

# **IBA Regulations on Congress and Elections**



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## PREAMBLE

Article 17.2 of the Constitution provides that the Board shall make regulations governing the manner in which meetings of the Congress are conducted. Article 28.5 of the Constitution, as well as other provisions such as article 26.2, provide that the Board may make such regulations for the conduct of elections to offices on the Board it may consider appropriate.

These Regulations on Congress and Elections aim at completing and facilitating the implementation of the provisions of the Constitution by establishing rules and conditions for the organization of Congress meetings and/or Elections at IBA.

## INTERPRETATION

1.1 Capitalized terms used in these Regulations on Congress and Elections shall have the meaning ascribed to them in the Constitution.

1.2 The following terms – used in these Regulations on Congress and Elections only – have the meanings ascribed to them in this article:

**“2022 Elections”** means the Elections to take place on the occasion of the first Election Congress meeting further to the adoption of the Constitution.

**“Campaign Rules”** means the rules governing electoral campaigning, as further described in article 25 below.

**“Candidacy”** means conducting the necessary action to be a Candidate.

**“Candidate”** means any person who has submitted an application to take part in Elections, or to be appointed as an IBA Official.

**“Chairperson”** means the person presiding over a Congress meeting as described in article 21 of the Constitution.

**“Constitution”** means the IBA Constitution adopted on December 12, 2021, together with all subsequent amendments.

**“Code of Ethics”** means the IBA Code of Ethics.

**“Conflict of Interest Policy”** means the IBA Conflict of Interest Policy approved by the Board and made effective on April 8, 2021, together with all subsequent amendments.

**“Delegate”** means a delegate of a National Federation at a meeting of the Congress, including Voting Delegate and Non-Voting Delegate(s).

**“Elections”** mean a decision-making process by which the Voting Delegates at the Congress meeting choose persons to hold a position as President or Director.

**“Electoral period”** means a period which starts on the day of publication of the list of Candidates as per article 27.12 of the Constitution, and closes before the start of the voting on the Elections.

**“Governance Reform Group Report”** means the report by the Governance Reform Group issued on November 15, 2021, and approved by the Board on November 26, 2021 and by the Congress on December 12, 2021.

**“Membership Policy”** means IBA Membership Policy approved by the Board and made effective on January 22, 2021, together with all subsequent amendments.

**“Non-Voting Delegate”** means a Delegate appointed by a National Federation to attend a Congress meeting without being entitled to vote.

**“Organisational Regulations”** mean IBA Organisational Regulations approved by the Board and made effective on January 22, 2021, together with all subsequent amendments.

**“Regulations on Congress and Elections”** mean these IBA Regulations on Congress and Elections.

**“Voting Delegate”** means a Delegate appointed by a National Federation to represent the National Federation at a Congress meeting with voting rights.

1.3 In these Regulations on Congress and Elections, unless otherwise specified:

- a) references to articles are references to articles in these Regulations on Congress and Elections;
- b) unless otherwise specified below, references to a “person” shall be construed so as to include any individual, firm, company, corporation, body corporate, government, state or agency of a state, local or municipal authority or government body or any joint venture, association, federation, confederation or partnership (whether or not having separate legal personality);
- c) a reference to any of the regulations, or to any provision or provisions in the regulations, shall be construed, unless the context otherwise requires, as including a reference to any amendment or replacement made to the same from time to time; and

- d) in the event of any inconsistency between these Regulations on Congress and Elections and the Constitution, the Constitution shall prevail.

- 1.4 All headings and titles in these Regulations on Congress and Elections have been inserted for ease of reference only and may not be considered as an aid to its interpretation.

## **SECTION A – CONGRESS**

### **2 Form of the Congress meeting**

- 2.1 When convening a meeting of the Congress in accordance with the requirements of the Constitution, the Board shall decide how the Congress meeting shall take place.
- 2.2 The Congress meeting may take place with the physical presence of delegates and/or by means of telecommunication, by audio-visual link, as decided by the Board.
- 2.3 In case of Congress meeting by audio-visual link, IBA shall ensure that the voting at the Congress meeting is organized with a reliable electronic voting system. In case of elections, the voting process during elections has to be controlled by an independent notary. The electronic voting system (and independent notary, if applicable) shall be proposed by the IBA Head Office and accepted by the BIU Nomination Unit.
- 2.4 In case of Congress meeting by audio-visual link, with voting assisted by a reliable electronic voting system (and controlled by an independent notary, if applicable), scrutineers are not necessary.

### **3 Congress meeting location**

- 3.1 Unless a Congress meeting takes place by means of telecommunications, the Board shall decide on the location of the Congress meeting.
- 3.2 IBA should strive to hold the Congress meetings in different countries and locations at the invitation of a National Federation, preferably on the occasion of an IBA Competition. For this purpose, the IBA Head Office may call National Federations for a bid.
- 3.3 The National Federation hosting the Congress shall use its best endeavors to ensure that all delegates are able to obtain the visa necessary for entry into the country and ensure that there is suitable accommodation made available for all Delegates, including those whose costs are not covered by IBA as per article 6.2.

