

MYANMAR CYCLING FEDERATION

CONSTITUTION



Adopted on September 7th, 2018

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CHAPTER 1. IDENTITY AND PURPOSE

ARTICLE 1. NAME, DEFINITIONS AND INTERPRETATION

1. “MOC” means Myanmar National Olympic Committee.
2. “UCI” means Union Cycliste Internationale, a non-governmental international association of all national cycling federations worldwide.
3. “Myanmar Cycling Federation”, referred to as “MCF” in abbreviated form, means the National Federation for the sport of cycling in all disciplines in Union of Myanmar, organized in accordance with guiding principles of MOC and UCI.
4. “ACC” means Asian Cycling Confederation, a non-profit and voluntary continental confederation composed of national cycling federations in Asia.
5. “Management Committee” means committee elected in accordance with the By-Laws of MCF.
6. “State and Divisional Cycling Associations” mean non-governmental state-level associations in fifteen (15) states and divisions of Myanmar, established to promote the sport of cycling in their states

and divisions on behalf of MCF, including but not limited to the development of cycling programs, school leagues and organizing cycling races.

7. "Cycling Clubs" mean non-national level, general or specialized associations of cyclists, such as private cycling clubs, teams representing public entities, sports academies, school and school leagues, lawfully exist and registered in Myanmar.
8. "Congress" means general meeting of the members and the ultimate authority of the MCF.

9. Interpretation

In this Constitution, unless the context otherwise requires;

- 9.1. words importing persons or Parties shall include associations, clubs, federations, unincorporated organizations, a Relevant Authority or any other legal entity, and all references to persons shall include their permitted successors and assigns
- 9.2. words importing the singular only shall also include the plural and vice versa where the context requires;
- 9.3. words importing the masculine shall include the feminine and neuter and vice versa;

*ARTICLE 2. SYMBOL, LOGOS AND REGISTERED
OFFICE*

1. Symbol, Logo and Registered office of MCF shall be published in the By-Laws.
2. MCF logo, flag, the abbreviation “MCF” and the name “Myanmar Cycling Federation” are the property of MCF and may not be used without written consent from MCF.

ARTICLE 3. OBJECTIVES

1. to direct, develop, regulate, control and discipline cycling under all forms in Myanmar in accordance with guiding principles of the MOC.
2. to promote cycling in all states and divisions of Myanmar and at all levels;
3. to organize, for all cycling sport disciplines, National Championships of Myanmar;
4. to develop, organize and select national-level coaches, commissaires, mechanics and national cycling teams under all forms;
5. to promote para-cycling;
6. to draw up regulations and provisions in accordance with regulations and provisions of the UCI;
7. to advocate for the safety and rights of cyclists;

8. to represent the sport of cycling and defend its interests before the MOC, and other relevant authorities in Myanmar;

ARTICLE 4. VALUES

MCF will carry out its activities in accordance with core values as described below;

1. equality between all members, the athletes, officials and cycling professionals, without racial, gender-related, political, religious or other discriminations;
2. compliance with UCI regulations, in particular, the election system that ensures a complete independence of MCF vis-à-vis third parties.
3. the non-profit-making purpose; the financial resources shall be used only to pursue the purpose set forth in this Constitution.

ARTICLE 5. COMPLIANCE WITH UCI CONSTITUTION AND REGULATIONS

1. MCF shall comply with the Constitutions and Regulations of UCI, as well as with all decisions taken in accordance therewith.
2. Constitutions and Regulations of the UCI shall apply in case of divergence with this Constitution.

3. MCF shall manage internal affairs with total independence and ensure that no third party interferes in the operations. MCF shall remain autonomous and resist all political, religious and financial pressure which may infringe its commitment to abide by the Constitutions of UCI. Any external form of interference or attempt to interfere must be reported to the UCI.
4. MCF shall not allow government and other public authorities to appoint members of the Management Committee.

ARTICLE 6. ACC

1. MCF is a member of Asian Cycling Confederation (ACC).

CHAPTER 2. MEMBERSHIP

ARTICLE 7. MEMBERSHIP

Members of MCF shall be following organizations as accepted and approved by the Congress or the Management Committee, where applicable.

