



**WORLD
AQUATICS**

CONSTITUTION

*Approved by the Congress in Melbourne, Australia,
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DEFINITIONS

The following terms used in this Constitution shall have the following meaning:

Adjudicatory Body – means the independent adjudicatory body of the Aquatics Integrity Unit.

Agent(s) – means an individual or entity who acts as a representative for aquatics athletes in various types of negotiations, provides advice and representation concerning contracts, endorsement and advertisement deals, public appearances, and/or financial and tax matters, among other areas.

Anti-Doping Advisory Body – means the advisory anti-doping body of the Aquatics Integrity Unit.

Aquatics – means all sport disciplines governed by World Aquatics, including Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming, Masters, and any other discipline that may be governed by World Aquatics from time to time.

Aquatics Integrity Unit (or AQIU) – means the independent World Aquatics Integrity Unit established under this Constitution and comprised of Supervisory Council, Chief Ethics and Compliance Officer, Adjudicatory Body, Investigatory Body and Anti-Doping Advisory Body.

AQIU Rules – means the rules and regulations of the World Aquatics Integrity Code relating to the formation and operation of the Aquatics Integrity Unit.

Athlete(s) – means a person (i) who is taking part in aquatics competitions and events at national or international level, organised in accordance with this Constitution, World Aquatics Rules and/or regulations of World Aquatics Members or affiliated entities and/or (ii) who is registered by his/her respective national federation.

Athlete Support Personnel – means Coaches, managers, Agents, team members, officials, medical and paramedical staff working with an Athlete or treating an Athlete participating in or preparing for an Aquatics competition or event.

Audit Committee – means the committee of World Aquatics pursuant to Article 13.11 and 25.1 of this Constitution.

Bureau – means the World Aquatics Bureau.

Bureau Member – means any member of the Bureau, elected or appointed.

Business and Investment Committee – means the World Aquatics Business and Investment Committee that may be established by the Bureau under the By-laws.

By-laws – means the World Aquatics By-laws.

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

CAS ADD – means the CAS Anti-Doping Division, based in Lausanne, Switzerland.

Coach(es) – means an individual involved in the instruction and training of a team and/or an Athlete.

Committee – means a permanent committee of World Aquatics, in the meaning of Article 25 of this Constitution.

Committee Member – means a member of a Committee.

Congress – means either an Ordinary Congress or an Extraordinary Congress of World Aquatics.

Constitution (or **World Aquatics Constitution**) – means the constitution of World Aquatics, as adopted or amended from time to time.

Continental Organisations – means organisations formed by World Aquatics Members of the same geographical continent, approved and recognized by World Aquatics.

Country – means a geographical territory or region which, in the discretion of World Aquatics, is considered to be autonomous in relation to the development and organisation of Aquatics.

Day – means a calendar day. Deadlines foreseen in this Constitution and expressed in terms of a certain number of Days include, therefore, both non-working and working days.

Executive – means the organ of World Aquatics pursuant to Article 18 of this Constitution.

Executive Director – means the person appointed as the World Aquatics Executive Director, pursuant to Article 23 of this Constitution.

External Auditors – means the person or entity appointed as the World Aquatics external auditors, pursuant to Article 28 of this Constitution.

Financial Statements – means written records that convey the business activities and the financial performance of World Aquatics,

including balance sheet, income statement, cash flow statement and notes.

Honorary President – means an immediate past President who is granted the title of Honorary President by a Congress.

Integrity Code – means the World Aquatics Integrity Code.

Investigatory Body – means the independent investigatory body of the Aquatics Integrity Unit.

IOC – means the International Olympic Committee.

ITA – means the International Testing Agency.

Member (or **World Aquatics Member**) – means a National Body recognized by World Aquatics to be a member of World Aquatics.

National Body – means a body which is established to represent the development and organization of Aquatics in a particular Country.

National Federation – means a National Body of Aquatics recognized by World Aquatics and, as such, being a (World Aquatics) Member.

NOC – means a National Olympic Committee recognized by the IOC.

Official(s) – means any person elected or appointed to any position within World Aquatics, a Continental Organisation or a World Aquatics Member.

Olympic Movement – means the concerted, organised, universal and permanent action, carried out under the supreme authority of the IOC, of all individuals and entities who are inspired by the values of Olympism. It covers the five continents. It reaches its peak with the bringing together of the world's Athletes at the great sports festival, the Olympic Games. Its symbol is five interlaced rings. It is constituted mainly by the International Olympic Committee, the International Federations and the National Olympic Committees.

President – means the person elected as World Aquatics President under Article 16 or who fills any vacancy pursuant to Article 14.14 of this Constitution.

Remuneration Committee – means the World Aquatics Remuneration Committee that may be established by the Bureau under the By-laws.

Simple Majority – means the circumstance when a proposal receives more votes than any other.

Specialised Committees – means any Committee defined in the By-laws as being a Specialised Committee.

Stabilization Committee – means an ad hoc committee appointed by the Bureau in accordance with Article 8 of this Constitution.

Supervisory Council – means the supervisory body of the Aquatics Integrity Unit pursuant to Article 24.6 of this Constitution.

Technical Committees – means the World Aquatics Technical Committees listed in Article 25.2 of this Constitution.

Technical Rules – means the World Aquatics rules and regulations concerning all technical matters of Aquatics, in particular the competitive sport in Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming and Masters.

WADA – means the World Anti-Doping Agency.

WADA Code – means the World Anti-Doping Code.

World Aquatics Body – means the Congress, the Bureau, the Executive and the bodies of the Aquatics Integrity Unit.

World Aquatics Office – means the office managed by the Executive Director under the supervision of the President.

World Aquatics Rules – means the By-laws and any other rules and regulations adopted by World Aquatics other than this Constitution.

World Championship(s) – means the World Aquatics World Championship(s).

World Swimming Championship(s) – means the World Aquatics World Swimming Championship(s) (25m).

I GENERAL PROVISIONS

1 NAME

World Aquatics, formerly known as the Fédération Internationale de Natation (FINA), is the sole and exclusive world governing body for all Aquatics.

2 LEGAL STATUS, HEADQUARTERS, AND RESOURCES

- 2.1 World Aquatics is established for an indefinite period as an association in accordance with article 60 et seq. of the Swiss Civil Code.
- 2.2 World Aquatics has its headquarters in the city of Lausanne, Switzerland. The headquarters may be changed by decision of the Congress at the proposal of the Bureau.
- 2.3 World Aquatics may open regional offices, high level training and development centres in other countries.
- 2.4 World Aquatics' resources may be derived from donations, bequests, sponsorships, partnerships, broadcasting, licensing, merchandising rights, public subsidies, membership fees, income generated by the assets of World Aquatics, and any other legal resources.

3 COMMITMENT STATEMENT

For the good of Aquatics and all Athletes, World Aquatics shall ensure that all Aquatics are governed, organised, developed and managed in accordance with the principles of democracy, right to equality, and no discrimination between any race, skin colour, gender, religion, sexual orientation, language, political or other opinion, national or social origin, property, birth, disability or any other reason, neutrality, transparency, accountability, fairplay, inclusion, sportsmanship and clean sport.

Above all, Athletes are the central focus of World Aquatics' mission.

4 OBJECTIVES

The objectives of World Aquatics are:

- a) to promote, develop and be the governing body for Aquatics throughout the world;
- b) to provide fair and clean sport and protect the integrity of Aquatics;

- c) to promote safe Aquatics and the protection of Athletes from all forms of harassment and abuse;
- d) to encourage participation in Aquatics at all levels throughout the world, regardless of age, gender or race, and support activities aiming at ensuring that Aquatics and swimming skills in general are promoted in all countries and are accessible to individuals from all ages, gender, different backgrounds and capacities;
- e) to approve competitions and events;
- f) to adopt rules and regulations for the approval by World Aquatics of competitions and events;
- g) to promote and organise World Championships and other competitions and events;
- h) to support the values of the Olympic Movement and continue to play a leading role in the Olympic Movement. In particular to undertake its responsibilities to organise, supervise and officiate the Aquatics' programme at the Olympic Games;
- i) to promote the development of facilities for Aquatics throughout the world;
- j) to develop and encourage activities and programmes promoting the sustainability of Aquatics in all possible forms;
- k) to develop and encourage the education of Athletes, Coaches, Officials and other persons involved in Aquatics; and
- l) to carry out any other activity to promote Aquatics.

