



## STATUTES

### ARTICLE 1 IDENTITY — OBJECTIVES

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1. The World Underwater Federation (CMAS in abbreviation) is the association of national underwater federations.
2. The CMAS is an international, non-governmental, non-profit-making organization.
3. The registered office of the CMAS is in Rome, Italy, at Viale Tiziano n. 74. While the Board of Directors may move address in any moment in time within Italy, only the General Assembly has the right to transfer the registered office to another country. The Board of Directors may open or confirm representative or operational branches anywhere deemed opportune.
4. The official languages of CMAS are English, French and Spanish.
5. The objectives of the CMAS are:
  - a. To direct, develop and regulate underwater activities and underwater sports, under all forms, worldwide;
  - b. to develop and encourage the understanding and preservation of the underwater world;
  - c. To promote underwater activities in all countries and at all levels;
  - d. To organize for all underwater sport disciplines, world championships and sport events for which CMAS shall have the sole ownership and rights;
  - e. To organize events, fairs, exhibitions regarding the underwater world
  - f. To promote or carry out scientific activities or initiatives of any kind;

- g. To encourage friendship between all members of the underwater activities world and promote sportsmanship and fair play;
  - h. To represent the underwater sport disciplines and defend its interests before the International Olympic Committee and all national and international authorities;
  - i. To cooperate with the International Olympic Committee, the WADA—World Anti-Doping Agency and all national and international sport authorities and organizations in order to achieve its objectives.
6. The CMAS will carry out its activities in compliance with the principles of:
- a. Equality between all the members and all the athletes, officials and instructors, without racial, political, religious or other discriminations;
  - b. Compliance with the Olympic Charter and with the principles, guidelines and rules set forth by the International Olympic Committee, the WADA and all other national and international sports authorities;
  - c. The non profit-making purpose: the financial resources shall be used only to pursue the objectives set forth in this Statutes. CMAS members have no rights thereto.
7. In order to pursue its purposes, CMAS may promote the establishment of commercial entities or acquire interests in such entities, provided that the scopes of the latter are consistent with those of the CMAS.

## **ARTICLE 2** MEMBERS

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- 1. The members of the CMAS shall be the national federations or organizations of any kind, accepted by the General Assembly, as being representative organizations for the underwater activities and/or sport in general in the country of that national federation or organization.
- 2. Every member of the CMAS shall hereinafter be referred to as a "federation".
- 3. Only one federation shall be admitted to membership for any country. The Board of Directors may exceptionally grant provisional exemptions from this rule for a period not exceeding two years.
- 4. As members, the federations shall comply with the Statutes and Regulations of the CMAS, as well as with all the decisions taken in

accordance therewith. Likewise, they shall have the Statutes, Regulations and decisions of the CMAS complied by all persons concerned.

5. The Statutes and Regulations of the CMAS shall automatically apply in case of divergence with the Statutes and Regulations of the federations.

### **ARTICLE 3** APPLICATION FOR MEMBERSHIP

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1. The application for membership shall be signed by the authorized representatives of the applicant federation and sent to the registered office of the CMAS.
2. The application must be accompanied by a file containing at least the following elements:
  - a. a formal statement that the applicant federation, on the condition of its admission, shall accept, apply and comply with CMAS Statutes and Regulations;
  - b. the text of the statutes and all regulations of the applicant federation;
  - c. a detailed report on the structures and underwater activities and sport of the country concerned;
  - d. a list of unions or associations to which the applicant federation is already affiliated;
  - e. the composition of the management committee or equivalent body;
  - f. the official address for correspondence;
  - g. the identity of persons empowered to sign correspondence.
3. The application for membership and its annexes shall be drawn up in one of the official languages of the CMAS.
4. The federations shall inform the CMAS about every amendment in the data referred to in points b, d, e, f, and g of paragraph 2 above as soon as possible.
5. The Internal Regulations of CMAS may provide for further details and proceedings to be followed in connection with the application for membership.
6. The fact that in the country of the applicant federation none or however insignificant underwater activities are carried out does not prevent a

federation from applying to membership with CMAS, provided that such federation undertakes to develop underwater activities within a period of time to be established by the Board of Directors, which cannot however exceed two years. In such an event, the Board of Directors may grant a provisional membership and paragraph 3.12 shall apply.

