

Pursuant to Article 13 of the Association Act (Official Gazette No. 74/14), Article 5 of the Technical Act (Official Gazette Nos. 76/93, 11/94 and 38/09), Article 26 of the Act on Protection and Rescue (O.G. Nos. 174/04, 79/07, 38/09 and 127/10) and Articles 48 and 67 of the Environmental Act (O.G. Nos. 70/05 and 139/08) General Assembly of the European Cave Rescue Association, held on the 4th October 2015 in Mecsek Haza, Orfú, Hungary, has issued the following

EUROPEAN CAVE RESCUE ASSOCIATION (ECRA)

CONSTITUTION

This constitution regulates the conduct of the European Rescue Association within the Purposes set out below.

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1. **GENERAL PROVISIONS.** The purpose of this Statute is to regulate provisions on the name, location and representation; the appearance of the logo and seal; the goals and the corresponding areas of action, goal-oriented activities; on the manner of ensuring the public activity of the Association; on the conditions and manner of joining the Association, as well as the membership dissolution; on the rights, obligations, responsibilities and disciplinary responsibility of the members and on the manner of record-keeping of the members list, on the bodies of the Association, their composition and the manner of convening meetings, on the elections, the dissolution, the power and the manner of decision making and the duration of mandate and the manner of convening the meeting of General Assembly in case of the expiry of mandate; on elections and dissolution of the Liquidator of the Association; on the dissolution of the Association; on the property, the manner of gaining and distribution of property; on the property proceedings in case of the dissolution of the Association and on the manner of handling disputes and conflicts of interests within the Association, as well as on all other issues relevant to the ECRA.

1.1. **Logo.** The ECRA Logo is at Annex A. The logo consists of an outer ring coloured basic European blue with 12 yellow EU flag stars; an inner ring coloured basic yellow with the words EUROPEAN CAVE RESCUE ASSOCIATION printed in blue letters within the ring and an inner circle, whose base is blue, there is a red cross; inside the cross, in the white field, there is a simplified cave entrance, with stretcher inside it, together with the injured person.

1.2. **Seal.** ECRA has a Seal (at Annex A) which is identical to Logo.

2. NAME / INCORPORATION

- 2.1. **Nonprofitability.** The European Cave Rescue Association (“ECRA”) is a not for profit association of national cave rescue organizations and similar rescue organizations that are based in the continent of Europe.
- 2.2. **Neutrality.** The ECRA is to be neutral in matters of religious and political belief and practices, but may seek to persuade government organizations and others to adopt policies and laws supportive of cave rescue.
- 2.3. **Governing Law and Disputes.** ECRA is an incorporated association under Croatian law with its seat in Croatia. Its postal address shall be 10000 Zagreb, Croatia, 22 Kozarceva Street, or such other address as the General Assembly shall from time to time approve. In the event of a dispute, the Court of jurisdiction is the Court of Arbitration in Sport, Lausanne.
- 2.4. **Definitions.** In this constitution references to caving includes all forms of underground recreation and exploration and includes cave diving and the exploration of disused mine workings. Cave rescue is defined as any rescue associated with all such caving activities.
- 2.5. **Official Language.** The official language of ECRA is English.
- 2.6. **Transparency and Publications.** In fulfilling the Purposes ECRA will remain transparent. All activity in pursuit of the Purposes will be published in a timely and accurate manner via the ECRA website (www.caverescue.eu), or such site as is decided by the General Assembly, and appropriate public media as determined by the Committee. This may include a Newsletter. Whilst committed to transparency, ECRA will ensure that it is compliant with all relevant data protection laws in respect of personal and private data.

3. PURPOSES AND GOALS

ECRA exists for the following purposes:

- 3.1. to promote the exchange of knowledge and experience across all aspects of cave rescue,
- 3.2. to facilitate cooperation and support between members,
- 3.3. to advance and improve cave rescue knowledge and the capabilities of member organizations,

- 3.4. to provide information and statistics on cave rescue incidents,
- 3.5. to exchange knowledge and experience of best practice in cave rescue between cave rescue organizations, caving organizations, manufacturers of caving equipment and other interested bodies,
- 3.6. to conduct research with a view to improving the efficiency and effectiveness of cave rescue,
- 3.7. to conduct such ancillary activity as the ECRA shall think appropriate to better achieve these purposes.

4. MEMBERSHIP

- 4.1. **Full Membership.** Full Membership of ECRA is open to organizations established in European countries in the following categories:
 - 4.1.1. National representative or operational cave rescue bodies (“National Members”),
 - 4.1.2. Regional representative or operational cave rescue organisations (where there no national level organization) (“Regional members”).
- 4.2. **Associate Membership.** Associate Membership is open to other European organisations with an interest in cave rescue (“Associate Members”). Associate members may not vote at the General Assembly or sit on the Committee.
- 4.3. **Observer Membership.** Observer Membership of ECRA is open to cave rescue organisations from non-European countries (“Observer Members”). Observer members may not vote at the General Assembly or sit on the Committee.
- 4.4. **Individual Membership.** Individual membership of ECRA is open to cave rescuers from European countries. Individual members may not vote at the General Assembly.
- 4.5. **Honorary membership.** A person of special merit with regard to ECRA may be nominated as an honorary member by the General Assembly of delegates. Honorary members may not vote at the General Assembly.