II MEMBERSHIP

5 ADMISSION

- 5.1 Any National Body governing Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming, Masters and/or any other discipline governed by World Aquatics in any Country shall be eligible to be a Member of World Aquatics, in accordance with this Constitution and the World Aquatics Rules.
- 5.2 Only one National Body shall be recognised as a Member in each Country.
- 5.3 Application for membership shall be submitted to the Bureau with all information requested by World Aquatics and with a signed undertaking by the applicant to observe and comply with this

Constitution, the World Aquatics Rules as well as with the decisions of the World Aquatics Bodies.

- 5.4 The Bureau shall decide, in its absolute discretion, whether to admit an applicant for membership. In particular, in its decision, the Bureau is not bound by any decision of national or international political or sport organisations. If membership is not granted by the Bureau, the applicant may appeal such decision to the next Congress. The decision of the Congress shall be final but may be appealed within 21 Days from the date of notification of the decision of the Congress to the Court of Arbitration for Sport.
- 5.5 In relation to those Countries where two or more national bodies separately govern various disciplines of Aquatics, the Bureau shall take all appropriate measures to ensure that the interests of all Athletes and Aquatics institutions are properly promoted and the participation of all Athletes in World Aquatics competitions and events is encouraged. The Bureau will determine on a case-by-case basis, the rights and obligations that any such National Body that is not a Member of World Aquatics shall have and which benefits such National Body may receive, taking into due consideration the specificities of the relevant Country and the needs of the athletes of that Country. In any event, all national bodies shall provide the Bureau with all the information and undertakings as per Articles 5.3 and 7 of this Constitution.

6 RIGHTS OF MEMBERS

- 6.1 Members are entitled:
- a) to use the services of World Aquatics;
 - b) to take part in World Aquatics competitions and events for which they are eligible, including the Olympic Games and any qualification competition, in accordance with and subject to the applicable rules and guidelines;
 - c) to make proposals to amend this Constitution or the World Aquatics Rules;
 - d) to make nominations for the position of President, Bureau Member and/or Committee Member;
 - e) to apply to host a World Aquatics competition or event;
 - f) to take part with voting right in a Congress; and
 - g) to exercise and receive all rights and benefits of Members as set forth in this Constitution.

- 6.2 Members shall have no liability in regard to debts or financial liabilities of World Aquatics.
- 6.3 Any of the above membership rights are subject to applicable limitations or disciplinary decisions as they may apply, from time to time, to a Member.

7 OBLIGATIONS OF MEMBERS

Members are obliged:

- a) to support World Aquatics in its efforts to achieve its objectives;
- b) to fully comply at all times with this Constitution and the World Aquatics Rules, the WADA Code, the decisions and directives of the World Aquatics Bodies, as well as the decisions of CAS;
- c) to respect the principles of loyalty, integrity, sportsmanship and all the values expressed in the Mission Statement of this Constitution;
- d) to submit their constitution or statutes, as well as any potential amendment of their constitution, to World Aquatics for approval by the Bureau;
- e) to ensure that their constitution and rules comply with this Constitution and the World Aquatics Rules at all times;
- f) to recognise in their constitution that (i) World Aquatics is the only recognized body in the world which governs Aquatics on a worldwide basis and (ii) in the case of inconsistency between the Member's constitution and/or rules and this Constitution and/or World Aquatics Rules, the latter shall prevail;
- g) to ensure that their own members comply with and implement this Constitution and World Aquatics Rules, as well as directives and decisions of the World Aquatics bodies and CAS;
- h) to hold general assemblies on a regular basis, at least every two (2) years, in accordance with their constitution as approved by World Aquatics, ensuring that the general assembly approves the accounts, the budget, a technical report, as well as an audit report and that elections are held on a regular basis, at least every four (4) years. World Aquatics shall be notified of the dates and the location of the General Assembly sixty (60) Days before the general assembly. The minutes shall be provided to World Aquatics within sixty (60) Days of the general assembly;
- i) to manage their affairs independently and without regard to undue influence by third parties or government(s);

- j) to participate in international competitions recognized and/or approved by World Aquatics;
- k) to pay the annual membership fee set pursuant to Article 9 and comply with all other financial obligations to World Aquatics; and
- l) to ensure that World Aquatics is not brought into disrepute in any way whatsoever as a result of actions or omissions of the Member or of any of its members, representatives, athletes, officials or any other person subject to the Member.

8 SUSPENSION, TERMINATION OF MEMBERSHIP, STABILIZATION COMMITTEE AND OTHER MEASURES

8.1 Membership in World Aquatics ends:

- a) if the Member no longer exists;
- b) if the Member withdraws its membership; and/or
- c) if the Member is expelled from World Aquatics.

8.2 Any Member that wants to withdraw its membership in World Aquatics shall give notice before the end of June in order for such withdrawal to take effect at the end of the same calendar year. The notice shall be given in writing and shall be submitted to the Executive Director by email. No refund of fees will be made.

8.3 The Bureau shall have the power to suspend or expel a Member if:

- a) the Member does not comply with its obligations towards World Aquatics;
- b) the Member significantly violates this Constitution or the World Aquatics Rules;
- c) according to the respective general assembly of a Member, the Member has lost its status as a National Body representing Aquatics in its country;
- d) the Member is unable to preserve its independence for reasons beyond its control (e.g. in case of undue governmental interference);
- e) the Member acts in a manner contrary to any of World Aquatics' objectives; or
- f) in the view of the Bureau, other important reasons justify a suspension or an expulsion.

8.4 Unless there are reasons of urgency, before taking a decision of suspension or expulsion, the Bureau shall hear the Member, in

writing or orally. A Bureau decision of suspension or expulsion of a Member can be appealed to the CAS within twenty-one (21) Days from the date of the notification of the decision.

- 8.5 A decision of suspension by the Bureau can be imposed against a Member for an indefinite period of time and the lifting of the suspension may be made subject to the fulfilment of certain requirements to be defined from time-to-time by the Bureau. A suspension may also be imposed for a fixed period of time, to be determined by the Bureau in accordance with the circumstances of the case. The Bureau may revoke a suspension at any time.
- 8.6 A suspended Member may not exercise any of its membership rights during the period of suspension, including without limitation the right to attend and participate in a Congress.
- 8.7 In place of, or in addition to any suspension of a Member, the Bureau has the right to impose, upon having heard the Member orally or in writing, any or more of the following sanctions:
- a) refer the Member to the Aquatics Integrity Unit;
 - b) set specific measures, terms or conditions to be met or steps to be undertaken to the satisfaction of the Bureau;
 - c) issue a caution or a warning;
 - d) impose a fine;
 - e) withhold grants or subsidies;
 - f) exclude any World Aquatics competitions and events or any World Aquatics activities to be held in the country of the Member;
 - g) exclude Athletes, Athlete Support Personnel and/or Officials from any World Aquatics competitions and events or any World Aquatics activities or positions or bodies;
 - h) remove or deny accreditation of, or other benefits to, Athletes, Athlete Support Personnel and/or Officials and representatives of the suspended Member for any World Aquatics competitions and events or any World Aquatics activities; or
 - i) impose any other sanctions the Bureau considers appropriate.
- 8.8 In cases of acts of terrorism, riots, civil unrest, strike, nuclear or chemical contamination, epidemic and other similar circumstances as well as in the event of involvement of a Member's government in a war or other similar situations, the Bureau shall have the power to take appropriate measures, aiming at preserving the safe, peaceful and regular conduct of World Aquatics competitions and events.

The measures may include the suspension or expulsion of a Member, other sanctions as well as appropriate protective measures.

- 8.9 The Bureau may under exceptional circumstances appoint a Stabilization Committee for a certain Member in situations where the executive body of a Member fails to adhere to practices of good governance, transparency, financial accountability and stability, or puts at risk or in disrepute the organisation and development of Aquatics in its Country or in cases where a Member does not comply with decisions of the Bureau and/or of the Congress. Such a decision requires a majority of two thirds (2/3) of the valid votes cast. Abstentions are not counted. In the event of a tie, the President has the casting vote. A disciplinary procedure and disciplinary measures as per Article 29 remain reserved.
- 8.10 The mandate of a Stabilization Committee may include the following:
- a) management of the daily affairs of the Member;
 - b) establishment of a budget and financial plan and appropriate financial measures;
 - c) review and amendment of the constitution and the rules of the Member to ensure compliance with this Constitution and the World Aquatics Rules before duly submitting them for approval to the congress of the Member;
 - d) organisation, monitoring and/or conduct of congresses and elections; and
 - e) any other action necessary to ensure compliance with this Constitution and the World Aquatics Rules.
- 8.11 A Stabilization Committee shall be composed of an adequate number of individuals to be identified and appointed by the Bureau. When taking its decision, the Bureau may consult the respective NOC and/or the Continental Organisation of the Member concerned. A Stabilization Committee will act as a reform committee and may appoint a separate electoral committee for any elections that need to be carried out. The term of appointment for the Stabilization Committee will expire no later than 6 months after appointment by the Bureau but may be extended if necessary. The participation of Athletes in World Aquatics competitions and events during the installation of a Stabilization Committee shall not be negatively impacted.

