



STATUTE¹

13 June 2016

Seule la version FR fait foi

I. Name, Objectives, Registered Address, Composition, Duration

Art. 1 In accordance with Article 24b of the Staff Regulations of Officials of the European Communities, a trade union called "Solidarité pour les Agents et Fonctionnaires Européens" (hereinafter "SAFE") shall be established within the European Parliament.

Subject to the provisions of Article 10, SAFE is open to all persons who are determined to defend **their** interests in common, to participate in the construction of a society of free and responsible men and to defend a dignified, permanent and independent European public service.

Art. 2. SAFE bases its action on the principles of solidarity, subsidiarity and autonomy. It is part of a movement of assembly within the European Parliament and of autonomous collaboration with organisations declaring themselves to defend the same rights, principles and objectives at the inter-institutional level, without any vertical hierarchical relationship.

Art. 3. SAFE was created through the merger of the two teams that made up Arc-en-Ciel and SFIE/PE in October 2008.

Art. 4. SAFE is constituted as a Non-Profit Association under Luxembourg law and has its **registered office** in the European Parliament in Luxembourg (L-2929 Luxembourg).

Unless otherwise provided for in this Statute, the Luxembourgish law on Non-Profit Associations applies. In case of dispute, only the Luxembourgish courts are competent.

Art. 5. SAFE is established for **an indefinite period of time as long as it has more than two members**.

Art. 6. SAFE's objectives are to:

- to defend the professional, moral and material rights of its members and of all the staff of the European institutions, fighting in particular for the maintenance and development of a permanent and independent European civil service;

¹ In case of conflict between this text and the French version, the French version shall prevail.

- to bring together within it the vital forces among the staff of the European Parliament and to put an end to the growing split in the representation of its staff;
- to strengthen inter-institutional relations in order to defend the best interests of its members in inter-institutional matters, including the Staff Regulations and the **AAR**, while maintaining its independence;
- to demand working conditions that allow for a harmonious development of careers according to merit and vocation;
- to promote cooperation and solidarity between the staff of the European Parliament and the European institutions in the world of work;
- to pool the defence of its members' interests.

Art. 7. In order to achieve these objectives, SAFE is committed to:

- participate actively in the elections of the European Parliament's Staff Committee;
- sit on institutional and inter-institutional consultative bodies ;
- promote trade union training for its members;
- ensure appropriate management of resources;
- ensuring the provision of specific services and benefits for its members;
- establish solidarity links with national, European and international trade union movements;
- use all appropriate legal means to defend the interests of its members.

Art. 8. SAFE is independent of any national or international institution, government, administration, political party, religious or philosophical movement.

SAFE may, however, enter into agreements with international trade union organisations, while safeguarding its independence and autonomy.

II. Financial Year

Art. 9. The financial year shall coincide with the calendar year.

III. Members

Art. 10. Membership of SAFE shall be open to any serving or retired EP official or other servant (as defined in the Conditions of Employment, Art. 2 to 4), who applies in writing to the Executive Committee.

The Executive Committee may, after examination and without being required to give any reasons, refuse membership. This decision is sovereign and not subject to appeal.

Membership is subject to the payment of a monthly subscription and takes effect on the date of receipt of the first payment.

The amounts of the membership fees are set out in SAFE's internal regulations. They vary according to grade, but are limited to a maximum of 5% of basic salary.

Art. 11. In order to protect personal data, and by derogation to Art2 S4 and to comply with Art 10, only the surnames, first names, professions, residences and nationalities of the Directors of the Non-Profit Association are deposited in the **Mémorial**. The list containing all these data of the members as of the date of the General Assembly (the Members) is deposited

in a sealed envelope with a bailiff who is appointed at the General Assembly. These two deposits are made a maximum of two months after the General Assembly.

IV. ORGANS

Art. 12. Les organs are SAFE are:

- The General Assembly
- The Executive Committee, The Bureau
- The Financial Control Committee
- The Disputes Committee.

IV.1 General Assembly

Art. 13. The General Assembly is the sovereign body that defines SAFE's *general orientations* and gives discharge for the accounts and approves the budget forecast.

It is made up of all members ("the associates") who have paid their membership fees at the end of the month preceding the date of the General Assembly.

This group constitutes the annual list of members, which is deposited with a bailiff in the month following the General Assembly and replaces the list drawn up at the previous ordinary assembly.

It elects its President for a renewable three-year term.

Art. 14. The General Assembly is convened:

- in ordinary session once a year;
- in extraordinary session:
 - ✓ by decision of the Executive Committee;
 - ✓ in case of resignation of a simple majority of all members of the Executive Committee.
 - ✓ **At the request of one fifth of the Associates.**

In these last three cases (**Extraordinary Sessions**), the General Assembly must be held within 10 working days in accordance with Luxembourgish law.

