



OLYMPIC COUNCIL OF ASIA

# **BY-LAWS**

## **2024**

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## **Definitions:**

Terms used in these By-laws that are defined in the OCA Constitution shall have the same meaning as set out in the OCA Constitution.

In addition, the following terms and abbreviations shall have the meaning set out below:

*By-laws* means the present By-laws of OCA

*Member or NOC Member* means a National Olympic Committee which is a member of OCA

## **1 Purpose**

- 1.1 The present By-laws have been adopted by the EB, based on Article 16.13.1 of the OCA Constitution. They replace with immediate effect the previous version of the By-laws.
- 1.2 The purpose of these By-laws is to provide implementing rules and policies on the basis of the OCA Constitution and to set out rules of order for an efficient and transparent functioning of OCA and its bodies, in line with the mission and the objectives of OCA.

## **2 General Assembly**

- 2.1 The General Assembly is the highest authority of OCA. It is held either as an Ordinary GA or as an Extraordinary GA. A GA may be held in person, by teleconference, by videoconference or by another means of communication. Voting by correspondence (including email) and/or online is permitted. In the absence of the President, the DG can call an Extraordinary GA for urgent issues.
- 2.2 Outside and independently on a GA, a resolution or a decision of OCA may be submitted to a vote by correspondence, including email, teleconference, videoconference or any other appropriate electronic means, to the Members by the President or the DG. The required majorities set forth in the OCA Constitution apply to these resolutions and decisions.
- 2.3 Motions shall be dealt with according to the order of precedence prepared by the OCA Administration or determined by the Chair of the GA. Motions and proposals of the EB shall take precedence. In principle, each Member shall have the right to speak in relation to a certain motion only once. The period of speeches may be limited by the Chair of the GA.
- 2.4 The Chair of the GA, upon a written request from a Member, may permit the inclusion of a new item in the agenda of an Ordinary General Assembly without notice. No decision on such an item will, however, be valid unless passed by a two-thirds (2/3) majority of Members present.
- 2.5 The Chair of the GA has the flexibility and power to make any necessary decisions in order to expedite the business of the GA in an efficient, fair and practical manner. The representative who first rises to speak at the conclusion of a speech has the right to be heard. When two (2) or more representatives rise to speak at the same time, the Chair of the GA shall decide who shall speak first. Every speech shall be relevant to the motion or amendment under discussion. No language of a personal or inappropriate nature shall be deemed to be in order.
- 2.6 Any Member may, with the permission of the Chair, rise even while another Member is speaking, to explain any expression used by him/her which may have been misunderstood by the speaker, but he/she shall confine him- or herself strictly to such explanation. During such explanation the previous speaker shall resume his/her seat.

- 2.7 Any Member may call the Chair's attention to a point of order or a clarification anytime and thereafter the Chair shall rule on the point of order or the clarification.
- 2.8 OCA Honorary Life Members may attend a GA and take part in the deliberations but shall neither vote nor propose nor second any motion unless they are the duly appointed representatives of Members of OCA.
- 2.9 Members shall be represented by up to two (2) duly appointed delegates. The OCA Administration will determine from time to time the applicable formal accreditation requirements, taking into due consideration security, health, and organizational issues.
- 2.10 The Chair of the GA will propose for the approval of the GA at least 2 (two) scrutineers to oversee the voting mechanism and vote calculation. Their report shall be given to the Chair of the GA or the DG orally or in written form. The scrutineers may be assisted by OCA staff, as appropriate.
- 2.11 Unless otherwise stated in these By-laws or in the OCA Constitution, decisions by the GA are made counting only the valid votes cast. Accordingly, abstentions and invalid votes shall not be counted.
- 2.12 If the correctness of a vote is questioned, the Chair of the GA shall decide the validity of the complaint.
- 2.13 Elections shall be conducted by secret ballot. In case the number of candidates is not higher than the number of free positions, the GA may decide to elect the candidates by acclamation.
- 2.14 Any matter of procedure which is not covered by the OCA Constitution, or these By-laws shall be determined by the President.
- 2.15 The following persons may be invited to attend the GA meetings, at their own cost and without voting right:
- The president or the secretary general of the IFs (or 1 (one) representative thereof) who may be from Asia;
  - The AF's seeking recognition by the OCA, provided they have subscribed to the Constitution and Rules of OCA and have also undertaken that their Asian Championships follow the prescribed conditions of entry applicable to the OCA Games;
  - No other representative shall be allowed inside the Assembly Hall without the prior approval of the Chair.

