



Pursuant to Article 13 of the Associations Act (Croatian Official Gazette No. 74/14), Article 5 of the Technical Culture Act (Croatian Official Gazette No. 76/93, 11/94 and 38/09), at its meeting held on 4th October 2015 in Mecsek Haza, Orfű, Hungary, the General Assembly of the European Cave Rescue Association adopted this:

# **Constitution**

## **OF THE EUROPEAN CAVE RESCUE ASSOCIATION (ECRA)**



# Constitution of the European Cave Rescue Association (ECRA)

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## Constitution of the European Cave Rescue Association (ECRA)

### 1 GENERAL PROVISIONS.

This Constitution shall aim to establish by its provisions the name, seat and representation of the Association, the appearance of the logo and the stamp; the territory, purpose and goal of the activity; the method of ensuring public nature of Association's operations; conditions for and methods of admission of new members and termination of membership; rights, obligations, responsibilities and disciplinary responsibility of its members; the method of keeping of the members' register; the Association's bodies, their composition, the method of convening their meetings, voting, removal; competencies and decision-making; duration of mandate, the method of convening the General Assembly after the expiry of the mandate; the method of election and removal of the Association's liquidator; dissolution of the Association; assets, the method of creation and disposal of assets; the procedure relating to the distribution of assets in case of dissolution of the Association; methods of resolution of disputes and conflicts of interest, and all other important matters relating to the Purpose and the Goal of the Association.

#### 1.1 Logotype.

ECRA's logo is included in Annex A. The Logotype shall consist of an outer ring coloured in the European blue, containing 12 yellow stars from the European flag; the inner ring is yellow containing the text EUROPEAN CAVE RESCUE ASSOCIATION written in blue letters, the same colour as in the outer ring and the central circle whose foundation is also blue; inside there shall be a red cross which contains a white field with a simplified image of cave entrance with a stretcher and an injured person.

#### 1.2 Stamp.

ECRA shall have a Stamp (included in Annex A) which is similar to its Logo.

### 2 NAME / FOUNDATION

#### 2.1 Non-profit organization.

The European Cave Rescue Association ("ECRA") is a non-profit association of national cave rescue organizations and similar rescue organizations that are situated in Europe.

#### 2.2 Neutral organization.

ECRA shall be neutral in matters of religious and political belief and practices, but may ask government organisations and other organisations to adopt policies and laws that support caving and cave rescue.



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### 2.3 Competence.

ECRA is formed as an association under Croatian laws, and has its registered office in Croatia. The Registered Office of the Association is established at Zagreb, 22 Kozarceva Street or any other address to be approved by the General Assembly in a timely manner. In the event of a dispute, jurisdiction shall be exercised by the Court of Arbitration for Sport, based in Lausanne.

### 2.4 Terms.

The terms referring to caving and cave rescue used herein shall include terms referring to all forms of underground recreation and exploration including cave diving, exploration of abandoned mines, and the rescues associated with all these activities.

### 2.5 Official language.

The official language of ECRA shall be English.

### 2.6 Public nature of operation and publishing.

ECRA's operation shall be open to the public. ECRA shall publish timely and truthful information relating to all of its operations on its website ([www.caverescue.eu](http://www.caverescue.eu)), or anywhere pursuant to the decision of the General Assembly, as well as in the relevant public media as decided by the Committee. This may include newspapers. With a view to ensuring that the Association's operation is open to the public, ECRA shall guarantee the protection of identity and private information in accordance with the applicable law.

## 3 GOALS AND ACTIVITIES

ECRA shall pursue the following goals:

- Promote the exchange of knowledge and experience in the field of cave rescuing,
- Facilitate cooperation and support between members.
- Advance and improve cave rescue knowledge and the capabilities of member organizations.

In accordance with its goals, ECRA shall operate in the area of protection and rescue.

ECRA shall perform the following activities:

- Provide information and statistics on caving accidents.
- Exchange knowledge and experience of best practice in cave rescue between cave rescue organizations, caving organizations, manufacturers of caving equipment and other interested bodies.
- Conduct research with a view to improving the efficiency and effectiveness of cave rescue practice.



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### 4 MEMBERSHIP

#### 4.1 Full membership.

Full membership of ECRA shall be open to all organisations established in European countries in the following categories:

- 4.1.1. **National representatives** or operational cave rescue bodies (“National members”).
- 4.1.2. **Regional representatives** or operational cave rescue organisations (where there are no national level organisations) (“Regional members”).

