



MALTESE OLYMPIC COMMITTEE

STATUTE

STATUTE AS APPROVED ON 7.10.2020

STATUTE OF THE MALTESE OLYMPIC COMMITTEE



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DEFINITIONS

In this **Statute**, if not inconsistent with the subject or context, the abbreviations/words standing in the first column of the table set out in Appendix A shall bear the meaning set opposite to them in the second column thereof. The defined terms are indicated in bold italics throughout the **Statute**.

Unless the context requires another interpretation and where the context so permits:

- a) Words importing the singular shall include the plural number and vice versa.
- b) Words importing the masculine gender shall include the feminine gender.
- c) Words importing persons shall include any legal person.

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1 NAME

The name of the Organisation is the Maltese Olympic Committee.

The Maltese Olympic Committee is the National Olympic Committee of **Malta**. It is an autonomous, non-governmental, not-for-profit, voluntary organization, of unlimited duration, in the form of an association.

2 GENERAL PROVISIONS

- 2.1 This **Statute** and any amendments thereof are adopted by a two-thirds majority as provided by Article 9.15 and shall always be in accordance with the **Olympic Charter** of the **IOC**.
- 2.2 This **Statute** and any amendments thereof remain subject to the final revision and approval of the **IOC**. Any amendments approved by the General Assembly but not endorsed by the **IOC** will be rescinded.
- 2.3 The **MOC Executive Board** may from time to time introduce, alter or rescind Bylaws as it thinks fit towards the better management of the **MOC** and its affairs. These Bylaws and any changes must be brought for approval by the General Assembly at the next due meeting and are adopted by a simple majority as provided by Article 9.16.
- 2.4 The **MOC** shall be the supreme and exclusive authority on matters relating to representation of **Malta** at the various international **Games** under its authority. Maltese representation at the **Games** falls under the jurisdiction of the **MOC**.
- 2.5 The **MOC** has the authority to apply to organise international **Games** in **Malta**. In so doing, the **MOC** shall comply with the applicable rules of the **Olympic Charter** for the Olympic Games and of the concerned International Sport Organisations for other **Games**.
- 2.6 The **MOC** undertakes to comply with the Rules and Bylaws of the **IOC** regarding the participation of athletes in the **Olympic Games** as well as with the provisions of other recognised International Sport Organisations for other **Games**.
- 2.7 The **MOC** is a completely autonomous and independent body and shall resist all pressures of any kind whatsoever, whether political, religious, racial or economic, that may prevent it from complying with the **Olympic Charter** or from fulfilling its roles according to this **Statute**.
- 2.8 The **MOC** emblem is as shown in Appendix B. It consists of a red eight-pointed Maltese cross above five interlaced rings, known as the "Olympic Rings". The flag shall consist of the **MOC** Emblem on a white background. The **MOC** emblem and flag, as well as any change or variation in them, shall be subject to the approval of the **IOC**.

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- 2.9 The **MOC** may only use the Olympic symbol, flag, motto and anthem (which are the exclusive property of the **IOC**) within the framework of its non-profit-making activities provided such use contributes to the development of the Olympic Movement and does not detract from its dignity, and provided that it has obtained the prior approval of the **IOC**, in accordance with the **Olympic Charter**. All Olympic properties including but not limited to the Olympic symbol, flag, motto, anthem, identifications (including but not limited to “Olympic Games” and “Games of the Olympiad”), designations, emblems, flame and torches, and all rights to any and all Olympic properties, as well as all rights to the use thereof, belong exclusively to the **IOC**. The **MOC** is responsible to the **IOC** for the observance, in **Malta**, of Rules 7-14 and BLR 7-14 of the **Olympic Charter**. It shall take steps to prohibit any use of any Olympic properties which would be contrary to such Rules or their Bylaws. It shall also endeavour to obtain, for the benefit of the **IOC**, protection of the Olympic properties of the **IOC**.
- 2.10 The address of the **MOC** shall be c/o National Swimming Pool Complex, Maria Teresa Spinelli Street, Gzira, Malta or that address as the **Executive Board** may from time to time decide.
- 2.11 The Maltese and English languages shall be the official languages of the **MOC**, and the administration may use any of these two languages for all official purposes.
- 2.12 Legal representation of the **MOC** shall be vested in the President and/or Secretary General and/or the person so appointed by the **Executive Board**.
- 2.13 The financial year of the **MOC** will be from the 1st January till the 31st December.

3 VISION, MISSION AND STRATEGY

- 3.1 To propagate the fundamental principles of Olympism at national level within the framework of sports activities and otherwise contribute, among other things, to the diffusion of Olympism in the teaching programmes of physical education and sport in national primary, secondary and tertiary educational establishments.
- 3.2 To ensure compliance with the **Olympic Charter** in **Malta**.
- 3.3 To closely collaborate with the **IOC**, **EOC**, **ANOC**, the **NOCs** of other countries, the **CGF**, the **ICMG**, other international sport organisations as well as national sport organisations and authorities.
- 3.4 To encourage and promote interests in such sports as may form part of the **Games** for which participation falls under the exclusive authority of the **MOC**.
- 3.5 To constitute, organise, lead and be responsible for Maltese delegations at the **Games** and for this purpose:

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- 3.5.1 To ensure that preparations by prospective participants are of a standard that would ensure participation with honour in all events.
- 3.5.2 To foster and, if necessary, subsidize the representation for Maltese contingents at the **Games**.
- 3.5.3 To allocate and distribute funds to its **Federations**.
- 3.6 To ascertain the adequate financial conditions to meet all its functions and roles through, but not limited to, the financial contributions of the **IOC** and other International Sport Organisations; funding from national government; sponsorship from private individuals or companies; profit percentages gained on sports events; television broadcasting rights and the sale of merchandising.
- 3.7 To maintain harmonious and cooperative relations with the relevant national governmental and non-governmental authorities as well as other sport organisations.
- 3.8 To offer solutions and encourage the development of sport in general in **Malta**; and to assist in the training of sports administrators and officials.
- 3.9 To submit proposals and comments on sports law and regulation, keeping into account the evolution of international protocols.
- 3.10 To see to the creation of institutions which devote themselves to Olympic education; and to concern itself with the establishment and activities of a National Olympic Academy, an Olympic Museum and cultural programmes related to the Olympic Movement.
- 3.11 To encourage the development of high-performance sport as well as to encourage the concept and accessibility of sport for all.
- 3.12 To encourage and support the promotion of women in sport at all levels and in all structures with a view to implementing the principle of gender equality.
- 3.13 To encourage and support measures relating to the medical care, health and well-being of athletes and sports officials.
- 3.14 To fight against the use of substances and methods prohibited by **WADA** or the International Sports Organisations through the adoption and implementation of the World Anti-Doping Code thereby ensuring that the anti-doping policies and rules, membership and/or funding requirements and results management procedures conform with the World Anti-Doping Code. In so doing, the **MOC** will also support and be compliant with the anti-doping laws of **Malta** and adhere to the recommendations pursuant from the National Anti-Doping Organisation.
- 3.15 To fight against competition manipulations through the adoption and implementation of the **OM Code PMC**, thereby ensuring that relevant policies and rules, membership and /or funding requirements are in conformity with the OM Code PMC.

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- 3.16 To encourage and support the promotion of ethics and good governance in sport as well as education of youth through sport and to dedicate its efforts to ensuring that, in sport, the spirit of fair play prevails.
- 3.17 To undertake to participate in actions to promote peace by placing sport at the service of humanity; to promote gender equality and inclusion in sport; and to demonstrate a responsible concern for environmental issues.
- 3.18 To encourage and support initiatives blending sport with culture and education.
- 3.19 To commit itself to act against any form of abuse, harassment and violence in sport.
- 3.20 To secure the enjoyment of the rights and freedoms set forth in this **Statute** without discrimination of any kind, such as race, colour, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

4 MOC's AFFILIATION TO OTHER INSTITUTIONS

- 4.1 The **MOC** is recognised by the **IOC** and shall be affiliated to the **EOC**, **ANOC**, **ICMG** and the **GSSE**.
- 4.2 The **MOC**, being also the governing body of the Commonwealth Games Association of **Malta**, shall be affiliated to the **CGF**.
- 4.3 To enable the **MOC** to reach its objectives and roles, the **MOC** may also affiliate with any other International Sports Organisation including **COJI**.

