



# **National Statutes of the German Red Cross of March 20, 2009**

**as amended by resolution of an Ordinary Meeting of the National Assembly of  
November 28, 2014 and of an Extraordinary Meeting of the National Assembly of  
February 27, 2015 and of an Ordinary Meeting of the National Assembly of  
November 30, 2018**

## **Register of Associations Berlin-Charlottenburg VR 590 B**

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## Preamble

- (1) The “**Deutsches Rotes Kreuz e.V.**” is the National Society of the Red Cross on the territory of the Federal Republic of Germany. It is guided by the Fundamental Principles of Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality. Its idealistic basis is that of honorary service.

Together with the **International Committee of the Red Cross (ICRC)**, the International Federation of Red Cross and Red Crescent Societies and the other recognized national Red Cross and Red Crescent Societies, it is a component of the International Red Cross and Red Crescent Movement.

- (2) The mission of the **International Red Cross and Red Crescent Movement** is to prevent and alleviate human suffering wherever and whenever it may be found; to protect life and health and ensure respect for the dignity of each human being, in particular in times of armed conflict and other emergencies; to prevent disease and work for promotion of health and social welfare; to encourage voluntary service and a constant readiness of the members of the International Red Cross and Red Crescent Movement to give help; and to stimulate and strengthen a universal sense of solidarity towards all those in need of its protection and assistance.
- (3) The **ICRC** maintains and disseminates the Fundamental Principles of the International Red Cross and Red Crescent Movement. It recognizes newly established or reconstituted National Societies and notifies of such recognition. It works for the faithful application of the international humanitarian law applicable in armed conflicts. It works for the understanding and dissemination of knowledge of the international humanitarian law applicable in armed conflicts and prepares any development thereof. It ensures the operation of the Central Tracing Agency as provided in the Geneva Conventions. It maintains close contact with the National Societies and the International Federation, with which it cooperates in agreement with them in matters of common concern.
- (4) The **International Federation of Red Cross and Red Crescent Societies** promotes the humanitarian activities of the National Societies, with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and the promotion of peace in the world. The International Federation acts in particular as a permanent body of liaison, coordination and study between the National Societies and gives them any assistance they might request. It supports the ICRC in the promotion and development of international humanitarian law and collaborates with it in the dissemination of this law and of the Fundamental Principles of the Movement among the National Societies. In addition, it is the official representative of the member Societies in the international field, *inter alia* for dealing with all issues related to the decisions and recommendations adopted by its Assembly, and is the guardian of their integrity and the protector of their interests. In

each country, the International Federation acts through or in agreement with the National Society and in conformity with the laws of that country.

- (5) The **National Societies** form the basic units and constitute a vital force of the International Red Cross and Red Crescent Movement. They carry out their humanitarian activities in conformity with their own statutes and national legislation as well as the statutes of the International Red Cross and Red Crescent Movement, in pursuance of the mission of the Movement and in accordance with their Fundamental Principles<sup>1</sup>. They provide the framework for the honorary and full-time activities of their voluntary members and their staff.

The German Red Cross specifically performs the tasks resulting from the Geneva Conventions of 1949 and their Additional Protocols as well as those assigned to it by German federal or state law within the scope of the tasks laid down in these National Statutes. In cooperation with the public authorities, it contributes to preventing disease, improving public health and mitigating human suffering by developing its own programmes in the area of welfare and social work. It organizes relief operations for the victims of armed conflicts, natural disasters and other emergencies. It disseminates international humanitarian law.

The German Red Cross cooperates with the German federal government to ensure that the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols are protected.

- (6) The German Red Cross has a federal structure comprising the national society, regional and local branches, local chapters, and the Federation of the German Red Cross Nursing Associations<sup>2</sup> with its subdivisions. The subdivisions of the German Red Cross all work together on the basis of uniform statutes that are built on each other systematically and regulate the rights and duties resulting from membership in the German Red Cross.
- (7) The German Red Cross is committed to transparent financial and economic management.

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<sup>1</sup>The preamble of the Statutes of the International Red Cross and Red Crescent Movement reaffirms the “Fundamental Principles” listed above in (1) as binding for all components of the Movement. Article 4 of these Statutes stipulates that to be recognized as a National Society a Society shall “Respect the Fundamental Principles”.

<sup>2</sup> *Verband der Schwesternschaften vom Deutschen Roten Kreuz e.V.*, which is a registered association under German law.

## Section One: General Provisions

### Article 1 Organizational Identity

- (1) The German Red Cross is the totality of all members, branches, associations, private law companies and institutions of the Red Cross in the Federal Republic of Germany. Membership of the German Red Cross is open - without regard to nationality, ethnic origin, gender, religion or political opinion - to everyone wishing to take part in fulfilling the mission of the German Red Cross.
- (2) The German Red Cross is committed to the seven Fundamental Principles of the International Red Cross and Red Crescent Movement:
  - Humanity
  - Impartiality
  - Neutrality
  - Independence
  - Voluntary Service
  - Unity
  - Universality.

These principles are binding on all branches, associations, private law companies and institutions of the German Red Cross as well as on their members.

The German Red Cross is a component of the International Red Cross and Red Crescent Movement, together with the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, as well as the other recognized Red Cross and Red Crescent Societies.

- (3) The “Deutsches Rotes Kreuz e.V.” is the national Red Cross society of the Federal Republic of Germany. It fulfills the tasks arising from the Geneva Conventions, the Additional Protocols and the Resolutions of the International Conferences of the Red Cross and Red Crescent. It safeguards their implementation on the territory of the Federal Republic of Germany and endeavors to promote - in speech and writing, by word and deed - the ideas of concern for the well-being of others, international understanding and peace.

The “Deutsches Rotes Kreuz e.V.” has been recognized by the German federal government and the International Committee of the Red Cross as a national Red Cross Society within the meaning of the Geneva Conventions. As a Voluntary Aid Society, it renders assistance to the regular medical services of the German armed forces under the responsibility of the federal government.

- (4) Red Cross Youth is the youth organization of the German Red Cross. It is recognized<sup>3</sup> and acts on its own authority. In its educational and training activities, Red

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<sup>3</sup> German Red Cross Youth is recognized as a youth welfare agency pursuant to Section 75 SGB VIII [German Social Security Code, Book VIII] and is thus eligible for funding under Section 12 SGB VIII.

Cross Youth introduces young people to the ideas of the Red Cross and contributes to the realization of its aims. Red Cross Youth represents the interests of the young people in the German Red Cross.

