



European Softball Federation
Fédération Européenne Softball

STATUTES

Official Edition 2010

As adopted by the General Congress of Madrid on February 6th 2004

With Amendments adopted by the General Congress of Antalya on February 6th 2010: 1.6.4, 1.8.3, 1.8.4, 1.9, 5.2.3, 5.2.4, 5.2.5, 5.3.4, 5.4.3, 6.6.1.

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ARTICLE 1 - PRINCIPLES

1.1 - IDENTITY

The European Softball Federation, herein referred to as the "ESF", is a non-profit-making Association ruled by Articles 60 and following of the Swiss Civic Code. It is endowed with juridical personality. Its Officers, corporate Members or other individual Members, Employees, are not responsible for its debts or liabilities.

1.2 - HEADQUARTERS

The location of the Headquarters of the ESF is determined by the Executive Council.

1.3 - JURISDICTION

1.3.1. The Jurisdiction of the ESF comprises and includes the European Continent as defined by the International Olympic Committee.

1.3.2. All matters regarding the government of Softball, in a direct or indirect manner, and occurring, or capable of occurring, or producing an effect, or capable of producing an effect, in the Jurisdiction of the ESF, or involving, or capable of involving, an Affiliated Federation, or a National Federation that is not affiliated with the ESF, fall within the competence of the ESF and are herein referred to as "the International European framework".

1.4 - OBJECTIVES

The Objectives of the ESF are :

1.4.1. to promote, encourage, develop and control Softball at all levels throughout Europe ;

1.4.2. to encourage all eligible National Federations to affiliate with the ESF and to actively participate in the activities of the ESF ;

1.4.3. to support and maintain the ideals and objects of the Olympic Movement in the practice of Softball and in particular to promote and develop the struggle against doping ;

1.4.4. to establish and maintain friendly and loyal ties of cooperation among its Members for their mutual advantage and the benefit of Softball ;

1.4.5. to exercise jurisdiction and decide any dispute or disagreement between its Members, when called upon to do so ;

1.4.6. to establish and organize the Competitions of Softball among its Members and throughout its Jurisdiction, herein referred to as "the ESF Competitions" ;

1.4.7. to establish, define and enforce Regulations, Rules and Standards governing the ESF Competitions ;

1.4.8. to establish, organize and administer training programs for administrators, coaches, managers, umpires, technicians and players ;

1.4.9. to establish, define and enforce promotional and development programs for Softball in all its forms for the benefit of its Members ;

1.4.10. to establish, maintain, approve and publish statistics and records ;

1.4.11. to cooperate, within the International European framework, with the Olympic Movement, the International Sports Organizations and the International Softball Federation to promote, implement and achieve the objectives, and preserve and guarantee the interests of the ESF and its Members;

1.4.12. to collaborate with the International Softball Federation in order to coordinate and assist the actions of the International Softball Federation in the Jurisdiction of the ESF and within the International European framework, and to seek and obtain full recognition by the International Softball Federation of the objectives and actions of the ESF ;

1.4.13. to produce official bulletins and promotional and technical publications ;

1.4.14. to establish and maintain an administration for the government of Softball in its Jurisdiction.

1.5 - RESSOURCES

The resources of the ESF are :

1.5.1. the Annual Membership fees ;

1.5.2. the Competition Registration fees ;

1.5.3. the charges and fines levied by the General Congress or the Executive Council as specified in the Statutes and Regulations ;

1.5.4. such other resources as may be developed.

1.6 - FUNCTIONNING

1.6.1 - GENERAL RULING

The ESF and its Members shall forbid themselves any form of discrimination

1.6.2 - NORMATIVE CORPUS

The functioning of the ESF is ruled by the Statutes and the Regulations

1.6.2.1. The Statutes are the Constitution and supreme reference of the ESF, and all acts of government shall proceed from them. The Statutes are approved and modified by the General Congress.

1.6.2.2. The Regulations regulate the normal functioning of the ESF, and are subordinated to the Statutes. The Regulations are formulated, approved and modified by the Executive Council. The Regulations of the ESF include:

1.6.2.2.1. The Administration Regulations

The Administration Regulations elaborate on the principles defined by the Statutes, and specify the administrative rules of the ESF.

1.6.2.2.2. The Competitions Regulations

The Competitions Regulations specify the conditions of organization, registration, and participation to the Competitions organized by the ESF.

1.6.2.2.3. The Technical Regulations

The Technical Regulations enumerate the detailed requirements for specific technical areas of the functioning of the ESF.

1.6.2.2.4. The Discipline Regulations

The Discipline Regulations specify the procedures for disciplinary matters within the ESF.

1.6.3 - INSTITUTIONS

1.6.3.1. The ESF is comprised of and includes:

1.6.3.1.1. the General Congress ;

1.6.3.1.2. the Executive Council ;

1.6.3.1.3. the Commissions and Committees ;

1.6.3.1.4. the Members of Honour.

1.6.3.2. The General Congress and the Executive Council assume the jurisdictional power for the ESF.

1.6.3.3. The Commissions and Committees act on the authority and by delegation of the Executive Council and can only assume and exercise the jurisdictional power with which they are explicitly entrusted by their delegation or by the Statutes and Regulations of the ESF.

1.6.3.4. The Members of the Executive Council are herein referred to as "The Officers" of the ESF.

1.6.4 - FINANCIAL YEAR

The financial year shall start on **November 1st** and shall end on **October 31st** of the following year.

1.6.5 - OFFICIAL LANGUAGES

1.6.5.1. The official languages of the ESF shall be English and French.

1.6.5.2. When a dispute over interpretation arises, the English text shall prevail.

1.6.5.3. For proceedings in a Court the official language shall be French, except if English is also a working language of the Court, in which case English will prevail

1.6.5.4. The General Congress official language shall be English only.

1.6.6 - OFFICIAL CORRESPONDENCE

1.6.6.1. The Official correspondence to the ESF shall be sent in one of the two Official Languages of the ESF to the Office of the Secretary General.

