

# Constitution

## EKKPS – European Kune Kune Pig Society Verein zur Erhaltung von Kune Kune

### § 1 Name, chair and area of activity

The society is called:

“EKKPS – European Kune Kune Pig Society  
Verein zur Erhaltung von Kune Kune“

The society is based in Litzendorf 1, 3643 Maria Laach and extends its activities over the whole world.

### § 2 Purpose

The EKKPS will act as a non-profit making society and aims:

1. to encourage breeding and owning of Kune Kune pigs and promote their welfare
2. the international exchange of know-how to preserve the endangered pet-breed “Kune Kune”
3. to provide information on the health, care and breeding of Kune Kune
4. to establish and maintain a herdbook
5. keeping a register of breeders and owners
6. keeping a register of members

### § 3 Resources to achieve the society’s purpose

The society’s purpose shall be achieved by the non-material and material resources adduced in paragraph 1 and 2.

1. non-material resources shall be:
  - a. leading a homepage
  - b. leading a herdbook
  - c. publishing a yearbook
  - d. attending at exhibitions
  - e. organizing workshops
  - f. gregarious meetings
2. material resources shall be achieved by:
  - a. membership fees
  - b. fees for issuing pedigrees
  - c. earnings from events
  - d. donations
  - e. legacies and other devotions

### § 4 Types of membership

The members of the society are structured into regular, associate and honorary member.

1. Regular members are fully involved in the society's work.
2. Associate members promote the society's work mainly by the increased membership-fee.
3. Honorary members are appointed by the society due to special merits and are exempted from any membership-fees.

## **§ 5 Acquisition of the membership**

Members of the society can be natural persons as well as corporate bodies and legally responsible partnerships. The authorization of the EKKPS-membership-requests is decided by the officers of the society and can be denied without stating any reasons.

Until the society is established regular and associate members will be admitted preliminary by the founders of the society, in case of an already commissioned committee, by them. This kind of membership is only valid after establishing the society. If the officers will be commissioned after establishing the society, regular and associate members will be admitted (definitely) by the founders of the society. The appointment of honorary members will happen by a request at the annual general meeting.

## **§ 6 Termination of the membership**

1. The membership expires by death, in cases of corporate bodies and legally responsible partnerships by the lost of entity, by voluntary resignation and by exclusion.
2. The resignation can happen anytime, but it is required to inform the committee three month in advance in written form (Facebook or e-mail). The notice of resignation does not release from possible emerged costs. Partial costs of the annual membership-fee will not be refunded.
3. The officers can exclude a member, if he ignores the dun two times by setting an appropriate grace and is in arrears by paying the annual membership-fee longer than six month. The obligation for paying the due annual membership-fees remains unaffected.
4. The exclusion of a member can be decided by the committee of the society in case of crude infringement of other responsibilities of a member and ignoble manner.
5. The deprivation of the status of a honorary member can happen for the reasons mentioned in paragraph 4 by the annual general meeting by request of the committee of the society.

## **§ 7 Rights and responsibilities of the member**

1. Members are justifiable to attend at every event of the society and to use the facilities of the society.
2. Only associate and honorary members have the right to vote at the annual general meeting besides they have the right to vote and the eligibility.

3. Every member is justifiable to demand the surrendering of the constitution from the committee.
4. At least a tenth of members is allowed to demand a convention of the committee.
5. Every member, who has signed a written membership, has taken cognizance of the constitution, the breeding standards and the standards of keeping, breeding and transmission of Kune Kune.
6. Members should be informed about activities and finances of the society at every annual general meeting. If a tenth of the members demands this by giving reasons, the committee is obliged to inform the members concerned within three month anytime.
7. Members should be informed about the verified statement of account (rendering of account) by the committee.
8. Members are obliged to support the interests of the society passionately and to omit to do anything that harms the esteem and the purpose of the society. They have to follow the constitution and the decisions of the organs of the society. The regular and associate members are obliged to pay the entry-fee and the membership-fee settled by the general meeting punctually.

## § 8 Organs of the society

Organs of the society are the general meeting (§ 9 and § 10), the committee (§ 11 to § 13), the auditors (§ 14) and the arbitration tribunal (§ 15).