## **Article 2 Mission**

- (1) The “Deutsches Rotes Kreuz e.V.” is a recognized umbrella organization of non-statutory welfare. It attends to the interests of those in need of assistance and support in order to set aside social discrimination, distress and degrading situations and to work toward the improvement of living conditions at the individual, family and social levels.
- (2) The purpose of these statutes is put into effect by activities such as the following:
  - assistance for the victims of armed conflicts, natural disasters and other emergencies.
  - prevention and alleviation of human suffering arising from disease or illness, injury, disability or disadvantage;
  - promotion of health, welfare and education,
  - promotion of work with children and adolescents,
  - promotion of the development of national Red Cross and Red Crescent Societies in the framework of the Statutes and Rules of Procedure of the Red Cross and Red Crescent Movement
  - promotion of the activities of and cooperation among its member branches
  - support in collecting donations of blood and blood components for supplying the general public with blood products,
  - tracing service
  - restoring family links,
  - promotion of rescue from hazards to life (such as but not limited to mountain and water rescue), including associated activities such as life saving swimming and conduct of rescue sport exercises and competitions.

These activities are carried out by the National German Red Cross Society on the basis of its organizational identity (Art. 1) and in accordance with its resources (Art. 26).

- (3) As a voluntary aid society that is an auxiliary to the German authorities in the humanitarian field, the National German Red Cross Society performs the tasks of a National Society resulting from the Geneva Red Cross Conventions of 1949, their Additional Protocols and Germany’s “German Red Cross Act”. These tasks include in particular:
  - the dissemination of knowledge of international humanitarian law as well as the Fundamental Principles and the ideals of the International Red Cross and Red Crescent Movement,
  - rendering assistance to the medical services of the German armed forces including the utilization of hospital ships,

- the assumption of the tasks of an official information office,
  - conveyance of correspondence between family members.
- (4) The National German Red Cross Society also performs the tasks assigned to it by German national and state law within the framework of these National Statutes.
- (5) The National German Red Cross Society informs the general public of its work and appeals for donations so that this work can be done.

### **Article 3 Legal Form, Name, Membership**

- (1) The National German Red Cross Society has the legal form of a “registered association” under German law. Its legal domicile is Berlin. This association's name is “Deutsches Rotes Kreuz e. V.” (German Red Cross, registered association). It uses the sign of the red cross on a white ground which is recognized under international law, in accordance with the *Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies* adopted by the International Red Cross and Red Crescent Movement.
- (2) The member branches of the National German Red Cross Society are the regional branches<sup>4</sup> of
- Baden-Württemberg
  - Baden Red Cross
  - Bavarian Red Cross
  - Berlin Red Cross
  - Brandenburg
  - Bremen
  - Hamburg
  - Hesse
  - Lower Saxony
  - Mecklenburg-Western Pomerania
  - North Rhine
  - Oldenburg
  - Rhineland-Palatinate
  - Saarland
  - Saxony
  - Saxony-Anhalt
  - Schleswig-Holstein

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<sup>4</sup> Germany is a federal republic comprising 16 states, whereas the German Red Cross has 19 regional branches. The Red Cross regions generally respect state boundaries, but not completely. The Baden and Baden-Württemberg regions are in the state of Baden-Württemberg, the Oldenburg and Lower Saxony regions are in the state of Lower Saxony and the Westphalia-Lippe and North Rhine regions are in the state of Nordrhein-Westfalen.

Thuringia  
Westphalia-Lippe

and the Federation of the German Red Cross Nursing Associations.

Their emblem is the internationally recognized red cross on a white background.

- (3) The member branches of the National German Red Cross Society pass on membership of the German Red Cross to their subdivisions (subordinated branches, organizations, private law companies and facilities) and to the members of these subdivisions. The independence of the member branches is limited by the present Statutes and the binding regulations contained in the model statutes. The choice of executive management model (full time, mixed or honorary executive officers) is left to the member branches. The principle of autonomy of associations remains unaffected. These Statutes of the National German Red Cross Society as amended through resolution of the National Assembly of 20 March 2009, take precedence over the statutes of the member branches.
- (4) The names of the regional branches and their member branches shall be formed by augmenting the designation "*German Red Cross*" with a phrase that indicates the geographical area of activity. Changes in the geographical area of activity of the regional branches shall require the prior approval of the National Assembly.
- (5) There are personal memberships at the level of the local branches and local chapters and the Federation of the German Red Cross Nursing Associations and its subdivisions. The rights and duties of members (especially the rights to vote and to be elected) are governed by the statutes of these associations and the regulations of the communities.
- (6) Membership comes to an end through withdrawal, expulsion or dissolution. The member branches may cancel membership in the National German Red Cross Society effective at the end of the calendar year by giving notice of twelve months.

A member can be expelled for good cause. This is, in particular, the case if

- a) a member has damaged the reputation or the interests of the Red Cross,
- b) a member has failed to fulfill its duties despite repeated admonitions or measures pursuant to Art. 28, or
- c) an application has been filed for opening insolvency proceedings against a member and a provisional insolvency administrator has been appointed, or insolvency proceedings have been opened, or opening of insolvency proceedings has been denied with final effect because of insufficient assets.

Expulsions pursuant to c) are decided by the Presidential Council. In the interests of averting expulsion, the Presidential Council can establish interim arrangements vis-à-vis the member. In the event of expulsion or interim arrangements, the member can take recourse to the arbitration tribunal within one month of service of the corresponding resolution. The resolution must contain instructions about the available legal remedies.

If a membership comes to an end, the National German Red Cross Society can make special, interim arrangements for subdivisions of the departed branch.

- (7) A branch whose membership has come to an end, no longer has the right to use the name and emblem of the Red Cross.
- (8) A member branch is dissolved upon withdrawing voluntarily or being expelled from the German Red Cross; Sect. 42 BGB [German Civil Code]<sup>5</sup> remains unaffected.

#### **Article 4 Honorary and Full-Time Work**

- (1) The tasks of the German Red Cross are carried out under the observance of equal respect for men and women as well as their equal rights in the exercise of the offices of honorary and full-time members and employees. In accordance with the organizational identity of the German Red Cross, honorary work has special meaning and must be encouraged at all levels. Honorary and full-time work complement each other and serve in harmony with the fundamental principles of the Red Cross towards discharging the unitary mandate of helping others in accordance with their needs. The German Red Cross provides for basic and advanced training of its employees and members.
- (2) Honorary service is rendered in the bodies provided for by an organization's statutes, committees, communities, working groups and in other forms to allow as many people as possible to work together in the German Red Cross.
- (3) The communities are:
  - the Local Stand-By Services
  - the Mountain Rescue Service,
  - the Red Cross Youth,
  - the Water Rescue Service,
  - the Welfare and Social Work.

They determine their work in accordance with their own rules.

- (4) Full-time staff members of the German Red Cross shall be barred from membership in the Presidential Board of the National German Red Cross Society. This shall not apply to the President of the Federation of the German Red Cross Nursing Associations.

Members of the National German Red Cross Society's executive management may not, at the same time, personally be associates, executive officers or managers, board members or CEOs of any business company, private-law company or facility in which the National German Red Cross Society participates.

