

European Cheerleading Association (ECA)

Statutes

Article 1 - Title - Membership - Legal Seat

1 The name of the association is European Cheerleading Association (ECA). The association is non profit making.

2 An association may only be admitted into membership by the General Meeting. The Board may, however, grant provisional membership which will be submitted for ratification to the next General Meeting. Article 7 provides the procedure to become a member association. **The Board needs to make a decision on the provisional membership within two months of receiving the application.**

3 The legal seat of the association is at Frankfurt. It cannot be transferred to another country without the decision of at least three quarters of all the members of the association present at the General Meeting. It is registered at the Amtsgericht Frankfurt as an "eingetragener Verein".

4 ECA is a separate legal entity and its members, officers and employees shall not be responsible for its debts or obligations.

5 ECA shall consist of the national associations of Europe recognized by it as controlling cheerleading in their respective countries. Only one association shall be recognized in each country. This association shall be recognized by ECA as the only governing body for cheerleading in its country. Current members of ECA will be deemed to be the appropriate body for their country.

Article 2 - Objectives and Duties

1 The objectives of ECA shall be:

- a. to consider all matters relating to Cheerleading and to promote all efforts of the member associations to fulfil these goals. ECA believes in amateur sports and pursues only and directly non-profit objectives in the sense of tax sheltered purposes of the "Abgabenordnung". ECA is operated altruistically. The main objective of ECA is not the pursuit of economic self interest. All funds of the member clubs shall only be used for statutory purposes. Members of ECA are not given any contribution of the funds of the member clubs. No person shall benefit from payments that are outside ECA's purpose or by compensation which is disproportionate to the effort.
- b. to promote the development of friendly sporting relations between the member associations in the spirit of peace and mutual understanding, and to safeguard their interests;
- c. to assist in promoting the sport of Cheerleading in Europe in any way the members shall think proper, without racial, religious or political discrimination;
- d. to reconcile the various points of view of its member associations concerning problems of Cheerleading, to agree on a common policy, and to resolve any disputes which may arise between member associations;
- e. to carry out administrative organization of the competitions and tournaments mentioned in Article 13 and such other competitions as may be considered desirable;



- f. to organize courses and conferences for judges, coaches and officials of member associations;
- g. to develop a website giving information about the work and activities of ECA and containing news of general interest;
- h. to appoint the Board to carry out the duties of ECA;
- i. to **endorse appropriate** international competitions of member associations **if requested**;
- j. to represent the best interests of all its member associations in world Cheerleading.
- k. To introduce and supervise the anti-doping-program of ECA according to the IOC Anti Doping Code

Article 3 - The Legislative Body

The General Meeting is the legislative body.

Article 4 - The Executive Bodies

The Executive Bodies of ECA are:

- a. the Board;
- b. the Disciplinary Committee and Appeal Committee;
- c. committees set up by the Board;
- d. the administrative secretariat

Article 5 - The General Meeting

1 An Ordinary General Meeting shall be held every year by the end of February. At each meeting a chairman is elected.

2 The Board shall, by written notice, no later than 4 months before the General Meeting notify the member associations of the date and place of the General Meeting meeting.

3 The agenda of the General Meeting shall be prepared by the Board and shall be dispatched to the member associations at least four weeks in advance.

4 The General Meeting will:

- a. appoint a chair, secretary and two scrutineers; hold a roll call and check proxy votes;
- b. approve the report of the Board;
- c. receive the auditors' report, approve the annual statement of accounts and the budget; set the membership fee for the following year;
- d. elect the President (in every even numbered year), Vice President (in every odd numbered year) and Board of ECA in accordance with the provisions of Article 5, paragraphs 8 and 9, and Article 6, paragraph 3;
- e. appoint auditors in accordance with the provisions of Article 8;
- f. conduct any other business on the agenda.

5 If the Board considers it necessary, or if one third of the member associations not in debt submit a request in writing, an Extraordinary General Meeting (EGM) shall be convened and held not earlier than four weeks, not later than eight weeks after receipt

of the request or the Board's decision. The EGM will start as in 4a then decide the business before the meeting.

6 The travelling and subsistence expenses of delegates are not paid by ECA. The cost of the venue will be paid by ECA unless the host waives payment. The venue will be the same as for that year's ECC or other such venue as the Board shall determine.

