



STATUTES OF THE INTERNATIONAL CORRESPONDENCE CHESS FEDERATION

Former English Version

Section 1: Status, Principles and Purpose of the Association

1.1

The International Correspondence Chess Federation (ICCF) is the worldwide organization for correspondence chess and is independent. Its merger with any other organization or its dissolution requires the unanimous approval of the ICCF Congress.

Proposed Official French version

Section 1 : statut, principes et objet de l'association

Article 1

L'International Correspondence Chess Federation (ICCF) est l'organisation mondiale des échecs par correspondance. Elle est indépendante et sans durée limitée. Sa fusion avec une autre organisation et sa dissolution requièrent l'approbation unanime des membres présents ou représentés de l'assemblée générale, dénommée Congrès.

English translation of the proposed Official French new version

Section 1: Status, Principles and Purpose of the Association

Article 1

The International Correspondence Chess Federation (ICCF) is the worldwide organization for correspondence chess. It is independent and has an unlimited duration. Its merger with another organization and its dissolution require the unanimous approval of members present or represented at the general assembly, called the Congress.

Comment [JCC1]: The mention of the duration of an association is a condition of its validity. Hence the sentence.

Comment [JCC2]: Important to mention it there, even if it is the common custom.

Comment [JCC3]: The French and Swiss law texts refer to the assembly general being the supreme decision making body. I thought it was necessary to specify that we call it the Congress.

Former English Version

1.2

Correspondence chess is defined as a game of chess in which the players do not sit opposite each other at a chess board to make their moves. Moves are communicated by any form of long-distance transmission with playing time normally being counted in days per move.

Proposed Official French version

Article 3

Les échecs par correspondance se définissent comme étant toute partie d'échecs dans laquelle les deux adversaires ne sont pas assis l'un en face de l'autre autour de l'échiquier pour jouer les coups. Les coups sont transmis à distance par tous moyens et le temps est normalement compté en jours par coups.

English translation of the proposed Official French new version

Article 3

Correspondence chess is defined as any chess game in which both opponents are not sitting opposite one another around a chessboard to make their moves. The moves are transmitted remotely by various means and the time is usually counted in days per move.

Comment [JCC4]: No change, slightly different wording.

Former English Version

1.3

ICCF is a democratic organization which does not permit discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. ICCF observes strict neutrality in the internal affairs of member federations and any affiliated organizations.

Proposed Official French version

Article 10

L'ICCF est une association fonctionnant de manière démocratique et n'autorise aucune discrimination fondée sur la race, la couleur de peau, le sexe, la langue, la religion, les opinions politiques ou autres opinions, l'origine nationale ou sociale, la propriété, l'origine de naissance ou tout autre statut. L'ICCF observe une stricte neutralité dans les affaires internes des fédérations membres et des organisations affiliées.

English translation of the proposed Official French new version

Article 10

ICCF is a democratic association and does not discriminate based on race, skin colour, sex, language, religion, political or other opinions, national or social origin, property, birth origin or any other status. ICCF observes strict neutrality with respect to the internal affairs of member federations and affiliated organizations.

Comment [JCC5]: No change, slightly different wording

Former English Version

1.4

All ICCF officials work on an honorary basis, unless by prior agreement by ICCF Congress.

Proposed Official French version

Inserted in new article 2, see below.

Former English Version

1.5

The seat of ICCF is based in Switzerland. The Congress is entitled to create an ICCF office(s) anywhere in the World, as appropriate.

Proposed Official French version

Article 4

1°) Le siège de l'ICCF est fixé en Suisse, au siège de l'association membre *Die Schweizer Fernschachvereinigung* (SFSV) – Association Suisse des Echecs par Correspondance (ASEC) – *Associazione Svizzera Scacchi per Corrispondenza* (ASSC), en vertu d'une convention spéciale annexée aux présents statuts.

2°) Le Congrès est autorisé à créer des bureaux partout dans le monde, en fonctions des intérêts de

l'ICCF. Les bureaux sont ouverts en respectant la loi nationale régissant les associations du pays où ils sont créés.

English translation of the proposed Official French new version

Article 4

1) ICCF's headquarters is established in Switzerland, at the headquarters of the member association *Die Schweizer Fernschachvereinigung* (SFSV) – Association Suisse des Echecs par Correspondance (ASEC) – *Associazione Svizzera Scacchi per Corrispondenza* (ASSC), by virtue of a special agreement attached as an appendix to these Statutes.

2) The Congress is authorized to establish offices anywhere in the world, according to ICCF interests. The offices are opened in accordance with the national laws governing associations in the country in which they are created.

Comment [JCC6]: Up to now, the absence of an address in Switzerland prevented the ICCF to be legally attached to the Swiss Law. The agreement between the ICCF and the Swiss Association (to be signed during the 2011 Congress) will allow to take advantage of all the legal provisions of the Swiss Civil Code.

Comment [JCC7]: Very important to specify that the ICCF is a Swiss National association and that futures offices must respect both the Swiss Law and the local law.

Former English Version

1.6

The aims of ICCF are to organize, develop and promote the study and practice of international correspondence chess throughout the world. It supports and promotes close international co-operation between chess players, enthusiasts and with the Fédération Internationale des Échecs (FIDE), thereby aiming to enhance contact and friendly harmony amongst the peoples of the world.

Proposed Official French version

Article 8

Le but de l'ICCF est de promouvoir et de développer l'étude et la pratique des échecs par correspondance à travers le monde. Elle encourage et développe les relations et les coopérations internationales entre les joueurs d'échecs, les amateurs et la Fédération Internationale des Échecs (FIDÉ) en ayant pour objectif l'amélioration des contacts et l'harmonie entre tous les peuples du monde.