9 FEES AND OTHER FINANCIAL OBLIGATIONS

- 9.1 Each Member must pay an annual membership fee decided by the Bureau. World Aquatics may set off any such fees with payments due to a Member.
- 9.2 Default in payment of the membership fees or other amounts which may be due by Members to World Aquatics may lead to sanctions, including suspension or, ultimately, expulsion.
- 9.3 The Bureau has the right to waive a membership fee, when appropriate.

III CONTINENTAL ORGANISATIONS

10 RECOGNITION

- 10.1 The Bureau has the power to recognize a Continental Organisation at any time.
- 10.2 Subject to change, the following Continental Organisations are the only continental bodies formally recognized by the Bureau:
- a) Confédération Africaine de Natation (CANAN);
 - b) PanAm Aquatics (PAQ);
 - c) Asia Swimming Federation (AASF);
 - d) LEN European Aquatics (LEN); and
 - e) Oceania Swimming Association (OSA).
- 10.3 Other than any Continental Organisation, no other zone, subregion or similar regional organization shall be recognized by World Aquatics.

11 RESPONSIBILITIES AND DUTIES

- 11.1 The constitution and the rules of a Continental Organisation must comply with this Constitution and the World Aquatics Rules and must be approved by the Bureau. Any amendment to a constitution of a Continental Organisation must be submitted to World Aquatics for approval.
- 11.2 In case of any inconsistency between this Constitution and the World Aquatics Rules and the constitution and rules of a Continental Organisation, this Constitution and the World Aquatics Rules shall prevail. A provision to this effect must be included in the constitution of any Continental Organisation.

- 11.3 World Aquatics may in exceptional circumstances authorise a Continental Organisation to grant membership to a National Federation that belongs geographically to another continent and is not affiliated to the Continental Organisation on that continent.
- 11.4 Continental Organisations shall:
- a) regularly promote World Aquatics and Aquatics in their continents and regions and in compliance with the mission and the objectives of World Aquatics as per Articles 3 and 4 of this Constitution;
 - b) work closely with World Aquatics in every aspect so as to promote the mission and objectives of World Aquatics stated in Articles 3 and 4 of this Constitution;
 - c) approve, organize and/or supervise multistate as well as continental competitions in their area of jurisdiction, subject to the approval of the Bureau, to ensure the consistency of any such competition with the World Aquatics calendar;
 - d) foster cooperation with World Aquatics and engage in consultative meetings to resolve matters relating to the interests of Continental Organisations and World Aquatics;
 - e) coordinate with World Aquatics for the promotion of Aquatics by arranging development programmes, courses, clinics and conferences;
 - f) hold general assemblies on a regular basis, at least every two (2) years, as well as elections on a regular basis, at least every four (4) years, all in accordance with their constitution as approved by World Aquatics, ensuring that the general assembly approves the accounts, the budget, a technical report, as well as an audit report. World Aquatics shall be notified of the dates and the location of any general assembly sixty (60) Days before the general assembly. The minutes shall be provided to World Aquatics within sixty (60) Days of the general assembly;
 - g) propose candidates for the Bureau in accordance with their constitution;
 - h) co-opt the Bureau Members from their own continent as members of the bureau of such Continental Organisation;
 - i) ensure proper and transparent management of their financial means and obligations and provide their members and World Aquatics on an annual basis with a copy of their financial statements;

- j) ensure and request from all their members that they always respect and comply with this Constitution and the World Aquatics Rules; and
 - k) comply with and enforce compliance with this Constitution and World Aquatics Rules and any decision of World Aquatics and/or the CAS.
- 11.5 The Bureau shall have the discretionary power to suspend or withdraw the recognition of a Continental Organization if it is considered that the Continental Organization committed a significant violation of this Constitution and/or the World Aquatics Rules or if it acted against the interest and rights of World Aquatics or any of its Members. Such a decision requires a majority of two thirds (2/3) of the valid votes cast by the Bureau Members. Abstentions are not counted. In the event of a tie, the President has the casting vote.
- 11.6 The Bureau determines the effects of a suspension or withdrawal of the recognition of a Continental Organisation and notably, without limitation, the recognition of a new Continental Organisation, the effects on the possibility for the Continental Organisation's representatives or their members, Officials, Athlete Support Personnel, etc. to take part in competitions and events or other activities, or to exercise or be candidates to World Aquatics functions, and/or to receive support granted to World Aquatics Members and/or Continental Organisations. Unless otherwise determined by the Bureau, the participation of Athletes in competitions and events shall not be impacted by a suspension of a Continental Organisation.
- 11.7 In place of, or in addition to any of the measures mentioned in this Article, the Bureau has the right to impose other directions or guidelines to a Continental Organisation, where the circumstances so require.
- 11.8 Only National Federations that are both recognized by World Aquatics and by their Continental Organisation are entitled to vote at a congress of a Continental Organisation for the nomination of Continental Representatives for the Bureau as per Article 14.3.

IV ORGANISATION AND STRUCTURE OF WORLD AQUATICS

12 THE ORGANS OF WORLD AQUATICS

The following bodies are established to govern and administer World Aquatics:

- a) the Congress;
- b) the Bureau;
- c) the Executive;
- d) the Aquatics Integrity Unit;
- e) the Athletes Committee;
- f) the Technical Committees; and
- g) the Specialised Committees.

13 THE CONGRESS

- 13.1 Congress – Authority: The Congress is the highest authority of World Aquatics and shall have the power to decide upon any matters arising within World Aquatics.
- 13.2 Congress – Forms: A Congress is held either as an Ordinary Congress or as an Extraordinary Congress. A Congress may be held in person, by teleconference, by videoconference or by another means of communication. Voting by correspondence (including email) and/or online is permitted.
- 13.3 Ordinary Congress: An Ordinary Congress shall be held every two (2) years, in principle at the site and on the occasion of the World Championships or of another major World Aquatics event. World Aquatics shall inform the Members by email not later than four (4) months ahead of the likely date of the Congress. The Executive Director shall send by email an invitation to all Members, together with the agenda, reports, information about the candidates of any position subject to election, and duly submitted motions and applications at least (1) month prior to the date of the Ordinary Congress.
- 13.4 Extraordinary Congress: An Extraordinary Congress shall be convened either by a decision of the Bureau or following a request in writing submitted to the Bureau by email by at least one fifth (1/5) of the Members. Any such request shall specify the items for the agenda. The Bureau shall fix the date and place of the Extraordinary

Congress, which shall be held within three (3) months of receipt by World Aquatics of such request. The Executive Director shall send by email an invitation to all Members, together with the agenda, reports and duly submitted motions and applications at least two (2) weeks prior to the date of the Extraordinary Congress.

- 13.5 Each Member shall be represented by up to two (2) duly appointed delegates. If a Member is represented by only one (1) delegate, the delegate may cast both votes of the Member. Members shall send by email to the Executive Director a written notice of the names and roles of the appointed delegates within the deadline set by the World Aquatics Office. The Bureau has the right to refuse the appointed delegate in case of valid reasons.
- 13.6 Voting power – Members: Regardless of the number of delegates representing a Member at a Congress, each Member is only entitled two (2) votes. A Member has no voting power if its membership has been suspended or if the voting power has been suspended by a binding decision of a World Aquatics Body and/or CAS.
- 13.7 Voting power – The Athletes Committee: Each of the twenty (20) elected members of the Athletes Committee shall have one (1) vote at a Congress.
- 13.8 Attendance – World Aquatics representatives: All Bureau Members and the Honorary President shall have the right to attend a Congress, each without voting power.
- 13.9 Attendance – Continental Organisations: World Aquatics may invite Continental Organisations to appoint up to two (2) representatives who may attend the Congress as observers, without any voting power.
- 13.10 Chair of the Congress: The President, or in his or her absence, in the following order, the First Vice President, the Second Vice President, a Vice President or a Bureau Member designated by the Bureau, or any other person appointed by the Congress shall preside over the Congress. Upon proposal of the President, the conduct of the Congress may be delegated to another person. Such delegation must take place in case the President is a candidate during the election. In case the election of the President is on the agenda, at least during the election process, the chair of the Congress shall be handed to a person who is not a candidate.
- 13.11 Agenda – Ordinary Congress: At each Ordinary Congress the following items shall be included on the agenda:
- a) verification of quorum;

- b) address by the President;
- c) appointment of the Chair;
- d) appointment of scrutineers among the attendants (outside active Bureau members);
- e) approval of the agenda;
- f) report of the Bureau on its activities, presented by the President;
- g) report of the Aquatics Integrity Unit on its activities, presented by the Chair of the Supervisory Council;
- h) presentation of the financial report of the Treasurer, presentation of the report of the Audit Committee, presentation of the report of the External Auditors, and approval of the Financial Statements presenting two (2) fiscal years;
- i) approval of the budget (financial projection) for two (2) years;
- j) proposals for changes and amendments of the present Constitution;
- k) release of responsibility and liability of the President, the other Bureau Members and the Executive Director;
- l) election of the President (where applicable);
- m) election of the Treasurer (where applicable);
- n) election of the Bureau Members, including Vice Presidents (where applicable);
- o) election of the members of the Supervisory Council, Adjudicatory Body, Investigatory Body and Anti-Doping Advisory Body (where applicable);
- p) election of the members of the Audit Committee (where applicable);
- q) appointment of the External Auditors (where applicable);
- r) election of Honorary positions (where applicable); and
- s) other business for which notice has been given.

