

## **Statutes of the CERN Staff Association**

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Entered into force on 1 June 2014

## **Note**

*For ease of reading, the following text is written in the masculine, but applies equally to men and women.*

# Table of contents

<b>Preamble</b>	<b>1</b>
<b>Title I – Staff Association</b>	<b>2</b>
Chapter I.1 Constitutions, aims and means	2
Article I.1.1 Constitution	2
Article I.1.2 Aims	2
Article I.1.3 Means	2
Article I.1.4 Languages	3
<b>Title II – Members</b>	<b>4</b>
Chapter II.1 Definition	4
Article II.1.1 Types of members	4
Article II.1.2 Membership	4
Article II.1.3 Rights, obligations and responsibility	4
Chapter II.2 Resignation, cancellation and exclusion	4
Article II.2.1 Resignation	4
Article II.2.2 Cancellation	4
Article II.2.3 Exclusion	5
Article II.2.4 Consequences	5
<b>Title III – Functioning</b>	<b>6</b>
Chapter III.1 Organs	6
Article III.1.1 Organs	6
Article III.1.2 Decisions by the organs	6
Chapter III.2 Finances	6
Article III.2.1 Resources	6
Article III.2.2 Subscription fees	6
Article III.2.3 Financial year	6
<b>Title IV – General Assembly</b>	<b>7</b>
Chapter IV.1 Definition and competence	7
Article IV.1.1 Definition	7
Article IV.1.2 Competence	7
Chapter IV.2 Sessions	7
Article IV.2.1 Ordinary sessions	7
Article IV.2.2 Extraordinary sessions	7
Article IV.2.3 Convocations and agendas	7
Article IV.2.4 Participation	8
Chapter IV.3 Procedures	8
Article IV.3.1 Chairmanship	8
Article IV.3.2 Debate proceedings	8
Article IV.3.3 Voting	8
Article IV.3.4 Examination of various matters	8
Article IV.3.5 Contesting decisions	8

<b>Title V – Staff Council</b>	<b>9</b>
Chapter V.1 Definition and competence	9
Article V.1.1 Definition	9
Article V.1.2 Competence	9
Chapter V.2 Staff delegates	10
Article V.2.1 Roles	10
Article V.2.2 Eligibility and mandate	10
Article V.2.3 Election	10
Article V.2.4 Transfer	10
Article V.2.5 Resignation	10
Article V.2.6 Cancellation	10
Article V.2.7 Dismissal	11
Article V.2.8 Replacement	11
Article V.2.9 Secretary-General	11
Chapter V.3 Delegates representing CERN pensioners	11
Article V.3.1 Election	11
Article V.3.2 Resignation, dismissal and replacement	11
Chapter V.4 Sessions	11
Article V.4.1 Ordinary sessions	11
Article V.4.2 Extraordinary sessions	11
Article V.4.3 Convocation	11
Article V.4.4 Minutes	12
Article V.4.5 Participation	12
Article V.4.6 Closed sessions	12
Chapter V.5 Procedures	12
Article V.5.1 Chairmanship	12
Article V.5.2 Voting	12
Article V.5.3 Voting by qualified majority	13
Article V.5.4 Participation in the votes	13
Article V.5.5 Quorum	13
Article V.5.6 Resolutions	13
Article V.5.7 Elections	14
Article V.5.8 Rules of the Staff Council	14
Chapter V.6 Commissions and Working Groups	14
Article V.6.1 Disputes Board	14
Article V.6.2 Other commissions and working groups	14
Article V.6.3 Reports	15
Chapter V.7 Experts and guests	15
Article V.7.1 Experts and guests	15
15	15
Article V.7.2 Participation in debates and votes	15

<b>Title VI – Executive Committee</b>	<b>16</b>
Chapter VI.1 Composition, competence and responsibility	16
Article VI.1.1 Composition	16
Article VI.1.2 Competence and responsibility	16
Chapter VI.2 Election and dismissal	17
Article VI.2.1 Election	17
Article VI.2.2 Dismissal	17
Chapter VI.3 Functioning	17
Article VI.3.1 Meetings and procedures	17
Article VI.3.2 Commissions and working groups	17
Article VI.3.3 Rules of the Executive Committee	17
<b>Title VII – Referendum</b>	<b>18</b>
Chapter VII.1 Ordinary referendum	18
Article VII.1.1 Subject matter and procedure	18
Chapter VII.2 Referendum on dissolution	18
Article VII.2.1 Subject matter and procedure	18
<b>Title VIII – Election Committee</b>	<b>19</b>
Chapter VIII.1 Definition and competence	19
Article VIII.1.1 Composition and election	19
Article VIII.1.2 Competence	19
<b>Title IX – Board of Auditors</b>	<b>20</b>
Chapter IX.1 Definition and competence	20
Article IX.1.1 Composition	20
Article IX.1.2 Competence	20
<b>Title X – Activities under the aegis of the Staff Association</b>	<b>21</b>
Chapter X.1 General points	21
Article X.1.1 Definition	21
Article X.1.2 Responsibility	21
Article X.1.3 Representatives	21
Chapter X.2 Nursery School	21
Article X.2.1 Definition	21
Article X.2.2 Steering Committee of the Nursery School	21
Chapter X.3 Clubs	21
Article X.3.1 Definition	21
Article X.3.2 Clubs Coordinating Committee	22
<b>Title XI – Amendment of the Statutes and dissolution of the Staff Association</b>	<b>23</b>
Chapter XI.1 Amendment of the Statutes	23
Article XI.1.1 Initiative	23
Article XI.1.2 Procedure	23
Chapter XI.2 Dissolution of the Staff Association	23
Article XI.2.1 Procedure	23
<b>Title XII – Entry into force and provisional measures</b>	<b>24</b>
Chapter XII.1 Entry into force	24
Article XII.1.1 Statutes	24
Article XII.1.2 Other texts	24