7. Applications for membership shall be reviewed by the Board of Directors. Before submitting them to the General Assembly, the Board of Directors may request additional information and ask the applicant federation to alter its structures or regulations to bring them in line with the principles and Regulations of the CMAS.
8. If the application for membership is judged complete and in conformity with the requirements, the Board of Directors shall inform the federations and place the voting on admission in the agenda of the next General Assembly.
9. The Board of Directors may grant provisional membership in anticipation of the voting at the General Assembly. Provisional membership does not grant any voting right or entitle the applicant federation to take part in the corporate functions of the CMAS either, but only in all underwater activities, provided that the other conditions are met.
10. The General Assembly shall decide on the admission before voting on any other item of the agenda, with the exception of a vote on the expulsion of a federation.
11. An applicant federation may make a presentation before the General Assembly. Its delegates must leave the room when the application is being reviewed and the vote taken.
12. If the application is accepted and the relevant annual membership contribution paid, the delegates of the new member shall be authorized to take part in the deliberations of the General Assembly immediately.
13. The members of the CMAS shall extend reciprocal recognition as federations regulating underwater activities in their respective countries to the exclusion of all others.
14. Each federation shall recognize and execute the disciplinary and sport-related decisions taken by another federation. Except for other remedies, the Board of Directors may decide upon request of any interested person, that a decision taken in application of a national rule shall have effect in the country of the federation concerned only.
15. Each federation shall spare no effort to enable the members of other federations to take part in international underwater sport events of any kind organized on its territory by CMAS or under the aegis of CMAS.

16. Except in the case of prior consent of the Board of Directors, federations and their members shall take part only in underwater activities organized by one of them or by the CMAS. Moreover, they shall not take part in activities organized by a suspended federation, except as provided in paragraph 4.5.

#### **ARTICLE 4**      SUSPENSION – EXCLUSION — WITHDRAWAL

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1. Failure of a federation to fulfill any of its obligations pursuant to the Statutes, Regulations and decisions of the CMAS shall render said federation subject to the fines and disciplinary measures provided for in these Statutes and the Disciplinary Code of CMAS.
2. Without prejudice of the cases implying a disciplinary suspension, and of the other sanctions which may be imposed, in accordance with the Disciplinary Code, a federation shall be automatically suspended by the Board of Directors when any of the following events occurs:
  - a. A federation joins a competing union or association, or a body declared as such by the Board of Directors or the General Assembly, if it refuses to forsake this other membership within the month of the notice to that effect being served by the Board of Directors;
  - b. A federation makes misuse or unauthorized use of CMAS' brand, logo, trademarks and any other intellectual property or commercial rights of CMAS if it refuses to forsake this misuse or however unauthorized use;
  - c. A federation fails to pay the annual contribution within the 31<sup>st</sup> day of the month of March of the year when the contribution is due. In such a case the suspension shall be revoked if the federation settles in full all due contributions, sanctions and interests within the end of the same year.
3. The suspension of a federation entails the following measures in particular:
  - a) non-participation in the General Assembly of the CMAS;
  - b) inadmissibility of the nominations of its members for elections;
  - c) suspension of the members of the federation in committees and commissions of the CMAS;
  - d) deletion or non registration of its events in the international calendar;

- e) exclusion of its athletes from world championship and international events;
  - f) refusal or withdrawal of the organization of world championship events.
4. By resolution of the Board of Directors, a federation may also be provisionally suspended for a period of time not exceeding two (2) years, when any of the following events occurs:
- a. the federation is incapable of pursuing its scope;
  - b. the federation has not developed any significant underwater movement in its country of establishment;
  - c. the federation is not anymore actually representative of the underwater movement in its country of establishment.
5. In the event provided for in paragraph 4.4 above, the CMAS may adopt any of the following measures alternative to suspension or which may be cumulated with suspension:
- a. Put the federation on probation for a period of time not exceeding two (2) years and set reasonable targets to be achieved by the federation within the given deadline, which may be extended once for no more than additional two (2) years;
  - b. Appoint a special commissioner to facilitate the development of underwater activities and sport, as well as advice on the proper management of the federation as the case may be. In no event the Commissioner may interfere with the actual management of the federation concerned, being his mission that of an observer and advisor.
6. In the event of serious or persistent breach, the federation concerned may more over be excluded, in accordance with the provisions set forth in these Statutes and in the Disciplinary Code. In particular, a federation may be excluded by the General Assembly in the following cases:
- a) When the federation is under suspension during the General Assembly;
  - b) When the federation ceases to assume the real character of a national underwater federation in its country;
  - c) When the federation discredits the international reputation of CMAS and in general of underwater activities and sport;
  - d) When the disciplinary bodies of the CMAS recommend the

exclusion at the end of the disciplinary proceedings provided for in the Disciplinary Code;

