

**STATUTES**

**of the**

**sports association**

**“Betriebssportgemeinschaft DESY Hamburg“**

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## **§ 1 Name, registered office, and fiscal year**

(1) The association's name is **Betriebssportgemeinschaft DESY Hamburg**, hereinafter called BSG DESY.

BSG DESY shall be entered in the register of associations and will then receive the annex "e.V."

(2) Registered office is Freie und Hansestadt Hamburg.

(3) Fiscal year is the calendar year.

## **§ 2 Purpose**

(1) Purpose of the association is promotion of sports.

(2) This purpose will be achieved mainly by:

- a. organising ordered sports activities (exercises, games/matches, courses) for all areas, including popular and recreational sports,
- b. carrying out meritocratic training activities,
- c. carrying out sport specific events for the association,
- d. participating in tournaments, presentations, and competitions,
- e. education, training, and implementation of instructors and helpers,
- f. joining co-operations and sports communities.

(3) The association solely and directly has non-profit purposes according to the section "tax privileges" mentioned in the tax code.

(4) As a charitable organisation, the association does not primarily pursue its own financial purposes.

(5) Financial means may only be used for statutory purposes. Members do not receive any means from the association. The association does not pursue economic goals.

(6) No one shall be privileged by expenses not representing the association's purpose or by disproportional payment.

(7) Appropriate financial means shall be used for the performance of these statutory purposes in the form of contributions, fees, and donations.

(8) BSG DESY is a member of the umbrella organisation Betriebssportverband Hamburg e.V., and the Vereinigung der Sportgemeinschaften Europäischer Forschungseinrichtungen (Association of the Sports Communities of the European Research Institutes) and accepts their statutes and regulations.

(9) The association grants equal rights to members of all nationalities or ethnic groups and represents the idea of party political, religious, and ideological tolerance and neutrality.

## **§ 3 Becoming a member of the association**

(1) Any natural and legal person can become a member.

(2) Membership is obtained by application in writing to the board. If the applicant is a minor the application must be signed by a legal representative. The board decides on the admission at its own discretion, there is no entitlement for admission. The refused applicant may call to the General Assembly for revocation, who will then take a final decision. The refusal of admission must not be justified.

(3) Trial membership is possible. Admission of trial members generally aims in gaining full

members. Trial membership must be applied for according to §3 (2), it starts at a date to be defined by the association and is limited for the duration of four (4) weeks. Trial members may use of all offers of BSG DESY.

- (4) The General Assembly can – on recommendation of the board – appoint members or other persons for special merits towards the association as lifetime honorary members.
- (5) The association cannot be made liable for damage or losses occurring to a member during exercise, using the premises, equipment or during events, if such damages are not covered by insurances.
- (6) The association provides a sports insurance for its members, costs are covered by BSG DESY.

#### **§ 4 Termination of membership**

- (1) Membership ends by withdrawal, exclusion, or death (in case of a legal person with their termination).
- (2) Withdrawal must be declared in writing with one (1) month prior notice to the end of a quarter.
- (3) Membership fees, contributions, or donations that have already been paid for the calendar year are non-refundable.
- (4) A member may be excluded from the association by decision of the General Assembly in case of
  - a. culpable violation of the reputation or the association's interests,
  - b. being in arrears with payment of their admission fee or regular contributions for more than three months and not paying their debts - even if being reminded in writing with threat of exclusion.

The member gets the opportunity to comment on the reasons of exclusion at the General Assembly. These must be communicated with two weeks' notice to the date.

#### **§ 5 Member's rights and responsibilities**

- (1) All members may join the General Assembly, submit requests, make their contributions to decisions taken, and make use of their right to vote.
- (2) All members aged 18 or older are entitled to vote. They make personal use of their right to vote.
- (3) Each member has the responsibility to promote the association's interests, to cooperate and to follow the statutes and regulations as well as all decisions taken by the General Assembly. Members should be mutually considerate.
- (4) Each member must pay the membership fees regularly.

#### **§ 6 Fees and contributions**

- (1) Subscription rules regulate the membership obligation as well as the amount of contributions and fees.
- (2) Subscription rules can only be adapted or changed by decision of the General Assembly.

## **§ 7 Association's organs**

Organ of the association are

- the board
- the General Assembly

## **§ 8 Board**

(1) The executive board according to § 26 BGB consists of:

- chair
- vice chair
- treasurer

Two respective executive members of the board jointly represent the association in and out of court.

(2) If needed, the executive chairpersons are entitled to nominate members for special tasks to the extended board. This nomination is made in writing by decision of the board meeting, defining function(s), tasks, and time limit. This nomination must be confirmed by the regular General Assembly.

The extended board consists of the board according to § 26 BGB, as well as members of the association for the following possible tasks:

- Managing director
- Advisory member
- Secretary
- Sportsperson
- Pressperson

The extended board is not part of the board according to § 26 BGB. It solely represents the function(s) assigned to him/her according to the statutes and regulations within the association.

(3) Any board member of the association acts pro bono without payment.

## **§ 9 The board's tasks**

The board represents the association according to § 26 BGB and manages its businesses, in particular it has the following tasks:

- a. Convocation and preparation of the General Assembly including agenda,
- b. execution of conclusions of the general assembly,
- c. administration of the association's funds and generating the annual report, and
- d. admission of new members.

