

# Statute for the “Alliance DiEM25”

## Preliminary translation

May 15, 2018

### 1 Preamble

We, the members of the 2025 Alliance for Democracy in Europe, are determined to share/to create/to call into existence a peaceful future based on transnational, feminist and democratic values, by uniting for a political and collective convergence of the European continent and the world.

We are fully aware of the indivisible and universal values of human dignity, freedom, equality and solidarity. We put the human being at the center of our actions. Our Alliance contributes to the preservation and development of our common values, respecting the diversity of cultures and traditions of the people of this Earth.

We find inspiration in the common constitutional traditions, in the Treaty on European Union and in the Community Treaties, in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in the Social Charter adopted by the Community and the Council of Europe, and in the case-law of the Court of Justice of the European Communities and of the European Court of Human Rights. The exercise of these rights is associated with responsibilities and duties both to the fellow human beings as well as to the human community and future generations. The XX (SPV) sees itself embedded in the pan-European context of the DiEM25 movement.

### Section A: Basics

#### § 1 Name, domicile and area of activity

- (1) The “Alliance Democracy in Europe Movement25”, hereinafter referred to as the “Alliance” is an Other Political Association (SPV) within the meaning of the European Elections Act and the European Elections Code. It unites people without distinction of nationality, status, origin, ethnicity, gender, sexual orientation, physical condition and creed, in building and developing a democratic constitutional state within the framework of a European republic and a modern liberal social order wanting to participate in the spirit of social justice. Then “Alliance” rejects decisively totalitarian, dictatorial and fascist aspirations of any kind.
- (2) The “Alliance” has a name and a short name.
- (3) The name is: "Alliance Democracy in Europe Movement"

- (4) The official abbreviation of the name of the SPV is: DiEM25
- (5) The seat of the “Alliance” is Frankfurt am Main.
- (6) The area of activity of the “Alliance” is the European Union, but especially the Federal Republic of Germany and the adjacent German-speaking area.
- (7) The members of the “Alliance” are called gender-neutral as members.

Note: This name will be put to vote in an all-member vote, and is therefore preliminary.

## **§ 2 Membership**

- (1) Any human individual who has reached the age of 16, is a member of the DiEM25 Movement and recognizes the DiEM25 Manifesto, the DiEM25 Organizational Principles, as well as the Statute and Principles of the “Alliance”, can become a member of the “Alliance”.
- (2) Members of the “Alliance” can only be natural persons. The “Alliance” maintains a central membership directory.
- (3) Simultaneous membership in the “Alliance” as well as in any other (competing with them) party or group of voters is not excluded. Concurrent membership of an organization, association or group whose purpose is contrary to the objectives of DiEM25 or the “Alliance” is not permitted. However, dual membership in other political organizations is possible unless they contradict the principles of DiEM25.

## **§ 3 Acquisition of membership**

- (1) The membership in the “Alliance” is acquired on the basis of these statutes. The board of the “Alliance” decides on the admission. The membership begins after the confirmed acceptance of the admission application and after the payment of the first membership fee. Each member of the “Alliance” receives a membership card.

## **§ 4 Rights and obligations of the members**

- (1) Each member of the “Alliance” has the right and the duty to promote the purposes of the “Alliance” within the framework of these Statutes and to participate in the political and organizational work of the “Alliance”.
- (2) All members of the “Alliance” have equal voting rights.
- (3) The exercise of voting rights is only possible if the member is not more than three months in arrears with his membership fees. At member meetings, the exercise of voting rights is only possible if all membership dues have been paid.
- (4) Each member is entitled at any time to withdraw from the “Alliance” (text form required). Already paid contributions will not be refunded.

## **§ 5 Termination of membership**

- (1) Membership ends by death, resignation, cancellation, loss or withdrawal of eligibility or the right to vote or exclusion from the "Alliance".
- (2) Upon termination of membership, the membership card must be returned. A claim for repayment of contributions does not exist.

## **§ 6 Regulatory measures**

- (1) If a member violates the Constitution or the principles or order of the "Alliance" and thus damages the "Alliance", the Board may order the following regulatory measures: warning, reprimand, dismissal of an office of the "Alliance", disclaimer of ability to occupy an office in the "Alliance", exclusion from the "Alliance". The Board of Directors must give the member a hearing before the decision on the corrective measure is taken. The decision must be sent to the member in writing, stating the reasons.
- (2) A member can only be excluded if he/she intentionally violates the statute or substantially violates the principles or the order of the "alliance", thereby causing serious damage to it. The exclusion must be decided by the board in the presence of all board members with at least a two-thirds majority. In urgent and serious cases requiring immediate action, the board may exclude the member from the exercise of his rights to the decision by a simple majority of attending board members.
- (3) The member has a right of objection and must be able to present his own view of things to the board. The board then has the task of re-evaluating all the arguments again to decide on a possible regulatory action.
- (4) Membership is suspended in the case of an ongoing exclusion procedure, pending the conclusion of any possible legal proceedings.