## **4 Duration**

- 4.1 The Congress duration shall cover the Congress meeting itself, as well as any related events. The dates of the Congress shall be established by the Board.
- 4.2 The Ordinary Congress shall be held over a maximum period of five (5) days.
- 4.3 The Extraordinary Congress shall be held over the necessary period.

## **5 Eligible National Federations**

- 5.1 The determination of the National Federations that are deemed to be Eligible National Federations shall occur in accordance with article 16 of the Constitution and the provisions below.
- 5.2 For the purpose of article 16.2 (e) of the Constitution, to be deemed to be an Eligible National Federation, a National Federation must have had a Boxer or Boxers compete during the previous four years in not less than one of the following competitions:
  - (a) IBA World Championships (Men / Women / Youth / Junior);
  - (b) Confederation Championships;
  - (c) International multisport events, including the Olympic Games, the Youth Olympic Games, Commonwealth Games, competitions organized by organizations of National Olympic Committees (Asian Games, European Games, etc), competitions organized by the International Master Games Association and its affiliates, competitions organized by the International University Sports Federation and its affiliates, World Games, CISM Military World Games, Mediterranean Games, competitions organized by GAISF / SportAccord.
  - (d) Qualifying events for the Olympic Games.
- 5.3 Subject to the competence of the BIIU Compliance Unit provided for in article 16.3 of the Constitution and of the BIIU Nomination Unit, as per article 14 of these Regulations on Congress and Elections, decisions on the eligibility of National Federations to take part in a Congress shall be made by the Board.

## **6 Expenses**

- 6.1 As a general rule, IBA shall bear the expenses related to the hosting of the Congress. The National Federation hosting the Congress may offer IBA to cover such expenses either in full or partially.

- 6.2 In case the Congress meeting is held in person, IBA shall bear the costs of economy class air travel, accommodation and meals for the Voting Delegate attending the Congress meeting. IBA does not bear any costs of the Non-Voting Delegates, unless otherwise decided by the Board.

## **7 Participation in the Congress**

- 7.1 Each Eligible National Federation shall be represented at the Congress by one Voting Delegate. Each Eligible National Federation may appoint two additional Non-Voting Delegates, who may attend the Congress meeting, without being entitled to vote or speak on behalf of or act as a representative of a National Federation at the Congress.
- 7.2 The names of the Delegates, including the Voting Delegate, shall be submitted to the IBA Head Office when Eligible National Federations are registering to a Congress as per article 8 of these Regulations on Congress and Elections. Further amendments to this list can only be made under extraordinary circumstances and shall be provided 24 hours before the first day of the Congress at the latest.
- 7.3 The IBA Head Office enters the Delegates mentioned on to a list (numbered 1 to 3 for each Eligible National Federation). The Voting Delegate is entered as number 1, the Non-Voting Delegates are entered as numbers 2 and 3 in alphabetic order. Only the Voting Delegate may vote and speak on behalf of and act as representatives of a National Federation at the Congress.
- 7.4 The following persons have the right to take part in the Congress without any voting rights:
- (a) Directors;
  - (b) Legal Counsel;
  - (c) Secretary General;
  - (d) Honorary Officials or any person having been granted an IBA Distinguished Service Award;
  - (e) Chairpersons of the corporate governance committees listed in article 37.1 of the Constitution;
  - (f) Any other person invited by the Board or by the IBA Head Office.

## **8 Registration to the Congress**

- 8.1 When registering to the Congress, each National Federation shall be obliged to supply IBA with all necessary information as provided in article 9.1 of the Membership Policy.
- 8.2 The registrations to the Congress shall be opened for a period of at least 1 month for Ordinary Congress meetings, and at least 15 days for Extraordinary Congress meetings.
- 8.3 The IBA Head Office shall inform the National Federations in due time about the opening and closing dates of the registrations.
- 8.4 The IBA Head Office shall make determinations regarding the eligibility of Delegates at a Congress meeting when no Elections take place. If Elections are organized at a Congress, then the BIU Nomination Unit shall have exclusive power to make determinations regarding the eligibility of Delegates. The relevant Eligible National Federation shall be entitled to replace ineligible delegates 24 hours before the first day of the Congress at the latest.

## **9 Chairperson**

- 9.1 The President shall preside over meetings of the Congress, subject to the provisions of article 21 of the Constitution.
- 9.2 The Chairperson may delegate to the Secretary General, anyone working at the IBA Head Office or any speaker at the Congress the authority to chair the Congress at any given time.
- 9.3 The Chairperson shall ensure that the Congress is conducted in compliance with the Constitution and these Regulations on Congress and Elections. He or she shall open, conduct and close all the debates. He or she shall grant Delegates permission to speak and allot the time within which they may do so.
- 9.4 The Chairperson may propose to prolong the debates; the debates shall only be prolonged if such a proposal is accepted by a majority of the votes.

## **10 Interpreters**

The IBA Head Office shall appoint qualified interpreters to provide simultaneous translation from/to any official Congress language as specified in article 6.1 of the Constitution.