## § 9 General meeting

1. The general meeting is the “member-meeting” according to the act regulating clubs and associations 2002. A proper general meeting has to be held every 2 years.
2. An extraordinary general meeting has to be held in case of
  - a. decision made by the committee or the regular general meeting,
  - b. request by at least a tenth of the members,
  - c. demand by the auditor (§ 21 para. 5 first clause act regulating clubs and associations),
  - d. decision made by the auditor/s (§ 21 para. 5 second clause act regulating clubs and associations, § 11 para. 2 third clause this constitution),
  - e. decision made by a judicial ordered registrar (§ 11 para. 2 last clause this constitution) within three month.
3. All members have to be invited in a written way at least of four weeks before a regular as well as an extraordinary general meeting by Facebook or e-mail (the contact address given to the society by the member). The determining of the general meeting has to be done by indicating the agenda. The convention occurs by the committee (para. 1 and para. 2 lit. a – c), by the auditor/s (para. 2 lit. d) or by a judicial ordered registrar (para. 2 lit. e).

4. Requests on the agenda of the general meeting have to be submitted to the committee in a written way at least ten days before the appointment of the general meeting by means of Facebook or e-mail.
5. Valid decisions – excluded decisions about a request on a convention on an extraordinary general meeting – can only come to a conclusion by the agenda.
6. At a general meeting all members are justifiable to attend. Only to regular and honorary members is given the vote. Every member has one vote. It is allowed to transmit the right to vote to another member by a written authorization.
7. The general meeting has a quorum without considerations for the number of attendees.
8. As a general rule, the elections and the decision making in the general meeting occur with simple majority of valid votes given. Decisions, which should alter the constitution of the society or dissolve the society, require a qualified majority of two-thirds of valid votes given.
9. The chairman chairs the general meeting, if he is prevented chairs his deputy. If he is prevented too, chairs the longest-serving member of the board.

#### **§ 10 The area of activity of the general meeting**

The general meeting's area of activity is as follows:

1. Decisions making on an estimate.
2. Acceptance and permission of the report and the statement of account by integration of the auditor/s.
3. Election and relieving of members of the board and of the auditor/s.
4. Permission of legal transactions among the auditor/s and the society.
5. Discharge of the committee.
6. Determination of the amount of the entry-fee and of the membership-fees for regular and associate members.
7. Award and divestiture of the honorary membership.
8. Decisions making on the amendment of the constitution and on the voluntary dissolution of the society.
9. Discussion and decisions making on further topics of the agenda.
10. Alternation of the breeding standards.
11. Alternation of the standards for keeping, breeding and selling Kune Kune.

#### **§ 11 Committee**

1. The committee shall consist of six members – of chairman/-woman and deputy, secretary and deputy and treasurer and deputy. At least of chairman/-woman and treasurer.

2. The committee will be elected by the general meeting. The committee has the right to co-opt another eligible member instead of the committee itself, if an elected member leaves the committee. For that it is necessary to apply a belated approval in the next general meeting. If the committee is absent without any self-supplement due to cooptation forever or for an indefinite period, every auditor is obliged to convene an extraordinary general meeting to elect a new committee immediately. If also the auditors are incapable of acting, every regular member, who realizes the emergency, is obliged to apply for the order of a judicial curator, who has to convene an extraordinary general meeting, immediately.
3. The period of office is 4 years; reelection is possible. Every function in the committee has to be performed personally.
4. The committee is convened by the chairman/-woman, if he or she is unable to come by his or her deputy, in a written or verbal way. If also the chairman/-woman is unable to come, every other member of the committee is allowed to convene the committee.
5. The committee has a quorum if all its members were invited and if at least the half of them is present.
6. The committee reaches a decision at simple majority of votes; at tied vote the vote of the presiding tips the balance.
7. The presiding is chaired by the chairman/-woman, if he or she is unable to come by his or her deputy. If also his or her deputy is unable to come, the presiding is chaired by the oldest present member of the committee or by the member of the committee, who is determined by the majority of the other members of the committee.
8. The function as a member of the committee expires by death, passing of period of office (para. 3), removal from office (para. 9) and resignation (para. 10).
9. The general meeting is allowed to remove the full committee or single members of the committee from office every time. The removal of office comes into force at the order of a new committee respectively a new member of the committee.
10. The members of the committee are allowed to announce their resignation in a written way every time. The announcement of their resignation has to be addressed to the committee, if the full committee resigns to the general meeting. The resignation is valid by election respectively cooptation (para. 2) of its successor.

