for a term of four years and election of the rest of the EB members after the Short Course World Championships for a term of four years, allowing for a smooth renewal of the members and transfer of knowledge within the EB).
- Specific provisions to regulate the vacancies that may arise within the EB (e.g. due to death; incapacity; resignation; unjustified absences of the members in a number of meetings of the EB; dismissal / exclusion / vote of confidence by the GA etc.), and the way such vacancies shall be filled for the remainder of the initial term of office, should be clearly stated in the NF statutes.

**Decisions and appeals**

- Any sports-related or institutional disputes arising within the NF or between the NF and its members should be resolved by the competent governing bodies of the NF (in close consultation and prior coordination with FINA), and outside ordinary Courts.
- The NF statutes should establish specific mechanisms enabling the NF to resolve such disputes quickly and adequately, by ensuring that the principles of natural justice are respected.
- To this effect, the NF may decide to establish a specific and independent conciliation, mediation and/or arbitration body (on a permanent or ad-hoc basis) to resolve such disputes. This body should consist of independent members elected / appointed by the GA from among recognised personalities including at least one person with a legal background. The jurisdiction, powers, composition and rules of procedure of this body should be approved by the GA.
- This body might also serve as an appeal body to decisions or disciplinary measures taken by the governing bodies of the NF in the framework of their respective powers as determined in the NF statutes.
- In the absence of such a body, those potential disputes or appeals to disciplinary decisions should be referred to the GA for decision.
- Any final decision made by the body established by the NF or by the GA in the dispute in question may be submitted exclusively by way of appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports Related Arbitration. In principle, the time-limit for appealing to the CAS is twenty-one (21) days after receiving the decision concerning the appeal (unless otherwise specified in the Federation statutes).
• The NF may decide to restrict the possibilities to appeal to the CAS to disputes relating to the World Championships; disputes in relation to doping and/or disputes of international nature only.

### 5.3. Highest level of competence, integrity and ethical standards

#### Competence of the members of the executive body

Members of the executive body should be chosen on the basis of their ability, competence, quality, leadership capacity, integrity and experience.

The use of outside experts in specific fields should be considered when necessary.

• The quality of the governance will depend significantly on the leadership (and vice-versa). The competence, leadership capacity, integrity and experience should be determining factors when electing the members of the EB.

• Additional expertise may be brought to the NF in particular through:
  - The commissions and/or ad-hoc working groups established by the NF
  - The NF management/staff
  - Outside experts in specific fields

• The NF should regularly conduct a fair assessment of the tasks and skills required, and have a clear understanding of the expertise that exists within the NF (or is readily available to the NF), or is missing, for the NF to perform its activities in the best manner possible. The NF should proceed with the necessary adjustments according to the needs identified.

• Before considering the services of a paid outside expert (which may be expensive for the organisation), the NF should carefully examine whether such services could not be covered within the organisation (e.g. through the commissions and/or ad-hoc working groups or by the NF management/staff), or through the technical assistance which may be offered by other organisations (including FINA or Olympic Solidarity). The NF should also determine whether it is in the interest of the organisation to have such services in house or outsourced.

• The above does not apply to specific services that should be outsourced for reasons of accountability and independence, such as the external financial audit of the NF that should be conducted by an independent qualified auditor.

• To maximise the contribution that an expert can make to the NF, it is important to consider the following elements:
  - Have a clear understanding of why the expert is needed
  - Provide the expert with clear instructions and a remit for the work to be delivered
  - If the expert is remunerated, launch a tender process to select the expert and draft a proper contract to determine the services to be provided, the remuneration, how and when the services should be delivered.

#### Power of signature

Precise, clear and transparent regulations should be established and applied, and effective controlling systems and checks and balances should be put in place.

• According to the principle of checks and balances, the responsibility to perform a task and the authority to verify its proper execution should be distributed among different people in order to avoid the concentration of powers in the hands of a single person, and ultimately to prevent potential fraud and error.

• This concept is also called segregation of duties, whereby more than one person is required to complete a chain of transactions. Tasks required for a financial process should be disseminated among multiple persons; at least one person should prepare a task and another one should review it.

• The distribution of the main duties and responsibilities as well as the incompatible functions or powers should be identified and mentioned in the rules of the NF. If the segregation of duties cannot be attained, compensating controls should be set up, i.e. ad hoc controls from management or by the EB collectively should be performed.

• The following principles should be considered:
  - Petty cash is locked in a secure place to which access is restricted.
A threshold is defined for the maximum balance to be withdrawn from the petty cash.
Withdrawals of cash are performed, if possible, in the presence of two people. All withdrawals should be validated by the Treasurer or person in charge of financial control.
Cash is counted on a monthly basis and compared to the value indicated in the books; differences should be investigated and reported.
Segregation of duties should be implemented in areas where the concentration of powers may increase the risk of fraud or error. Typical examples of segregation of duties can be found below:
- The person who requests the purchase of goods or services should not be the person who approves the purchase order.
- The person who confirms the receipt of goods or services should not be the person who can book entries in the accounting ledger.
- The person who maintains and reconciles the accounting records should not be able to obtain custody of checks and cash.
- The person who receives checks or cash should not be the person who makes the deposit in the petty cash or in the bank account.
- The person who prepares a payment should not be the person who approves the payment.
- The person who prepares and processes payroll data and documents should not be the person who authorises payroll changes and payments.