13.12 Motions for Ordinary Congress: Motions, applications and proposals for amendments of the Constitution shall be considered only if submitted by a Member or by the Bureau. All motions, applications, and proposals to be considered by an Ordinary Congress must reach the Executive Director at least two (2) months prior to the Ordinary Congress and must appear on the agenda submitted to the Members.

- 13.13 Agenda – Extraordinary Congress: In case an Extraordinary Congress has been requested, the agenda of such Congress shall contain all items requested by the requesting Members. In case an Extraordinary Congress has been convened by the Bureau, the items of the Agenda are determined by the Bureau.
- 13.14 Quorum: The Congress has a quorum if more than half (more than 1/2) of the Members eligible to vote are represented. If a quorum is not present at the previously announced opening time of the Congress, the meeting shall open between 30 and 60 minutes after the original opening time. In this case, the quorum shall not be fewer than fifty (50) Members.
- 13.15 Voting Process – Majorities:
- a) Unless otherwise stated in this Constitution, decisions by the Congress are made on vote by Simple Majority of the valid votes cast. Abstentions and invalid votes shall not be counted. In the event of a tie, the President has the casting vote.
 - b) An amendment of the agenda of an Ordinary Congress requires a three-quarters (3/4) majority of the valid votes cast. Abstentions and invalid votes shall not be counted.
 - c) The agenda of an Extraordinary Congress may not be altered, unless all the Members attend the Extraordinary Congress and agree unanimously to amend the agenda.
 - d) An amendment of this Constitution requires a two-thirds (2/3) majority of the valid votes cast. Abstentions and invalid votes shall not be counted.

14 THE BUREAU: COMPOSITION, TERM AND ELIGIBILITY

- 14.1 Bureau Members: The Bureau shall consist of the President and thirty-nine (39) Bureau Members.
- 14.2 President: The President is elected by the Congress.
- 14.3 Continental Representatives: Twenty-two (22) Bureau Members are elected by the Congress as continental representatives. They shall be distributed geographically and per gender as follows:
- a) Africa: five (5), with no more than three (3) representatives of a single gender;
 - b) America: five (5), with no more than three (3) representatives of a single gender;
 - c) Asia: five (5), with no more than three (3) representatives of a single gender;

- d) Europe: five (5), with no more than three (3) representatives of a single gender; and
- e) Oceania: two (2), with one (1) of each gender.

The following positions shall be filled from the above quota:

- a) five (5) Vice Presidents, one from each of the five Continents, including the First Vice President and the Second Vice President; and
- b) the Treasurer.

Only the candidates validly nominated and approved by the Continental Organisations shall be recognised by World Aquatics. In selecting their candidates, Continental Organisations shall aim at ensuring that all their internal territories and regions are fairly represented. Accordingly, Bureau Members representing the Continental Organisations shall be selected, as far as reasonably possible, among all territories and regions and represent in a fair, balanced manner the territories and regions of each Continental Organisation. In case of any zones, sub-regions or similar, candidates shall be selected among all such geographic groups in a fair, balanced manner. Selection and nomination rules and policies are set out in the By-laws.

14.4 World-at-Large Bureau Members: Sixteen (16) additional Bureau Members are elected by the Congress as World-at-Large Bureau Members. They shall be distributed geographically and per gender as follows:

- a) Africa: three (3), with no more than two (2) representatives of a single gender;
- b) America: four (4), with no more than three (3) representatives of a single gender;
- c) Asia: four (4), with no more than three (3) representatives of a single gender;
- d) Europe: four (4), with no more than three (3) representatives of a single gender; and
- e) Oceania: one (1), female or male.

In selecting the World-at-Large Bureau Members, the Congress shall aim at ensuring in its full discretion and as far as reasonably possible, that all internal territories and regions of the Continental Organisations are fairly represented. Accordingly, World-at-Large Bureau Members shall represent in a fair, balanced manner the territories and regions of each Continental Organisation. In case of any zones, sub-regions or similar, candidates shall be selected by

the Congress, in its full discretion and as far as reasonably possible, among all such geographic groups in a fair, balanced manner. Selection and nomination rules and policies are set out in the By-laws.

- 14.5 Athletes Committee: The Chair of the Athletes Committee is ex officio a Bureau Member.
- 14.6 Start of Office: The elected President, Vice President and Treasurer as well as any other Bureau Member shall take office immediately after their election.
- 14.7 Terms of Office: The term of office of a Bureau Member (excluding the President for whom Article 20.3 applies) is four (4) years, renewable twice. Terms served are calculated cumulatively, irrespective of any interruption of the service.
- 14.8 Non-attendance: If in a calendar year, a Bureau Member has been absent from two (2) Bureau meetings without reasons acceptable to the Bureau, the Bureau shall have the right to declare that such a Member has forfeited his or her Bureau membership.
- 14.9 Age limits: Any Bureau Member ceases to be a member at the end of his/her term of office during which he or she reaches the age of seventy-five (75).
- 14.10 Co-opted Bureau Members: The Bureau shall have the right to co-opt a representative from the World Aquatics Member where the next Olympic Games and/or the next World Championships will be held, provided such country is not already represented in the Bureau. Such co-opted representatives shall be a Bureau Member with voting right until the closing ceremony of the Olympic Games and/or World Championships held in his/her country.
- 14.11 Duty and Liability: Upon his/her election, every Bureau Member undertakes to act faithfully, loyally and independently, in the best interests of World Aquatics and the good of Aquatics. Members of the Bureau are not personally liable for the debts and obligations of World Aquatics.
- 14.12 Eligibility: The Bureau shall not include more than one (1) voting Member of a certain country. This eligibility criteria shall not apply to the Chair of the Athletes Committee. Candidates for a position in the Bureau shall be subject to an eligibility check by the Aquatics Integrity Unit.
- 14.13 Campaign Requirements: The campaign of any candidate for a position in the Bureau must be conducted in dignified manner and

in accordance with this Constitution and the World Aquatics Rules. Violation of the above may lead to the ineligibility of the candidate.

- 14.14 Vacancy – President: Any vacancy in the office of President shall be filled by the First Vice President in a reduced term until the election of a new President at the next Congress. This reduced term does not count as part of the full term of office as per Article 14.7 of this Constitution.
- 14.15 Vacancies – Vice Presidents and Bureau Members: Any vacancy in the office of the First Vice President shall be filled by the Second Vice President in a reduced term until the election of a new First Vice President at the next Congress. The Bureau shall have the authority to fill any vacancy in the position of Second Vice-President, Treasurer or any other vacancy in the Bureau subject to observance and preservation of the balance in geographical and gender representation. The substitution shall be for a reduced term until the election of the vacant positions at the next Congress. Any reduced term does not count as part of the full term of office as per Article 14.7 of this Constitution.