Exceptions to sentence 3 require the prior approval of the Presidential Board.

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<sup>5</sup> Section 42 BGB regulates insolvency of registered associations, including responsibilities and liability of the association's executive officers (Sect. 26(1)), dissolution, and continuation under an insolvency plan.

- (5) An individual may not participate in a resolution of a body of the National German Red Cross Society if doing so will give rise to a conflict of interest. A conflict of interest shall be deemed to be given if an individual or the member branch to which he or she belongs is solely and directly affected by the resolution.

## **Section Two: National System**

### **Article 5 Responsibilities of the National Society**

- (1) The national society's role is that of promoting the activities of and collaboration among its member branches through central measures and uniform regulations. The national society monitors the observance of the Fundamental Principles and the requisite unity within the German Red Cross and sets policy objectives. It ensures that the member branches and their members discharge the mandate of a national Red Cross society resulting from the Geneva Conventions, the Additional Protocols and the resolutions adopted by the statutory bodies of the International Red Cross and Red Crescent Movement. It is the only legal owner of names and emblems of the German Red Cross.
- (2) The following tasks fall within the sole responsibility of the national society:
1. representation vis-à-vis the Red Cross and Red Crescent Movement in accordance within the meaning of Art. 1(2) sent. 3;
  2. representation vis-à-vis the bodies of the Federal Republic of Germany and central authorities of its federal administration;
  3. representation at the national level vis-à-vis associations that operate nationwide and vis-à-vis foreign and international organizations in matters related to Germany;
  4. international cooperation, including international disaster relief and development cooperation;
  5. regulation of the use of the Red Cross emblem and permission for its use;
  6. the agreements and regulations to be made at the national level regarding the establishment, training, equipment and deployment of units as well as the provision of disaster preparedness facilities designed to protect the civil population.
- (3) In the event of a disaster, the national society may take over coordination of the response, using its own resources, if the Presidential Board or, in case of imminent danger, the President deems this to be expedient in the interest of the victims.

- (4) Within the area of its sole responsibilities, the national society may, in individual cases, ask a consenting member branch to take on tasks or to carry out measures for fulfilling such tasks. In such cases the national society has the authority to direct and supervise the work, with supervision understood to include the legality and expedience of the performance of these tasks. This also applies particularly to partnerships between German Red Cross associations and regional or local subdivisions of other Red Cross or Red Crescent Societies.

## **Article 6 Responsibilities of the Member Branches**

- (1) Except as otherwise provided in these Statutes, the regional branches perform the tasks of the German Red Cross pursuant to these Statutes in their own area and on their own authority.

They fulfill their tasks together with their local branches and chapters.

- (2) The Federation of the German Red Cross Nursing Associations and its member Associations<sup>6</sup> has the tasks of providing basic and advanced training in professional nursing and child nursing care alone and/or jointly with a regional branch, taking decisions concerning the establishment of new nursing associations, and establishing uniform regulations for the exercise of the profession of a Red Cross nurse. The Federation of the German Red Cross Nursing Associations and its subdivisions and the regional branches and their subdivisions coordinate their activities in professional care with each other. They ensure that the tasks which they undertake complement each other.

The President of the National German Red Cross Society is a member of the Presidential Board of the Federation of the German Red Cross Nursing Associations, or, if this federation's corresponding body has a different name, then this rule applies accordingly.

- (3) The member branches and their member Associations pursuant to Art. 3(3) shall be authorized to enter into partnerships with regional and local organizations of other Red Cross or Red Crescent Societies or organizations or facilities outside Germany, provided that the interests of the German Red Cross or of the Red Cross and Red Crescent Movement are not thereby impaired. The provisions concerning the sole competence of the national society must be observed. The prior approval of the national society must be obtained for partnerships.
- (4) Each member branch is obliged to implement all binding regulations in its area of responsibility.
- (5) The member branches adopt their own statutes in accordance with the model statutes issued by the national society insofar as these have been declared binding. Statutes and all amendments to them require the approval of the national society before application is filed for entry in the relevant official register of associations. Approval may only be refused in cases of breach of German law on statutes

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<sup>6</sup> This Federation is an umbrella organisation with 34 regional nursing associations (November 2010).

of associations, breach of binding regulations pursuant to Art.16(3) and disregard of other important concerns of the German Red Cross.

- (6) The formation of or participation in private-law companies or facilities with the purpose of performing tasks in main task areas pursuant to Art. 16(3) sent. 2, item 2 is, as a matter of principle, only admissible in the name and under the emblem of the Red Cross. Such undertakings require the prior approval of the next higher ranking subdivision and, concerning the use of the name and emblem of the Red Cross, the prior approval of the national society. If legal entities that have been approved in this way intend to form, take over or participate in other private-law companies or facilities for any purpose, the above mentioned approvals are required again. The same applies to formation of subsidiaries and taking over sub-participations. The competence of the national society regarding utilization of the name and the emblem of the Red Cross (Art. 5(2) no. 5) remains unaffected.

Exceptions to sentence 1 shall require the prior approval of the Presidential Board, which can only be denied for good cause. This is the case if binding regulations of the National German Red Cross Society or other important interests of the German Red Cross are violated.

Formation of or participation in private law companies or facilities for tasks that bear the name and emblem of the Red Cross but engage in activities other than those mentioned in sentence 1 shall likewise require the prior approval of the national society.

If the private law companies or facilities for tasks in question does not bear the name and emblem of the Red Cross, it is only necessary that the national society not object.

### **Article 7 Principle of Territoriality**

- (1) A regional branch may only take action in the territory of another regional branch in accordance with the provisions of these Statutes.
- (2) A regional branch may take action in the territory of another regional branch with prior approval of this branch. The details shall be governed by a contract.
- (3) If a regional branch fails to ensure that the decisions of the National Executive Board concerning the performance of tasks in one of the main task areas pursuant to Art. 16(3) sent. 2, item 2 are implemented, the Presidential Board decides, after hearing the regional branch concerned and the National Executive Board, whether and if so for how long which other subdivision is to be entrusted with performing in this main task area. Such a task can only be assumed on a voluntary basis. The details are governed by a contract between the parties involved.
- (4) Paragraphs (1), (2) and (3) apply by analogy to the Federation of the German Red Cross Nursing Associations and its subdivisions.

## Article 8 Cooperation within the German Red Cross

- (1) The German Red Cross and its member branches with their subdivisions within the meaning of Art. 3(3) shall work together closely and in trust. They shall always inform one another about important matters appropriately and in good time.

Each association respects the others' rights and assists them as necessary.

- (2) Action on the valid global core areas (currently being: dissemination work, disaster preparedness, disaster response, and voluntary forms of local health and social work) must be ensured by all subdivisions of the German Red Cross. The nursing associations of the Federation of the German Red Cross Nursing Associations shall take part in performing global core tasks.