## **Preamble**

The Staff of the European Organization for Nuclear Research (CERN),

Considering, as founders of the relevant law for both the CERN staff and its Staff Association, the following texts:

- the Convention on the Freedom of Association and the Protection of the Right to Association (No. 87, 1948), the Convention on the Right to be Organized and Collective Negotiation (no. 98, 1949) and the Convention on Working Relations in the Civil Service (No. 151, 1978), adopted by the International Labour Organization;
- the Universal Declaration of Human Rights (1948), proclaimed by the United Nations;
- the Convention on the Protection of Human Rights and Fundamental Freedom (1950) and its additional Protocols, proclaimed by the Council of Europe;
- the revised European Social Charter (1996), proclaimed by the Council of Europe;
- the New York Declaration on the Independence and Rights of International Civil Servants (1995);

**Considering**, as founders of the legal framework of the Staff Association, the following texts:

- the Establishment Agreement of the European Organization for the Nuclear Research (CERN) of 1<sup>st</sup> July 1953, amended on 17 January 1971;
- the Staff Rules and Regulations of the European Organization for Nuclear Research;
- the Rules and Regulations of the CERN Pension Fund;
- the Headquarters Agreement between the Swiss Confederation and CERN of 11 June 1955 and the Statutory Agreement between the French Republic and CERN of 13 September 1965, revised on 16 June 1972;

**adopted** the following Statutes of the CERN Staff Association at the ordinary General Assembly on 22 May 2014.

# **Title I — Staff Association**

## **Chapter I.1      Constitution, aims and means**

### **Article I.1.1      Constitution**

<sup>1</sup> A professional organization is hereby constituted, to be known as the

#### **CERN Staff Association**

(hereinafter referred to as the “Association”) persuant to the CERN Staff Rules and Regulations and the Rules of the CERN Pension Fund.

<sup>2</sup> The Association shall be independent of any structures and shall have no political, ideological or religious allegiance.

<sup>3</sup> Subject to the provisions concerning its dissolution, the Association shall be established for an indefinite period of time.

<sup>4</sup> The Association’s headquarters shall be at CERN, Meyrin.

### **Article I.1.2      Aims**

The aims of the Association shall be the following:

- (a) To serve and defend the economic, social, professional and moral interests of its members and all CERN staff, with particular reference to the observance of the Staff Rules and all the statutory texts arising therefrom, as well as the improvement of employment, working, safety and welfare conditions in the widest possible sense.
- (b) To protect the rights and defend the interests of the families of the CERN staff and those of the beneficiaries of the CERN Pension Fund.
- (c) To promote good relations between CERN staff members and other employees working on site.
- (d) To contribute, along with the Council of the Organization and the Director-General, to the seeking and implementation of means of ensuring that the mission of the Organization, as set out in the Establishment Agreement, is carried out.
- (e) To strengthen the links between the nationals of the countries represented in the Organization.
- (f) To promote good relations with the local population, among whom the staff members and their families are living.

### **Article I.1.3      Means**

These aims shall be pursued, inter alia, by the following means:

- (a) Concertation and collective negotiation of the working and employment conditions of the CERN staff.
- (b) Participation in the drawing up of statutory rules.
- (c) Collective and individual representation, training and information of its members and all CERN staff inside and outside the Organization.
- (d) Appointment of representatives and the proposal of candidates for elected office on the various committees on which the staff is represented and to which it has access.
- (e) Assistance in individual or collective disputes concerning employment, working and welfare conditions.

- (f) In the event of labour disputes, recourse to collective action, including concerted work stoppages.
- (g) Maintaining of relations and cooperation with groups having a similar purpose, established within other International Organizations or in CERN Member States or those States with which it has relations and, where appropriate, affiliation to such groups.
- (h) Establishment, within the Association, of a “Groupement des anciens du CERN – ESO Pensioners’ Association” (hereafter GAC-EPA) to which the beneficiaries of the CERN Pension Fund, former CERN staff members and eligible former CERN staff members.
- (i) Establishment, within the Association or under its aegis, of cultural, humanitarian, sports and recreation clubs.
- (j) Establishment of non-profit-making undertakings for the purpose of obtaining material or social benefits for its members.

#### **Article I.1.4      Languages**

The official languages of the Association shall be English and French. In the case of doubt concerning the interpretation of these Statutes, the original text, established in French, shall be deemed authentic.

## **Title II — Members**

### **Chapter II.1      Definition**

#### **Article II.1.1      Types of members**

The Association shall be composed of:

- ordinary members: employed members of the personnel of the Organization ;
- associated members: associated members of the personnel of the Organization ;
- retired members: members of the GAC-EPA, who are former CERN Staff Members.

#### **Article II.1.2      Membership**

To become a member of the Association, each person must declare his adherence to the aims of the Association and undertake to respect the Statutes.

#### **Article II.1.3      Rights, obligations and responsibility**

<sup>1</sup> In accordance with the provisions of these Statutes, every member shall be entitled to contribute towards defining the policy of the Association and the composition of its organs.

