

TRADE UNION EUROCONTROL MAASTRICHT



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# RULES

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# TITLE, SCOPE AND PRINCIPLES

## ARTICLE 1

The organisation shall have the title: TRADE UNION EUROCONTROL MAASTRICHT (TUEM).

Hereafter it shall be referred to as 'the Union'.

## ARTICLE 2

The Union is affiliated to the Public Services International (PSI). Changes to affiliation are subject to subsequent notification of the membership.

## ARTICLE 3

1. The Union shall be independent of all national and international institutions, governments, administrations, political parties and confessional or philosophical movements.
2. For the purpose of defending common interests, the Union may be affiliated to any federation of Unions of staff members of European or international organisations.
3. The Union affirms its willingness to co-operate with other democratic organisations having the same objectives.

# HEADQUARTERS

## ARTICLE 4

The Headquarters shall be located in Beek-Limburg.

# PURPOSE

## ARTICLE 5

1. The main purpose of the Union shall be:
  - a. To serve and defend the economic, social and professional interests of its members and of the whole staff.



- b. To show sympathy with the objectives and principles of the PSI or another umbrella organisation in terms of actual solidarity with European and international trades union organisations.
2. To these ends, the Union shall seek:
    - a. To defend the independence, permanent nature and competence of the staff of the European Communities, which is a necessary prerequisite for the achievement of the objectives of European integration.
    - b. To obtain recognition of the right of the Union to contribute, through free negotiations and through consultation, to the determination of the working conditions and the conditions of employment of its members and the whole staff.
    - c. To do all within its power to ensure that the structures and the working methods of the institutions are adapted to the requirements of a modern and humane multinational administration.

## MEMBERS

### ARTICLE 6

1. TUEM is a Maastricht union by nature. Any agent, other staff member or retired staff member of the Maastricht UAC may seek membership of the Union. Other EUROCONTROL employees can be accepted as members of the TUEM as well. Applications are subject to the approval of the EC
2. Each member is entitled for legal representation or advice by TUEM provided:
  - a. At least 4 month paid up member
  - b. Case has no origin before membership application
  - c. EC approves legal case by 2/3 of total EC members
3. The EC shall keep a register of the names and addresses of all members.

## ADMISSION

### ARTICLE 7

1. In the event of the Executive Committee rejecting an application, the matter may be referred to the General Meeting, which may decide to allow the admission.



# TERMINATION OF MEMBERSHIP

## ARTICLE 8

1. Membership shall cease:
  - a. On the death of the member.
  - b. On the resignation of the member.
  - c. On termination on the part of the organisation. This can occur where a member ceases to meet the requirements for membership set out in the Rules, where he fails to carry out his duties towards the organisation or where the organisation can no longer reasonable be expected to allow membership to continue.
  - d. On expulsion. This can occur only where a member acts in contravention of the Rules, Regulations or decisions of the organisation or causes unreasonable prejudice to the organisation. Membership in another EUROCONTROL union can qualify as reason for immediate termination of membership (strike fund contributions not refundable), subject to the evaluation and decision of the EC.
  - e. Membership in another Trade Union can qualify as reason for immediate termination of membership (strike fund and contributions not refundable), subject to the evaluation and decision of the EC.
2. The Executive Committee shall declare termination on the part of the organisation.
3. Resignation or expulsion may occur at any time and must be notified in writing.
4. Termination not in line with the provisions set out above shall cause membership to be ended at the earliest point permissible after the date of termination.
5. A member shall not be permitted, by terminating his membership, to exclude in his own particular case a decision by virtue of which the members' commitments are financially increased.
6. The Executive Committee shall notify cessation of membership.
7. In the event of a decision to terminate membership on the grounds that the organisation cannot reasonably be expected to allow membership to continue, or a decision to expel a member, the member concerned shall be entitled to appeal to the General Meeting within one month of receiving the notification of the decision. The member will then be informed in writing as quickly as possible of the decision, together with the reasons behind it.

The General Meeting shall decide by simple majority of the votes cast by members present. During the deadline for appeal and pending the appeal, the member shall be suspended.



