

STATUTES

Adopted by
ENAR's 6th General Assembly
Brussels, 30 November-1 December 2007
(official text in French)

I. NAME, HEAD OFFICE, AIM

1. Name

The name of the association is the "European Network Against Racism", in French "Réseau Européen contre le racisme"; its name is abbreviated to "ENAR".

This association is an international non-profit association. It is governed by the provisions of title III of the law of 27 June 1921 on domestic non-profit associations, international non-profit associations and foundations.

2. Head office

The head office of the association is established in Brussels and is located at rue Gallait, 60 at 1030 Brussels. The head office may be moved to another location in Belgium on the basis of a simple decision by the Management Board. Any modification of the head office must be deposited in the association's file kept at the Court of Commerce and be published in the Annexes to the Moniteur belge, in accordance with applicable law.

3. Aim

The association, which is a not-for-profit organisation, is an international non-governmental organisation which pursues scientific and educational goals in order to inform and link the Members who are concerned about racism in the European Union.

3.1. The aims of the association are:

- To promote human rights in Europe and elsewhere;
- To encourage European co-operation between organisations which combat racism;
- To promote equal treatment and equal rights;
- To represent the Members at European level;
- To facilitate the exchange of information between organisations about European developments relating to these issues;
- To link existing European initiatives and to develop new strategies aimed at combating racism and promoting equal treatment;
- To initiate and / or co-ordinate European campaigns for the adoption of legal and other measures in these fields;
- To encourage research and projects in the framework of ENAR 's mission;

- To promote international co-operation.

The representation, defence and promotion of the interests of the association and its Members shall be achieved without prejudice to the association's principal scientific and educational goals.

- 3.2. The association shall attempt to achieve this by acquiring appropriate resources, by appointing members of staff, by organising European campaigns, seminars and meetings, by publishing reports and by any other means which it shall consider appropriate.

II. MEMBERS

4. Members

- 4.1. The members of ENAR shall be non-governmental organisations and groups, trade unions, charitable organisations, advocacy organisations and grassroots organisations which combat racism in all its forms, which subscribe to the mission statement of ENAR and which are accepted by the relevant National Coordination Meeting (for national organisations) or the European Coordination Meeting (for European or international organisations). Acceptance of a Member by the National Coordination Meetings or the European Coordination Meeting, respectively shall be reported to the Secretariat. Members of ENAR shall be referred to in these statutes as "Members".
- 4.2. They may work at local, regional, national or European level.
- 4.3. The Members are bodies which are legally constituted in accordance with the laws and practices of their country of origin.
- 4.4. The Members shall meet as established in Articles 6, 7 and 8.
- 4.5. Individuals cannot become Members of ENAR.
- 4.6. Each Member may resign from the association with immediate effect on condition that it has notified the relevant National Coordination Meeting (in the case of national organisations) or the European Coordination Meeting (in the case of European or international organisations) of its resignation. The decision to exclude Members of the association may be taken by the relevant National Coordination Meeting (in the case of national organisations) or the European Coordination Meeting (in the case of European or international organisations) after the defence of the Member concerned has been heard.

Any Member who is excluded by a National Coordination Meeting or the European Coordination Meeting, as the case may be, may appeal this decision to the Secretariat within seven calendar days after receiving notification of the decision and the reasons for the decision to exclude. The General Assembly shall make a final decision after the appeal of the Member concerned has been heard.

The membership of a Member who appeals a decision to exclude it to the General Assembly shall be deemed suspended until the General Assembly shall have made its final decision.

The procedure shall be clarified by the internal rules of the organisation.

5. Associate Members and Accession Members

- 5.1. Non-governmental organisations and groups, trade unions, charitable organisations, advocacy organisations and grassroots organisations which combat racism in all its forms, which subscribe to the mission statement of ENAR and which are based in European countries which are not members of the EU, can become Associate Members of ENAR by a decision of the Bureau. Associate Members shall have the rights and obligations set forth in the internal rules. Associate members shall have no voting right and shall be entitled to receive certain services from the association as will be further defined by the Management Board.
- 5.2. Non-governmental organisations and groups, trade unions, charitable organisations, advocacy organisations and grassroots organisations which combat racism in all its forms, which subscribe to the mission statement of ENAR and which are based in EU accession countries, can become Accession Members of ENAR by a decision of the Bureau. Accession Members shall have the rights and obligations set forth in the internal rules. Accession members shall have no voting right and shall be entitled to receive certain services from the association as will be further defined by the Management Board.