## § 12 The area of activity of the committee

It is the committee's responsibility to head of the society. The committee is the "leadership-organ" with the act regulating clubs and associations 2002 in mind. The committee is responsible for every task that is not allocated to any organ of the society. His area of activity to read as follows:

1. The organization of an accountancy that corresponds with the demands of the society, with current cash accounting and keeping the inventory of property as a minimum requirement
2. Drawing up an annual estimate, a statement of account and closing of accounts
3. Preparing and convening of the general meeting in case of § 9 para. 1 and para. 2 lit. a –c of this constitution
4. Information of the members about the society's area of activity, the society's conduct and the audited closing of accounts
5. Administration of the society's property
6. Admission and exclusion of regular and associate members of the society
7. Employing and quitting of employees of the society
8. Drawing up herdbook-rules
9. Election of the herdbook-leader
10. Maintaining a website
11. Publication of a yearbook
12. Maintaining a list of members, breeders and keepers.

### **§ 13 Special responsibilities of single members of the committee**

1. The chairman/-woman is responsible for the current business of the society. The secretary supports the chairman/-woman on conducting the business of the society.
2. The chairman/-woman represents the society in public. To valid written drafting signatures of the chairman/-woman and the secretary, when it comes to matters of money (asset disposals) of the chairman/-woman and the treasurer are in absolutely need. Legal transactions between members of the board and the society have to be approved by another member of the board.
3. Authorization with regard to legal transactions to represent the society in public resp. to sign in the society's name can only be granted by members of the board mentioned in para. 2.
4. In cases of danger ahead the chairman/-woman is justifiable, even in matters the general meeting or the committee is responsible for, to take independent orders at his or her own risk; in the internal relationship it is necessary to apply a belated permission of the responsible organ of the society.
5. The chairman/-woman chairs in the general meeting and in the board.
6. The secretary keeps the minutes in the general meeting and in the board.
7. The treasurer is responsible for the financial matters according to the rules.

8. In case of inability to come the deputies replace the chairman/-woman, the secretary and the treasurer.

#### **§ 14 Auditor**

1. An auditor is elected by the general meeting for the duration of 4 years. Reelection is possible. The auditor is not allowed to belong to any other organ – excluded the general meeting - , whose area of activity is subject of the audit.
2. The constant control of the business and the audit of the finances considering regularity of the rendering of account and use of funds according to the constitution are in the responsibility of the auditor. The committee is forced to present all necessary documents to the auditor and to give the necessary information. The auditor has to report the committee on the results of the audit.
3. Legal transactions between the auditor and the society have to be approved by the general meeting. As a matter of fact the regulations in § 11 para. 8 to 10 are valid for the auditors in general sense.

#### **§ 15 Arbitration tribunal**

1. The society-intern arbitration tribunal serves as mediator, if disputes among the society's ratio come up. It is an mediation-implementation in the sense of the act regulating clubs and associations 2002, but it is not and arbitration tribunal after § 577 ff ZPO.
2. The arbitration tribunal is composed of three members of the society. One disputant names one member to the committee in a written way to form an arbitration tribunal. Then the other disputant will be requested within seven days to name also one member within 14 days. After notification made by the committee, the two members of the arbitration tribunal elect a regular member as the chairman/-woman of the arbitration tribunal within the next 14 days. In case of tied vote it will be decided by drawing lots out of the proposed. The members of the arbitration tribunal are not allowed to follow any organ – except the general meeting - , whose area of activity is subject of the dispute.
3. The arbitration tribunal gives a ruling after granting full hearing in presence of all his members with simple majority of votes on both sides. It is decided to the best of everybody's belief. Society-intern it decides once and for all.

#### **§ 16 Voluntary dissolution of the society**

1. The voluntary dissolution of the society can only be decided in the general meeting with a two-thirds majority of the valid casted votes.
2. The general meeting has to decide about – in case of existing society assets – the conducting. Particularly it has to appoint a liquidator and to decide about to whom the society assets belong to. This asset has to go to an organization that has the same specific aim as this society, otherwise to purpose of public assistance.

**Unanimously agreed**

**Litzendorf, the 17<sup>th</sup> of may 2015**

**Gabriele Hawranek / chairwoman**

**Josefine Liebe / treasurer**

**Heidemarie Urani / treasurer deputy**

**Anna Sophie Hawranek / secretary**

**Simone Baumgartner / secretary deputy**

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