

# CONSTITUTION OF THE BADMINTON WORLD FEDERATION

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## **PART 1        GENERAL PROVISIONS**

### **1. NAME, LEGAL STATUS, FOUNDATION**

The body called the 'Badminton World Federation' hereinafter referred to as "the Federation" is organised as a not-for profit association.

The Federation was established on 5 July 1934 in London with nine founding Members, with the intention of regulating, developing and promoting Badminton internationally.

The Federation shall possess legal personality and have the capacity to contract, to acquire and dispose of immovable property, and to institute and defend in legal proceedings.

### **2. OFFICIAL LANGUAGE**

The official language of the Federation shall be English. \*

*\* Operational footnote (for information): The use of other languages by a speaker is authorised at meetings subject to the provision of interpretation into English being provided by the speaker at their own cost and that notice is given to the Chair of the meeting in advance.*

### **3. PURPOSES AND OBJECTIVES**

The key focus of the Federation is the governance and administration of Badminton worldwide.

The Purposes and Objectives of the Federation shall be to:

- 3.1.     publish and promote the Statutes and Principles;
- 3.2.     control the game, from an international perspective, in all countries and continents;
- 3.3.     promote and popularize Badminton worldwide;
- 3.4.     support and encourage the development of Badminton as a sport for all;
- 3.5.     encourage the formation of new Members, strengthen the bonds between Members and resolve disputes between Members;
- 3.6.     organize, conduct and present world Badminton events to world class standards and ensure other international events meet the appropriate international standards;
- 3.7.     protect the integrity of badminton through programmes for the prevention and fight against doping and match-fixing. In particular, the Federation will ensure compliance with the World Anti-Doping Programme;
- 3.8.     engage in commercial activities that give direct benefits to the sport and ensure the sustainable development of the Federation;
- 3.9.     uphold these Principles, Purposes and Objectives, taking such measures as may be necessary for advancing the interests of Badminton from an international perspective.

## 4. PRINCIPLES

The Federation is an association for national Badminton federations. The Federation and its Members, through their membership, are committed to these principles for the sport and the Federation itself.

### 4.1. Sports for All

Badminton is a sport for people of all ages and people of all abilities – recreational, competitive and elite world class.

### 4.2. Fair Play

The Federation and its Members shall take all reasonable care to ensure competitions and those participating in events respect “fair play”. The Federation promotes the highest degree of sportsmanship and integrity among the players, officials and administrators.

Players at all levels must be able to participate in Badminton which is free of drugs, violence, discrimination, technical manipulation, cheating and any form of exploitation in an attempt to win or to manipulate the outcome of a match.

### 4.3. Harassment Free Sport

All those working and participating in Badminton including players, coaches, technical officials and administrators have a right to compete, work and participate in a harassment-free environment. The Federation shall use its Code of Ethics to ensure there are no forms of harassment whether that be physical, psychological or other forms of harassment.

### 4.4. Equal Opportunity

Badminton has equal representation of men and women on the field of play. The Federation supports the active participation of women in Badminton at all levels and the representation of both men and women in the affairs of the Federation beyond the field of play.

### 4.5. Environmental Responsibility

The Federation shall take a responsible approach to safeguarding the environment and managing resources in a sustainable way through its practices in hosting events and in managing its operations.

### 4.6. Non-Discrimination and Ethics

The Federation shall not allow any form of discrimination to affect its decisions or actions, be it discrimination based on race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

Anyone who deals with the Federation and / or shares in its activities in any capacity, notably those referred to in Clause 30, commit themselves by their actions to behave in a non-discriminatory and ethical manner.

## 5. AUTONOMY

- 5.1. The autonomy of international sport is a fundamental principle and the Federation will take appropriate measures to preserve the autonomy of international Badminton.
- 5.2. The Federation shall allow Members complete autonomy in their own territory. It will have no part in purely national issues unless such issues affect the international image, or the Olympic and Paralympic status of the sport in any way. When the autonomy of a Member is being compromised, the Federation shall take any appropriate measures.
- 5.3. Members must manage their internal affairs with total independence and ensure that no third party interferes in their operations. Members must remain autonomous and resist political, religious and financial pressure which may infringe their commitment to conform to the Federation's Constitution. Any external form of interference or attempt shall be reported to the Federation.
- 5.4. Members' constitutions must make provision for an election or internal appointment system that ensures independence of the Member.
- 5.5. Council may take appropriate action against any Members not in compliance with Clause 5.

## 6. OLYMPIC CHARTER

The general and fundamental principles of the Olympic Charter are applicable, and no provision of the Statutes shall be deemed to conflict with or derogate from those principles.

## 7. DEFINITIONS

- 7.1. **AGM** – means an Annual General Meeting of the Federation called and conducted in accordance with Clause 15.
- 7.2. **Anti-Doping Regulations** – means such regulations as may from time to time be developed and published by Council in accordance with Clause 28.
- 7.3. **Assessment Period** – means a four (4) year period of time over which the criteria in Clause 15.20 are applied to determine voting strength, and extends from 1 October in the year of the Summer Olympic Games to the 30 September of the year of the subsequent Summer Olympic Games.
- 7.4. **Associate Member** – means an organisation recognised as such in accordance with Clause 11.
- 7.5. **CAS** – means the Court of Arbitration for Sport.
- 7.6. **Closing Date** – shall be the date defined in accordance with Clause 15.1.
- 7.7. **Continental Confederations** – shall have the meaning set out in Clause 9.
- 7.8. **Council** – means the body elected in accordance with Clause 17.
- 7.9. **Executive Board** – means the board appointed in accordance with Clause 22.1.
- 7.10. **General Meeting** – means an AGM or Extraordinary General Meeting of the Federation called and conducted in accordance with this Constitution.

- 7.11. **Honorary Life Vice President** – means such a person as may be appointed in accordance with Clause 21.1.
- 7.12. **IOC** – means the International Olympic Committee.
- 7.13. **Member** means a Member of the Federation as defined in Clause 8.
- 7.14. **Member in Good Standing** means a Member who:
- 7.14.1. does not have any subscriptions due (Clause 26);
  - 7.14.2. is not under suspension (Clauses 13.5 –13.10); and
  - 7.14.3. who has submitted a completed Schedule A to the Federation for the current year (Clause 13.1).
- 7.15. **NOC** – means National Olympic Committee.
- 7.16. **Notice** – means formal notification by email, fax or mail.
- 7.17. **Para Badminton** means Badminton for people with an impairment.
- 7.18. **President** – means such person as may be elected to that role in accordance with Clauses 15.2 and 18.
- 7.19. **Principles** – shall have the meaning as set out in Clauses 4.1 to 4.6.
- 7.20. **Purposes and Objectives** – shall have the meaning as set out in Clause 3.
- 7.21. **Regional or Special Interest Members** – means those organisations recognised as such in accordance with Clause 10.
- 7.22. **Regulations** – mean 1) all regulations governing competitions including but not limited to the General Competition Regulations, the Regulations for Federation Events, and 2) any other Regulations including Anti-Doping Regulations, Disciplinary Regulations, Appeals Regulations, Codes of Conduct, Awards Regulations, Council Procedures and Guidelines which are approved by the Council.
- 7.23. **Schedule A** – means the form submitted to the Secretary General by Members annually which contains such information required for purposes of administration and publication including but not limited to the names, addresses and contact information of its principal officers, the number of member clubs / associations, the total number of registered players affiliated to the Member and a declaration that the provisions of Criteria for Membership (Clause 8) continue to be met.
- 7.24. **Secretary General** – means a person appointed under Clause 25.
- 7.25. **Statutes** – include the full body of the Laws of Badminton, this Constitution and any Regulations governing the sport of Badminton.
- 7.26. **Unit** – shall have the meaning set out in Clause 26.1.
- 7.27. **Votes Cast** – means votes by a show of hands, valid votes that are submitted in a secret ballot or votes made by other technological means. Blank voting slips, blank pieces of paper and void voting papers are not “Votes Cast”. Similarly an abstention does not count as a Vote Cast. Voting majorities will be calculated only on the basis of Votes Cast.
- 7.28. **WADA** – means World Anti-Doping Agency.