III. BODIES

The bodies of ENAR are:

- The Strategic Congress;
- The National Coordination Meetings (NCMs);
- The European Co-ordination Meeting (ECM);
- The General Assembly (GA);
- The Management Board;
- The Bureau

6. The Strategic Congress

- 6.1. The Strategic Congress meets every three years on the initiative of the Management Board.
- 6.2. If the Management Board does not convoke the Strategic Congress, the ENAR Secretariat shall convene an extraordinary Strategic Congress within a period of three months following the written request for such a Strategic Congress, indicating the agenda and signed by 1/3 of the Management Board members.
- 6.3. The Strategic Congress shall define the strategic plan of ENAR for the next three years (“triannual strategic plan”) and shall review the work completed during the preceding period. The Strategic Congress shall outline the broad policy guidelines of ENAR to steer and guide the development of the annual programmes of action defined by the General Assembly.

- 6.4. The Strategic Congress is composed of delegates from among the Members who are selected by the National Coordination Meeting of each country and the European Coordination Meeting. Each National Coordination Meeting and the European Coordination Meeting are entitled to send a number of delegates based on the number of Members in the Coordination. The number of delegates and the procedure by which they are designated are set forth in the internal rules.
- 6.5. The notice of the meeting and the agenda shall be sent out by the Secretariat at least six weeks in advance.
- 6.6. The Strategic Congress is considered to be validly constituted irrespective of the number of delegates that are present or represented by a written proxy. No delegate may hold more than one proxy.
- 6.7. Each delegate who is present or represented shall have one vote. The decisions are taken by a 50% plus one majority of the votes of the delegates who are present or represented, not counting abstentions. The minutes of the Strategic Congress shall be entered in a register, which shall be accessible to the Members and shall be kept at the head office of the association.
- 6.8. No decisions shall be taken on points which are not included on the agenda.
- 6.9. When the Strategic Congress is asked to adopt a motion, as opposed to a decision, in connection with any of the subject matters belonging to its powers, such motion shall be adopted respecting the same attendance and voting quorums as the quorums that apply to decisions to be made by the Strategic Congress. The internal rules shall set forth the types and details of the motions that can be adopted by the Strategic Congress.

7. The National Coordination Meetings (NCMs) and the European Coordination Meeting (ECM)

- 7.1. In each Member State of the EU, the members of the NCM shall organise a meeting at least once a year. Similarly, the members of the ECM shall also organise a meeting at least once a year in the Member State of their choice. The meetings should have the highest possible level of participation by members of the Coordination concerned. The aim of the meeting shall be to discuss subjects of mutual interest both at national and European level.
- 7.2. The NCM is composed of non-governmental organisations as defined in the internal rules. Every three years it elects two national representatives, of whom at least one must belong to a group of people directly affected by racism or to an ethnic minority, who shall attend the General Assembly. It also selects delegates for the Strategic Congress in accordance with Article 6.4.
- 7.3. One of the two national representatives from each Member State of the EU mentioned in Article 7.2 shall be selected by the NCM as the member of the Management Board. The other representative of each Member State shall be designated as the substitute member.
- 7.4. The ECM is composed of European and international non-governmental organisations as defined in the internal rules. Every three years it elects two representatives, of whom at least one must belong to a group of people directly affected by racism or to an ethnic

minority, who shall attend the General Assembly. It also selects the delegates for the Strategic Congress in accordance with Article 6.4.

- 7.5. The NCMs and the ECM shall have the powers granted to them in Articles 4.1, 4.6 and in this Article 7. In addition, the NCMs shall be responsible for implementing the annual programme of action set by the General Assembly in their Member State. The ENAR Secretariat shall be responsible for implementing this annual programme of action at the European level.

8. The General Assembly (GA)

- 8.1. The GA is the sovereign body of the association. It has all the powers to manage the association that have not been explicitly granted to another body of the association pursuant to the present statutes, including:

- the definition of the annual programme of action of the association;
- the definition of the strategies to implement the annual programme of action;
- the review of the work by the association;
- the confirmation of the composition of the Management Board;
- the approval of the annual accounts;
- the approval of the forecasted budget;
- the discharge from their responsibility of the members of the Management Board (in particular the Treasurer) and the members of the Bureau;
- the amendments to the statutes; and
- the dissolution of the association.

- 8.2. The GA shall meet at least once a year on the initiative of the Management Board. The Management Board may also convene extraordinary GAs. The Director of the association shall attend the meetings of the GA as an observer.

