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ASIAN CYCLING COFEDERATION

# CONSTITUTION & BY-LAWS



Tel: + 82 - 2 - 467- 1313

Fax: + 82 - 2 - 467 - 1323

E-mail: [accycling@yahoo.co.kr](mailto:accycling@yahoo.co.kr)

[www.asiancycling.com](http://www.asiancycling.com)

10<sup>th</sup> F MG Building, Seongsui-Ro 89, Seongdong-Ku, Seoul, KOREA

# **ASIAN CYCLING CONFEDERATION (ACC)**

## **CONSTITUTION AND BY-LAWS**

### **IDENTITY – PURPOSES**

#### **ARTICLE 1**

The name of the Confederation shall be the “ASIAN CYCLING CONFEDERATION” (hereinafter referred to as “ACC”).

#### **ARTICLE 2**

The headquarters of the ACC shall be located in the country of the President. He shall be the custodian of the properties and the records of ACC. The Congress is solely empowered to change the Headquarters.

#### **ARTICLE 3**

The purposes of the ACC are:

- a) To promote and develop the sports of cycling in all its forms and levels in Asia;
- b) To assist the International Cycling Union (UCI) in controlling and regulating the sports of cycling in the Asian continent and to help solve differences that may arise between affiliated federations;
- c) To organize and/or to grant and award the organization of the Continental Cycling Championships, Mountain Bike Championships, Indoor Cycling Championships, Cycle-Cross Championships, BMX Championships or any other Asian level cycling activity to a member federation of ACC at the terms and conditions to be stipulated by the Management Committee of ACC;

- d) To help the UCI in the technical supervision of cycling events in the Asian Cycling Championships, Asian Games and other Regional Events in Asia held in accordance with the Rules and Statutes of the International Olympic Committee (IOC) and the UCI;
- e) The ACC is a non-profit and voluntary confederation composed of National Cycling Federations in Asia, which governs all cycling sport disciplines at all levels;
- f) All National Cycling Federations duly accepted as members of the International Cycling Union (UCI) within the Asian region shall be eligible for membership, provided that only one federation from each country shall be admitted as a member;
- g) To represent the sport of cycling and defend its interests before the International Cycling Union and all National Cycling Federations in Asia;
- h) The constitution and regulations of the federation shall not run counter to both the Constitution and Regulations of the ACC and the UCI. In case of divergence, only the latter shall apply.
- i) The federations must manage their internal affairs with total independence and ensure that no third party interferes in their operations. They must remain autonomous and resist all political, religious and financial pressure which may infringe their commitment to abide by the Constitution of the UCI. Any external form of interference or attempt to interfere must be reported to the UCI.
- j) The constitution and regulations of the federations must make provision for an election or intern appointment system that ensures a complete independence of the national federation vis-à-vis third parties. In particular, the federations shall not allow governments and other public authorities to appoint members of the governing bodies of a federation.
- k) The federations are obliged to include the provisions contained

in paragraphs i) and j) in their constitution.

[Entry into force: Federations that are candidates for affiliation as from 1 October 2010 and whose constitution does not contain such provisions will have their affiliation refused by the UCI. Federations that are already members of the UCI will benefit from a time limit until 31 December 2012 to incorporate these provisions into their constitution.]

- 1) Any federation's decisions, elections and bodies that are not in compliance with paragraphs i) and j) shall not be recognized by the UCI. If the situation is not regularized within the time limit granted by the president of the UCI, the national federation may be suspended.

## MEMBERSHIP

### ARTICLE 4

- 1) No federation shall be barred from membership in the ACC or participation in any Asian Cycling events on political, religious, racial grounds, or other discrimination.
- 2) All members shall comply with the Constitution and Regulations of the ACC as well as the UCI.
- 3) Any National Cycling Federation wishing to be affiliated with the ACC shall file an application with the President in writing signed by the President and Secretary General of the National Cycling Federation, enclosing its Constitution & Bye-Laws, list of telephone fax, telex number and cable address and a list of its committee. All particulars should be submitted in English to the Headquarters of the ACC.
- 4) Upon provisional approval from the Management Committee, the President or Secretary General shall notify the affiliated federation whether it is in favor of accepting the application for membership of an applicant federation. The applicant federation may be considered as a provisional affiliated member until its application

is ratified at the ACC Congress and UCI Congress.