## **11 Debates**

- 11.1 Debates on each item on the agenda shall be preceded by a short report. Following each



report, the Chairperson then opens the debate.

11.2 Permission to speak is granted in the order in which it is requested. A speaker may not begin speaking until he or she has obtained permission to do so.

11.3 A Delegate may only speak a maximum of twice on the same subject. If the Chairperson deems it necessary, he or she may authorize the Delegate to speak more than twice.

## **12 Procedure of voting on a decision**

12.1 Voting shall be held on each agenda item (involving any voting) individually.

12.2 Voting shall be carried out either by a reliable electronic voting system, by raising hands or by secret ballot. Voting by raising hands can include raising color panels (green means “yes”, red means “no” and white means “abstained”). The manner in which the voting will be carried out shall be decided by the Chairperson prior to the vote.

12.3 The Chairperson shall conduct and manage the voting procedure. When the Congress takes place with the physical presence of delegates, the Chairperson shall appoint scrutineers.

12.4 Before each vote, the Chairperson shall read the text of the proposal aloud and explain the voting procedure to the Congress.

12.5 No one is permitted to address the Congress during the votes and until after the final results have been announced.

12.6 The Chairperson or anyone appointed by the Chairperson shall announce the results.

## **13 Minutes of the Congress meeting**

13.1 The Secretary General or a secretary appointed by the Chairperson shall take the minutes of the Congress.

13.2 The minutes of the Congress shall contain:

(1) Place and date of the meeting;

(2) Indication to the type of the Congress meeting (Ordinary or Extra-Ordinary, Election or Non-Election);

(3) Form of the Congress meeting (in person, or by means of telecommunications);

(4) Quorum;

(5) Agenda;

(6) Consideration of each agenda item (including short description of the debates, taken decision, result of voting);

(7) Other significant issues.

13.3 The President and the person who took the minutes of the Congress shall sign the minutes.

13.4 The subsequent Congress meeting shall determine whether or not to approve the minutes of the previous meeting of the Congress.

## **SECTION B – BOARD ELECTIONS**

### **14 The BIIU Nomination Unit**

14.1 The BIIU Nomination Unit shall exercise all tasks provided for in the Constitution and in these Regulations on Congress and Elections.

14.2 In addition, the BIIU Nomination Unit shall have the following duties and responsibilities:

(1) Make determinations regarding the eligibility of Voting Delegates when an Election Congress meeting takes place;

(2) Ensure that the Election process takes place in accordance with the Constitution and the Regulations, and certify the voting results for all positions;

(3) Provide information and clarification on the Election process and dealing with unforeseen circumstances;

(4) Decide on any issue that arises regarding the Elections and ensure the integrity of the Election process;

(5) Ensure compliance with the Campaign Rules and these Regulations on Congress and Elections in accordance with Art. 25.1-25.4.

(6) Whenever the BIIU Nomination Unit suspects that a breach of these Regulations on Congress and Elections may also be a breach of the Code of Ethics and/or of the Disciplinary Code, to refer the case to the BIIU Compliance Unit according to Article 25.5.

14.3 The BIIU Nomination Unit may delegate the fulfilment of the above responsibilities or duties (1)-(4) to one or several of its members, or to a third party.

- 14.4 The IBA Head Office, and all IBA Officials, shall be bound to comply to the fullest extent with any instructions or requests by the BIIU Nomination Unit, notably by providing all information required for such unit to conduct its tasks.

## **15 Call for Candidates**

- 15.1 When Elections are taking place, either on the occasion of an Election Congress Meeting, or when vacant Board positions have to be filled-in, a transparent call for candidates shall be issued before the Congress. It shall be published on the IBA website and sent to the National Federations in due time.
- 15.2 The call for Candidates shall at least include the following information:
- (a) Information about the position(s) available for Election;
  - (b) Deadline to submit nomination for Directors;
  - (c) Detailed procedure to apply to be a Candidate;
  - (d) Reference to the applicable Regulations or other relevant documentation.
- 15.3 After publication of the call for Candidates, the BIIU Nomination Unit may actively search candidates to be Independent Directors and propose for them to be nominated by National Federations or Confederations in accordance with article 26.2 (b) of the Constitution.

## **16 Application to be a Candidate**

- 16.1 All Candidates must use the official application form which shall be approved by the Board.
- 16.2 The IBA Head Office shall decide about how the applications forms and exhibits need to be delivered to the IBA Head Office within the deadline set by the Board as per article 27.11 of the Constitution. The mandatory use of an online form may be requested by the IBA Head Office. In case of use of an electronic form, or electronic filing, the IBA Head Office shall ensure that the technology used allows to record the exact time and date of filing of an application.
- 16.3 The application form shall specify the exhibits to be attached to the form, but such exhibits shall in any case include:
- (a) A nomination form signed by the National Federation of the country of which the Candidate is a citizen, or alternatively by the Confederation of the same continent as

his / her country of citizenship in accordance with article 27.2 of the Constitution (unless such form is inserted in the application form);

(b) A Conflict of interest declaration form consistent with the Conflict of Interest Policy (unless such form is inserted in the application form);

(c) A copy of the Candidate's passport(s);

(d) A proof of place of residence / official domicile / or alternatively a proof of tax residence;

(e) A copy of the official register of criminal records or any similar official document issued by the competent authority of all Candidate's places of domicile for the last five years before the date of the filing of the application form;

(f) A copy of the official register of debt collection or of debtors or of any other official register showing that the Candidate is not insolvent or bankrupt;

(g) A detailed curriculum vitae or biography drafted in English, with supporting documentation;

(h) In case of a Candidacy to be an Independent Director, a questionnaire and/or any further document allowing the assessment of each Candidate's specific skills, experience, qualities and knowledge against the Skills Map.