5 MEMBERSHIP AND AFFILIATION TO THE MOC

- 5.1 The **MOC** shall have the following categories of membership:
 - 5.1.1 Affiliate members – being properly constituted **Federations** or organisations which must have been set up and active for at least two years and fall under one of the following categories:
 - 5.1.1.1 Olympic **Federations** which are affiliated to their respective **IF** and which organise, on a national level, a sport which forms part of the programme of the Olympic Games.
 - 5.1.1.2 Non-Olympic **Federations** which are affiliated to their respective **IF** and which organise a sport on a national level.
 - 5.1.1.3 Traditional sport.

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- 5.1.2 Associate members – being:
- 5.1.2.1 All other properly constituted active **Federations** which are not **MOC** affiliate **members**.
- 5.2 The **MOC** will recognise only one national **Federation** for each sport. The **Federation** must be recognised by the **IF** of that sport and, in turn, the **IF** must be recognised by the **IOC**. Proof must be provided that the **Federation** exercises a specific and real sports' activity in **Malta** and internationally, including organisation of a national competition. This could include development programmes of its sport in **Malta**, by organising and/or participating in competitions and/or by implementing training programmes for its athletes.
- 5.3 To be considered for membership, the **Federation** shall formally undertake to:
- 5.3.1 Abide by the **Olympic Charter**, the **MOC's Statute**, Bylaws, policies and decisions while acting in the capacity as a member or as a participant in **MOC's** events or activities.
- 5.3.2 Fight against the use of substances and methods prohibited by **WADA** or the International Sports Organisations through the implementation of the World Anti-Doping Code, to be compliant with the anti-doping laws of **Malta** and adhere to the recommendations pursuant from the National Anti-Doping Organisation.
- 5.3.3 Fight against competition manipulations through the adoption of rules in conformity with the **OM Code PMC** and the development of relevant awareness raising activities.
- 5.4 All applications for membership shall be examined by the **Executive Board** for verification on whether such applications conform to the requirements of the **MOC**. The **Executive Board** can request further information or clarification before submitting its recommendations to the **MOC** General Assembly.
- 5.5 A motion of application to be accepted as an affiliate or associate **member** of the **MOC** must appear on the agenda of the General Assembly meeting and shall require the approval of at least two-thirds of the voting **members** present at the meeting for its adoption.
- 5.5.1 Olympic **Federations** are automatically elected as associate or affiliate members of the **MOC** and do not require acceptance by the General Assembly as long as they comply with the provisions of Articles 5.2, 5.3 and 15.
- 5.6 Affiliate or associate **Federations** of the **MOC** must continue to comply with the provisions of Articles 15 of this **Statute** otherwise Articles 6 will be invoked.
- 5.7 Affiliate and associate **Federations** of the **MOC** may benefit from any programme or project of the **MOC**.

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6 SUSPENSION OR REMOVAL OF MEMBERSHIP BY THE GENERAL ASSEMBLY

- 6.1 The **MOC Executive Board** may suspend temporarily any **Federation** if it results that the **Federation** is in default of any criteria established for membership or for any other reason that the **Executive Board** may deem fit, after prior consultation and coordination with the **IF** concerned. At the first possible General Assembly, the **Executive Board** will then recommend to the General Assembly that such **Federation** be either suspended temporarily or expelled.
- 6.2 A motion of removal of a **Federation** must appear on the agenda of the General Assembly meeting and shall require the approval of at least two-thirds of the voting **members** present at the meeting for its adoption.
- 6.3 Any individual, including one representing his **Federation**, may be similarly suspended or otherwise dealt with.
- 6.4 A motion of removal of any individual must appear on the agenda of the General Assembly meeting and shall require a simple majority approval of the voting **members** present at the meeting for its adoption.
- 6.5 The **Federation** or individual will have the right to address the General Assembly to make a case before the General Assembly will take a decision. This will include the right to bring proof or witnesses. The General Assembly will have the right to ask questions.
- 6.6 A **Federation** or any individual that is suspended shall be notified by registered letter by not later than seven **days** of the decision indicating the date and period of suspension.
- 6.7 A term of suspension commences from the time it is pronounced by the **MOC** unless otherwise stipulated and does not expire until the close of the **day** named in the decision.
- 6.8 A **Federation** or any individual can appeal this decision through arbitration according to the provisions of the (**Malta**) Sports Act. The decision of the arbitration tribunal will be binding on all parties, subject to any further appeal to Court of Arbitration for Sport based in Lausanne, Switzerland, under Article 7.5 of this **Statute**.

7 DISCIPLINARY AND GRIEVANCE PROCEDURES

- 7.1 In the event of alleged misconduct, breach of the **MOC's** code of ethics, breach of the **Games' Agreement** or similar offences, the **MOC Executive Board** will have the right to rescind any privileges to any athlete or official from its **Federations** or enforce any other restriction it may deem fit to impose depending on the gravity of the case. In

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deciding any given case the **MOC Executive Board** shall ensure that the person facing any proceedings is given a fair hearing.

- 7.2 The **MOC Executive Board** will either decide the matter on its own merits or else, should the matter be of major importance, refer the matter to other pertinent boards or authorities or else set up a Disciplinary Board composed of three independent persons. The chairman of this board shall be a warranted lawyer, shall be approved by the General Assembly and shall nominate the two other independent persons to assist him. The Disciplinary Board shall have the right to regulate its own procedure following the guidelines of the Disciplinary Process as set up in Bylaw 3. The Disciplinary Board may impose restrictions it may deem fit to impose depending on the gravity of the case.
- 7.3 If the **MOC** receives a complaint or grievance from a **Federation** against any action of an official of the **MOC** or against any official appointed by the **MOC** to the **Games**, the **MOC** shall, where appropriate, refer the matter to other pertinent boards or authorities or else refer the matter to the Complaints Board composed of three independent persons. The chairman of this board shall be a warranted lawyer, shall be approved by the General Assembly and shall nominate the two other independent persons to assist him. The Complaints Board shall have the right to regulate its own procedure however it must ensure that the person subject to the proceedings is given a fair hearing according to the provisions of Bylaw 3. The Complaints Board shall decide each given case based on its rules and regulations and were not possible, based on equity.
- 7.4 Any decision taken by the Disciplinary Board or the Complaints Board may be submitted exclusively by way of appeal to an Appeals Board within fourteen **days** after reception of the decision. The Appeals Board shall be composed of three independent persons, the chairman of which shall be a warranted lawyer, shall be approved by the General Assembly and shall nominate the two other independent persons to assist him.
- 7.5 Thereafter, an appeal shall lie to the Court of Arbitration for Sports. CAS will resolve the dispute definitively in accordance with its Code of Sports Related Arbitration. The time limit for appeal is twenty-one **days** after the reception of the decision concerning an appeal.

8 GOVERNANCE & CONFLICT OF INTEREST

- 8.1 The governance and administration of the **MOC** shall be vested in:

8.1.1 The General Assembly according to the provisions of Articles 9 to 12.

8.1.2 The **Executive Board** according to the provisions of Articles 8 and 13.

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- 8.2 The **Executive Board** officials of the **MOC** shall not accept any compensation, commission, or bonus of any kind in consideration for their services or for the performance of their duties, from the **MOC** or from organisations providing goods or services to the **MOC**. This does not include payments or salaries by these organisations for professional services they have been directly contracted or employed to provide. **Executive Board** officials may be reimbursed by the **MOC** for justifiable and reasonable expenses incurred in the carrying out of their functions on behalf of the **MOC**.
- 8.3 The **MOC** may delegate any official of its **Executive Board** to represent it on any national government or other public authority board.
- 8.4 The national government or other public authorities shall not designate, nominate or appoint any person to the **Executive Board** or to the General Assembly of the **MOC**. However, the **MOC** may decide, at its discretion, to co-opt as members representatives of such authorities. Such members will hold a post in an ex-officio capacity with no voting rights.
- 8.5 Any person expelled from the **IOC, EOC, MOC, IF** or **NF**, may not be a delegate or official of any governing, executive or administrative body or commission of the **MOC**.
- 8.6 The President and Secretary General of the **MOC** must not hold executive posts with any **Federation**. Within thirty **days** from their election to the **MOC Executive Board**, they must relinquish any such posts, failing which, their election will be deemed null and void.
- 8.7 All **MOC Executive Board** officials must declare in writing to the **MOC** any interest that they, or individuals related to them as per Article 11.10, have that might conflict with their duties to the **MOC**. This declaration must be received within seven **days** as soon as such potential conflict of interest becomes apparent.
- 8.7.1 A conflict of interest could include, but is not limited to, all other sport-related roles, such as: their employment; business relationships; involvement with any sponsor; any sport-related appointment and/or commitment (voluntary or against payment) with government or with any sports body, sports organization or national **Federation**.
- 8.7.2 When any conflict comes into play, then the **Executive Board** official will be requested to abstain from discussing this matter and will be requested to temporarily leave the meeting. The official concerned will not be permitted to vote on the matter.
- 8.7.3 Failing such a declaration and should a conflict of interest be found to exist; the President or in his absence, the person chairing the meeting will act to rectify the matter with the **Executive Board** official in question.
- 8.7.4 Should this not be resolved, then a decision shall be determined by a majority decision of the **Executive Board**. The **Executive Board** official concerned will have the opportunity to explain his views but will not be permitted to vote on this matter.