- e) when the federation on probation has failed to fulfill the given targets within the set deadline.
7. The decision to exclude a federation requires the qualified majority of the votes cast. This provision shall not apply to a federation which has failed to pay its annual contribution and any other extraordinary contributions, fees and ancillary payments as provided for in article 4.2 c) within the deadline set forth thereby. In such a case, the federation shall be automatically excluded.
  8. The General Assembly shall decide on the exclusion before voting on any other point on the agenda.
  9. A federation wishing to leave the CMAS shall send a letter of resignation by registered mail to the registered office of the CMAS.
  10. Under no circumstance will a federation be entitled to reimbursement of its membership contributions.
  11. The federations shall claim no damages for decisions taken by the authorities of the CMAS concerning them, except in case of abuse of law or serious offence.

## **ARTICLE 5** CONTRIBUTION

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1. Each federation shall pay an annual membership contribution, the amount of which shall be fixed by the General Assembly, upon recommendation of the BoD. The General Assembly, may also resolve for extraordinary contributions, sanctions or fees to be paid by federations, upon recommendation or request by the BoD. Secretarial duties regarding the disciplinary proceedings shall be determined by the BoD.
2. The first contribution is due entirely for the calendar year during which the federation is admitted by the General Assembly. Nevertheless, an applicant federation may request that its membership takes effect on 1<sup>st</sup> January after admission by the General Assembly. In such a case, paragraph 3.15 shall not apply.
3. The contributions shall be paid to the CMAS on or before the 31<sup>st</sup> of March of the year for which it is due.

## **ARTICLE 6** CONTINENTAL CONFEDERATIONS

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1. Upon resolution of the Board of Directors, federations from the same geographical region, as per the definition of geographical region

provided for by the IOC (hereinafter "**Continent**") may be grouped together in a continental confederation, an administrative unit and integral part of the CMAS.

2. There shall be no more than 5 continental confederations: Africa – America – Asia– Europe – Oceania. Within each Continent, federations may further be grouped in geographical zones, but solely for sport-related purposes.
3. All continental confederations shall promote the development of underwater activities and sport in their respective continents in accordance with the guidelines and resolutions of CMAS and shall inform the CMAS of problems concerning underwater activities and sports specific to their continent.
4. They may submit to the Board of Directors proposals for all kind of underwater activities at the continental level.
5. The continental confederations shall be governed by a Board of Directors formed of no less than four members and of the President, all to be elected by the federations every four years in accordance with the rules set forth by the CMAS.
6. The election of the members of the Secretariat shall follow that of the General Elective Assembly of the CMAS and has to be held within the same year in which the CMAS Board of Directors is elected.
7. The Board of Directors of the CMAS shall establish standard rules of procedure for the continental confederations.
8. Regulations and decisions of the continental confederations may be cancelled by the Board of Directors of the CMAS, either ex officio or at the request of a federation, in case of non-conformity with the Statutes and Regulations of the CMAS.

## **ARTICLE 7      GENERAL ASSEMBLY OF CMAS**

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1. The General Assembly is the general meeting of members and the highest authority of the CMAS. The statutory General Assembly shall be held annually.
2. The Board of Directors may convene additional General Assemblies. The Board of Directors must convene an additional General Assembly within two months of a request submitted to the Board of Directors in writing by one fifth of the federations, stating the reasons and the agenda.
3. The date and venue of each General Assembly shall be specified by the Board of Directors.