(i) Any further supporting document or material deemed useful by the Candidate to show that he / she fulfills the eligibility criteria listed in article 27 of the Constitution and, in case of a Candidacy to be an Independent Director, has specific skills, experience, qualities and knowledge supporting his / her selection in accordance with article 26 of the Constitution. Such documents should be drafted in English, or accompanied with an certified English translation.

16.4 If a Candidate is unable to produce a document listed in article 16.3(d), (e) and/or (f) for reasonable reasons, such as inexistence of registry, or material impossibility to get excerpt of the registry in a reasonable deadline due to administration failures in a given country, the concerned Candidate may file a self-declaration that he or she fulfils the requirement, together with a detailed explanation about why the required document is not available and any other evidence fit to have the same purpose as the missing document. This declaration must be countersigned by the National Federation of the Candidate, confirming the accuracy of the Candidate's statements in this respect.

- 16.5 Subject to any provision to the contrary, documents may be filed in Arabic, English, French, Russian or Spanish. Any document drafted in another language must be accompanied by a certified true translation into English language.
- 16.6 National Federations and Confederations may nominate several Candidates for an office, even though each Director (except for the Directors who are members of the Athletes' Committee) shall be from a different National Federation. The National Federations and Confederations are encouraged to promote candidatures from female Candidates.
- 16.7 A person may be a Candidate to several offices on the occasion of one Election. A separate application form with a full dossier needs to be filed for each position. However, if the concerned person is elected on the occasion of the Elections that take place first, he or she shall choose whether he or she accepts to be Elected. If he or she accepts his or her Election, then the Candidate is withdrawn from the other Elections. If he or she refuses, he or she shall remain a Candidate for further Elections.
- 16.8 Application forms and exhibits must be received by the IBA Head Office within the deadline set by the Board according to article 27.11 of the Constitution. Application forms or exhibits received after the expiry of the deadline will not be taken into consideration and the Candidate will not be eligible. In case of a dispute, the Candidate has the burden of proof to demonstrate (on a balance of probability) that the application and nomination forms have been received by the IBA Head Office in due time.
- 17 Assessing Candidates' eligibility – general provisions**
- 17.1 The assessment of each Candidate's eligibility shall be conducted by the BIIU Nomination Unit, with the support of the IBA Head Office and of the Independent Vetting Firm, in accordance with the Constitution, and as further described below.
- 17.2 Assessing Candidates' eligibility shall be conducted in two successive steps, i.e. (i) a formal check and (ii) an integrity check.
- 17.3 Only Candidates for a position as Independent Director who are deemed eligible after having successfully passed both checks described in article 17.2 shall undergo the selection process described in the Constitution and in these Regulations on Congress and Elections.
- 17.4 If at any time in the course of the Election process, the BIIU Nomination Unit determines that a Candidate seems not to fulfil an eligibility criterion, it shall first grant the concerned Candidate a short deadline to provide explanations in writing. Upon receipt of such

explanations, or in the absence of any reply within the set deadline, the BIIU Nomination Unit shall provide its final determination with a very short reasoning to the IBA Head Office and the Candidate concerned without undue delay. A decision of ineligibility shall not be made public by IBA.

17.5 Any decision that a Candidate does not satisfy the eligibility criteria may be appealed to the CAS by the concerned Candidate only, as further described in article 27.9 of the Constitution.

17.6 If a Candidate is ineligible for a failure to pass the integrity check, he or she shall also be ineligible to run for any other position within IBA as Official for a period of at least twelve months since the issuance of the BIIU Nomination Unit's decision.

## **18 Formal check of a Candidate's eligibility**

18.1 Upon receipt of an application by a Candidate, the IBA Head Office shall conduct a first preliminary review of the application file to assess whether it is complete.

18.2 In case of an incomplete file received before expiry of the deadline for nominations, the IBA Head Office shall inform the Candidate, granting him or her the opportunity to complete his or her application within the deadline for nominations.

18.3 If after the expiry of the deadline for nominations, the IBA Head Office notices that, for a given Candidate, the application form has been filed in due time, together with a valid nomination form, but that one or several other mandatory exhibits are missing, it may grant the Candidate a grace deadline of three (3) business days to file the missing exhibits.

18.4 The IBA Head Office shall forward the dossiers of each Candidate to the BIIU Nomination Unit, specifying for each whether it has been received in due time and is complete.

