

Proposal and Amendments form to the 2019 AGM

- **Confederacao Brasileira de Badminton. -**

1. Make the draws by livestream

This proposal is already been treated in support with BWF and we are going to discuss this amendment with the technical department and the main referee from the tournaments to receive his or her help to follow the process of the livestream from the draws.

As Badminton Pan Am we are very interested on improving always the methods to secure the Olympic rules of fair play and equal opportunity to compete. Is very important for us to continue as a trustful confederation that has never been related to gambles and corruption problems

2. Venues of the Event

This proposal is already been treated by the lawyers of Badminton Pan Am with the lawyers of BWF who are drafting the official process for venues of events on the Pan-American region.

3. To approve a regulation of the elections in assembly

This proposal is already been treated by the lawyers of Badminton Pan Am with the lawyers of BWF who are drafting the official process of the election on the Pan-American region. Meanwhile, the process for the election on the Pan-American region will follow the rules established by BWF.

4. AGM notice should still contain a list of member eligible

We consider that the proposed amendment is positive for the improvement of the regulations of Badminton Pan Am, but it should not modify the present article 17. Instead, the list of members eligible will be part of the new "Process for elections on the Pan-American region".

Right now the list of members eligible will be sent by mail to all the members.

5. Provide detailed accountability and report before the annual meeting

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Proposal & Amendments



In order to improve the Bylaws and the modifications suggested by BWF, we are working on improving times of work.

We consider that this amendment should be included on our bylaws but not as part of the article 13, as it is about "The duties of the Annual General Meeting" and there is an article specially drafted for notices of the General Meeting which is article 18. Is very important to maintain the sequence of the articles in the bylaws of the Pan Am to not disturb the legal harmony.

Proposal / Amendment suggested

Current Article

Article 18.- Notices of General Meetings must be sent at least seven weeks before to the date fixed for said Meetings. Failure to send notice will result in the invalidation of the General Meeting.

Modified Article

Article 18.- The content of the entire agenda and the AGM papers must be sent at least 30 days before to the date fixed to be played at the Annual General Assembly and of any Extraordinary General Meeting in order that members can read with anticipation its content and it is possible to discuss in the same assembly.

Notices of General Meetings must be sent at least seven weeks before to the date fixed for said Meetings. Failure to send notice will result in the invalidation of the General Meeting.

6. Creation of posts in the PANAM board during election year
7. Announce edict for hiring employees

Both proposals goes hand to hand.

This proposal is already been treated by the lawyers of Badminton Pan Am with the lawyers of BWF who are drafting the official process for hiring internal employees for Badminton Pan Am. Agreements made by Badminton Pan Am Confederation for external services are already been covered by the article 34 of the Panamerican Bylaws that are copied below.

“Article 34.- Duties of the President. The President of the Executive Committee shall act as legal representative of the Association, with the authority to delegate duties to a third party, and has the following powers:

34.9. - Exercise all rights and make effective all the obligations the could favor the Confederation, without reservation or limitations, issuing and answering all letters and communications as necessary, and in general practice all general acts necessary in the good administration and protection of its interests.”

8. Delegates to represent

This proposal will be part of the agenda to be decided by the members countries if it could be included or not in the bylaws.

- **Federación Deportiva Peruana de Badminton. -**

1. Transparency modification of the Pan Am Bylaws article 5.5

Article 5.5 is accomplish by Badminton Panam by delivering every year the “BPAC ANNUAL GENERAL MEETING”.

This document contains:

- BPAC Development Report
- BPAC Events Report, Events Chair Report & Technical official´s report
- Financial report & Treasurer report
- Administration Report
- BPAC Strategic Plan 2016-2020
- Para badminton report

The content of this document is handle to every active member country during the Annual General Meeting complying with the transparency and good governance required for “a better communication and knowledge of

the budgets assigned by the BWF to the badminton Pan Am Confederation and the provisions on how that budget would be spent in the year.” The proposal required cannot be included on the bylaws due to is already included in the article 32.

“Article 32.- The Executive Committee of the Confederation is a body with administrative authority to carry on the work of the Confederation, which shall include:

32.3.- Scheduling and directing corporate activities and conducting the administrative and economic management in accordance with the purposes thereof.”

The proposal intention is to move an exclusive competence of the Executive Committee of the Confederation to the active members countries.