1.6.6.2. The Official correspondence from the ESF shall follow the dispositions of the Regulations.

1.6.7 - OFFICIAL COMMUNICATION

Notwithstanding other official communication, all tenders for contracts and all vacancies for employment shall be communicated to the Member Federations and shall be made public by the Secretary General

1.6.8 - NOMENCLATURE ORDER

For all nomenclature purposes, the Affiliated Federations shall be listed in the alphabetical order of the International Olympic Committee.

1.7 - HONORARY DISTINCTIONS

1.7.1 - HALL OF FAME

1.7.1.1. A Person who distinguished himself or herself outstandingly in European Softball may be proposed to the Hall of Fame of the ESF.

1.7.1.2. Such persons are nominated by Affiliated Federations in accordance with the Regulations and the Distinction of the Hall of Fame is granted by the General Congress.

1.7.1.3. The Distinction of the Hall of Fame does not open any statutory right.

1.7.2 - MEMBER OF HONOUR

1.7.2.1. A Person who has proved his or her constant commitment to the ESF through a long and loyal service as Officer of the ESF, may be granted, as a mark of high appreciation, and to secure, for the ESF, the advice of that person, the Title of Member of Honour of the ESF.

1.7.2.2. Such persons, who shall have retired from Office, are nominated by the Executive Council and the Title of Member of Honour is granted by the General Congress.

1.7.2.3. Members of Honour of the ESF are present by right to the General Congress and to the Executive Council with an advisory capacity.

1.7.3 - LOSS OF DISTINCTION

Honorary distinctions are lost either by resignation or by expulsion under the conditions of Article 3.7.3.

1.8 - OFFICIAL EMBLEM AND DENOMINATIONS

1.8.1. The Official Emblem of the ESF is made of the letters E S F in blue, arranged in an oval, on a white background.

1.8.2. The Official Denominations of the ESF are "European Softball Federation", "Fédération Européenne de Softball", and "ESF", as an acronym of previous denominations.

1.8.3. The Intellectual Property of the ESF is owned by and is the exclusive property of the ESF. It cannot be used in any manner without the prior written consent of the Executive Council, on such terms as the Executive Council may require and without prejudice of an equitable compensation to the ESF.

1.8.4. Deleted

1.9 - INTERPRETATIONS AND DEFINITIONS

In the present Statutes, and unless the context otherwise requires, the following words and expressions have the meanings set out opposite:

Affiliated Federations :	The term "Affiliated Federation" refers to any National Federation that has been duly affiliated to the ESF as per Article 2.1. The term "Eligible Affiliated Federation" refers to the sole Affiliated Federations that are in good standing and eligible to exercise Rights as per Article 2.2. Note: For the determination of the quorum, or of the admissibility of a request or motion when the Statutes require a minimum number of Petitioners, the conditions of quorum, or of admissibility, are defined by reporting the number of Eligible Affiliated Federations present at the time of determination of the quorum, or the number of Eligible Affiliated Federations having presented while eligible said request or motion, to the total number of Affiliated Federations.
Appointment :	When referred to as a right of the General Congress, an appointment is a vote by the General Congress to designate the Organizer of a Competition or the Auditor. When referred to as a right of the Executive Council, an appointment is a decision by the Executive Council to designate: substitutes to the Executive Council in case of vacancy, Members of the Commissions and Committees, or any other person as it is entitled to by the Statutes.
Commission :	A standing permanent organ of the ESF
Committee :	A temporary or ad hoc organ, or a sub-Commission of the ESF

Election :	Act made by the General Congress in form of vote to chose a Candidate for a position in the Executive Council in order for said Candidate to become an Officer of the ESF.
Grant :	Act made by the General Congress to confer an Honorary Distinction. The conditions of majority to grant an Honorary Distinction are similar to those of Article 3.2.4.4.4.
<u>Intellectual Property :</u>	<u>Includes (a) the Official Emblem and the Official denominations and (b) any patents, know-how and information (confidential or otherwise), designs, registered designs. Design marks, copyrights, rights, trademarks , service marks, business names, moral rights, registrations of and/or applications to register and of the aforesaid, rights of any kind in the nature of the aforesaid in any country or territory, as developed, acquired or used or being developed or acquired by the ESF from time to time.</u>
Members :	The corporate Members of the ESF are the Affiliated Federations as defined in Article 2.1.1. The individual Members of the ESF are its Officers, Members of Honour, and other persons serving as members of its Commissions and Committees. Note: The members of the Affiliated Federations as referred to in Article 2.3.2 are the individuals affiliated to, or members of, said Affiliated Federations in accordance with the national legal requirements and dispositions ruling said Affiliated Federations.
Nomination :	Act made by an entitled Member of the ESF to propose a Candidate for an election, an appointment, or an Honorary Distinction.
Recommendation :	Not binding advice or proposal. Recommendations can be issued by entitled Affiliated Federations for appointment of replacement Officers or of Members of Commissions and Committees, by the Executive Council on documents to be submitted to the General Congress.
Votes :	A simple majority vote requires the more of the votes present to produce a result. An absolute majority vote requires at least half plus one of the votes present to produce a result. A two-thirds majority vote requires more than two-thirds of the votes present to produce a result. Note: The votes present are the votes of the Eligible Affiliated Federations represented at the General Congress by their Accredited Delegates.

ARTICLE 2 - AFFILIATED FEDERATIONS

2.1 - CONDITIONS FOR AFFILIATION

2.1.1. Only a National Softball Federation or Association, herein referred to as a "National Federation", of a Country of the Jurisdiction of the ESF may become by affiliation a Member of the ESF. Such Members of the ESF are herein referred to as "Affiliated Federations".

2.1.2. Only one National Federation shall be recognized as an Affiliated Federation in each Country in the Jurisdiction of the ESF.

2.1.3. Any new request for a National Federation to become an Affiliated Federation must be submitted to the General Congress of the ESF. The procedure for admission is carried out according to the Regulations of the ESF.

2.1.4. In the interval between General Congresses, the Executive Council may affiliate on a provisional basis a National Federation. From that date and until ratification of the affiliation of said National Federation by the next duly convened General Congress, such National Federation shall be vested the same rights and duties as any Affiliated Federation.

