To: ISU Members  
Copy: ISU Office Holders  
Date: March 24, 2020  

2020 ISU Congress - Phuket/Thailand – June 8-12, 2020  

Ladies and Gentlemen,  

Considering the ongoing COVID-19 pandemic and the continued negative developments world-wide, the ISU Council has concluded that maintaining the 2020 ISU Congress on the planned dates of June 8-12, 2020 is no longer an option. The same applies to a short-term postponement until later in the summer of 2020 since we cannot reasonably count on an improvement of the COVID-19 situation by then and it would involve also many logistical challenges such as hotel rebooking etc. Finally, the Council agreed that holding a Congress during an ongoing season (September – April) with many potential delegates being busy at events does not seem feasible and it would be difficult to implement rule changes during an ongoing season.  

The ISU Council has instead considered a postponement of the Congress to June 2021, if possible to be held in Phuket/Thailand. In this regard, the Council considered Article 10, paragraph 3 of the ISU Constitution which reads as follows:  

3. Cancellation or Postponement  
If for any reason the holding of an Ordinary Congress cannot be carried out, the Council shall so inform all ISU Members and a postponement or cancellation of such Congress may be made by an affirmative vote of two-thirds of the ISU Members.  

The Council agreed that in the context of the current COVID-19 pandemic, the above-mentioned provision cannot be interpreted to mean that the ISU Members shall decide on whether the Congress as planned can or cannot take place. If the pandemic and related risks, plus governmental travel and/or meeting restrictions, prevent people from going to the place where the Congress is supposed to be held, this is a fact and an objective reason for a cancellation or postponement of the Congress which cannot reasonably be voted upon. In the view of the Council, Article 10 must be understood to mean that if it is impossible to hold the Congress as planned, the decision of the ISU Members is limited to the two alternatives: cancellation or postponement. However, if these two possibilities are submitted to the ISU Members for a vote there is the (very real) possibility that neither of the two alternatives would receive a 2/3 majority and so the vote would not result in a resolution of the problem. This cannot reasonably be the true meaning of Article 10. Since such a non-result must be avoided, and a decision is in fact necessary, the Council has decided to make use of its powers under Article 17, paragraph 1. r) of the ISU Constitution (Interpretation of the ISU Statutes) and inform ISU Members that there is a logical problem/gap in Article 10, paragraph 3 and that therefore only the two alternatives are possible, namely cancellation or postponement. Consequently, the only reasonable way to handle the problem is to construe Article 10, paragraph 3 to mean that the alternative which receives the most votes will prevail.  

The Council consequently asks ISU Members to cast their vote between the following 3 options:  

A: Postponement of the 2020 ISU Congress from June 2020 to June 2021 with the exact date and place to be decided by the Council with preference to be given to Phuket, Thailand. In this case no ISU Conferences at ISU Championships will be organized during the 2020/21 season.  
B. Definite cancellation of the 2020 ISU Congress  
C. Abstain  

ISU Members are requested to send their response using the attached Response Form on or before April 6, 2020. The response shall be sent by e-mail and be addressed to schmid@isu.ch and cairns@isu.ch  

Since the 2020 ISU Congress will not take place as scheduled, the Council, in line with Article 10, paragraph 4 of the ISU Constitution, shall ask ISU Members for a mail vote on the motions on the Agenda that the Council
considers urgent and essential for the correct administration of the ISU. When considering this provision, and also taking into account legal advice, the Council has concluded that in order not to risk possible court challenges against mail votes on the basis of an alleged violation of membership rights, the term "urgent and essential for the correct administration of the ISU" needs to be construed in a narrow way. Only motions whose immediate entering into force is necessary or which are critical for the correct functioning of the ISU may be put to vote. Typically, this is the case only for the approval of the auditor's report, including the 2019 financial statements and the budget. Therefore, such a mail vote will in principle not include motions concerning amendments to the Constitution, General Regulations, Special Regulations and Technical Rules which call for a meaningful debate which is basically the core purpose of the Congress.

ISU Members will be informed of the mail vote on selected agenda items in due time (but at the latest 6 weeks after the initially planned date of the 2020 Congress). This will allow the Council to prepare and finalize the 2019 Financial Statements and the Budget 2020-2022 which are both being delayed by the working restrictions in the ISU Secretariat and the auditor’s offices. For the 2020-2022 Budget, the Council also needs some time to properly assess the negative financial consequences of the cancellation and pending possible postponement of three ISU 2020 Championships.

If during the time until the next Congress exceptional circumstances related to the correct administration of the ISU should require urgent and essential Rule changes, Rule suspensions or exceptions to Rule requirements, then the ISU Council will make use of the extraordinary powers granted to the Council under Article 17, paragraph 1.q) of the ISU Constitution.

As the world struggles to fight the acute phase of the coronavirus crisis and mourns its victims, and as many health care workers provide care to those suffering from COVID-19 at the risk of their own lives, the ISU Council believes that the consequences and challenges related to the ISU Congress cancellation or postponement are insignificant compared to the dramatic situation the pandemic has created around the globe. The ISU Council asks for your understanding and cooperation during these difficult times. Special thanks go to the Figure and Speed Skating Association of Thailand for their professional cooperation and flexibility in the Congress scheduling and preparations.

We hope and wish that you, your members, families and friends will stay healthy.

Sincerely,

Jan Dijkema
President

Fredi Schmid
Director General