NB: In the areas where segregation of duties cannot be ensured for valid reasons (small size of the NF in particular), compensating controls should be implemented by reviewing, on a sample basis, a few transactions each day/week/month to prevent potential fraud and error. This should be the responsibility of top management or, in small NFs with very few employees (or any), of the EB collectively, which should then meet if possible once a month.

NB: At a more advanced level:
- All manual accounting entries booked by a person may be reviewed by another party.
- An integrated ERP package may be used to automatically book some accounting entries (to reduce the likelihood of misstatement/error).

**Power of signature**

As a general rule, individual signature should be avoided for binding obligations of an organisation

- The four-eye principle should be implemented within the NF to reduce the risks of errors or fraud.
- Transactions with cash and cheques should be avoided, as they do not allow traceability of movements and limit accountability. Wire transfers should be the preferred option for money transfer.
- Rules and guidelines on signatory rights and obligations should be enacted and observed by the NF.
- The following principles should be considered:
  - All payments (cash, cheque and electronic) should be approved by two different authorised people.
  - Thresholds should be defined for payments that need the authorisation of two staff members; a member of staff and a member of the EB; or two members of the EB.
  - Signature powers should be reviewed and updated regularly.
  - A threshold should be defined for the maximum balance to be withdrawn from the petty cash.
  - Use of petty cash should be limited to specific operations in accordance with the petty cash policy.

NB: At a more advanced level, technology may be used for electronic payments whereby the online banking platform would require two different users to validate a payment.
Internal management, communication and coordination

Good internal communication reinforces the efficiency of sporting organisations.

Good information flow inside sporting organisations ensures good understanding by membership of activities undertaken and allows managers to make timely and informed decisions.

Good working conditions and atmosphere as well as motivation and incentive policies are essential for the smooth functioning of the organisation.

• A fluent information flow within the organisation allows all levels of the organisation to take informed decisions and actions and to perform their tasks more efficiently. The EB and the administration of the organisation must therefore regularly exchange.
• Regular meetings and circulation of the minutes facilitate a fluid internal communication and information-sharing.
• As part of this mutual and regular exchange of information, it should be a right for the members of the NF to be regularly informed of the activities of the NF, but also a duty for the members to regularly inform the NF of their own activities. This may be included in the NF statutes as part of the rights and duties of the members of a NF.
• A culture of respect, tolerance, inclusiveness and integrity is necessary to build a climate of mutual trust within the organisation.
• The working conditions and environment should be regularly assessed, and motivation and incentive policies for both salaried and volunteer staff members should be developed.

Risk management

A clear and adequate risk-management process should be put in place:

• Identification of potential risks for the sports organisations
• Evaluation of risks
• Control of risks
• Monitoring of risks
• Disclosure/transparency

• Risk management aims at identifying the main risks faced by the organisation, creating a strategy to deal with these risks and assessing the performance of this strategy in reducing risks.
• The EB or a person, within the EB or at the top level of management, should be responsible for leading risk management activities.
• The following principles should be considered:
  o Key financial processes (e.g. procurement, travel & expenses, financial closing & reporting and cash management) should be documented in either a narrative, flowchart or matrix format.
  o Key risks (strategic, financial, operational, compliance and reputational) should be identified for each objective and process of the organisation, and indicated in the related documentation.
  o The risks identified should be evaluated in terms of likelihood and impact.
  o Actions should be defined for the key risks, and responsibility for action should be allocated to people.
  o Controls should be defined and implemented.
• The risk assessment should be reviewed and the risks reassessed at least on an annual basis or depending on the level of the risk.
• The risk assessment and management should be reviewed and approved by the EB.

NB: At a more advanced level, the following elements may also be considered:

• There may be a dedicated risk management function within the organisation.
• Risk and control matrices may be established for all processes.
• There may be an internal audit function within the organisation auditing the risk management processes.
• A fraud risk assessment may be performed annually, taking into account the various types of fraud, potential incentives and pressures for committing fraud within the organisation etc.
• The external auditor may provide an opinion on the internal controls of the organisation.
### Appointment of the members of the management

Leadership is above management.

The majority of the members of management should be professional. Candidates should have professional competency and an impeccable professional history.

The selection process should be based on objective criteria and should be set out clearly.

