

EXEMPLE DE STATUTS v BV STATUTS
(Exemple proposé aux associations déclarées par application de la loi du 1^{er} juillet 1901 et du décret du 16 août 1901.)

ARTICLE PREMIER - NOM

Il est fondé entre les adhérents aux présents statuts une association régie par la loi du 1^{er} juillet 1901 et le décret du 16 août 1901, ayant pour titre [BeVolunteer](#).

(Question : Should the wording about founding members remain the same, even though this is a revision for an existing association ? Perhaps it might be best to leave this section unchanged. Do original members just continue revision after revision, even if they have left ?)

ARTICLE 2 - BUT OBJET

Cette association a pour objets :

- promouvoir idées d'hospitalité et d'échanges culturels;
- développer, maintenir, et promouvoir les sites webs des projets supportés par BeVolunteer comme listés sur le site de BeVolunteer;
- assurer que le travail bénévole de tous les membres de l'association et de toute personne participant aux activités de l'association contribuera toujours à atteindre ses objets;
- assuré(?? – assurer?) que le travail bénévole de tous les membres de l'association et de toute personne participant aux activités de l'association demeure à des fins non commerciales.

(Note : These objets are unchanged from the present statutes. IMO we need to look at them to better clarify what we actually do and our priorities. At present, the only object – apart from promoting web sites and following our objects – is 'promoting ideas of hospitality and cultural exchange – which is so vague as to be meaningless. At the very least, we need to make the objets correct – which projects listed on which BV website ?

Objet 3 – the sentiment is pretty meaningless and it is so badly written as to be unachievable. For instance, how does the association ensure that the actions of all BW users (who participate in the activities of the association) always contribute to attaining our objets ?

Objet 4 – I guess this was intended to ensure that BV (and by extension BW) did not become a commercial organisation but it talks about controlling the benevolent work of members and users (whatever that is) – which arguably cannot be controlled anyway, whilst at the same time being so sweeping as arguably to mean that selling BW t-shirts breaches the statutes. The reference to 'non-commerciales also appears to contradict our present Article 5.)

(Later Note : The notes accompanying the French template say that, to conform with French Trade Code, the Statutes need to say if the association will engage in economic activities. Article 2 is one place where this can be done. At present it is in BV Article 5.)

ARTICLE 3 - SIÈGE SOCIAL

Le siège social est fixé à... ? At present we do not give an address or where one may be found, only say who decides.

(Question : In the French system, is this form of association mainly intended for social clubs and the like? Is there another type of registration for voluntary/charity/non-profit organisations with a wider scope, such as community housing associations in the UK? If so, should we consider the pros and cons of such statutes?)

Il pourra être transféré par simple décision du conseil d'administration.

ARTICLE 4 - DUREE

La durée de l'association est illimitée. *(We say indéfinie. Not sure how much it matters but I prefer illimitée.)*

(Note : The present Statutes have an additional Article (5) which does not seem to appear in this French template. The addition is 'MOYENS D'ACTION' and says :

«Les moyens de l'association sont, notamment, pour autant qu'elles contribuent aux objets de l'association :

- les sites web ou d'autres supports relatifs à Internet ;**
- des publications, conférences, ou réunions, au travers de tout moyen de communication ;**
- des ventes permanentes ou occasionnelles de tout produit ou service.»**

Question : Is this Article necessary? There is no real need to specify what exactly the association will do to fulfill its objectives, and it could be argued that such specification could be used to limit action if not listed in the statutes. Is it better or worse to say in the statutes that BV can sell 'any product or service'? Also, see the contradiction with BV's Objet 4.)

(Later Note : The notes accompanying Article 10 – RESSOURCES say « If this has not been done in Article 2, specify here that the association will carry out economic activities and which activities. Trade Code Article L442-7: "No association ... can, in the usual way, offer Products for sale, sell or provide services if such activities are not provided for in its articles.." So, it would seem that the last part of our present Article 5 is needed to conform to the French Trade Code. Perhaps some thought is needed about whether all possible BV 'economic activities' are covered by this text.)

ARTICLE 5 - COMPOSITION

ARTICLE 6 – ADMISSION

ARTICLE 7 - MEMBRES – COTISATIONS

ARTICLE 8. - RADIATIONS

There are a number of differences between these Articles on membership and the membership sections in the present Statutes. It will be easier (and clearer) to compare these sections separately.

ARTICLE 9. – AFFILIATION

La présente association est affiliée à ... et se conforme aux statuts et au règlement intérieur de cette fédération (nom, logo, etc.).

Elle peut par ailleurs adhérer à d'autres associations, unions ou regroupements par décision du conseil d'administration.

This Article is missing from the present Statutes and the first sentence here does not apply.

(Question : Does BV want to include a provision (as per the second sentence) for making affiliations? The answer to this may also depend on the intended role of the BoD, as this text envisages the BoD being able to decide on affiliations.)

ARTICLE 10. – RESSOURCES

Les ressources de l'association comprennent : *(BV currently says 'incluent', which is more open-ended.)*

1° les contributions de ses membres et cotisations de entrée s'il y on a ;

2° les subsides qui seraient versés par les institutions européennes, institutions nationales ou autorités locales ;

3° les sommes perçus en retour de services rendus ;

4° les donations et les legs ;

5° toutes les ressources autorisées par les lois et règlements en vigueur.