8. Where a membership expires in the course of a union year, the full subscription for the year still remains payable.

## ANNUAL SUBSCRIPTIONS

### ARTICLE 9

1. Members are required to pay an annual subscription established by reference to their basic salary. The General Meeting shall draw up the subscription rates on a proposal by the Executive Committee.  
Other income may accrue to the Union in the form of donations and other revenue.
2. The Executive Committee shall be entitled to grant partial or complete exemption from the payment of subscriptions in particular circumstances.

## MEMBERS' RIGHTS

### ARTICLE 10

1. Each member shall have the right, by taking part in Union meetings and elections, to contribute to the determination of the Union's policy and the composition of its institutions, and to state his attitude towards any matter relating to the organisation.
2. Any member may obtain advice from the Union's legal service via the Executive Committee in respect of any matter concerning his professional life.

## MEMBERS' DUTIES

### ARTICLE 11

1. Each member shall undertake to defend the Union's interests and to take an active part in fulfilling the objectives set out in these Rules and in implementing the decisions of the Union's bodies.
2. Any member elected to a Staff Committee shall undertake to defend in the Committee the general staff policy line defined by the Union's bodies.
3. Any member appointed to a body set up under the Staff Regulations or to any other administrative body shall undertake to further, by his activity, the objectives of the Union.



# THE UNION'S BODIES

## ARTICLE 12

The Union's bodies shall be:

- ➔ The General Meeting.
- ➔ The Election Meeting.
- ➔ The Executive Committee.
- ➔ The Audit Board.
- ➔ The committees set up by the Union.

# THE EXECUTIVE COMMITTEE

## ARTICLE 13

1. Every 2 years a Executive Committee (EC) will be elected.  
At least thirty days before the General/Election Meeting the Executive Committee shall send a request for candidatures to every member.
2. The Executive Committee consists of:
  - a. President
  - b. Two Vice-presidents
  - c. Treasurer
  - d. 7 Other members from Maastricht (1 proposition per division in order to have all divisions in the EC, if this cannot be applied, any candidate shall fill the place).
  - e. 2 Members for TUEM members outside Maastricht.
3. In case a vacancy arises during the election period, at the next General Meeting the vacancy shall be filled and being valid until the next periodic EC election.

Each position of the EC will be elected in writing.



# TERMINATION OF MEMBERSHIP OF EXECUTIVE COMMITTEE - PERIODIC MEMBERSHIP-SUSPENSION

## ARTICLE 14

1. Any member of the Executive Committee, even those appointed for a limited period, may be dismissed or suspended by the General Meeting at any time. A suspension, not followed within three months by a decision to expel the member ends with the expiry of that deadline.
2. Each member of the Executive Committee is elected by a written ballot for a 2 years term. The election period endures till the next general election meeting.
3. Membership shall, moreover, end:
  - a. In the case of a Committee member elected from among the membership, through the cessation of membership or the organisation.
  - b. Through resignation.
4. The Executive Committee ought to be constituted in such a way that every division is represented by at least one person. Should there not be enough candidates to guarantee this minimal representation of each division, the candidates with the most votes shall be selected, regardless of what division they work in.

# FUNCTIONS AND DECISION-MAKING IN THE EXECUTIVE COMMITTEE

## ARTICLE 15

1. A record of the proceedings at each meeting shall be kept; these minutes shall be drawn up and signed by one of the vice-presidents and the president. Contrary to what the law prescribes in such matters, the president does not have the casting vote concerning the making and content of decisions.
2. More detailed rules relating to the Executive Committee's meeting and decision-making processes may be laid down by the Executive Committee in internal rules.



# RESPONSIBILITIES OF THE COMMITTEE - REPRESENTATION

## ARTICLE 16

1. Subject to the limitations under the Rules, the Committee is responsible for the running of the organisation.

The tasks include **inter alia**:

- ➔ The implementation of the decisions of the General Meeting.
- ➔ The implementation of the tasks listed in the Rules and the policy outlined by the General Meeting in respect of the measures appropriate for the purpose.

2. The Executive Committee shall represent the Union in law and other affairs. The Union shall be validly represented by 2 from the EC appointed members, normally by the signatures of the president and one of the vice-presidents.