1. Fifteen (15) State and Divisional Cycling Associations
2. Cycling clubs

ARTICLE 8. MEMBER'S RIGHTS AND OBLIGATIONS

Rights

1. The members shall have the following rights;
 - a. to take part in the Congress;
 - b. to propose and submit agenda items for the Congress;
 - c. to exercise their voting rights in accordance with the By-Laws of MCF;
 - d. to participate in competitions organized by MCF;
 - e. to participate in MCF development programs and receive assistance where applicable;

- f. to exercise all other rights arising from this Constitution;
2. The exercise of these rights is subject to other provisions within this Constitution and the By-Laws of MCF.

Obligations

1. Members shall comply with the Constitutions and the By-Laws of the MCF, as well as with all decisions taken in accordance therewith.
2. All members shall pay their membership contributions in accordance with the By-Laws of the MCF.

ARTICLE 9. APPLICATION FOR MEMBERSHIP

Membership status and application for membership of the State and Divisional Cycling Associations and Cycling Clubs shall be in accordance with the By-Laws of MCF.

ARTICLE 10. MEMBERSHIP CONTRIBUTION

Each member shall pay an annual membership contribution in accordance with the By-Laws of MCF.

ARTICLE 11. FAILURE TO FULFIL OBLIGATIONS

1. Failure of a member to fulfil any of its obligations pursuant to the Constitutions and the By-Laws of MCF or UCI shall render said member liable to a fine in accordance with the By-Laws of MCF.
2. In the event of serious or persistent breach, the member concerned may be suspended by the Management Committee.

ARTICLE 12. SUSPENSION

1. The suspension of a member may include the following measures;
 - a. non-participation in the Congress;
 - b. suspension of the elected representative(s) of the member in the Management Committee;
 - c. exclusion of its cyclists in races organized by MCF;
2. In the interest of cyclists or international representation, the Management Committee may decide that certain measures will not be applied.

ARTICLE 13. EXCLUSION AND EXPULSION

1. A member may be excluded by the Congress in the following cases;

- a. when a member discredits the reputation of MOC, MCF or the reputation of cycling sports;
 - b. when a member fails to fulfil its financial obligations towards MCF;
 - c. when a member seriously violates the Constitution, By-Laws or the decisions of MCF.
2. Exclusion of a member from the Congress shall be decided by the Management Committee.
 3. The Congress shall vote by simple majority (more than 50%) to decide on the expulsion of a member based on recommendation by the Management Committee.

ARTICLE 14. RESIGNATION

A Cycling Club wishing to leave the MCF shall send a letter of resignation to the office of the Secretary General. MCF shall not refund any membership fees.

CHAPTER 3. CONGRESS

ARTICLE 15. STATUTORY AND EXTRAORDINARY CONGRESS

1. Statutory Congress shall be convened every two (2) years.
2. The Management Committee may convene Extraordinary Congresses at any time by giving Thirty (30) Day notice to the members.
3. Members may request the Management Committee to convene Extraordinary Congress in accordance with the By-Laws.
4. The Management Committee shall specify the dates and venues of Statutory and Extraordinary Congresses.

ARTICLE 16. POWERS AND DUTIES OF THE CONGRESS

1. Approval of Management Committee reports
2. Approval of Audited Financial Statements
3. Appointment and dismissal of auditor as recommended by the Management Committee
4. Amendments to the Constitution
5. Expulsion of members

6. Election of the members of the Management Committee in accordance with the By-Laws of the MCF;
7. Dismissal of the members of the Management Committee in accordance with the By-Laws of the MCF;

ARTICLE 17. AGENDA OF THE CONGRESS

1. The Management Committee shall prepare the Agenda of the Congress.
2. Members wishing to submit agenda items or questions are required to send them in writing to the office of Secretary General at least 20 days before the date of the Congress.

ARTICLE 18. DELEGATES

1. Each member of the MCF may be represented at the Congress by a delegation in accordance with the By-Laws of MCF.
2. Members of the MCF's staff may not be appointed as delegates to the Congress.