English translation of the proposed Official French new version

Article 8

ICCF's purpose is to organize, promote and develop the study and practice of correspondence chess throughout the world. It encourages and develops relationships and cooperation between international chess players, enthusiasts and the World Chess Federation (FIDE) with the objective of improving contact and harmony among all peoples of the world.

Comment [JCC8]: No change, slightly different wording

Former English Version

1.7

ICCF is responsible for the rules for international correspondence chess as defined in para 1.2, including those pertaining to the official World Championships for both individuals and teams. It also promotes and has the power to authorize other international correspondence chess tournaments.

1.8

In accordance with its rules, ICCF produces individual ratings and awards titles to correspondence chess players and arbiters worldwide.

Proposed Official French version

Article 9

1°) L'ICCF édicte les règles applicables au jeu d'échecs par correspondance au niveau international

définies à l'article 3, incluant celles relatives au Championnat du Monde individuel et par équipes. L'ICCF a également pour but de promouvoir et a le pouvoir d'autoriser d'autres tournois par correspondance au niveau international ;

2°) Conformément à son règlement intérieur et à ses différentes règles de jeu, l'ICCF fournit un classement individuel et décerne les titres aux joueurs par correspondance et aux arbitres internationaux

English translation of the proposed Official French new version

Article 9

1) ICCF enacts the rules for correspondence chess at the international level as defined in article 3, including those relating to the individual and team World Championships. ICCF's purpose is also to promote and to be able to authorize other tournaments by correspondence at the international level.

2) In accordance with its internal bylaws and its various playing rules, ICCF provides individual rankings and confers titles on correspondence players and on international arbiters.

Comment [JCC9]: Former 1.7 and 1.8 have been merged

Comment [JCC10]: No change, slightly different wording

Comment [JCC11]: This is the first appearance of the notion of "ICCF Internal Bylaws". It is a necessary compilation of the former Statutes Rules which won't be in the New Statutes because they're not necessary to Third Parties and because it is recommended to shorten the Statutes to the minimum: every change in the Statutes themselves in the future will generate the legal duty to declare them to the administrative authority, at least for the ICCF French Office.

Comment [JCC12]: The financial provisions of the former statutes are disseminated in various places in the text, which is not good when it comes to handle a taxes control. Above the financial provisions dramatically lack of details about the resources of the ICCF. I therefore drafted 2 articles at the same place in the text providing what banks and taxes administration need to know.

Former English Version

1.9

The financial year of ICCF begins on 1st January and ends on 31st December each year. Accounts and the Annual Financial Statements are presented in Euros, as is all other financial information of ICCF unless otherwise convenient to provide it in different currencies.

Proposed Official French version

Article 5

L'année financière de l'ICCF débute au 1er janvier et se termine au 31 décembre de chaque année. Les comptes sont présentés en Euros, de même que toutes les autres informations à caractère financier, sauf à ce qu'il apparaisse plus favorable de les fournir dans différentes devises.

Article 6

1°) Les membres de l'ICCF contribuent à la vie matérielle de celle-ci par le versement d'une cotisation dont le montant est fixé chaque année par le Congrès. Cette cotisation est assise sur une part fixée sur le nombre de joueurs appartenant à la fédération membre et sur une seconde part correspondant au nombre et à la nature des parties d'échecs jouées par les joueurs appartenant à chaque fédération membre.

2°) La première part de la cotisation des membres est calculée par tranche de 100 joueurs appartenant à la fédération nationale, donnant lieu pour chaque tranche, à une contribution d'un montant fixé par le Congrès.

3°) La seconde part de la cotisation des membres correspond à une contribution assise sur un tarif pour chaque tournoi organisé par l'ICCF multiplié par le nombre de joueurs des fédérations membres ayant participé à chacun de ces tournois.

4°) L'ICCF n'impose pas que ce tarif corresponde effectivement au montant du droit de jeu que les fédérations membres exigent de leurs membres pour participer aux tournois de l'ICCF et ne pratique à ce titre aucune ingérence dans la gestion économique et financière des fédérations membres.

5°) En cas d'urgence, notamment de création de tournois avant la réunion d'un Congrès, celui-ci délègue expressément au Conseil d'Administration la faculté de fixer un ou plusieurs nouveaux tarifs, au sens de du 3°) du présent article. Ces tarifs font l'objet d'une ratification au cours du premier Congrès utile.

6°) La seconde part de la cotisation est confirmée par le Congrès chaque année ou modifiée pour les

tournois identiques joués dans les années précédentes.

Article 7

Les ressources de l'ICCF sont constituées par :

- a) Les cotisations annuelles des membres,
- b) Les subventions publiques, le cas échéant,
- c) Les dons et aides privées que l'association peut recevoir,
- d) Les autres ressources non interdites par les lois et règlements en vigueur ; appartiennent à cette catégorie, les droits de jeux payés à l'ICCF directement par les joueurs, qui peuvent notamment être ressortissants de pays ne disposant pas d'association nationale de jeu d'échecs par correspondance, et en particulier par tout système de paiement en ligne sur l'Internet ; les fédérations membres de l'ICCF peuvent refuser à leurs joueurs l'utilisation de ce système de paiement direct, dont les modalités sont fixées par le règlement intérieur.

English translation of the proposed Official French new version

Article 5

ICCF's fiscal year begins January 1st and ends December 31st of each year. The accounts are presented in Euros, as well as all other information of a financial nature, except when it appears more favourable to provide it other currencies.