(For 5°, the present wording is 'tout ce qui n'est pas interdit par les lois et les règles en vigueur dans l'Union Européenne' but the wording above, from the template, might be better, without specific reference to EU and being more general about where resources could come from. Should there also be a reference to subsidies from e.g. charitable etc organisations internationally?)

ARTICLE 11 - ASSEMBLEE GENERALE ORDINAIRE

The French template says : L'assemblée générale ordinaire comprend tous les membres de l'association à quelque titre qu'ils soient.

Present BV Statutes say : L'assemblée générale comprend tous les membres, comme décrit dans l'article 6.

Note : The assumption here of being part of the General Assembly is clearly being a VOTING part of the GA, and both of these versions (including present BV!) say that ALL members – including honorary members – can take part and therefore vote. However, the notes with the French template make clear that this is not a requirement. The template wording can be adapted to exclude certain classes of members (they give the example of members paying a reduced fee). The wording can therefore be changed to include only 'actif' members – and this needs to be done to bring the Statutes in line with recent changes to the Rules, as well as other parts of the Statutes such as the calling of EGAs.

The rest of this section of the French template relates to how GAs are organised and there are a number of differences between the template and the present BV Statutes. It will be easier (and clearer) to compare them separately.

ARTICLE 12 - ASSEMBLEE GENERALE EXTRAORDINAIRE

The present wording (Article 8.1.2) of the BV Statutes looks acceptable to the template, namely :
L'assemblée générale extraordinaire se réunit sur convocation du délégué exécutif de conseil d'administration :
1. à la requête d'au moins un quart des membres actifs de l'association;
2. à la requête du conseil d'administration.

Note : It could be useful to add the following from the template :

Les modalités de convocation sont les mêmes que pour l'assemblée générale ordinaire.

ARTICLE 13 - CONSEIL D'ADMINISTRATION

ARTICLE 14 – LE BUREAU

ARTICLE 15 – INDEMNITES

Apparently, the French Law of 1901 does not specifically regulate the conseil d'administration/BoD, so the current text of the BV Statutes (Article 8) should be acceptable. However, this text needs to be looked at separately as part of the Statutes Review and the various suggestions in this part of the template can be used in this review.

ARTICLE - 16 - REGLEMENT INTERIEUR

The French template says :

Un règlement intérieur peut être établi par le conseil d'administration, qui le fait alors approuver par l'assemblée générale.

Ce règlement éventuel est destiné à fixer les divers points non prévus par les présents statuts, notamment ceux qui ont trait à l'administration interne de l'association.

Present BV Statutes say :

Le règlement intérieur est établi par le conseil d'administration et approuvé par l'assemblée générale pour définir les méthodes d'exécution des présents statuts. Ils sont valables dès qu'ils sont publiés par le conseil d'administration. Tout changement dans le règlement intérieur doit être accepté par la prochaine assemblée générale.

Note : IMO these texts are similar enough for the BV version to be acceptable. The present BV version is more specific – any changes must be approved by the NEXT GA.

ARTICLE - 17 – DISSOLUTION

The present BV statutes say :

Si la dissolution de l'association est acceptée par au moins les trois quarts (3/4) de membres votants présents et représentés à l'assemblée générale, qui doivent représenter au moins le moitié (1/2) les membres votants de l'association, les actifs de l'association sont transférés à l'UNESCO. Les actifs sont alloués selon l'article 9 de la loi française du 1^{er} juillet 1901 et du décret du 16 août.

Note : This may be acceptable in terms of the template but it still raises issues that need to be reviewed. These include :

- 1. Is decision of a GA the only way the association could dissolve? What happens if BV falls apart and cannot hold a quorate GA?**
- 2. Is UNESCO the only/best home for hospex assets? UNESCO could take money but most of the assets are either data or voluntary networks. Would these not be better transferring to another compatible hospex organisation ?**

ARTICLE - 18 - LIBERALITES

The notes say that this Article is in the template in order for the association to be able to accept legacies, testaments and donations, in conformance with Article 6 of the law of 1 July 1901. The text says:

Le rapport et les comptes annuels, tels que définis à l'article 11 (y compris ceux des comités locaux) sont adressés chaque année au Préfet du département.

L'association s'engage à présenter ses registres et pièces de comptabilité sur toute réquisition des autorités administratives en ce qui concerne l'emploi des libéralités qu'elle serait autorisée à recevoir, à laisser visiter ses établissements par les représentants de ces autorités compétents et à leur rendre compte du fonctionnement desdits établissements.

Note : This does not appear in current BV Statutes and probably should. Also note requirement on annual accounts.

BV ARTICLES NOT APPEARING IN TEMPLATE

The sections on membership and GAs will be covered in more detail separately. In addition, the present BV Statutes include a few Articles that do not appear (are not needed ?) in the French template.

1. BV Article 8 – STRUCTURE

IMO, this BV Article serves no purpose.

2. BV Article 10 – MODIFICATION DES STATUTS

Even though not needed by template – the assumptions probably are that a) no-one modifies their statutes and b) any decision can be made through BoD/GA in the ‘normal’ way – it can provide some protection to core aspects of BV to leave this Article in.

3. BV Article 12 – FORMALITIES ADMINISTRATIVES

Not sure whether this is needed, as roles/legal responsibilities should fall on the association rather than an individual and be covered elsewhere.