*ARTICLE 19. CHAIR AND THE QUORUM OF THE
CONGRESS*

1. The President of the MCF shall open and chair the Congress. He shall appoint a member of the Management Committee as the Secretary of the Congress to read the Agenda, prepare the voting operations and prepare the draft of Minutes after the Congress.
2. Simple majority (more than 50%) shall constitute the quorum of the Congress.
3. If a quorum is not achieved, a second Congress shall take place 24 hours from the first Congress. A quorum is not required for the second Congress and, in such a case, no decision or votes shall take place on the followings;
 - a. election or dismissal of the members of the Management Committee;
 - b. the dissolution of the MCF;

ARTICLE 20. DISCUSSIONS ON THE AGENDA

1. Before proceeding to vote on the items of the agenda, the representatives of each member may address the Congress and speak freely on the item put to vote.

2. For the proper conduct of the Congress, the President may limit the speaking time of each delegate and the number of speakers to one per member.
3. The President shall close the discussions.

ARTICLE 21. VOTING

Members shall exercise their voting rights in accordance with the By-Laws of MCF.

ARTICLE 22. AMENDMENTS TO THE AGENDA

The Management Committee may submit any amendment of the items on the agenda at the beginning of the Congress. The text of the amendments shall be distributed at the beginning of the Congress at the latest.

ARTICLE 23. EFFECTIVE DATES OF DECISIONS

Unless otherwise decided by the Congress, the decisions of the Congress shall be effective immediately.

CHAPTER 4. MANAGEMENT COMMITTEE

ARTICLE 24. ROLE

1. The business of MCF shall be managed by the Management Committee under the authority of the Congress.
2. The Management Committee shall be vested with the most extensive powers as regards the management of the MCF and shall decide all matters not otherwise reserved to another policy body by this Constitution.

ARTICLE 25. POWERS

1. Without prejudice to ARTICLE 24. , the Management Committee shall, in particular;
 - a. fix the date and venue of Congresses;
 - b. convene and be responsible for organizing Congresses;
 - c. execute the decisions of the Congress;
 - d. admit, suspend and exclude the members of the MCF;

- e. propose the nomination of the auditor to the Congress;
 - f. prepare the budgets and the annual accounts to be submitted to the Congress;
 - g. elect the officers of the Management Committee in accordance with the By-Laws of the MCF;
 - h. decide on contracts to be signed with third parties;
 - i. adopt and amend MCF regulations and By-Laws;
 - j. set up and appoint the members of the commissions necessary to the proper functioning of the MCF;
 - k. set up and appoint the members of the judicial bodies with the exception of those of the Ethics Commission, who are elected by the Congress;
 - l. organize, for all cycling sport disciplines, National Championships of Myanmar;
 - m. develop, organize and select national level coaches, commissaires, mechanics and cycling teams under all forms;
2. The Management Committee shall specify the conditions of participation in all cycling events registered under MCF. It may

require granting of licenses according to the procedures which it shall draw up or the payment of contributions or fees.

3. Infringements to the regulations and decisions shall be sanctioned in accordance with the regulations and procedures laid down by the Management Committee. The following sanctions may be applied;
 - a. warning
 - b. reprimand
 - c. fine
 - d. suspension
 - e. final exclusion
 - f. exclusion from one or more specific events
 - g. disqualification from a race
 - h. downgrading
 - i. penalties in time and/or points
 - j. withdrawal of prizes
4. The Management Committee may also delegate this power.

ARTICLE 26. OFFICERS

The following officers shall represent and manage the business of MCF in accordance with the By-Laws of MCF;

1. President
2. Three (3) Vice Presidents
3. Secretary General

4. Assistant Secretary General
5. Treasurer

ARTICLE 27. PRESIDENT

1. The Management Committee shall elect the President of the MCF from among its members in accordance with the By-Laws of the MCF.
2. The President of the MCF shall also be the Chairman of the Management Committee.
3. He is primarily responsible for implementing the decisions passed by the Congress and the Management Committee through his administrative team.
4. He may appoint persons with a function in cycling in Myanmar and as official delegates to represent MCF.
5. The President shall be responsible for fund-raising and management of financial affairs of MCF.

ARTICLE 28. VICE PRESIDENTS AND CO-OPTED MEMBERS

1. The Management Committee shall elect three (3) Vice Presidents of the MCF from among its members in accordance with the By-Laws of the MCF.