Article 6

- 1) Members of ICCF contribute to the material life of the organization by paying a membership fee which is set annually by the Congress. This membership fee is comprised of a fixed part based on the number of players belonging to the member federation and a second part corresponding to the number and nature of the chess games played by the players belonging to each member federation.
- 2) The first part of the membership fee is calculated per 100 players belonging to the national federation, giving rise, for each portion thereof, to a contribution in an amount set by the Congress.
- 3) The second part of the membership fee is a contribution levied against a rate for each tournament organized by ICCF multiplied by the number of players from the member federations who participated in each of these tournaments.
- 4) ICCF does not require that this rate effectively match the amount of the playing fees that the federations may require from their members to participate in ICCF tournaments and as such does not interfere in the economic and financial management of member federations.
- 5) In an emergency, particularly the creation of tournaments before the meeting of the Congress, the Executive Board is expressly delegated with the ability to set one or more new rates, as defined in paragraph 3) of this article. These rates are subject to ratification at the next Congress which takes place.
- 6) The second part of the membership fee is confirmed by the Congress each year, or modified for the same tournaments played in previous years.

Article 7

ICCF resources are comprised of:

- a) Annual membership fees,
- b) Government grants, if any,
- c) Donations and private assistance that the association may receive,
- d) Other resources not prohibited by laws and regulations; belonging to this category, game fees paid directly to ICCF by players, which may include citizens of countries with no national correspondence chess association, and especially any type of online payment system on the Internet; member federations of the ICCF may refuse to allow their players to

Comment [JCC13]: This whole membership system aims to reduce to a minimum the ICCF commercial revenue. Swiss or French legislation provides that non-profit making associations can make a commercial turnover but only within a maximum limit and must avoid competing directly with commercial companies that offer the same activity. Hence the idea to extend the more possible what can be called "membership". See also on the same topic my proposal in the Direct Entry 2011 annual report.

use this direct payment system, in accordance with the rules established by the internal bylaws.

Former English Version

1.10

To facilitate communication and organization, ICCF has zones/tournament offices arranged where possible according to regional points of view.

Proposed Official French version

Not in the new Statutes – has no impact on potential Third Parties. Will be taken in the Internal Bylaws

Former English Version

1.11

The official languages of ICCF are English, French, German, Russian and Spanish. English is the working language of ICCF and, in cases of divergence in documents issued in different languages, the English version is authoritative. Other languages are also encouraged to facilitate correspondence and discussions.

Proposed Official French version

Not in the new Statutes: the question of the “working language” has no impact on potential Third Parties and will be taken in the Internal Bylaws. The question of the “Official authoritative language” is answered below in another article, and it is necessarily the French language, which is in the same time an official Swiss language consistent with the fact that the ICCF is a Swiss association, and the official language of the French Republic, seat of the ICCF French Office.

Former English Version

1.12

ICCF has its own trademarked logo, motto "AMICI SUMUS" (we are friends) and anthem. These properties must not be reproduced without obtaining specific prior permission from ICCF.

Proposed Official French version

Article 11

L'ICCF a son propre logo, sa devise « AMICI SUMUS » (nous sommes amis) et son hymne. Ces éléments ne peuvent être reproduits sans autorisation préalable de l'ICCF.

English translation of the proposed Official French new version

Article 11

The ICCF has its own logo, its own motto "AMICI SUMUS" (we are friends) and its own anthem. These materials may only be reproduced with ICCF's prior authorization.

Comment [JCC14]: No change, slightly different wording

Former English Version

1.13

Changes to these Statutes require a two-thirds majority vote in Congress (see Section 4). At least, 4 weeks notice prior to start to the Congress must be given for any change to be made to ICCF Statutes.

Proposed Official French version

Article 12

Les modifications des statuts requièrent un vote de l'assemblée générale, dénommée Congrès, à la majorité des deux tiers des membres présents ou représentés. Pour procéder à des modifications des statuts, l'annonce doit en être publiée au moins quatre semaines avant la tenue du Congrès.

English translation of the proposed Official French new version

Article 12

Amendments to the statutes require a vote of the general assembly, called the Congress, and a majority of two thirds of the members present or represented. To make changes to the statutes, the announcement must be published at least four weeks before the Congress is held.

Comment [JCC15]: No change, slightly different wording

New article in Section 1

Proposed Official French version

Article 2

L'International Correspondence Chess Federation (ICCF) est dépourvue de but lucratif et organise une activité sportive purement récréative. Pour cette raison, l'ICCF est membre affiliée de la Fédération Internationale des Echecs (FIDÉ), elle-même membre de l'ARISF (Association of IOC Recognised International Sports Federations) regroupant les fédérations sportives internationales reconnues par le Comité International Olympique. Les dirigeants et personnalités concourant à l'activité de l'ICCF sont bénévoles.

English translation of the proposed Official French new article

Article 2

The *International Correspondence Chess Federation* (ICCF) is a non- profit federation organizing a purely recreational sports activity. For this reason, ICCF is an affiliate member of the World Chess Federation (FIDE), itself a member of ARISF (*Association of IOC Recognised International Sports Federations*) which gathers together international sports federations recognized by the International Olympic Committee. All ICCF officials work on an honorary basis.

Comment [JCC16]: This new article has two goals. First, to insert the ICCF under the article Art. 60 of the Swiss Civil Code providing that non-profit organization organizing, notably, recreational activities, are legal entities without any other formality. On the other hand, the French Tax Laws for associations have several interesting peculiarities for non-profit organizations having an activity in the sport field.

Former English Version

Section 2: ICCF Members, their rights and duties

2.1

Members of ICCF are national correspondence chess organisations which have principal authority over correspondence chess activities in their own country (where the country also has full membership of FIDE) with only one organisation per country allowed. Each member organisation has one vote in the Congress.

Proposed Official French version

Section 2 : acquisition et perte de la qualité de membre

Article 13

Les membres de l'ICCF sont les organisations d'échecs par correspondance nationales qui font autorité sur les activités nationales des échecs par correspondance dans leur propres pays, lequel doit être également membre à part entière de la FIDÉ. Une seule fédération par pays est admise.