- 2.16 The OCA shall provide one Economy Class air ticket direct routing, to 1 (one) delegate from each Member to attend the GA.
- 2.17 The OCA shall provide one Economy Class air ticket direct routing, to 1 (one) delegate from each Member to attend the GA.
- 2.18 The accreditation badge for the GA and other OCA events is the sole property of the OCA and can be issued and withdrawn by OCA any time at its sole discretion.

### **3 The President and Executive Board**

- 3.1 The President chairs the GA and the EB. He/she delegates all or part of his powers to a Vice-President or to the Director General as he considers necessary.
- 3.2 Any vacancies and/or absences of the President shall be filled by the First Vice President, in accordance with the OCA Constitution. The First Vice President shall act as the OCA Vice President with the longest period of service as member of the EB. In his absence the 2<sup>nd</sup> longest serving Vice President will act as the First Vice President.
- 3.3 The NOCs that are entrusted with the organisation of either the Summer or the Winter Asian Games have each the right to propose an individual who shall act as Vice President of OCA and therefore as member of the EB, provided however that such Vice Presidents will not have voting right and will be solely responsible for the activities relating to the edition of the OCA Games that their NOC is organising.
- 3.4 The Vice Presidents, nominated by the Host NOCs/City of the OCA Games will solely be responsible for the activities concerned with the AGOCs of their respective OCA Games and will have no voting rights.
- 3.5 The Chairs of the Audit & Risk Committee, the Ethics Committee, the Election Committee and any other ad hoc Committee established by OCA, may be invited to attend meetings of the EB without voting right when matters pertinent to their respective committees are on the agenda.
- 3.6 The OCA President and the DG shall be ex-officio members of all Committees, with exception of the Audit & Risk Committee, the Ethics Committee and the Election Committee.
- 3.7 The OCA will provide Business Class air tickets and board and lodging to the members of the EB attending an EB meeting, all in accordance with the OCA Financial Guidelines.
- 3.8 Indemnity to members of the EB will be provided for their official missions as per the OCA Financial Guidelines.
- 3.9 In case of a vacancy created in a Standing Committee on the demise of a member or for any other reasons, the EB shall have the authority to appoint a new member in his/her place for the remaining term.

- 3.10 The President shall have full authority to appoint individuals and/or ad hoc Committees or working groups for some particular mission or position and to define their privileges, duties and requirements, as per the OCA Constitution and OCA Financial Guidelines. These nominations shall be from amongst those sports leaders who have significant prior experience and who have contributed for the OCA mission and/or who are experts of the related subject. Such nominations shall be reported to the next EB meeting.
- 3.11 The President is authorised to appoint advisors and experts and assign them such duties as he/she might deem in the interest of OCA. The advisors and experts may be invited to attend EB Meetings as observers, only if required, without any voting right.
- 3.12 The President can propose individuals for their outstanding performance and achievements to be Honorary Members of the EB and to attend the meetings of the EB without voting right.
- 3.13 The EB may hold meetings and take decisions via teleconference, video conference or any other appropriate electronic means. A resolution or decision may be submitted to a vote by correspondence, including by electronic mail, video conference, teleconference or any other appropriate electronic means, to the members of the EB by the President or the DG.
- 3.14 Any matter of procedure concerning EB meetings which is not covered by the OCA Constitution, or these By-laws shall be determined by the President.
- 3.15 Members of the EB are not personally liable for the debts and obligations of OCA.
- 3.16 The EB shall issue appropriate rules for the authorisation and sanction of international competitions and events to be governed and/or supported by OCA.
- 3.17 The EB may delegate powers to one or more of its members, to the DG, to members of the OCA Administration, to other entities or to third persons, as appropriate.
- 3.18 The EB shall issue appropriate competitions rules for competitions and events to be governed and/or supported by OCA, namely the OCA Games, taking into due consideration the specificities and the needs of all disciplines.
- 3.19 The DG can sign and send on behalf of OCA invitations to the meetings of the OCA Committees, of the EB as well as invitations to any GA, including the Agenda of the GA. In the absence of the DG, any of the mentioned invitations can be signed and sent by the deputy DG.

## **4 OCA Members: Rights and Obligations**

- 4.1 A Member recognised by the OCA must fulfil the following requirements:
  - 4.1.1 It shall include within its organisation representatives of the National Sport Governing Bodies of sports in which that country/region is participating in the OCA

Games. These Governing Sport Bodies shall be affiliated to their respective IFs and to the respective AFs in lieu thereof in the case of a regional sport;

4.1.2 It must include in its own membership the appropriate representatives in the GA. It must recognize not more than one body or Association in its own country/region as the National Governing Body of a sport which is the body recognised by the IF of that sport or by a body recognised by the AF where no IF exists;