18.5 The BIIU Nomination Unit – with the support of the Independent Vetting Firm if required – shall conduct the formal check of each Candidate's eligibility, notably to assess:

- (a) If the nomination and application forms have been received within the deadline fixed by the Board as per article 27.11 of the Constitution;
- (b) If each Candidate has been duly nominated as per article 27.2 of the Constitution;
- (c) If the application by each Candidate is complete and includes all mandatory exhibits as per these Regulations on Congress and Elections; and

(d) If the Candidate has not reached the maximum number of terms of office as per article 31 of the Constitution. The BIIU Nomination Unit shall issue the necessary decision in case of a partial term of office, as per article 31.4 of the Constitution.

18.6 The BIIU Nomination Unit shall issue decisions only with respect to ineligible Candidates, as further described in article 17.4 above. Candidates who have successfully passed the formal check shall be subject to the integrity check as described below.

## **19 Integrity check of a Candidate's eligibility**

19.1 The BIIU Nomination Unit shall collaborate with the Independent Vetting Firm in order to conduct an integrity check of the Candidates.

19.2 The Independent Vetting Firm shall prepare a report for each Candidate, to the attention of the BIIU Nomination Unit. For the avoidance of doubt, the final determination of a Candidate's eligibility lies within the BIIU Nomination Unit, which is not bound by the assessment be the Independent Vetting Firm.

19.3 The BIIU Nomination Unit shall apply the criteria listed in articles 27.7 and 27.8 of the Constitution to assess whether any given Candidate to the Board meets the high standards of conduct, reputation and integrity required of a Director. The BIIU Nomination Unit shall conduct its analysis in full independence, in the spirit of the Code of Ethics, benefitting from a margin of appreciation when applying the criteria listed in the Constitution.

19.4 The BIIU Nomination Unit shall issue decisions only with respect to ineligible Candidates, as further described in article 17.4 above.

19.5 If an Election Congress Meeting implies elections by the Congress of both the President and Independent Directors, the BIIU Nomination Unit may instruct the IBA Head Office to publish the list of Candidates for the position of President once the eligibility of all Candidates to that office has been assessed in accordance with article 27.12 of the Constitution, even before the selection of the Candidates to become Independent Directors has been completed.

## **20 Selection process for Candidates for election as Independent Directors**

20.1 The selection process for Candidates for election as Independent Directors shall be based on a "skills map" reflecting the selection criteria listed in article 26.2 (c) (iii) to (vi) of the Constitution (the "**Skills Map**"). The Skills Map may also include further skills or

experience, notably in the areas of finance, administration, business, media, marketing, sport, ethics, governance or communication. The Skills Map may be prepared with the support of the Independent Vetting Firm and shall be finally approved by the BIIU Nomination Unit and ratified by the Board.

20.2 The BIIU Nomination Unit, with the support of the Independent Vetting Firm, shall assess the skills of the Candidates against the Skills Map by undertaking the following steps:

- (a) Analysis of each Candidate's curriculum vitae or biography;
- (b) Assessment of the documents filed by each Candidate in support of his or her candidacy;
- (c) Assessment of any information or explanation by each Candidate;
- (d) Interview with Candidates;
- (e) Collection of information from other sources, either in the public domain or within IBA (such as e.g. minutes or recordings of meetings during which a Candidate took part, etc).

20.3 Depending on the number of Candidates for selection, the BIIU Nomination Unit may apply the procedure and measures it deems appropriate, possibly by making a "pre-selection" of candidates based on their candidature file only and to limit interviews and further investigative measures for some Candidates only. The BIIU Nomination Unit may also delegate some tasks to the Independent Vetting Firm or to one or several members of the BIIU Nomination Unit.

20.4 The BIIU Nomination Unit shall select a pool of at least 20 (twenty) Candidates, but not more than 30 (thirty) Candidates, which shall be then subject to an Election by the Congress as further described in the Constitution and in these Regulations on Congress and Elections. When undertaking this selection, the BIIU Nomination Unit shall take into consideration:

- (a) Representation of all continents. To that effect, there shall be – to the extent possible – at least one female and one male Candidate from each continent, with a minimum of three Candidates per Confederation and a maximum of six Candidates per Confederation. There cannot be more than one Candidate from the same National Federation;