7 Any member association wishing to propose an item for inclusion in the agenda of the General Meeting shall submit such proposals to the Administrative Secretariat at least two months before the date of the meeting. The proposals have to be in accordance with the existing Statutes unless they are proposing a change to the Statutes. The proposals may be accompanied by a concise statement of the reasons for their submission. Late business may be added to the agenda or discussed under any other business, so long as it does not involve a change of Statutes or Rules, if a 2/3 majority of members agree.

8 All candidates are eligible for election if they have been proposed by a national federation not in debt. If the same number of votes are cast for two **or more** candidates a second ballot **including only these candidates** shall take place. If the votes are still equal the Chair has the casting vote. Candidates must be nominated 4 weeks in advance of the General Meeting and should be accompanied by a brief biography of the candidate. Later nominations will only be accepted if there are insufficient candidates for any post.

9 Only two people from any country can be on the Board at any given time. The President must be the only person from his country on the Board.

10 The official minutes shall be sent to the member associations within thirty days of the General Meeting. Unless notification to the contrary is received within 14 days of the sending of the minutes, approval will be assumed. If a member disagrees with the minutes, they must notify all members within 14 days of their proposed amendments. If no objections are received to the amendments within 14 days the minutes will be changed. In case of disagreement between members, the matter will be included in the agenda of the next General Meeting. The official minutes must be signed by the chairman of the meeting, the president of ECA (if different) and the scrutineers.

11 Each member association shall have one vote, but may be represented by a maximum of three delegates. At the beginning of the meeting each country should make it clear who will exercise its vote. Members that are in arrears with their fees or are suspended (and have thus lost all rights of membership during any period in which they are under suspension) may not vote.

12 Decisions shall be taken by a simple majority of the votes cast, unless specifically indicated otherwise in these Statutes. In the event of a tie **no majority has been achieved and the proposition fails**.

13 Proposed amendments to the Statutes, dissolution of the ECA, acceptance of late business and expulsion of members may only be adopted by a majority of 2/3 of the votes cast. Such proposals shall neither be discussed nor voted upon unless at least half of the member associations entitled to vote are present at the meeting or represented by proxy.

14 Elections and other voting shall be by secret ballot if one country requests it in the General Meeting. Otherwise voting will be by a show of hands counted by the scrutineers.

15 Decisions taken by the General Meeting shall be binding on member associations. They shall come into force immediately (except in the case of Rules and fees, which

come into force on 1st January following the meeting) unless the General Meeting decides that they shall become operative at a later date.

16 The Chair may limit the number of speakers or the number of times a speaker addresses the meeting. The Chair decides when the matter is put to the vote.

Article 6 - The Board

1 The Board, elected by the General Meeting, shall consist of a minimum of three and a maximum of seven members (including the President and Vice President).

2 If the President is absent from any meeting or other ECA function the Vice President shall deputise. If the President is unable to continue, or ceases to hold office for any reason, the Vice President shall assume the role of President until the next General Meeting. If the Vice President becomes President or is unable to continue or ceases to hold office for any reason, the Board will elect one of their members to be Vice President.

3 The term of office of the members of the Board, including the President and Vice President, shall be two years. The retiring members and the President and Vice President shall be eligible for re-election. In the first year that these Statutes govern election to the Board, the AGM will appoint 2 members for 1 year and 2 members for 2 years. Thereafter all appointments will be for 2 years. The 2 candidates receiving the most votes will be elected for 2 years.

4 If a vacancy arises during the term of office, the General Meeting shall appoint a new member at the next meeting. His term of office shall be limited to the remaining period of the person vacating. The Board may co-opt a replacement until the next meeting.

5 A member of the Board shall not be present during a discussion about any matter concerning his association, a club of that association or a matter where he has a commercial or personal interest, nor shall he vote when a decision is being taken.

6 The Board shall meet at least twice a year. Decisions shall be taken by a simple majority of the votes of the members present. In case of a tie, the President shall have the casting vote. Decisions of the Board shall be binding on member associations and shall come into force immediately unless they specify a later date. A secret ballot may be held at the request of any one member.

7 The reasonable expenses of Board members for attending ECC, General and Board meetings will be paid by ECA.

8 If any disputes or appeals are brought before the Board, a meeting of the parties concerned shall be convened. They shall not be under any obligation to attend. They may instead forward a detailed report to the Administrative Secretariat. The Board will attempt to resolve the matter on the oral and written evidence before it.