- (3) The local branches together with their local chapters shall provide for comprehensive fulfillment of the tasks in their area. Tasks can be delegated to local chapters, private law companies or facilities run completely or partly by the Red Cross. This does not diminish the responsibility of the local branches involved to exercise supervision. These provisions apply by analogy to the Nursing Associations of the Red Cross.

- (4) In accordance with (1), the National Society (National Headquarters) shall, in particular, be notified without delay and without having to ask in the event of:

- impending insolvency or excessive debt,
- application for opening of insolvency proceedings,
- opening of insolvency proceedings,
- damaging behavior on the part of executive officers or members of the Presidential Board, delegates of a Members' Assembly, or other officers or managerial staff,
- initiation of an official preliminary investigation of any person in this category, provided that this is connected with the Red Cross activities of the given person or could be suitable for damaging the reputation of the Red Cross,
- reports in public about incidents of the aforementioned types, regardless of whether these are true or false and regardless of who is or is not to blame.

In these cases, the national society has the right to inform itself of all the affairs of the member branch affected and even to inform itself of the said member branch through its subdivisions. The national society has the right to visit the offices and facilities of the said member branch, to examine its management, accounting and cash management, to inspect and, if need be, to secure its files and business records, to make copies, to question the said member branch's volunteer and full-time employees as well as to participate in meetings of its bodies, committees and other working panels, or to have the aforementioned rights exercised by third parties at the expense of the said member branch.

- (5) Reports pursuant to (4) shall be prepared by the executive body of the member branch in question. If such a report contains matter that falls under (4) items 4, 5

and 6 and pertains to alleged conduct of one or more members of executive bodies, the national society shall also be informed by the relevant supervisory body.

- (6) The national society shall be kept informed of the composition of the managing boards and the presidential boards of the member branches without delay.

## **Section Three: Organization**

### **Article 9 Bodies**

The bodies of the National German Red Cross Society are:

- the National Assembly,
- the Presidential Board,
- the Presidential Council,
- the Body of Executive Officers,
- the National Executive Board

### **Article 10 National Assembly**

- (1) The National Assembly is the highest body of the National German Red Cross Society.
- (2) The National Assembly comprises:
  - a) the delegates from the regional branches of the National German Red Cross Society with a total of 125 votes. whereby each regional branch holds at least 2 votes, and at most 25 votes, these votes are distributed among the regional branches every year according to the number of individual members in their respective areas, and the respective shares are declared by the President, with the membership numbers applied being those reported by the end of the previous year and recognized by the President;
  - b) the delegates of the Federation of the Nursing Associations of the German Red Cross with four votes;
  - c) the President of the National German Red Cross Society.

The other members of the Presidential Board and the Executive Officers belong to the National Assembly in an advisory capacity.

- (3) The votes of each member branch are to be cast unanimously.
- (4) The National Assembly meets once every year. It is convened by the President in at least six weeks in advance with a written invitation accompanied by the agenda being enclosed. The relevant documents should be sent at the same time insofar as this is possible.

Requests for changes or additions to the agenda ought to be submitted to National Headquarters three weeks before the National Assembly meets; upon receipt they must be forwarded without delay to all member branches represented pursuant to Art. 10(2) and to all members of the bodies.

- (5) The President may convene an extraordinary National Assembly at any time after having heard the Presidential Board. This must be done within four weeks if at least one quarter of the member branches so request, stating reasons. The invitation period for an extraordinary National Assembly is two weeks; it may be shortened in urgent cases.
- (6) The National Assembly has a quorum if at least three quarters of the member branches are represented; otherwise, a second National Assembly must be convened with an invitation period of two weeks and shall have a quorum irrespective of the number of member branches represented. This must be pointed out in the invitation.
- (7) Except as otherwise provided, the National Assembly passes resolutions by a simple majority of the valid votes cast at its meeting. Resolutions through which the statutes are amended, the National German Red Cross Society is dissolved, special allocations are set, or members of the Presidential Board are withdrawn require a majority of three quarters of the valid votes cast at the meeting. Abstentions are not to be counted.
- (8) Voting is open. Should a person entitled to vote request a written vote, a vote on this shall be taken first. If one-tenth of the valid votes cast at the meeting are in favor of a written vote, then the votes shall be cast in writing.
- (9) The agenda and the resolutions are to be entered in a written record to be kept by a clerk appointed for this purpose by the President at the beginning of the meeting. This record must be signed by the President and the clerk. All member branches represented pursuant to Art. 10(2) and all members of the bodies receive copies.

## **Article 11 Functions of the National Assembly**

- (1) The National Assembly
  1. approves the annual statement of accounts,
  2. approves the Presidential Board's acts,
  3. passes the budget,
  4. fixes the membership dues,
  5. issues the Financial Rules,
  6. approves the regulations of the communities organized at national level,
  7. adopts the rules of arbitration of the German Red Cross, which are a part of these Statutes,
  8. adopts the voting procedure for election of the Presidential Board of the National German Red Cross Society, which is part of these Statutes,
  9. appoints the auditor of the annual statement of accounts,

10. decides on temporary suspension from office and on dismissal of members of the Presidential Board for good cause,
  11. passes resolutions on amendments to the Statutes, admission of member branches, special allocations and dissolution of the National German Red Cross Society,
  12. decides on the application of disciplinary measures pursuant to Art. 28(3) letters d and e, whereby Art. 3(6) sent. 4 remains unaffected.
- (2) The National Assembly elects by secret ballot the President and those other members of the Presidential Board who are not members by virtue of their office as well as the chairperson of the arbitration tribunal and his or her deputy, for a period of four years. The persons elected remain in office until the next election. An office holder who leaves early may be replaced in by-elections for a term of office depending on that of the office holder who has left;
- (3) The National Assembly may criticize and set aside decisions of the Presidential Board; it has the right to order necessary measures, to arrange substitute performance and to appoint a representative.
- It may dismiss any member of the Presidential Board for good cause.

### **Article 12 Presidential Board**

- (1) The Presidential Board consists of:
- the President,
  - the Lady Vice President,
  - the Gentleman Vice President,
  - the National Medical Adviser,
  - the National Treasurer General,
  - one representative of each Community,
  - the National Dissemination Officer,
  - possibly a further member,
- who are to be elected by the National Assembly, and
- the President of the Federation of the German Red Cross Nursing Associations,
- who is automatically a member by virtue of his or her office.

The representatives of the Communities are each elected on the basis of a proposal by the respective Community and the National Dissemination Officer is elected on the basis of a proposal by the President. The further member is elected on the basis of a proposal, if any, by the Presidential Board for a period of time to be set at its discretion within its own term of office.

The members of the Presidential Board serve in a voluntary capacity.