2. The President may appoint a maximum of four (4) co-opted members in the Management Committee. If a co-opted member is appointed to the position of Vice President, he shall be called Honorary Vice President.
3. Co-opted members shall not have the right to vote in the Management Committee.

ARTICLE 29. SECRETARY GENERAL, ASSISTANT SECRETARY GENERAL AND TREASURER

1. The President shall appoint Secretary General, Assistant Secretary General and the Treasurer to carry out day to day management of MCF.
2. The President shall make such appointments, having gone through a selection process agreed with the Management Committee.

ARTICLE 30. COMPOSITION

1. The Management Committee shall consist of the seventeen (17) elected members;
 - a. The President
 - b. Three (3) Vice Presidents
 - c. Thirteen (13) Committee Members
2. The seventeen (17) elected members of the Management Committee shall be elected by

the Congress in compliance with the following distribution;

- a. Twelve (12) members nominated by State and Divisional Cycling Associations in accordance with the By-Laws of the MCF;
- b. Five (5) members nominated by the Cycling Clubs in accordance with the By-Laws of the MCF.

ARTICLE 31. ELECTIONS AND TERMS

1. The term of the newly elected Management Committee is four (4) years.
2. Officers of the Management Committee may serve a maximum of three (3) mandates of four (4) years.
3. The term of the office of the Management Committee shall commence immediately upon the adjournment of the Congress that elected them. It shall come to an end upon the adjournment of the Congress that elects the new Management Committee.
4. Outgoing members of the Management Committee shall be eligible for re-election.
5. The term of the office of a member of the Management Committee shall come to an end by resignation, death or dismissal by the Congress. The Management Committee

- will continue to function with the same powers as though it were complete.
6. The election of the successor of an elected member shall take place at the next Congress.
 7. If the Management Committee has only seven (7) elected members or fewer, the election of the successors must take place within three (3) months, if necessary an extraordinary congress to be convened for this purpose.
 8. Resignation by any elected or co-opted member of the Management Committee requires a notice period of minimum three (3) months.

ARTICLE 32. ELIGIBILITY FOR CANDIDACY

1. The candidates for the Management Committee shall be nominated in accordance with the By-Laws of the MCF.
2. An incumbent President seeking for a re-election shall not require any nomination.
3. No member of the Management Committee shall be bound by an employment or a service contract with the MCF or any other national sport federation of Myanmar.

ARTICLE 33. MEETINGS

1. The Management Committee shall meet at least four (4) times a year.
2. It shall also meet any time either at the request of the President or at the request of at least five (5) members.
3. The quorum of the Management Committee meetings is six (6).

ARTICLE 34. DECISIONS

1. The Management Committee shall take its decisions with a majority (more than 50%) of the votes cast. No substitutes are allowed to attend or vote on the decisions of the Management Committee meetings.
2. Co-opted members shall have the right to discuss only.

ARTICLE 35. RECOGNITIONS

1. Management Committee may confer the title such as President Emeritus, Honorary President as well as merit awards to the persons who have made outstanding contribution to the sport of cycling in Myanmar.

CHAPTER 5. EXECUTIVE COMMITTEE

ARTICLE 36. EXECUTIVE COMMITTEE AND CASES REQUIRING IMMEDIATE ACTION

1. Any matters conferred by the present Constitution as well as any matters of the MCF requiring urgent settlement between two meetings of the Management Committee may be dealt with by an Executive Committee comprised of the President, any one (1) of the three (3) Vice Presidents, Secretary General and the Treasurer.
2. The Executive Committee shall inform the Management Committee of its decisions in timely manner.
3. In case of an equality of votes, the President shall have a casting vote.
4. In cases requiring immediate action, the President may take the decision alone. He shall inform the Executive Committee of these decisions in timely manner.