9 In case of a member of the Board seriously failing in his duties, the Board shall be entitled to suspend such member until the next General Meeting. If a member of any committee is seriously failing in his duties, the Board shall have the right to dismiss him and replace him.

10 The President may only be suspended or removed by a vote of 2/3 of members at the General Meeting or at an EGM.

Article 7 - Membership

1 ECA is open to all recognized national federations controlling Cheerleading at a national level. Only one member from each country may be affiliated, and that member shall be recognized by ECA as the only national governing body for all amateur Cheerleading in their country. Current members of ECA at the date of the adoption of these statutes are deemed to be the appropriate organisation in their respective countries.

2 An association applying for membership shall address a written request to this effect to ECA and fill in any form required.

3 The application for membership shall contain a declaration in which the applicant association undertakes:

- a. to conform at all times to the Statutes, Rules, regulations and decisions of ECA;
- b. to submit any disputes concerning ECA matters to the ECA court of arbitration in accordance with Article 22 of these Statutes.

4 The applicant association shall forward a copy of its own statutes (plus a certified translation in English) and regulations upon request. Those statutes must, without exception, contain a mandatory clause stipulating the restraints and obligations contained in Article 22 of the ECA Statutes

5 The applicant association shall submit to ECA a file containing details of its internal organization and the sports infrastructure (facilities for Cheerleading) in its country. It is for the internal use of ECA and otherwise confidential.

6 Any new applicant which applies for full membership has to prove that he has a minimum number of four member clubs in his federation and a minimum of 100 individual members. Any new applicant has to ensure that their internal constitution stipulates that their federation is organized and conducted democratically and without any racial, religious, political or gender discrimination. They must undertake to hold an annual national competition open to all their teams.

7 During the General Meeting at which its application for membership is to be decided, the applicant association in question may, through its delegates, address the General Meeting in support of its application. If the application is accepted, the delegates of the association which has just been granted membership shall immediately be allowed to take part in the meeting and vote on payment of that year's membership fee.

8 An association which has been granted membership must pay the annual subscription fee as laid down in Article 18 of these Statutes for the year of its admission.

9 Payment of the annual membership fee must be made within 30 days of acceptance of the association's membership by the General Meeting. Failing this, the provisions of Article 18, regarding suspension of membership, shall be applied.

10 Once an association has been accepted as a member **or a provisional member**, it shall be entitled to enter immediately for any of the competitions organized by ECA, provided that the entry deadline has not passed.

11 Any decision taken by an outside body to suspend an association's executive body shall not be binding on ECA.

Article 8 - The Auditors

Two internal auditors shall be elected by the General Meeting at each Annual General Meeting. The Board or General Meeting may authorise an external audit if it considers it necessary.

Article 9 - Committees

1 The Board will decide what committees it needs to assist it in the efficient running of ECA.

2 Members of committees shall be appointed by the Board. As a rule, the Chair of these committees will be members of the Board.

3 Committees will make recommendations to the Board but will not generally make decisions unless specifically authorised by the Board.

4 The Board shall determine the nature and scope of the activities of the committees.

5 The Board will appoint people to the committee for whatever period it thinks fit and has the absolute discretion to remove anyone from the committee.

Article 10 - The Disciplinary Authorities

1 The disciplinary authorities of ECA are

a. the Disciplinary Committee

b. the Appeal Committee

2 The chairman and the members shall be appointed by the Board, but Board members shall not belong to that committee.

3 The Disciplinary Committee and the Appeal Committee shall consist of a chairman and two members. The members shall be completely independent of the parties in dispute.

4 The committees will be appointed whenever there is a need for a hearing and will remain in place only to conduct that hearing.

5 The committees will make their decision on the basis of written or oral evidence submitted by to it.

Article 11 - Treasurer

The Board shall appoint one of its members other than the President to be Treasurer. They are responsible for the accounts and preparing the following year's budget, with the assistance of the Secretariat.

Article 12 - The Head of ECA Administration

1 The Head of ECA Administration shall be appointed by the Board. The Board will define what functions are delegated and the Head of ECA Administration shall perform these functions unpaid. It shall require a resolution of the General Meeting for the Board to be authorised to appoint a paid Head of ECA Administration.

2 The Head of ECA Administration shall be the head of the Administrative Secretariat, and shall keep the accounts and the minutes of the Board and the other committees. He shall deal with the routine correspondence of ECA and is responsible to the Board for the appointment and work of the staff of the Administrative Secretariat.