- 7.29. Words signifying persons in this Constitution include corporations and all legal persons including any other entities or bodies whether incorporated or not.
- 7.30. Words signifying the masculine gender in this Constitution include the feminine and neuter genders and vice versa.
- 7.31. Any deadline referred to in this Constitution shall mean midnight on the day of the deadline at the location of the Federation headquarters.

## **PART 2      MEMBERSHIP**

### **8. MEMBERS**

Members and all applicants for membership of the Federation shall fulfil the following criteria:

- 8.1. be formally recognised by the Council as the overall governing body for Badminton in the country;
- 8.2. cover the territory of a country that is recognised as such and recognised as an independent and sovereign state by the international community;
  - 8.2.1. Clause 8.2 shall not apply to Members who were admitted to the Federation before 31 December 2005.
  - 8.2.2. Clause 8.2 shall not apply to territories, which have their own National Olympic Committee recognised by the IOC.
- 8.3. have a constitution that is consistent with that of the Federation and its Principles, Purposes and Objectives as per the guidelines approved by Council, and provide a copy to the Federation for its records;
  - 8.3.1. provide details of any subsequent amendments to the constitution not later than one calendar month after the general meeting at which such amendments were approved.
- 8.4. be a legally registered body and/or can satisfy the Federation that it has the legal and administrative ability to administer the sport to an acceptable standard;
- 8.5. give a formal undertaking to be bound by the Anti-Doping rules consistent with the requirements of Clause 28;
- 8.6. give a formal undertaking to observe the Statutes of the Federation;
- 8.7. undertake to recognise CAS as the only external judicial authority to which an appeal can be made;
- 8.8. subject only to appeal to CAS, undertake to accept as binding and final the decisions of the competent authorities within the Federation and to be subject to such binding and final decisions;
- 8.9. undertake to make every reasonable effort to impose the obligations in Clauses 8.5 to 8.7 upon its affiliated clubs and associations and their members in all those areas where the Federation has authority;
- 8.10. undertake to adhere to Clause 5 with regard to the autonomy of international sport and the autonomy of Members;

### **9. CONTINENTAL CONFEDERATIONS**

The Federation has endorsed the formation of Continental Confederations for Africa, Asia, Europe, Oceania and Pan America, in accordance with the division recognised by the IOC. The Continental Confederations shall promote, develop and regulate Badminton in their respective continent and in mutual cooperation and will be supported and encouraged in that process by the Federation.

- 9.1. The Continental Confederation's Constitution, principles, purposes and objectives and rules must conform to those of the Federation as per the guidelines approved by Council.
- 9.2. The strategies and policies of the Continental Confederations are required to fulfil the objectives of the Federation.
- 9.3. Each Continental Confederation shall provide the Federation with a copy of its Constitution and with details of any subsequent changes not later than one calendar month after the meeting at which they are made.
- 9.4. Upon achieving membership or associate membership, Members or Associate Members shall automatically become members of the Federation's relevant Continental Confederation.
- 9.5. Continental Confederations may accept other Associate Members without voting rights.
- 9.6. With the acceptance of the parties concerned, an Annual General Meeting has power to vary the Continental Confederation to which a Member belongs.
- 9.7. Parts of a Member which lie wholly within a Continental area other than that in which the Member is situated may, with the permission of the Council and the consent of their Member, be attached to the Continental Federation in whose area they lie for the purpose of competition and the development of Badminton.

## **10. REGIONAL OR SPECIAL INTEREST MEMBERS**

Membership of the Federation is also open to any organisation which may be formed by a grouping of Members or individuals for the further promotion of the game and which adheres to the Constitution of the Federation. Such membership is subject to Council approval at its sole discretion. Such an international organisation shall not accept into membership any association, organisation or grouping of individuals which are not a Member of the Federation.

## **11. ASSOCIATE MEMBERS**

- 11.1. Associate Membership of the Federation is open to:
  - 11.1.1. clubs or organisations trying to form a national badminton organisation in a territory where there is no national Badminton organisation recognised by the Federation;
  - 11.1.2. clubs or organisations trying to form a national Badminton organisation in a territory that is not yet recognised by the international community; and
  - 11.1.3. clubs or organisations which are exclusively for Para-Badminton players and who are not affiliated to a Member.

### **Clubs and Organisations**

- 11.2. Clubs or organisations within countries or (semi) independent territories not yet nationally organised and countries that are not yet recognised as an independent and sovereign state by the international community which agree to adhere to the Constitution of the Federation may upon application



using Schedule A be admitted as Associate Members of the Federation upon such terms and conditions as determined by Council.

11.2.1. An Associate Member shall give all practical support to the formation of a National Association (or corresponding organisation) for the country in which it is situated.

11.2.2. An Associate Membership other than those admitted as Para-Badminton Organisations (Clause 11.1.3) shall lapse automatically when a properly constituted national association is admitted to Federation membership.

11.2.3. The term of an Associate Membership shall not extend more than five years beyond the original affiliation unless a longer term is approved by Council upon written request.

Council may at any time stop recognising a particular body as an Associate Member if such an Associated Member acts against the Federation, its Statutes or its Principles, Purposes or Objectives. Such a decision shall have repercussions to all persons acting under the auspices of such an Associated Member.

### **Para Badminton Organisations**

11.3. Associate Membership is open to national organisations serving the needs of Badminton players with a disability for the purposes of providing entry for Para badminton players into international Para badminton events sanctioned by the Federation.

11.4. Such organisations must agree to adhere to the Constitution of the Federation and may upon application using Schedule A be admitted as Associate Members of the Federation upon such terms and conditions as determined by Council.

## **12. ADMISSION TO MEMBERSHIP**

### **Requirements**

In order to become a Member of the Federation, a National Badminton association that meets the criteria in Clause 8 may apply to the Council on the form approved by Council (Schedule A) and submit the required supporting documents with its application.