- 5) No Federation shall be affiliated to the ACC and at the same time to any other organization or such other organizations as deemed inconvenient–inexpedient by the Management Committee.
- 6) The suspension as a member of the UCI automatically involves the suspension as a member of the Continental Confederation.

The Management Committee of the UCI shall place on the agenda of the next Congress the suspension of a member which is under a suspension by the ACC congress.

In addition, the Congress may suspend a member of the Continental Confederation in the following cases:

- a) In case of non–payment of the membership contribution to the Continental Confederation or subscription due to UCI for two years;
  - b) When the member discredits seriously or repeatedly the interests of the Continental Confederation.
- 7) The suspension as a member of the Continental Confederation entails the following measures:
    - a) Non–participation in the ACC Congress;
    - b) Inadmissibility of the nominations made by that member federation;
    - c) Exclusion of its cyclists from Continental Championships and Regional Games.

## CONGRESS

### ARTICLE 5

- 1) The Congress is the highest authority of the ACC and shall be held annually at the venue of the Asian Cycling Championships or on any other convenient occasion as deemed necessary by

the Management Committee. The elections of the President and the Members of the Management Committee must take place in the period of seven months proceeding the 1<sup>st</sup> April of the year of the election of the Management Committee of the UCI.

- 2) The Congress shall have the following exclusive powers and duties:
  - a) Alteration of the Constitution and dissolution of the Confederation;
  - b) Setting the annual amount of contributions on a proposal from the Management Committee; the annual affiliation fee will be fixed by the Management Committee from time to time;
  - c) All the national federations affiliated to the ACC are divided into 2 groups. Each federation belonging to the 1<sup>st</sup> group shall not pay its annual membership contribution to the ACC, while the national federations in the 2<sup>nd</sup> group shall pay their annual membership contribution to the ACC before the first of May of each year, the amount of which shall be fixed by the ACC Congress on a proposal of the ACC Management Committee. In addition to its membership contribution to the ACC, each federation in the 1<sup>st</sup> and 2<sup>nd</sup> group shall pay to the UCI the amount of its annual membership contribution before the date as directed by the UCI and /or ACC.
  - d) Election of the President of the ACC and other members of the Management Committee;
  - e) To elect 8 (eight) delegates who will have the right to vote in the UCI Congress as is stipulated in Article 36 of the Constitution of the UCI. The election of the voting delegates is held in conformity with the procedure of Article 39.1 of the Constitution of the UCI. The voting delegates are elected for a period ending at the next ACC Congress at which a new election shall take place. Voting delegates are re-eligible. If there should be a vacancy between two Congresses, a new delegate shall be designated by the Executive or Management Committee until an election is held by the Congress or

Extra-ordinary Congress;

- f) In the week of their election, the identity of the voting delegates shall be communicated to the UCI by the President or Secretary General of the ACC.

At the opening of the congress of the UCI the voting delegates shall deliver to the President of the UCI a certificate delivered by the President of the Continental Confederation, with their identity, the date of their (last) election as a voting delegate as well as with the indication whether the election was made by the Congress or by the Executive Committee or by the Management Committee.