15 THE BUREAU: CANDIDATURES

- 15.1 Candidatures for President: Each candidate shall be proposed by a World Aquatics Member. The World Aquatics Member shall provide the name of the candidate to the Executive Director by email at least three (3) months before the relevant Congress. Candidates shall have played an active role in Aquatics (e.g. as Athlete or as Official or Bureau Member within World Aquatics, a Continental Organisation or a Member, etc.) for at least ten (10) years before being proposed as candidate.
- 15.2 Candidatures for twenty-one (21) Continental Representatives: Each candidate shall be proposed by his/her Continental Organisation, based on the nomination of the candidate by his/her respective national federation, in accordance with the rules of this Constitution and the respective nomination process of each Continental Organisation, provided however that the procedure to select and nominate such candidates shall not start earlier than during the calendar year preceding the Congress that shall elect such Bureau Members. The Continental Organisations shall provide the names of their nominated candidates to the Executive Director by email at least three (3) months before the relevant Congress.
- 15.3 Candidatures for sixteen (16) World-at-Large Bureau Members: Each candidate shall be proposed by a World Aquatics Member of his/her Continental Organisation, in accordance with the rules of

this Constitution. The World Aquatics Member shall provide the name of its candidates to the Executive Director by email at least three (3) months before the relevant Congress.

- 15.4 Candidatures for five (5) Vice Presidents: Each candidate shall be proposed by a World Aquatics Member of his/her Continental Organisation. The World Aquatics Member shall provide the name of its candidates to the Executive Director by email at least three (3) months before the relevant Congress.
- 15.5 Candidatures for the Treasurer: Each candidate shall be proposed by a World Aquatics Member of his/her Continental Organisation. The World Aquatics Member shall provide the name of its candidate to the Executive Director by email at least three (3) months before the relevant the Congress. The candidate for the position of the treasurer shall be counted from the continental representative quota as per Article 14.3 of this Constitution.

16 THE BUREAU: ELECTIONS

- 16.1 Election of the President: A candidate is elected if he or she obtains a majority (50% + 1) of the valid votes cast. Abstentions and invalid votes are not counted.
- 16.2 Election of the First Vice President: The Congress shall elect a First Vice President among the elected five Vice Presidents. Only a candidate proposed by the five elected Vice Presidents is eligible. A candidate is elected if he or she obtains a majority (50% + 1) of the valid votes cast. Abstentions and invalid votes are not counted. If a candidate does not obtain the required majority, the five Vice Presidents must present another candidate before the end of the Congress.
- 16.3 Election of the Second Vice President: The Congress shall elect a Second Vice President among the elected five Vice Presidents. Only a candidate proposed by the five elected Vice Presidents is eligible. A candidate is elected if he or she obtains a majority (50% + 1) of the valid votes cast. Abstentions and invalid votes are not counted. If a candidate does not obtain the required majority, the five Vice Presidents must present another candidate before the end of the Congress.
- 16.4 Election of the further Vice Presidents: A candidate is elected if he or she obtains a majority (50% + 1) of the valid votes cast. Abstentions and invalid votes are not counted. If a candidate does not obtain the required majority, his/her Continental Organisation must present another candidate before the end of the Congress.

- 16.5 Election of the Treasurer: A candidate is elected if he or she obtains a majority (50% + 1) of the valid votes cast. Abstentions and invalid votes are not counted. The President and the Vice Presidents are not eligible for the position of Treasurer.
- 16.6 Method and Majority: Elections shall be conducted by secret ballot. The Bureau shall decide how to conduct the elections. Voting by correspondence (including email) and/or online is permitted. In case the number of candidates is not higher than the number of free positions, the Congress may decide to elect the candidates by acclamation. In case there is more than one candidate for a free position, the candidate who obtains the highest number of valid votes cast is elected. In case of a tie, a second ballot is conducted whereby the candidates with the lowest number of votes is eliminated and the process repeats until only two candidates for a free position are left. Abstentions and invalid votes shall not be counted. Specific majority requirements for certain positions according to this Constitution remain reserved. The President and the Treasurer shall be elected at a different Congress than the electoral Congress for the other Bureau Members.

17 THE BUREAU: RIGHTS AND DUTIES

- 17.1 Rights and duties of the Bureau shall include the following:
- a) to discuss and make decisions on all matters assigned to the Bureau by the Congress;
 - b) to interpret, implement and enforce this Constitution and the World Aquatics Rules;
 - c) to adopt or amend the World Aquatics Rules and establish rules of order for the meetings of the Congress, Bureau, Committees, etc., in compliance with this Constitution;
 - d) to issue administrative directives, including notably but without limitation in regard to time and manner of payment of any financial obligation;
 - e) to issue and publish regulations for World Aquatics competitions and events;
 - f) to decide and take action on any matter pertaining to the affairs of World Aquatics, in cases which are not delegated to another specific body;
 - g) to submit proposals and recommendations to the Congress, including for amendments to this Constitution;
 - h) to decide on World Aquatics awards;

- i) to review and approve the minutes of a Congress;
- j) to make decisions in case of emergency and in any situation in which no other World Aquatics body may act;
- k) to approve the title of international referee, starter, or judge on presentation of candidates certified by the World Aquatics Technical Committees. These titles are to be awarded to the Swimming, Open Water Swimming, Diving, High Diving, Water Polo and Artistic Swimming referees, starters, and judges who have received satisfactory marks for their officiating at major international competitions;
- l) to determine the dates and sites of the World Championships and other major World Aquatics competitions and events;
- m) to organise and control all Aquatics competitions at the Olympic Games and World Aquatics competitions and events;
- n) to issue and publish regulations for Agents, to ensure that the interests of Athletes are duly protected and that no conflict of interest nor manipulation issues may arise;
- o) to remove an Athlete from an Aquatics competition and/or take any other appropriate measure if such participation poses a risk for the health and safety of such Athlete or any competitors;
- p) to appoint and instruct the World Aquatics Committees as well as to control their activities and duties;
- q) to appoint delegates to the Olympic Games, other World Aquatics competitions and events, and other international competitions;
- r) to appoint and dismiss the Executive Director upon proposal by the President;
- s) to implement and develop World Aquatics' mission, strategic direction, policies and values, in particular, with regard to the organisation and development of Aquatics at a worldwide level;
- t) to oversee the overall management of World Aquatics by the Executive Director;
- u) to approve the annual budget and annual audited Financial Statements, prepared by the World Aquatics Office, under the supervision of the Treasurer and reviewed by the Audit Committee;
- v) to appoint the chairpersons, deputy chairpersons and members of the Committees with the exception of those who are elected by the Congress or by the Athlete Committee, in

accordance with this Constitution, as well as to support and control their activities;

- w) to propose to the Congress for election the members of the Supervisory Council, Adjudicatory Body, Investigatory Body, Anti-Doping Advisory Body, the Audit Committee and the External Auditors;
- x) to support, endorse and implement the work and the decisions of the AQIU;
- y) to propose to the Congress a relocation of the World Aquatics headquarters; and
- z) to decide the location of World Aquatics high level training and development centres, including any World Aquatics regional office.

17.2 Bureau Members shall be ex-officio members with a voting right in the bureau and the general assembly of the respective National Federation to which they are affiliated, or by default, the National Federation of which they are citizen.

18 THE EXECUTIVE: RIGHTS AND DUTIES

18.1 The Executive shall consist of at least eight (8) Bureau Members: the President, the First Vice President, the Second Vice President, the Treasurer, the three (3) other Vice Presidents, and the Chair of the Athletes Committee.

18.2 The Executive is responsible:

- a) for dealing with all matters within the competence of the Bureau requiring immediate decision between two meetings of the Bureau;
- b) for monitoring the establishment and implementation of the annual business plan and the long-term strategic plans defined and approved by the Bureau and ensuring that audited Financial Statements are submitted to the Bureau for approval by Congress;
- c) for being the interface between the Bureau, the Executive Director and the World Aquatics Office;
- d) for dealing with critical issues which may impact on the outcomes of the strategy defined by the Bureau and matters requiring immediate attention between meetings of the Bureau;

- e) for taking decisions in case of emergency and in any situation in which neither the Bureau nor other World Aquatics body may act; and
 - f) for taking decisions on the application of World Aquatics Rules, in cases which are not delegated to the Aquatics Integrity Unit or another specific body of World Aquatics.
- 18.3 Decisions of the Executive shall be ratified in due course by the Bureau.
- 18.4 Terms of Office: The term of office of a member of the Executive (excluding the President for whom Article 20.3 applies) is four (4) years, renewable twice. Terms served are calculated cumulatively, irrespective of any interruption of the service. If a Bureau Member is elected to a position within the Executive, any previous term served outside the Executive (i.e. as a Bureau Member) is not counted as part of the new term of office within the Executive. If an Executive Member (e.g. a Vice President) is elected to a new position within the Executive (e.g. as Treasurer), any previous term served within the Executive (e.g. as a Vice President) is counted as part of the individual's overall term of office in the Executive.