<sup>2</sup> Every member may benefit from the assistance of the Association in matters concerning the application of the Staff Rules and the statutory texts arising therefrom.

<sup>3</sup> Every member shall contribute to the attainment of the aims of the Association.

<sup>4</sup> Every ordinary or associated member of the Association shall pay an annual subscription. Retired members shall pay a collective subscription via the GAC-EPA.

<sup>5</sup> The Association is liable for its own undertakings only. Any personal liability of its members is excluded.

## **Chapter II.2      Resignation, cancellation and exclusion**

### **Article II.2.1      Resignation**

The quality as an ordinary or associated member shall cease upon written notification of resignation addressed to the President of the Association.

### **Article II.2.2      Cancellation**

<sup>1</sup> The quality as an ordinary or associated member shall be cancelled:

- (i) for non-payment of the subscription by 30 April of the current year, except for the year in which he became a member or following a decision to the contrary by the Executive Committee for exceptional reasons;
- (ii) through the loss of status as a CERN staff member (when this loss is the result of an administrative decision which may be contested via an internal appeal or through the Administrative Tribunal of the International Labour Office, cancellation is suspended until all means of appeal against the administrative decision concerned are exhausted and the person concerned remains a member of the Association of right until that time).

<sup>2</sup> The quality as a retired member shall be cancelled if he loses his status as member of the GAC-EPA.

### **Article II.2.3      Exclusion**

<sup>1</sup> The exclusion of an ordinary or associated member may be decided by the Staff Council by qualified majority vote, on the request of the Executive Committee, for conduct prejudicial to the Association's interests. Before taking such a decision, the Staff Council shall seek the advice of the Disputes Board.

<sup>2</sup> The person concerned may appeal to the General Assembly at its next session, which, after having heard the person concerned, shall take its decision by a majority of two-thirds of the members present, the matter having been explicitly entered on the agenda. This appeal shall not suspend the decision concerned.

<sup>3</sup> Any excluded member may be readmitted by the Staff Council on a proposal by the Executive Committee.

### **Article II.2.4      Consequences**

No one who has lost the quality as member may claim reimbursement of the subscription paid, nor claim any rights to the Association's assets.

## **Title III — Functioning**

### **Chapter III.1    Organs**

#### **Article III.1.1    Organs**

The organs of the Association shall be:

- (a) the General Assembly;
- (b) the Staff Council;
- (c) the Executive Committee;
- (d) the Election Committee;
- (e) the Board of Auditors;
- (f) the Disputes Board.

#### **Article III.1.2    Decisions of the organs**

<sup>1</sup> Decisions taken by any of the organs shall have mandatory effect for all its members and shall commit them collectively.

<sup>2</sup> The decisions of the Assembly shall have mandatory effect for the Staff Council, and those of the Staff Council for the Executive Committee.

### **Chapter III.2    Finances**

#### **Article III.2.1    Resources**

The financial resources of the Association shall arise primarily from its members' annual subscription. The Association may accept donations, gifts or subsidies, as long as the conditions for these are compatible with the aims of CERN and of the Association. The Association may also, if necessary, apply for loans.

#### **Article III.2.2    Subscriptions**

<sup>1</sup> Ordinary and associated members shall pay an annual subscription defined by the ordinary General Assembly, on the proposal of Staff Council.

<sup>2</sup> Retired members shall pay a collective subscription via the GAC-EPA whose amount is determined by the ordinary General Assembly, on the proposal of Staff Council.

<sup>5</sup> Subscriptions paid to the Association are non-refundable.

#### **Article III.2.3    Financial year**

The financial year shall begin on 1 January and end on 31 December of each year.

## **Title IV — General Assembly**

### **Chapter IV.1 Definition and competence**

#### **Article IV.1.1 Definition**

The General Assembly shall be the supreme organ of the Staff Association.

#### **Article IV.1.2 Competence**

<sup>1</sup> The General Assembly in ordinary session shall be competent, in particular, to:

- (i) discuss and approve the activity report and financial report prepared and presented by the outgoing Executive Committee in January;
- (ii) ratify any amendments to the Statutes adopted by the Staff Council;
- (iii) set out the bases of the general action of the Association and perform any other duties compatible with these Statutes;
- (iv) approve, after any amendments, the subscription rates and the budget recommended by the Staff Council.

Its competence shall also extend to all other items proposed by the Staff Council, as well as those proposed in writing by members of the Association, according to the provisions in the current Statutes.<sup>2</sup> The General Assembly in extraordinary session shall be competent for matters for which it has been held.

### **Chapter IV.2 Sessions**

#### **Article IV.2.1 Ordinary sessions**

An ordinary session of the General Assembly shall be called by the Staff Council, during the first semester of each civil year.

#### **Article IV.2.2 Extraordinary sessions**

An extraordinary session of the General Assembly shall be called by the General Assembly on its own authority or upon the written request of at least 10% of the members of the Association, presented to the President of the Association, specifying the subjects submitted to the General Assembly. In the latter case, an extraordinary session shall be held within 14 days of the receipt of the request.

#### **Article IV.2.3 Convocations and agendas**

<sup>1</sup> The convening and agenda of the ordinary sessions of the General Assembly proposed by the Staff Council shall be published at least 30 and 10 days, respectively, before the date of the session.

