

## **Statutes – Articles:**

### **Society for the Preservation of The White Baroque Donkey**

#### **§ 1. Name, principal office and funktion**

- (1) The registered name: Society for the Preservation of The White Baroque Donkey
- (2) The registered location: Treschbergweg 1, A-4400 St. Ulrich with international recognition.

#### **§ 2. Purpose and aim**

The Society is a nonprofit organisation:

- To define and establish the white donkey as a domestic animal and make it an official breed.
- The international exchange of experience on the subject: stud and preservation of the endangered species, white baroque donkey. (Austrian/Hungarian white donkey).
- To coordinate and to carry through the preservation breeding to create a stable, basic population. Also to gain recognition of the "White Baroque Donkey" as an endangered domestic animal.
- To support the cultural heritage through cooperation of any institution or private person, who persevere to help to protect or preserve the endangered domestic animal.
- The exchange of knowledge regarding the subject "old endangered domestic animals"
- To support members with the exchange of suitable (breeding) animals

#### **§ 3. Materials to achieve the Society's aim**

- (1) The aim is to achieve the Societ`s material and ideals, as outlaid in para 2 and 3:
- (2) The Requisiten:
  - a) Installation of an international internet platform using a central computer for recording a stud/pairing (mating) programme.
  - b) Allowing access to information, contact exchange in connection with the breeding of the

endangered domestic animal "white baroque donkey" in particular through holding international conferences, printing of animal pedagogy journals, lectures, and functions as well as distributing publications.

c) To request cooperation between institutes, who are interested in the protection and preservation of endangered domestic animals with intention of building a strategic alliance.

(3) The essential materials required should be acquired through:

- a) Membership annual membership fees
- b) Income from fund raising functions
- c) Donations
- d) Grants

#### **§ 4. Types of Membership**

- (1) The members of the Society is divided into three catagories: active members, extra ordinary members and honorary members.
- (2) Active members are those who directly and continuously take part in the Society's activities.
- (3) Extra ordinary members are those, who otherwise contribute to the Society, either through idealistic or financial way.
- (4) Honorary members are those exempted from membership fees.

#### **§ 5. To Become a Member**

- (1) Membership to the Society can naturally be obtained through legal persons or other lawful companies, who are involved in aiding the interests of the Society. The acceptance of a new member is the decision of the board.
- (2) Honorary members are elected through a majority of votes at a general meeting.

## **§ 6. Termination of Membership**

- (1) Membership becomes exempt through a legal action or voluntary exemption, or exemption through death.
- (2) Voluntary resignation can only be terminated at the end of a calendar year (31 December). Notice must be given in writing to the board, at least three months prior to the end of the calendar year. Should the written resignation be late after this time, it will only be accepted for the subsequent calendar year. The statement for resignation does not exempt a member from payment of the membership fees till the actual moment of resignation.
- (3) The board retains the right to make an instant dismissal of any member at any time when after giving two written reminders and an appropriate grace period the member is still in arrears longer than 6 months.
- (4) The board has the right to dismiss any member from the Society when there has been a gross violation of its rules.

## **§ 7. Rights and Responsibilities of Members**

- (1) Members are entitled to take part in all the Societies activities as well as use its facilities.
- (2) Owners and breeders must adhere to the Societies breeding programme, in particular regarding the keeping, breeding and distribution of the donkeys.
- (3) The right to vote, active or passive suffrage is for active members only.
- (4) Extra ordinary and honorary members have the right to attend general meetings but have no voting rights.
- (5) At least a tenth of the members can demand an extra ordinary meeting.
- (6) The members have the right to be informed of the Societies activities and financial situation at every general meeting.
- (7) The members are to be informed by the board regarding the audit of the bookkeeper. Should this take place during a general meeting then the auditors, treasurer should also be called to give their opinion.
- (8) The members are responsible within reason, in the interest of the Society to request to discard, anything that might harm the interests of the Society to the public eye. They should

uphold the Society's statutes and the decisions made by the board of the Society. The active and the extra ordinary members are requested to pay their membership and annual fees punctually. The amount agreed upon at the general meeting.

## **§ 8. Structure of the Society**

The structure of the Society are the general meeting (§§ 9 and 10), the board (§§ 11 to13), the treasurer, (§ 14) and the auditors arbitral tribunal (§ 15)

## **§ 9. General Meeting**

- (1) The General meeting will be the meeting of members in the interest of the Society's bylaws 2002. An annual general meeting shall be held every year.
- (2) An extra ordinary meeting shall be held when:
  - a. A request is made by the board or the annual general meeting.
  - b. A written request is made by at least a 10th of its members.
  - c. At the request of the treasurer (§ 21 part 5,1. 1. sentence Society law)
  - d. At the request of the treasurer (§ 21 part 5,1. 2. centence Society law)
  - e. a legal assigned administrator requests and should be held within four weeks.
- (3) Members are to be given a written invitation to all members, per letter, telefax or email (to the address made available to the Society) whether to an annual general or an extra ordinary meeting, at least four weeks before the event.
- (4) Items for entry on the agenda at the next general meeting must be made at least seven days in writing, telefax or email before the said date.
- (5) Positive decisions – except the request for an extra ordinary general meeting - can only be made if it is an item on the agenda.
- (6) All members have a right to attend general meetings.
- (7) Only active members are able to vote. The allocation of a proxy vote can only be made in writing. An active member can only be allocated three proxys at the most, giving them maximal four votes.
- (8) The general meeting is only possible when at least half the active members are represented.
- (9) Voting and it's result can shall be accepted at a general meeting, as a rule with a simple majority of the delivered votes. Decisions with which the articles of the Society can be

altered or the Society disbanded require a qualified majority of two thirds the valid votes.