Where the number of members of the Executive Committee drops below seven, the Committee retains authority. However, it shall be obliged to convene, as swiftly as possible, a Special Election Meeting, at which the filling of the vacant place/s will be on the agenda.

3. The Executive Committee shall be entitled, under its own responsibility, to delegate the implementation of certain parts of its task to sub-committees or experts to be nominated by it.
4. Decisions of the Executive Committee shall be taken by the usual majority of votes cast.
5. The Executive Committee shall be authorised, provided it has secured the agreement of the General Meeting, to let contracts for the purchase, alienation or encumbrance of goods, the conclusion of agreements under the terms of which the organisation offers itself as security or main joint debtor, stands in for a third party or acts as security for a debt incurred by a third party.
6. Failing such agreement, matters may be referred to a third party.
7. The Executive Committee likewise requires the agreement of the General Meeting in respect of decisions concerning the following:
  - I Actions in law or the making of investments over 5,000.00 €, notwithstanding the provisions of II below.
  - II a. The hiring, renting, otherwise using or gaining the benefit of immovable assets.
  - b. The letting of agreements involving the organisation in taking out a bank credit.



- c. The loaning out of money, together with the borrowing of money in cases not including the utilisation of a bank loan granted to the organisation.
- d. Entry into compromise settlements.
- e. Action at law, including the conduct of arbitrary procedures, although excepting the taking of conservatory measures and such legal measures as cannot be delayed.
- f. The conclusion and alteration of labour agreements.

Failing such agreement, matters may be referred to a third party.

## ANNUAL REPORT - ACCOUNTS AND RESPONSIBILITY

### ARTICLE 17

1. The Union's year shall run from 1 January to 31 December.
2. The Executive Committee is required to keep such records of the organisation's assets as will enable a clear picture to be gained at any time of its rights and obligations.
3. The Executive Committee shall present its annual report to a General Meeting within three months from the end of the business year, unless there has been an extension granted by the General Meeting, and shall account for its management over the past year by reference to the balance sheet and a statement of assets and charges.

At the expiry of the deadline any member is entitled to have sight of these accounts and the discharge.

## THE AUDIT BOARD

### ARTICLE 18

1. The General Meeting shall each year appoint from among the members a board of at least two persons, who may not be on the Executive Committee. This board shall check the Executive Committee's accounts and then report on them to the General Meeting.
2. The Audit Board shall be responsible for regularly auditing the accounts on its own initiative, at least twice per year. The Executive Committee shall be obliged to grant access to any document the Audit Board may wish to see, to show it the cash and bank and to give it sight of the organisation's books and records.



The Board shall not be empowered to remove any such documentation.

The Audit Board shall also be empowered to receive any complaint regarding the Executive Committee's financial administration.

The Audit Board is elected for a one-year term of office, on the understanding that the said period shall run until the next Ordinary General Meeting but may not be longer than eighteen months.

3. The Board may be relieved of its duties at any time by the General Meeting, but only if it appoints a fresh Board.
4. The Executive Committee is obliged to keep the documents referred to in paras 2 and 3 for a period of ten years.

## GENERAL MEETING

### ARTICLE 19

1. The General Meeting shall be the forum for all those entitled who have not joined the Executive Committee.
2. Each year, at the most three months after the end of the business year, a General Meeting - the annual general meeting - shall be convened.

It shall be validly convened by a written invitation sent by the Executive Committee to each member at least thirty days before the date of the meeting.

The invitation shall also be displayed on the notice-boards. The annual general meeting shall deal **inter alia** with the following:

- a. The accounts and discharge referred to in Article 17 with the report of the relevant committee.
  - b. The nomination of the board referred to in Article 18.
  - c. Filing of vacancies arising.
  - d. Introduction of the Executive Committee or the members, announced in the convocation for the meeting.
3. Other General Meetings shall be held as often as the Executive Committee deems desirable.
  4. The Executive Committee may also, where it considers it necessary, call an Extraordinary General Meeting on its own initiative. It is obliged to call one when it has received written requests from



at least ten of the members or a majority of the members employed in one of the divisions comprising the Maastricht UAC.