<sup>2</sup> The agenda of each ordinary session of the General Assembly shall include at least the following items:

- (i) adoption of the agenda;
- (ii) presentation and approval of the minutes of the preceding Ordinary General Assembly;
- (iii) presentation and approval of the activities report prepared by the Executive Committee of the preceding year;
- (iv) presentation and approval of the financial report prepared by the Executive Committee of the preceding year;
- (v) presentation and approval of the auditors' report for the accounts of the preceding year;
- (vi) presentation and approval of the subscription rates and the budget recommended by the Staff Council.

<sup>3</sup> The agenda of each ordinary session of the General Assembly shall also include items which are the subject of a written request of at least 20 members of the Staff Association, presented to the President at least 20 days before the session.

<sup>4</sup> The convocation and the agenda of extraordinary sessions of the General Assembly shall be published at least five working days before the session. In cases deemed urgent by the Staff Council, this time limit may be reduced.

<sup>5</sup> The agenda of the extraordinary sessions of the General Assemblies shall include all items proposed by the Staff Council and, if need be, all items proposed by those members wishing to call a General Assembly.

#### **Article IV.2.4      Participation**

Any member of the Staff Association may attend the General Assembly.

### **Chapter IV.3    Procedures**

#### **Article IV.3.1      Chairmanship**

<sup>1</sup> The ordinary General Assembly shall be chaired by a member of the Staff Council appointed by the Staff Council.

<sup>2</sup> The extraordinary General Assembly shall be chaired by the President of the Association or by one of the Vice-Presidents.

#### **Article IV.3.2      Debate proceedings**

Subject to the provisions of these Statutes, the debates shall proceed in conformity with the Rules of the General Assembly, adopted by it.

#### **Article IV.3.3      Voting**

<sup>1</sup> The General Assembly shall be sovereign, except for when it concerns a possible dissolution of the Association). Its decisions shall be taken by a majority of the voting ordinary members present, unless otherwise stipulated in these Statutes. Members who abstain from voting shall be considered as non-voters.

<sup>2</sup> Only ordinary members shall participate in the votes.

<sup>3</sup> In areas which, according the CERN Staff Rules and Regulations, are also of interest to associated members and/or pensioners, the said members shall also have the right to vote. It is the role of the session chairman, under the supervision of the General Assembly, to apply this provision.

#### **Article IV.3.4      Examination of various matters**

Members may, after covering all items on the agenda and with the consent of the General Assembly, bring up other matters, however only decisions concerning items on the agenda may be taken. The General Assembly may, nevertheless, ask the Staff Council to examine any matter which it deems necessary.

#### **Article IV.3.5      Contesting decisions**

<sup>1</sup> Any decision by the General Assembly may be contested by referendum if, within a period of two weeks, at least 10% of ordinary members of the Association or at least 50% of Staff Council delegates sign the text that they ask to put to a referendum.

<sup>2</sup> The contested decision shall then be put to a referendum in accordance with the provisions of these Statutes.

## **Title V — Staff Council**

### **Chapter V.1 Definition and competence**

#### **Article V.1.1 Definition**

<sup>1</sup> The Staff Council shall be the supreme representative body of the CERN staff and pensioners.

<sup>2</sup> The Staff Council shall be composed of staff delegates who represent ordinary and associated members and retired delegates who represent retired members, as follows:

- 45 seats for delegates representing staff members;
- 5 seats for delegates representing other members of the personnel;
- 7 seats for delegates representing pensioners.

#### **Article V.1.2 Competence**

The Staff Council shall be competent, in particular, to:

- (a) Determine the broad lines of the Association's policy;
- (b) Supervise its implementation by the Executive Committee;
- (c) Elect the Executive Committee;
- (d) Take note of the modified composition of the Executive Committee;
- (e) Adopt the modifications of the current Statutes, before their ratification by the General Assembly;
- (f) Call an ordinary or extraordinary General Assembly (in particular, decide on the place, date and time of the sessions and draw up a draft agenda);
- (g) On the proposal of the Executive Committee: Recommend the budget of the Association and the subscription rates of its members;
- (h) On the proposal of the Executive Committee: Approve loans;
- (i) Put to a referendum a decision by the General Assembly or any matter of general interest to the staff;
- (j) Adopt its own Rules;
- (k) On the proposal of the Executive Committee: Appoint staff representatives to bodies in which such representation is foreseen;
- (l) On the proposal of the Executive Committee: appoint Association representatives in each Department;
- (m) Set up commissions and working groups;
- (n) On the request of the Executive Committee: exclude a member of the Association;
- (o) On the request of the Executive Committee, readmit a member of the Association;
- (p) Take note of the resignation, dismissal and replacement of staff delegates;
- (q) Take note of the resignation, dismissal and replacement of retired delegates;
- (r) Decide on the establishing of relations or cooperation with external groups;
- (s) Decide on the affiliation of the Association to international civil servant federations;
- (t) Appoint temporarily one or more experts or invite one or more guests.

### **Chapter V.2 Staff delegates**

#### **Article V.2.1 Roles**

The roles of the staff delegates shall be, in particular, to:

- (a) inform staff members; provide first level assistance and advice to staff members;
- (b) inform the Staff Council of situations and events which are important to the Association;

- (c) maintain permanent contact with the Executive Committee;
- (d) contribute to the Annual Report of the Association.

#### **Article V.2.2      Eligibility and mandate**

<sup>1</sup> Any ordinary or associated member, except for polling officers and auditors, shall be eligible for election as a staff delegate.

<sup>2</sup> The mandate of staff delegates shall be two years.

<sup>3</sup> Staff delegates shall be eligible for reelection.

#### **Article V.2.3      Election**

<sup>1</sup> Staff delegates representing staff members shall be elected by members of the Association of the electoral college to which they belong, in accordance with the Rules for Election ruled by the Staff Council.