Art. 15. The notice of the Ordinary or Extraordinary General Assembly and the draft agenda shall be sent by its President to **all members of the association** at least five working days in accordance with Luxembourgish law before the date of the Assembly. This period is three working days in case of emergency

After the applicable deadline, the General Assembly notice and the draft agenda shall be sent by the Political Secretary or by a Vice-President.

Except in the case of an extraordinary session requested by at least one fifth of the Associates, the draft agenda shall be drawn up by the Executive Committee. In the case of an extraordinary session, the draft agenda shall have been previously established and signed by at least one fifth of the Associates.

Still in the context of an extraordinary session, in order to avoid deadlock, the same request

can only be made once every 6 months

Any proposal, signed by a number of members equal to one twentieth of the last annual list, must be placed on the agenda

Art. 16. Unless otherwise provided for in this Statute and the Rules of Procedure, proposals submitted to the *General Assembly* shall be put to the vote and adopted only on those items validly included for decision in the draft agenda. They shall be adopted by a majority of the votes of the members present or duly represented. In the event of a tie, the proposal shall be rejected.

An associate may be represented at the General Assembly by another associate of the Association.

In the counting of the votes, only the votes for and against shall be taken into consideration for the definition of the majority.

Voting shall be by show of hands.

For the appointment of persons, all votes shall be by secret ballot. In this case, only the votes bearing the names of the candidates announced before the opening of the ballot shall be valid.

Art. 17. In accordance with Article 18, the *General Assembly* shall **elect and dismiss:**

- the members of the Executive Committee,
- the members of the Financial Control Committee,
- the members of the Disputes Committee,

the number of which, mandates and powers are mentioned below.

Any mandate may be renewed.

Dont le nombre, les mandats et les attributions sont mentionnés ci-dessous.

In the event of dismissal, Article 18 shall be taken into account in determining the expiry of the mandate.

Art. 18. Elections for the Executive Committee, the Financial Control Committee and the Disputes Committee shall be held simultaneously every three years and in any case within 4 months after the constitutive meeting of the Staff Committee or earlier if the *General Assembly* so decides.

Art. 19. All SAFE members who have paid their membership fees by the closing date for applications are eligible to stand for election.

IV. 2. Executive Committee

Art. 20. The Executive Committee is composed of a minimum of 7 and a maximum of 15 members elected from among the members in good standing plus SAFE's members elected on the Staff Committee who are members by right.

It elects from among its members a Bureau the composition and competences of which are described in section IV.3. below.

Art. 21. The Executive Committee is subject to the sovereign authority of the General Assembly and is responsible for the **administration** of SAFE.

Art. 22. It represents SAFE externally in **all judicial and extra-judicial acts**. In particular, it shall negotiate and sign "framework agreements" with the Parliament and/or its administration

Art. 23. It shall perform the tasks laid down in this Statute and shall ensure compliance with its provisions.

It may dismiss the entire Bureau or any of its members.

Art. 24. It shall appoint the holders of seconded posts.

Art. 25. Decisions of the Executive Committee shall be taken by a simple majority. In the event of a tie, the proposal shall be rejected.

Art. 26. Procedural matters and the distribution of tasks shall be laid down in the rules of procedure annexed to this Statute.

Art. 27. The Executive Committee shall be responsible for the conduct of relations with other trade unions and professional organisations (PSOs).

Art. 28. It may decide to change at any time the location of the registered office of SAFE on the territory of Luxembourg or Belgium.

The association shall be liable, in accordance with ordinary law, for faults attributable either to its employees or to the bodies through which its will is exercised. The directors shall not incur any personal obligations in respect of the association's commitments. Their liability shall be limited to the execution of the mandate they have received and to faults committed in their management.

IV. 3. Bureau of the Executive Committee

Art. 29. The Bureau is composed of representatives elected by the Executive Committee from among the members elected by the General Assembly. It consists of a President, four Vice-Presidents, a Political Secretary and a Treasurer

Art. 30. The Bureau is responsible for SAFE's **day-to-day** management. It prepares the meetings of the Executive Committee and proposes the policy of SAFE. It organises SAFE's communication and proposes leaflets and information notes, which it submits to the Executive Committee.

Art. 31. In case of urgency, the Bureau is empowered to decide on the appropriateness of a communication, provided it is within SAFE's policy line.

The Bureau's operating procedures are defined in the rules of procedure annexed to these Statutes.

IV. 4. Financial Control Committee

Art. 32. The Financial Control Committee shall consist of three members.

Art. 33. The mandate of a member of the Financial Control Committee is incompatible with that of a member of the Executive Committee.

Art. 34. The Financial Control Committee shall have access to all books, accounts, accounting records and other documents that it deems necessary. Once a year, it shall report on SAFE's financial situation and book-keeping in accordance with the rules of procedure annexed to the present statutes.

Art. 35. The Financial Control Committee shall also carry out any other task, inspection or investigation that the General Assembly may entrust to it.