2.2 - RIGHTS AND DUTIES

2.2.1. By being affiliated to the ESF, every Affiliated Federation undertakes to :

2.2.1.1. accept and comply with the Objectives of the ESF,

2.2.1.2. accept and comply with the Statutes and Regulations of the ESF,

2.2.1.3. acknowledge the ESF as the sole Governing Body for Softball in the Jurisdiction of the ESF and towards International Sports Organizations with the responsibility of dealing with all matters relating to Softball within the International European framework,

2.2.1.4. empower the ESF to act as such within the frame of its Statutes.

2.2.2. Only an Affiliated Federation that has discharged its obligations to the ESF shall be deemed to be in good standing and able to exercise Rights under Article 2.2.4. Such Affiliated Federations in good standing are herein referred to as "Eligible Affiliated Federations". The following are the obligations that an Affiliated Federation must discharge to be deemed to be in good standing and eligible, and if one or more obligations are not discharged, the Affiliated Federation will not be in good standing and not eligible :

2.2.2.1. the Affiliated Federation shall have paid to the ESF at the date stipulated in Article 2.3.2 its annual membership fee.

2.2.2.2. the Affiliated Federation shall not be subject to disciplinary sanction taken against it or to other sanctions otherwise imposed on it by the General Congress;

2.2.2.3. the Affiliated Federation shall have provided to the ESF any information required by the Statutes and Regulations, and in particular the information necessary to determine its Membership Statistics.

2.2.3. When an Affiliated Federation is not in good standing it is ineligible to exercise its Rights and may not exercise the prerogatives, initiatives and privileges that attach to an Affiliated Federation in good standing. An Affiliated Federation that is deemed not to be in good standing may rectify any matter that has caused it not to be in good standing to the satisfaction of the Executive Council, whereupon it will be in good standing under Article 2.2.2 and eligible to exercise Rights as provided for in Article 2.2.4.

2.2.4. An Eligible Affiliated Federation as defined in Article 2.2.2 is endowed with the following Rights :

2.2.4.1. to attend, address and take part in deliberations at a General Congress ;

2.2.4.2. to vote at a General Congress ;

2.2.4.3. to nominate candidates for the Executive Council ;

2.2.4.4. to nominate candidates for the Organization of ESF Competitions ;

2.2.4.5. to recommend individuals for appointment to Commissions and Committees ;

2.2.4.6. to have its teams participate in ESF Competitions ;

2.2.4.7. to propose amendments to the Statutes;

2.2.4.8. to propose motions and other matters to the deliberation of the Congress ;

2.2.4.9. to exercise the disciplinary competence as defined in Article 3.7 ;

2.2.4.10. to participate to the actions and programs of the ESF.

2.3 - ANNUAL MEMBERSHIP FEE

2.3.1. The annual membership fee is fixed by the General Congress.

2.3.2. The annual membership fee is payable by May 1st of each year.

2.3.3. If payment of the annual membership fee is not made by this date, the membership fee payable is increased by an amount defined by the General Congress, notwithstanding any other penalties.

2.3.4. The repeated failure by an Affiliated Federation to pay its annual membership fee leads automatically to the procedure defined in Article 3.7.1.

2.4 - LEGAL REPRESENTATION

In order to be deemed received and enforceable, any written communication or any act of an Affiliated Federation must be authenticated (signed) by an authorized Representative of the Affiliated Federation, herein referred to as "The Legal Representative" of the Affiliated Federation. The Legal Representative of an Affiliated Federation shall be that or those named on the General information Form of said Affiliated Federation, as determined in the Regulations.

ARTICLE 3 - GENERAL CONGRESS

3.1 - GENERAL ORGANIZATION

3.1.1. The General Congress is the Supreme Governing Body of the ESF.

3.1.2. The General Congress is made up of the duly accredited delegates, herein referred to as "the Accredited Delegates" of those Eligible Affiliated Federations under Article 2.2 on the date of the General Congress. No more than two individuals may serve as Accredited Delegates for an Affiliated Federation. An Affiliated Federation that is not in good standing on the date of the General Congress may send a Representative to attend the General Congress, but it may not address the event nor vote.

3.1.3. No Accredited Delegate or Representative shall be able to represent more than one Affiliated Federation, and every Affiliated Federation shall inform the General Secretary in writing of the name of the individual who will act as its Accredited Delegate or Representative.

3.1.4. Accredited Delegates and Representatives shall be bona fide members of the Affiliated Federation they represent and shall have received credentials from said Affiliated Federation under the Affiliated Federation's governing requirements, which shall be notified to the Secretary General.

3.1.5. Officers, Members of Honour, or Chairpersons of the Commissions and Committees of the ESF are not eligible to be Accredited Delegate or Representative of an Affiliated Federation at any General Congress of the ESF or any other event of the ESF, but this ineligibility does not apply to other individual Members of the ESF.

3.1.6. An individual involved in any transaction or legal proceeding with the ESF as contemplated by Article 68 of the Swiss Civic Code is not eligible to be a Accredited Delegate or Representative of an Affiliated Federation.

3.1.7. Voting may be done only by an Accredited Delegate in person, and voting by proxy, letter or otherwise is not permitted.

3.1.8. The accreditation of Delegates is administrated according to the Regulations.

3.2 - ANNUAL GENERAL CONGRESS

3.2.1 - DATE AND LOCATION

3.2.1.1. The General Congress shall meet every year as the Annual General Congress in the first full week-end of February at the location decided by the previous Annual General Congress.

3.2.1.2. Under special circumstances the Annual General Congress may decide other dates for its next meeting.

3.2.1.3. If special circumstances require it, the Executive Council may modify the date and location of the next Annual General Congress.

3.2.2 - AGENDA

3.2.2.1. The Agenda of the Annual General Congress is elaborated and approved by the Executive Council.

3.2.2.2. All proposals of changes to the Statutes, motions and other matters, issued by Eligible Affiliated Federations, to be put in the Agenda of the Annual General Congress, must be received, together with all supporting documentation, by the Secretary General of the ESF at least 90 days prior to the date of the Annual General Congress.

3.2.2.3. All proposals of changes to the Statutes, motions and other matters, all reports and documents, issued by the Executive Council or its Delegates, to be put in the Agenda of the Annual General Congress, must be sent, except explicit contrary clause of the Statutes, to the Secretary General of the ESF, in accordance with the Regulations, in order to be examined, reviewed and approved by the Executive Council as per Article 4.4.1.3.