- Management is accountable to leadership and to the EB (governance).
- Management at the operational level should be headed by a person occupying the position of appointed Secretary General or CEO or similar, acting as head of the staff/administration, appointed by and reporting to the EB. This key position within the NF should be exercised by a professional hired and remunerated by the NF, with a clearly defined job description. This position is not entitled to exercise a voting right in the meetings of the governing bodies of the NF (GA, EB).
- Staff members should have educational and/or professional backgrounds that make them suited to perform their tasks. For volunteers who do not meet this requirement, training sessions should be provided.
- A recruitment policy should be established and approved by the EB including a specific recruitment procedure and objective selection criteria reflecting the skills and qualities required, with a view to finding the people most suited to the positions open.
- The recruitment procedure should, in particular, cover the following elements:
  - Advertise the positions available.
  - Evaluate the candidatures received; check the qualifications and skills of candidates to match the requirements of the position; check references and professional history which must be impeccable and verifiable.
  - Offer the position to a candidate after a transparent and fair selection process.
  - Facilitate the integration of the newcomer through training and information sessions.
- Upon their joining the NF, staff members should receive all necessary information and instructions. They may be also required to sign a code of conduct (or similar form) through which they commit themselves to respect the applicable rules of the organisation, including the ethical rules.

### Code of Ethics and ethical issues

Develop, adapt and implement ethical principles and rules.

Ethical rules should refer to and be inspired by the IOC Code of Ethics.

Monitor the implementation of ethical principles and rules.

- The FINA Code of Ethics is an integral part of the FINA Rules; as a result, all constituents of FINA (NFs, Committees, EB, etc.) must comply with it.
- The FINA Code of Ethics regulates the relationship between NF and FINA. However, each NF should adopt and implement its own Code of Ethics or specific ethical rules for its internal relations, applicable to all NF office-bearers and to the relations with the members.
- The NF Code of Ethics or ethical rules should comply with the FINA Code of Ethics’ fundamental principles, as well as its rules on:
  - Integrity of conduct (including corruption and conflicts of interests);
  - Integrity of competitions;
  - Use of resources;
  - Obligation to report.
- The NF may decide to set up an ethics commission (or similar entity) with the support of a qualified and independent person to monitor in particular the compliance of the organisation, its members, its office-bearers and its staff with the rules of the Code or the ethical rules in place.
- The ethics commission (or similar entity) should be composed of independent people (including external people) elected/ratified by the GA for a specific term of office (e.g. four years). It should report regularly to the EB and GA about its activities. It may receive questions or complaints from any individual or entity.
- The ethics commission (or similar entity) should be in charge of investigating allegations of breaches of the Code or the ethical rules in place, and of communicating its findings to the decision-making
organ(s) of the NF - EB or GA - in charge of taking appropriate disciplinary measures and sanctions.

5.4. Accountability, transparency and control

Accountability

All bodies, whether elected or appointed, shall be accountable to the members of the organisation and, in certain cases, to their stakeholders.

In particular, the executive body shall be accountable to the General Assembly of the organisation.

- The members of the EB, any committee or commission, management and staff have an obligation towards the organisation to account for their activities in a transparent manner and to act in the best interests of the organisation.
- The EB is accountable to the GA. The EB is elected by the GA and, as such, it should report to the GA on the performance of its duties.
- Reporting modalities and lines between each body and/or office-bearer should be clearly established and documented.
- The GA must review and approve the annual reports and the achievement of the objectives set out.
- A process for assessing the performance of the EB and of its members may be set up.
- The GA may approve a motion of no confidence with regard to an EB member, or the whole EB, and replace him/her/the whole EB with new office-bearers (for the remainder of the term) on disciplinary or non-performance grounds, subject to the rules established in the NF statutes.
- The EB must prepare all necessary information and documents to the members, ensuring in particular that agendas, reports and meeting minutes are prepared in a timely manner and are readily available to the members.
- The NF is also accountable to its stakeholders, to the extent of the legitimate interest they have in the performance of the organisation.
- A framework for reporting and communicating with the NF’s stakeholders should be established to define in particular the nature and extent of the communication with the key stakeholders, depending on their legitimate interest and involvement in the operations of the NF.

Accountability

Management shall be accountable to the executive body. All employees shall be accountable to management.

- A process for assessing the performance of management and staff may be set up as follows:
  o The EB should set annual objectives to top management in line with the strategic plan approved by the GA, and evaluate their performance at the end of the year.
  o Management should set annual objectives for each staff member in line with the objectives to be accomplished by staff, and evaluate the performance of staff members at the end of the year.
  o Based on performance reviews, management should identify development needs and suggest training plans to staff members.
  o Staff and top management should get regular feedback on their performance.
  o 360-degree evaluations may also be conducted throughout the organisation.

Processes and mechanisms

Adequate standards and processes for Accountability should be in place and available to all organisations, and consistently applied and monitored.

- Accountability standards and processes should include all the policies and procedures within the organisation that define the roles and responsibilities of the EB, management and staff as well as the organisation’s expectations for their professional conduct.
- The roles and responsibilities for the members of the EB, top management and staff, as well as the lines of responsibility and reporting, should be clearly defined and monitored regularly in particular through:
  o The provisions of the NF statutes (for the members of the EB)
  o The Staff Regulations and job descriptions
  o The Standards of Conduct
Processes and mechanisms

Clear and measurable objectives and targets must be set for the organisation, its boards, management and staff, including appropriate tools for assessment.