CHAPTER 6. SUB-COMMITTEES

ARTICLE 37. SUB-COMMITTEES

1. The Management Committee shall set up the following sub-committees;
 - a. National team selection committee;
 - b. Road Committee;
 - c. Track Committee;
 - d. Mountain Bike and Downhill Committee;
 - e. BMX Committee;
 - f. Trials Committee;
 - g. Indoor Cycling Committee;
 - h. Para-Cycling Committee;
 - i. Media and Marketing Committee;
 - j. Statistics and Records Committee;
 - k. Solidarity Committee;
2. The sub-committees shall submit their reports to the Congress as directed by the Management Committee.

CHAPTER 7. REPRESENTATION

ARTICLE 38. REPRESENTATION

The President shall represent the MCF in all circumstances, including at law. He may also appoint either one of the elected Vice Presidents or the Secretary General to represent the MCF on his behalf.

CHAPTER 8. JUDICIAL BODIES

ARTICLE 39. JUDICIAL BODIES

1. The judicial bodies of the MCF are;
 - a. The Disciplinary Commission
 - b. The Arbitral Commission
 - c. The License Commission
 - d. The Ethics Commission
 - e. The Anti-Doping Tribunal
2. The Management Committee shall appoint the members of the judicial bodies with the exception of those of the Ethics Commission, who shall be elected by the Congress.
3. The responsibilities and function of the Disciplinary Commission, Arbitral Board and License Commission shall be governed by the UCI and MOC Regulations.
4. The responsibilities and function of the Ethics Commission shall be governed by the MCF Code of Ethics.
5. The responsibilities and function of the Anti-Doping Tribunal shall be governed by the UCI Regulations and the UCI Anti-Doping Tribunal Procedural Rules.
6. The term of office of a judicial body member ends in the event of resignation, death or dismissal by the Management

Committee, with the exception of the members of the Ethics Commission, who may only be dismissed by the Congress.

ARTICLE 40. OFFICIALS

1. The officials of the MCF shall comprise the members of the Management Committee, co-opted members, the members of the sub-committees, the members of the judicial bodies, the delegates at the Congress and the persons holding executive positions within MCF.
2. An official of the MCF shall abide by the Constitution, the By-Laws, the Regulations and the Code of Ethics of the MCF.

CHAPTER 9. ADMINISTRATION

ARTICLE 41. ADMINISTRATION

1. The administration of the MCF shall be placed under the direction of the President, assisted by the Secretary General and the Assistant Secretary General.
2. The Secretary General shall draw up the minutes of the Congresses and the meetings of the Management Committee and the Executive Committee. He shall keep the Constitution, the By-Laws and Regulations up to date and see that they are duly published and distributed.

CHAPTER 10. FINANCES

ARTICLE 42. FINANCES AND FINANCIAL YEAR

1. The financial year of the MCF shall be in accordance with the By-Laws of MCF.
2. The resources of the MCF shall consist in particular of the contributions of the MOC, its members, the President, Vice Presidents, the contributions or fees of license-holders, sponsoring and the royalties generated by sport activities and any other form of fund-raising events.
3. The annual budget of the MCF shall be approved by the Management Committee.

ARTICLE 43. AUDIT

1. On a proposal from the Management Committee, the Congress shall confirm an appointment of an auditor.
2. The term, replacement and any interim appointment before the next Congress of an auditor shall be in accordance with the By-Laws of MCF.
3. The auditor shall be an independent company auditor established in Myanmar and its shareholders or employees shall not be an official of the MCF.

CHAPTER 11. MISCELLANEOUS PROVISIONS

ARTICLE 44. DISSOLUTION

1. The MCF shall be established for an indefinite period.
2. The issue of its dissolution shall be decided only by an extraordinary Congress.

ARTICLE 45. DISPUTES AND ARBITRATION

1. The Management Committee shall decide competent authority for arbitration to adjudicate disputes between MCF members. The ruling of such authority shall be final.

ARTICLE 46. OFFICIAL LANGUAGES

1. The official languages of the MCF shall be Myanmar and English.
2. In case of discrepancies in this Constitution and the By-Laws, the English version shall prevail.

*ARTICLE 47. GOVERNING LAW AND
ARBITRATION*

1. This Constitution is governed by the Laws of Union of Myanmar.
2. The venue of arbitration shall be Myanmar.

ARTICLE 48. ENFORCEMENT

This Constitution was adopted by the Congress held on 7th Day of September, 2018 and came into effect on the same day.