- (b) Balance between genders. To that effect, at least one third of all Candidates need to be women;
- (c) Assessment of the skills of the Candidate against the Skills Map. To that effect, the BIIU Nomination Unit may take into consideration not only the individual score of each Candidate against the Skills Map, but also the need that the pool of selected Candidates includes enough Candidates representing all relevant skills from the Skills Map.
- 20.5 The list of Candidates who have been selected by the BIIU Nomination Unit to be presented to the vote of the Congress as Candidates to become Independent Directors, shall be published in accordance with article 27.12 of the Constitution.
- 20.6 The BIIU Nomination Unit may include a very short description of the reasons why a given Candidate has been selected, notably which skills justify his or her selection.
- 20.7 The Candidates who have not been selected by the BIIU Nomination Unit shall not receive an individual decision with grounds, notably as the non-selection of a Candidate shall be construed in the context of setting a pool of Candidates with sufficient skills, ensuring diversity, gender balance and geographic representation, and not as a decision that a given person lacks the necessary skills to be an Official within IBA. The BIIU Nomination Unit shall however keep a confidential memo or meeting minutes explaining the reasoning for its choice, which may be disclosed to the CAS in case of a dispute. For the avoidance of doubt, non-selected Candidates remain eligible to be appointed as Officials within IBA (other than Independent Directors). The list of non-selected Candidates shall not be published by IBA, but nothing prevents a Candidate from publicizing that he or she was a Candidate to become an Independent Director.
- 20.8 Any dispute with respect to the selection of Independent Directors shall be exclusively submitted to the CAS as per the process described in article 27.9 of the Constitution. However, as (i) no Candidate has any right to be selected as Independent Director, (ii) the decision is not based on individual skills only but is construed as setting a collective pool of candidates as described above and (iii) the BIIU Nomination Unit benefits from a wide margin of discretion when selecting Candidates, the CAS shall limit its power to review the non-selection of a Candidate only if the latter can prove by a balance of probability that the selection process was carried out in a manifestly discriminatory, arbitrary or unfair manner.

- 21 Specific rules in case of Elections to replace a vacant position as Independent Director**
- 21.1 When the Congress hold elections during a meeting that is not an Election Congress Meeting to replace a vacant position as Independent Director in accordance with article 34.3 of the Constitution, the BIIU Nomination Unit shall issue the necessary direction to conduct such Elections.
- 21.2 In particular, the call for Candidates shall specify the specific conditions and skills to be met by Candidates to replace the vacant position (gender / continental origin / specific skills if applicable).
- 21.3 The selection process shall be as described in article 20 above, as amended by the BIIU Nomination Unit, with the purpose of offering to the vote of the Congress only suitable Candidates. As a general rule, the BIIU Nomination Unit shall strive to select at least three Candidates for one position.
- 22 Eligibility checks for Candidates as Continental President, as a member of a corporate governance committee, or for other Candidates for selected positions**
- 22.1 In order to be a Candidate for any of the following position:
- Continental President;
  - Member of the Athletes Committee, the Audit Committee, the Finance Committee or the Strategy Committee;
  - Other position as Official when the Regulations or the Constitution provide that the Candidate has to undergo an eligibility check,
- the Candidate shall have successfully passed an eligibility check conducted by the BIIU Nomination Unit, with the support of the IBA Head Office and of the Independent Vetting Firm, in accordance with the Constitution and these Regulations.
- 22.2 The eligibility check shall include a (i) formal check and an (ii) integrity check as described in articles 17 to 19 above.
- 22.3 The eligibility criteria for the abovementioned Candidates shall be substantially the same as for Directors, except that Candidates to some positions do not need to be nominated by a National Federation or Confederation. The BIIU Nomination Unit shall further adjust the criteria depending on the specific requirements or skills fixed by the Constitution and/or the Regulations for some positions.

- 22.4 Candidates to such position shall submit the same exhibits to the application form as Directors in accordance with article 16.3, subject to adjustments by the BIIU Nomination Unit to take into consideration the specific requirements and conditions that apply to each specific position.

**23 Procedure for voting in elections before the Congress – General Provisions**

- 23.1 Elections shall be carried out by secret ballot, either by a reliable electronic voting system or by ballot papers. The electronic voting system, and all organisational or technical aspects of the Elections shall be proposed by the IBA Head Office and accepted by the BIIU Nomination Unit.
- 23.2 In case of elections taking place on the occasion of a Congress meeting by audio-visual link, the voting process during elections has to be controlled by an independent notary, proposed by the IBA Head Office and accepted by the BIIU Nomination Unit. There is no need to appoint scrutineers.
- 23.3 In case of elections taking place on the occasion of a Congress meeting with the physical presence of Delegates, the Elections may take place either with a reliable voting system proposed by the IBA Head Office and accepted by the BIIU Nomination Unit or with ballot papers. In the case of a technical failure of the electronic voting system during an in-person Congress meeting, there shall be an option to revert to a paper-based voting system. The Chairperson shall appoint scrutineers. Members of the BIIU Nomination Unit or other persons may act as scrutineers.
- 23.4 The BIIU Nomination Unit shall be in charge of giving any recommendation and instruction to ensure the integrity of the Elections, implying notably that the appropriate measures are in place to ensure that the vote of the Delegates is and remain confidential.
- 23.5 The number of ballot papers that have been distributed / or the number of persons who voted electronically shall be announced by the Chairperson before the count. If the number of ballot papers returned is equal to or fewer than the number of ballot papers distributed, the election shall be declared valid. If the number returned exceeds that of the ballot papers distributed, the vote shall be declared null and void and another vote shall be taken immediately.
- 23.6 No one is permitted to address the Congress during the votes and until after the final results have been announced.