### **Admission Process**

12.1. After verification by the Secretary General, and the President or the person appointed by the Council for this purpose, the application with any recommendation shall be notified by the Secretary General to all Members

12.1.1. Supporting documents will be provided to Members on request.

12.2. In the absence of the receipt of an objection from five (5) or more Members within a period of one (1) month after such notification, Council shall have power to elect the applicant as a Member. Such election shall be reported to all other Members.

12.3. Application for membership from a Regional or a Special Interest Association or an Associate Member shall be approved by Council.

**Protest**

- 12.4. Should a protest be received from five (5) or more Members, the application shall not be dealt with by Council but, together with the reasons for objection and their sources, shall be placed on the agenda for consideration by the next AGM. A simple majority shall suffice to elect the applicant, such election will be effective as of the close of the AGM and is conclusive.

**Jurisdictional Disputes**

- 12.5. In the event of any organisation claiming jurisdiction over disputed territory or claiming jurisdiction over territory to which it might not have an obvious claim:
- 12.5.1. The organisation shall submit to Council a statement setting out its claim over the disputed territory and all necessary documents to satisfy the requirements of membership contained in Clauses 8 and 12.
  - 12.5.2. The Council shall investigate the claim, and will ensure that the existing Member (if any) is informed of the details of the claim and is given a reasonable opportunity to respond.
  - 12.5.3. The Council shall determine the appropriate body to represent the territory. Such determination will be conclusive and the determined body shall assume the status of Member.
  - 12.5.4. The Council may impose conditions, determine transitional arrangements or decide on other matters with the objective of ensuring players are not disadvantaged.
  - 12.5.5. The Council's decision will be placed on the agenda at the next AGM.
  - 12.5.6. In the event of any organisation desiring, or being forced, to alter its area of jurisdiction, whether greater or smaller, from that of its original claim, it shall immediately submit details thereof to the Secretary General together with the relevant supporting documentation. Members shall be advised of the change.

**13. ONGOING MEMBERSHIP REQUIREMENTS**

- 13.1. Every Member shall submit to the Secretary General not later than 30 September in each calendar year a completed Schedule A which includes the number of its registered players as at a date within the preceding three (3) months. Council shall have the right by 31 October in the same year to refuse to accept such declarations representing the number of registered players and also, if no Schedule A has been received, to assess the figures on such information as shall be available. A Member shall have the right to object to Council against such assessment within fourteen (14) days of receipt of the notice of Council's decision. The onus of proof shall lie with the Member concerned.

The contact information in Schedule A will be used for the day to day communication with the Member, however with the primary contact person being the President in case of any doubt.

- 13.2. In order to retain its membership status, a Member shall at all times fulfil all the conditions necessary for admission to membership (Clause 8) and promptly advise the Federation of any material change in its status.
- 13.3. A Member must always comply with the Statutes of the Federation and be able to enter into contracts, sue or be sued as a legal person as recognised in its territory of operations.

### **Retirement**

- 13.4. A Member wishing to retire from the Federation must give notice in writing to the Secretary General on or before 30 September in any given year and, in default, will be held liable for the subscription for the next year. Any subscriptions already paid are non refundable. Members will be promptly notified of any retirement.

### **Suspension**

- 13.5. Between General Meetings Council has the power to suspend the membership of a Member who, in the opinion of Council, acts directly against the Federation, its Statutes, or its Principles, Purposes or Objectives. Suspension is a temporary sanction and therefore a General Meeting cannot initiate a suspension or require Council to do so.
- 13.6. Council may remove a suspension at any time.
- 13.7. If a suspension of a Member is in effect at the date of a General Meeting, the General Meeting shall vote to confirm or remove the suspension, a simple majority of the Votes Cast being decisive. Such a vote may be transacted without the matter being previously put on the Agenda.
- 13.8. Members under suspension have the right to speak but not vote on their case at a General Meeting.
- 13.9. Confirmation of a suspension by a General Meeting shall not affect the power of Council to remove the suspension in the light of later developments.
- 13.10. If, and so long as, a Member is suspended, such Member shall be deprived of all rights of membership and shall not be eligible to participate in any playing event promoted or sanctioned by the Federation or in any officially recognised international Badminton fixture or attend General Meetings (save for the purposes of Clause 13.8). Council may vary the conditions of suspension if it believes special circumstances exist.

### **Expulsion**

- 13.11. If a General Meeting decides by at least three-fourths of the Votes Cast that a Member should be expelled from the Federation, such Member shall cease forthwith to be a Member of the Federation. The Secretary General shall subsequently notify the Member concerned about its expulsion and shall also inform all other Members accordingly.
- 13.12. The Council may recommend to the AGM to expel a Member whose subscriptions have fallen into arrears over consecutive years.

**PART 3 GOVERNMENT****14. STRUCTURE**

The Federation shall be governed by the:

- 14.1. Annual General Meeting (AGM) or the Extraordinary General Meeting (EGM);
- 14.2. Council; and
- 14.3. Executive Board.

**15. ANNUAL GENERAL MEETING**

15.0. An AGM shall be held not later than 31 July of each year in a place, at a date and in a format as may be decided by Council following notice given in accordance with Clauses 15.10 and 15.11.

15.0.1. In exceptional circumstances where the accessibility of a significant proportion of Members to the AGM is or may be materially affected, the Council may decide to hold the AGM later than the date mentioned in Clause 15.0, provided it is within the same year. If such a decision is made after notice of the AGM has already been sent in accordance with Clause 15.10, such notice shall be considered as cancelled and a new notice shall be sent in accordance with Clause 15.10.

**Closing Date for submitting and nominations to the AGM**

15.1. The Closing Date for submitting proposals and nominations to the AGM shall be decided by Council and notified to all Members not later than 31 October of the year preceding the AGM. This Closing Date shall be a minimum of 12 weeks before the date established for the AGM.

Subject to Clause 18.18, Council vacancies arising after notification of the Closing Date, but before 5 January, shall also be filled. Members shall be informed before 11 January of such vacancies and shall be given until the Closing Date to submit nominations.

**Business of the AGM**

15.2. The business of the AGM shall be to:

- 15.2.1. approve the Minutes of the last AGM and of any EGM held since the last AGM;
- 15.2.2. receive the report of Council;
- 15.2.3. approve the accounts, duly audited, for the preceding year;
- 15.2.4. receive the strategic plan of the Federation;
- 15.2.5. approve applications for membership referred by Council;
- 15.2.6. elect the Officers and other members of Council in that order;
- 15.2.7. approve proposals for amendments to the Constitution and Laws of Badminton (BWF Statutes, Section 4.1) for which due notice has been given;

- 15.2.8. approve other proposals for which due notice has been given which are under the competence of the AGM and which have not been specifically delegated to Council or any other body under this Constitution;
- 15.2.9. appoint an Auditor, or Auditors, who shall retire annually, but be eligible for re-appointment;
- 15.2.10. approve the location of the headquarters upon a recommendation of Council; and
- 15.2.11. discuss any other business.