#### 4.2 Associated membership

Associated membership shall be open to other European organisations with an interest in cave rescue (“Associated members”). Associated members shall have no right to vote at the General Assembly or to participate in the work of the Commissions.

#### 4.3 Observing membership

Observing membership of ECRA shall be open to cave rescue organisations from non-European countries (“Observing members”). Observing members shall have no right to vote at the General Assembly or to participate in the work of the Commissions.

#### 4.4 Individual members.

Individual membership of ECRA shall be open to cave rescuers from the European countries. Individual members shall have no right to vote at the General Assembly.

#### 4.5 Honorary members.

Any person of particular importance for ECRA may be nominated at the General Assembly for honorary membership. Honorary members shall have no right to vote at the General Assembly.

#### 4.6 Accession.

Admission into all categories of membership of ECRA shall be done by voting at the General Assembly, following the receipt of an application by the Secretary General and the submission of a report to the General Assembly by the Committee on the merits (or lack thereof) together with the application. The application for membership must be accepted at the General Assembly which has to vote in favour of admission.

#### 4.7 Rights, obligations and responsibilities.

All members shall have the right to actively participate in the work of ECRA and the General Assembly, and to nominate candidates for the Committee and Sub-Committees of ECRA in any manner considered appropriate. All members shall be expected to participate in the work of ECRA and to actively assist in achieving the Purpose and the Goals. However, the extent of such participation shall be dependent upon the Member and the topic in question. Full members may



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vote at the General Assembly, and nominate candidates for the Commissions and Sub-Commissions of ECRA, if they comply with the requirements.

### 4.8 Membership fee.

All members must pay their annual Membership fee within 28 days after its approval by the General Assembly in connection with the current year. If the Membership fee has not been received within 28 days, the Secretary General shall establish the reasons for such conduct and, unless there are exceptional reasons why the fee has not been paid, the Committee may suspend the member from taking any further part in the ECRA operations until the payment has been made. In the event the Membership fee has not been paid for two years, the Secretary General shall inform the General Assembly on the matter at its next meeting, and submit a motion for the expulsion of that Member from ECRA.

### 4.9 Termination of membership.

Any Member may terminate their membership with immediate effect by submitting their written notice of withdrawal from membership to the Secretary General; their membership shall cease immediately on delivery of such written notice.

### 4.10 Expulsion from ECRA.

The General Assembly may pursuant to the motion passed by two thirds of the votes expel any member from membership, provided the Member has been given 4 weeks' notice of the motion and has had the opportunity to address the General Assembly before the vote is taken.

### 4.11 The dispute or conflict of interest in the Association

The dispute or conflict of interest in the Association exists if it concerns the rights and interests of members of the Association that members can freely dispose of, affecting the work of the Association as a whole, or if it relates to questions of mutual interest to all members. In order to resolve the disputes/conflicts of interest, the Assembly shall appoint the Arbitration Council among the members of the Association. The composition of the Council, mandate, method of its decision-making shall be set out in the Rules of Procedure adopted by the Assembly. The work of the Arbitration Council shall be governed accordingly by the provisions of the Mediation Act.

The Arbitration Council's decision is final.

## 5 ORGANIZATION

### 5.1 ECRA bodies.

ECRA shall have the following bodies:

#### **5.1.1. General Assembly;**

#### **5.1.2. Committee**



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and

### 5.1.3. Supervisory Board

The Committee may from time to time appoint Sub-Committees or Commissions for purposes and for the duration the Committee shall specify.

## 5.2 Executive officers.

The executive officers of ECRA shall be the President, the Vice President, and the Secretary General.

## 5.3 General Assembly.

The General Assembly ("GA") shall consist of the full and regional members that shall have the right to vote, and associated, observing, individual and honorary members and members that shall have no right to vote. It is the highest body of ECRA.

## 5.4 Annual General Assembly.

The Annual General Assembly shall convene annually at the invitation of the Secretary General, but not more than 14 months may elapse between two annual meetings of the General Assembly. The Secretary General shall give at least two months written notice of the annual meeting of the General Assembly sent along with the Agenda to all members.

## 5.5 Notice convening the Annual General Assembly.

The Secretary General shall give at least three months written notice of the Annual General Assembly sent along with the Agenda to all members before the date of the meeting. Amendments to the Agenda may be submitted after its circulation and, with the permission of the Chairperson, during the meeting of the GA. In case of expiration of the mandate of ECRA's bodies, the Assembly shall be convened by the last person authorized to represent registered in the Register of Associations of the Republic of Croatia, or by at least three members registered in the list of members before expiration of the mandate of ECRA's bodies.

