



AFC DEVELOPMENT REGULATIONS

ONE ASIA  ONE GOAL



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AFC Development Regulations

TABLE OF CONTENTS

Article	Contents	Page
DEFINITIONS		6
SECTION 1: AFC DEVELOPMENT REGULATIONS		10
1	Introduction	16
SECTION 2: RESPONSIBILITIES		18
2	AFC Development Committee	18
3	AFC General Secretariat	18
4	Member Associations	19
SECTION 3: DEVELOPMENT PROGRAMMES		18
5	General Principles	21
6	Eligibility	21
7	Application	22
8	Obligations	22
9	Reporting	23
10	Inactivity	23
11	Misuse of funds or other benefits	24
12	Suspension	25
13	Central Audit	25

SECTION 4: ADMINISTRATION**18**

14	Taxes and Duties	27
15	Fees and Expenses	27
16	Indemnification	28
17	Disciplinary Measures	28
18	Decisions	28
19	Amendments	28
20	Force Majeure	28
21	Matters not provided for	29
22	Closing Provisions	29
23	Enforcement	29
		30

TRANSITORY PROVISIONS

DEFINITIONS

In these Development Regulations, capitalised terms shall have the following meanings, unless the context specifically indicates otherwise.

AFC	Asian Football Confederation.
Central Audit	An independent audit of the benefits received through a Development Programme.
Central Auditor	The auditor appointed to undertake any Central Audit.
Commercial Rights	All rights in relation to any Development Programme, including without limitation advertising rights, concession rights, hospitality rights, image rights, media rights, merchandise rights, promotional rights, sponsorship rights, and travel and tour rights.
Development Programme	An activity or programme from which Member Associations may benefit as approved by the Development Committee.
Force Majeure	Any event affecting the performance or any provision of these Regulations arising from or attributable to acts, events, omissions, or accidents which are beyond the reasonable control of a party, and shall include but not be limited to abnormally inclement weather, flood, lightning, storm, fire, explosion, earthquake, structural damage, power supplies, war, terrorist action, military operations, riot, crowd disorder, strike, lock-outs or other industrial action, or civil commotion.
Member Association	A football association which is a member of the AFC.

Policy	The governing document of a Development Programme.
Proprietary Interests	Without limitation, intellectual property, copyright, and analogous rights, trademark rights, moral rights, performing rights, personality rights, and all remedies available under the applicable laws of unfair competition comprised in the Commercial Rights.
Regulations	These AFC Development Regulations.

For the purposes of these Regulations, and provided the context so permits:

- (a) the singular shall include the plural and vice-versa;
- (b) the feminine gender shall include the masculine and vice-versa;
- (c) reference to natural persons shall include any legal person or corporation;
- (d) references to the AFC shall include its successors and permitted assigns and, in relation to the availability of the Commercial Rights, its respective Member Associations and AFC committees;
- (e) reference to any AFC Commercial Rights Partner or Official Licensees shall include where advised by the AFC, its successors, and permitted assigns and, in relation to the exercise and exploitation of the Commercial Rights;
- (f) all defined terms unless otherwise stated herein shall bear the same meaning as ascribed in the AFC Statutes, unless the context indicates otherwise.

SECTION 1: AFC DEVELOPMENT REGULATIONS

1. Introduction

- I.1. These Regulations govern the implementation of all Development Programmes, and in particular:
 - I.1.1. the rights, duties, and obligations of all parties involved in the implementation of Development Programmes; and
 - I.1.2. general principles applicable to all Development Programmes.
- I.2. These Regulations do not govern the implementation of the AFC Financial Assistance Programme, which shall be governed by independent regulations.
- I.3. These Regulations and all related Policies, directives, decisions, guidelines, and circulars issued by the AFC shall be binding upon all parties involved in the implementation of Development Programmes.
- I.4. Any Development Programme Policy (“Policy”) forms an integral part of and shall be read in conjunction with these Regulations. Each Policy shall be binding upon all parties involved in the implementation of that particular Development Programme. In the event of any discrepancy between these Regulations and any Policy, these Regulations shall prevail to the extent of the inconsistency.
- I.5. Any rights and Proprietary Interests associated with any Development Programme that are not granted by these Regulations, a Policy, and/or specific agreements to any Member Association or third-party shall vest in the AFC.
- I.6. Any reference to the AFC Statutes and to AFC and FIFA regulations refer to those valid at the time of application.