3.2.2.4. Only Proposals, motions, and other matters conforming to Articles 3.2.2.2 and 3.2.2.3 may be put in the Agenda of the Annual General Congress and submitted to the deliberation of the Annual General Congress. Proposals, motions and other matters not conforming to Article 3.2 may be communicated by the Executive Council to the Annual General Congress as information, but shall not be subject to vote.

3.2.2.5. The Agenda of the Annual General Congress, together with the Role of accredited Delegates and the documents subject to approval or vote, is sent by the Secretary General to the Affiliated Federations at least 30 days before the date of the Annual General Congress, and shall include the following matters, in that order :

3.2.2.5.1. Roll Call and certification of Eligible Affiliated Federations

3.2.2.5.2. Approval of the minutes of previous Congress

3.2.2.5.3. Admission of new Affiliated Federations

3.2.2.5.4. Suspension or exclusion of Affiliated Federations

3.2.2.5.5. Approval of the annual activities report

3.2.2.5.6. Approval of the annual financial report

3.2.2.5.7. Approval of the annual budget

3.2.2.5.8. Appointment of the Auditor

3.2.2.5.9. Amount of the annual membership fee and any special contributions

3.2.2.5.10. Approval of activities to be carried out

3.2.2.5.11. Amendments to the Statutes

3.2.2.5.12. Motions and other matters proposed by the Executive Council and by Affiliated Federations

3.2.2.5.13. Appointment of Organizers of ESF Competitions

3.2.2.5.14. Election of the Executive Council

3.2.2.5.15. Place of next Congress

3.2.2.5.16. Various information

3.2.3 - QUORUM

The quorum for the Annual General Congress is constituted by the Eligible Affiliated Federations present through their Accredited Delegates at the Roll Call, that must represent at least half of the Affiliated Federations.

3.2.4 - CONDITIONS OF MAJORITY

The Annual General Congress deliberates according to its Agenda by simple majority, except :

3.2.4.1. on Article 3.2.2.5.11, where the absolute majority is required,

3.2.4.2. on Article 3.2.2.5.4, on motions of Article 3.2.2.5.12 when such motions are presented under Articles 3.7.2 or 3.7.3, on Article 10.1, where the two-thirds majority is required,

3.2.4.3. on Article 3.2.2.5.14, where the conditions of majority of Article 3.2.4.4 shall apply, and on Articles 3.2.2.5.8 and 3.2.2.5.13 where the conditions of majority of Article 3.2.4.5 shall apply.

3.2.4.4. Elections and appointments at the General Congress shall be conducted by secret ballot and according to the following procedure :

3.2.4.4.1. When two candidates are nominated for the same position or the same appointment a simple majority is required for a candidate to be elected.

3.2.4.4.2. When more than two candidates are nominated for the same position or the same appointment, the absolute majority is required for a candidate to be elected at the end of this ballot.

3.2.4.4.3. When the requirement of Article 3.2.4.4.2 is not met, the nomination of the candidate with the fewest votes is automatically withdrawn and a new ballot takes place involving the remaining candidates. This procedure is repeated until the requirements of either Article 3.2.4.4.1 or Article 3.2.4.4.2 are met and a candidate is duly elected.

3.2.4.4.4. When only one candidate is nominated for a position, there must be a ballot and the absolute majority is required for this candidate to be elected. If this requirement is not met, the nomination of said candidate is automatically withdrawn and the procedure of Article 4.7 applies.

3.2.4.4.5. When only one candidate is duly nominated for an appointment there is no ballot and the candidate is automatically appointed.

3.2.4.4.6. When there is no duly nominated candidate for an appointment, nominations are re-opened until the moment of the appointment at the General Congress.

3.2.5 - ADJOURNMENT

In case of exceptional circumstances, a duly convened and quorate Annual General Congress may be adjourned and re-convened within 30 days as follows :

3.2.5.1. The adjournment and re-convening of the General Congress must be proposed by an exceptional motion presented either by an Eligible Affiliated Federation or the Executive Council passed in derogation of Article 3.2.2 and defining the date and location of the re-convening of the General Congress, and approved by a two-thirds majority vote.

3.2.5.2. An Annual General Congress that is adjourned and re-convened will continue as if there was no adjournment, and only those accredited Delegates of those Affiliated Federations that were present at the General Congress when it was adjourned may be present in any recognised capacity.

3.2.5.3. No change can be made to the original Agenda of the adjourned and re-convened Annual General Congress.

3.2.6 - CONVENING AGAIN

A duly convened Annual General Congress that was not quorate at the Roll Call shall be convened again within 60 days as follows :

3.2.6.1. At the certification of the lack of quorum the Executive Council shall define the date and location of the convening again of the General Congress. The convening again shall be communicated to the Affiliated Federations without delay.

3.2.6.2. An Annual General Congress that is convening again will convene under the same terms as a duly convened Annual General Congress, this including the accreditation of Delegates.

3.2.6.3. No change can be made to the original Agenda of the convening again Annual General Congress.

3.3 - EXTRAORDINARY GENERAL CONGRESS

3.3.1. An Extraordinary General Congress may be called together upon the written request of Eligible Affiliated Federations representing at least one fifth of the Affiliated Federations or of the majority of the Members of the Executive Council or under the conditions of Article 10.1 of the Statutes in the case of a request for dissolution of the ESF.

3.3.2. The request presented by the Affiliated Federations or the deliberation of the Executive Council for the convening of an Extraordinary General Congress must be sent to the Secretary General of the ESF and specify the Agenda of this Extraordinary Annual Congress.

3.3.3. The Extraordinary General Congress is called together by the Secretary General within 60 days after reception of the request of the Affiliated Federations or the deliberation of the Executive Council, at the date and location determined by the Executive Council. The request of the Affiliated Federations or the deliberation of the Executive Council are joined to the convocation.

3.3.4. The Extraordinary General Congress deliberates with the same conditions of quorum and majority as the Annual General Congress and according to the Agenda mentioned in the request presented by the Affiliated Federations or the deliberation of the Executive Council. No addition or change to the Agenda is allowed.