English translation of the proposed Official French new version

International Correspondence Chess Association - ICCF
c/o Die Schweizer Fernschachvereinigung (SFSV)
Tannenbuel 12, Flawil,
CH-9230
Switzerland

Section 2: Acquisition and Loss of Membership

Article 13

ICCF members are national correspondence chess organizations who are the authorities on national correspondence chess activities in their own countries, and must also be full members of FIDE. Only one federation per country is allowed.

Comment [JCC17]: No change, slightly different wording.

Former English Version

2.2

A national correspondence chess organisation wishing to be affiliated to ICCF must present a written application to the General Secretary, which should specify the number of players/members registered with that organisation, its statutes, constitution and rules any other relevant information requested by ICCF. Enquiries should be made to establish its relationship with the national chess federation (FIDE member). Admittance as a member in ICCF is decided by the Congress.

Proposed Official French version

Article 14

Une fédération nationale souhaitant adhérer à l'ICCF doit présenter une demande écrite au Secrétaire Général de l'ICCF qui doit comporter le nombre de ses joueurs adhérents, une copie de ses statuts, constitution et règles et toute autre information demandée par l'ICCF, en particulier au sujet de ses liens avec la fédération d'échecs nationale, membre de la FIDÉ. L'admission en tant que membre de l'ICCF est décidée par le Congrès.

English translation of the proposed Official French new version

Article 14

A national correspondence chess organization wishing to be affiliated to ICCF must present a written application to the General Secretary, which should specify the number of players/members registered with that organization, its statutes, constitution and rules any other relevant information requested by ICCF. Enquiries should be made to establish its relationship with the national chess federation (FIDE member). Admittance as a member in ICCF is decided by the Congress.

Comment [JCC18]: No change.

Former English Version

2.3

The designation of each country in ICCF will be in accordance with the FIDE version of the 3-lettered International Standards Organisation (ISO) code.

Proposed Official French version

Article 15

Chaque pays est désigné dans l'ICCF selon la version adoptée par la FIDÉ du code de 3 lettres de l'International Standards Organisation (ISO).

English translation of the proposed Official French new version

Article 15

Each country is designated by ICCF according to the version adopted by the FIDE using the 3 letter code of the *International Standards Organization* (ISO).

Comment [JCC19]: No change, slightly different wording.

Former English Version

2.4

Members have the right to attend and vote in the Congress, appoint proxies in writing to vote on

their behalf and submit proposals for consideration by the Executive Board and the Congress of ICCF. Each Member has a duty to nominate its official delegate to ICCF for all purposes, including representation at Congress, and inform the General Secretary. Member organisations are entitled to participate in team tournaments organised by ICCF and nominate players for individual tournaments according to the rules and quotas specified by ICCF.

Proposed Official French version

Article 16

Les membres de l'ICCF ont le droit de participer au Congrès et de voter, ou de désigner par écrit un mandataire pour voter en leur nom, et de soumettre des propositions au Conseil d'Administration et au Congrès de l'ICCF. Chaque membre a le devoir de nommer un Délégué officiel et d'en informer le Secrétaire Général, pour toutes les affaires de l'ICCF et en particulier la représentation au Congrès. Les fédérations membres ont le droit de participer aux tournois par équipes organisés par l'ICCF et de nommer les joueurs individuels aux tournois selon les règles et les quotas définis par l'ICCF dans son règlement intérieur et ses différents règlements de jeu.

English translation of the proposed Official French new version

Article 16

ICCF Members have the right to participate and vote at the Congress, or to appoint a proxy in writing to vote on their behalf, and to submit proposals to the Executive Board and to the ICCF Congress. Each member has the duty to appoint an Official Delegate and to inform the General Secretary of this, for all ICCF business and especially for representation at the Congress. Member federations have the right to participate in team tournaments organized by ICCF and to name individual players for tournaments according to the rules and quotas set by ICCF in its internal bylaws and the various rules of play.

Comment [JCC20]: No change, except this addition, necessary to prepare the internal bylaws.

Former English Version

2.5

The amounts of membership, tournament and other fees are decided by the Congress. For any new tournament, the Executive Board is empowered to set an entry fee, which will be confirmed, or otherwise set, for future similar tournaments.

Proposed Official French version

Already integrated above, see article 6, 1°) and 5°) above.

Former English Version

2.6

Members are responsible for the monitoring and submission of all entries to ICCF individual and team tournaments. If a player is refused entry to an ICCF individual tournament by the appropriate national federation, the player can appeal to the World Tournaments Director who will take a decision about participation or otherwise. In such cases, the World Tournaments Director must obtain full information from the national Member organization concerned before making the decision.

Proposed Official French version

None. This is not relevant in the Statutes but could be integrated in the Internal Bylaws. However, this provision presents a fiscal risk in the sense that the ICCF is supposed to leave the National Federations manage their players, so that such an intervention of the WTD could lead the tax administration to consider that the second part of the Membership fee is, *de facto*, rather a kind of

Entry fee since the WTD has authority regarding the participation of a player, hence an impact, even minimal, on the second part of the Membership Fee. One can consider this sentence contrary to article 6, 3°) and 4°) of the New Statutes (see above).

Former English Version

2.7

Members must acknowledge and observe the Statutes, rules and decisions of ICCF and must remit their membership and other fees promptly within the periods specified by the Finance Director. Failure to comply with financial responsibilities or the committing of acts, which run counter to the Statutes of ICCF can result in the suspension or cancellation of membership by the ICCF Congress, on the proposal of the Executive Board.