- (2) The term of office of the elected members of the Presidential Board is four years. Re-election is permitted. The persons elected remain in office until the next elec-

tion. When a member leaves ahead of time, a new election may be held to select a replacement who serves for the remaining term of office.

- (3) The members of the Presidential Board must each be a member of a Red Cross association. With the exception of the President of the Federation of the German Red Cross Nursing Associations, the members of the Presidential Council may not be members of the Presidential Board at the same time.
- (4) The Presidential Board meets regularly. The meetings shall be called, with notification of the agenda, and chaired by the President.
- (5) The Presidential Board has a quorum if at least half of its members are present, including the President or one of his or her deputies. Insofar as nothing else has been provided, the Presidential Board passes resolutions with a simple majority of the valid votes cast during the meeting. In the case of a tie vote, the vote of the chairperson is decisive. Voting may also be done by circulatory letter if no objection to this procedure is raised within two weeks.
- (6) The liability of Presidential Board members is limited to intention and gross negligence.
- (7) The Chairperson of the Presidential Council and the Executive Officers attend the meetings of the Presidential Board in an advisory capacity.
- (8) A written record of each meeting must be prepared; it must be signed by the chair person of the meeting. The members of the Presidential Board, the Chairperson of the Presidential Council and the body of Executive Officers each receive a copy.

### **Article 13 Functions of the Presidential Board**

- (1) The Presidential Board promotes and coordinates the work of the Red Cross.  
It is responsible for direction and control of the national society in accordance with policy and to this extent exercises supervision of the national society's member branches.  
The Presidential Board sees to the implementation of the resolutions passed by the national society with binding effect (Art. 16(3) in connection with Art. 5(1) and Art. 13(3)).
- (2) The Presidential Board performs the tasks of Art. 5(2) nos. 1-3 and no. 5. The national society's interests as an umbrella association of non-statutory welfare work are represented by the Lady Vice President or the Gentleman Vice President.
- (3) The Presidential Board prepares resolutions of the Presidential Council
  - for strategies and objectives for the entire German Red Cross,
  - for regulations relating to the tasks of the entire German Red Cross and
  - for main task areas.

Such resolutions are to apply to the German Red Cross as a whole. Main task areas are areas of tasks to be performed nation-wide with blanket coverage and uniform quality and for which coordination has been assigned by a resolution of the Presidential Council to the National Executive Board.

- (4) The Presidential Board has the following further tasks:
- a) reviewing the annual statement of accounts;
  - b) discussing the budget;
  - c) amending the budget (in the course of the year);
  - d) giving prior approval to acts of legal significance pursuant to Art. 18(5).

The Presidential Board can stipulate that its consent shall be required for further types of action (or forbearance) that can be taken by the Executive Officers.

The Presidential Board may issue general authorizations for actions (and forbearances) of the Executive Officers that are subject to approval. Particulars are regulated by Central Operation Guidelines pursuant to (5) letter g.

- (5) The Presidential Board also has the following tasks in connection with its supervisory function vis-à-vis the Executive Officers:
- a) formulate the Executive Officers' objectives;
  - b) appoint the Secretary General as an Executive Officer pursuant to Art. 17 (3) sent. 2 and, in conjunction with him or her, the other Executive Officers;
  - c) dismiss Secretary General/Executive Officers pursuant to Art. 17(3), sent. 3 and decide on temporary suspension of Secretary General/Executive Officers by the President pursuant to Art. 14(7) sent. 1; appoint and recall the additional authorized signatory pursuant to Art. 17(2) sent. 2;
  - d) decision to conclude, amend and terminate the employment contract of the Secretary General and the employment contracts of the Executive Officers;
  - e) monitor the Executive Officers' conduct of business;
  - f) approve the Executive Officers' acts;
  - g) issue and amend the Central Operation Guidelines for the Executive Officers;
  - h) approve the National Headquarters' Rules of Procedure;
  - i) receive the Executive Officers' reports pursuant to Art. 18(4)
  - j) take decisions on proposals of the Executive Officers
  - k) release Executive Officers from the restrictions of Section 181 of the German Civil Code (prohibition of self-dealing) in particular cases.

- (6) The Presidential Board also has the following further tasks in relation to the other bodies of the National German Red Cross Society:
- a) monitor the activities of the National Executive Board;
  - b) report to the National Assembly on the annual statement of accounts, the financial situation and other activities of the National Society;
  - c) propose an auditor (chartered accountant) for the National Assembly.

- (7) The Presidential Board must continually check that the Fundamental Principles of the Red Cross are applied by the member branches uniformly and that the tasks of the Red Cross are carried out within the limits of the available means. In this connection it is also incumbent on the Presidential Board
  - a) to approve statutes and amendments thereof pursuant to Art. 6(5) sent. 2;
  - b) to decide on modifications of the principle of territoriality pursuant to Art. 7(3) sent. 1;
  - c) to decide on exemptions from the duty to implement the standards for main task areas pursuant to Art. 21(3) sent. 2 insofar as an exemption is not granted by the National Executive Board;
  - d) to decide on imposition of disciplinary measures pursuant to Art. 28(3)a-c, imposition of penalties up to a total amount of 50,000 euros;
  - e) to grant exceptions pursuant to Art. 6(6), second paragraph;
  - f) to approve (Art. 6(3)) partnerships of member branches and their subdivisions with regional and local subdivisions of other Red Cross or Red Crescent Societies or other organizations and facilities outside Germany.
- (8) The Presidential Board may set up technical committees and study groups for advice and dissolve them as appropriate.

#### **Article 14 The President**

- (1) The President is the highest ranking representative of the German Red Cross. He or she carries out the tasks assigned by the Statutes, the National Assembly or the Presidential Board.
- (2) The President seeks to ensure that the bodies of the National German Red Cross Society and the member branches work together in trust and coordinate their work.
- (3) In urgent cases, the President may order the measures that are necessary if decisions cannot be obtained in time from the body that is responsible; he or she shall then immediately inform the body concerned and obtain its approval after the fact.
- (4) The President may delegate the exercise of some of his or her individual powers to other members of the Presidential Board without prejudice to his or her responsibility or his or her right to take his or her own decisions.
- (5) The President decides on the deployment of the German Red Cross in the cases of Art. 5(2) no. 4 and no. 6 as well as Art. 5(3); in this respect, he or she is also authorized to issue orders to the member branches.
- (6) The President represents the National German Red Cross Society with regard to resolutions of the Presidential Board pursuant to Art. 13 par.(5d).
- (7) The President may suspend the Secretary General/an Executive Officer from office for good cause. Such the Secretary General/an executive officer is then tem-

porarily divested of his or her authority to manage the affairs of and represent the German Red Cross. This person must be heard before a decision is taken. The decision on dismissal lies with the Presidential Board and the Presidential Council. A temporary suspension from office becomes ineffective after eight weeks unless it is confirmed by the Presidential Board and the Presidential Council.