Article 13 - Competitions and Rules

1 The competitions organized by ECA are

- European Cheerleading Championships (ECC) which includes the Junior European Cheerleading Championships (JECC)
- ECA competitions organized or taken over after the coming into force of the present statutes and such other competitions that come into existence

2 These competitions shall be open to the representative or club teams of all the member associations. Teams and athletes shall be admitted to each of these competitions on the basis of the conditions set down in the Rules. The Board or members may propose amendments to the Rules of these competitions. Amendments to the Rules must be passed at the General Meeting by 2/3 majority and take effect from 1st January in the following year.

3 In exceptional circumstances a Rule may be changed outside a General Meeting if all members intending to participate in the next ECC agree in writing.

4 Associations which are participating in ECA competitions, or whose clubs are participating, shall undertake, on their own behalf and on behalf of their clubs, to observe the regulations.

5 The Board may **endorse appropriate** international competitions in Europe organized by member associations or by other international organisations. The rules shall be submitted for approval to the Board and must not conflict with ECA statutes. The approval of such competition shall only be valid for that particular competition.

Article 14 - Television and Sound Broadcast Transmissions

1 ECA and its member associations hold all intellectual property rights (IPR) in its competitions, including the exclusive rights to authorize the broadcasting and distribution by whatever audio-visual, computer and sound broadcasting media, whether the transmission be live or deferred or of full length or in excerpts.

2 The Board may license the ECC host to exercise these rights whether for payment or not.

Article 15 - Penalties and Disciplinary Measures

1 Any association, club, athlete, member or official bound by the Statutes and Rules of ECA, may be penalised in case of violation of the same.

2 The Disciplinary committee shall be competent to impose penalties and disciplinary measures, except termination of membership.

3 Possible penalties and disciplinary measures are:

- A caution
- A censure
- A fine of 100 EURO up to 10,000 EURO
- A ban from taking part in any current and/ or future competition.
- Suspension from membership

4 In imposing a penalty the committee must have regard to the nature of the offence and the member's previous conduct. If imposing a fine their financial position must also be considered.

5 Where a complaint is made to the Board, or the Board of its own motion decides there has been a disciplinary breach, against anyone referred to in para 1, the Board will within 4 weeks appoint a Disciplinary committee in accordance with Article 10.

6 The committee will set a hearing date within 4 weeks of its being appointed at which it will decide the matter upon written or oral evidence submitted to it. The decision must be published to all members within 2 weeks of the hearing being concluded. If a party to the proceedings wishes to appeal they have 2 weeks from the publishing of the decision.

Article 16 - Appeals

1 Appeals may be lodged against decisions of the Disciplinary Committee, except in cases where an appeal is excluded.

2 The Appeal Committee shall decide on the appeal on the basis of the evidence considered by the Disciplinary Committee and any further evidence submitted to it.

3 The Board will appoint an Appeal committee within 4 weeks of receiving an appeal. The committee will set a hearing date within 4 weeks of its being appointed at which it will decide the matter upon written or oral evidence submitted to it. The decision must be published to all members within 2 weeks of the hearing being concluded.

3 The decisions taken by the Appeal Committee shall be final and binding on all parties concerned.

Article 17 - Financial Year

The financial year of ECA shall commence on January 1st and end on December 31st.

Article 18 - Finances

1 The income of ECA consists of the following member contributions, levies, fees and other revenues:

- a. the annual membership fee set by the General Meeting which shall be paid to the ECA account;
- b. the revenues from ECC/JECC as determined by the agreement with the host country;
- c. other competition entry and sanction fees;
- d. broadcasting revenues;
- e. sponsor revenues.
- f. any fines imposed

2 The budget shall be submitted by the Board to the General Meeting for approval.

3 Payment of the annual membership fee is due on 1 January. In case of non-payment by that date, the Treasurer is obliged to send a letter to the member within 14 days. If the member association does not pay at or before the AGM it shall lose its voting right and its teams will not be eligible for any competition until the fee and any arrears has been paid.

Article 19 - Official Language

1 The official languages of ECA are English and German. All communication shall be in English. German will only be used where legally required.

2 All documents circulated to the member associations, such as the minutes of the General Meeting, the decisions of the Board, communications from the administrative secretariat and between member associations, shall be in English.