Proposal / Amendment suggested

Current article:

32.3.- Scheduling and directing corporate activities and conducting the administrative and economic management in accordance with the purposes thereof.

Modified article:

32.3.- Scheduling and directing corporate activities and conducting the administrative and economic management in accordance with the purposes established by the BWF on the annual meeting.

2. Modification of the Pan Am Bylaws article 5 about Penalties

This proposal cannot be included because it breaks the principle of specificity of sports (international principle). Imposed fines by the BWF to any members countries or player should be appeal against the BWF or inclusively be referred to CAS (Court of Arbitration for Sports) and Badminton Pan Am can´t revert a decision taken by the BWF as we don´t have the authority to do it and neither can we modify our bylaws to have the authority to change a sanction imposed by the BWF.

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Badminton Pan Am have a compromise with the all the members countries and the players that belong to the Pan American zone and will continue supporting them in any disciplinary proceeding or sanction imposed by the BWF but it goes against the rules to modify the bylaws in order to overturn a decision of the BWF.

Badminton Pan Am Bylaws

Solution of Disputes

“Article 9.- Members of the confederation shall not be permitted to bring disputes with the Confederation, or with each other, before a Court of Justice; the reason for this is membership of the Confederation shall cause the members to waive the right to take a dispute before the Courts. In any case, such dispute shall be referred to a Court of Arbitration for Sports, unless agreed otherwise by the parties in dispute.”

Constitution of the Badminton World Federation

Discipline

“Art. 29.- Council, or any Disciplinary Committee it appoints, shall have power on behalf of the Federation to penalise a Member, player, coach, competition official, or other person for infringement of the Statutes, for misconduct during competition, or for actions that bring the game of Badminton or the Federation into disrepute.”

Authority

“Art. 30.1. d- the Federation’s jurisdiction and the right to make any decision or impose any sanction based on the Statutes of the Federation.

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3. Communication of the Pan Am Bylaws article 10

Proposal accepted but in order to have a good structure of our bylaws we consider that the proposal should be included as follows:

Proposal / Amendment suggested

Current Article

Language

Article 10.- The official language of the Confederation will be the English language.

Modified Article

Article 10.- The official language of the Confederation will be the English language and subsidiary Spanish.

4. Communication, good governance & Transparency Modification of the Pan Am Bylaws article 13

In order to improve the Bylaws and the modifications suggested by BWF, we are working on improving times of work.

We consider that this amendment should be included on our bylaws but not as part of the article 13, as it is about "The duties of the Annual General Meeting" and there is an article specially drafted for notices of the General Meeting which is article 18. Is very important to maintain the sequence of the articles in the bylaws of the Pan Am to not disturb the legal harmony.

Proposal / Amendment suggested

Current Article

Article 18.- Notices of General Meetings must be sent at least seven weeks before to the date fixed for said Meetings. Failure to send notice will result in the invalidation of the General Meeting.

BPAC AGM 2019 & Elections - Annexure G

Proposal & Amendments



Modified Article

Article 18.- The content of the entire agenda must be sent at least 30 days before to the date fixed to be played at the Annual General Assembly and of any Extraordinary General Meeting in order that members can read with anticipation its content and it is possible to discuss in the same assembly.

Notices of General Meetings must be sent at least seven weeks before to the date fixed for said Meetings. Failure to send notice will result in the invalidation of the General Meeting.

5. Good governance Modification of the Pan Am Bylaws article 31 point 31.5 Only be re-elected once in their positions

In order to submit this proposal we kindly ask that this proposal is written in a manner that is clear enough and understandable to analyze it according to our articles 46 and 47.

6. Good governance & Transparency Modification of the Pan Am Bylaws article 43

The Executive Committee has always comply with the circulation of the financial statement to the member countries, allowing them to review the contributions receive as confederation with transparency.

As much as we want to circulate the financial statement as soon as possible, this is a job that involve internal as external services which makes very difficult the possibility to comply with the petition of 60 calendar days but we also consider that this article could be improve so we suggest that should be drafted as it follows:

Proposal / Amendment suggested

Current Article

Article 43.- The Executive Committee is obligated to annually circulate a financial statement to member countries.

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Modified Article

Article 43.- The Executive Committee is obligated to annually circulate a financial statement to member countries during the Annual General Meeting.