- (8) The President may deploy an Executive Officer on a provisional basis to fill the post of a suspended Secretary General or Executive Officers for the duration of this suspension.
- (9) Actions taken by the President pursuant to (7) and (8) must be notified to the official court register of associations at once. The same also applies to discontinuation of the said suspension.

### **Article 15 Presidential Council**

- (1) The Presidential Council consists of the Presidents of the regional branches and the President of the Federation of the German Red Cross Nursing Associations. Its members may only be represented by their Vice-Presidents. The President and the Executive Officers attend the Presidential Council's meetings.
- (2) The Presidential Council elects its Chairperson and his or her deputy for a term of four years, with re-election permissible for just one additional term.
- (3) The meetings of the Presidential Council are called as needed, with a minimum of three meetings per year. The Chairperson invites the members to the meetings at least two weeks in advance, notifying them of the agenda.
- (4) The Presidential Council must be convened at the request of at least three members or at the request of the President.
- (5) Voting powers in the Presidential Council are distributed as follows:
  - 1. weighted votes according to Art. 10(2) a) and b), with the votes of each member branch to be cast unanimously;
  - 2. unweighted votes, with each member having one vote.
- (6) The Presidential Council has a quorum if at least three quarters of the member branches are represented; otherwise, a second Presidential Council meeting must be convened with an invitation period of two weeks and shall have a quorum irrespective of the number of member branches represented. This must be pointed out in the invitation. Voting may also be done by circulatory letter if no objection to this procedure is raised within two weeks.
- (7) Except as otherwise provided, the Presidential Council passes resolutions by a simple majority of the valid votes cast at its meeting.

Resolutions pursuant to Articles 16(3), 16(4), and 17(3) require majorities of two-thirds of the weighted and two-thirds of the unweighted valid votes case.

Voting is open with the exception of appointing and recalling Executive Officers pursuant to Art. 17(3). Abstentions are not to be counted.

- (8) The agenda and the resolutions are to be entered in a written record to be kept by a clerk appointed for this purpose at the beginning of the meeting by the chairperson of the meeting. This record must be signed by the chairperson of the meeting and the clerk. The members of the Presidential Council, the members of the Presidential Board and the body of Executive Officers each receive a copy.
- (9) The Presidential Council adopts its own Rules of Procedure.

### **Article 16 Functions of the Presidential Council**

- (1) The Presidential Council is the federative body of the German Red Cross and exerts an effect on its work in accordance with the following provisions.
- (2) The Presidential Council promotes the work of the German Red Cross by exchanging experience and making proposals. It advises the Presidential Board. It is to be included by the Presidential Board in all discussions of basic issues that pertain to the activities of the German Red Cross.
- (3) Upon proposal of the Presidential Board, the Presidential Council issues guidelines for creating uniform regulations in the German Red Cross that are binding on all member branches. This also includes:
  - Decisions on strategic goals of the German Red Cross
  - Resolutions on main task areas of German Red Cross work
  - Stipulation of minimum standards for the statutes of the member branches and their member associations.
- (4) The approval of the Presidential Council is required for resolutions of the Presidential Board that have substantial financial effects for the member branches or their member Associations.
- (5) The Presidential Council may, acting in accordance with its Rules of Procedure, take exception to and overturn resolutions of the National Executive Board.

### **Article 17 The Executive Officers Pursuant to the German Civil Code**

- (1) The "board" required by Section 26(1) BGB [German Civil Code]; is the body of Executive Officers and must have at least one members. The Presidential Board may appoint additional members.
- (2) The Secretary General and each Executive Officer represent the National German Red Cross Society when acting alone. However, with respect to internal relationships, the Secretary General/each Executive Officer must be committed, in his or her employment contract, to use his or her power of representation only in concert with another Executive Officer. If the Secretary General is the only Executive Officer, he must be committed, in his employment contract, to use his power of rep-

resentation only in concert with another authorized signatory appointed by the Presidential Board. This regulation of sentences 2 and 3 has no effect in relationships to external third parties. Further details are regulated by the Central Operation Guidelines.

- (3) The Executive Officers work full-time and receive reasonable compensation. Each is appointed by the Presidential Board for a term of six years on the basis of a proposal by the President that has been approved by the Presidential Council. For an Executive Officer to be removed from office, the corresponding resolutions of the Presidential Board and the Presidential Council must each be passed with a two-thirds majority of the valid votes cast.
- (4) The Chief Executive Officer bears the title of Secretary General.

### **Article 18 Functions of the Executive Officers**

- (1) The Executive Officers conduct the business of the National German Red Cross Society in accordance with the decisions of the National Assembly, the Presidential Council and the Presidential Board.

It is incumbent on each Executive Officer to conduct this business with the diligence of a scrupulous merchant. The Executive Officers must conduct an audit once a year in consultation with the Presidential Board.

- (2) The Executive Officers must, among other things:
  - a) submit the budget to the Presidential Board for adoption by the National Assembly and submit changes to the current budget to the Presidential Board for approval;
  - b) prepare the annual statement of accounts and, after the audit, submit it to the Presidential Board for review and to the National Assembly for approval;
  - c) report on its work to the National Assembly and the Presidential Board;
  - d) prepare the resolutions of the National Assembly, the Presidential Board, the Presidential Council and the National Executive Board;
  - e) implement the measures, strategies and objectives set by the National Assembly, the Presidential Board, the Presidential Council and the National Executive Board and see to their implementation vis-à-vis the subdivisions (Art. 3 (3));
  - f) use their influence to ensure that the member branches see to the operational preparedness of their honorary helpers without compromising the K-Regulations<sup>7</sup> or the regulations of the German Red Cross Communities;
  - g) issue the Rules of Procedure for National Headquarters.

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<sup>7</sup> The term "K regulations" denotes a set of framework regulations on the assistance of the German Red Cross in the areas of civil protection and disaster management. They regulate the prerequisites and conditions for and limitations of German Red Cross activities in disasters, crises and armed conflicts, setting out tasks, rights and duties of the decision makers in such situations.

- (3) The Executive Officers may ask for reports and documents from the member branches in order to fulfill their functions.
- (4) The Executive Officers shall keep the President and the Presidential Board informed of all significant factual matters and developments; for example, about
  - a) the state of implementation of adopted strategies and other basic issues concerning the management of the German Red Cross;
  - b) the progress of business pursuant to (1), adherence to the budget, and the liquidity and assets of the German Red Cross and its facilities;
  - c) the risks facing the German Red Cross and its subdivisions (Art. 3(3)).
- (5) Before undertaking any of the following transactions of legal significance, the Executive Officers must, in the context of their relationship to the National German Red Cross Society, have obtained the approval of the Presidential Board, except as such transactions have already been approved through the budget or do not exceed the limits of transactions of ongoing administration:
  - a) purchase, encumbrance and sale of land or rights equivalent to real property;
  - b) undertaking construction work and other acquisitions;
  - c) taking up loans and credits;
  - d) granting loans to third parties and assuming guarantees;
  - e) forming or participating in private law companies or facilities;
  - f) concluding other contracts that lead to a commitment on the part of the National German Red Cross Society. In cases of recurring obligations, it is the total commitment that is decisive.