### **Meeting Procedure**

- 15.3. At General Meetings the representation at the meeting of at least one-third of the Members in Good Standing on the day of the General Meeting shall form a quorum.
- 15.4. The President shall act as Chair at all General Meetings. In the President's absence, the Deputy President shall act as Chair and in the absence of both the President and the Deputy President, the meeting shall elect a Chair.
- 15.5. Before a proposal, submitted by a Member and for which Notice has been properly given (Clause 15.12), may be discussed and voted upon, the Chair will invite the delegate of the proposing Member to explain its purpose.
- 15.6. A proposal made by Council must be explained but does not require supporting or seconding before being discussed and voted upon.
- 15.7. Voting may take place by a show of hands, by voice, or by electronic means. If requested by a delegate of a Member in Good Standing and approved by a simple majority of the votes, or if decided by the Chair, a secret ballot may take place.
- 15.8. Except when provided otherwise, Proposals to General Meetings are decided by a simple majority of Votes Cast.
- 15.9. General Meetings shall be conducted in conformity with this Constitution; the Chair shall have the final decision upon all points of order and matters of procedure, but shall not have the power to rule on matters relating to the substance of the proposals without the consent of the meeting.

### **Notice of Meetings**

- 15.10. Notice of every General Meeting, stating the date, time, and place thereof and the business to be transacted shall be sent to:
  - 15.10.1. Each Member;
  - 15.10.2. Officers and Council;
  - 15.10.3. Honorary Life Vice-Presidents;
  - 15.10.4. each delegate and alternate delegate appointed by a Member to represent it at such General Meeting as soon as the name and address of such a delegate and alternate delegate has been made known;
  - 15.10.5. each Continental Confederation;

15.10.6. each Regional or Special Interest Member; and

15.10.7. each Associate Member.

- 15.11. Notice of General Meetings shall be sent at least seven (7) weeks before the date fixed for such meetings. Accidental omission to give notice to any of the above shall not invalidate the proceedings of any General Meeting.

### **Proposals and Amendments**

- 15.12. Notice in writing of any proposal falling under the competent business of the AGM (Clauses 15.2.7 and 15.2.8), shall be submitted in writing by any Member in Good Standing and must be endorsed by the appropriate Continental Confederation or seconded by two other Members in Good Standing. Such notice of a proposal and the endorsement(s) of the proposal shall be sent directly to the Secretary General of the Federation at the Federation's official address, so as to reach the Federation not later than the date published in accordance with Clause 15.1. Council shall also be entitled to make a proposal at an AGM. Proposals and endorsements received by the appropriate date must appear on the agenda of the meeting.

Before the proposal is sent out according to Clause 15.12, the Secretary General together with the proposer shall ensure that the wording and intended meaning of the proposal is clear so as to ensure that, if the proposal is accepted by the AGM, it could be directly incorporated in the Statutes.

Council has the right to present amendments to related clauses that are affected by the original proposal or amendments to the proposal.

- 15.13. No amendment, other than one of wording which does not alter the meaning or intent of the original proposal, shall be accepted by the Chair at a General Meeting unless it shall have been sent directly to the Secretary General so as to reach the Federation not later than five (5) weeks in advance of the meeting

The Secretary General together with the proposer of amendments shall ensure that the wording and intended meaning of the amendments are clear. Council has the right to present amendments to related clauses that are affected by the original proposal or amendments to the proposal.

This shall include any amendments made by the proposer of the original proposal. A simple majority shall be required at the meeting to incorporate such an amendment.

- 15.14. Notice of any amendment received as specified in Clause 15.13 shall be sent by the Secretary General to those specified in Clause 15.10 at least four (4) weeks before the date of the meeting at which the proposal shall be considered

### **Representation and Voting Strength at General Meetings**

- 15.15. Each Member in Good Standing shall be entitled to appoint not more than two (2) delegates to every General Meeting.

15.15.1. The Federation will cover the cost of travel and accommodation for one delegate from each Member in Good Standing to attend General Meetings according to guidelines determined by Council.

- 15.16. Delegates must belong to the Member that they represent and be appointed by the appropriate body of that Member. Delegates must have the citizenship (passport) of the Member that they represent, or be a member of the governing committee or be an employee of that Member, employed for no less than 12 months.

When the people, originating from a particular Member, do not have a unique citizenship (passport) pertaining only to such a Member (e.g. England, Hong Kong, Greenland), the citizenship (passport) criteria for such a Member shall be fulfilled if a person has any common citizenship (passport), recognised within the territory of such a Member, and a domicile in such a Member's territory.

In case of any dispute, the onus is on the delegate to prove the position in the Member concerned to the satisfaction of the Secretary General.

- 15.17. Both delegates shall have the right to speak, but neither shall be permitted to second a proposal proposed by the other. Only one (1) delegate from each Member shall cast all the votes to which the Member is entitled.
- 15.18. Each Member shall complete the delegates nomination form which must be received by the Secretary General not later than forty-eight (48) hours before the start time of the meeting.
- 15.19. Only Members in Good Standing are entitled to vote at General Meetings.
- 15.20. A Member in Good Standing shall be entitled to a minimum of one (1) vote and a maximum of five (5) votes as confirmed by Council in accordance with the following criteria applied over the Assessment Period.

1 vote	Membership to the Federation.
1 additional vote	More than 10,000 registered players in each of the four years of the Assessment Period.
1 additional vote	Participation in 6 out of these 10 events during the Assessment Period: Individual Continental Championships (a maximum of 2 events), World Championships (3 events), Olympic Games (1 event), World Junior Team Championships (4 events)
1 additional vote	Having one player or more in the top 40 world ranking in any of the five (5) disciplines as per the world ranking list for the qualification for the most recent Olympic Games held.
1 additional vote	Hosting at least one (1) of these events in three (3) out of the four (4) years of the Assessment Period: Super Series, Grand Prix, International Challenge or the equivalent World Tour events.

- 15.20.1. The number of votes a Member is entitled to is fixed for a four (4) year period starting after the end of the Assessment Period.

- 15.21. The voting strength of a Member in Good Standing as described in Clause 15.20 shall apply to any proposal to the AGM under the Constitution of the Federation with the exception of Clauses 12 (Admission to Membership), Clause 13.11 (Expulsion), and Clause 36 (Dissolution). For a proposal under Clauses 12, 13.11 or 36, each Member in Good Standing shall be entitled to one vote only.
- 15.22. No delegate shall be permitted to cast a vote on behalf of more than one Member.

#### **Other attendance and speaking rights**

- 15.23. Continental Confederations, Regional or Special Interest Members or Associate Members, shall have the right to the same representation at General Meetings as is enjoyed by Members in Good Standing except voting rights.

Representatives from these bodies have the right to speak at General Meetings but have no vote.

- 15.24. Members of Council shall have the right to attend and speak at General Meetings, but unless representing a Member at a General Meeting, shall have no vote.