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9 GENERAL ASSEMBLIES OF THE MOC

- 9.1 The General Assembly is the supreme authority of the **MOC**. It will be the policy-making body and has the power to administer the affairs of the **MOC**.
- 9.2 The General Assembly shall consist of:
- 9.2.1 The **MOC Executive Board**.
 - 9.2.2 Any Maltese member/s of the **IOC**.
 - 9.2.3 Any co-opted members.
 - 9.2.4 Two representatives of each affiliated **Federation**.
 - 9.2.5 One representative of each associated **Federation**.
 - 9.2.6 Two athletes' representatives elected by the **MOC Athletes' Commission** established in accordance with the **IOC** guidelines, from among **athletes** who have taken part in at least one of the last three editions of the **Games**.
- 9.3 To be qualified to represent a **Federation** at the **MOC** General Assembly, a delegate of the **Federation** must be a citizen of **Malta**.
- 9.4 The **MOC Executive Board** can allow other people, not entitled to vote, to attend and address single sessions of any General Assembly meeting.
- 9.5 Every year at least two General Assembly meetings will be held – one in spring and one in autumn. The spring meeting will be held in the first six months of the year whilst the autumn meeting will be held in the second six months of the year. Every four years, an Elective General Assembly according to the provisions of Article 11.
- 9.6 Twenty per cent of all **Federations** of the **MOC** having the right to vote shall form a quorum at all meetings. If the said quorum is not attained, the meeting will start after twenty minutes with those **Federations** present.
- 9.7 General Assembly meetings shall be summoned following a discussion by the **Executive Board**. Notice of the General Assembly meeting shall be sent to those entitled to attend by not later than sixty **days** prior to the meeting. The accidental non-receipt of the notice of the meeting or any document attached to it shall not be considered in any way an infringement for the General Assembly to be postponed.
- 9.8 The Agenda for the spring General Assembly shall normally include the following:
- (a) Approval of the minutes of the preceding General Assembly meeting.
 - (b) Address by the President.
 - (c) Presentation of the annual administrative report by the **Executive Board**.
 - (d) Resolutions or motions to amend the **Statute** if required.
 - (e) Approval of the audited financial accounts for the previous year.
 - (f) Approval of the annual subscription fee for the next financial year.
 - (g) Any other matters.

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- 9.9 The Agenda for the autumn General Assembly shall normally include:
- (a) Approval of the minutes of the preceding General Assembly meeting.
 - (b) Address by the President.
 - (c) Resolutions or motions to amend the **Statute** if required.
 - (d) Address by the **Executive Board** officials where required.
 - (e) Any other matters.
- 9.10 Notice of the business to be transacted (agenda) shall be communicated to all **Federations** not less than seven **days** before the proposed date of such meeting and no other business shall be admitted at such meeting.
- 9.11 Amendments to the **Statute** can be considered during any **MOC** General Assembly or any **MOC** Extraordinary General Assembly meeting. Amendments to the **Statute** may be proposed by the **Executive Board** or by an affiliated **Federation**.
- 9.12 A resolution to amend the **Statute** shall be submitted in writing to the **MOC** at least thirty **days** before the proposed date of the meeting. Such resolutions shall be communicated to the **Federations** at least twenty **days** before the proposed date of the meeting.
- 9.13 Any counter amendment to a proposed resolution must be presented in writing to the **MOC** at least fifteen **days** before the date of the meeting. Such counter resolutions shall be communicated to the **Federations** at least seven **days** before the proposed date of the meeting.
- 9.14 A counter resolution will be considered before its original resolution and the latter shall be rescinded if the counter resolution has the support of the General Assembly. If the counter resolution is rescinded, the original resolution will be brought for consideration by the General Assembly.
- 9.15 Resolutions to amend the **Statute** require the approval of two-thirds of the **members** present with the right to vote.
- 9.16 Amendments to the annexes and Bylaws shall only require a simple majority of the **members** present with the right to vote.
- 9.17 Any business or motion not dealt with by the closing of the meeting shall be adjourned and given priority at the next General Assembly meeting.
- 9.18 The chairperson of the General Assembly may at any time adjourn any meeting (whether or not it has commenced, or a quorum is present) either without fixing a day for the meeting or to another time or place where it appears to him that:

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- (a) **Members** wishing to attend cannot be conveniently accommodated in the place appointed for the meeting; or
- (b) The conduct of persons present prevents, or it is likely to prevent, the orderly continuation of business; or
- (c) An adjournment is otherwise necessary so that the business of the meeting may be properly conducted.

9.19 Any **member**, or its representative, not conforming to any directive given by the Chairperson during any General Assembly may be suspended by the Chairperson and asked to leave the meeting.

10 EXTRAORDINARY GENERAL ASSEMBLY MEETINGS

10.1 Extraordinary General Assembly Meetings shall be called any time they are requested by the President, or by the majority of the **Executive Board** or by at least a quarter of all **Federations** that have the right to vote.

10.2 The objectives of calling such a meeting must be clearly stated.

10.3 No item other than that specified on the Agenda shall be discussed or decided.

11 ELECTIVE GENERAL ASSEMBLY OF THE MOC

11.1 The **MOC** Elective General Assembly shall be held in June every four years in the year immediately following the summer **Olympic Games** unless special circumstances prevail and the Elective General Assembly needs to be brought forward or delayed under approval and/or advice by the **IOC**.

11.2 The Agenda for the Elective General Assembly shall only include the following:

- (a) Address by the President.
- (b) Presentation of the annual administrative report by the **Executive Board**.
- (c) Presentation of the full audited accounts of the quadrennial.
- (d) Approval of the auditors for the forthcoming quadrennial.
- (e) Approval of the annual subscription fee for the next financial year.
- (f) Presentation speeches by the election contestants.
- (g) Separate election of the President, the Deputy President, the Secretary General, the Director of Finance, the Director of Sport and four other **Executive Board** Directors.

11.3 Nomination for any post must be duly proposed by any one affiliated **Olympic Federation** and seconded by another affiliated **Federation**. The nominated candidate must signify his acceptance even if this is done by electronic means and sign a

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declaration that he intends to attend at least three quarters of the **Executive Board** meetings.

- 11.4 There can be no more than one representative candidate from any affiliated **Federation** who can be elected to the **MOC Executive Board**.
- 11.5 Together with the acceptance of the nomination, any candidate is to provide a biographical profile, include a police record of conduct and pronounce any interest that might conflict with his duties as an **MOC Executive Board** member.
- 11.6 The nominations for the post of President are to be submitted to the **MOC** secretariat at least forty **days** prior to the Elective General Assembly or any General Assembly Meeting where elections are to be held.
- 11.7 The nominations for all other officials are to be submitted at least thirty **days** prior to the Elective General Assembly or any General Assembly Meeting where elections are to be held.
- 11.8 All nominations will be acknowledged in writing and will be circulated to all **members** fifteen **days** before the Assembly Meeting. The **members** will also be provided with the biographical profile of each candidate.
- 11.9 The nomination must be specific to one of the roles assigned to the **Executive Board**. A candidate may accept to be nominated for more than one role but will be elected only to the highest sequential role – as highlighted in Article 11.2(g) – if he manages to secure the majority of votes for that role.
- 11.10 No person shall be qualified to stand for election as an official of the **Executive Board** or to remain an official thereof:
 - (a) Unless he is a Maltese citizen and has been permanently resident in **Malta** for at least five years prior to the time of the election and can remain so throughout their holding such a position within the **MOC**.
 - (b) Unless he is over 16 years and less than 75 years of age at time of the election.
 - (c) If he is a person in the employment of the **MOC**.
 - (d) If he holds or has held the position of a magistrate or judge in accordance with the Code of Organisation and Civil Procedure Cap. 12 of the Laws of **Malta** or its equivalent.
 - (e) If he holds or held the position as an assistant to the judiciary or to adjudicate in the Small Claims Tribunal or Arbitration Board or their equivalent.
 - (f) If he is a member of parliament.
 - (g) If he holds an executive position with any political party, political movement and/or trade union.
 - (h) If he is employed or in any way forms part of the management team in any national government sports entity within the sports ministry or secretariat.
 - (i) If he does not comply with the provisions of Articles 8.5 and 8.6.