The scope of the Managing Board's authority to execute such transactions without explicit approval shall be set by the Presidential Board every year in advance.

- (6) If, in urgent cases, involvement of or consultation with the Presidential Board and/or the Presidential Council is not possible, the Executive Officers may, after prior approval by the President, take emergency measures which must then be notified to the competent body without delay.

### **Article 19 The National Executive Board**

- (1) The National Executive Board consists of the Executive Officers, one manager or full-time executive officer of each regional branch and the head of the Federation of the German Red Cross Nursing Associations. If any of these persons is not authorized to represent his or her organization with legal effect, his or her place shall be taken by the authorized representative of this organization. The representatives in the National Executive Board are bound to the resolutions of their respective Presidential Boards. The meetings of the National Executive Board are chaired by the Secretary General, or, if he or she cannot attend, by another Executive Officer or by some other person who stands in for him at his request.
- (2) The National Executive Board meets, in principle, three times per year. The Chairperson issues the invitations with notification of the agenda two weeks in advance.

The Executive Board of the Member Branches must be convened if at least five members so request, stating reasons.

- (3) The National Executive Board has a quorum if half of its members are present. Voting is decided by a simple majority of the valid votes cast.

The decisions of the National Executive Board that are to have binding effect on the National Society and all its member branches require a two-thirds majority of the valid votes cast and a two-thirds majority of the corresponding votes in the National Assembly. The regional branches have 125 votes, the Federation of the German Red Cross Nursing Associations has 4 votes and the body of Executive Officers has 1 vote. Moreover, Article 15(5) applies accordingly.

The decisions of the National Executive Board that are adopted with binding effect for the member branches must be served on them.

- (4) A written record of each meeting must be prepared; it must be signed by the chairperson. Each member of the National Executive Board, the Presidential Board and the Presidential Council receives a copy. The competent supervisory bodies of the members are to be informed.
- (5) The National Executive Board adopts its own Rules of Procedure. These need to be approved by the Presidential Council.

### **Article 20 Functions of the National Executive Board**

- (1) The National Executive Board coordinates the main task areas between the national society and its member branches. It prepares the necessary resolutions of the Presidential Board and the Presidential Council, plans the activities required to implement these resolutions and controls their implementation in the member branches.
- (2) The National Executive Board adopts development plans that have been worked out with participation by the member branches for the main task areas.
- (3) In the interests of
- ensuring uniform quality services with blanket coverage,
  - ensuring a uniform public image and
  - supporting the idealistic orientation of the Red Cross,
- the National Executive Board adopts standards for the main task areas that have been set by the honorary organizations and decides on the basic elements for implementing these standards.
- (4) The Voluntary Services Committee must be asked to participate in resolutions that affect the immediate core area of honorary office. If a resolution affects the immediate core area of a Community, the appropriate national committee or conference must be asked to participate. Conflicts are resolved by the Presidential Board.

- (5) The national society and the member branches agree on objectives for implementing development plans and standards.
- (6) It is incumbent on the National Executive Board to monitor adherence to and implementation of the standards and development plans; This board identifies deviations from plan and reports to the Presidential Board and the Presidential Council on the implementation.

### **Article 21 Decisions of the National Executive Board**

- (1) If a member will not or cannot comply with a decision taken under Art. 20, it may, stating its reasons, apply for exemption to the National Executive Board.
- (2) The National Executive Board shall decide on this application expeditiously, using dutiful discretion. The decision must be served on the member concerned.
- (3) If the National Executive Board rejects the application for exemption, the member may appeal to the Presidential Board within one month's time. The decision of the Presidential Board on the application must be taken expeditiously. The decision must be served on the member concerned. The Presidential Board's decision may be appealed by calling on the Arbitration Tribunal within one month's time after this decision is announced.
- (4) The member must submitted an application for exemption without culpable delay upon receiving knowledge of the reason.
- (5) Applications for exemption and the decisions thereon must be justified.

### **Article 22 Committees**

- (1) Community Committees and Technical Committees are formed to advise the Presidential Board on specific issues related to the work of the German Red Cross. The Committees discuss the tasks that fall within their competence and make recommendations to the Presidential Board.
- (2) The committees of the German Red Cross communities are:
  - the National Commission on Local Stand-By Squads
  - the National Mountain Rescue Commission
  - the National Red Cross Youth Conference
  - the National Life Saving Commission
  - the National Commission for Welfare and Social Services.
- (3) Each member branch is represented in each Community Committee in accordance with its own regulations.

- (4) Except as otherwise provided in the regulations of the Communities, the Committees shall appoint a Chairperson and deputy Chairperson from among their members.
- (5) The members of the Presidential Board, the Executive Officers and the Chairperson of the Presidential Council may attend committee meetings in an advisory capacity. The chairpersons of the committees ought to be given the opportunity to present the recommendations of their committees at meetings of the Presidential Board, the Presidential Council and the Executive Officers.
- (6) The Chairpersons and deputy Chairpersons of the Community Committees constitute the Voluntary Services Committee, which represents the general interests of honorary service at the national level. The Voluntary Services Committee may approach the bodies of the National German Red Cross Society with issues for consideration as well as requests and proposals.
- (7) Technical Committees are deployed by decision of the Presidential Board. They ought to comprise up to nine members, and three deputy members who move up when regular members leave or are unable to attend. Each member branch is represented in the Standing Conference of Physicians Represented in the Regional Branches.
- (8) The Technical Committee "International Humanitarian Law" also exercises the function of the German Committee on international humanitarian law.

### **Article 23 National Dissemination Officer**

The National Dissemination Officer is the honorary officer of the German Red Cross for spreading knowledge of international humanitarian law.

### **Article 24 National Adviser for Disaster Preparedness**

The President appoints a National Adviser for Disaster Preparedness for the purpose of branch-wide coordination of material, organizational and personnel preparations for deployments in cases of disaster.

### **Article 25 National Headquarters (General Secretariate)**

The National German Red Cross Society operates a national headquarters. It is directed by the Executive Officers, who lay down its organizational structure, determine and supervise the course of business, are responsible for financial planning and management, act as the direct supervisor of the employees working at national headquarters and regulate their concerns under labor law.