## 5.6 Agenda of the Annual General Assembly.

The Annual General Assembly shall include the following items of the Agenda, and may include also other items if those are proposed by a member or the Committee:

- receiving, considering and accepting or rejecting the annual report of the President, the annual financial statements, and the report of the auditors,
- considering the budget for the next fiscal year proposed by the Committee and setting the budget,
- deciding on any applications relating to the admission to membership and on any motions to expel members,
- appointing and removing of the members of the Committee and auditors (in years in which such an appointment should take place),





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- determining the Membership fee or the Fee rates for the coming year.
- any other items proposed by any member, of which the Secretary General was given a three months' notice (unless this time period is waived or shortened for any special reason).

### 5.7 Chairperson of the Annual General Assembly.

The Annual General Assembly shall be chaired by the current President of ECRA or in his absence by the Vice President. In the absence of both of the above officers, the person who last held the position of the Association's President, or if that person is absent, the person who last held the position of the Association's Vice President shall chair the meeting until the appointment of a new Chairperson.

### 5.8 Extraordinary General Assembly.

An Extraordinary meeting of the General Assembly ("EGA") shall be convened at the request of not less than one third of the total number of the voting members, and such request must be delivered to the Secretary General with a proposal for the agenda item to be considered. The Secretary General shall thereupon convene an EGA to meet not earlier than one month and no later than 2 months thereafter and, except in case of the permission of the Chairperson, the items considered during the EGA shall be limited to the items set out in the proposal for the Agenda (including any amendments proposed at the extraordinary meeting itself).

### 5.9 Electronic voting.

If the need arises to hold an electronic meeting, such meeting may be held upon sending an electronic invitation to the members not less than 2 weeks prior to the date set for the meeting. The decisions reached at the electronic meeting must be confirmed at the next regular meeting.

### 5.10 Committee.

The GA shall elect the Committee for a period of four years.

The Committee shall consist of the President, the Vice President, the Secretary General, and other ordinary members. No individual may serve on the Committee for more than 8 consecutive years. No more than 2 members of the Committee may come from the same country. The President and the Secretary must come from different countries.

All members of the Committee shall act in the interests of ECRA as a whole and shall not act, in their role as Committee members, as delegates or at the direction or under control of the member to which they belong nor of the country or region from which they come.

### 5.11 Remuneration of the Committee members.

The members of the Committee shall not be remunerated by ECRA.

### 5.12 Removal of the Committee members.

The Committee, or any member of it, may be removed from office by the GA if a motion has been adopted by two thirds of the votes cast, provided the Committee or the Committee member in



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question has or have been given four weeks' notice of the motion and has or have had the opportunity to address the GA before the vote is taken.

### 5.13 Committee Rules of Procedure.

Pursuant to this Constitution, the Committee may accept such Rules of Procedure on the basis of an arrangement made from time to time, as long as it is not contrary to the Goal and the Purpose.

### 5.14 President.

The President shall be responsible for steering and representing ECRA and shall chair all meetings of the GA and the Committee (if present) and shall represent ECRA. The President shall be responsible for regular conduct of business.

The President must provide the Annual General Assembly with a written report. This report shall include the accounts audit and summaries relating to the work conducted by the Committee, the Commissions, the Sub-Commissions and Working Groups.

### 5.15 Vice President.

The Vice President shall act as a deputy for the President in his or her absence, and assists the President with those tasks as the President may request. The Vice President shall represent ECRA. The Vice President may act as a signatory on behalf of ECRA in the circumstances allowed for by the Constitution of ECRA.

### 5.16 Secretary General.

The Secretary General shall be responsible for the orderly administration, keeping a register of members and for financial operations of ECRA. The Secretary General shall act as a signatory on behalf of ECRA. The Association shall keep an electronic register of members which shall contain the following data: the member's name (personal name), personal identification number, date of establishment (date of birth), date of admission to the Association, membership category, date of termination of membership.

### 5.17 Signatories.

Together with the Secretary, the President shall be authorised as legal signatory for ECRA, both signatures shall be required (except for day-to-day correspondence when only one signature shall be required). If one of these two signatories is not available, the Vice President may act as a signatory substituting one of them.