SECTION 2: RESPONSIBILITIES

2. AFC Development Committee

- 2.1. In accordance with the AFC Statutes and the AFC Organisation Regulations, the AFC Development Committee shall be responsible for and supervise the implementation of Development Programmes.
- 2.2. The specific responsibilities of the AFC Development Committee are:
 - 2.2.1. approving and amending these Regulations;
 - 2.2.2. approving, terminating, and proposing new Development Programmes;
 - 2.2.3. approving new Development Programmes proposed by the AFC General Secretariat;
 - 2.2.4. approving any amendment to the financial benefits to be received from a Development Programme in accordance with the budget set by the AFC Finance Committee;
 - 2.2.5. approving the first Policy for each Development Programme; and
 - 2.2.6. declaring cases of Force Majeure and regime change.

3. AFC General Secretariat

- 3.1. The AFC General Secretariat shall manage the operational implementation of the Development Programmes.
- 3.2. The specific responsibilities of the AFC General Secretariat are:
 - 3.2.1. undertaking all tasks to ensure that the implementation of Development Programmes occur in accordance with these Regulations and relevant Policy;
 - 3.2.2. proposing amendments to these Regulations for the approval of the AFC Development Committee;
 - 3.2.3. drafting the first Policy for each Development Programme for the approval of the AFC Development Committee; and
 - 3.2.4. amending Policies where appropriate and notifying such amendments to the Member Associations.

4. Member Associations

- 4.1. Member Associations have the right to benefit from any Development Programme in accordance with the AFC Statutes.
- 4.2. In order to benefit from a Development Programme, a Member Association must:
 - 4.2.1. have a strategic plan covering a four (4) year cycle approved by the AFC; and
 - 4.2.2. (as a minimum) employ a General Secretary, Technical Director, and Development Manager responsible for monitoring the implementation of Development Programmes within its territory.
- 4.3. The Policy for a Development Programme may establish further eligibility requirements to receive benefits in addition to those listed above.

SECTION 3: DEVELOPMENT PROGRAMMES

5. General Principles

5.1. Development Programmes shall be approved by the AFC Development Committee and ratified by the AFC Executive Committee to take legal effect.

5.1.1. Any Development Programme approved prior to the entering into force of these Regulations is not required to be reapproved.

5.2. The AFC Development Committee shall decide upon financial benefits to be received from each Development Programme in accordance with the budget allocated by the AFC Finance Committee.

5.2.1. The AFC General Secretariat may propose to amend the level of financial benefits to be received from each Development Programme.

5.2.2. Any decision amending the financial benefits to be received from a Development Programme which differs from the budget allocated by the AFC Finance Committee shall only be made following the approval of the AFC Finance Committee to amend the AFC budget.

5.3. The AFC General Secretariat shall prepare a Policy for each Development Programme which clearly sets out the scope, objectives, application process, benefits, obligations of each Member Association, and specific implementation mechanisms.

5.3.1. The AFC Development Committee shall approve the first Policy for each Development Programme.

5.3.2. The AFC General Secretariat may at its sole discretion subsequently amend each Policy. The approval of the AFC Development Committee is not required for any such amendment.

5.3.3. The AFC General Secretariat shall notify Member Associations via circular of any amendment to a Policy and the date such amendments enter into force.

5.4. In principle, Development Programmes shall be conducted on a ‘per project’ basis or ‘annual’ basis. This shall be clearly established in each Policy.

6. Eligibility

6.1. Member Associations may benefit from all Development Programmes, subject to meeting the threshold requirements set out at Article 4 and any additional eligibility requirements set out in the relevant Policy.

6.1.1. The AFC General Secretariat shall make all decisions relating to the eligibility to benefit from a Development Programme.

6.1.2. For the avoidance of doubt, Member Associations are permitted to benefit from multiple Development Programmes simultaneously.

6.1.3. ‘Associate’ Member Associations as defined in the AFC Statutes shall not directly receive monies as a benefit from a Development Programme.

6.2. Where a Development Programme is conducted on a ‘per project’ basis, Member Associations may only simultaneously benefit from one (1) project from that particular Development Programme.

6.2.1. Member Associations may only benefit from the same Development Programme six (6) months after the completion of such project.

6.2.2. The AFC General Secretariat shall make the necessary assessment as to whether the relevant project is complete and the date of commencement of the six (6) month waiting period.

7. Application

- 7.1. The application process for each Development Programme shall be set out in the relevant Policy.
- 7.1.1. The AFC General Secretariat shall make all decisions relating to any application to benefit from a Development Programme. Applications shall be assessed primarily on a 'need' and case-by-case basis.
- 7.1.2. For the avoidance of doubt, the AFC General Secretariat is not obliged to approve an application even where it meets all of the requirements set out in the relevant Policy.
- 7.1.3. Priority shall be given to applications from Member Associations that have never previously benefited from that Development Programme.
- 7.2. Where the application of a Member Association is rejected, the Member Association must wait three (3) months before resubmitting an application for the same Development Programme.