- 4.6. **Admission.** Application to all classes of membership of ECRA is through submission to the Secretary General. The Committee will produce a report on the merits of the application. This report will be put before the General Assembly prior to voting. If there is an existing member of ECRA from the same country as the applicant the Committee shall consult such existing members about the application before reporting. Admission will be granted to applications approved at a vote of the General Assembly.
- 4.7. **Member Activity.** ECRA members are to be notified about the activity of ECRA via the meetings of the Association bodies and by participation in ECRA activities. All members have the right to actively participate in the work of ECRA and are expected to participate in the work of the ECRA and to actively assist in achieving the Purposes. The extent of such participation is however a matter for the Member concerned. Full members may vote in the General Assembly, and nominate candidates for the Committee and Sub-Committees of the ECRA as they see fit.
- 4.8. **Subscriptions.** All members must pay their annual subscription within 28 days after the General Assembly shall have approved it for the year. Where a subscription is still outstanding after 28 days the Secretary General shall enquire into the reasons and, unless there are exceptional reasons why the subscription has not been paid, the Committee may suspend the member from taking any further part in the affairs of the ECRA until it has been paid. Where two years subscriptions are outstanding the Secretary General shall report the circumstances to the next meeting of the General Assembly, with a motion for the expulsion of the Member concerned from the ECRA.
- 4.9. **Termination of Membership.** Any Member may terminate their membership with immediate effect by delivering their resignation in writing (to include electronic communications) to the Secretary General. Membership ceases immediately on receipt of that written resignation.
- 4.10. **Expulsion from ECRA.** The General Assembly may by a motion passed by two thirds of the votes cast 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 was taken.

5. ECRA STRUCTURE

5.1. **Constituent Bodies.** ECRA consists of

5.1.1. The General Assembly;

5.1.2. The Committee; and

5.1.3. Such sub-committees or commissions as the Committee shall, from time to time, appoint for such purposes and for such duration as the Committee shall specify.

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

5.3. **The General Assembly.** The General Assembly (“GA”) comprises the full and regional members as voting members, and associate, observer, individual and honorary members as non-voting members. It is the supreme authority of the ECRA.

5.4. **Annual Meeting of the General Assembly.** The General Assembly will convene annually at the invitation of the Secretary General. Not more than 14 months shall elapse between the 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 and the Agenda to all members.

5.5. **Motions for Annual Meeting.** Motions for office must be submitted in writing to the Secretary General no less than three months before the date of the annual meeting. Amendments to motions may be submitted after circulation of the agenda and, with the permission of the Chairman, may be made from the floor at the General Assembly.

5.6. **Agenda for Annual Meeting.** The annual meeting of the General Assembly will include the following items on the agenda, and may include other items if 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,
- Agreeing the budget for the next fiscal year proposed by the Committee,

- Deciding on any applications for admission for membership and any motions to expel members,
- Election of the Committee members and auditors (in years in which an election is due),
- Setting the Subscription or subscription rates for the coming year.
- Motions proposed by any member of which 3 months notice has been given to the Secretary General (unless the meeting waives or shortens this time limit in any particular case).

- 5.7. **Chair of Annual Meeting.** The annual meeting of the General Assembly will be chaired by the President of ECRA. In his absence the Vice President will act as chair. In the absence of both such officers the most recently serving President, or if none, most recently serving Vice President shall chair the meeting until it has appointed a Chair.
- 5.8. **Extraordinary meeting of the General Assembly.** An Extraordinary Meeting of the General Assembly (“EGA”) may be convened upon the request of a minimum of one third of the voting members delivered to the Secretary General specifying the business to be addressed. The Secretary General shall thereupon convene an EGA to meet not earlier than one month and no later than two months thereafter and, save with the permission of the Chairman of the meeting, the business of the EGA shall be limited to the business set out in the requisition (including any amendments proposed at the EGA itself).
- 5.9. **Electronic meeting.** If a need arises an electronic session can be conducted in which case not more than two weeks will be given to members for electronic response, and decisions reached by electronic means have to be confirmed on the first next ordinary meeting.
- 5.10. **The Committee.** The General Assembly elects the Committee for a period of four years.

The Committee consists of the President, Vice President, Secretary General, and other Ordinary Members. No individual may serve on the committee for more than 8 consecutive years. No more than two members of the Committee may be from the same country. The President and the Secretary General must be from different countries.

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

- 5.11. **Remuneration.** The members of the Committee are not to be paid by ECRA.
- 5.12. **Removal of Committee members.** Any member of the Committee may be removed from office by the General Assembly by a motion passed by two thirds of the votes cast provided the Committee member concerned has been given four (4) weeks notice of the motion and has had reasonable opportunity to make written or oral representations the General Assembly before the vote is taken.
- 5.13. **Committee Procedure.** The Committee may adopt such procedure as it may from time to time agree in so far as the procedures do not conflict with the Purposes.
- 5.14. **The President.** The President will represent ECRA in dealings with external bodies. The President is responsible for chairing all meetings of the General Assembly and the Committee. He is responsible for the normal conduct of business.