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- (j) If he has been adjudged or otherwise declared bankrupt under any law.
- (k) If he has a criminal record.
- (l) If he is suspended by the **MOC** or declared “persona non-grata” for having acted against the interests of the **MOC**.
- (m) If he is interdicted or incapacitated for any mental infirmity or for prodigality or is otherwise determined to be of unsound mind.
- (n) If he has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as an official of the **Executive Board**.

11.11 **Executive Board** officials may neither be related by consanguinity up to third degree nor by affinity up to a second degree as explained in Appendix C.

11.12 Elections, when applicable, for the **Executive Board** shall be held according to the procedures as laid down in Appendix C. The elected officers will hold office for four years (one Olympiad period).

11.13 Any candidate for the positions of President, Deputy President, Secretary General, Director of Finance, Director of Sport who obtains more than fifty per cent of the votes validly cast shall be declared elected. If there are more than two candidates for any such position and none of them obtains more than fifty per cent of the votes validly cast in the first round, there shall be a second round between the two candidates who obtain the highest number of votes validly cast in the first round. In this second round, the candidate who obtains a simple majority of the votes validly cast shall be declared elected. In the event of a tie for any of these positions, a further ballot will be held between the candidates concerned until one of the candidates obtains a simple majority of the votes cast.

For the positions of the four other Executive Board Directors, the person or persons polling the highest number of votes for the specific vacancy shall be declared elected to the **Executive Board**. In the event of a tie for any of the vacancies, a further ballot will be held between the candidates concerned until one of the candidates gains a simple majority of the votes cast.

11.14 Each gender shall contribute at least three of the individuals who are elected **Executive Board** officials.

11.14.1 If such gender representation is not filled by election, the **Executive Board** shall co-opt individuals to the **Executive Board** increasing the number to more than ten if necessary.

11.14.2 Such appointments by co-option to the **Executive Board** shall be made on merit and shall be subject to the confirmation by the General Assembly at its next meeting.

11.15 All elected **Executive Board** officials shall assume office immediately after the meeting at which they are elected and remain in office until the end of the Olympiad period in which they are elected or until they retire.

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- 11.16 An **Executive Board** official may serve, in the same role, for a maximum of three Olympiads (maximum twelve years or less if elected between Olympiads) subject to the same election process as highlighted above.
- 11.17 An **Executive Board** official having completed three Olympiads (twelve years or less if elected between Olympiads), may be elected again as an official of the **Executive Board** in a different role for not more than two further Olympiad periods (eight years).
- 11.18 No official can serve the **MOC** for more than an aggregate maximum period of five terms (twenty years or less if elected between Olympiads).
- 11.19 If an official of the **Executive Board** resigns from his duties more than fifteen months prior to the next Elective General Assembly, an election will be held at the next General Assembly to fill the vacant post according to the provision of this Statute. Otherwise, the situation will normally remain vacant until the next Elective General Assembly unless the **Executive Board** decides otherwise and calls an earlier election.
- 11.20 The limitations established in Articles 11.17; 11.18 and 11.19 shall apply as from the date of entry into force of this revised **Statute** and any time served by a person on the **Executive Board** prior and up to the entry into force of this revised **Statute**, shall not be considered for the purposes of Articles 11.17; 11.18 and 11.19.

12 VOTING AT GENERAL ASSEMBLY MEETINGS

- 12.1 The following shall each have one vote at a General Assembly or an Extraordinary General Assembly of the **MOC**:
- (a) The Maltese members of the **IOC**, if any, under Article 9.2.2.
 - (b) The two representatives of each affiliated **Federation** under Article 9.2.4.
 - (c) The **Executive Board** officials who also hold a position in an affiliated **Federation** and are appointed by the **Federation** as one of the its voting representatives; and
 - (d) The two representatives of the **Athletes' Commission** under Article 9.2.6.

The President of the **MOC**, or in his absence, the person chairing the meeting shall have a casting vote, except for elections.

- 12.2 The representative of each associate **Federation** and the recognized members of the **MOC** do not have a right to vote although they will be granted the right to address the General Assembly.
- 12.3 Proxies to attend and vote at General Assemblies can be granted only to executive officials of the respective **Federation**.

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- 12.4 During an Elective General Assembly, only those incumbent **MOC Executive Board** officials who are also one of the two representatives of their affiliated **Federation** have a vote in respect of the elections of the **Executive Board**.
- 12.5 The representatives of the **Federations** whose annual fees to the **MOC** have not been paid up shall not be able to vote in a General Assembly.
- 12.6 The Olympic **Federations** or the representatives chosen by them must constitute the voting majority of the **MOC** General Assembly on all matters.
- 12.6.1 When dealing specifically with questions relating to the **Olympic Games**, only the votes cast by Olympic **Federations** affiliated to the **MOC** according to Article 5.1.1.1 shall be taken into consideration.
- 12.6.2 When the **members** do not reach agreement on whether the subject discussed is an **Olympic Games** related matter or otherwise, the President or the person chairing the meeting shall rule on what constitutes an **Olympic Games** matter basing his decision on what is provided in the **Olympic Charter** and similar documents. Such a ruling shall not be subject to challenge by the General Assembly.
- 12.7 Save for the elections of the **Executive Board** officers, all voting at all General Assembly meetings shall be determined by the show of hands unless a secret vote is called by any **Federation**.
- 12.8 Unless otherwise specified in this Statute, all votes shall be determined by simple majority of the voting **members** present.

13 MOC EXECUTIVE BOARD

- 13.1 The **Executive Board** will be responsible to put into effect the policy as decided by the General Assembly and to run the affairs of the **MOC** in conformity with that policy.
- 13.2 The **Executive Board** will consist of the persons elected as per Articles 11. They shall hold office from the moment they are declared elected up to the specified term as per Article 11. The **Executive Board** shall appoint from amongst its officials, directors responsible for the various duties mentioned in the Bylaws or any other duty, which it feels fit to assign.
- 13.3 An athletes' representative elected by the **MOC Athletes' Commission** (established in accordance with the IOC guidelines) and approved by the General Assembly shall be included as a voting member of the **Executive Board**. This representative should be elected from among **athletes** who have taken part in at least one of the last three editions of the **Games**.

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- 13.4 Any Maltese **IOC** member shall be an ex-officio voting member of the **Executive Board**.
- 13.5 The duties of the **Executive Board**, inter alia, are the following:
- 13.5.1 To deal with all business of the **MOC** (not policy).
 - 13.5.2 To decide on the participation in all **Games** by selecting the sports, the officials and the athletes to be involved.
 - 13.5.3 To raise funds and take charge of teams representing **Malta** in the **Games**.
- 13.6 The specific duties of the **Executive Board** officials are indicated in Bylaw 1.
- 13.7 The **Executive Board** shall not borrow or enter into any loan agreements totalling more than €60,000 (sixty thousand euros) and it cannot hypothecate any **MOC** property without the prior approval of the General Assembly.
- 13.8 The **Executive Board** is summoned by the President or Secretary General or at the request of two **Executive Board** officials. The **Executive Board** normally meets twice every month but there must be at least twelve meetings held in a year. Five officials shall form a quorum.
- 13.9 All **Executive Board** decisions can be adopted by a simple majority. Each **Executive Board** official has one vote. If the number of votes for and against a proposal at an **Executive Board** meeting are equal, the President or in his absence, the person chairing the meeting shall have a casting vote in addition to any other vote he may have. This does not apply if, in accordance with Article 8.7, the President or in his absence, the person chairing the meeting is not voting on the matter due to a conflict of interest.
- 13.10 **Executive Board** officials failing to attend three consecutive meetings or a total of five out of nine consecutive meetings without justified reasons or fail to do their duties according to the terms of reference as stated in Articles 13, shall be considered as not in good standing and such persons shall be considered as having resigned after a vote to this effect has been approved by the **Executive Board**.
- 13.11 Vacancies of **Executive Board** officials must be filled not later than two months from the date that the **Executive Boards** meets and acknowledges a resignation, or other reason that creates a vacancy. The process to fill such vacancies shall be according to Articles 11.