3.3.5. The Agenda of the Extraordinary General Congress, together with the Role of Accredited Delegates and the documents subject to approval or vote, is sent by the Secretary General to the Affiliated Federations at least 25 days before the date of the Congress.

3.4 - VOTINGS RIGHTS

3.4.1. An Affiliated Federation is granted voting rights at the General Congress only if it is eligible as per Article 2.2.2 before the end of the Roll Call of the General Congress. Once the Roll Call is closed, an Affiliated Federation not eligible at that time can not rectify its standing for the duration of the General Congress save in the case of manifest error.

3.4.2. An Eligible Affiliated Federation through its Accredited Delegates will be entitled to cast one vote per motion or proposal at a General Congress unless it falls within the category stated in Article 3.2.2.4.

3.5 - BUDGETARY COMPETENCE

3.5.1. The General Congress only is competent for :

3.5.1.1. the acquiring, the exchange or the transfer of real estate of the ESF ;

3.5.1.2. the raising of mortgages ;

3.5.1.3. the taking of leases of more than three years ;

3.5.1.4. the raising of loans.

3.5.2. No proposal or motion generating, or capable of generating, new budgetary expenditures can be presented to the General Congress without providing for the corresponding new budgetary incomes and being incorporated in the Budget before approval of the Budget by the General Congress.

3.5.3. No act of administration generating, or capable of generating, new budgetary expenditures can be carried out or endorsed by the Executive Council without being balanced either by the corresponding new budgetary incomes or by the corresponding reduction of budgeted expenditures, and under condition of ratification by next General Congress.

3.6 - STATUTORY COMPETENCE

The General Congress only is competent for amending the Statutes of the ESF.

3.7 - DISCIPLINARY COMPETENCE

The General Congress only is competent for the exclusion of an Affiliated Federation, the revocation of the Executive Council, the removal of an Officer of the Executive Council. Other disciplinary actions are exercised by the Executive Council or its Delegates acting on the authority of the General Congress or by virtue of the Statutes and Regulations of the ESF.

3.7.1 - EXCLUSION OF AN AFFILIATED FEDERATION

3.7.1.1. An Eligible Affiliated Federation, or the Executive Council, may make a motion to the General Congress to expel an Affiliated Federation from being a Member of the ESF. Such a motion should be timely submitted under these Articles and be accompanied by documentation to substantiate the reason(s) for the proposed removal. The grounds for the exclusion of an Affiliated Federation are as follows:

3.7.1.1.1. Loss of, or absence of, the recognition from its National Olympic Committee ;

3.7.1.1.2. Major infraction of the Statutes or Regulations ;

3.7.1.1.3. Repeated or serious failure to discharge of its obligations towards the ESF ;

3.7.1.1.4. Commission or omission of an act that brings demonstrable harm to the interests of the ESF ;

3.7.1.2. The Affiliated Federation subject to exclusion shall be duly notified of the opening and reason(s) of the procedure, shall be informed of its right to present its defence, verbally or by writing, of its right to be represented and to address the entity seeking its exclusion, without prejudice of Article 75 of the Swiss Civic Code

3.7.1.3. The exclusion of an Affiliated Federation may only be pronounced by the General Congress by a two-thirds majority vote as per Article 3.2.4.

3.7.1.4. The exclusion of an Affiliated Federation does not exonerate it from its obligations towards the ESF, as per Article 73 of the Swiss Civic Code.

3.7.2 - REVOCATION OF THE EXECUTIVE COUNCIL

3.7.2.1. The Executive Council may be revoked by the General Congress for legitimate reasons. The revocation of the Executive Council may be requested by a sole written motion, presented by Eligible Affiliated Federations representing at least half of the Affiliated Federations.

3.7.2.2. The revocation of the Executive Council may only be pronounced by the General Congress by a two-thirds majority vote as per Article 3.2.4.

3.7.2.3. In case of revocation of the Executive Council, the General Congress decides of the convening of an Extraordinary Elective General Congress entrusted with the proceeding to new elections within 60 days, and appoints provisional Administrators entrusted with the administrating of the current business of the ESF during this period. In this case nominations of Candidates for the new election shall be received at least 45 days before the date of the Extraordinary General Congress.

3.7.2.4. The Extraordinary Elective General Congress is called according to the procedure of Article 3.3 with the following exceptions :

3.7.2.4.1. The deliberation of the General Congress, signed by the Eligible Affiliated Federations present, providing the convening of the Extraordinary Elective General Congress, supersedes the documents contemplated in Articles 3.3.1 to 3.3.3 and forms the Agenda of the Congress.

3.7.2.4.2. The provisional Administrators fulfil all acts behoving to the Secretary General under Article 3.3.

3.7.3 - REMOVAL OF AN OFFICER OF THE EXECUTIVE COUNCIL

3.7.3.1. An Eligible affiliated Federation, or the Executive Council, may make a motion to the General Congress to remove an Officer of the Executive Council. Such a motion should be timely submitted under these Articles and be accompanied by documentation to substantiate the reason(s) for the proposed removal. The grounds for the removal of an Officer are as follows:

3.7.3.1.1. Major infraction of the Statutes or Regulations ;

3.7.3.1.2. Serious offence or failure in the exercise or performance of his or her duties of Officer ;

3.7.3.1.3. Commission or omission of an act that brings demonstrable harm to the interests of the ESF.

3.7.3.2. The Officer subject to removal shall be duly notified of the opening and reason(s) of the procedure, and shall be informed of his or her right to present its defence, verbally or by writing, of his or her right to be represented and to address the entity seeking his or her removal, without prejudice of Article 75 of the Swiss Civic Code.

3.7.3.3. The removal of an Officer of the Executive Council may only be pronounced by the General Congress by a two-thirds majority vote as per Article 3.2.4.

3.7.3.4. In case of removal of an Officer, the Executive Council may proceed to the replacement of the concerned Officer in accordance with Article 4.7.

3.8 - OFFICIAL MINUTES

The Secretary General will publish a synthesis of the deliberations of the Congress immediately after every General Congress. The Official Minutes, duly approved by the Executive Council and ratified by the President and Secretary General, will be circulated to every Affiliated Federation within 60 days after the close of every General Congress.