- The NF objectives should be derived from the strategic plan.
- The EB should delegate these objectives among its members and/or the Commissions or Committees, if applicable, and among management.
- Key performance indicators (KPIs) can be defined in terms of financial targets (e.g. growth of X% in donations, decrease of operating expenses by X%), operational targets (e.g. perform X fundraising campaigns in the year, bring in X new sponsors) and compliance targets.
- Management should define concrete operational/action plans, for each of the NF domains, to be performed by its staff to reach the targets set out by the EB. The achievement of these objectives should be assessed on an annual basis as part of individual performance evaluations.

Transparency and communication

Financial information should be disclosed gradually and in appropriate form to members, stakeholders and the public.

Disclosure of financial information should be made on an annual basis.

- Financial information must be regularly communicated internally, and to stakeholders whenever necessary.
- Financial information must be produced in writing. It may also be commented orally during meetings of the EB or of the GA.
- Financial information must be disclosed on an annual basis so that interested parties may have an overview of the Federation’s financial health.
- The conditions for the disclosure of financial information (content, frequency and recipients of information) should be described in writing in the NF’s financial policies and procedures.
- Budgets must be prepared for the year by the EB and approved by the GA. Actuals should be compared to budget on a regular basis (at a minimum on a quarterly basis). Variations should be explained in writing and communicated to the EB and reported to the GA.
- The financial statements (balance sheet, profit and loss statement and notes) must be prepared annually and presented in the annual report. The financial statements should be reviewed and approved by the EB and submitted to an independent external auditor appointed by the GA. The audit report should be accessible and the audited financial statements must be submitted to the GA for approval.
- The EB should be collectively accountable/take on collective responsibility for the financial statements presented at the GA.
- Summarised financial information may be prepared for disclosure to the stakeholders and to the public, as the case may be. It should provide a synthesis of non-confidential information. It may be disclosed to the stakeholders and to the public, as the case may be, as part of the annual report, possibly on the Federation’s website.

More generally, good external communication with partners and the general public (via the NF’s website for example) must be encouraged to (i) promote Aquatics and the NFs’ activities at national and international level; (ii) increase the transparency and reputation of the NF; and (iii) enable the NF to strengthen the relationship and mutual trust with its partners.

Transparency and communication

The financial statements of sports organisations should be presented in a consistent way in order to be easily understood.

- Financial statements must be established according to a pre-defined standard that should be applied consistently every time financial statements are produced.
- Any changes in the standard used or in the application of the standard must be disclosed so as to inform the reader of the potential impact of this change on the financial statements.
- The financial statements should be prepared by the person(s) in charge of financial affairs under the supervision of the person/body (e.g. EB member or Finance Commission) responsible for finance.
- The financial statements should include a balance sheet, a profit and loss statement and notes to the financial statements. Note:
Complementary documents may also be prepared such as statement of cash flows and statement of changes in equity.

- The financial statements must comply with the local accounting laws. In addition, the use of the International Accounting Standards and International Financial Reporting Standards (IFRS), or, for smaller NFs, IFRS for SMEs (Small and Medium Enterprises) is encouraged.
- The accounting standard used to produce the financial statements should be applied systematically, every time the financial information is produced; in particular, the classification of the accounts in financial statement line items should be consistent and stable across years.

**Financial matters – applicable laws, rules, procedures and standards**

Accounts should be established in accordance with the applicable laws and “true and fair view” principle.

- Financial statements and the book-keeping must comply with the national accounting laws that are applicable for the legal form or structure chosen by the NF.
- The NF is strongly encouraged to prepare financial statements that comply with the “true and fair view” principle.
- The NF is also encouraged to prepare financial statements in accordance with a recognised reporting framework (e.g. IFRS, IFRS for SMEs, US GAAP, UK GAAP, Swiss GAAP RPC).

**Financial matters – applicable laws, rules, procedures and standards**

The application of internationally recognised standards should be strongly encouraged in all sports organisations, where possible, and required for an international body.

- IFRS are the main internationally recognised standards. They provide common accounting and reporting rules that define how business transactions should be recorded and what information an organisation should disclose in its financial statements.
- The use of an internationally recognised accounting framework enables an easy comparison of financial statements of different companies and organisations. It also contributes to increased transparency by using universal principles, easily understood by knowledgeable readers.
- Should they be compatible with local laws, the use of IFRS (or, for smaller Federations, IFRS for SMEs) should be considered.
- In this case, the NF may invest in the training of its staff in the use of the IFRS.

**Financial matters – applicable laws, rules, procedures and standards**

For all organisations, annual financial statements are to be audited by independent and qualified auditors.