8. Obligations

- 8.1. Where an application to benefit from a Development Programme is accepted, the Member Association is obliged to:
- 8.1.1. fully comply with these Regulations at all times;
- 8.1.2. fully comply with the relevant Policy at all times;
- 8.1.3. provide the AFC with all the necessary information and supporting documentary evidence
- 8.1.4. have its participation in the Development Programme and relevant project or activities approved by its Executive Committee and notified to its Congress;

- 8.1.5. designate an individual development manager responsible for monitoring the implementation of the Development Programme within its territory;
- 8.1.6. respect any implementation schedule established by the AFC;
- 8.1.7. immediately inform the AFC General Secretariat of any difficulty encountered in the implementation of the Development Programme;
- 8.1.8. obtain all necessary government approvals required to implement the Development Programme;
- 8.1.9. assist the AFC in monitoring and overseeing the implementation of the Development Programme within its territory;
- 8.1.10. present a final report to the AFC in accordance with the relevant Policy after the successful implementation of the Development Programme;
- 8.1.11. respect all applicable laws, including those relating to the confidentiality of data and privacy;
- 8.1.12. respect international labour law, in particular legal provisions that prohibit child labour and forced labour;
- 8.1.13. avoid any situation giving rise to a conflict of interest;
- 8.1.14. establish appropriate tender procedures (where applicable); and
- 8.1.15. evaluate and reduce the environmental impact of their projects and use the resources in a responsible manner in order to achieve the growth that is sustainable and respects the environment.

8.2. The relevant Policy may set out further obligations for Member Associations.

9. Reporting

- 9.1. Reporting requirements for each Development Programme shall be set out in the relevant Policy.
- 9.2. The AFC General Secretariat may request any further reports than those set out in the relevant Policy that it deems appropriate.
- 9.3. The AFC General Secretariat may in its discretion decide to withhold any benefit to be derived from a Development Programme until it has received such further report(s).

10. Inactivity

- 10.1. Where a Development Programme is conducted on a 'per project' basis and due to its inactivity a Member Association has failed to respect the implementation schedule established by the AFC for a period of six (6) months, the AFC General Secretariat shall send a warning letter to the Member Association.
- 10.2. If due to further inactivity the Member Association subsequently fails to respect the implementation schedule established by the AFC for a period of twelve (12) months, the AFC General Secretariat may propose that the AFC Development Committee withdraw the Member Association from the Development Programme.
 - 10.2.1. The Member Association shall have the opportunity to explain its inactivity before the AFC Development Committee
 - 10.2.2. Should a Member Association be withdrawn from a Development Programme due to inactivity, it shall be required to reimburse any expenses of the AFC to that date. The amount of expenses shall be determined by the AFC Development Committee.

10.2.3. Any Member Association that is withdrawn from a Development Programme due to inactivity is ineligible to benefit from that Development Programme for a period of up to one (1) year from the date of the withdrawal.

10.3 The above Articles are not applicable if the inactivity is caused by Force Majeure or change in the leadership of the Member Association.

10.3.1. The AFC Development Committee is responsible for deciding the cause of the inactivity. In such cases, the AFC Development Committee shall take whatever action it deems necessary.

11. Misuse of funds or other benefits

11.1. If the AFC General Secretariat believes, for whatever reason, that funds or other benefits in connection with a Development Programme have been misused (i.e. not utilised in accordance with these Regulations or relevant Policy), it may:

11.1.1. order the suspension of any further payments or benefits until further notice;

11.1.2. order a member of the AFC General Secretariat or third party contracted by the AFC to inspect and audit the Member Association. The Member Association shall provide full access to accounts, contracts, meeting minutes, and all other relevant documents. Such audits shall be conducted at the expense of the AFC;

11.1.3. order the Member Association to reimburse the AFC in full;

11.1.4. refer the matter to the AFC Disciplinary and Ethics Committee; and

11.1.5. take any other measures it deems appropriate in the circumstances to safeguard the reputation and finances of the AFC.

- II.2.** Where the AFC Disciplinary and Ethics Committee has determined that funds or other benefits in connection with a Development Programme have been misused, the AFC Development Committee shall withdraw that Member Association from the Development Programme.
- II.2.1.** Should a Member Association be withdrawn from a Development Programme due to misuse of funds, it shall be required to reimburse any expenses of the AFC to that date. The amount of expenses shall be determined by the AFC Development Committee.
- II.2.2.** Any Member Association that is withdrawn from a Development Programme due to misuse of funds shall be immediately withdrawn from all other Development Programmes and is ineligible to benefit from any future Development Programme for a period of up to two (2) years from the date of the withdrawal.
- II.3.** The above Articles are not applicable if the misuse of funds or other benefits is caused by Force Majeure or change in the leadership of the Member Association.
- II.3.1.** The AFC Development Committee is responsible for deciding whether Force Majeure or change in leadership is the cause of the misuse of funds or benefits. In such cases, the AFC Development Committee shall take whatever action it deems necessary.