## **§ 10 Appointment of the board**

(1) The board members are individually elected by the General Assembly for a period of four (4) years. Board members must be aged 18 or older; termination of membership in the association automatically ends the membership in the board. Reelection or early recall of a member by the General Assembly is permitted. Board members remain in office after the regular term until the election of their successor.

(2) In case of an early withdrawal of a board member, remaining members are entitled to elect a member of the association until the official election by the General Assembly.

## **§ 11 Consultation and resolutions of the board**

- (1) The board meetings take place every three (3) months, more often if necessary. Meetings are called and conducted by the chair, should he/she not be available, the vice chair will do so. Board meetings are convoked in writing (email, letter, fax) with 7 days prior notice and with an agenda. In urgent cases the 7-day-rule may be abridged.
- (2) The board is quorate with a minimum of two members attending. The majority of valid votes count for a resolution. In case of parity the head's vote counts, should the chair not be available, the proxy's vote will count.
- (3) Resolutions of the board may also be passed outside the meetings in urgent cases in any form, especially by phone, by telex, or in writing.
- (4) Each board meeting requires minutes containing at least the date, names of all participants, and wording of the resolutions. The minutes must be signed by the minute-taker and the chair, the substitute or any other board member if the chair is not available.

## **§ 12 Tasks of the General Assembly**

The General Assembly is responsible for decisions regarding the following topics:

- a. Modification of the statutes,
- b. determination of fees and contributions,
- c. appointment of honorary members as well as exclusion of members from the association,
- d. election and recall of board members,
- e. receiving the management report as well as discharging the board,
- f. dissolution of the association.

## **§ 13 Convening of the General Assembly**

- (1) Once a year, ideally in the first quarter, the board should call for a regular General Assembly. Calling takes place in writing with one (1) month prior notice and with an agenda.
- (2) The agenda is provided by the board. Each member may add to the agenda in writing until one week before the date. The board will decide on the request. Requests not communicated to the board or placed at the General Assembly for the first time will be decided with the majority of votes from the attending members. This does not hold for requests regarding modification of the statutes, modification of fees, or dissolution of the association.
- (3) If required to meet the association's interests or if at least a quarter of all members hands in a request in writing giving details about reasons and purpose, the board must call for a special General Assembly.

## **§ 14 Resolutions of the General Assembly**

- (1) The chair presides over the General Assembly. Should the chair not be available the General Assembly will be chaired by another member of the board. If no member of the board is present the Assembly elects a chair from all participants.
- (2) The General Assembly is quorate regardless the number of attending members.
- (3) The General Assembly decides in open ballot with a simple majority with single votes of all attending members. A secret ballot is required if at least one member is requesting it.

Each attending member has a single vote.

Each voting member either attending the General Assembly or who has handed in their consent for candidature beforehand in writing may be elected.

If no candidate can gather the majority of votes of all attending members within an election then the person with the majority of all valid votes is elected - should votes be tied, a final ballot will be held for the respective candidates.

Resolutions regarding modifications of the statutes require a two-third-majority, resolutions regarding a modification of purpose or dissolution of the association require a three-quarter-majority of all attending members. If the request for dissolution of the association does not get the required majority, a special General Assembly has to be called within four (4) weeks. This special Assembly may decide on the dissolution with a simple majority of votes of all attending members.

- (4) Minutes are to be taken about the General Assembly and all resolutions. These minutes must be signed by the minute-taker and the Assembly chair.

## **§ 15 Section management**

Section management consists of the manager and his/her deputy. In accordance with all section members the manager organises training, games and competitions, if applicable. The section managers are responsible for the collection of all fees and contributions. They regularly report to the board, at least once a year.

## **§ 16 Cash audit**

- (1) The General Assembly elects at least two cash auditors among all voting members for the duration of four (4) years. These cash auditors must not be board members.
- (2) Cash auditors check the correctness of bookkeeping and that the association's receipts are accurate and true, confirming this with their signature. Results must be reported to the annual General Assembly. In the case of proper bookkeeping a discharge of the board will be requested.

## **§ 17 Association's regulations**

For the organisation of internal processes the association agrees upon specific regulations. All regulations are not part of these statutes and will not be registered in the association's register. The management board holds responsible for decree, modifications, or cancellation of these regulations. To become valid, these association's regulations must be communicated to all members.

## **§ 18 Data protection**

- (1) The association is processing personal data of its members both electronically and non-electronically. These personal data are exclusively processed for the fulfilment of purposes and tasks mentioned in the present statutes, e.g. for member administration. The association's data protection regulations explain this topic in detail.
- (2) It is forbidden to all organs of the association, all members of staff, or any other person acting for the association to process personal data other than for the association's purpose, to publish them, to make them available to Third Parties, or to process them otherwise. This liability still holds for the persons mentioned above after their withdrawal from the association.

## **§ 19 Dissolution of the association, termination for other reasons, cessation of tax-privileged purposes**

- (1) In case of a dissolution of the association the chair and vice-chair are jointly authorised liquidators, if the General Assembly does not call for different persons.
- (2) In case of a dissolution of the association or in case of cessation of tax-privileged purposes all assets will go to Betriebssportverband Hamburg e.V., who will immediately and exclusively use them for charitable or clerical purposes.
- (3) All regulations mentioned above become valid if the association is deprived of its legal capacity.

## **§ 20 Inception**

These statutes were adopted at the grounding meeting on 4 August 2022 in Hamburg and come into effect with the registration in the association register.

Hamburg, 04.08.2022