### 5.18 Sub-Committees, Commissions and Working Groups.

The Committee may establish Sub-Committees, Commissions and Working Groups with certain characteristics and for the purpose the Committee may deem necessary.

The annual report of the President to the GA shall summarise which of the above bodies have been established and shall report on their work.



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### 5.19 Auditors.

The General Assembly shall elect 2 auditors for a period of four years, who shall not be members of the Committee (nor have served as members of the Committee in the preceding two years).

The auditors shall examine the financial documentation of ECRA and report to the annual meeting of the General Assembly whether the accounts presented by the Committee give a true and fair view of ECRA's financial operations.

The auditors may also prepare other reports to be submitted to the General Assembly as they consider appropriate and in the interests of good governance of ECRA.

### 5.20 Removal of an Auditor.

The auditors, or either of them, may be removed from office by the General Assembly if a motion has been adopted by two thirds of the votes cast, provided the auditors in question have been given four (4) weeks' notice of the motion or have had the opportunity to address the General Assembly before the vote is taken.

## 6 QUORUM & VOTING

### 6.1 Quorum.

The quorum for a meeting of the General Assembly shall be half of the members of the General Assembly entitled to attend and vote either personally or by proxy, or by electronic means.

The quorum for a meeting of the Committee shall be half of the members of the General Assembly entitled to attend and vote either personally or by proxy, or by electronic means.

### 6.2 Voting.

Voting shall not be secret unless it refers to special matters for which the decision has been given or for which the Chairperson has issued an order that they must be voted on by secret ballot.

If a voting member appoints a proxy, it shall notify the Secretary General thereof, and submit the information on the identity of the member appointed as a proxy before the start of the meeting.

Motions amending this Constitution, expelling a member, removing the Committee or its member, or an auditor or auditors from office, shall only be adopted if two thirds of the votes cast are in favour. All other motions and appointments shall be decided by a simple majority, unless the voting ends in a tie in which case the Chairperson of the meeting shall exercise a casting vote.

### 6.3 Voting of national representatives.

At the General Assembly, full National members shall have two votes on any motion or appointment.



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### 6.4 Voting of regional representatives.

At the General Assembly and Extraordinary General Assembly, Regional members shall have one vote on any motion or appointment, unless there are more than two Regional members for one country; in that case the Regional members from this country cannot have more than two votes. Regional members shall mutually agree on the division of these two votes, and if no agreement can be reached between them, it shall be decided upon by the President.

### 6.5 Voting of other members.

Associated and observing members, as well as individual and honorary members shall have no voting rights.

### 6.6 Voting of executive officers.

The President and Vice President shall each have the right to one vote, but shall not have the right to vote at the General Assembly after the termination of their office nor when appointing the members of the Committee.

## 7 FINANCE.

ECRA shall be financed by an annual Membership fee, which shall be determined at the Annual General Assembly. The General Assembly may determine different rates for different categories of membership. The initial Membership fee at the date of founding shall be EUR 100 per member.

ECRA may also receive funds from sponsors, or through grants, endorsements, trading or other means provided those activities support the Goals and the Purpose.

Members' expenses relating to participation in the ECRA's operations shall be borne by the Member in question, except for any specific costs authorized by the General Assembly or bona fide expenditure incurred on ECRA's behalf by a member of the Committee which may be refunded at ECRA's discretion.

## 8 DISSOLUTION OF ECRA AND AMENDMENTS TO THE CONSTITUTION.

Except for in cases provided by law, ECRA may be dissolved and the Constitution may be amended only by the decision of the General Assembly. Such decision shall be adopted at the extraordinary meeting of the General Assembly. Such dissolution and amendments to the Constitution must be passed by a two-thirds vote in favour.

In case of its dissolution, and pursuant to the decision by the General Assembly, ECRA's assets shall be distributed to an association, institution or foundation whose goals are the same or similar.



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The liquidator elected by the General Assembly must represent ECRA in any liquidation procedure. The liquidator may be a natural or legal person, and need not be a member of ECRA. The liquidator shall be registered in the Register of Associations of the Republic of Croatia and shall represent ECRA until the liquidation procedure is closed and the Association erased from the Register of Associations.

**4th October 2015**

**General Assembly of ECRA, Mesceke Haza, Hungary**

**PRESIDENT OF ECRA**

**Prof. dr. Darko Bakšić**



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Annex A to the Constitution of ECRA

**ECRA Logo**



**ECRA Stamp**