19 BUREAU AND EXECUTIVE MEETINGS

- 19.1 The Bureau shall meet as, when and where required, and at least twice a year.
- 19.2 The Executive shall meet as, when and where required.
- 19.3 Meetings of the Bureau and of the Executive can take place in person, by phone, by videoconference or any other appropriate means.
- 19.4 The President shall convene meetings of the Bureau and provide an agenda in advance by way of letter and/or email. The President must convene a meeting if such is requested by at least thirteen (13) Bureau Members.
- 19.5 Meetings of the Executive may be convened at any time by the President.
- 19.6 The Executive Director shall and is entitled to attend all Bureau and Executive meetings without vote. The President may, from time to time, invite other persons to attend meetings of the Bureau or of the Executive as appropriate, to provide specialized knowledge or specific information. The Minutes of the meetings of the Bureau and the Executive are taken under the responsibility of the President.

- 19.7 A quorum of fifteen (15) Bureau Members and of five (5) Executive Members applies for Bureau and respectively Executive meetings. A Bureau or an Executive Member cannot appoint a third-party to represent him or her at a meeting.
- 19.8 The Bureau and Executive may issue decisions by circular vote by email.
- 19.9 Unless otherwise specified in this Constitution, decisions taken at a meeting of the Bureau or the Executive are made by Simple Majority of the valid votes of the Members present. Decisions by circular vote require the Simple Majority of the valid votes cast within the deadline set by the President or the Executive Director.
- 19.10 Bureau and Executive meetings are confidential. Bureau Members shall keep strictly confidential any information or documentation they receive in connection with their function as Bureau and/or Executive Members.

20 THE PRESIDENT: RIGHTS AND DUTIES

- 20.1 The principal elected officer of World Aquatics shall be the President.
- 20.2 The President shall inter alia have the following roles and duties:
- a) to chair Congresses, Bureau and Executive meetings;
 - b) to represent World Aquatics in all dealings with the International Olympic Committee (IOC), the Association of Summer Olympic International Federations (ASOIF) and any other relevant international organizations;
 - c) to propose the Executive Director and to evaluate the performance of the Executive Director and make an annual report to the Bureau in this regard;
 - d) to be an ex officio member of all World Aquatics Committees and commissions;
 - e) to create any ad hoc task force or working group deemed necessary or advisable;
 - f) to appoint special advisors, senior consultants and/or members of the Executive;
 - g) to maintain relations with the Continental Organisations, Members and World Aquatics Committees; and
 - h) to take any action or make any decision on behalf of World Aquatics when circumstances prevent it from being taken or made by the Congress, Bureau or Executive. Such action or

decision must be submitted promptly for ratification by the competent body.

- 20.3 The term of office of the President is eight (8) years, renewable once for four (4) years, irrespective of any previous term served as Bureau and/or Executive Member.

21 VICE PRESIDENTS AND TREASURER: RIGHTS AND DUTIES

- 21.1 The First Vice President shall substitute for the President when he/she cannot act or be present. In such cases, the First Vice President shall chair Congresses, Bureau and Executive meetings, represent World Aquatics at competitions and events, ceremonies or other activities requiring the presence of the highest World Aquatics authority.
- 21.2 The Second Vice President shall act as the substitute when the President and the First Vice President cannot act or be present.
- 21.3 The Vice Presidents shall ensure the coordination between their Continental Organisation, the Bureau, the Executive and the World Aquatics Office, with respect to all Aquatics activities within their continents and assist the President in his or her duties as may be requested from time to time by the President.
- 21.4 The Treasurer shall have the following roles and duties:
- a) chair the Remuneration Committee;
 - b) chair the Business and Investment Committee;
 - c) attend meetings of the Audit Committee and meetings with the External Auditors;
 - d) present regular reports to the Executive and Bureau;
 - e) present the financial report and budget to the Congress, including the audited Financial Statements;
 - f) assist the World Aquatics Office with the financial planning of World Aquatics;
 - g) supervise the current amount of income and expenditure;
 - h) oversee the total compensation of the Executive Director and of the World Aquatics senior management; and
 - i) draw up the general two (2) year and detailed yearly budget together with the Executive Director.

22 THE HONORARY PRESIDENT

The Congress may grant the title of Honorary President to an immediate past president. Such title shall expire with the election of a new President. The Honorary President is entitled to attend the Congress, without vote.

23 EXECUTIVE DIRECTOR

23.1 The World Aquatics Office shall carry out all the administrative work of World Aquatics under the direction of the Executive Director, in accordance with the policies set by the President, the Bureau and the Executive.

23.2 The Executive Director shall be appointed on the basis of an agreement governed by Swiss law. The agreement shall be executed on behalf of World Aquatics by the President.

23.3 The Executive Director shall be responsible for:

- a) attending the meetings and implementing the decisions passed by the Congresses, the Bureau and the Executive, under the supervision of the President;
- b) ensuring a proper management of the accounts of World Aquatics, under the supervision of the Treasurer;
- c) negotiating or overseeing the negotiation of all major contracts on behalf of World Aquatics in consultation with the President and the members of the Executive;
- d) ensuring that minutes of the meetings of the Congress, Bureau and Executive, and of the Committees are taken;
- e) managing the day-to-day operations of World Aquatics and represent World Aquatics in its daily business;
- f) overseeing, in consultation with the President, the operations of the World Aquatics Office and, where appropriate, taking such decisions and measures as may be deemed necessary for the proper administration of World Aquatics. The Executive Director shall periodically report to the Bureau in this regard;
- g) appointing and dismissing staff working in the World Aquatics Office in consultation with the President; and
- h) signing decisions on behalf of any World Aquatics Committee, unless another solution is specifically provided, and establishing the agenda of the World Aquatics Committees in co-ordination with the respective Chairs of the Committees.

24 THE AQUATICS INTEGRITY UNIT (AQIU)

24.1 Objectives of the AQIU: The objectives of the AQIU are:

- a) to maintain public confidence in the integrity of Aquatics, and in the commitment of World Aquatics to take all steps necessary to protect that integrity;
- b) to combat all forms of corruption and ethical misconduct, investigate fraudulent behaviour and detect all forms of misconduct and of non-compliance with this Constitution and/or the World Aquatics Rules to ensure the confidence of all Athletes around the world who dedicate their lives to reach their sporting goals; and
- c) to ensure that World Aquatics, all its Members, Officials, Athletes, Coaches, Agents and all people subject to this Constitution, act in compliance with this Constitution, the World Aquatics Rules, and the WADA Code.

24.2 Responsibilities of the AQIU: The responsibilities of the AQIU include:

- a) to handle all anti-doping responsibilities of World Aquatics, which have not been delegated to a third-party;
- b) to handle all integrity matters related with World Aquatics, including disciplinary, ethics, various forms of harassment, competition manipulation, fraud, illicit betting and other event interference offenses, in accordance with the applicable World Aquatics Rules;
- c) to educate all Officials, World Aquatics Members, World Aquatics staff, Athletes, Athlete Support Personnel, and others who are bound by the Constitution and the World Aquatics Rules about their obligations thereunder, and to monitor their compliance with those obligations;
- d) to monitor compliance by World Aquatics with its obligations as a signatory to the WADA Code and with its other governance and integrity compliance obligations set out in the World Aquatics Rules;
- e) to investigate and prosecute potential violations of the Constitution and/or the World Aquatics Rules;
- f) to pursue Anti-Doping Rule Violations before the CAS ADD or file / defend appeals to the CAS concerning decisions of the Adjudicatory Body or the CAS ADD;
- g) to obtain relevant intelligence and information from and to share relevant intelligence and information with other relevant authorities;

- h) to report to the Bureau, on an annual basis, and to the Congress; and
- i) to deal with any other task attributed to the AQIU by this Constitution, a decision of the Bureau, the Executive or the World Aquatics Rules.

24.3 Independence of the AQIU: The AQIU shall operate neutrally and independently, in accordance with this Constitution, the World Aquatics Rules, the WADA Code and the AQIU Rules. The appropriate nomination and election rules shall be determined in the AQIU Rules, taking into due consideration the needs and the tasks of the different AQIU bodies.

24.4 Resources of the AQIU: The AQIU shall be provided by World Aquatics with all the necessary organisational and budget resources to be able to operate efficiently and independently.

24.5 Composition of the AQIU: The AQIU shall be comprised of:

- a) the Supervisory Council;
- b) the Chief Ethics and Compliance Officer;
- c) the Adjudicatory Body;
- d) the Investigatory Body; and
- e) the Anti-Doping Advisory Body.

24.6 The Supervisory Council – Composition and Election: The Supervisory Council is composed as follows:

- a) a Chair, elected by the Congress;
- b) a Vice Chair, elected by the Congress; and
- c) five (5) Council Members (including two (2) Athletes, one male and one female, active in or retired from international competitions no more than eight (8) years prior to their first election), elected by the Congress.