12. Suspension

- 12.1. Any Member Association that is suspended by FIFA and/or the AFC in accordance with the FIFA Statutes and/or AFC Statutes forfeits its right to benefit from Development Programmes.
- 12.2. Where a Development Programme is conducted on a 'per project' basis, any project affected by a suspension shall be placed on hold. Projects shall only resume upon the lifting of the suspension.
- 12.3. Where a Development Programme is conducted on an 'annual' basis, any benefits affected by a suspension shall be forfeited. Member Associations are not permitted to recoup such benefits upon the lifting of their suspension.

13. Central Audit

- 13.1. The AFC General Secretariat may order a Member Association benefiting from a Development Programme to undergo a Central Audit at the cost of the AFC.
- 13.2. The Central Auditor shall undertake the Central Audit through agreed-upon procedures which comply with ISRS 4400 and submit a report on its findings concerning the audited Member Association to the AFC General Secretariat.
- 13.3. The Central Auditor shall be given unrestricted access to all accounts, documents, and other evidence deemed necessary to conduct the Central Audit. Member Associations shall fully comply and cooperate with all requests from the Central Auditor.
- 13.4. The AFC General Secretariat may appoint a consultant(s) to assist the Central Auditor. The consultant(s) shall be given unrestricted access to all accounts, documents, and other evidence deemed necessary to conduct the Central Audit.
- 13.5. The AFC Development Committee shall be responsible for appointing the Central Auditor (where required) on the proposal of the AFC General Secretariat.

SECTION 4: ADMINISTRATION

14. Taxes and Duties

- 14.1. Member Associations are responsible for the payment of all taxes, duties, and other charges payable in relation to the implementation of a Development Programme.
- 14.2. Member Associations shall declare such items where applicable in accordance with the relevant Policy.

15. Fees and Expenses

- 15.1. Member Associations are responsible for the payment of all fees and expenses in relation to the implementation of a Development Programme, except where expressly identified otherwise in these Regulations or relevant Policy.
- 15.2. For the avoidance of doubt, this includes all professional (legal, accounting etc), banking, and monetary exchange costs.

16. Indemnification

- 16.1. Member Associations shall indemnify, hold harmless and defend the AFC, its officers, members, agents, auxiliary persons, representatives, and employees from and against all liabilities, obligations, damages, losses, claims, demands, recoveries, deficiencies, costs or expenses (including without limitation all costs and expenses for withdrawal from a Development Programme and/or all attorneys' fees and expenses) which such parties may suffer or incur in connection with, resulting from, or arising out of any breach by the Member Association (including its officers, directors, representatives, auxiliary persons, employees or agents) or any act or omission of the Member Association (including its officers, directors, representatives, auxiliary persons, employees or agents) in connection with the performance of its obligations pursuant to these Regulations and/or relevant Policy.

17. Disciplinary Measures

- 17.1. All disciplinary measures in relation to these Regulations shall be undertaken in accordance with the current AFC Statutes, AFC Disciplinary and Ethics Code, and any relevant AFC circular.

18. Decisions

- 18.1. All decisions made in accordance with these Regulations, except where expressly identified otherwise, are final and binding and not appealable in accordance with the AFC Statutes.

19. Amendments

- 19.1. The AFC reserves the right to make amendments to any part of these Regulations for any reason whatsoever. Such amendments shall be duly communicated in due course.

20. Force Majeure

- 20.1. The AFC Development Committee is the only body capable of declaring a Force Majeure event pursuant to these Regulations.

21. Matters not provided for

- 21.1. Matters not provided for in these Regulations shall be decided by the AFC Development Committee. Such decisions are final and binding and not appealable.

22. Closing Provisions

22.1. The AFC General Secretariat is entrusted with the operational management of the Development Programmes and is therefore entitled to make decisions and adopt the detailed provisions necessary for implementing these Regulations.

23. Enforcement

23.1. These Regulations were ratified by the AFC Executive Committee on 9 September 2016 and come into force with immediate effect.

For the AFC Executive Committee

Shaikh Salman bin Ebrahim Al Khalifa
President

Dato' Windsor John
General Secretary

Transitory Provisions

1. Any Development Programme activity taking place at the time these Regulations enter into force shall become bound by and subject to these Regulations.
2. These Regulations shall supersede any prior decision of any AFC body which may conflict with the provisions set out therein. Such decisions are considered nullified.
3. If an existing Development Programme does not have an approved Policy at the time these Regulations enter into force, the AFC General Secretariat shall carry out the necessary operational work in accordance with the existing implementation mechanisms until such time that the first Policy is approved by the AFC Development Committee.



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