Proposed Official French version

Article 17

Les membres reconnaissent et acceptent les présents statuts, ainsi que le règlement intérieur, les différents règlements de jeu et les décisions de l'ICCF. Ils doivent s'acquitter sans délai du paiement de leur cotisation dans la période déterminée par le directeur financier, membre du Conseil d'Administration. La violation de ces devoirs peut entraîner la suspension ou perte de la qualité de membre par le Congrès, sur proposition du Conseil d'Administration.

English translation of the proposed Official French new version

Article 17

The members acknowledge and accept these Statutes, as well as the internal bylaws, the various rules of play and ICCF decisions. They must pay their membership fees without delay during the time period set out for this by the Finance Director, member of the Executive Board. The violation of these duties can lead to suspension or loss of membership by the Congress, as proposed by the Executive Board.

Comment [JCC21]: No change apart from the mention of the Internal Bylaws, slightly different wording.

Former English Version

2.8

Those who have worked meritoriously as President of ICCF may be elected as Honorary President of ICCF by a two-thirds majority vote of the Congress.

Those who have worked meritoriously in the furtherance of international correspondence chess may be elected as Honorary Members of ICCF by a two-thirds majority vote of the Congress.

Honorary Presidents and Honorary Members have the right to take part in all meetings of the Executive Board and all Congresses as non-voting advisers. In addition, they shall be kept informed about the activities of ICCF.

Proposed Official French version

Article 18

1°) Les personnes qui ont œuvré avec mérite en tant que Président peuvent être élues Président Honoraire par une majorité des deux tiers du Congrès.

2°) Les personnes qui ont œuvré avec mérite pour le bien et le développement des échecs par correspondance au plan international peuvent être élus Membres Honoraires par une majorité des deux tiers du Congrès.

3°) Les Présidents et Membres honoraires ont le droit de prendre part à toutes les réunions du Conseil d'Administration et à tous les Congrès en tant qu'observateurs sans droit de vote. De plus,

ils doivent être informés de toutes les activités de l'ICCF.

English translation of the proposed Official French new version

Article 18

- 1) People who have served with distinction as President may be elected Honorary President by a two thirds majority of the Congress.
- 2) People who have served with distinction for the benefit and development of correspondence chess at the international level may be elected Honorary Members by a two thirds majority of the Congress.
- 3) Honorary Presidents and Members have the right to take part in all meetings of the Executive Board and all of the Congresses as observers without voting rights. In addition, they must be informed of all ICCF activities.

Comment [JCC22]: No change, slightly different wording.

Former English Version

2.9

International correspondence chess clubs affiliated to ICCF.

2.9.1 ICCF can arrange for affiliation agreements with other international correspondence chess clubs worldwide. Every affiliation agreement and its terms, rights and duties must be approved by the Congress. An international correspondence chess club is defined as a club with a formal structure, constitution and collective administration.

2.9.2 Affiliated international correspondence chess clubs will pay annual affiliation fees to ICCF in return for provision of ICCF services.

2.9.3 International correspondence chess clubs affiliated to ICCF are solely responsible for their commitments to their own members.

Proposed Official French version

Article 19

The internal bylaws define the conditions under which international correspondence chess clubs can become affiliated members of ICCF and define the rights and duties attaching to that status.

English translation of the proposed Official French new version

Article 19

The internal bylaws define the conditions under which international correspondence chess clubs can become affiliated members of ICCF and define the rights and duties attaching to that status.

Comment [JCC23]: The original provision are better placed in the Internal Bylaws, since it presents no interest for Third Parties such as the Tax Administration. Besides, former article 2.9.2 should be revised to avoid any tax problem. As it is, the income is directly related to a service from the ICCF and cannot be qualified Membership Fee but commercial revenue. This mere fact is a call for more thought until Congress 2012.

Former English Version

Section 3: Structure of ICCF

3.1

The Divisions of ICCF are :

Congress

Executive Board

Management Committee

Auditor

Proposed Official French version

None. This purely informative article should not be in legal statutes, where all provisions should have a legal impact.

*Former English Version***3.2**

The Executive Board shall comprise:

- a. President*
- b. General Secretary*
- c. Finance Director*
- d. World Tournament Director*
- e. Marketing Director*
- f. Services Director*
- g. Zonal Directors (not more than 4)*

These positions are supported by Commissioners, each of whom has specific functional duties. Outline duties for Executive Board members and Commissioners are specified in separate Outline Duties, which do not form part of these Statutes.

Proposed Official French version**Section 3 : le Conseil d'Administration****Article 20**

Le Conseil d'Administration comprend :

- a. Le Président
- b. Le Secrétaire Général
- c. Le Directeur Financier
- d. Le Directeur Mondial des Tournois
- e. Le Directeur du Marketing
- f. Le Directeur des Services
- g. Les Directeurs de Zones (pas plus de 4)

English translation of the proposed Official French new version

Section 3: Executive Board

Article 20

The Executive Board includes:

- a. The President
- b. The General Secretary
- c. The Finance Director
- d. The World Tournament Director
- e. The Marketing Director
- f. The Services Director
- g. The Zonal Directors (not more than 4)

Comment [JCC24]: The original provision regarding the Commissioners or Outline of Duties are better placed in the Internal Bylaws, since it presents no interest for Third Parties such as the Tax Administration

*Former English Version***3.3**

The Management Committee is comprised of the Executive Board and all functional Commissioners.

Proposed Official French version

None. This is not relevant in the Statutes but should be integrated in the Internal Bylaws.

Former English Version

3.4

Members of the Executive Board (except for Zonal Directors) and the Auditor are normally elected by the Congress at elections held every four years, with those elected taking up office from the 1st January following the date of the Congress. However where mid term, elections are necessary, these will be arranged by Email and newly elected members will take office with immediate effect. (Full details regarding elections are contained in separate ICCF Voting Regulations and Electoral Procedures, see Schedule C).