<sup>2</sup> The distribution of seats to be filled shall be determined in accordance with the Rules for Election. This distribution must guarantee a fair representation between the different organic units and categories of staff.

<sup>3</sup> Elections shall be held every two years during the fourth quarter of odd-numbered years leading to a renewal of all seats.

<sup>4</sup> Staff delegates representing non staff members shall be elected in accordance with the Rules for Election ruled by the Staff Council.

#### **Article V.2.4      Transfer**

Should a staff delegate change electoral college, he shall remain in office until the end of his mandate.

#### **Article V.2.5      Resignation**

A staff delegate wishing to resign shall send a letter to that effect to the President of the Association, who shall inform the Staff Council at its next ordinary meeting.

#### **Article V.2.6      Cancellation**

A staff delegate who ceases to fulfill the conditions of ordinary or associated member of the Association shall immediately have his status as staff delegate cancelled.

#### **Article V.2.7      Dismissal**

A staff delegate may be dismissed by the staff members of the electoral college to which he belongs. To be admissible, a request for dismissal must be signed by at least two-thirds of the members of the electoral college of that delegate. The request for dismissal must be sent to the President of the Association who shall check its admissibility and validity, before informing the Staff Council at its next ordinary meeting. The dismissal of a staff delegate shall become effective when the Staff Council takes note of it.

#### **Article V.2.8      Replacement**

<sup>1</sup> Should a staff delegate resign, have his status cancelled or be dismissed the Staff Council may decide to hold a by-election in his electoral college to replace him.

<sup>2</sup> The replacement staff delegate shall terminate the mandate of the staff delegate he replaces.

## **Chapter V.3 Delegates representing CERN Pensioners**

### **Article V.3.1 Election**

Delegates representing CERN pensioners shall be elected following elections held according to the provisions ruled by the GAC-EPA.

### **Article V.3.2 Resignation, dismissal and replacement**

<sup>1</sup> The resignation, cancellation, dismissal and replacement of delegates representing CERN pensioners shall be governed by the corresponding provisions ruled by the GAC-EPA.

<sup>2</sup> The resignation, cancellation, dismissal and replacement of delegates representing CERN Pensioners shall become effective when the Staff Council officially takes note of it, following notification given by the President of the GAC-EPA to the President of the Association.

## **Chapter V.4 Sessions**

### **Article V.4.1 Ordinary sessions**

The Staff Council shall hold an ordinary session at least once every three months and whenever the Executive Committee deems it necessary.

### **Article V.4.2 Extraordinary sessions**

<sup>1</sup> The Staff Council shall hold an extraordinary session on the written request of at least five staff delegates and/or delegates representing CERN pensioners. This request, communicated to the President of the Association, shall specify the subjects to be put on the agenda.

<sup>2</sup> During extraordinary sessions, the Staff Council shall only deal with the subjects for which it has been called.

### **Article V.4.3 Convocation**

The Executive Committee shall convocate the Staff Council. The convocations addressed to each staff delegate and delegate representing CERN pensioners shall also be made known to the members of the Association through its publication in the Staff Association bulletin.

#### **Article V.4.4 Minutes**

<sup>1</sup> To keep track of the work of the members of the Association, the Staff Council shall keep minutes of its meetings<sup>1</sup>.

<sup>2</sup> After their approval by the Staff Council, the minutes shall become public and any member of the Association may make a request to the Association's secretariat to consult them.

#### **Article V.4.5 Participation**

Any member of the Association may attend the sessions of the Staff Council.

#### **Article V.4.6 Closed sessions**

<sup>1</sup> On the proposal of the Executive Committee or a staff delegate, the Staff Council may decide by a vote to hold a closed session to deliberate a specific subject.

<sup>2</sup> During closed sessions, only staff delegates, delegates representing pensioners and the minute-writer are allowed in the room.

<sup>3</sup> Before the debates are reopened to the public, the Staff Council shall decide whether and in what manner its closed session debates will appear in the minutes.

<sup>4</sup> All participants in the closed sessions shall keep these sessions secret.

### **Chapter V.5 Procedures**

#### **Article V.5.1 Chairmanship**

<sup>1</sup> Each session of Staff Council shall be chaired a session chairman elected at the beginning of each session from among the delegates present. The Staff Association President shall conduct the votes.

<sup>2</sup> It shall be the role of the chairman of the session, under the supervision of the Staff Council, to apply the provisions of these Statutes and the internal Rules of the Staff Council.

#### **Article V.5.2 Voting**

<sup>1</sup> The Staff Council shall take its decisions by vote. The votes shall be decided by a majority of the eligible delegates actually present and taking part in the vote, as long as this majority represents at least a quarter of the Staff Council delegates who are eligible to take part in this vote.

<sup>2</sup> Votes shall be cast by a raised hand.

<sup>3</sup> The Staff Council shall proceed to a second vote by calling over the names, if a delegate eligible to vote on the subject in question so requests and is supported by another delegate. In such an event, the list by name of the votes shall be annexed to the minutes of the session.

<sup>4</sup> On the request of a delegate eligible to vote on the subject in question, supported by another such delegate, the Staff Council may decide by vote to proceed to a secret ballot. In such an event, a vote by calling over names may not be requested.

<sup>5</sup> In any event, the session chairman shall take note of the result of the vote and have it recorded in the minutes.