14 PRIVILEGED MATTERS

- 14.1 All matters discussed at **MOC** meetings shall be deemed as privileged. However, the **MOC** may, if it deems it necessary, inform any **Federation** or the media about its decisions.

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15 DUTIES OF FEDERATIONS

- 15.1 **Federations** shall be autonomous from the **MOC**. They shall be organised and governed in accordance with its own respective constitution or statute, Bylaws and policies including those technical and the rules of their respective **IF**.
- 15.2 The **Federation** must be based in **Malta** and must be properly constituted including the provision of holding regular democratic elections and the delivery of proper annual accounts either audited or attested by an accountant.
- 15.3 The **Federation** must continue to be affiliated to and recognised by its respective **IF**.
- 15.4 The **Federation** must organise annual national or international sport events and/or have agonistic athletes who compete both in the country and abroad.
- 15.5 The **MOC** must be informed whenever the **Federation** holds its General Meeting, at least fifteen **days** prior to the date of such General Meeting. The **MOC** may appoint a delegate to attend such General Meeting and to report on business conducted thereat.
- 15.6 All decisions taken at any General Meeting of the **Federation** are to be notified to the **MOC** within thirty **days** from the meeting and the **Federation** must provide a copy of the organisational structure; a copy of the minutes of the General Meeting; a copy of the annual accounts and a copy of the latest constitution/statute.
- 15.7 A **Federation** must immediately notify the **MOC** of any elements which affects its ability to fulfil its membership to the **MOC**.
- 15.8 Both the President and the Secretary of a **Federation** must be a citizen of **Malta**.
- 15.9 The **Federation** shall continue to and shall cause its own athletes and officials to undertake to abide with Article 5.3 of this **Statute**

16 SUBSCRIPTION FEES

- 16.1 The subscription fee shall be annually set by the General Assembly during the spring meeting.
- 16.2 The annual subscription fee is payable by the 31st March of each year.
- 16.3 **Federations** which are in arrears for two months shall, after notice of such action, be suspended. Such **Federations** may however be reinstated should they bring their subscription up to date and pay a fine which the **MOC** may deem fit, but which should not exceed four times the current annual fee.

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- 16.4 The representative of any **Federation** whose subscription fee has not been paid shall not be entitled to vote at any meeting of the General Assembly.

17 DISSOLUTION

- 17.1 The **MOC** can only be dissolved during an Extraordinary General Assembly meeting called for the purpose according to the provisions of Articles 10, after prior consultation and coordination with the **IOC**.
- 17.2 This meeting would require a minimum of ninety per cent of all affiliated **Federations** to be present and a vote for dissolution would require a majority of eighty per cent to be passed.
- 17.3 In the event of such a dissolution, the assets of the **MOC** shall be applied in favour of its legal successor, if any, or another non-profit voluntary organisation. Under no circumstances, should such assets be divided among the **Federations** and any resolution to this conclusion shall have no effect.
- 17.4 80% majority of all affiliated **Federations** shall be required for any decision as to the distribution of the assets of the **MOC** on dissolution. Without such a majority decision of distribution, any resolution to dissolve the **MOC** shall have no effect.

18 INTERPRETATIONS OF THE STATUTE

- 18.1 In cases where interpretation of the **Statute** is required this shall be carried out by the person chairing the meeting who shall consult with the **Executive Board** officials present for the meeting. If there is any doubt or dispute, as to the interpretation of the **Statute**, the case shall be deferred to the General Assembly for final decision.
- 18.2 Reference is made to the Bylaws and Standing Orders decided upon by the **MOC Executive Board**. These standing orders are binding on all **Federations**. These Bylaws and Standing Orders can be amended from time to time by the **MOC Executive Board** and shall come into effect after the General Assembly Meeting whereby such Bylaws and Standing Orders are approved by the General Assembly. Only a simple majority is required to approve, rescind or amend Bylaws or Standing Orders.

19 OLYMPIC RULES

- 19.1 Matters relating to international participation and not provided for in this **Statute** shall be dealt with in accordance with the **IOC** rules, or rules governing the international event at the time.

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- 19.2 Should there be any doubt concerning the interpretation of this **Statute** or omissions or discrepancies between it and the provisions of the **Olympic Charter**, the latter shall prevail.

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APPENDIX A – DEFINITIONS

ANOC	Association of National Olympic Committees.
Athletes' Commission	The Commission as set up according to Bylaw 2.
CGF	Commonwealth Games Federation.
COJI	Comité d'Organisation des Jeux des Iles.
Day	Any day of the week including weekends and public holidays.
Executive Board	The President, Deputy President, Secretary General, Director of Finance, Director of Sport, four other directors elected according to Articles 11, an athletes' representative elected by the MOC Athletes' Commission as well as any other member under this Statute.
EOC	European Olympic Committee.
Federation(s)	The National (Maltese) Sport Federation(s), Association(s) or Union(s) which are affiliate or associate members of the Maltese Olympic Committee. Olympic Federation is any national Federation governing a sport included in the programme of the Olympic Games. A non-Olympic Federation is any national Federation governing a sport not included in the programme of the Olympic Games.
Games	Olympic Games, European Games, Commonwealth Games, Mediterranean Games, Games of Small States of Europe, Youth Olympic Games, Commonwealth Youth Games and other International Games which fall under the jurisdiction of the Maltese Olympic Committee.
Games' Agreement	The team members' or similar agreement entered between the MOC and the athlete or official which sets out the terms and conditions which will be binding upon the athlete or official as a member of a contingent going to the Games.
ICMG	International Committee of the Mediterranean Games.
IF	International Federation(s).
IOC	International Olympic Committee.
Malta	The Maltese Islands consisting of Malta, Gozo and Comino.

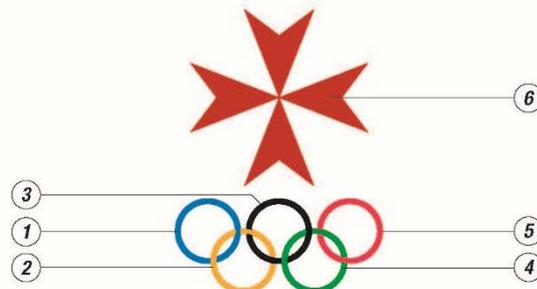
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<i>Member(s)</i>	The appointed representatives of the Federations.
<i>MOC</i>	Maltese Olympic Committee.
<i>NF</i>	National Federation(s).
<i>NOC</i>	National Olympic Committee(s).
<i>Olympic Charter</i>	The Olympic Charter as amended and in force from time to time (the version current at the date of adoption of this Statute being the version in force as from 9 October 2018).
<i>Olympic Games</i>	The Games of the Olympiad, the Olympic Winter Games and the Youth Olympic Games.
<i>Olympians</i>	Athletes who have taken part in the Olympic Games not earlier than the third Olympiad after the last Olympic Games in which he took part.
<i>OM Code PMC</i>	Olympic Movement Code on the Prevention of the Manipulation of Competitions.
<i>Statute</i>	The statute (including its appendixes) of the Maltese Olympic Committee as originally framed or as amended and in force from time to time.
<i>WADA</i>	World Anti-Doping Agency.