15.24.1. If not able to attend, the Chairs of the Athletes' Commission and Para Badminton Athletes' Commission may nominate a representative from their respective Commission, who can attend and speak, but shall have no vote.

- 15.25. Honorary Life Vice-Presidents shall have the right to attend and speak at General Meetings but unless representing a Member shall have no vote.

- 15.26. The Secretary General shall have the right to attend and speak at General Meetings but have no voting rights.

- 15.27. Nominees for election not otherwise authorised to vote or speak can attend the General Meeting in which the election takes place, but are not permitted to speak, unless authorised by the Chair.

- 15.28. The Chair has authority to admit observers to a General Meeting. Such observers are not permitted to speak at the Meeting, unless authorised by the Chair.

- 15.29. AGMs may be held physically, virtually, or in a combination of both ("hybrid").

Virtual and hybrid meetings shall follow the same procedure as physical meetings, with necessary adaptations for their virtual environment.

Virtual and hybrid meetings may take place on any virtual platform that is reasonably accessible, and that allows for each participant to hear and be heard, and to vote, if necessary.

#### **16. EXTRAORDINARY GENERAL MEETINGS (EGM)**

- 16.1. An EGM may be called for at any time by Council, or must be called for by the Secretary General on a date within ten (10) weeks of the receipt by the Federation of a requisition in writing to that effect given by at least one-fourth of the number of Members in good standing at the time of the



immediately preceding AGM. Every such requisition and the calling notice, shall specify the business for which the meeting is to be called, and no other business shall be transacted at such meeting

- 16.2. An EGM may be held physically, virtually or in a hybrid format under the same conditions as an AGM.

## **PART 4 COUNCIL**

### **17. COUNCIL STRUCTURE**

- 17.1. An AGM shall elect a Council which shall have administrative powers to carry on the work of the Federation between AGMs. The Council shall consist of:
  - 17.1.1. The eight (8) officers (Clause 18);
  - 17.1.2. Twenty (20) ordinary Council members;
  - 17.1.3. The Chair of the Athletes Commission; and
  - 17.1.4. The Chair of the Para Badminton Athletes Commission.
- 17.2. To be a candidate, and to remain on the Council, an individual must be deemed to be Eligible, as defined in Appendix II (Vetting of Officials).

### **18. ELECTION OF COUNCIL**

The Federation shall have Officers comprising a President, a Deputy President and six (6) Vice Presidents.

- 18.1. The President, the Deputy President, the Vice President Para Badminton and the twenty (20) ordinary Council members are elected for a four (4) year term by the Federation AGM in the year after the Summer Olympic Games.
- 18.2. Five of the Vice Presidents are elected by each Continental Confederation in their Continental Confederation general meetings in accordance with election procedures for their Officers, so as to take office immediately upon the conclusion of the Federation AGM the year before the Summer Olympic Games for a four-year term.

Each of the five (5) Vice Presidents (Continental) shall take responsibility for the Federation relations for their specific Continent. Such Vice Presidents are to be ex-officio members of the Continental Confederation Council for which they were elected, but shall have no vote in the Continental Confederation Council unless having a vote per the Continental Confederation Constitution or having been elected on to that Council.
- 18.3. Nominations for election to Council and for Officer positions shall be made in writing by a Member in Good Standing and sent directly to the Secretary General of the Federation so as to reach the Federation not later than the closing date published in accordance with Clause 15.1.
- 18.4. Nominations shall be seconded by a different Member in Good Standing from the proposer. Seconding of nominations must be in writing, and reach the Federation by the same published closing date as for nominations.
- 18.5. The Athletes' Commission Chair and Para Badminton Athletes' Commission Chair will respectively be appointed by the Athletes' Commission and the Para Badminton Athletes' Commission according to a process approved by Council.
- 18.6. Each nomination shall be accompanied by a brief statement of the candidate's qualifications.

- 18.7. The names of the nominees, their proposers and seconders, and the statements of qualifications shall appear on the AGM agenda.
- 18.8. When voting for the representatives, it is the duty of each delegate to vote for as many candidates as there are vacant seats. Voting ballots containing more or fewer names than the exact number of vacant seats will be invalid.
- 18.8.1. Voting for elections shall be carried out by secret ballot.
- 18.8.2. Where there is only one candidate for a position, such candidate shall be elected by acclamation, without the need for a vote to take place.
- 18.9. When the results of any election are announced, the number of votes polled for each candidate shall be published.

#### **Representation requirements for Council positions**

- 18.10. Representation requirements shall apply as detailed in Appendix I (Council Geographical and Gender Representation).

#### **Conditions and Terms of Appointment**

- 18.11. The President, the Deputy President, the five (5) Vice Presidents (Continental), the Vice President Para-Badminton and the twenty (20) ordinary Council Members shall assume office immediately upon the conclusion of the AGM at which they are elected.

The term of the Officers and Council shall be four years.

Officers and Council Members are eligible for re-election, save for the President, who shall be limited to four (4) terms

- 18.12. Council has the right to propose at a General Meeting the early termination of the term of office of the President, an Officer or Council Member.

#### **Casual Vacancies**

- 18.13. If a President is unable to complete the term of office or the term has been terminated (Clause 18.12), the Deputy President shall be acting President.
- 18.14. If there is an acting President (Clause 18.13) five months before an AGM at which an election for President would not normally have been held, a President for the remainder of the term of office shall be elected in the usual way at that AGM.
- 18.15. If the Deputy President or the Vice President Para-Badminton does not complete the term of office, a person acting in that role shall be appointed by Council from within Council and a successor shall be elected for the remainder of the original term at the next AGM, however subject to notice being given as per Clause 15.1.
- 18.16. If any of the five Vice-Presidents elected by Continental Confederation General Meetings does not complete the term of office an Acting Vice-President shall be appointed by the relevant Continental Confederation from within the Confederation Council and a successor shall be elected for the remainder of the original term at the next Continental Confederation General Meeting.

- 18.17. In case of a vacancy amongst the remaining members on Council, except for the Chairs of the Athletes' and Para Badminton Athletes' Commissions, a successor shall be elected for the remainder of the original term at the next AGM, however subject to notice being given as per Clause 15.1. Council may decide not to call for an election to fill a vacancy if such an elected Council member cannot serve on Council for at least 18 months of the original term.

## **19. COUNCIL ROLE AND RESPONSIBILITIES**

The Council has the responsibility to conduct and oversee the day to day affairs of the Federation between AGMs.

