

Compliance of the National Sport Federations within Legal System in Montenegro



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General aim of the ppt

To examine practical application of the legal obligations, especially concerning governance structure in order to fulfill constitutional and legal positioning of sport.

The „motivator“

- The idea behind the research is based on the Council of Europe/EPAS activities in the field of #sport



INTRO

- Fluidity of sport?
- Sport rules
- Perception of sport (global vs. local view)?

Organizational culture within Sport

- Based on federal values of amateurism and volunteering
- The public service culture of public servants(case of Montenegro)
- Managerial culture of managers and experts, which is based on meritocracy, performance and profitability.

Methodology

- Subjects of the conducted study
- Purpose -II-
- Justification -II-
- Research question

To which extent NSFs are harmonized with the legal system of Montenegro?

Methodology

- Document analysis
- Interviews (decision-makers within NSFs)
- Timeframe of the research: 6 months (2013)

Important clarifications

- NSF obligations
- General Assembly within NSF
- Executive Board -II-
- Supervisory Board -II-

Rulebooks/Bylaws/Regulations

- Rulebook on the organization of sports competitions;
- Rulebook on athletes transfer
- Rulebook on fight against doping
- Rulebook on licensing coaches
- Rulebook on licensing referees and delegates
- Rulebook on admission of the sport organizations
- Rulebook on measures to ensure safety of participants in sport competitions

Results

- 44 of all 49 NSFs were eximinated
- Research team were not been able to find 5 of them on the address or with any means of communication at that moment (Bridge Federation, Picado Federation, Bocci Federation, Diving Federation and Cycling Federation)

Results 1

- 90% of NSFs has their Statute in accordance with the Law on Sport.
- Founding acts were not made within 85% of the reviewed NFSs
- Competences (Rulebook or bylaw) that come out from the Articles 58&59 were not implemented in the 85% of the reviewed NSFs

Results 1-a

- No clear regulations on how to elect members of the working bodies
- In 95% of the reviewed NSFs same individuals were elected in different bodies (*e.g. GA-SB were elected same individuals*).
- There are no limitations regarding election procedures

Results 2

- Commissions were formed, but with no available reports.
- In over 90% of the reviewed NSFs- without evidence of any contract of athletes registered within NSF
- Disciplinary or Ethics body within NSFs were made but with no ToR
- In 75% of the review NSFs- absence of procedures regarding **health safety of the athletes**

Results 3

- In over 90% of the reviewed NSFs- documentation (decisions) that follows financial operations within legal entity was not applicable.
- No transparency in financial operations (no reports via internet or publically announced)
- No internal or external audit reports were available

Recommendations 1

- Ex-officio delete sports organization from the RSO
- For competent governmental authority (DYS) to perform penatly provisions based on the Article 99 of the Law on Sport.
- Notify competent governmental authority (Administration for Inspection Affairs) to perform -State Inspection- of the NSFs
- Notify Administration for Prevention of Money Laundering and Terrorist Financing to perform activities within their competences

Recommendations 2

New Law on Sport with following:

- a) *Definition of sport activities- recognition of all interested parties in the field of sport- Depolitization of the NSFs structure*
- b) *Incorporate an article with clear obligation for NSFs in relation to the position of athletes*
- c) *Set up an article taking into account autonomy of the NSF but noting importance for the adoption of the GG rules (SB to be formed of the individuals affiliated with no other NSF working body)*
- d) *d) Financial allocation and spending should be harmonized with provisions from the Public Procurement Law*

Recommendations 3

Establishment of the National Agency for Sport Integrity in order to:

- a) Provide safe environment for athletes and their entourage*
- b) Prevent and fight any kind of discrimination*
- c) Prevent and fight conflict of interest and any kind of manipulation that could degrade values that sport represents*

What happened in the meantime?

- 6 NSFs were delated from the Registry of Sport Organizations and forbidden to conduct any sporting activity in the field of sport
- In 2016 (Olympic year) only 8 NSF will be supported financialy from the State Budget
- 4 new Bylaws on the Law on Sport will be introduced in December, 2015 in order to strengthen support for ones (NSFs) that are playing by the rules

Remark 1

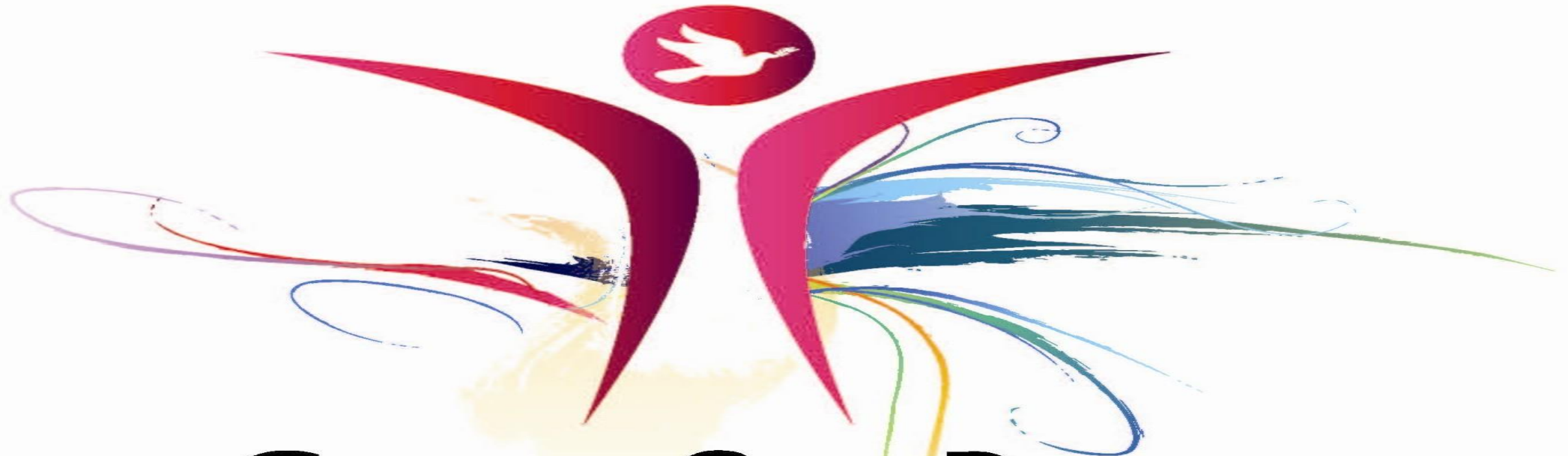


Research conducted in 2010-2011 showed that only 5.9% of women are involved in decision-making process at the NSF level

Remark 2

- Football Association of Montenegro (good example of the NSF)
- Local football clubs will be subject of the inspection in 2016

THANK YOU FOR YOUR PATIENCE



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