Proposed Official French version**Article 22**

1°) Les membres du Conseil d'Administration et l'Auditeur financier, à l'exception des Directeurs de Zone, sont élus par le Congrès tous les quatre ans. Les membres élus prennent leurs fonctions à compter du 1er janvier suivant la date du Congrès. Cependant, lorsque des élections intermédiaires s'avèrent nécessaires, elles peuvent être organisées par courriel et les membres élus dans ces conditions prennent leurs fonctions immédiatement.

2°) Le règlement intérieur fixe de manière détaillée les règles de votes et la procédure électorale.

English translation of the proposed Official French new version**Article 22**

1) The members of the Executive Board and the Financial Auditor, with the exception of the Zonal Directors, are elected by the Congress every four years. The elected members take office from the January 1st following the date of the Congress. However, when intermediary elections are required, they can be organized by email and the members elected under these conditions take office immediately.

2) The internal bylaws set out the rules of voting and the electoral process in detail.

Comment [JCC25]: No sensible change except that instead of the "Schedule C", the Statutes cross-refers to the Internal Bylaws

Former English Version**3.5**

Zonal Director elections are arranged within each Zone.

Proposed Official French version**Article 23**

L'élection des Directeurs de Zones est organisée à l'intérieur de chaque zone.

English translation of the proposed Official French new version**Article 23**

The election of the Zonal Directors is organized within each zone.

Comment [JCC26]: No change, slightly different wording.

Former English Version**3.6**

The term of office of all Executive Board members will expire at the end of the normal 4 yearly election period.

Proposed Official French version**Article 24**

Le mandat de tous les membres du Conseil d'Administration prend fin au 31 décembre de la période de 4 ans.

English translation of the proposed Official French new version

Article 24

The term of office for all members of the Board ends on December 31st at the end of the 4 year period.

Comment [JCC27]: No change, slightly different wording.

*Former English Version***3.7**

The need for Commissioners and their appointment is the responsibility of the Executive Board with appointments being subject to ratification, as necessary, by the Congress.

3.7.1

Commissioners carry out functional responsibilities, subject to overall scrutiny by Executive Board/Congress, but without requiring the prior authorisation of a Congress to vary the numbers or designations of Commissioners appointed.

3.8

No person will be appointed to more than one position on the Executive Board or Management Committee.

3.9

If an Executive Board member, or any ICCF official, clearly fails to fulfil their duties according to the Outline of Duties, and with the agreement of at least two-thirds of the Executive Board, the President is authorised to dismiss that officer and to initiate the election processes as described in Article 3.4 after two months have elapsed. Any officer who has been dismissed, may lodge a complaint of unfair dismissal, to the Arbitration Commission, within 14 days of receiving notice of dismissal.

Proposed Official French version

None. This is not relevant in the Statutes but should be integrated in the Internal Bylaws.

New article in Section 3Proposed Official French version**Article 21**

Le président a seul la capacité de représenter l'ICCF à l'égard des tiers dans toutes les activités de la vie civile de l'association, avec faculté de délégation, à un ou plusieurs membres du Conseil d'Administration. En cas d'empêchement, il est remplacé de droit par le Secrétaire Général de l'association.

English translation of the proposed Official French new version**Article 21**

The president alone has the ability to represent ICCF with respect to third parties in all activities of civil life of the association, with the power to delegate, to one or more members of the Executive Board. In his absence, he is replaced legally by the General Secretary of the association.

Comment [JCC28]: This provision is a classic in all kind of Statutes or Bylaws and allows the Third Parties to know who legally represents the structure.

*Former English Version**Section 4 – The Purpose of the Divisions***4.1***The Congress***4.1.1**

The Congress is the highest authority of ICCF which exercises legislative power. It approves the ICCF budget, elects the Executive Board and Auditor and determines the structure of ICCF. It supervises activities delegated to the Executive Board and ICCF Officials.

4.1.2

Voting Members of the Congress are the official delegates of Member organizations.

4.1.3

No quorum is necessary for meetings of the Congress.

4.1.4

When a Member organization cannot be represented by its delegate at a Congress, that organization shall be entitled to exercise its voting rights:

(a) through a substitute delegate from the same organization, having written authority from the organization concerned,

(b) by presenting an appropriate written declaration, stating clearly its voting intention.

(c) by conferring in writing its voting right (a proxy) on another voting member or an Honorary President or Honorary Member.

Substitute delegates under a) are eligible to accept proxies from other Member organisations.

However, no person may register more than 3 votes in total.

4.1.5

The Congress shall meet at least every other year. The arrangements of a Congress shall be decided by the preceding Congress or, in the absence of such a decision, by the President.

4.1.6

Invitations, agenda and formal notices for a Congress shall be sent by the ICCF Executive Board, together with the invitation and information from the host federation, at least four months in advance of the Congress. Proposals relating to the agenda of the Congress must be received by the General Secretary, or the appropriate ICCF official, at least one month prior to the commencement of the Congress.

The President of ICCF is empowered to cancel or rearrange a meeting of Congress, should exceptional circumstances arise.

4.1.7

An extraordinary meeting of Congress will be convened by the Executive Board upon the request of a majority of the members of ICCF or two-thirds of the members of the Executive Board. It will be convened within 3 months of date of receipt of such a request.

4.1.8

The request for an extraordinary meeting of Congress shall specify the location, the purpose and the agenda for the meeting. The EB will make the arrangements accordingly and will provide the details of the arrangements to all Member organizations at least one month in advance of the date of the meeting.