4. The General Assembly shall have the following exclusive powers and duties:
  - a. Alteration of the Statutes and dissolution of the CMAS;
  - b. To transfer the registered office of the CMAS to another country;
  - c. Admission, exclusion and suspension of federations, without prejudice to Article 4 ;
  - d. Election of the President of the CMAS, of the other members of the Board of Directors and of the Chairmen of the Permanent Committees;
  - e. Dismissal of the members of the Board of Directors of the CMAS and of the Chairmen of the Permanent Committees;
  - f. Election of the auditor or of the board of auditors, on a proposal from the Board of Directors. If it is resolved to elect a board of auditors, the election of members of the Board of Auditors shall be carried out in accordance with the same rules set forth in these Statutes and in the Internal Regulations for the election of the members of the Board of Directors. All auditors must be chartered accountants.
5. In addition, the General Assembly shall each year decide on:
  - a) the management report of the Board of Directors ;
  - b) the audit report on the accounts;
  - c) the annual accounts of the previous year;
  - d) the budget for the following year.
6. Notices convening the General Assembly shall be sent either by email or hard letter to the federations at least sixty days before the date of the General Assembly and published in the official website of the CMAS. The notices shall indicate the date, the time, and the place of the General Assembly as well as the agenda. Should the case arise, they will be accompanied by the full text of any proposals to amend the Statutes and the list of the candidates for the presidency and the Board of Directors.
7. Notices convening the statutory General Assembly shall more over be accompanied by: a) the report of the Board of Directors; b) the statement of accounts and the provisional budget; c) the audit report.
8. The agenda of the General Assembly shall be drawn up by the Board of

Directors.

9. A federation wishing to include one or more items in the agenda of the General Assembly, or to put a question to the Board of Directors, shall no later than seventy-five days before the date of the General Assembly, submit its draft proposals stating the reasons on which they are based or the text of its question, in one of the official languages of the CMAS, to the registered office of the CMAS.
10. No vote shall be taken on any question which is not on the agenda.
11. Each member of the CMAS and the applicant federations whose membership is on the agenda may be represented at the General Assembly by their respective legal representatives or by ad hoc empowered representatives, who are required to be members of the federation concerned.
12. A member having the right of vote may delegate his rights to another member by proxy. Proxies shall be verified and registered by the Committee of the Scrutinizers. Members of the CMAS's staff may not represent members or applicant federations. In no event, a member may be granted more than one proxy.
13. The identity and the representative powers of the members of each delegation shall be verified and registered at the opening of the General Assembly by the Committee of the Scrutinizers, to be appointed by the Board of Directors no later than the day before the opening of the General Assembly. Once admitted by this procedure, members of delegations may not be replaced during the General Assembly. The members of the Board of Directors may not be appointed as Scrutinizers.
14. Unless otherwise resolved by the General Assembly, the General Assemblies of the CMAS shall be public.
15. The President of the CMAS shall open and chair the General Assembly. He shall read the agenda and conduct the discussions and voting operations. He may request the assistance of the members of the Board of Directors and of the Secretary General, who may also replace the President if so required by the latter.
16. Before proceeding to vote on the items of the agenda, the attending members may address the General Assembly and speak freely on the item put to vote. For the proper conduct of the General Assembly, the President may limit the speaking time of each attending member and the number of speakers. The President shall close the discussions unless the General Assembly decides otherwise.
17. The General Assembly is validly held when the absolute majority of the

members having right to vote are attending personally or through proxy holders. All proposals shall be validly taken if approved by the simple majority of the votes. In case of a tie, the proposal shall be rejected.

18. Unless otherwise provided for in these Statutes, a majority of two thirds of the votes cast shall be required in the following cases: a) dissolution of the CMAS; b) amendment of the Statutes.
19. Abstentions and spoilt ballots do not count.
20. In the case of elections, each voter shall vote for as many candidates as there are vacancies. All other votes shall be null and void. The candidates who obtain the largest number of votes shall be elected. In case of an equality of votes for the last position available, a runoff election of the tied candidates will be carried out and the candidate who obtains the largest number of votes shall be elected. In such a case, votes shall be cast for one candidate only, under penalty of the vote being declared void.
21. If the election is for only one vacancy, the candidate who receives an the highest number of votes shall be elected.
22. If there is only one candidate for a position or if there are as many candidates as there are positions, the candidates shall be automatically elected without voting.
23. Voting is by a show of hands, or if requested by one voting member, by roll call. Nevertheless, voting by secret ballot shall be used:
  - a. For the admission, suspension and expulsion of members of the CMAS;
  - b. for the election and dismissal of the President and the members of the Board of Directors, the Chairmen of the Permanent Committees and the auditor or the members of the board of auditors;
  - c. at the request of at least thirty (30) voting federations.
24. Minutes shall be taken of every General Assembly of the CMAS. The minutes shall be drawn up during the session by the Secretary General or by the person appointed by the President of the CMAS for that purpose. The minutes shall be drawn up in one of the official languages of CMAS, at the author's discretion, and then translated into the other official languages, and sent to the federations and continental confederations. Unless otherwise decided by the General Assembly, the decisions of the General Assembly shall be effective immediately.