- 3) The following powers should be added as exclusive powers of the Congress:
  - a) Drawing up the regulations concerning the organization of Continental cycling activities;
  - b) Other matters relative to the promotion of cycling in Asia;
  - c) Suspension of the members;
  - d) Election of the candidates for the Management Committee of the UCI;
  - e) Approval of the annual accounts of the ACC;
  - f) All amendments to the propositions shall be made in writing and submitted to the President of the ACC who shall read them to the Congress before the amendments are put to vote. All amendments to the propositions shall be considered and voted on first and then the propositions as amended or otherwise in its final form shall then be put to a vote. Amendments to the propositions shall be adopted by a majority of the votes cast; No vote shall be allowed on an item, which does not appear in the agenda except in the case indicated in Article 5 (5-c).
- 4) The 8 (eight) voting delegates shall together with the President of the ACC being a voting delegate vote at a Congress of UCI. The delegates shall be jointly bound by the decisions adopted by the ACC Congress. They shall moreover be obliged to defend those decisions and to vote in accordance with their

instructions.

- 5) a) The agenda of the Congress shall be drawn up by the Management Committee.
  - b) A federation wishing to include one or more items in the agenda of the Congress, or put a question to the Management Committee, shall submit its draft proposals stating the reasons on which they are based or the text of its question, in English, to the Secretary General at the headquarters of the ACC at least 60 (sixty) days before the date of the Congress.
  - c) With the exception of alterations to the Constitution, any question not on the agenda of the Congress can be added to be discussed and voted on by the Congress at the request at least ten federations in writing stating reasons prior to the start of the ACC Congress. The President in consultation with the Executive Committee being satisfied may permit such a request.
- 6) A Special or Extra Ordinary Congress shall be convened at the request of any ten affiliated federations (with manifestation of the reasons). In such the venue for the said Congress shall be left to the Management Committee. Notice of such Congress together with the agenda shall be given at least 30 (thirty) days in advance.
  - 7) The Management Committee by two third votes shall have the right to convene a Special Congress.
  - 8) The notice of meeting of the Congress shall be sent at least 30 (thirty) days before the date of the Congress. Propositions to be included in the agenda must reach the Secretary General at the ACC Headquarters at least 60 (sixty) days before the date of the Congress.
  - 9) The Agenda of the meeting of the Congress together with the Report of the Management Committee and a Financial Report duly audited and all other relevant matters to be discussed or

voted upon shall be posted by the Secretary General of the ACC to each member of the Management Committee and to the Secretary of each affiliated federation at least 30 (thirty) days before the Congress.

- 10) Every delegate / candidate to the Congress shall be 21 years of age and above, possess the citizenship of the country represented by him, a member of his national federation and authorized by his federation to be recognized as a delegate.
- 11) Each affiliated federation may send to the Congress only 3(three) delegates. However, each affiliated national federation shall only be entitled to 1 (one) vote. There shall be no voting by proxy.
- 12) Before any Congress, the affiliated federations shall notify the Secretary General in writing at the ACC Headquarters of the names of their delegates including the name of the head of the delegation at least 15 (fifteen) days before the scheduled Congress.
- 13) Vote by correspondence shall not be admissible in all Congress. The Executive Committee may decide the manner of voting during the intervals between the Congresses on matters of urgency.
- 14) The quorum of the Congress shall be 1/2 (one-half) of its total member federations. However, if that quorum is not available, the Congress will be adjourned for 10 (ten) minutes and thereafter shall be reconvened again and whatever the number of delegates present, shall deem to be the requisite quorum. Voting shall be by majority, which is more than one-half of the votes cast. Abstention, blank or void votes shall not be counted.
- 15) (Abolished on 3<sup>rd</sup> January 2005)
- 16) All candidates for the post of President and Management Committee must be present during the election at the Congress.

- 17) All Congresses shall be open to the public unless the delegates by majority vote decide otherwise.
- 18) The Congress upon recommendation of the Management Committee may honor distinguished person or persons who have rendered valuable services towards the development of cycling in the Asian region.

## OFFICIAL LANGUAGE

### ARTICLE 6

The official language of the ACC shall be English. Oral translations of the meeting may be provided at the requests of the delegates.