- Since financial information is prepared within the NF, the EB and GA also need to have an external and reliable opinion on the accounts: the audit opinion.
- Other users of financial information need to have an external opinion on the financial statements such as tax authorities (to determine the accuracy of tax returns), financial institutions (to assess credit risk) and management itself (to evaluate the NF’s risk management processes and internal control system).
- A financial statement audit is the examination of the organisation’s financial statements and related disclosures (notes) by an independent auditor. It results in a report, issued by the auditor, certifying the fairness of the presentation of the financial statements.
- The main characteristics of the auditor’s independence are:
  - independence of mind, i.e. the absence of any influence that could compromise the auditor’s professional judgment, integrity, objectivity and professional skepticism
  - independence in appearance, i.e. the avoidance of facts and circumstances that could lead a third party to think that the auditor’s integrity, objectivity or professional skepticism has been compromised
  - The qualification of the auditor can be assessed through the following indicators:
    - the audit team who performs the audit is supervised by an auditor who holds a certified public accountant degree
financial matters – applicable laws, rules, procedures and standards

accountability and financial reports should be produced on a regular basis.

financial matters – applicable laws, rules, procedures and standards

information about remuneration and financial arrangements of the governing bodies' members should be part of the annual accounts.

clear rules regarding remuneration of the members of governing bodies and managers should be enforced.

remuneration procedures should be transparent and predictable.

- the audit opinion is signed by an auditor who holds a certified public accountant degree
- the audit firm is subject to audits by the country’s or international audit oversight authorities
- the audit firm has developed a quality control framework (in line with the international standard on quality control 1)
- the audit firm benefits from international recognition and is a member of a global network of audit firms.

- the NF should comply, at a minimum, with the following:
  - the financial statements must be audited on an annual basis
  - the auditor must be independent, i.e. not related or acquainted to the Federation in any way.
  - the team in charge of the financial audit must have no personal relationships or acquaintances with parties that might have a financial interest in the NF (e.g. management, Treasurer, EB).
  - the NF must require a declaration of independence from the auditor

- the relationship between the NF and its auditor should be clearly defined in a contractual document (e.g. contract, terms of reference, engagement letter)

- the choice of the auditor should be proposed by the EB to the GA

- the GA should appoint/confirm the auditor each year for the chosen term

- the auditor's report should accompany the financial statements when they are disclosed to the intended recipients.

- the auditor should present its audit opinion during the GA’s meeting and be available to answer questions from members.

- financial reports should be prepared on a quarterly basis for internal use. They should present basic indicators about the financial health of the organisation over the past quarter as well as a comparison of actuals to budget targets. Any variances should be explained in writing.

- quarterly financial reports (which may also include a statement of the cash flow situation) should be presented to the EB and commented on by the Treasurer. Potential errors or problems should be identified and corrective measures put in place.

- at a minimum on an annual basis, the EB must report to the GA.

- the EB should define in a written/documentated policy approved by the GA:
  - the remuneration and salaries of the key management personnel (staff) who have a working contract with the NF;
  - the reimbursement policy for the travel, accommodation and other justified expenses of the EB members; and
  - all applicable rules, such as on per diem allocation.

- the NF should include in its annual and financial report the remuneration and salaries of the management as well as the reimbursement of the justified expenses of the EB members.

- for NF applying the IFRS, the total compensation of the key management and the reimbursement of the justified expenses of the EB should be disclosed (according to IAS24).

- according to local accounting laws, other elements of compensation or reimbursement may be required.
Internal control system

Internal control of the financial processes and operations should be established within the sports organisations.

- Internal control can be broken down into five key components, which are further described in the document:
  - The control environment consists in the principles and values, formalised or not, which influence or steer the organisation and its activities; it includes the structure and hierarchy, ethics, the reporting lines, the tone at the top, the accountability of organs/bodies and persons in charge of controls
  - Risk assessment ensures the continuous monitoring of risks and changes
  - Control activities include rules and procedures that allow the implementation and execution of key control on all activities
  - The organisation obtains or prepares relevant information to ensure the effectiveness of the internal control system and communicates them internally and externally as appropriate
  - The management and monitoring enable continuous or regular assessment of internal controls and the communication of potential deficiencies to relevant parties

- Roles and responsibilities must be clearly defined in terms of internal control. In particular:
  - The EB is responsible for defining internal control principles, making sure that they are enforced throughout the organisation and submitting it to regular examination
  - Top management is responsible for implementing the internal control principles defined by the EB, by developing appropriate controls in specific at-risk areas, ensuring controls are performed, following up on the results of the controls and implementing corrective action in case of deficiencies
  - The staff is responsible for executing the controls defined by management and communicating deficiencies upward

- For each key component of the internal control, the EB must define the key principles and management must implement them in policies, procedures and controls.

NOTE: At a more advanced level, the risk management function may also assist staff in the execution of the controls and performs regular assessments, and the Internal Audit function may also assess the effectiveness of the internal control within the organisation

Internal Control system

The adoption of a compliance system, document retention system and information security system should be encouraged.

- With regard to the compliance system, the NF should perform the following procedures:
  - The EB should be responsible for overseeing the system and should appoint a person responsible for all compliance operations, e.g. a ‘Compliance Officer’
  - The Compliance Officer (or similar function within the NF) should identify the set of regulations that the organisation has to comply with, such as local laws (labour law, accounting law, fiscal law) and internal policies (such as internal control system procedures, Code of Conduct, accounting standard, etc.)
  - The Compliance Officer (or similar function within the NF) should also make sure that regulations are known and communicated to all staff within the organisation, and that training is delivered as appropriate.
  - The Compliance Officer (or similar function within the NF) should perform checks on the conformity of operations and reports, at least quarterly to the EB, on its activities. If applicable, corrective action should be suggested and implemented for non-compliance cases.