**ARTICLE 8 BOARD OF DIRECTORS**

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1. The CMAS shall be managed by its Board of Directors under the authority of the General Assembly.
2. The Board of Directors shall be vested with the most extensive powers as regards the management of the CMAS and the regulation of underwater activities and sports. It shall decide all matters not otherwise reserved to another policy body by these Statutes.
3. Without prejudice to paragraphs 8.1 and 8.2 above, the Board of Directors shall, in particular:
  - a. Fix the date and venue of the General Assemblies;
  - b. Convene and be responsible for organizing General Assemblies;
  - c. Execute the decisions of General Assembly;
  - d. Declare the suspension of members of the CMAS, to be approved at the next General Assembly;
  - e. Propose the nomination of the auditors to the General Assembly;
  - f. fix the amount of annual contribution and any other extraordinary contributions, taxes and duties;
  - g. make up the budgets and the annual accounts to be submitted to the General Assembly;
  - h. appoint the Secretary General and the Treasurer of the CMAS, who may be, but are not required to be, members of the Board of Directors;
  - i. decide on contracts to be signed with third parties;
  - j. engage staff and terminate employment contracts;
  - k. lay down and approve the Internal Regulations of CMAS, including its own Rules of Procedure and the Disciplinary Code;
  - l. establish the Drug Test Regulations and all other Regulations relating the underwater sport disciplines in general in accordance with the WADA rules;
  - m. set up the committees and subcommittees necessary to the proper functioning of the CMAS, and appoint their members and those of the disciplinary bodies, also prescribing their sphere of activity, term of office and functioning, and when circumstances

- so require remove any committees' or subcommittees' member from his office;
- n. to establish and update the basic and reasonable requirements for federations to provide evidence of actual activity in the fields of the Permanent Committees;
  - o. set the venue for the world championships and award their organization;
  - p. appoint the international commissaires and referees;
  - q. perform all other activities and duties in accordance with these Statutes.
4. The Board of Directors shall be composed of the President of the CMAS and of eighteen (18) other members elected by the General Assembly, including the three Chairmen of the Permanent Committees.
  5. Except in case of succession, the President and the other members of the Board of Directors are elected at the same General Assembly. The election of the President shall be immediately before the election of the eighteen other members.
  6. The term of office of the Board of Directors and of the President shall commence immediately upon the adjournment of the General Assembly that elected them. It shall come to an end upon the adjournment of the General Assembly that elects the new Board of Directors.
  7. The Board of Directors shall be renewed every four years. Outgoing members shall be eligible for re-election.
  8. The President of the CMAS shall also be the Chairman of the Board of Directors.
  9. The Board of Directors shall elect two Vice-Presidents from among its members by secret ballot.
  10. The candidates for the presidency and Board of Directors shall be nominated by the federation of each candidate.
  11. The nominations must be written in one of the official languages of CMAS and deposited at the registered office of the CMAS no later than forty-five days prior to the date of the General Assembly.
  12. If there is not a sufficient number of candidates, new nominations may be introduced during the session of the General Assembly. The election will be limited to the new candidates, being the others automatically

elected. If no new nominations are introduced even during the session of the General Assembly, then members can be co-opted.