<sup>6</sup> Electronic voting shall be possible outside Staff Council sessions, in accordance with the provisions specified in the Rules of the Staff Council. In such an event, the majority shall be determined in relation to the number of Staff Council delegates eligible to vote.

#### **Article V.5.3      Voting by qualified majority**

<sup>1</sup> The Staff Council shall take certain decisions by a qualified majority vote. The subjects submitted to this voting procedure shall be adopted when two-thirds of the delegates eligible to vote and actually present pronounce themselves in favour of their adoption.

<sup>2</sup> The following decisions shall be the subject of a qualified majority:

- (a) the exclusion of an ordinary or associated member of the Association;
- (b) the adoption of modifications to these Statutes, before their ratification by the General Assembly;
- (c) the dismissal of the Executive Committee;
- (d) the suspension or amendment of all or a part of the Rules of the Staff Council.

<sup>3</sup> Votes by qualified majority shall take place in the same way as other votes.

<sup>4</sup> Votes by qualified majority shall be announced in the convocation of the Staff Council and cannot, therefore, be instituted during the session.

#### **Article V.5.4      Participation in the votes**

<sup>1</sup> Staff delegates belonging to the electoral colleges of ordinary members shall participate in all votes.

<sup>2</sup> Staff delegates belonging to other electoral colleges shall participate in votes on matters which concern the members of their electoral college.

<sup>3</sup> Delegates representing CERN pensioners shall participate in votes on matters which concern retired members, in particular the CHIS or the Pension Fund.

#### **Article V.5.5      Quorum**

<sup>1</sup> For each vote, the quorum shall be composed of one third of the Staff Council delegates who are eligible to vote.

<sup>2</sup> The quorum shall be verified by the session chairman before each vote.

#### **Article V.5.6      Resolutions**

<sup>1</sup> A resolution shall be a declaration through which the Staff Council makes its position known. A proposal for a resolution may be introduced by one or more staff delegates or delegates representing CERN pensioners, or by the Executive Committee.

<sup>2</sup> A proposal for a resolution introduced by one or more staff delegates and/or delegates representing CERN pensioners must be sent, signed by its originators, to the President of the Association, who shall record it and pass it on to the Executive Committee. The proposal for a resolution shall then be put on the agenda of the first session of the Staff Council held at least 16 days after its receipt. The originators of a proposal for a resolution may withdraw it at any time.

<sup>3</sup> The Executive Committee shall put on the agenda any proposal for a resolution it wishes to introduce.

<sup>4</sup> Before the opening of the debates on the proposal for a resolution, one of its originators shall elaborate on it. At the closing of the debates, the Staff Council shall vote on the proposal for a resolution, unless it decides to send it back to the Executive Committee or to a commission for clarifications on its content or to modify it.

<sup>5</sup> The Executive Committee shall forward the resolution adopted by the Staff Council to the person to which it is addressed and/or notify the staff or public of it, depending on the individual case.

#### **Article V.5.7      Elections**

<sup>1</sup> Elections shall take place by secret ballot.

<sup>2</sup> The Staff Council shall elect the Executive Committee in accordance with the procedure laid down in the Rules of the Staff Council.

<sup>3</sup> The Staff Council shall elect or appoint according to the procedure laid down in the Rules of the Staff Council, normally from amongst its staff delegates or its delegates representing CERN pensioners, or possibly from amongst the members of the Association,

- representatives of the Association in all bodies foreseen by its own Statutes, by the Organization's Staff Rules and Regulations or set up by the Organization's Director-General and in which such a representation is foreseen;
- members of the commissions and working groups set up by it.

<sup>4</sup> The elections to be held by the Staff Council shall appear on the draft agenda attached to the convocation.

#### **Article V.5.8      Rules of the Staff Council**

Beyond the provisions of these Statutes, the functioning of the Staff Council shall be governed by the Rules adopted by it, in accordance with the provisions of these Statutes.

### **Chapter V.6    Commissions and Working Groups**

#### **Article V.6.1      Disputes Board**

<sup>1</sup> Each time a request for the exclusion of a member of the Association is submitted to the Staff Council or the Staff Council ascertains factors which may lead to the exclusion of a member of the Association, it shall set up a Disputes Board, which shall be responsible for studying the request, establishing the facts and delivering an opinion on it.

<sup>2</sup> The Disputes Board shall be composed of three staff delegates who are neither a member of the Department of the person concerned, nor of the Executive Committee.

<sup>3</sup> The Disputes Board shall put forward its opinion to the President of the Association within the 30 days following its formation. The President of the Association shall convey this opinion to the Staff Council at its first ordinary meeting following the delivery of the opinion.

#### **Article V.6.2      Other Commissions and Working Groups**

The Staff Council shall set up any Commissions and advisory working groups it deems necessary.

#### **Article V.6.4      Reports**

Commissions and working groups of the Staff Council shall submit an activities report to the President of the Association by 1st February of each year at the latest or when they disband. These reports shall be forwarded as soon as possible to the members of the Staff Council.

### **Chapter V.7    Experts and guests and correspondents**

#### **Article V.7.1      Experts and guests**

#### **Article V.7.2      Participation in debates and votes**

<sup>1</sup> On the invitation of the Chairman, experts and guests may speak during Staff Council discussions.

<sup>2</sup> Experts and guests correspondents shall not be eligible to vote.

## **Title VI — Executive Committee**

### **Chapter VI.1 Composition, competence and responsibility**

#### **Article VI.1.1 Composition**

<sup>1</sup> The Executive Committee shall comprise a minimum of nine members with as fair a representation of the electoral colleges of staff members as possible.