- With regard to the document retention system, the NF should perform the following procedures:
  - A document retention policy should be established in writing, describing the various document categories (e.g. confidential vs public, business documents vs fiscal/legal documents) and their...
length of retention. Note: As per FINA Development guidelines, all documentation related to FINA Development funded projects (originals of invoices including name of supplier, date, amount and nature of services/products; bank statements; other) must be retained for a period of at least two quadrennial plans (eight years). Local laws and regulation must be applied if more restrictive.

- This policy should be communicated to each new member of the Federation, its EB, or its staff.
- A person should be in charge of performing regular checks to ensure that the document retention system policy is enforced throughout the organisation.
- Where possible, the NF should adopt an electronic document management/retrieval system.

- With regard to the information security system, the NF should perform the following procedures:
  - An information security policy should be established in writing, describing how and where the assets and sensitive information of the organisation should be protected (use of paper documents, laptops, passwords, backups, etc.)
  - User rights restrictions should be defined to prevent access to unauthorised data or loss of data, in particular related to accounting and financial data. User rights should be regularly reviewed and updated according to staff changes.

### Internal Control system

The structure of the internal control system should depend on the size and importance of the organisation.

- The organisation’s internal control system should be aligned with the degree of complexity and number of operations managed by the organisation.
- The person in charge of the internal control system should assess, on an annual basis, whether the internal control structure is still appropriate considering the size and importance of the organisation. Adjustments may be deemed necessary to support the internal control system, implementing new controls, segregating tasks further and performing regular checks or audits of the internal control system.

### Internal Control system

Audit committees should be appointed for large sports organisations.

- An audit committee is a committee in charge of overseeing financial reporting and disclosure matters. The audit committee interacts mainly with the Treasurer, the person responsible for finance at the NF and the external auditor.
- The role of the audit committee is to oversee financial reporting and accounting, external auditors, compliance and the internal control system as well as risk management. It can also request special investigations when deemed necessary. This role may also be extended to overseeing the operations of the organisation.
- If necessary, an (operational and/or financial) audit committee may therefore be appointed by the GA on an annual basis, from its members who have the skills, qualifications and conditions required and who do not have close relationships with any EB members or members of staff.
- The audit committee may invite external consultants or advisers to its meetings if needed or if specific skills are not represented.
- The terms of reference of the audit committee should be defined in writing and include the following:
  - The audit committee reviews financial statements
  - It discusses complex accounting estimates and judgments made by management and the implementation of new accounting principles
  - It recommends the appointment of an external auditor to the GA and discusses with external auditors the audit results
  - It discusses internal control and compliance matters with management
Education and training

There should be an induction programme for all new members of staff, volunteers, officers and all Board members.

Ongoing education and training of executives, volunteers and employees should be integral to operations.

The promotion of self-education and regular training within the sport organisations should be encouraged.

- The NF should ensure that all its members have the required skills and knowledge for the positions they hold within the organisation. Therefore, it should develop a performance and training system to assess individuals' competencies, identify missing skills and provide training tailored to individuals' needs.
- A training system should be set up within the NF, including in particular:
  - An induction programme to all new joiners (EB and staff) to explain the main governance principles and to inform about the NF’s policies, rules and procedures
  - Regular identification by the management of needs in terms of development and training plans for its employees, based on individual performance evaluations
- For EB members and staff involved in finance and accounting matters (including the Treasurer), the NF should define precise skills, qualifications and experience requirements (e.g. CPA degree, X years of experience in a similar position, membership with professional accounting associations etc.)

5.5. Development and Solidarity

Distribution of resources

As a principle, financial resources which are proceeds of sport should be allocated to sport and in particular to its development after covering all necessary sports-related costs.

Financial revenues should be distributed in a fair and efficient manner.

A fair distribution of the financial revenues contributes to having balanced and attractive competitions.

A clear and transparent policy for the allocation of the financial revenues is essential.

- The NF should ensure that the major part of its resources is invested in sports activities and development (athlete support, coaches, education, sports promotion activities, training and competitions, infrastructure and equipment, etc.).
- Institutional and administrative costs should be covered at the appropriate level for the NF to function effectively.
- A fair and rational distribution of funds between sports activities and administration costs should be reflected in the NF’s budget, accounted for and reported as part of the EB’s annual report to the GA.
- The NF as a “service organisation” should – within the limits of its resources and means - provide technical and financial support to stakeholders, such as member NFs, athletes, coaches, administrators.
- Clear policies and procedures for the distribution of funds should be established and communicated by the NF. In particular, the procedure should follow these steps:
  1) Analysis of the current situation
  2) Definition of the needs and objectives
  3) Establishment of a strategic plan and of a budget to support the approved plan.
- Different models for the distribution of funds can be applied depending on the NF’s objectives included in its strategic plan.
- The concepts under which the funds are allocated should be based on clear and logical criteria, and need to be clearly documented and communicated to the beneficiaries.
- Allocation of resources should take into account both performance (elite, i.e. sports results, and mass, i.e. popularity and level of sports practice) and solidarity criteria to allow for the development of different organisations and sports.
- Allocation of resources should also take into account compliance of the applicants with good governance criteria.
- Applications for funding should be studied in a rigorous and impartial way by a committee, not by one single person, that should make recommendations to the EB in accordance with established criteria.
- The decisions on allocation of funding should be communicated and explained to the applicants.
- A clear and understandable reporting system for the use of funds should be communicated to the beneficiaries.
A specific follow-up of the project should be considered to assess the achievements of the objectives set.