- 19.1. The role of Council includes:
- 19.1.1. Taking such steps as may be necessary to achieve the purposes and objectives laid down in Clause 3 of the Constitution;
  - 19.1.2. Upholding and ensuring the observance of the Statutes;
  - 19.1.3. Ensuring the execution of decisions taken by any General Meeting;
  - 19.1.4. Establishing the duties of the individual members of the Council and appointing the Committees and Commissions, their membership and determining their terms of reference as detailed in the Federation Rules and Procedures;
  - 19.1.5. Determining Regulations, Codes, Guidelines and other rules not under the competence of a General Meeting;
  - 19.1.6. Deciding on matters under dispute;
  - 19.1.7. Ensuring the maintenance of proper standards in the organisation of Federation Events and all events and competitions sanctioned by Federation;
  - 19.1.8. Appointing the Chairs of Committees and Commissions for a two-year term upon recommendation by the President;
  - 19.1.9. Nominating the president, the deputy president and the members of the Independent Hearing Panel, for approval by the AGM;
  - 19.1.10. Determining who will decide any questions which may arise as to the interpretation of the Statutes. The decision will be final;
  - 19.1.11. Appointing the head of the Secretariat, the Secretary General, on such terms and conditions as it agrees;
  - 19.1.12. Overseeing the administrative and financial management of the Federation;
  - 19.1.13. Entering into contracts and signing legal documents on behalf of the Federation, including the possibility to delegate this authority;
  - 19.1.14. Registering and administrating the use of the Federation logo;
  - 19.1.15. Receiving reports from Committees and Commissions;
  - 19.1.16. Receiving reports from any disciplinary and appeals cases and, where applicable, act upon them;

- 19.1.17. Appointing the president, the deputy president and the members of the Sports Disciplinary Panel; and
- 19.2. Ensuring the Federation is appropriately represented at international events and forums.

## **20. COUNCIL PROCEDURES**

### **Meeting Procedures**

- 20.1. The President and Deputy President shall assume the position of Chair and Deputy Chair of Council respectively.
- 20.2. Attendance by more than half the membership of Council is required to form a quorum for every Council Meeting.

## **21. HONORARY VICE PRESIDENTS**

- 21.1. An AGM shall have power to elect Honorary Life Vice-Presidents for services rendered in the past.
- 21.2. Such nominations may be made by Council or by any Member in Good Standing and subject to the approval of Council. Nominations must reach the Secretary General of the Federation no later than the date decided by Council (Clause 15.1), and shall appear on the agenda of the AGM.

**PART 5 EXECUTIVE BOARD****22. EXECUTIVE BOARD**

- 22.1. The Federation shall have an Executive Board comprising the Officers (Clause 18) and the Chairs of the Committees formed by Council and identified by Council as Executive Board positions and the Chair of the Athletes' Commission.
- 22.2. The duty of the Executive Board is to make decisions between Council Meetings as delegated by Council.
- 22.3. The Meeting Procedures for Council (Clause 20) apply to the Executive Board.

**PART 6 ADMINISTRATIVE ISSUES****23. SUBSIDIARY ORGANISATIONS**

Commercial organisations, subsidiaries or trusts may be established with the approval of and under the terms and conditions set by a General Meeting.

**24. INDEMNITY**

The Federation shall fully indemnify and hold harmless the Council, Officers and members of its servants, the members of staff, ("indemnified persons") from and against any costs, expenses, liabilities and awards arising out of any action instituted in any jurisdiction at any time against the Federation or any of the above such persons as a direct result of the activities of such persons where they are/were acting within their scope of the Federations responsibilities on behalf of the Federation.

**25. STAFF OF THE FEDERATION**

- 25.1. Council shall appoint a Secretary General who shall be responsible for the effective management of the Federation, within the policies and objectives approved by the Council.
- 25.2. The Secretary General will employ such other staff as is deemed necessary within the Council-approved cadre and budget.

**PART 7 FINANCIAL PROVISIONS****26. SUBSCRIPTIONS & PAYMENTS****Subscription**

- 26.1. In any given calendar year, in order that a Member or its players can take part in any competitive event organised by the Federation itself or requiring the sanction of the Federation, the Member shall pay a subscription based on a scale of Units, the value of which shall be determined as described in Clause 26.3.
- 26.2. The subscription is common to the Federation and to the Member's Continental Confederation. 90% of the total subscriptions collected from the Members of each Continental Confederation shall be transferred to that Confederation. The remaining 10% shall be retained by the Federation as a service charge.
- 26.3. The subscriptions shall be determined as shown in the following table:

<b>Votes according to Clause 15.20</b>	<b>Total Units</b>
One vote (Membership)	1
Two votes	4
Three votes	9
Four votes	26
Five votes	31

- 26.4. Regional or Special Interest Members and Associate Members shall pay an annual subscription equivalent to the value of one (1) Unit (Clause 26.3).
- 26.5. The value of the Unit in the scale of subscriptions outlined above, and the currency in which it shall be expressed, shall be determined from time to time only at a General Meeting.

**Payment of Subscription**

- 26.6. A subscription shall be payable prior to a Member or its players taking part in competitive events as in Clause 26.1. Invoices are issued before 1 December in each year, and in order to compete in the subsequent year, subscriptions shall be paid by 31 January of the year following the one in which the invoice has been received, unless the Member concerned notifies the Secretary General by that date of its intention to withdraw from such competitive events for that year.

In no circumstances can a Member's player(s) or a team continue to compete beyond the due date for payment of the subscription, nor can that Member stage a Federation sanctioned tournament.

Council shall have to have the right to waive unpaid subscription, except for the latest issued subscription invoice.

**Payment to Members**

- 26.7. Payments due to Members will be paid directly and not through third parties.

## 27. ACCOUNTS

The financial year of the Federation shall close on 31 December for each calendar year and the Chair of the Finance Committee shall ensure that the annual Financial Statements shall be prepared and audited as soon as possible thereafter but not later than three (3) months after the close of the year unless specifically approved by the Council.

## PART 8 JUDICIAL PROVISIONS

### 28. ANTI-DOPING

- 28.1. It is a condition of membership of the Federation that Members support the Federation's Anti-Doping Regulations.
- 28.2. In particular, Members must adhere to WADA requirements on Anti-Doping, and must co-operate fully with the Federation in measures taken to detect or penalise infringements of those requirements.
- 28.3. Council is empowered to develop and publish Anti-Doping Regulations and to undertake educational programmes to guide players, officials, tournament organisers and administrators in Badminton.

### 29. DISCIPLINE

Council, or any disciplinary committee it appoints, shall have power on behalf of the Federation to penalise a Member, player, coach, competition official, or other person for infringement of the Statutes, for misconduct during competition, or for actions that bring the game of Badminton or the Federation into disrepute.

### 30. AUTHORITY

- 30.1. Members or persons dealing with the Federation or sharing in its activities, including a person who:
  - participates as a player in an event under the authority of the Federation;
  - acts as an official (trainer, coach, team manager, delegate, representative, doctor etc) of a team, a Member or its affiliates;
  - officiates as an international technical official or in a similar role;
  - organises or helps to organise (staff, volunteer), a competition which is placed under the Federation's authority; and
  - assumes any role within the Federation.... shall recognise and accept the following, subject to sub-paragraph g):
  - a) the Statutes of the Federation;
  - b) the Federation's authority on all matters concerning international Badminton;
  - c) the mandatory nature of the Statutes;
  - d) the Federation's jurisdiction and the right to make any decision or impose any sanction based on the Statutes of the Federation;



- e) that the Federation appeals, complaints and dispute resolution processes must be fully exhausted before taking any case to the Court of Arbitration for Sport (CAS);
  - f) that any appeal against decisions of the Federation and its judicial bodies must be lodged in accordance with the BWF Judicial Procedures;
  - g) the Court of Arbitration for Sport (CAS) as the only competent judicial authority external to the Federation, to the exclusion of any ordinary court of law in respect of the Federation and its Constitution and its rules, any civil judicial authority of any country and any other arbitration body;
  - h) the final and without appeal status of the decisions made by the CAS; and
  - i) the requirement to abide by the decisions of the Federation and/or CAS without attempting to hinder their application.
- 30.2. A Member shall have the authority over any person acting under its auspices and shall take the responsibility for any penalties that such a person may be given.
- 30.3. Any repercussions of a Member not being in Good Standing shall extend to all such persons acting under the auspices of that Member.