## SPECIAL COMMITTEE

### ARTICLE 7

- 1) The Management Committee shall set up sub-committees it deems necessary for the proper functioning of the ACC. It shall prescribe their sphere of activity and functioning and appoint their members.
- 2) In particular the following committees shall be set-up:
  - a) Road Committee;
  - b) Track Committee;
  - c) Mountain Bike Committee;
  - d) Indoor Cycling Committee;
  - e) Solidarity Committee;
  - f) Statistics and Records Committee;
  - g) BMX Committee;
  - h) Para-Cycling Committee;
  - i) Media and Marketing Committee;
  - j) Trials Committee;
- 3) The Committees shall submit their reports to the Congress or

Management Committee as directed.

## **ARTICLE 8**

Voting shall take place as follows:

- a) By acclamation;
- b) By a roll-call vote viz. by calling the name of each national federation, Yes or No, for and against respectively;
- c) By show of hands;
- d) By secret ballot for elections and dismissal.

In case of a secret ballot, the voting formalities shall be determined by the President.

## **MANAGEMENT COMMITTEE**

### **ARTICLE 9**

- 1) The ACC shall be managed by the Management Committee, composed by the President and nine (9) members elected by the Congress in accordance with Article 39 of the UCI Constitution.
- 2) For the election of the President, if there are two (2) or more than two (2) candidates for the office of the President, a majority (more than 50%) of the votes cast is sufficient in the 1<sup>st</sup> ballot to elect the President. If there are more than two (2) candidates, but no one obtained a majority (more than 50%) of the votes cast in the 1<sup>st</sup> ballot, a second round of voting shall be organized between the two (2) candidates who received the highest number of votes in the 1<sup>st</sup> round. In case of an even (equal) result between the two (2) candidates, the decision will be made by toss of a coin.
- 3) The President shall appoint four (4) Vice Presidents, Secretary General and Treasurer in consultation with the Management Committee.

- 4) The President shall be empowered to co-opt four (4) members to the Management Committee, if necessary. The said four (4) members may be from any country in Asia with no voting rights. The Management Committee shall take its decisions with a majority (more than 50%) of the votes validly cast. The President can also ask for an election vote.
- 5) (a) For the items on the agenda, which are of a particular interest for their federation, members of the Management Committee of the same nationality shall have together one (1) vote, which shall be cast as decided by the majority of these members.  
(b) In the absence of a majority, these members in question shall be considered as having abstained.

## ARTICLE 10

- 1) The term of office of the Management Committee and of the President shall be four years and commence immediately upon the adjournment of the Congress that elected them.
- 2) The candidates for the Presidency and other members shall be nominated by any ACC affiliated national federations.
- 3) The nominations in the ACC prescribed form must be written in English and deposited at (faxed to or e-mailed to) the ACC Registered Office of the Secretary General of the ACC 60 (sixty) days prior to the date of the Congress.
- 4) No person 74 (seventy four) years of age or older may become a member of the Management Committee.
- 5) Although a member of the Management Committee is no longer a member of his national federation, he shall continue to serve in the Management Committee until the end of his tenure.
- 6) The Management Committee shall also draw up the Continental Calendar of cycling events.
- 7) The Management Committee shall also plan training organized

by the UCI for commissaires and technicians.

- 8) The Management Committee shall also organize Continental Championships of all cycling disciplines for the Asian region and to organize the ACC Congress.

## **ARTICLE 11**

- 1) The Management Committee shall meet at least once a year on the eve of the statutory Congress and another time on the occasion of the UCI Congress or at the instant of the President or at the request of the majority of Management Committee. In such event, the choice of the venue shall be left up to the President's discretion.
- 2) In no case may the members of the Management Committee have substitute for themselves.
- 3) In case of equality of vote, the President or his replacement shall have a casting vote.
- 4) If any member of the Management Committee fails to attend three (3) consecutive Management Committee Meetings without proper excuse acceptable to the Management Committee, his seat shall be deemed vacated automatically.