The NF’s accounts and financial reports should reflect the distribution of funds among beneficiaries in a clear and transparent way.

• The NF must actively promote the practice of sport in a non-discriminatory and inclusive manner.
• All classes of population should be encouraged and supported equally in their sports practice.
• The NF should establish inclusion / non-discrimination policies. In particular, the NF should establish a gender equity policy.
• The NF should work with relevant organisations to educate the components of the Aquatics movement at national level to the values and principles of equity, inclusion and non-discrimination.

Equity

Resources should be distributed equitably.

The equity in sport should be reinforced.

The right to participate in competitions should be encouraged and secured for those at an appropriate level for the athletes concerned.

The opportunity to organise large sports events should be open.

The criteria for choosing venues for events should be fair and transparent.

5.6. Athletes’ involvement, participation and care

Right to participate and involvement of the athletes in the Sports Movement governing bodies.

The right of athletes to participate in sports competitions at an appropriate level should be protected.

Sports organisations must refrain from any discrimination.

The voice of athletes should be heard in sporting organisations.

• The NF is responsible, in particular, for the participation of the athletes in the FINA World Championships and other international, continental and/or regional Aquatics competitions in which it is entitled to take part, and in accordance with the applicable rules of the organisations concerned.
• The NF is responsible for providing adequate support to the athletes to take part in these competitions.
• The NFs have the exclusive authority for the representation of their respective countries at the FINA World Championships and at the regional, continental or other FINA competitions. In addition, each NF is obliged to participate in the World Championships by sending athletes.
• The NFs constitute, organise and lead their respective delegations at the World Championships and at the regional, continental or other FINA competitions. They decide upon the entry of athletes. Such selection shall be based not only on the sports performance of an athlete, but also on his ability to serve as an example to the sporting youth of his country. The NFs must ensure that the entries proposed comply in all respects with the provisions of the FINA Rules.
• To participate in FINA Competitions, a competitor, team official or other team personnel must respect and comply with the FINA Rules and World Anti-Doping Code, including the conditions of participation established by FINA, and the competitor, team official or other team personnel must be entered by his NF.
• As a condition precedent to participation in the World Championships, every competitor shall comply with all the provisions of the FINA Rules. The NF which enters the competitor is responsible for ensuring that such competitor is fully aware of and complies with the FINA Rules and the World Anti-Doping Code.
• The selection policy and process should be established by the NF, in close collaboration and agreement with the NFs, and should be clearly communicated to all those concerned and published in a transparent manner.

• When the country of a NF is granted the right to host an international sports event by FINA, the host country and the local organiser must offer all necessary guarantees to ensure that all eligible athletes and participating delegations and officials are able to enter the host country and are treated without discrimination. Any issue arising in relation to this should be resolved in a timely manner by the local organiser, the host country and the international sports organisation concerned, with the assistance of the NF of the host country if need be.

• Athletes must be represented within the NF through an Athletes’ Commission. Representatives of the Athletes’ Commission must be part of the decision-making bodies of the NF.

• The composition of the GA should include as voting members at least two athletes’ representatives. The composition of the EB should also include at least one athletes’ representative, as voting member. This should be clearly reflected in the NF Statutes.
  o The composition of the GA shall include at least two (2) athletes’ representatives elected by the NF Athletes’ Commission, from among athletes who have taken part in at least one of the last three editions of the World Championships.
  o The composition of the EB shall include at least one (1) athletes’ representative (in principle the Chair of the NF Athletes’ Commission) elected by the Federation Athletes’ Commission, and ratified by the GA, from among athletes elected to the Commission by their peers and who have taken part in at least one the last three editions of the FINA World Championships.

Protection of athletes

Measures should be taken to prohibit exploitation of young athletes.

Athletes should be protected from unscrupulous recruiters and agents.

Cooperation with the government of the countries concerned should be developed.

Codes of conduct should be signed by all sports organisations.

Health

Sports organisations shall adopt rules for the protection of the athletes’ health and to limit the

• The NF should contribute to the creation of a safe environment for athletes and should cooperate with all stakeholders and partners concerned, in particular the NFs and the relevant government authorities.

• It is the responsibility of each NF to establish and govern safeguarding policies and to implement procedures and mechanisms to ensure a safe and supportive environment for athletes to practise their sport in the best conditions. It is recommended that such a safeguarding policy addresses the following:
  o Specification of what constitutes harassment and abuse in sport;
  o Reporting procedure in response to an alleged incident;
  o Investigation procedure in response to an alleged incident;
  o Mechanisms for decision-making.