24.7 The Supervisory Council – Responsibilities: The responsibilities of the Supervisory Council include:

- a) developing the strategy, policies and plans for the AQIU;
- b) monitoring the performance of the AQIU, including the various units therein;
- c) overseeing the budget of the AQIU; and
- d) any other task attributed to the Supervisory Council by this Constitution, a decision of the Bureau or the Executive or the World Aquatics Rules.

- 24.8 The Chief Ethics and Compliance Officer: The main responsibility of the Chief Ethics and Compliance Officer is to oversee the general operations of the AQIU and deal with any claim and complaint addressed to the AQIU in accordance with the AQIU Rules. He/she is supported in his/her activities and tasks by the AQIU staff and may be replaced by a Deputy if so appointed.
- 24.9 The Adjudicatory Body – Composition and Election: The Adjudicatory Body is composed as follows:
- a) a Chair, elected by the Congress;
 - b) a Vice Chair, elected by the Congress; and
 - c) three (3) Members, elected by the Congress.
- 24.10 The Adjudicatory Body – Responsibilities: The responsibilities of the Adjudicatory Body include:
- a) to receive complaints and claims from the Chief Ethics and Compliance Officer;
 - b) to review any investigation reports of the Investigatory Body, when necessary;
 - c) to take the appropriate decisions, including imposing the appropriate sanctions, in accordance with this Constitution and the World Aquatics Rules;
 - d) to make proposals and suggestions to the Bureau for additions or amendments to World Aquatics Rules relating to AQIU matters; and
 - e) any other task attributed to the Adjudicatory Body by this Constitution, a decision of the Bureau or the Executive or the World Aquatics Rules.
- 24.11 The Investigatory Body – Composition and Election: The Investigatory Body is composed as follows:
- a) a Chair, elected by the Congress;
 - b) a Vice Chair, elected by the Congress;
 - c) three (3) Members, elected by the Congress; and
 - d) in case of necessity, additional Members of the Body may be appointed by the Chair of the Investigatory Body, taking into consideration geographical and gender representation as well as the different kind of expertise and knowledge required by the Body and/or on a case-by-case basis.
- 24.12 The Investigatory Body – Responsibilities: The responsibilities of the Investigatory Body include:

- a) to investigate potential violations of this Constitution and/or the World Aquatics Rules;
- b) to provide any investigation reports when required to the Chief Ethics and Compliance Officer or the Adjudicatory Body;
- c) perform the appropriate eligibility and background check on candidates for positions for which such a check is required under this Constitution or the World Aquatics Rules; and
- d) any other task attributed to the Investigatory Body by this Constitution, a decision of the Bureau or the Executive or the World Aquatics Rules.

24.13 The Anti-Doping Advisory Body – Composition and Election: The Anti-Doping Advisory Body is composed as follows:

- a) a Chair, elected by the Congress;
- b) a Vice Chair, elected by the Congress; and
- c) three (3) Members, elected by the Congress.

24.14 The Anti-Doping Advisory Body – Responsibilities: The responsibilities of the Anti-Doping Advisory Body include:

- a) to review and make recommendations to the Supervisory Council regarding World Aquatics' doping control programme;
- b) provide strategic advice to the Supervisory Council on anti-doping related matters;
- c) to make proposals and suggestions to the Bureau for additions or amendments to World Aquatics Rules relating to anti-doping matters;
- d) to be called upon by the Investigatory Body to assist in any doping-related investigation;
- e) provide Aquatics-specific knowledge to any third party with any anti-doping obligations delegated by a World Aquatics Body; and
- f) any other task attributed to the Anti-Doping Advisory Body by this Constitution, a decision of the Bureau, the Executive, the Supervisory Council or the World Aquatics Rules.

24.15 AQIU Procedures, Rules and Terms of Office: The activities and the procedures of the AQIU, the remuneration as well as the eligibility requirements for any member of the AQIU shall be set out in detail in the AQIU Rules and remain in compliance with this Constitution as well as with the World Aquatics Rules. The term of office for any position in the AQIU shall be of four (4) years; every member of the AQIU may be appointed for such number of successive terms as

considered appropriate by World Aquatics, with a maximum of three (3) terms for each position.

V WORLD AQUATICS COMMITTEES

25 COMMITTEES

25.1 World Aquatics shall have an Athlete Committee, an Audit Committee, Technical Committees and Specialised Committees.

25.2 The Technical Committees are:

- a) the Swimming Committee;
- b) the Open Water Swimming Committee;
- c) the Diving Committee;
- d) the High Diving Committee;
- e) the Water Polo Committee;
- f) the Artistic Swimming Committee; and
- g) the Masters Committee.

25.3 The Specialised Committees are defined in the By-laws.

25.4 The Bureau shall be entitled to propose to the President any kind of new Committee, ad hoc Committee, task force group or working commission as deemed appropriate.

25.5 Unless otherwise expressly provided for by this Constitution, the composition, specific duties and powers of the Committees shall be stipulated in the By-laws or in specific organisation regulations to be issued by the Bureau, in line with the principles set out in this Constitution.

25.6 Each Committee may propose amendments to its regulations to the Bureau.

25.7 Unless otherwise expressly provided for by this Constitution, the Chairs, Vice Chairs, and members of the Committees are appointed by the Bureau, in principle upon receipt of proposals by the World Aquatics Members and taking into consideration geographical and gender representation and the kind of expertise and knowledge required. They may be appointed for such number of successive terms as considered appropriate by the Bureau, with a maximum of three (3) terms for each position, with normally four (4) years per each term, unless otherwise specified in this Constitution. Terms served are calculated cumulatively, irrespective of any interruption

of the service. The Bureau can terminate and replace a Committee Member and/or fill any vacancy at any time.

- 25.8 The Chair of a Committee shall inform the Executive Director on a regular basis about the activities of the Committee and report any recommendations or needs that the Committee may have. The Chair shall ensure, with the assistance of the Executive Director, a regular exchange of communications between the Committee and the Bureau.
- 25.9 The Bureau shall review from time to time, but at least once every four (4) years, the composition of all Committees and either reconfirm their existing members and/or appoint new members. The Bureau may appoint to the Committees additional members who are experts in the area for which the committee has been established irrespective of the foregoing rule.
- 25.10 The Committees shall meet whenever there is business to be dealt with, all meetings being subject to the prior approval of the Executive Director. Meetings of the Committees can take place in person, by phone, by videoconference or any other appropriate means.
- 25.11 The majority of Committee members (50% + 1) shall form a quorum at any meeting.
- 25.12 All recommendations or decisions made by any Committee, require the approval of the Bureau in order to become effective.
- 25.13 The Bureau may appoint a person to facilitate an appropriate exchange of communications between the Committee, its Chair, the Executive Director and the Bureau. Such person does not need to be a Bureau Member.

VI ORGANISATION OF COMPETITIONS AND EVENTS

26 APPROVAL OF COMPETITIONS AND EVENTS

- 26.1 Continental Organisations, World Aquatics Members and/or members of World Aquatics Members (including clubs) as well as independent organizers must, before announcing dates and place for championships or events which they organize or sanction within their jurisdiction, seek approval by World Aquatics.
- 26.2 The World Aquatics approval shall include the following determinations:

- a) dates for the championships/events;
 - b) competition programmes;
 - c) doping control organisational measures;
 - d) health and security organisational measures; and
 - e) any deviation from World Aquatics Rules and requirements.
- 26.3 The approval by World Aquatics shall determine the conditions and requirements in accordance with the World Aquatics Rules, while the appointment of World Aquatics representatives (delegates and/or Officials) shall be granted by the Executive. All Athletes must comply with World Aquatics eligibility rules.
- 26.4 If approval is granted, the respective championships or events shall be supervised by one or more World Aquatics representatives (delegates and/or Officials).
- 26.5 The Bureau may issue more detailed approval rules to ensure and facilitate a proper organisation of Aquatics competitions all over the world.

VII FINANCE

27 FINANCIAL MONITORING AND CONTROL

- 27.1 Fiscal Year: The fiscal year of World Aquatics is the calendar year.
- 27.2 Financial Statements: For each calendar year the World Aquatics Office shall establish, under the supervision of the Treasurer, the Financial Statements. The annual Financial Statements shall be audited by the External Auditors, reviewed by the Audit Committee, approved by the Bureau and published on the World Aquatics website.
- 27.3 Approval of the Financial Statements: The Ordinary Congress shall approve the audited Financial Statements covering the time period of two (2) fiscal years.
- 27.4 Budget: The annual budget of World Aquatics shall be prepared by the World Aquatics Office under the supervision of the Treasurer and reviewed by the Audit Committee. The Bureau shall approve the budget every year. The Ordinary Congress shall approve the budget presenting two (2) fiscal years.
- 27.5 Strategic Financial Plan: In cooperation with the Treasurer, the World Aquatics Office shall prepare and keep updated a long-term strategic financial plan.