- 23.7 When ballot paper is applied, each Delegate shall vote in voting booth, and ballot paper shall be put in a transparent ballot box.
- 23.8 The Chairperson shall announce the result of each ballot.
- 23.9 The Chairperson shall put the ballot papers that have been collected and counted into envelopes intended for this purpose and seal them immediately. The BIIU Nomination unit shall keep these envelopes and destroy them 100 days after the end of the Congress, unless the result of the elections have been challenged before the CAS (where the envelope must not be destroyed before a final CAS award has been issued).

**24 Voting on Elections – Specific provisions for the Election of Independent Directors**

- 24.1 In accordance with article 28.3 of the Constitution, the ten Independent Directors shall be elected in one ballot, with all Candidates taking part in such ballot and each Eligible National Federation being entitled to vote for ten (10) Candidates. The process described below shall be followed in order to ensure that, accordance with article 26.1 of the Constitution:
- (a) There are at least five women;
  - (b) There is at least one national of each Continent;
  - (c) There is not more than three Independent Directors from the same Continent.
- 24.2 The Elections of the Independent Directors shall occur following the steps below:
- (a) First, the result of the ballot shall be displayed, with all Candidates being ranked based on the number of votes obtained by each of them;
  - (b) Second, the Candidate from each Continent (five Candidates), who has obtained the highest number of votes, shall be elected (Step 1);
  - (c) If Step 1 results in less than five female Candidates being elected, the highest ranked women from the remaining list of Candidates shall be elected, until there is a total of five female Candidates being elected (Step 2);
  - (d) If Steps 1 and 2 have not yet resulted in the election of ten Independent Directors, the remaining Independent Directors will be the highest ranked Candidates of any gender from the remaining list of Candidates (Step 3);

(e) In Steps 2 and 3, as soon as three Candidates from one Continent have been elected, all Candidates from the same Continent shall be removed from the result list for the remainder of the electoral process.

24.3 If at any moment during the process, two or more candidates are tied with an equal number of votes when only one position is available, then the process described in article 28.3 of the Constitution shall be followed, with a further ballot being conducted with only the tied Candidates being included in that further ballot, and the Chairperson drawing the name of the successful Candidate in case of further tie.

24.4 The above process shall be conducted under the authority of the Chairperson by the BIIU Nomination Unit, which may in turn delegate the fulfilment of the above responsibilities to one or several of its members, or to a third party.

24.5 The BIIU Nomination Unit shall be responsible to ensure that the criteria and the voting process for Independent Directors is duly explained before the Congress; such explanations shall be repeated by the Chairperson before the vote (or by anyone appointed by the Chairperson to provide such explanations).

## **25 Campaign rules**

25.1 The following campaign rules (the “Campaign Rules”) are mandatory:

- (1) Candidates shall abide by the Constitution, by the Regulations and by the IBA Code of Ethics;
- (2) Candidates shall refrain from carrying out any electoral campaigning outside the Electoral period;
- (3) Candidates shall conduct their campaigns with honesty, dignity, moderation and respect for their opponents, limiting expenditure to a proportionate level;
- (4) Candidates shall not directly or indirectly solicit, accept or offer any form of remuneration or commission, or any concealed benefit or service of any nature, connected with any IBA activity or election or appointment to office;
- (5) Candidates shall in no case and under no pretext give presents or offer donations or gifts or grant advantages or benefits of whatever nature to or at the request of any party who will vote at, or who may otherwise influence, an election;

- (6) Candidates shall not enter into any promise or undertaking to personally act (whether as a Candidate or following election), for the direct or indirect benefit of the Officials, IBA governing bodies and commissions, Confederation, National Federation or individuals within the IBA;
- (7) When a Candidate promises to attract any funds (including from sponsors, investors etc.) or to obtain any advantage from an IBA creditor or business partner, he or she shall disclose the source of such funds, as well as the terms and conditions of any arrangements with a source of funds and/or any information about any arrangements possibly entered into with an IBA creditor or business partner;
- (8) Candidates shall not accept paid travel, expenses, air tickets or accommodation from other Candidates, their representatives, members or other associated organizations to attend meetings and activities directly related to a Candidate's elections;
- (9) Candidates shall not enter into any form of undertaking with any individual or organization that is likely to affect the Candidate's freedom of decision or action if elected;
- (10) Candidates may make declarations or give interviews provided, in doing so, that they comply with the rules;
- (11) Candidates shall not produce (or cause third parties to produce) any spoken word, written text or representation of any nature likely to harm the image or reputation of another Candidate;
- (12) Candidates shall not engage in any act, collaboration or collusion by or between Candidates with the intent to defraud or manipulate the result of the vote;
- (13) Candidates shall not request support or service from the IBA or from external advisors who are working with the IBA in connection with their Candidacies;
- (14) IBA resources shall not be used to fund travel and campaign activities by Candidates who currently occupy elected or appointed positions;
- (15) The IBA Head Office shall maintain neutrality at all times. The members of IBA Head Office should limit their relations with the Candidates strictly to the content of their role as members of IBA Head Office.

25.2 The Candidates are liable – and may be subject to sanctions – if the Campaign Rules are breached as a result of the conduct of an advisor, service provider or member of the

entourage of the Candidate, or of an official of the National Federation of the Candidate, or of any person exercising a function in the context of the campaign of the Candidate, even if the Candidate can prove his absence of personal fault or negligence.