The President shall make a written report to the annual meeting of the General Assembly. This report shall include audited accounts and a summary of the activities of the Committee and sub-committees, commissions and working groups.

- 5.15. **The Vice President.** The Vice President deputizes for the President in his or her absence, and assists the President with such of the President's tasks as the President may request.

The Vice President may act as a signatory on behalf of ECRA in the circumstances allowed by the Constitution.

- 5.16. **The Secretary General.** The Secretary General is responsible for the proper administration, record keeping and financial affairs of the ECRA. The Secretary General acts as a signatory on behalf of the ECRA.
- 5.17. **Signatories.** Together with Secretary General the President is the authorised legal signatory for ECRA, both signatures being required (save that for routine correspondence only one signature is required). If one of these two signatories is not available the Vice President may act as a signatory in the place of one of them.

- 5.18. **Sub-Committees, Commissions and Working Groups.** The Committee may establish such Sub-Committees, Commissions and Working Groups with such terms of reference and for such purposes as the Committee may from time to time decide in order to further the Purposes.

The annual report of the President to the General Assembly shall summarise what such bodies have been established and report on their work.

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

The auditors shall inspect the financial records of ECRA and report to the annual meeting of the General Assembly as to whether the accounts presented by the Committee give a fair and reasonable view of ECRA's financial affairs.

The auditors may make such other report to the General Assembly as they think appropriate in the interests of good governance of ECRA.

- 5.20. **Removal of Auditors.** The auditors, or either of them, may be removed from office by the General Assembly at either the annual meeting or the an EGA by a motion passed by two thirds of the votes cast provided the auditor or auditors concerned has been given four (4) weeks notice of the motion and has had reasonable opportunity to make written or oral representations 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 by attending in person or by proxy or by electronic means.

The quorum for a meeting of the Committee shall be half the members of that committee entitled to attend and vote either by attending in person or by proxy or by electronic means.

- 6.2. **Voting.** Voting shall not be secret unless on any particular matter the meeting considering it resolves, or Chairman of it directs, that the voting on a motion or election shall be by secret ballot.

Where a voting member appoints a proxy it shall notify the Secretary General of the identity of the member appointed as a proxy before the commencement of the meeting.

Motions amending this constitution, expelling a member, removing the Committee or a member of it, or an auditor or auditors from office, shall only be deemed passed if two thirds of the votes cast are in favour. All other motions or elections shall be decided by a simple majority. In the event of a tie the Chairman of the meeting shall have a casting vote.

- 6.3. **National Member Votes.** At General Assembly meetings full National Members have two votes on any motion or election.
- 6.4. **Regional Member Votes.** At General Assembly and EGA meetings Regional Members have one vote on any motion or election, save that where there are more than 2 regional members from any one country no more than two votes may be cast by Regional members from the country. How those 2 votes shall be shared amongst the Regional Members from the same country shall be agreed between them, and in default of agreement shall be as decided by the President.
- 6.5. **Other Member Voting.** Associate, Observer, Individual and Honorary Members shall have no voting rights.
- 6.6. **Executive Voting.** The President and Vice President shall each have one vote save that they shall not be entitled to vote at the General Assembly at which they retire, nor in the election for members of the Committee.

7. FINANCE.

- 7.1. ECRA is to be financed by an annual subscription set at the annual meeting of the General Assembly. Different rates may be set by the General Assembly for different classes of membership. The initial subscription at the date of founding shall be 100 Euros per member.
- 7.2. ECRA may also raise funds by sponsorship, grants, endorsements, trading or other means provided such activity supports the Purposes.
- 7.3. Members' expenses in respect of participating in the affairs of ECRA shall be borne by the member concerned unless specifically authorized by the General Assembly. Bona fide expenditure incurred on ECRA's behalf by a member of the Committee may be refunded at ECRA's discretion.

8. DISSOLUTION OF THE ECRA & AMENDMENT OF CONSTITUTION.

- 8.1. Except where otherwise required by law, ECRA may be dissolved, or this Constitution amended, only at a meeting of the General Assembly. This may be an Extraordinary General Assembly meeting. Dissolution of ECRA or amendment to the Constitution requires the passing of a motion by two thirds of the votes cast.
- 8.2. A motion to dissolve the ECRA must state how any assets are to be disposed of, and such disposal must be made for purposes similar to the Purposes.
- 8.3. In any dissolution proceedings ECRA is to be represented by a Liquidator chosen by the General Assembly. The Liquidator may be a natural person or a legal entity and does not have to be a member of ECRA. The Liquidator must be registered at the Registry of Associations to represent ECRA until ECRA has been dissolved and erased from the Registry of Associations.

4th October 2015.

ECRA Annual General Meeting in Mesceck Haza, Hungary

Annex A to ECRA Constitution

ECRA Logo



ECRA Seal