### **31. JUDICIAL BODIES OF THE FEDERATION**

- 31.1. The following bodies of the Federation have judicial powers in accordance with the Federation's Statutes:
- 31.1.1. The General Meeting;
  - 31.1.2. The Council;
  - 31.1.3. The Independent Hearing Panel; and
  - 31.1.4. The Sports Disciplinary Panel.
- 31.2. With the exception of the Independent Hearing Panel, the bodies may delegate their power. In all cases the procedural provisions of the Constitution shall be followed.
- The judicial bodies of the Federation have the power to make decisions and impose penalties in their areas of duty set out in the Statutes
- 31.3. Any suspension is from all competitive events for such time as is seen fit, including possibly for life.
- 31.4. Any fine imposed on a player, competition official or other person shall be notified to the Member, to which the person belongs that shall have the responsibility for submitting payment to the Federation within 60 days from the date of that notification.

### **32. PROCEDURAL RULES APPLICABLE TO THE JUDICIAL BODIES OF THE FEDERATION**

The judicial bodies of the Federation shall provide fair procedures to all parties involved and shall respect their fundamental rights. They recognise in particular:

- 32.1. that a person who may have a conflict of interest shall not be a member of the decision-making body;
- 32.2. the right of the person charged to know the charge;
- 32.3. the right to know the penalties which might be imposed;
- 32.4. and at their own expense, the right to be heard, to present a defense, to produce evidence and to be assisted by counsel.

## **PART 9 FINAL PROVISIONS**

### **33. ALTERATION OF THIS CONSTITUTION**

Subject to the exceptions contained in Clauses 34 and 35, this Constitution may be altered at a General Meeting, if due notice of the proposal embodying such alteration has been given and such proposal or one having the like effect is carried at the meeting by a majority of two-thirds of the Votes Cast.

- 33.1. Any alteration made to any Clause shall take effect on the day following the General Meeting unless otherwise specified

### **34. ALTERATION OF REGULATIONS**

Council shall decide amendments to Regulations, Codes of Conduct and Guidelines which are not under the competent business of General Meetings.

### **35. ALTERATION OF THE LAWS OF BADMINTON**

- 35.1. The Laws of Badminton (understood as Section 4.1 excluding subsections) may only be altered through a decision of a General Meeting. Any proposal embodying such alteration, or one having a like effect, must be carried by a majority of two-thirds of the Votes Cast. This Clause shall not be altered without the unanimous consent of a General Meeting.
- 35.2. Council shall have power, on behalf of the Federation, to authorise temporary (for a well-defined period) experimental variations to the Laws of Badminton.

### **36. DISSOLUTION**

The Federation shall not be dissolved except at a General Meeting specially convened for the purpose and by a proposal carried by a majority of four-fifths of the Votes Cast.

- 36.1. In the event of such dissolution, any assets in hand shall be divided between the Members in proportion to the subscriptions paid in the year immediately preceding dissolution by each Member as provided in Clause 25.

## **APPENDIX I: Council Geographical and Gender Representation**

### **1. PRINCIPLE**

The objective of this Appendix I is to put in place election procedures to ensure geographical and gender representation of Council Members.

### **2. CONTINENTAL SEAT ALLOCATION**

- 2.1. Based on historical background and on the voting strengths held by Members in each of the regions represented by the Continental Confederations, the Continental Confederations have agreed to the below Continental Seat Allocation.
- 2.2. The positions of President, Deputy President, Vice Presidents (Continental) and ordinary Council Member shall be reserved for individuals originating from the following continents:
  - 2.2.1. Asia: 10 seats;
  - 2.2.2. Europe: 9 seats;
  - 2.2.3. Panam: 3 seats;
  - 2.2.4. Africa: 3 seats; and
  - 2.2.5. Oceania: 2 seats.
- 2.3. The Vice President (Para Badminton), and the Chairs of the Athletes' Commission and Para Badminton Athletes' Commission shall not be counted for the purpose of the Continental Seat Allocation.

### **3. MINIMUM GENDER REQUIREMENTS**

- 3.1. The objective of the Minimum Gender Requirements is to reach a minimum representation of 30% of each gender in the BWF Council. The Continental Confederations have agreed that this requirement should apply to each of their continents individually.
- 3.2. Minimum Gender Requirements shall apply to the following positions: President, Deputy President, Vice Presidents (Continental), and the ordinary Council Members. The Minimum Gender Requirements do not apply to the Vice President (Para Badminton), Chairs of the Athletes' Commission and Para Badminton Athletes' Commission.
- 3.3. The following Minimum Gender Requirements shall apply:
  - 3.3.1. Asia and Europe shall each have three members from each gender; and
  - 3.3.2. Africa, Panam and Oceania shall each have one member from each gender.

### **4. ELECTIONS TIMELINE**

- 4.1. For the purpose of calculation of the representation requirements, the time period considered shall start with the Vice President (Continental) elections and finish with the following BWF elections.

### **5. ELECTIONS FOR VICE PRESIDENTS (CONTINENTAL)**

- 5.1. The Vice Presidents (Continental) shall be elected prior to the BWF elections, in line with the applicable Continental Confederation rules.
- 5.2. The continent of origin and gender of elected Vice Presidents (Continental) shall be recorded and counted for the purpose of the Continental Seat Allocation and Minimum Gender Requirements.

## 6. ELECTIONS FOR PRESIDENT AND DEPUTY PRESIDENT

- 6.1. The President and Deputy President shall be elected in accordance with the BWF Constitution.
- 6.2. The continent of origin and gender of the elected President and Deputy President shall be recorded and counted for the purpose of the Continental Seat Allocation and Minimum Gender Requirements.

## 7. COUNCIL ELECTIONS

The elections for ordinary Council Members shall be conducted in accordance with the following steps:

### Step 1: Pre-vote tally

Before the elections for ordinary Council Members, a tally of the continent of origin and of the gender of the elected President, Deputy President and Vice Presidents (Continental) shall be made:

- i. The continent of origin of each elected individual shall count as one allocated seat as per the Continental Seat Allocation.

For each continent, the Adjusted Continental Seat Allocation shall be calculated by deducting one seat from the continent's Continental Seat Allocation for each of the elected individuals from that continent.