## **§ 7 Outline**

- (1) The "Alliance" exists as a SPV only on one level and is not divided, as is obligatory and customary with parties in the sense of the party law, into subdivisions on the most different levels.

## **§ 8 Bodies of the "Alliance"**

- (1) Bodies are the Board, and the General Assembly

### **§ 8a The Board**

- (1) The board of the "Alliance" is elected by the attending members of the general assembly.
- (2) The minimum size of the Board consists of ten Board members; By resolution of the General Assembly, a higher number can be determined. Of these board members, at least half of them must be members of the DiEM25 National Collective.

- (3) From the General Assembly, a chairman and his deputy, as well as a board member responsible for the finances, shall be determined in three separate ballots by election with approval. The General Assembly elects the rest of the Board from equal assessors in a ballot with approval procedure. The remaining board seats will be filled by the candidates with the highest number of votes and a minimum quota of at least 50% of the votes cast. There may be further ballots to form a board that meets the requirements of the statutes. The assessors take on tasks and areas of responsibility which are determined by rules of procedure given by the Board itself; e.g. as a topic officer. Which person is to take over which assignment is to be determined internally by the board.
- (4) If an officer leaves the board, his deputy takes office. If tasks are affected for which no deputy is foreseen, the tasks will be redistributed internally.
- (5) The Board represents the "Alliance" internally and externally. It conducts business on the basis of the decisions of the "Alliance" and its bodies.
- (6) The members of the Board are elected by the General Assembly at least every second calendar year. The board remains in office until the election of a new board. If a board office is vacant by resignation or recall, it can be filled by the General Meeting by by-election. The term of office of a subsequently elected member of the Executive Board ends at the latest with the new election of the Board.
- (7) The Board meets at least twice a year. It shall be summoned by the chairman or, if he is unable to do so, by one of his deputies in writing with a notice period of two weeks stating the agenda and the venue. On extraordinary occasions, the convocation can also be made at short notice.
- (8) At the request of one tenth of the members, the Federal Board may be called to meet and deal with current issues.
- (9) The board decides on all questions in the sense of the resolutions, the general assembly and the program.
- (10) The board shall adopt rules of procedure and publish them appropriately. It includes regulations on:
  1. Management of member data and their access and backup
  2. Tasks and responsibilities of the board members
  3. Documentation of the sessions
  4. Virtual or telephone board meetings
  5. Form and scope of the activity report
  6. Certification of resolutions of the board
  7. The exact title of the other members according to (1)
- (11) The management of a business office, or a summonable address, is commissioned and supervised by the Board.

- (12) The Board delivers a written activity report to the General Assembly. This report includes all areas of activity of the members of the Executive Board and is created in the individual responsibility of the single Board member. If the Board as a whole or a member of the Executive Board is not discharged, the General Assembly or the new Executive Board can assert claims against him. If a member of the Management Board resigns, he must immediately prepare an activity report and forward it to the Management Board.
- (13) If a member of the Management Board resigns or is no longer able to fulfill his / her duties, his / her competence is transferred to another member of the Management Board for a limited or permanent term, if that is possible. The Executive Board is deemed not to be able to act if:
1. the board has at most five members able to act.
  2. the board declares itself incapable of action. In such a case, an extraordinary General Assembly must be convened immediately and a provisional representative appointed by the rest of the board to continue the business. This ends with the election of the entire board. Note: A virtual voting procedure for determining the candidates is not possible for legal and practical reasons.

## **§ 8b The General Assembly**

- (1) The General Assembly is a physical gathering of the “Alliance” members.
- (2) The General Assembly meets at least once a year. The convocation takes place on the basis of the decision of the Board or if one tenth of the members apply for it. The board invites each member at least 6 weeks in advance; the invitation is made in text form or by publication on the website (placeholder - to be filled up to the founding meeting). If the invitation can not be submitted in writing or on the website in due time, the invitation will be issued by the Federal Gazette. The invitation must contain details of the venue and the start of the conference, the provisional agenda and the details of where further up-to-date publications are to be made. At least two weeks before the General Assembly, the agenda must be published in the current version, the planned duration of the meeting and all applications submitted to the Executive Board to date.
- (3) If the executive committee is unable to act, an extraordinary General Assembly can be convened. This is done with a notice period of two weeks stating the agenda and the venue. The extraordinary General Assembly serves exclusively the election of a new board.
- (4) The General Assembly receives the activity report of the board and thereupon decides on its exoneration (Entlastung).
- (5) The General Assembly also decides on the financial regulations (Finanzordnung), which is part of these statutes.
- (6) A report of results will be drawn up of the General Assembly meeting, its resolutions and elections that will be signed by the member responsible for the minutes, the

meeting chairperson (Versammlungsleitung) and the newly elected chairman or vice-chairman.