## **ARTICLE 12**

- 1) The Management Committee shall have full power over the administration of the ACC. It shall decide on all matters not otherwise reserved to another body by the Constitution.
- 2) The Management Committee may deal with matters not explicitly provided for in the Constitution in the spirit of sportsmanship and in the best interest of the ACC and affiliated federations. The decisions made in such cases shall be submitted for the endorsement of the Congress.

- 3) The Management Committee may warn, censor, fine, suspend or expel any member, affiliated federation, any officer or member thereof from membership or affiliation to the ACC and all rights pertaining thereto; declare any person non-professional; prohibit any person taking part in the management or the promotion of the sport or competing in races.
- 4) Provided always that before making any decision the individual or organization shall be notified in writing by the Management Committee of the grounds, which shall reduced to the form of a definite charge or charges, upon which it is intended to proceed and the individual or the organization shall be given not less than 30 (thirty) days within which to exculpate for the purpose. Failing such an appearance in person or submission in writing, the case shall be decided forthwith.
- 5) In formulating the ACC Rules, Regulations and Bye-Laws, the following principles shall apply:
  - a) Respect for the sovereignty of the affiliated federation over the sport of cycling in all its forms in their respective domains;
  - b) Mutual respect between federations in every aspect.
- 6) The Management Committee may modify the internal Rules, Regulations and Bye-Laws of the ACC provided that such modifications are in conformity with the Constitution of the ACC. These modifications shall be presented to the next Congress for ratification.

## **EXECUTIVE COMMITTEE**

### **ARTICLE 13**

- 1) The routine and/or urgent business of the ACC shall be dealt with by an Executive Committee comprised of the President, Secretary General and two (2) members of the Management Committee appointed by the President in consultation with the members of the Management Committee.

- 2) In case of extreme urgency, the President may take the decision alone. He shall then inform the Management Committee as soon as possible thereafter.

## PRESIDENT

### ARTICLE 14

- 1) The President of the ACC shall chair the Congress, the Executive and Management Committee meetings.
- 2) In urgent cases the President can ask for a postal vote. The decision shall be valid if at least one-half of the members have cast a vote in favor of the decision taken.
- 3) In the case of absence or any impediment that will prevent the ACC President from attending the ACC Executive, Management and Congress meetings, he may delegate the Chairmanship to any of these meetings to any one of the Vice Presidents.
- 4) The President shall appoint or discharge officers and employees of the Secretariat.
- 5) In the event of death, resignation or dismissal of the President by the Congress, the Vice-President as intended (in Article 14-3) shall act as President until the next Congress. The Congress will elect the successor to complete the terms of his Predecessor.
- 6) The minutes of all meetings shall be deemed confirmed upon the signature of the President.

## APPOINTMENT OF OFFICE BEARERS

### ARTICLE 15

There shall be four (4) Vice-Presidents, one (1) Secretary General and one (1) Treasurer. The President in consultation with the elected members of the Management Committee shall appoint the

four (4) Vice Presidents from among the elected members of the Management Committee, and shall appoint Secretary General, and Treasurer under contracts from any persons of the member countries affiliated to the ACC.

## HONORARY VICE PRESIDENT & ADVISOR

### ARTICLE 16

- 1) The Honorary Vice President shall be the President/ Representative of the National Cycling Federation, which will act as host for the Asian Cycling Championships, Asian Mountain Bike Championships, Asian Indoor Cycling Championships, or any other Asian level Cycling Championships. The said Vice-Presidents shall have no voting rights.
- 2) The tenure of office for the Hon. Vice President shall commence upon receiving the Championships' flag and will expire upon handing over the Championships' flag to the next host country.
- 3) The Advisor whose role is to provide advices to the ACC President shall be appointed by a majority vote of the ACC Management Committee from the following persons:
  - a) Those who distinguished themselves in promoting the Asian cycling; and
  - b) Those who have ever served as either ACC President, or elected member of the ACC Management Committee at least for 4 (four) years; and
  - c) Those 60 (sixty) years of age or older at the time of his appointment; and
  - d) Those who are nominated to the ACC Management Committee as candidates in written by any national federations to which they have been affiliated.
- 4) The total number of the Advisors will be left up to the discretion of the Management Committee, and the tenure of office for the Advisor shall commence upon being appointed and

expire at the time of dismissal by the Management Committee. The Advisor shall not take part in the meetings of the ACC Congress and/or Management Committee unless invited to do so by the President and shall have no voting rights.