- (10) The chair at the general meeting shall be taken by the President, should they be absent then the vice chairman/woman takes the chair. Should however they also be unable to attend, then the most senior member of the board, in years, should take the chair.

### **§ 10. Duties of the General Meeting**

The duties of the general meeting are as follows:

- a) Decisions regarding suggestions;
- b) To receive and approve the treasurer's protocol and treasurer's balance of accounts including the release by the auditors
- c) Election of a president and the other members of the board;
- d) Election of auditors;
- e) Acceptance of the legalities between the treasurer and the Society;
- f) Release of the board;
- g) Decision of the actual new members joining fee and annual membership fee;
- h) Agreement on any changes to the articles of the Society and the voluntary disbandment of the Society;
- i) To discuss and decide over other items included on the agenda;
- j) Passing any changes requested to the preservation program and the regulations, keeping, stud or transition of the white baroque donkey.

### **§ 11. The board**

- (1) The board consists of at least four members, that includes a president, vice president, treasurer and secretary.
- (2) The board is elected at the general meeting. It constitutes itself.
- (3) The board is active for a period of four years. Re-election is naturally possible. It is only permitted, to hold this office, for no longer than three consecutive periods. The office is to be carried out by the candidate themselves.
- (4) The board shall be informed of a meeting per letter, telefax or email by the President.

Should he/she be indisposed, then by their vice.

- (5) The board constitute a quorum when all its members have been invited and there are at least two members present.
- (6) The Society concludes a decision through a simple majority. Should there be an equal number of votes then the chairs decision is decisive.
- (7) The chair is taken by the president, in the case of their absence the vice president takes the chair.
- (8) Besides through death or at the end of an elected term (part 3) does the function become resolved through dismissal (part 9) or stand down (part 10).
- (9) The general meeting can at any time dismiss the complete board or any individual member of the board. The exemption becomes valid with the election of a new member in their place.
- (10) The board members are permitted to give a written resignation. The resignation must be given to the board. Should the complete board decide to resign, this must be made known to the complete general meeting members. The resignation only becomes valid as soon as a substitute is elected.

## **§ 12. Duties of the board**

The board is the governing body of the Society. It undertakes the duty in the interest of the Society's bylaws 2002. It is their duty to carry out any duties that are not governed in the Articles of the organization by another function. In these interests are as follows:

- a) The introduction of the Societys bookkeeping showing the outgoing and incoming payments and a journal showing the economic situation;
- b) A detailed yearly financial plan as well as a financial report as well as an end of year balance;
- c) To prepare and call for a general meeting in the case of § 9 part 1 & 2 lit a - c of the articles;
- d) Information to the Society members regarding the Societys work and the Societys situation and the examined end of year finances;
- e) Financial administration;
- f) Recruitment and exemption of active and extra ordinary members of the association;
- g) Recruitment and dismissal of employees of the association;

- h) Installation of a formal stud book;

### **§ 13. Particular Duties of Certain Board Members**

- (1) The president carries out the work of the Society. The vice president supports the president in this work.
- (2) The president is a representative for the Society to the general public. The president is authorized to sign documents with a counter signature of one of the board members.
- (3) They are legally authorized to sign or carry out matters for the Society. Authorization can be given by those mentioned in part 2 of the articles.
- (4) In the case of an urgent matter the president is authorized to make decisions under his/her own judgement. These decisions need subsequent approval by the appropriate structure of the Society.
- (5) The president takes the chair at the general meeting and over the board.
- (6) The vice president is the deputy for the president.
- (7) The treasurer is responsible for the cash flow and membership files.
- (8) The secretary keeps the protocols of every general meeting and that of the board.
- (9) Further deputies are organized by the board themselves.
- (10) The board organizes the data archiving. They then inform the general meeting.

### **§ 14. The auditors**

- (1) Two auditors to be elected by the members of the general meeting for a period of four years. Re-election is possible. They must in no way belong to any other body, with the exception of the general meeting.
- (2) Their duty it is to examine the treasurers' books. The auditors are responsible to keep a financial check on the finances of the Society, in respect of a controlling body. To assure that the books and finances are according to the statutes. The board has to make available the necessary documents and make available any information that is required. The auditors are to make a report to the board and at the general meeting.

**§ 14. Arbitration Court**

- (1) For any disagreements, a Society intern arbitration court shall be set up to find a solution. This solution is in accordance with the association by laws 2002 and not an arbitration court as in para. 577 It ZPO.
- (2) The arbitration court consists of three active members. It consists of one active member named in writing as one referee. The request being made by the board within seven days. The opposing party selecting an active member on their behalf as referee within 14 days. The two referees are then informed by the board within seven days. These two referees shall then elect a third active member within 14 days. If two nominees have equal votes then the decision shall be made by a draw. This third member shall take the chair at the arbitration court. Should both parties be unable to come to a decision, the chair must find a solution. The elected referees must not belong to any other structure of the Society with exception to the general meeting. Unless this be a subject of the disagreement.
- (3) The referees shall come to a decision after hearing the claims of both parties, with all the members present with a singular vote. The decision shall be made by a clear majority. Decision being made in within their best judgement. The absolute decision remains intern and is final.

**§ 16. Decision to Dissolve the Association.**

- (1) The voluntary resolution dispersal of the Society can only be decided at a general meeting and only with a two third majority.
- (2) The general meeting decides where the assets, should there be any, go and appoint somebody who must take over the duty of the distribution of any assets. It would be in the interest of the Society that it is given to a similar minded organisation, or social use.

With unanimously decision

Vienna, 28th of November 2010

Eduard Fellingner, President

Felix Weber, Secretary