## **Section Four: Finances and Management, Charitable Organization**

### **Article 26 Finances and Management**

- (1) The National German Red Cross Society fulfills its tasks within the limits of its human resources and financial capabilities. It is committed to transparency in the conduct of its finances and management.
- (2) The resources of the National German Red Cross Society must be used sparingly and economically. They are managed in accordance with the budget.
- (3) The National German Red Cross Society prepares an annual statement of accounts in accordance with the regulations of commercial law for the annual statement of accounts. It also prepares a situation report.
- (4) The annual statement of accounts is verified by an auditor (chartered accountant). The result of the audit must be notified to the National Assembly upon presentation of the Annual Report. The Annual Report explains the annual statement of accounts and describes the financial situation of the national society and the circumstances that could influence its development.
- (5) The member branches make annual contributions to the national society. The amount of these contributions is determined by the National Assembly; the details are regulated by the Financial Rules.
- (6) The costs of representation in the National Assembly, the Presidential Council and the National Executive Board are borne by the member branches.
- (7) The national society is liable for its obligations with its own assets only, and not with those of any of its member branches.
- (8) The fiscal year is the calendar year.

### **Article 27 Status as a Charitable Organization**

- (1) The purposes pursued by the National German Red Cross Society based in Berlin are exclusively and directly charitable and of benefit to the general public within the meaning of the Federal Tax Code section "Purposes Eligible for Tax Relief".
- (2) The National German Red Cross Society acts disinterestedly; it does not primarily pursue its own financial interests.
- (3) The resources of the National German Red Cross Society may only be used for the purposes defined in its Statutes. The members of the National German Red Cross Society do not receive any gratuities from resources of the Society except from such resources as can be passed on pursuant to Art. 58 (2) AO (Federal Tax Code) without detrimental effect on tax liabilities.

- (4) Free reserves may only be formed to the extent permitted by the regulations of the Federal Tax Code section "Purposes Eligible for Tax Relief".
- (5) The German Red Cross may not favor any persons through payments that do not serve the purposes of the German Red Cross or through disproportionately high remuneration.
- (6) If the National German Red Cross Society is dissolved or closed down or its tax deductible purposes are discontinued, the remaining assets shall be distributed to the member branches insofar as these are recognized as charitable organizations and use their funds exclusively and directly for purposes that are eligible for tax relief.

## **Section Five: Disciplinary and Emergency Measures, Legal Disputes**

### **Article 28 Disciplinary Measures**

- (1) If the Presidential Board establishes that a member branch
  - is failing in its duties emanating from the Statutes or the decisions of any organization provided for by the Statutes,
  - endangers other important interests of the German Red Cross or
  - tolerates such conduct by one of its subdivisions, bodies or members,disciplinary measures can be imposed on the said member branch. The choice of disciplinary measure depends on the type and gravity of the breach of duty.
- (2) Insofar as this is possible and sufficient, disciplinary measures must first be threatened. The breach of duty is to be stated and a deadline set for redress. Attention is to be drawn to the consequences of not meeting the deadline (substitute performance at the member branch's expense or imposition of a penalty payment).
- (3) The possible disciplinary measures are:
  - a) Substitute performance by the national society or a third party at the expense of the member branch or imposition of penalty payments up to a total amount of 50,000 euros in the event of non fungible acts.
  - b) Temporary suspension of bodies or individual members of these bodies of the member branch concerned.
  - c) Dismissal of bodies or of individual members of these bodies of the member branch concerned.
  - d) Suspension or withdrawal of functional and membership rights.
  - e) Expulsion of the member from the National German Red Cross Society.

Measures pursuant to b) and c) cannot be imposed against the assemblies of the member branches. Dismissal according to c) entails a five-year ban on membership in any body of the German Red Cross. Appeals made within this period of time are ineffective. Insofar as this pertains to subdivisions, these are to monitor the observance of this ban in their own area. The same applies in the event of an expulsion from the German Red Cross.

- (4) Before a decision is taken on disciplinary measures, the member concerned is to be heard and given sufficient time to respond. This hearing in advance can be omitted on an exceptional basis in serious cases or to avert non-negligible damage. Then the hearing must be held after the decision without culpable delay. The decision has immediate effect.
- (5) Imposition of disciplinary measures pursuant to (3) letters a, b, and c is decided by the Presidential Board.
- (6) Imposition of disciplinary measures pursuant to (3) letters d and e is decided by the National Assembly; Art. 3(6) sent. 4 remains unaffected. The resolution must be preceded by the threat with deadline from the Presidential Board.

Each decision on a disciplinary measure must be accompanied by instructions on the available legal remedies.

#### **Article 29 Emergency Measures in Cases of Imminent Danger**

- (1) When important interests of the German Red Cross are threatened by an imminent danger, the President may, in order to safeguard these interests, issue immediate instructions to the subdivisions (subordinate branches, organizations, private law companies and facilities), without prejudice to the foregoing disciplinary measures. The President may act through a representative for this purpose. Before acting, the President ought to hear the branches, organizations or institutions concerned. The President's authority on the matter ends as soon as the Presidential Board has met to take a decision.
- (2) The member branches affected may demand that the Presidential Board approve the measures taken by the President. An application directed to this end has no suspensive effect.

#### **Article 30 Arbitration Tribunal**

- (1) All legal disputes
  - (a) between subdivisions (subordinate branches, organizations, private law companies and facilities) of the German Red Cross,
  - (b) between individual members, or
  - (c) between individual members and subdivisions pursuant to (a),which arise from performance of Red Cross tasks or ensue from Red Cross membership shall be decided by arbitration tribunals within the meaning of Sect. 1025 ff. ZPO [German Code of Civil Procedure].

- (2) The arbitration tribunals shall also decide on legal disputes arising from the time of former membership.
- (3) The arbitration tribunals shall also decide on the lawfulness of measures of a regulative or disciplinary nature taken by the national society taken vis-à-vis any of its members if the claimant asserts that his or her rights have been infringed and if the regulative or disciplinary procedure has come to an end.
- (4) The proceedings of the arbitration tribunals shall comply with the Arbitration Code which forms part of these Statutes. The Arbitration Code is binding on the member branches except as it states otherwise.
- (5) Recourse to the courts is excluded insofar as this is permitted under law.

## **Section Six: Closing Provisions**

### **Article 31 Partial Ineffectiveness / Entry into Force**

- (1) If any provision of these Statutes is or becomes ineffective in whole or in part, this shall not affect the effectiveness of the remaining provisions. The ineffective provision is to be replaced by an effective provision which comes as close as possible to the objective envisioned by the members. These principles apply by analogy insofar as these Statutes should happen to contain a regulation gap that was not intended.
- (2) The previous Statutes of the national society expire when the present Statutes are entered in in the register of associations.

#### **CERTIFICATION:**

With the exception of its footnotes, the above text is a complete, correct translation of pages 1 to 31 of entry VR 590 B in the Register of Associations of Berlin-Charlottenburg, Germany. The footnotes are not part of the statutes and are not on file with the Register of Associations in Berlin-Charlottenburg. They are merely non-binding explanations and other comments from the German Red Cross.