- (7) The General Assembly elects two auditors (Rechnungsprüfer) who examine the financial part of the activity report of the Executive Board prior to the decision on him. The result of the examination will be announced to the general assembly and recorded. After that, the auditors are dismissed from their position.
- (8) The General Assembly elects at least two auditors (Kassenprüfer). These are responsible for the preliminary examination of the financial activity report for the following General Assembly and the preliminary examination of whether the financial regulations are complied with. They have the right to demand short-term access to all financial documents, which must then be handed over completely. They are required to complete the last preliminary check of finances about two weeks before the General Assembly. The term of office of the auditor is identical to the term of office of the members of the board.
- (9) The decisions of the General Assembly are decided by a simple majority of the valid votes cast. In case of a tie, an application is considered rejected. Abstentions are considered invalid votes.

## **§ 9 Applicant listing for the European Parliament Elections**

The provisions of the Electoral Law and the Statute of the "Alliance" are applicable to the nomination of candidates for elections to the European Parliament.

## **§ 10 Admission of guests**

- (1) All General Assemblies must be held in public. An exclusion of the public can only be done on a temporary basis and only for the protection of personal rights.
- (2) Guests do not have the right to vote, but may be entitled to speak by the decision of the General Assembly.

## **§ 11 Amendment of the statutes and program**

- (1) Amendments to the statutes can only be adopted by a General Assembly with a 3/4 or 5/6 majority of the valid votes cast. If there is an urgent requirement for a change in the statutes between two General Assemblies, the statutes may also be amended if at least 3/4 or 5/6 of the members agree in writing to the request/the requests for amendment.
- (2) An application for amendment of the statutes at a General Assembly can only be voted if it has been received by the Board at least four weeks before the start of the General Assembly and has been requested in the wording of five members of the "Alliance".
- (3) Program changes of the "Alliance" will be subject to varying degrees of thresholds (Hürden) for change depending on the nature of the program. Program types can

be: ideas inspirations; Visions, values and goals at the meta-level; Basic Program; Election program; Position stipulations (Positionsbestimmungen).

- (4) Each application may be amended at the General Assembly prior before the vote of by one of the Applicants or their authorized representative. Individual words and phrases can be changed, text passages can be deleted or supplemented. The fundamental intention of the application must not be changed.
- (5) The General Assembly decides with a simple majority whether it wishes to vote on the original or the amended proposal.
- (6) In all other questions of the application submission before the General Assembly, an application procedure applies. This is implemented by the board and can be changed with effect to the next General Assembly with a simple majority. The request for amendment requires the support of at least five members.
- (7) The Board is required to implement an electronic voting tool that enables the creation of virtual opinions even between physical meetings of members. It should be noted that the vote must be in accordance with the requirements of equality principle, traceability and a sufficient secrecy! It must also be ensured that the use of this tool is as low-threshold and barrier-free as possible.

## **§ 12 Dissolution and merger**

- (1) The dissolution of the “Alliance” or its merger with another party or voter group can only be decided upon by a decision of the General Assembly with a majority of 3/4 of the voting members of the General Assembly.
- (2) An application for dissolution or merger can only be voted if it has been received by the Board at least four weeks before the start of the General Assembly.
- (3) A resolution on dissolution or merger must be confirmed by a ballot among the members. The members express their wishes in writing in connection with the ballot.

## **§ 13 Offices and functions in the “Alliance”**

- (1) The non-professional functions and activities in the “Alliance” are until further notice honorary posts. Notwithstanding §11, paragraph (1), an amendment to §13, paragraph (1) requires only a 2/3 majority. Remuneration should only be given in justified exceptional cases, applies only to representatives and employees, but in no case applies to members of the Board and requires a resolution of the Board.

# **Section B: Financial Regulations**

## **A. ACCOUNT REPORT**

### **§ 1 Accountability report of the “Alliance”**

The Board member responsible for the finances ensures the timely presentation of an accountability report in accordance with the fifth section of the Political Parties Act to the

President of the German Bundestag. This account includes assets (?Vermögen), income and expenses. The purpose of this statement of accounts is to make public funding available to the "Alliance".

## **§ 2 Penalties**

The board member responsible for the finances controls the proper accounting of his assigned employees and thereby ensures that the samples required for the preparation of the audit report for the annual report pursuant to §29 (3) of the German Law on Political Parties are possible at any time.

## **B. MEMBERSHIP**

### **§ 3 amount membership fee**

Each member sets a contribution level as part of their income. There are the regular contribution levels of 72,- Euro, 48,- Euro and 36,- Euro per annum that are individually selectable. If no selection is made by the member, the member is placed in the highest contribution level. The membership fee is due on January 1st of each year. If you join in the course of a year, the full annual membership fee is due.