3 German will be used if needed for correspondence with the legal court or court of registration.

Article 20 - Correspondence

1 Each member association shall inform ECA of the postal and email address of the association office and any changes to them.

2 Each country should nominate a country representative to whom all correspondence will be sent. An email address must also be provided for the country representative.

3 Each member association shall send to ECA its official Statutes and regulations and any other document upon request.

4 Any requirement to give written notice is satisfied by email or other electronic communication in writing.

Article 21 - Honorary Membership

1 The General Meeting may grant the title of Honorary Member to any person who has rendered meritorious services to ECA. The Board shall submit the name of any such person to the General Meeting for approval.

2 An Honorary Member shall be permitted to attend the General Meeting and take part in the discussions, but shall not be entitled to vote.

Article 22 - Disputes

1 In case of a dispute between ECA and a member, or between two members, the parties concerned will try to find an amicable solution. The negotiations are to be headed by the President or his representative. Only if agreement is not reached may the dispute be submitted to the Arbitration committee of ECA.

2 Member associations, clubs or members of clubs may not bring before a court of justice such disputes unless the matter has been referred first to the Arbitration committee.

3 The following procedures will apply:

- a. the Arbitration committee shall sit at the ECA office;
- b. within 30 days of the request to submit the matter to the committee being received by the Head of Administration, the parties to the dispute shall appoint one arbiter each;
- c. within 30 days of their appointment the arbiters designated by the two parties concerned shall, by mutual agreement, appoint the head of the arbitration committee;
- d. if one of the parties concerned fails to appoint an arbiter within 30 days, or if the arbiters do not agree upon the appointment of a head of the Arbitration committee, the arbiter or the head, shall be designated by the Board. Such person must be completely independent of the parties in dispute;
- e. German law shall apply in all matters relating to the Arbitration committee;
- f. reference may not be made to the arbitration committee unless use has already been made of all other machinery provided in these Statutes;

g. The decision of the committee shall be final, and no appeal may be lodged in connection therewith.

2 Matters which have been dealt with by the Disciplinary Committee and the Appeal Committee, or the Board (see Article 6, paragraph 7), may not be brought before the Arbitration committee.

3 In matters of dispute between member associations with which ECA is not competent to deal, the parties concerned may request ECA to use its good offices towards reaching a mutually acceptable solution.

Article 23 - Loss of Membership

1 A member may forfeit its membership:

- a. for non-payment of annual fees or other money owed to ECA
- b. for infringement of the Statutes and Rules or other regulations.

2 Expulsion may only be decreed by the General Meeting. Any resolution to expel a member association may only be adopted by a majority of 2/3 of the votes cast. Such resolution shall neither be discussed nor voted upon unless at least half of the member associations, entitled to vote, are present or have appointed proxies.

Article 24 - Withdrawal

1 A member association wishing to withdraw from ECA shall notify the Board accordingly by registered letter. The letter shall include the minutes from the Meeting of the member association where it was decided to withdraw from ECA.

2 A request for withdrawal shall only be accepted and become effective when the Board is satisfied that the association has fulfilled its financial and other obligations towards ECA and its members.

3 On withdrawal, the Board may appoint and recognize any other competent authority within that country and such appointment shall continue until the next General Meeting.

4 The member remains liable for that year's membership fee; is not entitled to any part of the ECA's assets; and forfeits any future rights in respect of those assets.

Article 25 - Dissolution of ECA

1 A dissolution of ECA shall become effective only by the decision of a 2/3 majority of all member associations either at the General Meeting or EGM.

2 If ECA is dissolved or abolishes its tax sheltered purpose, the net assets of ECA shall be transferred to public foundations or other corporations eligible for tax relief for the promotion of sports. The GA which decides on dissolution has to decide by 2/3 majority of votes of those present to which organisation(s) the money shall be donated.

3 The dissolution procedure shall be supervised by 2 liquidators appointed by the GA which decides on dissolution.

Article 26 - Adoption

These Statutes were adopted by the General Meeting in its meeting in Helsinki on February 2010.

Interpretation

In the interpretation of these Statutes

1 "ECA" means European Cheerleading Association.

2 "Member" or "Member Association" means a national association affiliated to ECA.

3 "The Board" means the Board of ECA for the time being, as constituted in accordance with these Statutes.

4 "Cheerleading" means all activities of Cheerleading, including but not limited to Cheer, Cheerdance and Stunts.