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APPENDIX B – LOGO

Official colours	Blue	Yellow	Black	Green	Red
POSITION	1	2	3	4	5
PANTONE	3005	137	426	355	192
CMYK	C100 M37 Y0 K0	C0 M34 Y91 K0	C0 M0 Y0 K100	C100 M0 Y100 K0	C0 M94 Y65 K0
RGB	R0 G129 B200	R252 G177 B49	R0 G0 B0	R0 G166 B81	R238 G51 B78
RGB HEX	#0081C8	#FCB131	#000000	#00A651	#EE334E
Additional colours					
POSITION	6				
PANTONE	–				
CMYK	C0 M95 Y100 K14				
RGB	R203 G29 B5				
RGB HEX	#CB1D05				



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APPENDIX C – ELECTORAL PROCESS

- 1.1 Any election process, including the counting of votes, will be supervised by an independent electoral commission made up of a chairman, who shall be a warranted lawyer, and two other members.
- 1.2 The appointment of these members will be through a simple majority by the General Assembly under recommendation by the **MOC Executive Board**.
- 1.3 The members of the electoral commission will be normally appointed at the first General Assembly meeting after the Elective General Assembly and will normally remain in office for a term of four full years unless they are so re-appointed by the General Assembly.
- 1.4 The duties of the electoral commission will be as follows:
 - 1.4.1 To check that nominations received are according to the provisions of this **Statute**.
 - 1.4.2 To ensure the total transparency of the voting process including the authenticity of the ballot votes, the counting and tallying of these votes whilst taking into consideration that all balloting must be secret,
 - 1.4.3 To declare the results also taking into the consideration the provisions of Articles 11 identifying the elected **Executive Board** in the following specific sequential order: The President, the Deputy President, the Secretary General, the Director of Finance, the Director of Sport, and four other **Executive Board** Directors.
- 1.5 In reaching an equitable decision, the electoral commission will have the right to investigate the nominations received including the right to interview the nominee.
- 1.6 The electoral commission shall decide on all matters related to the elections and their decision thereon shall be final. The members of the electoral commission shall have the right to regulate the commission's own procedures.
- 1.7 Consanguinity and Affinity Relationship: Individuals are related by consanguinity if one is a descendant of the other, or if they share a common ancestor. Individuals are related to each other by affinity if they are married or partners to each other, or the spouse or partner of one of the individuals is related by consanguinity to the other individual.

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CONSANGUINITY includes individuals related by blood			AFFINITY includes a spouse and individuals related to the spouse	
First Degree	Second Degree	Third Degree	First Degree	Second Degree
Parent	Grandparent	Uncle or Aunt	Spouse	Grandparent
Child	Grandchild	Nephew or Niece	Parent	Grandchild
N/A	Brother or Sister	N/A	Child	Brother or Sister

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BYLAW 1 – SPECIFIC DUTIES OF THE EXECUTIVE BOARD DIRECTORS

- 1 The duties of the **Executive Board** members are as generally highlighted in the Articles contained in this Bylaw. The **Executive Board** is empowered to assign the mentioned duties as well as other duties to be decided upon to anyone of the **Executive Board** members and may assign more than one duty to the same member, as well as assign part of the duties to one member and part to another member.
- 2 Sub-committees and/or special committees may be appointed by the **Executive Board** to assist any one of the **Executive Board** members to meet his studies or to consider and report upon any question that may be referred to them. The number to form this committee and the number to form a quorum shall be determined by the **Executive Board**. The President and/or Deputy President and/or Secretary General shall be ex-officio members on all such committees. All reports shall be presented to the **Executive Board** in writing.

3 THE PRESIDENT

In addition to the rights and duties prescribed in any of the paragraphs of the **Statute**, the President has the following rights and duties:

- 3.1 The President convenes all meetings of the General Assembly and the **Executive Board** and presides over these meetings.
- 3.2 He will have a right to exercise the casting vote.
- 3.3 He reports on behalf of the **Executive Board** to the various meetings of the General Assembly.
- 3.4 Together with the Secretary General, he monitors and ensures the strict compliance with the provisions of the **Statute** and Bye Laws and of any regulations enacted by virtue of the provisions of the **Statute**.
- 3.5 The President represents the **MOC** in its official activities and, as much as possible, will do this together with the Secretary General.
- 3.6 The President, with the approval of the **Executive Board**, can delegate some of his functions to a member of the **Executive Board** or a commission made up of members of the **Executive Board**.

4 THE DEPUTY PRESIDENT

In addition to the rights and duties prescribed in any of the paragraphs of the **Statute**, the Deputy President has the following rights and duties:

- 4.1 In the event that the President is unable to fulfil the duties of his office, the Deputy President replaces him and is vested with all the powers of the President.

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- 4.2 The Deputy President may exercise any powers and perform any duties that the **Executive Board** delegates to him.
- 4.3 He will be responsible for the functioning of all commissions of the **MOC** and also to act as co-ordinator in respect of such **MOC** commissions.
- 4.4 The Deputy President manages the property of the **MOC**.

5 THE SECRETARY GENERAL

In addition to the rights and duties prescribed in any of the paragraphs of the **Statute**, the Secretary General has the following rights and duties:

- 5.1 Together with the President, he monitors and ensures the strict compliance with the provisions of the **Statute** and Bylaws and of any regulations enacted by virtue of the provisions of the **Statute**.
- 5.2 As much as possible together with the President, the Secretary General represents the **MOC** in its official activities.
- 5.3 The Secretary General keeps the minutes of all meetings and other proceedings of the **MOC** and provides for the safekeeping of these minutes, accounts, correspondence and other records of the **MOC**.
- 5.4 The Secretary General is responsible for the **MOC's** seal, register of members, for assuring that the **MOC** remains compliant with any provisions arising from the **IOC** or from the other institutions to which the **MOC** is affiliated and for assuring the **MOC's** compliance to legal requirements.
- 5.5 The Secretary General is responsible for the running of the secretariat and the day to day administration of the **MOC**. He will also be responsible for the relations with member **Federations**.
- 5.6 If both the President and Deputy President are unable to fulfil the duties of the President, the Secretary General replaces the President and is vested with his powers.

6 THE DIRECTOR OF FINANCE

The Director of Finance has the general responsibility for all financial matters of the **MOC** and has the following duties:

- 6.1 He is responsible for the timely preparation of the **MOC's** budget and financial accounts and for ensuring that the financial records of the **MOC** are maintained in order.
- 6.2 He reports regularly to the **Executive Board** and will present a yearly budget for the approval of the **Executive Board**.
- 6.3 The Director of Finance will present professionally audited accounts of the preceding financial year to the General Assembly meeting held in spring of each year. In the Elective General Assembly, the Director of Finance will

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additionally present a set of professional audited accounts for the preceding quadrennial.

- 6.4 He is responsible for monitoring the proper collection of all revenues of the **MOC** and for ensuring that payments are made with the approval of the President and/or Deputy President and/or Secretary General and/or the **Executive Board**.

7 THE DIRECTOR OF SPORT

The Director of Sport will be generally responsible to prepare the sports and technical programmes of the **MOC** according to the following duties:

- 7.1 After having consulted the technical person or persons of the respective **Federations**, the Director of Sport will advise and bring forward for approval of the **Executive Board** the list of athletes and officials that have been selected to participate in the **Games**.
- 7.2 The Director of Sport will be responsible to monitor member **Federations'** facilities and the training schedule of the selected athletes.
- 7.3 The Director of Sport will chair a Sports and Technical Commission to assist him in his duties including those to formulate a policy on the development of youth or elite athletes.
- 7.4 The Director of Sport will be responsible for technical issues that may arise during the **Games** and will liaise with the appointed Chef de Mission for the **Games** to ensure the well-being of the athletes and officials during the **Games**.
- 7.5 The Director of Sport will be responsible to inform the Director of Medicine of the athletes that will represent the **MOC** at the **Games** and will liaise with the Director of Medicine & Sports Science to ensure that athletes representing the **MOC** at the **Games** will do so under personal healthy conditions.

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BYLAW 2 – ATHLETES' COMMISSION & OLYMPIANS

Preamble

The **IOC** 2000 reform Commission recommended that “athletes should be well represented at all levels of the sports movement including National Olympic Committees and National Federations/Associations”.

The main role of the **MOC** Athletes' Commission is to provide a means of ensuring that the **MOC** is aware of the opinions of current active athletes concerning major issues affecting the sport and to encourage each **Federation** affiliated with the **MOC** to form their own athletes' commissions.

1 Mission

The mission of the Athletes' Commission is to represent the views of the athletes within the **MOC**.

2 Objectives

The objectives of the Athletes' Commission are:

- 2.1 To consider issues relating to athletes and to provide advice to the **MOC**.
- 2.2 To represent the rights and interests of athletes and to make related recommendations.
- 2.3 To maintain communication with the **IOC** Athletes' Commission as well as the Athletes' Commissions of **Federations** affiliated with the **MOC**.