ARTICLE 4 - EXECUTIVE COUNCIL

4.1 - CONSTITUTION

4.1.1. The Executive Council is empowered the management of the ESF between Annual General Congresses and is constituted of the following Officers :

4.1.1.1. President

4.1.1.2. Secretary General

4.1.1.3. Treasurer

4.1.1.4. First Vice-President

4.1.1.5. Five Vice Presidents

4.1.2. The Officers of the ESF are elected by the General Congress for a four year term. They may be re-elected with no limit on the number of terms, with the exception of the President who can not be elected for more than two consecutive full terms.

4.1.2.1. The Officers of the ESF are elected by the General Congress for the following positions : President, Secretary General, Treasurer, six Vice Presidents. Each Officer can hold only one position at a time.

4.1.2.2. The First Vice President is then elected by the General Congress from the six Vice Presidents elected

4.1.3. The Officers of the ESF exercise their Office with no right to remuneration, but are entitled to the refunding of the expenses incurred in the proper discharge of their Office on a fair and reasonable basis.

4.1.4. The Officers of the ESF are jointly and severally responsible for the exercise of their Office.

4.1.5. The Officers of the ESF exercise their Office within the frame of a general delegation of the whole of the Affiliated Federations. They have no individual or personal mandate from the Affiliated Federation who nominated them initially.

4.1.6. The Officers of the ESF are present by right to the General Congress

4.2 - POWERS

Notwithstanding those otherwise explicitly stipulated in the Statutes, the powers of the Executive Council shall include the following :

4.2.1. to propose amendments to the Statutes;

4.2.2. to propose motions and other matters to the deliberation of the Congress ;

4.2.3. to study, prepare, adopt, amend, rescind, supplement and enforce or otherwise take proper action concerning the Regulations on all matters relating to the activities of the ESF ;

4.2.4. to take, against the parties on which it has the jurisdictional power according to the Statutes and Regulations of the ESF, and subject to the proper exercise of jurisdiction and guaranteed rights of said parties, all sanctions as determined by the Statutes and Regulations of the ESF in case of violation of the Statutes and Regulations of the ESF or of any other legal disposition of superior order, this including the dismissal of one of its Officers in application of Article 4.6.1.3 ;

4.2.5. to take, in case of emergency or exceptional circumstances, all necessary measures that might not be stipulated in the Statutes of the ESF, under condition of not contravening to the Law, to existing clauses of the Statutes and Regulations, and of ratification by the next General Congress ;

4.2.6. to monitor, supervise and orient the activities of the Commissions and Committees of the ESF ;

4.2.7. to approve the projects of contracts of any kind between the ESF and any Contractor ;

4.2.8. to, in a general manner, take any initiative, proceed to any inquiry, decide any measures of conservation, in order to fulfil its duties.

4.3 - DUTIES

Notwithstanding those otherwise explicitly stipulated in the Statutes, the duties of the Executive Council shall include the following :

4.3.1. to comply with the Statutes and Regulations of the ESF and to ensure that they are complied with by all its Members ;

4.3.2. to ensure that the decisions of the Congress are adequately implemented ;

4.3.3. to administer and organize the affairs of the ESF ;

4.3.4. to conduct the finances of the ESF in a prudent manner and supervise, on regular basis, the financial situation of the ESF ;

4.3.5. to propose and implement, or have implemented by its Commissions and Committees, all programs that might be necessary to achieve the objectives of the ESF ;

4.3.6. to supervise , on regular basis, the furtherance of the actions and programs of the ESF, the activity of the Commissions and Committees, and the general situation of the ESF ;

4.3.7. to approve the financial statements and budget to be presented to the General Congress ;

4.3.8. to review the documents to be presented to the General Congress and, if required, approve the documents to be presented to the General Congress when they are issued under its responsibility or its authority, and issue any recommendations and comments that it may deem necessary ;

4.3.9. to sincerely report of its activities to the General Congress ;

4.3.10. to, in a general manner, perform all actions under its responsibility as per the Statutes and Regulations of the ESF

4.4 - MEETINGS

4.4.1. The Executive Council shall meet at least four times a year. In particular the Executive Council shall meet :

4.4.1.1. once immediately before each General Congress,

4.4.1.2. once immediately after each General Congress,

4.4.1.3. once at mid-year, for an intermediate review of the situation of the year

4.4.1.4. once to proceed to the reviews and approvals as stated in Article 4.3.

4.4.1.5. furthermore the Executive Council shall meets any time it deems necessary upon notice of the President or at the request of at least half of its Officers.

4.4.2. The meetings of the Executive Council are administrated according to the Regulations.

4.5 - GENERAL ELECTIONS

4.5.1. General Elections for Officers take place every four years, at the Annual General Congress held the first year immediately following a leap-year

4.5.2. Nominations of candidates to the elections may be proposed :

4.5.2.1. by Eligible Affiliated Federations, that may nominate one candidate for each position in the Executive Council, but one candidate only for the whole of the positions of Vice-Presidents. Candidates shall be bone fide members of, or otherwise affiliated with, the Affiliated Federation that nominates them.

4.5.2.2. by the Executive Council;

4.5.2.3. by a Member of the Executive Council, that may nominate only himself and for the same position that he has been elected to under Article 4.1.2.1 .

4.5.3. Nominations of candidates shall be made on the Nomination forms issued by the Secretary General and received by the Secretary General at least 90 days prior to the day of the General Congress.

4.5.4. Nominations of candidates and elections are carried out in accordance with the Statutes and Regulations.

4.6 - VACANCY OF A POSITION

4.6.1. An Officers' position shall be deemed to be vacant upon the occurrence of any of the following events :

4.6.1.1. Death of an Officer.

4.6.1.2. Permanent incapacity of an Officer to fulfil his/her Office.

4.6.1.3. Resignation of an Officer.

4.6.1.4. Dismissal by the Executive Council of an Officer for non participation to two consecutive meetings of the Executive Council without established and verified reasons.

4.6.1.5. Removal of an Officer by the General Congress as per Article 3.7.3.

4.6.1.6. Failure by a Candidate to reach the majority requirements of Article 3.2.4.4.4.

4.6.1.7. Revocation as a consequence of the procedure of revocation of the Executive Council by the General Congress as per Article 3.7.2.