4.1.3 It shall be the official body for all matters relating to the OCA Games in its own country/region. All arrangements concerning the participation of the NOC in the OCA Games and all communication on such matters shall be addressed to it. It must be completely independent and autonomous and resist all political, religious or commercial undue pressure;

- 4.2 Through their membership in OCA, Members agree to the exclusive jurisdiction of CAS, to the exclusion of any state court or state tribunal. Further, in any matter relating to OCA and/or OCA activities, Members shall ensure that themselves as well as their members, affiliates and officials comply with the decisions passed by CAS and/or OCA. Members shall include in their statutes or constitution the necessary legal basis to ensure recognition of CAS exclusive jurisdiction and compliance with CAS decisions by all persons subject to the statutes or constitution or rules of a Member.
- 4.3 When an infraction of the fundamental principles of the OCA has taken place or where a Member does not comply with the OCA Constitution, any OCA Regulations and Rules, or the present By-laws and/or with any decision of the EB, the President or the DG shall bring the matter to the attention of the EB. In principle, the EB shall appoint a fact-finding committee, whose report must be submitted to the EB within two (2) months of its appointment. The report together with the decision of the EB shall be dealt with at the next meeting of the GA.
- 4.4 All Members must preserve their autonomy as envisaged in the OCA Constitution and/or in the Olympic Charter. However strong and cordial the relationship between a Member and its Government can be, there shall be no undue interference from any Government in the functioning of a Member.
- 4.5 When the autonomy of a member is being, or is, compromised, the EB is entitled to take any appropriate decisions and impose any appropriate measures in order to protect the sports and the Olympic spirit in the respective country/region. These measures include the appointment of Normalisation Committee, the suspension of the membership of the Member or the expulsion of the Member from the OCA.
- 4.6 The approval of the constitution or the statutes of any NOC by OCA is subject to the approval of the IOC and is a condition for recognition of any NOC as a Member of OCA. The same condition applies to any subsequent change or amendment to the constitution or the statutes of any NOC. Such constitution and statutes shall at all times comply with



the OCA Constitution. In the event of any conflict between the constitution or the statutes of a Member and the OCA Constitution and/or the Olympic Charter, the Olympic Charter and/or the OCA Constitution respectively shall prevail.

- 4.7 Where there is no NOC in a country/region, the National Sports Organisation in that country/region may be admitted to membership subject to evidence being provided. Such an organisation should take steps to be recognised within four (4) years as the NOC of that country/region. Any such Committee or Organisation wishing to join OCA shall apply to the President, who shall lay the application with full facts about it bona-fides before the EB for decision. The decision of the EB shall be subject to ratification by the GA.
- 4.8 In case a final conviction by a court of law is issued against an individual that is affiliated with or a direct or indirect member of a Member, in respect of an offence which is of serious nature under local and/or international laws or which is a serious violation of the approved statutes or constitution of the respective NOC, or a serious violation of the OCA Constitution, then such individual shall resign immediately or otherwise will be suspended by a decision of the EB and will not be eligible to participate in any event or contest in any elections of his/her respective NOC or of OCA. If such an individual is a member of the EB and/or of a Committee of OCA, he/she shall immediately resign from the respective office, or he/she will be suspended by the EB.
- 4.9 Each Member shall strictly adhere to the principle of the autonomy of sports as per the Olympic Charter and the OCA Constitution. Each Member shall hold free elections for its governing bodies including its executive body without any undue interference from any external third party. Any elections of a member must be as per the approved statutes or constitution of such NOC. The OCA may send observers to ensure that the elections are conducted properly and in accordance with the applicable rules and that there is no direct or indirect undue interference from a third party. The EB shall have the right to not recognize any executive body of a Member which has not been freely elected or which election otherwise violates the OCA Constitution. Any non-recognized person or body of a Member shall have no rights under the OCA Constitution including, but not limited to, participation in any of the OCA Games or other activities or referring a dispute with OCA to CAS or any court.
- 4.10 Members of OCA have the right to nominate candidates for positions in the EB as President or as EB members with voting right. Each OCA Member has the right to nominate one (1) candidate for such a position in the EB. In case an OCA Member nominates more than one (1) candidate, the Election Committee will grant to such NOC a deadline of maximum two (2) days to state in binding terms which shall be the one (1) candidate maintained and which other candidate(s) shall be considered withdrawn. In case the NOC does not submit such binding statement in time, the Election Committee shall be entitled to declare ineligible all candidates nominated by such NOC.
- 4.11 All communications from the OCA to a Member shall be addressed to the president and/or the secretary general of the Member as per the contact details provided by the Member to OCA.

- 4.12 In the case of electronic communication (email), any notice by OCA shall take effect the moment OCA sends such email to the email addresses provided by a Member. Emails by a Members to OCA shall be effective the moment they are effectively and properly received at OCA's email which OCA has consented to receive the Member's notice.