- (1) (3) The "Alliance" recommends to its members, in line with the recommendation of other electoral groups and parties, in addition to the fixed membership fee, to donate a voluntary membership fee equal to 1% of their annual net income.
- (2) (4) The amount of the single-reduction contribution applies to the following groups of persons, amounts to 24,- Euro per annum and includes the following group of persons: precarious employees, persons receiving welfare supplement payments (?Aufstocker), severely handicapped persons with a degree of disability of 50%, Bafög recipients, single parents.
- (5) The amount of the fully reduced contribution applies to the following groups of persons, amounts to 12,- Euro per annum and includes the following group of persons: recipients of transfer payments according to ALG II, recipients of transfer payments according to ALG XII,
- (6) The existence of a reason for the reduction must be reported annually to the Federal Executive Board. Deviating from this, the Federal Board may, in justified individual cases, agree to a multi-year reduction with the member.

### **§ 4 Default**

- (1) A member is in arrears if the membership fee has not been paid when due.
- (2) A member who is in default with his contribution for more than 12 months may be removed from the membership database, thereby losing his membership in the "Alliance". Prior to deletion, the member is to be reminded at least twice. There must be a gap of at least 30 days between the reminders.
- (3) The Board is responsible for the deletions.



- (4) The cancellation shall be communicated to the member. A reasoned objection to the cancellation is admissible to the Board, who then has to re-evaluate the process.

## **C. DONATE**

### **§ 5 Collection (Vereinnahmung)**

- (1) Board members and commissioners for collection are entitled to accept donations. Excluded are donations that are inadmissible within the meaning of § 25 of the Political Parties Act. If inadmissible donations can not be returned, they must be forwarded by the Federal Board without delay to the President of the German Bundestag.
- (2) Inheritance and bequests are accepted without limitation.
- (3) The guidelines of the "Alliance" collection criteria span the right to privacy of an anonymous donor and the claim for transparency within our "Alliance". Whether the board grants anonymity to a donor within the framework of the Parties Act depends on the assessment of whether the donor's intention is to influence our political action. Should this be the case, the donor will be informed that his donation will be published, his donation will not affect the decision-making situation within our "Alliance" and he can expect the return of his donation should he disagree with the publication and indicates this promptly in writing to the Board of the "Alliance". Note: The Board decides whether such an "intention" exists.

### **§ 6 Publication**

- (1) Donations whose total value exceeds 10,000,- Euro per annum are to be recorded in the publicly accessible statement of account giving the name and address of the donor.
- (2) All individual donations over 1000,- Euro will be published without delay stating the name of the donor, the sum and, if applicable, the intended use.

### **§ 7 Penalty**

- (1) If the "Alliance" has collected improper donations without forwarding them to the President of the German Bundestag in accordance with No. 6 or does not publish any donations pursuant to § 7 in the statement of account, it shall lose it in accordance with § 31a of the Political Parties Act entitled to partial state funding equal to twice the amount of illegally obtained or unpublished donations.

### **§ 8 Donation receipt**

- (1) Donation certificates shall be issued by the Board member responsible for the finances and, if applicable, by his deputies or officers at the end of the year, provided that these, including the membership fee, exceed the amount of 200,- Euro per annum. Upon request, a donation receipt will be issued in justified individual cases, even for smaller amounts.

## **D. STATE PARTIAL FINANCING**

### **§ 9 state partial financing**

- (1) The Board member responsible for finances, or his first or second deputy, petitions on 31 January each year the payment of possible state resources on behalf of the "Alliance". Note: See note to name above:

## **E. ETAT**

### **§ 10 Budget**

- (1) The Board member responsible for finances prepares a budget each calendar year in advance, which is approved by the Board of Directors. If it is apparent that the budget will not be sufficient, the board member responsible for the finances must immediately introduce a supplementary budget.
- (2) The Board Member responsible for Finance shall be bound by the principles of provisional financial management pending its adoption.

### **§ 11 Assignment**

- (1) An issue that has been decided must also be feasible by means of a corresponding budget title. Resolutions with financial implications, where no corresponding budget title is intended to cover the expenses, can only be implemented through the reallocation of other budget items.

### **§ 12 Exceeded expenses**

- (1) If the approved budget is not adhered to, the budget of the following year must be reduced by the same amount in expenditure by budget estimate or by a budget freeze.

## **F. ECONOMIC BUSINESS**

### **§ 13 Economic Business**

- (1) Individual members of the "Alliance" are not permitted to open or maintain an economic business in the name of the "Alliance" on their own authority. The execution of entrepreneurial activities is to be arranged by a representative appointed by the Board and its employees!