4.7 - INTERIM REPLACEMENTS AND ELECTIONS

4.7.1. In case of vacancy of a position other than as per Article 4.6.1.6, and except for the positions of President and First Vice President, the Executive Council may proceed to the replacement of the concerned Officer by appointing a substitute that will fulfil this replacement until :

4.7.1.1. the next Annual General Congress, if the vacancy has been established 120 days or more before the day of said Congress ;

4.7.1.2. the first Annual General Congress immediately following the next Annual General Congress, if the vacancy has been established less than 120 days before the day of said Congress ;

4.7.1.3. The entitled Congress then proceeds to interim elections for the vacant position until the end of the four year term ;

4.7.1.4. Nominations of candidates in case of interim elections shall be made in accordance with the Regulations of the ESF and be received by the Secretary General at least 60 days prior to the day of the Congress.

4.7.2. In case of vacancy of the position of First Vice President, the Vice President with the longer term of Office automatically substitutes for the position until the next General Congress entitled to proceed to a new election under the conditions of Articles 4.7.1.1 to 4.7.1.3. In case of equality in length of term of Office between two Vice Presidents, the older in age has the priority. The Executive Council may then proceed to the replacement of the position of Vice President left vacant according to Article 4.7.1.

4.7.3. In case of vacancy of the position of President :

4.7.3.1. If the First Vice President has been elected according to Article 4.1.2.2, the First Vice President automatically fulfils the Office of President for the remainder of the four year term, the position of First Vice President becomes vacant, and a replacement is carried out according to Article 4.7.2.

4.7.3.2. If the First Vice President has not been elected according to Article 4.1.2.2, the First Vice President temporarily fulfils the interim of the Office of President until the next General Congress entitled to proceed to a new election of the President under the conditions of Articles 4.7.1.1 to 4.7.1.3. During this interim period the position of First Vice President is temporarily filled by a Vice President designated according to Article 4.7.2 .

4.7.4.1. Prior to appointing a substitute the Executive Council shall request for a recommendation from the Affiliated Federation to which the foreseen individual belongs. Such recommendation shall be received by the Secretary General within 30 days otherwise it shall be taken for granted.

4.7.4.2. In case of appointment of a substitute for a position of Vice President, the Executive Council shall not appoint a substitute of the same Federation as a Vice President already holding an Office.

ARTICLE 5 - OFFICERS

5.1 - PRESIDENT

5.1.1. The President shall be the principal Executive Officer of the ESF and shall in general supervise and control the business and affairs of the ESF. The President shall preside at all meetings of the Executive Council.

5.1.2. The President is the Legal Official representative of the ESF in all public matters. He represents the ESF in the international sporting organizations. He calls and chairs the General Congress and the Executive Council.

5.1.3. The President authorizes and sanctions the expenditures of the ESF within the frame and limits of the Budget approved by the General Congress.

5.1.4. The President signs all deeds, mortgages, contracts or other instrument which the Congress and/or Executive Council have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Executive Council to some other officer or shall be required by law to be otherwise signed or executed.

5.1.5. The President shall be an ex-officio member of all Commissions and Committees of the ESF with full voting rights.

5.1.6. The President ratifies the appointment of Chairpersons and members of all Commissions and Committees of the ESF after approval by the Executive Council.

5.1.7. In general, the President shall perform all duties incident to this office and such other duties as may be prescribed by the Executive Council.

5.2. - SECRETARY GENERAL

5.2.1. The Secretary General owes direct responsibility to the Executive Council within the framework of coordinating, organizing, and executing the decisions of the General Congress and of the Executive Council.

5.2.2. The Secretary General shall act as coordinator between all Commissions, Committees and other institutions of the ESF and shall be an ex-officio member of all Commissions and Committees of the ESF with consultative voice, except when he is also the Chairperson of a Commission or Committee in which case he is invested of the full rights of the function.

5.2.3. The Secretary General shall keep the **Official Statutes and Regulations**, the Official Minutes of the General Congresses and **the Minutes of the** Meetings of the Executive Council **and the Official correspondence of the ESF**.

5.2.4. In general, the Secretary General shall ensure and control the regularity of the procedures and acts of the Members and Institutions of the ESF with respect to the Statutes and Regulations. The Secretary General is by right a Member of the Legal Commission.

5.3 - TREASURER

5.3.1. The Treasurer is in charge of the financial books and owes direct responsibility to the Executive Council within the framework of implementing the financial decisions of the General Congress and of the Executive Council.

5.3.2. The Treasurer holds the charge and custody of and be responsible for all funds and property of the ESF.

5.3.3. The Treasurer pays the expenses as sanctioned by the President and shall be the prime Signatory for the bank accounts. An alternate Signatory shall be appointed by the Executive Council whose role will be to act as Signatory in the duly established absence, unavailability, or incapacity of the Treasurer.

5.3.4. The Treasurer receives and gives receipts, prepares the annual budget for approval of the Executive Council, prepares the annual financial statements, reviews accounts in order to regulate income and expenditures, and prepares periodical financial statements for the Executive Council. The Treasurer is by right **a Member** of the Financial Commission.

5.3.5. In general, The Treasurer performs all the duties incident to his or her Office and such other duties as from time to time may be assigned by the Executive Council.

5.4 - FIRST VICE PRESIDENT

5.4.1. In the absence of the President, or in the event of his or her inability to act in a specific event, the First Vice President shall perform the duties of the President, and when so acting shall have the powers of and be subject to the restrictions upon the President. In the absence of the First Vice President, or in the event of his or her inability to act in a specific event, the Executive Council will appoint one of its Officers to perform the duties of the President in that specific event.

5.4.2. In case of vacancy of the position of President, the First Vice President immediately fulfils the duties of President as per Article 4.7.3.

5.4.3 The First Vice President shall be an ex-officio member of all Commissions and Committees and in the absence of the President shall have a vote.

5.5. - VICE PRESIDENTS

5.5.1. Each Vice President shall perform such duties as may be assigned to him by the President or by the Executive Council, including assuming the chairmanship of a Commission or Committee of the ESF, and owes direct responsibility to the Executive Council within the frame of his or her duties

ARTICLE 6 - COMMISSIONS AND COMMITTEES

6.1. The Executive Council has the power to create any Commissions and Committees that it might deem necessary for the good administration of the ESF.