## SECRETARY GENERAL

### ARTICLE 17

- 1) The Secretary General shall carry out all the decisions of the Congress, the Executive and Management Committees. He shall maintain communications with all the officers of the ACC and with the member federations of the ACC. He shall carry out relevant duties as spelt out in the Constitution & By-Laws.

## TREASURER & FINANCE

### ARTICLE 18

- 1) The Treasurer shall be responsible for the safekeeping of the funds of the ACC and shall disburse from these funds as directed by the Executive and Management Committee.
- 2) He shall keep the books of the ACC up-to-date. He shall present the audited accounts to the Management Committee for presentation to the Congress.
- 3) In the event of his resignation, he shall handover to his successor within 1 month the books of account and relevant document brought up-to-date. A report of the hand-over shall be submitted to the Management Committee and signed by the resigning Treasurer and his successor as soon as possible.
- 4) All financial transactions of the ACC shall be in US dollars, Swiss Francs and any other currency as approved by the Management Committee.

## MISCELLANEOUS

## ARTICLE 19

- 1) The identity of the President of the Continental Confederation and of the continental representative shall be notified to the UCI in the week of their election.
- 2) Any document of the Continental Confederation which might be submitted or notified to the UCI shall be in French or in English, save the use of other languages.
- 3) To any matter, which is not regulated by the present rules of procedure, the rules of the Constitution of the UCI shall be applied.
- 4) The decisions of the Continental Confederation may be cancelled by the Management Committee of the UCI in case of non-conformity with the Constitution and Regulations of the UCI, provided the Continental Confederation is first given 30 (thirty) days notification to make representation to the UCI.

## DISSOLUTION

### ARTICLE 20

The ACC is organized for an unlimited duration. The question of its dissolution shall be deliberated only by an extraordinary Congress specially convened and notice of which shall be given to all member federations not less than 45 (forty-five) days before the date of the said Congress.

The Congress deliberating on the dissolution of the ACC shall be attended by 2/3 (two-thirds) of the affiliated federations at the time the vote is taken. If the decision to dissolve the ACC is not supported by 2/3 (two-thirds) of the votes cast, then a second Extra-ordinary Congress called to the dissolution of the ACC shall have the final judgment as to the use of whatever funds or stocks belonging to the ACC. One or more liquidators shall be appointed, failing which the liquidations shall be by the Management Committee.

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- Note: 1) The Asian Cycling Confederation (ACC) Constitution & By-Laws was duly approved at the ACC Congress at Maebashi City, Japan on 10<sup>th</sup> June 1999.
- 2) The ACC Constitution & By-Laws was duly amended at the ACC Congress at Kuala Lumpur, Malaysia on 3<sup>rd</sup> January 2005.
- 3) The ACC Constitution & By-Laws was duly amended at the ACC Congress at Seoul, Korea on 9<sup>th</sup> February 2006.
- 4) The ACC Constitution & By-Laws was duly revised at the ACC Congress at Seoul, Korea on 20<sup>th</sup> March 2009.
- 5) The ACC Constitution & By-Laws was duly amended at the ACC Congress at Bangkok, Thailand on 7<sup>th</sup> February 2011.
- 6) The ACC Constitution & By-Laws was duly amended at the ACC Congress at New Delhi, India on 12<sup>th</sup> March 2013.
- 7) The ACC Constitution & By-Laws was duly amended at the ACC Congress at Nakhon Ratchasima, Thailand on 9<sup>th</sup> February 2015.
- 8) The ACC Constitution & By-Laws was duly amended at the ACC Congress at Tokyo, Japan on 25<sup>th</sup> January 2016.