13. The term of office of a member of the Board of Directors shall come to an end by resignation, death, or dismissal by the General Assembly. The Board of Directors will continue to function with the same powers as though it were complete. The election of the successor of an elected member shall take place at the next General Assembly.
14. If the Board of Directors has only nine (9) elected members or fewer, the election of the successors must take place as soon as possible by calling an elective General Assembly for this purpose.
15. Resignations can be only submitted with a notice period of at least ninety days, save for decision to the contrary of the Board of Directors or of the General Assembly when the latter meets during the notice period.
16. If a member of the Board of Directors is no longer a member of any national federation, the Board of Directors will enter the vote on the possible dismissal of this member on the agenda of the next General Assembly. The successor shall complete the term of the predecessor.
17. The Board of Directors shall meet at least four times a year of which once shall be in the city and on the eve of the statutory General Assembly.
18. It shall also meet either at the request of the President, or at the request of at least nine (9) members each time circumstances may require. In such a case, the choice of venue shall be left up to the President's discretion. However, meetings shall take place, if possible, on the occasion of an international underwater event.
19. In urgent cases, the President can ask for a vote by email. The decision shall be valid if at least two thirds of the members have cast a vote.
20. To be able to deliberate validly, the Board of Directors must have the majority of its members present. In no case may the members of the Board of Directors have substitutes for themselves.
21. Members of the Board of Directors shall not take part in the voting on items on the agenda which are of particular interest to their national federation, or the federation in which they hold a position. If necessary, the said items shall be designated by a separate vote, in which the members in question shall not take part.
22. Any member having a personal interest in a matter submitted for deliberation must leave the session before the deliberation.
23. Resolutions shall be validly taken by majority of the votes. In case of an

equality of votes, the President or his replacement shall have a casting vote.

24. Matters falling within the jurisdiction of the Board of Directors may be allocated between its members who may be assisted in their tasks by a subcommittee chaired by them. A member assigned responsibility for a specific matter shall prepare an annual budget for his field of activity. The budget must be approved by the Board of Directors and will thereafter be incorporated into the general budget of the CMAS to be submitted to the General Assembly .
25. During the General Assembly, the Board of Directors shall report on its management. To this end, the Board of Directors shall draw up a report, approval of which by the General Assembly shall amount to discharge for its management.

## **ARTICLE 9      PERMANENT COMMITTEES**

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1. Without prejudice of the powers of the Board of Directors to set up as many committees and sub-committees as necessary for the proper functioning of the CMAS, the following Committees shall however be permanent:
  - a. Technical Committee, competent in diving standards and education;
  - b. Sport Committee, competent in CMAS sport disciplines, and
  - c. Scientific and Sustainability Committee, competent for marine and underwater world preservation.
2. Each Permanent Committee shall be delegated by the Board of Directors with the tasks and targets consistent with their scope and, upon resolution of the Board of Directors, shall be formed of no less than three (3) and no more than twelve (12) members, appointed every four years soon after each elective general assembly by the Board of Directors in accordance with the procedure set forth by the internal regulations of the CMAS.
3. Each Permanent Committee shall be presided over by a chairman elected by the General Assembly every four years. Only federations carrying on actual activity in the fields of the Permanent Committees shall be admitted to vote. Chairmen of the Permanent Committees shall be members of the Board of Directors of CMAS.
4. Individuals willing to submit their candidacy as chairman of to a Permanent Committee shall:

- a. be a member of a federation active in the field of the Permanent Committee for which the candidacy is submitted;
- b. submit a presentation to the elective general assembly outlining their program and the relevant commitments in respect of the activity of the Permanent Committee they wish to chair.

## **ARTICLE 10    PRESIDENT OF CMAS**

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1. The President of the CMAS shall chair the General Assembly of the CMAS, and meetings of the Board of Directors. He may, under his own responsibility, appoint persons with a function in underwater as official delegates of the CMAS to perform special assignments. The President's office term is of four (4) years and can be re-elected.
2. The President shall cite the persons and bodies who fail to comply with the Statutes and Regulations and may give impulse to disciplinary proceedings by his own initiative. The President may also take interim measures, to be ratified by the Board of Directors at its next meeting, in order to guarantee the ordered and proper carrying out of the CMAS activities. Furthermore, the President may suspend on interim basis a natural or legal person member of the CMAS for a period not exceeding sixty (60) days, whenever urgent reasons justify such a resolution. In such a case the Board of Directors has to be convened as soon as possible to take all necessary resolution in accordance therewith.
3. If the President is absent or unable to attend, he is replaced by the Vice-President with the most seniority in office or, in the event of the same seniority, the oldest in age.
4. In the event of death, resignation or dismissal of the President, the Vice-President as intended in paragraph 10.3 above shall fill the office of president until the next General Assembly. The General Assembly will elect the successor to complete the term of his predecessor.
5. The President shall represent the CMAS in all circumstances, including at law, both as plaintiff and defendant.
6. The CMAS shall be validly bound to third parties by the signature of the President.