Proposed Official French version

Section 4 : le Congrès

Article 25

Le Congrès est la plus haute autorité de l'ICCF et exerce le pouvoir législatif. Il approuve le budget de l'ICCF, élit le conseil d'administration et l'Auditeur financier, détermine les structures de l'ICCF. Il supervise les activités déléguées au conseil d'administration et aux responsables de l'ICCF.

Article 26

Les membres votants du Congrès sont les Délégués officiels des fédérations membres.

Article 27

Aucun quorum n'est requis pour la tenue du Congrès

Article 28

Si une fédération membre ne peut être représentée au Congrès par son Délégué, elle peut exercer son droit de vote de la manière suivante :

a) par un Délégué suppléant membre de la même fédération ayant une autorisation écrite de la fédération concernée.

- b) par une déclaration écrite indiquant clairement ses intentions de vote.
- c) en donnant procuration écrite à un autre délégué ayant droit de vote ou à un Membre Honoraire ou Président Honoraire.

Les Délégués suppléants remplissant les conditions de l'alinéa a) ci-dessus sont éligibles pour recevoir des mandats d'autres fédérations membres.

Néanmoins, personne ne peut disposer de plus de 3 votes au total.

Article 29

Le Congrès doit se réunir au moins une fois tous les deux ans. L'organisation du Congrès doit être décidé par le Congrès précédent, ou à défaut par le Président.

Article 30

Les invitations, l'ordre du jour et les notices du Congrès doivent être envoyés par le conseil d'administration, avec l'invitation et les informations de la fédération hôte, au moins quatre mois avant la tenue du Congrès. Les propositions relatives à l'ordre du jour du Congrès doivent être reçues par le Secrétaire Général, ou le responsable de l'ICCF en charge de la question, au moins un mois avant le début du Congrès.

Le Président a la faculté d'annuler ou de réorganiser une réunion du Congrès en cas de circonstances exceptionnelles.

Article 31

Une réunion extraordinaire du Congrès peut être convoquée par le conseil d'administration sur la demande d'une majorité des membres de l'ICCF ou de deux tiers des membres du conseil d'administration. La réunion du Congrès est organisée dans les trois mois suivant la date de réception d'une telle demande.

Article 32

La demande d'une réunion extraordinaire du Congrès doit préciser le lieu, l'objet et l'ordre du jour de la réunion. Le conseil d'administration prendra les mesures nécessaires et fournira les détails de l'organisation à toutes les organisations membres au moins un mois avant la tenue de la réunion extraordinaire.

English translation of the proposed Official French new version

No change, same text translated in French with new title and new numbering.

Former English Version

4.2

The Executive Board

4.2.1

The Executive Board is the executive authority of ICCF.

4.2.2

The Executive Board conducts the general business of ICCF and co-ordinates the activities of its officials and organizations. It deals with more detailed consideration of issues and submits recommendations to the Congress.

4.2.3

The Executive Board will meet at least once a year. Special meetings may be convened by the President.

4.2.4

The Executive Board shall perform its work by written or verbal communication with each Member organisation having one vote. In the event of equal votes, the President will have a casting vote.

International Correspondence Chess Association - ICCF

c/o Die Schweizer Fernschachvereinigung (SFSV)

Tannenbuel 12, Flawil,

CH-9230

Switzerland

4.3 The Management Committee**4.3.1**

The Management Committee is comprised of functional Commissioners, each having defined "Outlines of Duties". The Commissioners act as Chairpersons of Commissions. Each of the members of the Management Committee are required to provide reports to the Congress annually, and/or as required. The Management Committee will meet at least once a year.

Proposed Official French version

None. This is not relevant in the Statutes – the new article 21 is enough for Third Parties, but should be integrated in the Internal Bylaws.

*Former English Version***4.4***The Auditor***4.4.1**

The Auditor is responsible to the Congress for verifying that ICCF accounts and financial statements are produced in accordance with ICCF requirements and proper accountancy practices, and shall provide reports to Congress, as required.

Proposed Official French version**Section 5 : l'Auditeur financier****Article 33**

L'Auditeur est responsable devant le Congrès de la vérification des comptes et des rapports financiers qui lui sont fournis ou qu'il réclame, selon les règles de l'ICCF et les bonnes pratiques de la comptabilité. Il doit fournir un rapport au Congrès.

English translation of the proposed Official French new version**Article 33**

The Auditor is responsible to the Congress for the auditing of the accounts and the financial reports provided to him or that he prepares, according to ICCF rules and best practices in accounting. He must provide a report to the Congress.

Comment [JCC29]: No change, slightly different wording.

*Former English Version***SECTION 5 - APPEALS COMMISSIONS****5.1**

The ICCF Appeals Committees are:

- Appeals Committee (Playing Rules),*
- Appeals Committee (Other ICCF Rules),*
- Arbitration Committee*

5.1.1

The Appeals Committee (Playing Rules) only deals with cases concerning the application of ICCF Playing Rules.

5.1.2

The Appeals Committee (Other ICCF Rules) only deals with cases concerning the application of Tournament Rules and any other rules matters not covered elsewhere.

5.1.3

The Arbitration Committee deals with matters of a wider nature, such as any complaint about the behavior of an ICCF official, tournament officer, Member organization, or individual player.

5.2

All ICCF Appeals Committees are complementary and cannot be considered as higher stages for additional appeals.

5.3

The Chairmen of the ICCF Appeals Committees are appointed by the Executive Board. These appointments must be ratified by the next Congress.

5.4

The work of the ICCF Appeals Committees is governed by operating procedures. Players, Team Captains, Member Organizations or Officials should submit appeals to the Chairmen of the respective Appeals Committees.

5.5

The decisions of all ICCF Appeals Committee will be final.