<sup>2</sup> The following statutory posts shall be filled by the members of the Executive Committee:

- President;
- Vice-President;
- Secretary;
- Treasurer.

<sup>3</sup> On the proposal of the President, the Executive Committee may, in accordance with the provisions in paragraphs 1 and 2 of this article, modify its composition, on condition that it informs the Staff Council. However, the resignation of the President shall lead to the resignation of the whole of the Executive Committee.

#### **Article VI.1.2 Competence and responsibility**

<sup>1</sup> The competence and responsibilities of the Executive Committee shall be, in particular, to:

- represent the staff in discussions, concertation and negotiation with the Director-General or his representatives and with the representatives of the Member States;
- inform the Director-General or his representatives and the representatives of the Member States of the opinions and wishes of staff members on all matters which concern the latter;
- organize the collection of Association subscription fees, receive any donations or subsidies given to the Association, take out loans decided by the Staff Council and ensure the management of these funds;
- distribute the necessary documents, in particular the agenda, to the members of the Staff Council in due time before each meeting of the latter;
- provide regular information to the members of the Association and to all staff members;
- represent the Association in similar groups set up within other international organizations or in the CERN Member States or who have relations with CERN;
- carry out the decisions taken by the Staff Council or the General Assembly;
- ensure that the Association runs smoothly and that the Statutes are respected;
- make proposals to the Staff Council and the General Assembly;
- carry out tasks and activities that are not assigned to another body.

<sup>2</sup> The Executive Committee shall be accountable to the Staff Council for its activities. It shall give a report of these at each meeting of the latter.

## **Chapter VI.2 Election and dismissal**

### **Article VI.2.1 Election**

<sup>1</sup> The Executive Committee shall be elected by the Staff Council from among its members holding the status of staff member after each election of staff delegates.

<sup>2</sup> The election of the Executive Committee shall be held in accordance with the provisions set out in the Rules of the Staff Council.

### **Article VI.2.2 Dismissal**

The Staff Council may dismiss the Executive Committee following a decision by a qualified majority vote and shall elect, during the same meeting, a new Executive Committee.

## **Chapter VI.3 Functioning**

### **Article VI.3.1 Meetings and procedures**

<sup>1</sup> The Executive Committee shall meet as often as necessary.

<sup>2</sup> The meetings of the Executive Committee shall be held in private, however the Executive Committee may invite observers.

<sup>3</sup> The Executive Committee shall endeavour to reach decisions on the basis of a consensus. Failing that, a vote shall be held. The majority of its members shall constitute a quorum for the purposes of a vote.

### **Article VI.3.2 Commissions and working groups**

If necessary, the Executive Committee may set up, on its own initiative, commissions and advisory working groups. It may invite other members of the Association or experts to participate in the work of these bodies.

### **Article VI.3.3 Rules of the Executive Committee**

The Executive Committee shall adopt its own rules in accordance with the provisions of these Statutes.

## **Title VII — Referendum**

### **Chapter VII.1 Ordinary referendum**

#### **Article VII.1.1 Subject matter and procedure**

<sup>1</sup> Besides the cases provided for in Article IV.3.5 of these Statutes, the Staff Council may decide to hold a referendum on all matters of general interest to the staff.

<sup>2</sup> Depending on the subject dealt with, the Staff Council shall decide which categories of staff members or which colleges of members of the Association shall take part in the referendum.

<sup>3</sup> The polling officers shall organize the referendum which shall be held either electronically or by sending in voting slips and by secret ballot. The Executive Committee shall communicate the text of the subjects for which the referendum is held.

<sup>4</sup> Five working days shall pass between the sending of the electronic mail opening the vote, accompanied by any necessary explanation, and the date by which they must be returned.

<sup>5</sup> The decision shall be taken by a simple majority of the votes sent, provided that their number is more than 15% of those eligible to vote in a referendum.

<sup>6</sup> If the number of votes sent is less than 15% of the number of those eligible to vote, the referendum shall be null and void.

### **Chapter VII.2 Referendum on dissolution**

#### **Article VII.2.1 Subject matter and procedure**

Contrary to the provisions above, only ordinary members of the Association may take part in a referendum that proposes the dissolution of the Association. This may only be adopted by a majority of two thirds, with a minimum number of votes sent at least equal to 30% of the number of ordinary members of the Association.

## **Title VIII — Election Committee**

### **Chapter VIII.1 Definition and competence**

#### **Article VIII.1.1 Composition and election**

<sup>1</sup> The ordinary General Assembly shall elect each year, from among the staff members of the Association, an election committee composed of at least one polling officer and one replacement.

<sup>2</sup> The polling officers may not stand for election to the Staff Council.

<sup>3</sup> The polling officers shall remain in office until the next ordinary General Assembly. They shall be eligible for reelection.

<sup>4</sup> The polling officers shall meet at the latest one week after the ordinary General Assembly to elect the Election Committee.

#### **Article VIII.1.2 Competence**

The tasks of the Election Committee shall be to:

- (a) organize the elections to the Staff Council, as well as any by-elections which may be necessary to replace a member of the Staff Council, in accordance with the Rules for Elections;
- (b) organize referendums.

## **Title IX — Board of Auditors**

### **Chapter IX.1 Definition and competence**

#### **Article IX.1.1 Composition**

<sup>1</sup> The ordinary Assembly shall elect each year, from among the staff members of the Association, a board of auditors composed of two members and one replacement.