## **ARTICLE 11    ADMINISTRATION OF THE CMAS**

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1. The administration of the CMAS shall be placed under the direction of the President, assisted by a Secretary general.
2. The Secretary general shall be appointed by the Board of Directors amongst its members or externally, and in such latter event under



contract, on a proposal from the President of the CMAS.

3. The Secretary General shall:
  - a. Attend all the meetings of the Board of Directors and draw up the relevant minutes as well as those of the General Assemblies;
  - b. shall keep the Statutes and Regulations up to date and see that they are duly published and distributed;
  - c. shall head the Administrative staff of the CMAS;
  - d. shall execute or seek to give proper execution to the resolution taken by the Board of Directors and the Executive Committee.
4. The Board of Directors shall appoint a treasurer amongst its members or externally, and in such latter event under contract on a proposal from the Board of Directors. The treasurer shall have been professionally trained in financial and tax matters.
5. The treasurer shall carry out his duties under the supervision of and in cooperation with the President of the CMAS. He shall be assisted by the Administrative Staff of the CMAS, headed by the Secretary General.
6. The treasurer shall
  - a. Prepare CMAS's budget and draw up the annual accounts;
  - b. examine the financial and tax implications of all contracts entered into by the CMAS and shall give his opinion thereon;
  - c. control revenues and expenditures.;
  - d. supervise routine bookkeeping, receipt of payments and making of authorized payments by the Administrative Staff.
  - e. have the financial powers which may be delegated to him by the Board of Directors;
  - f. attend all he meetings of the Board of Directors.

## **ARTICLE 12    RESOURCES**

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1. The financial year of the CMAS shall commence on 1 January and close on 31 December.
2. The resources of the CMAS shall consist in particular of the contributions of the federations, the fees and or royalties for the purchase of CMAS cards, licensed use of CMAS insignia, sponsoring and in general the

royalties or any other uplift or revenues generated by underwater activities, sport and events.

3. All the sums indicated in the texts and documents of the CMAS shall be in Euro. In accordance with objective criteria and within the limits of the budget approved by the General Assembly, an allowance may be granted to persons who exercise tasks inside the CMAS which take up a considerable amount of their time.

### **ARTICLE 13 JUDICIAL BODIES OF CMAS**

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1. The judicial bodies of CMAS are: the Disciplinary Committee and the Appeal Committee.
2. Each judicial body shall consist of a chairman, a deputy chairman and three (3) other members.
3. The judicial bodies are to be composed in such a way that the members, together, have the knowledge, abilities and specialist experience that is necessary for the due completion of their tasks. The chairmen and deputy chairmen of the judicial bodies shall be qualified to practice law. The term of office shall be four years. The members may be re-elected.
4. The chairmen, deputy chairmen and other members of the judicial bodies shall be elected by the Board of Directors and shall not be members of the Board of Directors or of a standing committee within the CMAS.
5. If the chairman, the deputy chairman or a member of a judicial body permanently ceases to perform his official function during his term of office, the Board of Directors shall appoint a replacement to serve until the end of the initial office.
6. The responsibilities and function of the judicial bodies shall be stipulated in the CMAS Disciplinary Code.

#### **Disciplinary Committee**

7. The function of the Disciplinary Committee shall be governed by the CMAS Disciplinary Code. The committee shall pass decisions only when at least three members are present, except for the expedite procedures provided for in the Disciplinary Code, where the chairman may rule alone.
8. The Disciplinary Committee shall have jurisdiction in first instance on any controversy between the CMAS bodies and between CMAS and any of its members and between any of the members. It may pronounce the

sanctions described in these Statutes and the CMAS Disciplinary Code on federations, officials (including referees, members of the Board of Directors and of sub-committees), athletes and any other natural or legal person affiliated to or licensed by the CMAS.