Proposed Official French version

Section 6 : les Comités d'Appels

Article 34

Trois Comités d'Appel sont institués au sein de l'ICCF :

- Comité d'Appel (Règles du jeu),
- Comité d'Appel (Autres règles),
- Comité d'Arbitrage

Article 35

Le Comité d'Appel (Règles du jeu) est compétent exclusivement dans les affaires relatives aux règles du jeu de l'ICCF.

Article 36

Le Comité d'Appel (Autres règles) est compétent exclusivement dans les affaires relatives aux règlements des tournois de l'ICCF ainsi que de tous autres règlements en rapport avec le jeu d'échecs par correspondance à l'ICCF.

Article 37

Le Comité d'Arbitrage est compétent pour les litiges de nature plus large, tels que les litiges liés au comportement des dirigeants et officiels, des responsables de tournois, des fédérations membres ou des joueurs individuels.

Article 38

Les Comités d'appel de l'ICCF sont complémentaires et ne peuvent être considérés comme des échelons hiérarchiques pour des appels successifs.

Article 39

Les Présidents des Comités d'Appels sont nommés par le Conseil d'Administration. Ces nominations doivent être approuvées par le Congrès.

Article 40

Le travail des Comités d'Appels de l'ICCF est soumis à des procédures opérationnelles. Les joueurs, capitaines d'équipe, fédérations membres ou responsables doivent soumettre leur appel au Président du Comité d'Appel compétent.

Article 41

Les décisions des Comités d'Appel de l'ICCF sont sans recours.

English translation of the proposed Official French new version

Section 6: The Appeals Committees

Article 34

There are three Appeals Committees established within ICCF:

- Appeals Committee (Playing Rules)

Comment [JCC30]: No change, slightly different wording.

- Appeals Committee (Other Rules)
- Arbitration Commission

Article 35

The Appeals Committee (Playing Rules) has jurisdiction only in cases relating to the ICCF playing rules.

Article 36

The Appeals Committee (Other rules) has jurisdiction only in cases involving the ICCF tournament regulations and any other regulations relating to correspondence chess with the ICCF.

Article 37

The Arbitration Commission has jurisdiction over disputes of a broader nature, such as disputes related to the behavior of leaders and officials, tournament officials, member federations or individual players.

Article 38

The ICCF Appeal Committees are complementary and cannot be considered as hierarchical levels for successive appeals.

Article 39

The Chairmen of the Appeals Committee are nominated by the Executive Board. These nominations must be approved by the Congress.

Article 40

The work of the ICCF Appeals Committees is subject to operational procedures. Players, team captains, member federations or officials must submit their appeal to the chairman of the relevant Appeals Committee.

Article 41

Decisions of the ICCF Appeals Committee are without recourse.

Former English Version

SECTION 6 - FINAL SETTLEMENT OF DISPUTES (NOT COVERED IN PREVIOUS PARAGRAPHS)

6.1

Disputes about matters which do not fall within the jurisdiction of any of the ICCF Appeals Committees, shall be decided by an Arbitration Tribunal comprised of the Chairmen of the three ICCF Appeals Committees.

6.2

The decisions of this Arbitration Tribunal are final.

6.3

The decisions of all ICCF Appeals Committees and this Arbitration Tribunal may not be taken to any court of law.

Proposed Official French version

None, these 3 articles are not included in the Proposed Official New Statutes:

1°) Either they refer to dispute arising between the ICCF and the Member Federations, and in this case the three appeals committees have such a large jurisdiction that it seems impossible to imagine a case not covered by these committees. At any rate, it is a general principle of the international law to have access to an impartial judge, so that it would be useless and illegal to expect having a dispute settled without recourse only by officials from the ICCF. Besides, article 6.3 could be applicable only in case there is no gross breach of the international law principles, i.e. an impartial arbitration procedure, otherwise one cannot take away the right to bring the case to a law court.

2°) Either they refer to a dispute arising between the ICCF and a player. Same remarks as above, plus the fact that players are not members of the ICCF, so that they are not bound by the ICCF Statutes.

3°) Either they refer to a dispute arising between the ICCF and a Third Party, then again the same

remarks apply.

Finally, it appears more flexible to handle each case with the appropriate proceedings, arbitration being often fast and expensive, national courts being generally cheaper but longer.

New section, new article

Proposed Official French version

Section 7 : Règlement intérieur

Article 42

Le Congrès adopte un règlement intérieur ayant pour objet de préciser et compléter les règles de fonctionnement interne de l'ICCF. Il pourra comprendre également les règles de jeu et de tournois de l'ICCF.

English translation of the proposed Official French new article

Section 7: Internal Bylaws

Article 42

The Congress adopts bylaws whose purpose it is to clarify and supplement the ICCF internal operating rules. They may also include the ICCF playing and tournament rules.

New section, new article

Proposed Official French version

Section 7 : Dispositions finales

Article 43

Les présents statuts ont été adoptés par le congrès 2011 de l'ICCF à la majorité des deux tiers des membres présents ou représentés à Järvenpää (Finlande) et abrogent les statuts précédents dans leur version modifiée pour la dernière fois en octobre 2010 à Antalya (Turquie).

Tout problème d'interprétation des présents statuts se règlera sur sa version française, à raison de la nationalité suisse de l'association *International Correspondence Chess Federation* (ICCF).

English translation of the proposed Official French new article

Section 8: Final Provisions

Article 43

The present statutes have been passed by a majority of two thirds of the members present or represented at the 2011 Congress in Järvenpää (Finland) and repeal the former statutes in their version modified for the last time at the 2010 Congress in Antalya (Turkey).

If there are any discrepancies in the interpretation of these Statutes, the French version will prevail, due to the Swiss nationality of the *International Correspondence Chess Federation* (ICCF).