- ii. The gender of each elected individual shall count as one member of that gender as per the Minimum Gender Requirements.

For each continent, a gender's Adjusted Minimum Gender Requirement shall be calculated by deducting one seat from the continent's Minimum Gender Requirements for each of the elected individuals from that continent and gender.

### Step 2: Submission of the ballots

At the required time, Members in Good Standing shall be asked to submit their ballots for the elections. They may vote for any of the candidates, regardless of their continent or gender.

### Step 3: Grouping by continent

The ballots shall be counted and a tally of the votes shall be made, with the candidates grouped by continent, and listed by number of votes received.

### Step 4: Tallying the votes

For each of the continents, candidates shall be elected in the following order:

- **Step 4-A:** For each gender that has not met the Adjusted Minimum Gender Requirements, the candidate with the most votes shall be elected.

- If the Adjusted Minimum Gender Requirements for either or both of the genders have not been met, Step 4-A shall be repeated, but excluding the candidates that have already been elected.
- If the Adjusted Minimum Gender Requirements for both genders have been met, proceed to Step 4-B.
- If there are not enough candidates to meet the Adjusted Minimum Gender Requirements for a gender, the corresponding seat(s) shall remain vacant and elections shall be held for such seat(s) during the following AGM.
- **Step 4-B:** Unless the Adjusted Continental Seat Allocation has already been reached, the next candidate with the most votes, without taking gender into account, shall be elected.
  - If the Adjusted Continental Seat Allocation has already been reached following Step 4-A, or if it is reached following Step 4-B, the elections are deemed complete for that continent.
  - If the Adjusted Continental Seat Allocation has not been reached following Step 4-B, Step 4-B shall be repeated, but excluding the candidates that have already been elected.
  - If there are not enough candidates from a particular continent to reach the Adjusted Continental Seat Allocation, the corresponding seat(s) shall remain vacant and elections shall be held for such seat(s) during the following AGM.

## 8. MISCELLANEOUS

- 8.1. In case of tie affecting the composition of the Council, a run-off election shall take place between the candidates involved in the tie.

## APPENDIX II: Vetting of Officials

### 1. DEFINITIONS

- 1.1. **Official:** refers to the positions of Council member, Referral Officer, and members of the Independent Hearing Panel and of the Sports Disciplinary Panel.
- 1.2. **Relevant Authority:** a disciplinary body, tribunal, court or other judicial or arbitral body properly constituted by law, or the Statutes, and acting in accordance with the law applicable to its jurisdiction.
- 1.3. **Vetting Panel:** the panel described in Article 4 of this Appendix II (Composition and Term of the Vetting Panel) and includes the inaugural Vetting Panel, unless specified otherwise.

### 2. ELIGIBILITY

- 2.1. A person seeking election or applying to be a BWF Official ("Applicant"), or to remain in office as a BWF Official ("Existing Official") must be approved to be Eligible by the Vetting Panel.
- 2.2. To be Eligible, every Applicant or Existing Official shall be found by the Vetting Panel to:
  - 2.2.1. Have satisfied all applicable disclosure obligations as required by the BWF; and
  - 2.2.2. Not be Ineligible.
- 2.3. The decision to approve that an Applicant and Existing Official is Eligible or otherwise shall be made by the Vetting Panel, except for members of the Vetting Panel, in which case the decision shall be made by the AGM.
- 2.4. An Applicant or Existing BWF Official will be Ineligible if:
  - 2.4.1. **Incompatible Position:** the person is a member of BWF or Continental Confederation staff;
  - 2.4.2. **Bankrupt:** the person is declared by a Relevant Authority to be an undischarged bankrupt or is subject to a condition not yet fulfilled under insolvency laws;
  - 2.4.3. **Conviction:** the person has been convicted by a Relevant Authority of any offence related to fraud, homicide, or sexual misconduct, or punishable by a term of imprisonment of two (2) or more years (whether or not a term of imprisonment is imposed);
  - 2.4.4. **Disqualified Director:** the person is prohibited by a Relevant Authority from being a director or promoter of or being concerned or taking part in the management of a company for breach or non-compliance with any law applicable to that person;
  - 2.4.5. **Property order:** the person is subject to an order by a Relevant Authority that the person is lacking in competence to manage their own affairs;
  - 2.4.6. **Majority:** the person is less than 18 years of age;

- 2.4.7. **Full civil rights:** the person is deprived of his or her civil rights by proper application of the law; and
- 2.4.8. **Breach of BWF Integrity-related Statutes:** the person is serving or has served, at any time, a period of ineligibility for breach of the BWF Code of Ethics, the Code on the Prevention of Manipulation of Competitions, or the Anti-Doping Regulations.
- 2.5. **Cessation of Office:** The Vetting Panel shall declare a person Ineligible, with immediate effect, if any of the circumstances in Article 2.4 (Ineligibility) apply to that person.
- 2.6. **Interpretation:** The Vetting Panel should read and interpret the circumstances listed in Article 2.4 taking into account the spirit of this Appendix II, which is to ensure that BWF Officials are able to uphold the highest standards of good governance. In particular, in an international context with widely differing systems, it is acknowledged that the wording of Article 2.4 may lead to unintended consequences where an individual is unable to satisfy its literal wording. In such cases, the Vetting Panel is explicitly allowed to interpret the intention of the circumstances of Article 2.4 and, providing a justification, declare an Official as satisfying the circumstance.

### 3. ROLE OF VETTING PANEL

- 3.1. The role of the Vetting Panel is to decide if an Applicant or Existing Official is Eligible to be, or remain in office as, a BWF Official in accordance with the Statutes.

### 4. COMPOSITION AND TERM OF THE VETTING PANEL

- 4.1. The Vetting Panel shall be comprised of three (3) persons who are independent from the BWF with experience in vetting or screening applicants for appointments in official positions. The members of the Vetting Panel shall be recommended by the Council, and shall be approved by the Annual General Meeting during its meeting taking place two years after the Summer Olympic Games.
- 4.2. The term of office for the Vetting Panel shall be four (4) years.
- 4.3. Members of the Vetting Panel may be reappointed for further terms of office without limitation, subject to their own Eligibility.
- 4.4. The decision whether a prospective member or current member of the Vetting Panel is Eligible shall be made by the AGM, based on a recommendation by the BWF Secretary General. The Secretary General shall have the same duties, powers, responsibilities and procedures as the Vetting Panel with respect to prospective and current members of the Vetting Panel.

### 5. DUTIES, POWERS, RESPONSIBILITIES AND PROCEDURES

- 5.1. The Vetting Panel shall have such duties, powers, and responsibilities as set out in the Statutes, which shall include reporting to the AGM.
- 5.2. The Vetting Panel, on recommendation of the BWF Secretary General, shall have the power to set its own procedures.

**6. DECISIONS OF VETTING PANEL**

- 6.1. The decisions of the Vetting Panel shall be final, subject to the right of appeal to the Independent Hearing Panel in accordance with the Statutes.