### **Appeal Committee**

9. The function of the Appeal Committee shall be governed by the CMAS Disciplinary Code. The committee shall pass decisions only when at least three members are present, except for the expedite procedures provided for in the Disciplinary Code, where the chairman may rule alone.
10. The Appeal Committee is responsible for hearing appeals against decisions from the Disciplinary Committee that are not declared final by the relevant CMAS regulations. Decisions pronounced by the Appeal Committee shall be irrevocable and binding on all the parties concerned. This provision is subject to appeals lodged with the Court of Arbitration for Sport (CAS).
11. The Appeal Committee is also a permanent advisory board of the CMAS for any matters concerning the interpretation, application of and amendments to the Statutes and Regulations of the CMAS. Upon invitation of the President, the Appeal Committee members can attend with no voting rights the meetings of the Board of Directors.

### **Disciplinary measures**

12. Infringements to the regulations and decisions shall be sanctioned in accordance with the regulations and procedures laid down in the Disciplinary Code. The following sanctions may be applied:
  - a. warning
  - b. reprimand
  - c. fine
  - d. suspension
  - e. final exclusion
  - f. exclusion from one or more specific events
  - g. disqualification from a sport event or its results
  - h. downgrading
  - i. penalties in time and/or points

- j. withdrawal of prizes.
13. The Court of Arbitration for Sport in Lausanne, Switzerland, is the sole competent authority to deal with and judge appeals, in cases stipulated by the rules established by the Board of Directors, against sporting, disciplinary and administrative decisions taken by the judicial bodies of the CMAS.
  14. Proceedings with the Court of Arbitration for Sport are governed by the Code of arbitration for sport. In the absence of a choice of applicable law by the parties, the Court of Arbitration for Sport will apply Italian law.
  15. Without prejudice to the statutory and special regulatory provisions, all actions before the Court of Arbitration for Sport shall be inadmissible unless all internal remedies stipulated by these Statutes or the Internal Regulations have been previously exhausted.

#### **ARTICLE 14 MISCELLANEA**

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1. The official languages of the CMAS shall be English, French and Spanish. Official deeds, such as the Statutes and minute of extraordinary general assemblies (when a public notary is required), shall be drawn up in Italian in accordance with the laws of Italy, where the CMAS is established and duly translated into the official languages of CMAS.
2. In the event of divergence between the English, French and/or Spanish texts, the text in its original language shall prevail.
3. The CMAS insignia shall be identical to the logo lodged and registered in each country or used *de facto*.
4. The General Assembly may confer the title of a position to a person who has exercised said position at CMAS *honoris causa*.
5. The Board of Directors may create and attribute distinctions.

#### **ARTICLE 15 DISSOLUTION**

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1. The CMAS shall be established for an indefinite period.
2. The issue of its dissolution shall be decided only by an extraordinary General Assembly.
3. The Board of Directors shall convene the extraordinary General Assembly to deliberate on the possible dissolution of the CMAS, either at the written request of at least one fifth of the federations or pursuant to a decision taken from among its members by a majority of two thirds of the votes.

4. The General Assembly must represent at least two thirds of the voting federations at the time of the voting. Dissolution shall be decided by a majority of two thirds of the votes cast.
5. The General Assembly which shall decide on the dissolution of the CMAS shall appoint one or more liquidators. Otherwise, the liquidation shall be entrusted to the Board of Directors. The General Assembly shall also decide on the use of the balance of the liquidation. If it should not, the balance shall be donated to an international non-lucrative organization having the same objects of the CMAS. Under no condition shall said balance be distributed to the members of the CMAS.
6. At the end of the liquidation process, the liquidators shall give account to General Assembly which shall declare the liquidation closed.
7. Difficulties concerning the interpretation or application of the Regulations of the CMAS shall be settled by the Appeal Committee.

#### **INTERIM PROVISIONS**

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- [I] The provisions set forth in these Statutes shall be effective and binding upon approval by the General Assembly.
- [II] Provisions regarding the election of the President and of the members of the Board of Directors, as well as the appointment of the Secretary general and of the Treasurer shall be effective as of the next elective general assembly of the CMAS.
- [III] The elected members of the existing committees and sub-committees shall keep their offices until the next elective general assembly of the CMAS.
- [IV] The members of the legal commission and of any other disciplinary commission under the authority of the Board of Directors, shall be automatically appointed as members of the Disciplinary Committee and of the Appeal Committee in accordance with the resolution taken by the Board of Directors.
- [V] The Board of Directors is vested with the broadest powers to make any amendment required by the laws and to take all necessary steps to enforce these Statutes and safeguard the continuity of CMAS activities, until the final effectiveness of these Statutes.