## **5 The Athletes Committee**

- 5.1 The Athletes Committee advocates the athlete's interests in Asia and participates in the decisions-making process of OCA, aiming at safeguarding the rights of Athletes.
- 5.2 The majority of the members of the Athletes Committee shall be Athletes elected by Athletes participating in the Asian Games. The elections shall be held on the occasion of the Asian Games and the Asian Winter Games, in accordance with regulations adopted by the EB, in consultation with the Athletes Committee. No more than one (1) member per NOC can be a member of the Athletes Committee.
- 5.3 All rules and regulations of the Athletes Committee shall be adopted by the EB after consultation with the Athletes Committee.
- 5.4 When appointing the 2 (two) members of the EB, one male, one female, the Athletes Committee shall ensure that one member is an athlete participating in the Winter Asian Games and the other in the Summer Asian Games.
- 5.5 All members of the Athletes Committee are eligible to be candidates for the positions of Chair and of Vice-Chair of the Athletes Committee. In any event, the Chairperson and the Vice-Chairperson shall be of a different gender. In addition, if the Chairperson is an athlete participating in the Winter Asian Games, the Vice-Chairperson shall be an athlete participating in the Summer Asian Games, or vice-versa.

## **6 The Ethics Committee**

- 6.1 The Ethics Committee is charged with defining and updating a framework of ethical principles, including an Ethics Code, based upon the values and principles enshrined in the Olympic Charter and in the OCA Constitution.
- 6.2 Any modification of the Ethics Code shall be submitted by the Ethics Committee to the EB for approval.
- 6.3 The Chair and Members of Ethics Committee are elected by the GA at the proposal of the President.
- 6.4 The Ethics Committee will comprise of Chair and 4 members. In addition, the Committee will also include one Athletes Committee representative.
- 6.5 The Chair or any member of the Ethics Committee will recuse himself/herself if his/her NOC is involved in a case before the Ethics Committee.

## **7 The Election Committee**

- 7.1 Subject to the direction of the EB, the Election Committee is charged with preparing profiles and proposing candidates in order to achieve a diverse and balanced membership of the respective OCA bodies.
- 7.2 All rules and regulations of the Election Committee, including the Election Code, shall be adopted by the EB after consultation of the Election Committee.

## **8 The Finance Committee**

- 8.1 The Finance Committee shall be vested with the responsibility for overseeing the financial planning and budgeting processes, evaluating and approving major expenditures, ensuring the financial independence of the OCA, and ratifying audited financial statements.
- 8.2 The Finance Committee shall be responsible for:
- Consideration of the financial planning and projections, budget estimates and statements of accounts prepared by the OCA Administration for submission to the EB/GA;
  - Approving all major expenditure incurred by the OCA and all other financial matters, as per OCA Financial Guidelines;
  - The raising of funds so that the working of the OCA may be independent;
  - The approval of Audited Statement of Accounts;
  - The meetings of the Finance Committee will be held as decided by the Chair of the Committee with the prior approval of the President;
  - Making recommendations to the EB for the selection of the Certified International Auditing Firm as the OCA's external auditor for approval by the General Assembly.

## **9 Composition of the Standing Committees**

Unless otherwise foreseen in the OCA Constitution or in these By-laws, each of the Standing committees of the OCA will comprise of one Chair and of eight (8) members.

## **10 The Asian Games**

- 10.1 All matters relating to the OCA Games and the Asian Games in particular shall be regulated in the Asian Games Manual to be issued by the EB.
- 10.2 Any Asian Games (Asian Summer Games, Asian Winter Games, Asian Beach Games, Asian Indoor & Martial Arts Games, Asian Youth Games) shall be conducted in accordance to the OCA Constitution, By-Laws, EB Decisions, HCC Asian Games Guidelines & Obligations, published in the OCA Website.

- 10.3 The Executive Board (EB) of the Olympic Council of Asia (OCA) has the authority to cancel, remove, or withdraw the Asian Games from the Host NOC and the Host Organizing Committee if they do not comply with the Host City Contract (HCC), OCA Constitution, By Laws, and decisions made by the OCA Executive Board. Additionally, the OCA EB can impose financial penalties and other sanctions on the Host NOC and Organizing Committee.
- 10.4 Additional rules and regulations may be issued when and where necessary.

## **11 Entry into Force**

- 11.1 The present By-laws have been adopted by the OCA Executive Board on 16<sup>th</sup> July 2024. They replace with immediate effect the previous version of the By-laws,
- 11.2 Any amendment of these By-laws shall become effective immediately unless otherwise determined by the EB at the time of such decision.