## **26 Consequences of a breach of these Regulations on Congress and Elections**

26.1 The BIIU Nomination Unit shall decide on each case whether a breach of these Regulations on Congress and Elections (including a breach of the Campaign Rules or a failure to provide accurate information) has been committed or not. It may start a procedure either ex officio or based on a complaint of an Official, the IBA Head Office, a Candidate or a National Federation.

26.2 Before issuing any decision, the BIIU Nomination Unit shall provide notice to the Candidate of opening proceedings against him/her, grant the right to be acquainted with the charges against him/ her and to exercise the right to be heard.

26.3 Where the BIIU Nomination Unit has determined that there has been a breach of these Regulations on Congress and Election, it may:

(a) Warn the Candidate;

(b) Declare a Candidate ineligible;

(c) Take any other measures it deems appropriate in the circumstances to safeguard the integrity of the Electoral process.

The BIIU Nomination Unit may decide to publish its decision.

26.4 Such decision may be appealed before the CAS by the concerned Candidate. Only the Candidate (and not his/her National Federation) has standing to appeal. The appeal shall be lodged within 5 (five) days of issuance of the decision and shall be decided by a sole arbitrator to be appointed jointly by IBA and the candidate or the CAS. The procedure before CAS shall be expedited for an award (without grounds) to be issued at the latest 10 (ten) days after the filing date of the appeal.

26.5 When the BIIU Nomination Unit suspects that a breach of these Regulations on Congress and Elections may also be a breach of the Code of Ethics and/or of the Disciplinary Code, it shall refer the case to the BIIU Compliance Unit.

## **SECTION C – MISCELLANEOUS**

### **27 Elections at Confederations and National Federations**

- 27.1 This article 27 of these Regulations on Congress and Elections shall be incorporated by Confederations and National Federations into their regulations.
- 27.2 IBA shall be entitled to send an observer to attend at any elections congress meeting and/or to undertake any other step to ensure that Elections comply with the Regulations and the IBA Constitution.
- 27.3 IBA reserves the right to investigate any Election conducted by a Confederation or National Federation.
- 27.4 IBA reserves the right to refuse to recognise the results of any Election conducted by a Confederation or National Federation if IBA concludes that such election was conducted with a serious breach of:
- (a) applicable provisions in the IBA Constitution and the Regulations, including the Membership Policy;
  - (b) the constitution or regulations of the Confederation or National Federation concerned and generally recognized democratic and good governance principles;
  - (c) any relevant national legislation and regulations.
- 27.5 Any decision on refusal to recognize the results of the Elections conducted by a Confederation or National Federation shall be taken by the Board. Before issuing such decision, IBA shall provide notice to the Confederation or National Federation concerned of the opening of a proceeding against it, grant this Confederation or National Federation the right to be acquainted with the charges against it and to exercise its right to be heard.
- 27.6 If IBA decides not to recognize Elections, it shall grant a time limit to the Confederation or National Federation concerned to regularize the situation. If the situation is not regularized within such time limit, the Confederation or National Federation shall be deemed to have committed a serious breach of the IBA Constitution and Regulations and it may be suspended in accordance with the IBA Constitution or subject to further sanctions or enforcement measures provide for in the IBA Constitution and the Regulations.



**28 Specific provisions applicable to the first Election Congress Meeting under the 2021 Constitution**

- 28.1 Article 51.8 of the Constitution provides that an Extraordinary Congress meeting to commence no later than 30 June 2022 shall serve as the first Election Congress Meeting for the purpose of the 2021 Constitution.
- 28.2 The 2022 Elections shall be governed by the Constitution and these Regulations on Congress and Elections, with the following amendments:
- (a) As an additional criterion to evaluate the eligibility of Candidates as per articles 17 to 19 above, the BIIU Nomination Unit shall apply the “Fresh start in leadership” criterion as described under §§89 to 91 of the Governance Reform Group Report;
  - (b) When assessing the eligibility of Candidates and selecting the Independent Directors, the BIIU Nomination Unit shall interpret the Constitution and these Regulations on Congress and Elections in compliance with the Governance Reform Group Report in a manner aiming at enforcing the recommendations contained in the Governance Reform Group Report.
  - (c) The Skills Map does not need to be released on the day the call for Candidates is made public but may be published at the latest ten days before the expiry of the deadline for nominating Candidates.

**29 Adoption and Enforcement**

- 29.1 These Regulations on Congress and Elections have first been adopted by the Board on April 19, 2021 and came into force on April 19, 2021. They have been amended on November 26, 2021 and on February 2, 2022. Such amendments come into force immediately.
- 29.2 These Regulations on Congress and Elections shall be applicable to any Congress and Elections conducted after its entry into force.
- 29.3 Notwithstanding the above, if an Election process has already started when amendments to these Regulations on Congress and Elections enter into force, the Election process remain governed by the version of these Regulations on Congress and Elections in force at the beginning of the Election process, subject to any provision to the contrary or to any other decision by the Board.