- 8.3. In the event of a conflict between the GA and the Management Board, and if the Management Board refuses to convene the GA, the ENAR Secretariat shall convene an extraordinary GA within a period of three months following the written request for such a GA, indicating the agenda and signed by 1/5 of the Members.

- 8.4. The notice of the meeting and the agenda shall be sent out by the Secretariat at least four weeks in advance; the supporting documents may be sent out subsequently, but no later than two weeks prior to the meeting. No decision shall be taken on points which are not included on the agenda.

- 8.5. The GA is composed of all the representatives of the NCMs and the ECM elected pursuant to Articles 7.2 and 7.4. The GA is considered to be validly constituted if at least 50% of the representatives are present or represented by a written proxy.

No representative may hold more than one proxy. If this quorum is not achieved, the Management Board may convene an extraordinary GA. This extraordinary GA can make valid decisions, however many representatives are present or represented.

- 8.6. Each representative has one vote. The decisions are taken by a 50% plus one majority of the votes of the representatives who are present or represented, not counting abstentions. The minutes of the GA shall be entered in a register, which shall be accessible to the Members and shall be kept at the head office of the association.

- 8.7. When the GA is required to take a decision on a proposed amendment to the statutes or to dissolve ENAR, the notice of the meeting and the agenda must both be sent out to the Members at least six weeks in advance and must include the proposed amendments to the statutes and/or the proposal for a resolution to dissolve ENAR. A majority of two thirds of the votes of the representatives who are present or represented, not counting abstentions, shall be required for any decision relating to amendments to the statutes or the dissolving of ENAR.

IV. ADMINISTRATION

9. The Management Board and its composition

- 9.1. The Management Board is responsible for directing the operations of ENAR. It shall focus in particular on the policy aspects of such management. The Management Board is empowered to enter into contracts for the purchase, alienation or pledging of property, the transfer of which must be registered publicly.
- 9.2. The Management Board is composed of the representatives selected pursuant to Article 7.3., as well as one representative from the ECM. There will thus always be at least the number of members corresponding to the number of EU Members States plus one. The Director of the association shall attend Management Board meetings as an observer.
- 9.3. In the event of a vacant post, the Management Board shall maintain its legal competence. Nevertheless, the vacant post or posts should be filled as quickly as possible, in accordance with Articles 7.3 and 9.2 of these statutes.
- 9.4. The Management Board members shall elect from among themselves a Chair, two Vice Chairs and a Treasurer, who, together with the other persons mentioned in Article 15.1, shall constitute the Bureau of the association.

10. Mandate periods of the members of the Management Board

- 10.1. The members of the Management Board are elected for three years. A member of the Management Board may serve a maximum of three terms.
- 10.2. A member of the Management Board who is elected ad interim to fill a vacant post must complete the mandate period of his/her predecessor.
- 10.3. The mandate of the members of the Management Board comes to an end:
- When the mandate period for which the member has been elected has been completed;
 - By the voluntary resignation of the member concerned;
 - If a member of the Management Board is declared bankrupt or legal restrictions are imposed on him/her.
- 10.4. The Management Board establishes the internal rules. The internal rules complement the statutes and detail the functioning of the association, its Management Board, its

Bureau, its commissions, committees and working groups. The internal rules must be ratified by the GA of the association.

11. Meetings of the Management Board

- 11.1. The Management Board shall meet at least two times a year. The invitation and agenda shall be sent out at least two weeks in advance.
- 11.2. The meetings shall be chaired by the Chair or one of the Vice Chairs of the Management Board. In their absence the Management Board shall select another member to chair the meeting.
- 11.3. The Secretariat is responsible for producing the minutes of each meeting. The minutes shall be entered in a register and shall be kept at the head office of the association.
- 11.4. The provisional minutes of a meeting must be approved at the following meeting of the Management Board.

12. Quorum and required majorities

- 12.1. The Management Board shall take decisions provided that 50% of its members are present or represented. No member of the Management Board may represent more than one other member of the Management Board. Proxies must be in writing. Unless stipulated otherwise, decisions are taken by a 50% plus one majority of the votes of the members present or represented, not counting abstentions.
- 12.2. In the absence of a quorum as defined in the previous paragraph, the members of the Management Board who are present or represented may decide to convene a new meeting no less than 30 days and no more than 60 days from the date of the first meeting.