6.2. The Chairpersons of the Commissions and Committees are appointed and dismissed by the Executive Council.

6.3. The other members of the Commissions and Committees are appointed and dismissed by the Executive Council upon proposal of the Chairpersons of said Commissions and Committees.

6.4. The Commissions and Committees act on the authority and under the supervision of the Executive Council and shall report to the Executive Council. Their Chairpersons and members are submitted to the Statutes and Regulations of the ESF and are compelled to an obligation of reserve. The Commissions and Committees shall provide written reports to the Executive Council, to be communicated to the General Congress.

6.5. The Chairpersons and members of Commissions and Committees automatically cease their functions at the end of the regular term of the Executive Council.

6.6. The following Commissions are mandatory :

6.6.1. The Technical Commission : establishes, defines and enforces the Rules and Standards governing the ESF Competitions, establishes and enforces the training programs for Scorers and Technicians, proposes to the Executive Council the appointment of the Technical Commissioners in European Competitions, and ensures the good running of ESF Competitions.

6.6.2. The Development Commission : establishes, defines and enforces the policy and programs for development of Softball in Europe, advises the Executive Council upon requests for development from Members, defines specific development programs for Members.

6.6.3. The Legal Commission : establishes and defines amendments to the Statutes and Regulations of the ESF , advises the Executive Council and Congress on proposals of amendments and/or matters of deliberation presented by Affiliated Federations or the Executive Council, on any project of contract or obligation apt to bind the ESF, on any legal or jurisdictional problem within the frame of the ESF, on any legal or jurisdictional problem and/or matter within the frame of International Organizations.

6.6.4. The Financial Commission : acts for the internal control of the finances and budget, establishes and defines budgetary and financial guidelines, advises the Executive Council on budgetary and financial issues, on any budgetary and financial problem within the frame of the ESF, on any budgetary and financial problem and/or matter within the frame of International Organizations.

6.7. The Commissions and Committees shall operate according to the principles formulated in the Regulations.

ARTICLE 7 - AUDITOR

7.1. The Auditor shall be an independent qualified Auditor and shall certify the accounts and the conformity of the financial statements of the ESF in accordance with applicable legal requirements.

7.2. The Auditor shall verify the truth, the sincerity, and the regularity, to the exclusion of any other criteria, of the accounting of the ESF by checking and scrutinizing the accounting documents, vouchers, ledgers and financial books.

7.3. The Auditor shall submit his or her written report to the General Congress.

7.4. The Auditor shall remit his or her report in writing to the Secretary General at least 60 days before the date of the Congress, the Executive Council may issue comments on this report.

7.5. The Auditor is appointed by the Annual General Congress upon proposal of the Executive Council and shall serve for a one year term. He/she may be re-appointed.

7.6 The Auditor shall not act as Member of any other Commission, Committee or institution of the ESF or hold any other office in the ESF and shall be obliged to comply fully with the applicable provisions of the Swiss Law.

7.7. In case of vacancy of the Auditor between Congresses, the Executive Council may propose a replacement by consulting in writing the Eligible Affiliated Federations. Answers of the Affiliated Federations shall be sent in writing and received by the Secretary General within 30 days. Then the Executive Council may appoint a replacement Auditor, except if the absolute majority of the Eligible Affiliated Federations has duly given a negative answer. In that case, the process shall continue until an Auditor is duly appointed.

ARTICLE 8 - ASSOCIATE ORGANIZATIONS

8.1. The ESF may acknowledge and conduct business with such organizations that it deems beneficial for the achievement of its Aims and Objectives.

8.2. The ESF may recognize as Associate Organizations, such Federations or Associations regrouping either :

8.2.1. Affiliated Federations of the ESF on exclusive, objective and limited geographical criteria ;

8.2.2. Affiliated Federations of the ESF on exclusive, objective and limited aspects of the playing of Softball ;

8.2.3. Individuals or Teams within the Jurisdiction of the ESF on exclusive, objective and limited aspects of the playing of Softball ;

8.2.4. Individuals within the Jurisdiction of the ESF on exclusive, objective and limited technical aspects of Softball ;

8.3. An Associate Organization is recognized by the General Congress, by an absolute majority vote, upon motion of the Executive Council.

8.4. In the interval between General Congresses, the Executive Council may recognize an Associate Organization on a provisional basis, under condition of ratification by next General Congress.

8.5. The recognition of an Associate Organization is conducted according to the Regulations.

8.6. An Associate Organization is represented in the ESF by one Official Representative, duly mandated by the Associate Organization

8.7. The Representative of an Associate Organization may be appointed ex officio in any relevant Commission or Committee of the ESF, on the appreciation of the Executive Council, and may attend the General Congress with a consultative voice on the matters related to the scope of his or her Associate Organization, but has no vote.

8.8 The recognition of an Associate Organization may be revoked by the Congress, at a two-thirds majority vote, upon proposal of the Executive Council, for legitimate reasons.

ARTICLE 9 - ORDINARY ARBITRATION PROCEDURE

9.1. Any person or entity claiming that a decision to which it did not adhere violates the Law or the Statutes of the ESF, or has a dispute with the ESF, may refer to the Court of Arbitration for Sport in Lausanne, Switzerland, to the exclusion of any other Court from any other country or of any other Arbitration Court.

9.2. The delay for appeal is of 21 days upon reception of the decision subject to appeal.

9.3. The Court of Arbitration for Sport will definitely resolve the dispute according to the Code of sports-related Arbitration. As a supplementary the Court of Arbitration for Sport applies the Swiss Law and the Swiss Federal Procedural Law.

ARTICLE 10 - DISSOLUTION OF THE ESF

10.1. The dissolution of the ESF may only be effected by a two-thirds majority vote as per Article 3.2.4.2 occurring at an Extraordinary General Congress requested solely for that purpose as per Article 3.3.1 by Eligible Affiliated Federations representing at least two-thirds of the Affiliated Federations.

10.2. In case of dissolution, the assets of the ESF are transferred, in the form of balance of liquidation, to an international institution of sports following comparable ideal objectives. It will in no case be proceeded to any kind of distribution between the Members of the ESF.