- 27.6 Internal Control System: The World Aquatics Office, in cooperation with the Treasurer, shall implement an adequate internal control system, the existence of which is verified by the External Auditor as part of the normal audit procedure. The Audit Committee shall review reports prepared by the External Auditors highlighting control weaknesses and request from the Treasurer and the World Aquatics Office any other information they deem appropriate to report to the Bureau.
- 27.7 External Advisor: When appropriate, the World Aquatics Office may select an external specialist to undertake a specific review of the distribution and the utilisation of World Aquatics Development Funds. The specialist shall provide reports to the Audit Committee and the Bureau.

28 EXTERNAL AUDITORS

On a proposal from the Bureau, prepared by the Audit Committee, the Congress shall appoint for a period of four years independent qualified auditors to audit, in accordance with generally accepted auditing standards the Financial Statements and to draw up a report to be submitted to the Congress in accordance with this Constitution. The Congress can decide to renew the mandate of the External Auditors.

VIII DISCIPLINARY MEASURES

29 SANCTIONS

- 29.1 Any Member, member of a Member, or individual member of a Member, any Continental Organisation as well as any individual subject to this Constitution and/or the World Aquatics Rules, including Athletes, Athlete Support Personnel, Coaches, Agents and Officials, may be sanctioned:
- a) if duties and obligations to World Aquatics are not fulfilled; or
 - b) in case of violation of this Constitution and/or the World Aquatics Rules or of decisions or directions of the Congress, the Bureau, the Executive, any other body of World Aquatics or the Court of Arbitration for Sport; or
 - c) for any unsportsmanlike conduct; or
 - d) for bringing the Aquatics and/or World Aquatics into disrepute.
- 29.2 Sanctions include, but are not limited to:

- a) warning or reprimand;
- b) fine;
- c) suspension, expulsion, withdrawal of recognition;
- d) disqualification from Competitions or Events;
- e) cancellation of results;
- f) ban;
- g) withdrawal of titles, return of awards, medals, prizes, etc.;
- h) suspension or limitations from carrying out a function in Aquatics or to exercise any Aquatics-related activity;
- i) order restrictions for a certain Competition or Event or event location; and
- j) withholding of revenues from a Competition or Event.

29.3 Disciplinary measures and sanctions may be imposed provisionally or finally and cumulatively, i.e. in combination with further measures and sanctions. Measures may include the appointment of a Stabilization Committee as per Article 8.

29.4 Further disciplinary measures and sanctions may be defined in this Constitution or the World Aquatics Rules or in other rules and regulations issued by the Bureau.

30 DISCIPLINARY POWERS AND PRINCIPLES

30.1 Sanctions shall be imposed by the competent World Aquatics body, in accordance with this Constitution and the World Aquatics Rules.

30.2 Any sanction or measure imposed by World Aquatics shall be recognised and enforced by all Members.

30.3 Before any Member, Continental Organisation or individual is sanctioned, the individual or a representative of the Member or of the Continental Organisation must be given an opportunity to exercise a right to be heard, either orally or in writing. In urgent matters, appropriate measures may be taken.

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

30.5 Subject to specific provisions of World Aquatics Rules, World Aquatics may no longer engage proceedings in respect to violations of World Aquatics Rules when such action is not initiated within ten (10) years of the event to which it relates. This statute of limitation does not apply to cases of sexual misconduct, bribery or corruption.

- 30.6 Unless otherwise provided in this Constitution or in the World Aquatics Rules, a final decision of World Aquatics imposing a disciplinary sanction or measure can be appealed within twenty-one (21) Days from the date of the decision to the Court of Arbitration for Sport (CAS). The recourse to other tribunals or courts is excluded. The CAS shall also have exclusive jurisdiction over interlocutory orders and interim measures and no other court or tribunal shall have authority to issue interlocutory orders or interim measures relating to matters before the CAS.

IX RESOLUTION OF DISPUTES

31 ARBITRATION

- 31.1 World Aquatics recognises the Court of Arbitration for Sport (CAS), with seat in Lausanne, Switzerland, as exclusive court to resolve any kind of disputes between World Aquatics, World Aquatics Members, members of World Aquatics Members, Continental Organisations, National Aquatics bodies, Athletes, Officials and any person or organisation subject to this Constitution and/or any World Aquatics rule or regulation.
- 31.2 Provided no internal legal remedy is available, any appeal against a final decision of World Aquatics shall be submitted to the exclusive jurisdiction of CAS within twenty-one (21) Days from the date of the decision being appealed. Unless otherwise specified in the applicable World Aquatics Rules, an appeal shall not have suspensive effect: subject to any other decision by CAS, the decision being appealed shall therefore remain in full force. World Aquatics is entitled to file an appeal to CAS against any final and binding decision of a body of World Aquatics.
- 31.3 The CAS shall resolve any dispute in accordance with the Code of Sports-related Arbitration (the "CAS Code"), this Constitution, the applicable World Aquatics Rules and subsidiarily Swiss law.
- 31.4 World Aquatics Members and Continental Organisations shall recognise CAS as an independent judicial authority and comply with CAS decisions. Further, World Aquatics Members and Continental Organisations shall ensure that themselves as well as their members and officials comply with the decisions passed by CAS.
- 31.5 Recourse to ordinary state courts is prohibited.

X FINAL PROVISIONS

32 DISSOLUTION

- 32.1 World Aquatics may be dissolved only by a three-quarters (3/4) majority vote at a Congress convened for this specific purpose.
- 32.2 In the event of dissolution, the Congress shall appoint a liquidator who shall discharge all debts and liabilities incurred on behalf of World Aquatics. The remaining assets, if any, shall be donated as directed by the Congress to a suitable body for the ongoing promotion and development of Aquatics.

33 LANGUAGE

The official language of World Aquatics shall be English.

34 NOTIFICATIONS

Any notification of World Aquatics to Members, Continental Organisations, members of Members, Athletes, Coaches and other persons subject to Swiss law shall be made by email, unless a different form is foreseen by this Constitution or the applicable World Aquatics Rules.

35 MATTERS NOT COVERED IN THIS CONSTITUTION

Any matter not covered in this Constitution shall be decided by the Bureau, in accordance with the World Aquatics Rules and following the principles of the Mission of World Aquatics.

36 GOVERNING LAW

This Constitution shall be governed and interpreted by Swiss law.

37 ENTRY INTO FORCE

- 37.1 This Constitution has been adopted at the Congress of 12 December 2022 in Melbourne, Australia, and has come into force on 1 January 2023.
- 37.2 Any amendment of the Constitution shall become effective immediately unless otherwise determined at the time of such decision.

38 TRANSITORY PROVISIONS

Notwithstanding the entry into force of this Constitution, the following transitory provisions shall apply:

- a) The new composition of the Bureau as set out in Article 14 shall come into effect on 1 January 2023, with the new additional positions within the Bureau to be filled by the Bureau in consultation with the Continental Organisations, in application of Article 14;
- b) The current term of the elected President shall expire in 2023. In case of re-election in 2023, the term starting in 2023 shall be considered the first eight (8) year term as per Article 14.7;
- c) The current term of the elected Treasurer shall expire in 2023. In case of re-election in 2023, the term starting in 2023 shall be considered a first four (4) year term as per Article 14.7;
- d) The new composition of the Executive as set out in Article 18 shall come into effect on 1 January 2023. The current term of the additional member of the Executive nominated by the President shall end upon the natural expiry of the appointment (i.e. in 2025);
- e) At the time of adoption of this Constitution, any term of office completed before 2017 shall be disregarded in calculating the number of full terms that a person has served as a Bureau or Executive Member;
- f) Bureau Members that are in office as Bureau Members at the time of adoption of this Constitution and that have reached the age of 75 years during their term of office, shall cease to be Bureau Members at the end of their current terms;
- g) The Bureau shall issue appropriate guidelines and set appropriate deadlines to Continental Organisations as well as to World Aquatics Members to take the necessary actions to amend their statutes, rules and regulations to be fully compliant with this Constitution.

Melbourne, 12 December 2022

For the Congress:

The President

The Executive Director



Husain Al Musallam

Brent J. Nowicki