Within these objectives the role of the Athletes' Commission is to be involved with all matters concerning the athletes and specifically to:

- 2.4 See that systems for selection ensure that the best athletes represent Malta.
- 2.5 See that equal opportunities exist for athletes from all social backgrounds.
- 2.6 Ensure that no individual, organisation or authority attempts to prevent any athlete from participating in national and international events.
- 2.7 Encourage athletes to act as role models for young children.
- 2.8 Study eligibility rules.
- 2.9 Study and make reports on any athletes' related matter referred to it by any competent organ of the **MOC**.

3 Composition of the Commission

- 3.1 The Commission shall be composed of a Chairperson and a minimum of 2 other members who are citizens of Malta.
- 3.2 The Chairperson could be appointed to the post by the **MOC Executive Board**.

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- 3.3 Most of the other members should be athletes who, at the time of their election/nomination, are at least participating at a national level in a sport which is on the Olympic programme or have done so within the previous three editions of the **Games**.
- 3.4 They shall be at least 16 years of age and have never been prosecuted for a doping or competition manipulation offence.
- 3.5 If possible, both genders shall be represented within the Athletes' Commission.
- 3.6 The members of the Athletes' Commission must be nominated by their **Federation**.
- 3.7 **Olympians** will have an automatic right to be on the Athletes' Commission unless they have been otherwise banned by the **MOC Executive Board** and/or General Assembly.
- 3.8 The duration of the mandate is four years and may be renewable.

4 Representation of the Commission within the **MOC**

- 4.1 The Athletes' Commission is represented at the **MOC Executive Board** by one of its members elected to the post by the members of the Athletes' Commission and who therefore has the right to vote within the **Executive Board** and this according to the provision of Article 13.3 of the **MOC Statute**.
- 4.2 The Athletes' Commission is represented at the **MOC** General Assembly by at least two of its members elected to the post by the members of the Athletes' Commission and who therefore have the right to vote within the **MOC** General Assembly and this according to the provision of Article 9.2.6 of the **MOC Statute**.

5 Meetings of the Commission

- 5.1 The **MOC** shall be responsible for ensuring, within its means, that the Commission is able to meet.
- 5.2 The Athletes' Commission shall meet at least four times in a year.
- 5.3 The Chairperson shall convene the meeting of the Athletes' Commission.
- 5.4 Two-thirds of the Athletes' Commission's members present shall constitute a quorum.

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BYLAW 3 – DISCIPLINARY PROCESS

1 Introduction

- 1.1 The **MOC** has adopted the ensuing document to be able to administer matters of a disciplinary nature. These cases usually start from a complaint or a report raised by an official of the **MOC Executive Board** on an athlete or official or by a **Federation** on an official of the **MOC Executive Board**.
- 1.2 Terms in italics shall bear the meanings given to them as follows:
 - 1.2.1 *Person* means an official or athlete against whom the complaint has arisen.
 - 1.2.2 *Disciplinary Board* as provided by Article 7.2 of the **MOC Statute**.
 - 1.2.3 *Appeals Board* as provided by Article 7.4 of the **MOC Statute**.
 - 1.2.4 *Chairman* means the Chairman of the *Disciplinary* or the *Appeals Board*.
- 1.3 The **MOC Executive Board** have licence to deal with relatively minor matters of discipline without bringing them to the attention of the **MOC's** General Assembly. However, it is suggested that such matters should be always recorded.
- 1.4 The underlying process is intended to deal with matters resulting from a graver misconduct by a *person* or who behaves in a manner likely to bring the **MOC** into disrepute or in a manner that is injurious to the character and/or interests of the **MOC**.
- 1.5 If a *person* is charged with an offence pursuant to anti-doping, competition manipulation or child protection policies, then the provisions of the relevant legislation will apply.
- 1.6 If a case requires the involvement of the police, then the process will be suspended until such time that the case is determined by the competent authorities. The provisions under paragraphs 6 will apply.
- 1.7 Cases of possible misconduct shall be considered by one or all of the following Committees according to the necessities of the particular case:
 - 1.7.1 A Sub-Committee (the *Sub-Committee*) normally comprising of the **MOC** President, **MOC** Secretary General and another **MOC Executive Board** official so appointed to the task.
 - 1.7.2 The *Disciplinary Board*.
 - 1.7.3 The *Appeals Board*.
- 1.8 The nominated persons serving on the *Sub-Committee*, *Disciplinary Board* and *Appeals Board* shall be impartial and have no personal interest in or involvement with the subject matter of the inquiry or with the *person* being charged with an offence.

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- 1.9 The *Chairman* will be nominated by the **MOC Executive Board** who will seek his approval by the General Assembly by a majority vote of the **persons** through the appropriate resolution. The *Chairman* will be appointed for a period of four years and during that period will only be removed from the position by the persons in *General Assembly meeting*.
- 1.10 The *Chairman* will, in turn, appoint the two other persons to sit on the *Disciplinary Board* appointed for each separate case.
- 1.11 If the *Chairman* is conflicted out of or otherwise unable to hear a particular case, the **MOC Executive Board** may appoint an ad hoc *Chairman* for that particular case. Such an ad hoc appointment would not require the approval of the *General Assembly*.
- 1.12 The complaint must not be anonymous and must be made within three weeks from the alleged incident. It should readily identify the individual making the complaint (the complainant), the *person* against whom the complaint is being made and give details of the conduct in respect of which the complaint is being made. Any complaints not complying with these requirements will not be accepted.
- 1.13 All notices to be given or served by any individual or body under the provisions of this process shall be served by hand or sent by recorded delivery to the addressee at his last address known to the sender. Notices delivered by hand shall be deemed to be served at the time of delivery. Recorded delivery notices are deemed received when the delivery of the same has been recorded by the relevant postal official. The relevant notice period shall commence with the deemed date of receipt. Electronic mail will be considered as an acceptable media to communicate, if so agreed by all parties.
- 1.14 It is strongly recommended that whilst the case is sub-judice all parties should respect the confidentiality of the case in hand. However, a breach of this confidentiality will not jeopardise the process.
- 1.15 The **MOC Executive Board** shall have the power to exclude the *person* from pending the hearing of the case against him. The *Disciplinary Board* may take into account the period for any such exclusion when delivering its decision.

2 Receipt of Information and Initial Consideration by *Sub-Committee*

- 2.1 On receipt of information relating to a possible misconduct, the **MOC Executive Board** will in the first instant meet to decide the seriousness of the misconduct. If the **MOC Executive Board** deems that there is enough evidence and considers the matter of a less severe nature, for example due to a minor misunderstanding or unintended offensive behaviour, it will guide and entrust the *Sub Committee* to deal with it within a reasonable timescale. Otherwise the provisions under paragraphs 3 will apply.

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- 2.2 The *Sub-Committee* shall write to and/or meet the *person* concerned and inform him of the information which has been passed to the *Sub-Committee* and, if necessary, ask him for further information or comments.
- 2.3 Should the *person* wish to make further representations he should do so within twenty-one **days** of the date of the *Sub-Committee's* communication or, within such other reasonable timescale as agreed between the *person* and the *Sub-Committee*.
- 2.4 Upon receiving further information, comments or representations from the *person*, the *Sub-Committee* shall, either:
 - 2.4.1 Determine that there is insufficient evidence and close the case; or
 - 2.4.2 Determine that there has been a breach of conduct of a less severe nature and inform the *person* of any possible constraint to be affected against him; or
 - 2.4.3 Determine that the matter is of a more serious nature that it must be handled by the *Disciplinary Board* and in so doing the *Sub-Committee* shall pass all papers, including any further information, comments or representations received from the *person*, to the *Disciplinary Board* as soon as practicable.
- 2.5 Upon the application of paragraph 2.4.2 above, the **MOC** shall inform the *person* in writing of the *Sub-Committee's* decision within twenty-one **days** of receiving information from the *Sub-Committee*. The *person* shall also be informed at this time that he has the right to request in writing, and within fourteen **days** of the date of this letter, that his case be reviewed by the *Disciplinary Board*.
- 2.6 Upon the application of paragraph 2.4.3 above or when any person of the *Sub-Committee* requests that the matter should be referred to the *Disciplinary Board*, the *person* shall be informed in writing that the *Disciplinary Board* will review his case and the provisions of paragraphs 3 will apply.
- 2.7 Pending review of the case by the *Disciplinary Board*, any decision taken by the *Sub-Committee* shall be suspended.