• The NF should establish a Code of Conduct for all members of its delegation (athletes, officials, coaches, medical staff, etc.) which should address the rules of proper conduct at all levels (behavior, use of electronic/social media during competitions etc.).

• The Code of Conduct should be adequately publicised, as part of the NF’s policies and guidelines, and the members of the delegation may be required to sign it as a prior condition for being selected in the team.

• The NF may organise a training session or workshop for members of the delegation, in order to familiarise them with the contents of the NF Code of Conduct and warn them of the sanctions they risk in the event of non-compliance.

• The Federation must encourage and support measures relating to the medical care and health of athletes.

• Athletes’ health protection consists of both prevention and treatment of injury and illness.
risk of endangering the athletes’ health (medical supervision, number of days of competition, pollution, etc.)

- Health services should be set up to be able to respond quickly and appropriately when athletes incur an injury or illness.
- Injury and illness prevention consist of continuously collecting information on epidemiology, risk factors and injury mechanisms (when/where, why and how injuries and illness happen) to identify patterns and athletes at higher risk or situations with a propensity for injury or illness. This information is critical to be able to in turn develop preventive programmes. See tools to collect information.
- Injury and illness prevention can comprise modifying internal or external risk factors such as the training and competition load of the athlete, the strength and resilience of the musculoskeletal system, biomechanical movement skill, sport rules, equipment, training and competition venue design and safety, etc.
- The NF should adopt the FINA Medical Rules; run periodic health evaluations, familiarise themselves with available tools like Get Set injury prevention educational tool, go through the Oslo Sports Trauma Research Centre questionnaire on health problems, use the Sports concussion assessment tool (SCAT), and peruse Open Access papers in the British Journal of Sports Medicine, Injury Prevention and Health Protection Issues to follow the latest in science and medicine.
- The NF may establish a Medical Commission comprising of the best practitioners and health professionals from the country to oversee these areas and provide necessary expertise.
- At a more advanced level, NFs may use electronic medical records (EMR), such as GE’s Centricity Practice Solutions and may have a fully integrated multidisciplinary team of doctors, physiotherapists, physiologists, sport dieticians/nutritionists, sport massage therapists, strength and conditioning coaches.

**Fight against doping**

Sports organisations shall **fight against doping** and uphold anti-doping policy.

**Zero tolerance** in the fight against doping should be encouraged in all sports organisations at all levels.

Sports organisations shall **protect the athletes** from doping in particular though prevention and education.

- The NFs shall adopt and implement the World Anti-Doping Code and implement anti-doping programmes that comply with the World Anti-Doping Code.
- The must work to ensure that education and prevention programmes are delivered to all athletes and support staff.
- The NF must use all means available to combat doping in sport and actively follow up and investigate any concerns. The NFs must do their best to educate the athletes and support staff and establish sources of information and intelligence that can be passed on to the NADO and to FINA, in order to enable targeted testing and thus maximise deterrence and prevention.
- The NF should consider the following elements:
  - Education initiatives for all Delegations over and above that delivered by the NADO, NOCs and states;
  - Compulsory Alpha course for athletes;
  - Use Coaches toolkit to educate all coaches;
  - Compulsory relevant WADA course for medical staff (sport physicians toolkit);

**Fairness and fair play**

**Fairness and fair play** are central elements of the competition.

Fair play is the spirit of sport.

The **values of sport** and friendship shall be promoted

- The NF must promote the principles of fairness and fair play as part of its mission engage in the fight against the main threats to those values (doping, competition manipulation, discrimination, violence, etc.).
- The NF must be heavily involved in educating its members, athletes, coaches and other members in the country against illegal betting and competition manipulation/fixing.
The undue influence of betting shall be avoided.

Athletes’ education and career management

Educational programmes, developing in particular “Sports and Studies” programmes should be encouraged.

Career management programmes should be promoted.

Training professional athletes for new professional opportunities after their sports careers should be encouraged

- The NF, in close collaboration with the NFs, should assist athletes in their efforts to balance their sports careers with their studies/professional careers.
- The NF, should provide capacity-building and information on the opportunities that are open to an athlete and that they might have an interest in pursuing once they retire from a career in sport.
- The NF should become acquainted with and share with athletes the contents of the any learning resource made available by any stakeholder.
- The NF may appoint a Federation administrator to work with athletes in supporting them in the areas of education, life skills and employment. Support can be provided by personal sessions or group workshops. Where possible, the Federation may also work to create and deliver an Athlete Career Programme.
- The NF, should advocate for special advantages offered by public authorities or other organisations/partners/companies to athletes to enable them to combine their sports careers and their studies/professional careers.

5.7. Harmonious relations with governments while preserving autonomy

Cooperation, coordination and consultation. Complementary Missions. Maintain and preserve the autonomy of sport.

- NFs should coordinate their actions with governments,
- Cooperation with governments is an essential element in the framework of sporting activities.
- Cooperation, coordination and consultation are the best way for sporting organisations to preserve their autonomy.
- Governments, constituents of Aquatics, clubs and other related sports organisations and stakeholders have a complementary mission and should work together towards the same goals.
- The right balance between governments, the NFs and sporting organisations should be ensured.