The Extraordinary General Meeting is validly convened by means of an invitation displayed on the notice-boards.

5. The tasks and functions of the General/Election Meeting shall include:

- ➔ Defining the guide-lines for Union policy.
- ➔ Voting the annual report, the exoneration of the whole EC is taken at the end of term at the Election meeting before the new election.
- ➔ Voting the Financial Report after hearing the Audit Board, the exoneration of the treasurer is to be taken every year.
- ➔ Determining the amount of the subscriptions.
- ➔ Voting motions addressed to the General Meeting.

## ACCESS AND VOTING RIGHT

### ARTICLE 20

1. All members of the organisation are entitled to attend the General Meeting. Members under suspension or Executive Committee members under suspension shall not be entitled to attend, save for the lodging of a complaint against expulsion or refusal as per Article 8.
2. The General Meeting shall decide as to the admission of persons other than those referred to in Para 1.
3. Every member of the General Meeting not under suspension shall have a vote. Executive Committee members not members of the organisation shall have an advisory vote.
4. Each member is only entitled to vote if she/he is no longer than 4 month behind with the membership fees.
5. New members have a voting right only if they are at least 1 month member and have paid up their fees.
6. Each member can make use of max. 2 proxy votes.
7. The voting rights should be determined by the president of the meeting.
8. At elections, the Non-Maastricht members shall vote on the 2 Non-Maastricht EC members. Maastricht members shall vote on the 11 Maastricht EC members.



## CHAIRMANSHIP - MINUTES

### ARTICLE 21

1. General Meetings shall be led by the president of the organisation or his deputy. Where the president and his deputy are both absent, one of the other members of the Executive Committee, to be selected by the Committee, shall serve as Chairman. Should no Chairman still be found, then the meeting shall fulfil the function itself.

The Election Meeting shall be led by a person elected by the meeting.

2. The secretary or another person appointed to the job by the Chairman shall keep a written record of the proceedings of each meeting; the Chairman and the person taking the notes shall draw up and sign the minutes. Those who call the Meeting can have a notarial record of the proceedings made.

The contents of the minutes or record are brought to the attention of the members.

## DECISION-MAKING OF THE GENERAL MEETING

### ARTICLE 22

1. The opinion, expressed by the Chairman to the General Meeting, that the Meeting has reached a decision is final. The same applies to the content of a decision taken, insofar as there is a vote on a proposal which has not been submitted in writing.

2. Where the correctness of any statement covered by Para 1 is disputed directly after it is made, then a fresh vote is held where the majority of the meeting, or, where the original vote was not taken by call or by writing, one person present entitled to vote so demands.

Under this procedure, the legal consequences of the original vote are nullified.

3. Unless the Rules or the law provide otherwise, all decisions in a General Meeting are taken by a simple majority of the votes cast by the members present.

4. Blank papers are considered as votes not cast.

5. Where in an election nobody succeeds in securing a complete majority, there shall be a second vote, or in the event of a binding proposal, a second vote between the proposed candidates.

Should there once again be no outright winner, there shall be a revote until one person secures the



relevant majority or else the vote is between two people and the votes are evenly divided.

In the case of such re-votes, not including the second vote, the choice is always between those persons voted for in the previous round, less the person scoring the fewest votes in the previous round.

If there are two people both scoring the fewest votes in the previous round, a draw is made to establish which of them shall be debarred from the next round.

Where there is a tie between two people, there shall be a draw to decide which one will be elected.

6. Where there is a tie in the vote but no election is involved, the proposal shall be rejected.
7. All voting is oral, except where the election of persons is concerned, when the procedure is a written one. Written votes, also in the case of voting for persons, take the form of unsigned, sealed envelopes, sometimes outside the meeting itself.

Decision-making by acclamation is possible, unless a member entitled to vote requests a vote by call.

8. A unanimous decision by all members, even those not attending the meeting, shall have the same force as a decision by the General Meeting, provided it is taken with the prior knowledge of the Executive Committee.
9. So long as all the members are present or represented at a General Meeting, decisions may validly be taken, provided the vote is general, on all subjects on the agenda - i.e. including a proposal for amendment to the Rules or for dissolution - even if no convocation has been issued or if it was not done in the prescribed manner or due account was not taken of some other provision and conduct of meetings or some associated formality.