3. Consideration by the *Disciplinary Board*

- 3.1 The **MOC Executive Board** will initiate the hearing of a complaint of the *Disciplinary Board* either:
 - 3.1.1 On receipt of written information from an individual or a **Federation** relating to a possible gross misconduct of another individual; or
 - 3.1.2 On receipt of a written complaint received from an official of the **MOC Executive Board**; or
 - 3.1.3 Due to the provisions according to paragraphs 2.4.3, 2.5 or 2.6 above.
- 3.2 The *Disciplinary Board* shall:
 - 3.2.1 Be unbiased.

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- 3.2.2 Be familiar with the procedures outlined in this document.
 - 3.2.3 Act within its powers and not be hesitant to seek advice on any matter about which it is unsure.
 - 3.2.4 Have consideration and respect for all parties to an inquiry including witnesses.
 - 3.2.5 Discharge its responsibilities in accordance with the principles of natural justice.
- 3.3 The *Disciplinary Board* shall also appoint a secretary to serve the *Disciplinary Board* as its clerk. If the appointed secretary is not a person of the *Disciplinary Board*, he shall not act in a judicial capacity nor have a vote.
- 3.4 Once convened, the *Disciplinary Board* shall as soon as practicable:
- 3.4.1 Assemble such facts as are reasonably available.
 - 3.4.2 Notify the *person* in writing of the complaint made against him and inform the *person* that if he wishes he may submit in writing any observations on the complaint. It must be made clear that the *person* is under no obligation to make any statement but that any statement, which the *person* wishes to make, should be submitted within seven **days**.
 - 3.4.3 On the expiration of seven **days** from the date of notification to the *person*, convene a meeting of the *Disciplinary Board* by serving not less than fourteen **days'** notice of the date, time and place of the hearing on the persons of the *Disciplinary Board*, the *person* and such other bodies or persons as the *Disciplinary Board* decides are appropriate.
- 3.5 There shall be annexed to the notice given to the *person* under paragraph 3.4.2, a copy of this Disciplinary Process, a copy of the complaint referred to in paragraphs 3.1, and a statement of any other facts of which the *Chairman* is aware and which are likely to assist the *Disciplinary Board* and the parties concerned.
- 3.6 At every stage of the process, the *person* shall have the right:
- 3.6.1 To be present in person.
 - 3.6.2 To state his case, call witnesses and furnish evidence.
 - 3.6.3 To be assisted at the hearing by a fellow individual, colleague of his choosing or legal adviser.
- 3.7 Evidence of the conduct being considered may be in writing or given verbally. Anonymous or unattributed opinions are inadmissible as evidence. Hearsay evidence is admissible, but the *Disciplinary Board* must treat it with caution.
- 3.8 The *person* has the right to:
- 3.8.1 Be given access to the evidence.
 - 3.8.2 Respond to the evidence.

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- 3.8.3 Know the name of the individual(s) giving evidence.
- 3.8.4 Challenge the evidence.
- 3.8.5 Expect that the evidence will be presented systematically and thoroughly.

- 3.9 The *Chairman* shall have discretion to proceed with the hearing in the absence of the *person* if notification has been given to the *person* in accordance with this Disciplinary Process but the *person* has failed to attend the meeting of the *Disciplinary Board* or has failed to give any reasonable explanation for such failure.

- 3.10 The standard of proof in all cases shall be the balance of probabilities, except for competition manipulation cases in which it shall be comfortable satisfaction.

- 3.11 The *Chairman* may in appropriate cases give directions for the hearing.

- 3.12 The *Disciplinary Board* may appoint a third-party expert adviser to attend a hearing and advise the *Disciplinary Board*. Such adviser shall not have a vote.

- 3.13 The hearing shall be conducted as follows:
 - 3.13.1 The *Chairman* shall confirm that the *person* has copies of all the relevant documents.
 - 3.13.2 The *Chairman* shall advise the *person* that he may either submit a written statement or make a verbal statement to the *Disciplinary Board* or remain silent. The *person* shall be further advised that if he makes a verbal statement to the *Disciplinary Board* it will carry more weight than remaining silent.
 - 3.13.3 The *person* will be liable to be asked questions by the *Disciplinary Board*.
 - 3.13.4 Witnesses may be called, make statements and be questioned by the *Disciplinary Board* or by the *person*.
 - 3.13.5 The *Disciplinary Board* shall consider its decision. Only persons of the *Disciplinary Board* and its secretary shall be present when it is considering its decision, but the *Disciplinary Board* may invite its expert adviser to attend and advise the *Disciplinary Board*. The expert adviser should retire before the *Disciplinary Board* reaches its decision.
 - 3.13.6 The *Chairman* may announce the decision and reasons in open session immediately or adjourn the hearing to allow the *Disciplinary Board* further time to make enquiries or deliberate.
 - 3.13.7 The *person* shall have the right to respond to any matters arising out of any further enquiries carried out. If a response is required, then the *person* shall be given written notice of matters arising out of the further enquiries and given seven **days** to respond in writing.
 - 3.13.8 The *Chairman* may if he considers it necessary reconvene the hearing to allow the *person* to respond. The *Disciplinary Board* will decide within seven **days** of the conclusion of the final hearing.
 - 3.13.9 The secretary shall take minutes of the proceedings of the *Disciplinary Board*. The *person* appealing against the decision of the *Disciplinary Board* is entitled to a copy of the minutes.

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- 3.13.10 The *Chairman* may admit such other matters as are relevant to the subject matter of a hearing. The *Chairman* may decide the procedure and order of the hearing (including any adjournment thereof) as he may deem appropriate, bearing in mind the requirement to give the *person* a fair hearing at all times.
- 3.14 The *Disciplinary Board* may, on finding the *person* guilty of an offence, impose any constrain(s) it may deem fit depending on the gravity of the case.
- 3.15 The *Disciplinary Board* shall on a finding of breach of conduct invite the *person* to make submissions on the penalty to be imposed and consider any such submissions, the gravity of the offence and any previous examples of misconduct by the *person*.
- 3.16 The *Chairman* of the *Disciplinary Board* shall serve written notice of that decision and the reasons for it on the *person*, the complainant and the **MOC Executive Board** within seven **days** of the announcement of the *Disciplinary Board's* decision.
- 3.17 A record of all hearings and decisions of the *Committees* and the minutes of their meetings must be maintained by the **MOC** for a minimum period of three years.

4. Appeal

- 4.1 Any decision taken by the *Disciplinary Board's* may be appealed in writing.
- 4.2 Such notice shall be served to the **MOC** within fourteen **days** of the date of the service of the decision on the *person* under paragraph 3.16. If such notice of appeal is not served within the said fourteen-**day** period, the right of appeal shall lapse.
- 4.3 In giving notice of appeal, a written statement must be provided indicating the grounds for the appeal, together with such accompanying documents as appropriate.
- 4.4 An appeal may be made only on one or more of the following grounds:
- 4.4.1 Totally new and relevant evidence has come to light after the *Disciplinary Board's* decision.
 - 4.4.2 The *Disciplinary Board's* decision was procedurally flawed in a material way.
 - 4.4.3 The penalty imposed by the *Disciplinary Board* was not appropriate to the misconduct.

5.0 Consideration by the Appeals Board

- 5.1 On receipt of a notice of appeal the **MOC Executive Board** shall as soon as possible appoint an *Appeals Board* for the purpose of dealing with the appeal.

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- 5.2 From the date of receipt by the **MOC Executive Board** of a notice of appeal until the determination of the appeal, the decision of the *Disciplinary Board* shall remain in force until the appeal is concluded.
- 5.3 The duly appointed *Appeals Board* shall hear the appeal.
- 5.4 Clause 3.2 and clauses 3.4 to 3.17 (inclusive) shall apply to the conduct of an appeal subject only to the substitution of "*Appeal Board*" for "*Disciplinary Board*" and "appeal" for "hearing" throughout.
- 5.5 The decision of the *Appeals Board* can only be challenged via the Court of Arbitration for Sports as provided by Article 7.5 in the **MOC Statute**.
- 6.0 Criminal Offences**
- 6.1 Upon the termination of legal proceedings against a *person*, should the *person* be convicted of the criminal offence, under Maltese or other International Law, then his relationship with the **MOC** will be terminated immediately.
- 6.2 Should the *person* not be convicted of the offence, the *Disciplinary Board* will meet to consider whether the case merits other considerations outside the aspects of the legal proceedings or whether the legal proceedings gave sufficient indication for the case to be concluded without further action.