<sup>2</sup> The mandate of an auditor may not run concurrently with that of a Staff Council member. It shall be renewable.

#### **Article IX.1.2 Competence**

The Board of Auditors shall audit the accounts of the Association closed by the treasurer on 31 December preceding the ordinary Assembly. It shall present at this Assembly a report on the accounts thus audited.

# **Title X – Activities under the aegis of the Association**

## **Chapter X.1 General points**

### **Article X.1.1 Definition**

<sup>1</sup> The activities run under the aegis of the Association shall have the support of the Association. This support may materialize in different ways, in particular:

- (a) having the use of CERN premises, in accordance with the procedures in force, in the name of the Association ;
- (b) having the use of CERN material, in accordance with the procedures in force, in the name of the Association;
- (c) publications in accordance with the provisions defined by the Association;
- (d) granting of subsidies, in accordance with the conditions approved by the Association;
- (e) an insurance premium paid by the Association for legal assistance that covers club activities.

<sup>2</sup> The Staff Council shall define the criteria and operating rules which must be respected by the bodies exercising or governing activities under the aegis of the Association.

<sup>3</sup> Activities exercised under the aegis of the Association shall be recognized as such following approval by the General Assembly (for those which entail the responsibility of the Association) or by the Staff Council (for those which do not entail the responsibility of the Association).

### **Article X.1.2 Responsibility**

Unless otherwise explicitly stipulated, the Association shall assume no responsibility, in particular in civil, criminal or financial matters, towards, for or on behalf of the bodies exercising or governing these activities.

### **Article X.1.3 Representatives**

To ensure the smooth-running of the activities run under the aegis of the Association, the Staff Council shall appoint, when it deems necessary and it is provided for in the provisions of the statutes or rules of the bodies concerned, Association representatives to the bodies exercising or governing these activities.

## **Chapter X.2 Nursery School**

### **Article X.2.1 Definition**

The aims and functioning of the Nursery School are set out in its Statutes.

### **Article X.2.2 Steering Committee of the Nursery School**

The Staff Council shall appoint Association representatives to the Steering Committee of the Nursery School, in accordance with the provisions set out in the Statutes of the Nursery School.

## **Chapter X.3 Clubs**

### **Article X.3.1 Definition**

<sup>1</sup> The clubs shall pursue essentially sports and sociocultural activities which contribute towards the improvement of non-professional relations between members of the Organization and the integration of these persons and their families into the area.

<sup>2</sup> The Staff Council, on the proposal of the Executive Committee, shall decide on the principles and rules of functioning of the clubs.

#### **Article X.3.2      Clubs Coordinating Committee**

<sup>1</sup> The Staff Council shall appoint Association representatives to the Clubs Coordinating Committee, who is responsible for:

- liaising between the clubs and the Staff Council;
- distributing the subsidies granted to the clubs by the Association and the Organization.

<sup>2</sup> The Staff Council, on the proposal of the Executive Committee, shall decide on the Rules of the Clubs Coordinating Committee, after consulting the latter.

# **Title XI — Amendment of the Statutes and dissolution of the Association**

## **Chapter XI.1 Amendment of the Statutes**

### **Article XI.1.1 Initiative**

The Staff Council may submit to the General Assembly proposals to amend the Statutes of the Association on its own initiative or on the written request of at least thirty (30) members of the Association. In the latter case, the Staff Council may only modify the proposal with the written consent of the members who have formulated it, however it shall present an official report to the members of the Association on the decision it considers should be taken.

### **Article XI.1.2 Procedure**

<sup>1</sup> Any proposal to amend the Statutes may be submitted to either a referendum, in accordance with the provisions under Title VII of these Statutes, or to a General Assembly.

<sup>2</sup> Any proposal submitted to a General Assembly must be displayed on the Association notice board, at least two weeks before the date of the General Assembly. The proposal must be communicated at the same time as the agenda.

<sup>3</sup> Proposals to amend the Statutes submitted to the Assembly may not be modified before being voted on, except in the following cases:

- when a new amendment has been officially proposed, in accordance with the provisions set out earlier in this Article;
- when the President of the Association accepts a motion to modify the proposal, after ascertaining that the modified text constitutes an amendment that is legally valid and respects the initial meaning of the proposal.

<sup>4</sup> Any modification to these Statutes submitted to the Assembly must be approved by a majority of two-thirds of the members present and participating in the vote. This provision shall apply equally to the modifications mentioned in the previous paragraph when these are the subject of a vote.

<sup>5</sup> Subject to the application of article VII 1.03 of the Staff Rules, an amendment to these Statutes shall come into force immediately after their approval by the General Assembly, or at a time fixed by any transitory provisions approved by the latter.

## **Chapter XI.2 Dissolution of the Association**

### **Article XI.2.1 Procedure**

The dissolution of the Association may be decided by a referendum only, in accordance with the provisions set out in Title VII. In the case of dissolution, the Staff Council shall appoint at least two commissioners to be responsible for the liquidation of the assets of the Association. The aforementioned liquidation shall be carried out in accordance with the decision taken by referendum or by an extraordinary General Assembly.

## **Title XII – Entry into force and provisional measures**

### **Chapter XII.1 Entry into force**

#### **Article XII.1.1 Statutes**

These Statutes shall enter into force on 1 June 2014.

#### **Article XII.1.2 Other texts**

The other texts (e.g. Rules for Elections, Rules of the Staff Council) shall enter into force after their adoption by the competent body or at a date fixed by the latter.