## CONVOCAATION OF GENERAL MEETING

### ARTICLE 23

1. A General Meeting is convened by the Executive Committee. The convocation shall be in writing. It shall at the same time be posted on the notice-boards.  
The period for the convocation of the Annual General Meeting shall be at least thirty days.
2. The convocation shall give details of the matters to be discussed, notwithstanding the provisions of Article 24.



## AMENDMENT TO THE RULES

### ARTICLE 24

1. No amendment may be made to the Rules of the organisation other than by means of a decision by General Meeting, told when it was convened that there would be proposals for amendments to the Rules.
2. Those responsible for calling the General Meeting to consider an amendment to the Rules must notify the members of their proposed amendment in writing at least five days before the meeting, showing clearly the amendment proposed, in an appropriate place, where it must be left until after the end of the day of the meeting.  
Proposals for amendments to the Rules are considered only if submitted by the Executive Committee or at least thirty-five members.

The members shall submit proposals for amendment of the Rules to the Executive Committee; it will establish whether it can support the proposals.

3. A decision to amend the Rules shall require at least two thirds of the votes cast, at a meeting in which at least thirty percent of the members are present or represented.

Where there is not thirty percent of the members present or represented, then a second meeting shall be convened and held within four weeks; at this meeting, a decision can be taken on the proposal as it appeared on the original agenda, regardless of the number of members present or represented, provided that there is a majority of at least two thirds of vote cast.

4. An amendment to the Rules shall not come into force until a notarial deed has been drawn up. Every member of the Executive Committee shall be entitled to have the deed drawn up.

## ELECTIONS TO THE STATUTORY BODIES

### ARTICLE 25

1. All members who are up to date with their subscriptions are entitled to be elected to the Union's bodies.
2. Elections to the Executive Committee and the Audit Board are held at the General Meeting with due regard to the provisions set out below.
3. The elections shall be held at a place, date and time notified to all the members of the Union, and shall be supervised by the Executive Committee.
4. A Returning Board designated by the General Meeting shall count the votes cast.



## DECISION TO STRIKE

### ARTICLE 26

1. The Executive Committee may decide on strike action at the Maastricht Centre after written consultation with its members in the division(s) concerned. A ballot will be valid with minimum 50% return and if two thirds of the returns are in favour.
2. A strike / industrial action fund is created and maintained, in addition to the normal annual subscriptions in article 9:  
Each member is to contribute 100 Euros per annum **for the first five years, payable on 01/07 each year.**
3. Indemnity in case of strike / industrial action:
  - a. First 3 days are down to the individual loss.
  - b. 4 to 10 days: reimbursement of 50% basic salary of C2/I;
  - c. 10 to 15 days: reimbursement for 75% basic salary of c2/I;
  - d. More than 15 days: reimbursement of 85% of C2/I as long as the fund carries.
4. **The extra payment will be refunded to the individual members only in the event of ETS, pension (of any kind) or upon leaving the agency, provided the fund exists and is adequately funded. The sum will be paid without interest.**

## DISBANDMENT

### ARTICLE 27

1. Disbandment of the Union may be decided upon only by a majority of at least four fifths of all its members. The provisions of paras 1, 2 of Article 24 apply in the same way.
2. In the event of the Union being disbandment, the General Meeting, duly convened and acting by a simple majority, shall decide as to the use to be made of the assets belonging to the Union.
3. The Audit Board shall make a final audit of the financial administration, shall determine the amount of the assets and shall use them as decided by the General Meeting.
4. The credit balance remaining after settlement shall accrue to those who were members at the time of the decision to disband.



Each of them shall receive an equal share. When the decision to disband is taken, other arrangements may be preferred for the disposal of the credit balance.

## INTERNAL REGULATIONS

### ARTICLE 28

1. The General Meeting may draw up internal regulations.
2. The internal regulations may not be in contradiction to the law, even where they do not impose any binding right, or to the Rules.