IV. 5. Disputes Committee

Art. 36. The Disputes Committee shall consist of three full members.

Art. 37. The mandate of a member of the Disputes Committee is incompatible with that of a member of the Executive Committee.

Art. 38. Any member of the Disputes Committee who is involved in a dispute, however small, or who is unable to ensure complete impartiality shall be replaced by a substitute member.

Art. 39. The Disputes Committee is competent for all internal disputes within SAFE. Any dispute relating to the interpretation of the present statute shall also be addressed to the Disputes Committee. The decisions of this body shall be taken by a simple majority.

V. Resignation, Expulsion

Art. 40. Membership in SAFE ceases:

- after notification of resignation, in writing, to the Executive Committee;
- upon failure to pay the membership fee within one month;
- in the event of expulsion under the disciplinary procedure set out in Chapter VI.2. below.

If, within 3 months of non-payment, a member reactivates the payment, then following the positive advice and decision of the SAFE Bureau, the member may regain membership.

Art. 41. Any member who resigns from one of the organs of SAFE shall be replaced provisionally, by decision of the Executive Committee, by a member in good standing until the next General Assembly.

VI. Member rights and obligations and disciplinary procedure

VI. 1. Rights and obligations

Art. 42. Every member of the Executive Committee has the right to contribute to the definition of SAFE's policy and to the constitution of its organs, as well as to make known his/her positions on any matter of interest to the organisation, by participating in the *General Assemblies* and internal elections.

Art. 43. The members have the obligation to defend the interests of SAFE, to participate actively in the achievement of its statutory objectives and to give effect to the decisions of the *General Assembly* and the *Executive Committee*.

VI. 2. Disciplinary Procedure

Art. 44. The Executive Committee shall be responsible for the execution of the disciplinary procedure.

Art. 45. Following a unanimous vote, the Executive Committee may propose the expulsion of any member whose behaviour is deemed to be:

- contrary to the present statutes and internal regulations;
- or such as to harm the interests or image of SAFE.

This decision is taken by a two-thirds majority during the *General Assembly*.

If unanimity is not reached at the level of the Executive Committee, the latter may, by a simple majority, refer the matter to the *Disputes Committee*.

Art. 46. If the proposal for expulsion concerns a member of the Executive Committee, he/she shall not participate in the vote.

Art. 47. The member in question shall be informed in writing of the Executive Committee's decision to submit him/her to the disciplinary procedure and shall be invited to explain his/her position.

Art. 48. After hearing the member concerned, the Executive Committee, or where appropriate the *Disputes Committee*, shall either dismiss the case, issue a warning or propose expulsion. This proposal shall be submitted to the *General Assembly* for decision by a two-thirds majority.

Art. 49. The decision of the Executive Committee shall be notified in writing to the person concerned.

Art. 50. The person concerned may appeal to the *Disputes Committee*. The latter's decision shall not be subject to appeal.

VII. Method of preparing the accounts

Art. 51. The resources of SAFE shall consist of membership fees, donations and other income.

Art. 52. The General Assembly shall determine the amount of the membership fees on the proposal of the Executive Committee.

Art. 53. Members who are civil servants and other part-time agents shall pay a full membership fee.

Art. 54. In case of need, only the General Assembly may decide to levy exceptional dues.

Art. 55. The management of SAFE's resources shall be entrusted to a Treasurer appointed by and acting on the instructions of the Executive Committee. The Treasurer shall be fully responsible for the execution of all financial transactions. The latter shall be subject to the prior approval of the President or his substitute and of one Vice-President.

Art. 56. The Treasurer shall report annually to the General Assembly on the financial management, after having presented the relevant documents to the Financial Control Committee in due time, in accordance with the internal regulations annexed to the present statute.

VIII. Amendment of the Statute

Art. 57. Any change, modification or amendment to the present statute is the responsibility of the General Assembly and shall be made in accordance with **the Luxembourgish law on Non-Profit Associations**.

IX. Dissolution of SAFE

Art. 58. Following the submission to the Executive Committee of a motivated motion requesting the dissolution of SAFE and signed by at least one third of the members, this dissolution is carried out in accordance with the Luxembourgish law on Non-Profit Associations.

The General Assembly shall decide on the destination of the remaining funds after payment of all amounts due. The assets of the dissolved association will be transferred to another trade union endowed with legal personality.

X. Final Provisions

Art. 59. The present statute shall be accompanied by internal regulations which shall lay down the procedures for its application. The adoption of the rules of procedure, as well as any amendment or addition thereto, shall also be decided by the General Assembly.

Art. 60. Done after the Constitutive Assembly of 27 June 2008, the General Assembly, to which all members and honorary members acknowledge themselves duly convened, has unanimously adopted the preceding resolutions.

**The present statute was adopted at the General Assembly of 9 October 2008.
Amended by the General Assembly of 13 June 2016.**