At the second meeting decisions shall be taken by a 50% plus one majority of the votes of the member present or represented, not counting abstentions, however many members of the Management Board are present or represented.

- 12.3. A meeting of the Management Board shall be validly constituted even if all or some of its members are not physically present or represented but participate in the business of the meeting by means of modern telecommunications methods which allow members to listen and speak directly, such as via telephone or video conferencing. In this case the members shall be considered to be present.

A document which is dated and signed by all the members and recorded or inserted in the minute register has the same value as a decision taken by the Management Board.

13. Working Groups

- 13.1. The Management Board and the GA may establish working groups to carry out certain tasks on behalf of the Management Board.

- 13.2. Only the Management Board is competent to appoint ENAR's staff members. It shall delegate this task to an ad hoc group.

14. Restrictions of the Management Board and other bodies of the organisation

- 14.1. The association may not make agreements by means of which the organisation acts as a guarantor or as a joint debtor with joint liability, acts on behalf a third party or acts as guarantor for the debt of a third party.

15. Bureau

- 15.1. The Chair, the two Vice Chairs and the Treasurer, together with three other physical persons elected by the Management Board and who each represent one of the following regions of the European Union: South, East and Center/North, shall constitute the Bureau of the association. The provisions regarding the election of the regional representatives shall be as set forth in the internal rules.
- 15.2. The Bureau is responsible for the daily management of the association. The Director shall attend the meetings of the Bureau as an observer.
- 15.3. The term of office of the members of the Bureau is three years. A member of the Bureau may serve a maximum of three terms.
- 15.4. The Bureau shall meet at least three times a year.

16. Representation with regard to third parties

- 16.1. The Management Board represents the association in relation to third parties. To have a valid engagement between the association and third parties, two signatures of acting administrators will be needed.
- 16.2. Lawsuits, whether as plaintiff or defendant, shall be conducted by the Chair acting alone or by two members of the Management Board acting jointly.
- 16.3. In terms of daily management, the association shall be validly represented in relation to third parties and in all situations by the Director acting alone.
- 16.4. In addition, the association shall be validly represented, in terms of its mandate, by a representative duly authorised by the Management Board, the Bureau, the Chair, by two members of the Management Board or the Director.

V. FINANCIAL RESOURCES

17. The assets of the organisation

- 17.1. The assets of the association consist mainly of:

- Gifts, subsidies, testamentary dispositions and inheritances;
- Contributions from registered charities and philanthropic organisations;
- The yields from its activities;
- The yields from its funds.

17.2. The organisation must ensure the good management of its funds.

18. Book-keeping and annual accounts

- 18.1. No later than six months following the end of each financial exercise, the Management Board shall establish the annual accounts for the year completed and the budget for the next financial exercise. The annual accounts and the budget shall be submitted to the next GA.
- 18.2. The Management Board shall appoint an independent auditor to review the annual accounts.
- 18.3. The association's bookkeeping, preparation of the annual accounts and preparation of the budget shall be in accordance with applicable law and as set forth in the internal rules.
- 18.4. The financial year shall start on January 1st of each year and shall end on 31st December of each year.

19. The liquidation of the organisation' s funds

- 19.1. The Management Board proposes the dissolution of the association by a majority of two thirds of the votes.
- 19.2. In the event of the organisation being dissolved, the Management Board or another entity charged with the task by the GA, takes care of the liquidation.
- 19.3. The liquidation shall be effected in accordance with the requirements of Belgian law.
- 19.4. The liquidators must dispose of any assets in a disinterested way which corresponds as closely as possible to the aims of the organisation.
- 19.5. When the liquidation has been completed, the person charged by the liquidators to that effect must keep the annual accounts and the other documents of the dissolved organisation for a period of at least ten years.

20. Final clauses

- 20.1. All the issues which are not included in these statutes, including publications in the Annexes of the Moniteur belge, shall be governed by the clauses of title III of the law of 27 June 1921 on domestic non-profit associations, international non-profit associations and foundations, and/or as stipulated by the internal rules.

- 20.2. In terms of its activities, the organisation shall make no distinction on the basis of any grounds set forth in Article 2 of the International Covenant on civil and political rights done at New York on 19 December 1966. The organisation shall not work for the benefit of persons or organisations that practice such distinctions in their aims, policies or activities. This clause does not apply to those actions which provide a privileged position to persons or groups of persons in order to neutralise effective inequalities.
- 20.3. Wherever the masculine form is used to indicate persons in these statutes, it should be understood to represent both men and women without distinction.