

Statutes
of the German Caritas Association
registered charity

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See a need and act on it.

C a r i t a s



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Preamble

The German Caritas Association was founded on November 9th, 1897, under the name of “Charity Association for Catholic Germany” and was entered in the official register of societies and associations at the District Court of Freiburg im Breisgau on August 31st, 1903.

Today it bears the name of “German Caritas Association” (registered charity) and is recognized by the German Bishops as the institutional union and representation of the Catholic Caritas in Germany.

Caritas services are as essential to fulfilling the life of the Church as are Church services and the proclamation of His Word. The German Caritas Association used this assertion as the basis for defining itself in its Association Goals. In everything it does, the German Caritas Association aims to protect the dignity of individuals, to foster a life of solidarity in a plural world, and to commit itself worldwide to life in freedom, justice, and peace. This labor of love is consummated by the work of individuals, Christian communities and parishes, as well as by members of the Caritas Association. Thus, the work of the Caritas also contributes to the establishment and further development of Church structures and to the vivacity of parish communities. As a charity organization of the Catholic Church the German Caritas Association helps shape the life of the Church and society in general. Its actions lend credibility to Church proclamation in the public realm.

Tasks and responsibilities are distributed among the German Caritas Association and its branches and member organizations according to the principle of subsidiarity.

As one member of the group of Non-Statutory Social Welfare Organizations, the German Caritas Association bears responsibility for molding a socially just society in Germany and in Europe. It is committed to the preservation of basic social rights throughout the continuing development of the European Union. The German Caritas Association is advocate and partner of the disadvantaged, promoter of self-help and participation, provider of social services, and founder of solidarity. It works together with the other non-statutory social welfare organizations to shape public welfare. As a member of the international Caritas network, it supports needy people around the globe.

§ 1 Name, Legal Status, Official Headquarters, and Financial Year

- (1) The name of the association is German Caritas Association, registered charity (Deutscher Caritasverband e. V.).
- (2) It is a member of the Non-Statutory Social Welfare Organizations.
- (3) The Association is entered in the official register of societies and associations at the District Court of Freiburg im Breisgau (VR 570).
- (4) The official headquarters of the Association is in Freiburg im Breisgau.
- (5) The financial year of the Association corresponds to the calendar year.

§ 2 Canonical Status

- (1) The German Caritas Association constitutes the institutional union and representation of the Catholic Church in Germany as recognized by the German Bishops.
- (2) It is a private association of the faithful as described in Canones 299, 321 – 326, of Codex Iuris Canonice (Codex of Canon Law).
- (3) The Association is subject to supervision by the German Bishops Conference in accordance with the Codex Iuris Canonici.
- (4) The chairman of the bishops' commission responsible for Caritas has the right to participate in the meetings of Association branches.
- (5) Basic Church regulations regarding employment are to be applied according to the respective version published in the Freiburg Archdiocesan Newsletter.

§ 3 Status as a Charitable Organization

- (1) The Association solely serves non-profit and charitable purposes in accordance with the section “Tax-Deductible Purposes” of German tax law.
- (2) The Association works on the basis of selflessness. It has no interest in making profit. Association funds shall only be used to fulfill objectives set forth in the statutes. No one person shall profit from disproportionately high payment or from expenditures that do not align with Association purposes.
- (3) Members receive neither dividends nor any other form of payment from Association funds in their capacity as members. They do not receive any form of compensation for their membership if they leave the Association or if the Association is disbanded.
- (4) The German Caritas Association may fulfill its aims by obtaining funds for the realization of tax-deductible purposes from other tax-deductible corporate bodies or from public corporations.

§ 4 Organization

- (1) The German Caritas Association is the amalgamation of the Diocesan Caritas Associations, the recognized central specialized organizations, the recognized Catholic charity societies, including all of their branches and members, as well as the supra-diocesan charitable religious orders.
- (2) The Association branches off into Diocesan Caritas Associations and generally, within the dioceses, into local Caritas organizations and other regional structures. Groups and committees formed at the parish level to deal with Caritas and social issues can be assigned to their respective regional structure.
- (3) The recognized central Catholic charity specialized organizations are integrated into the Association and assigned to their respective level and respective branch within the Association.
- (4) Within the Association, Catholic charity organizations cooperating in the same field of work can be recognized as central specialized organizations.
- (5) The branches and members listed in § 4, 1-4, work independently in fulfilling their tasks as defined by the statutes.

§ 5 The Central Office of the Association

- (1) The German Caritas Association maintains a central office for managing the Association and individual recognized specialized organizations in accordance with § 4, paragraphs 3 and 4.
- (2) The German Caritas Association runs main representative offices in Berlin, Brussels (4-6, rue de Pascale, B-1040 Bruxelles) and in Munich. The Association may establish further main representative offices.

§ 6 Objectives and Tasks

- (1) The German Caritas Association, together with its members, devotes itself to the entire spectrum of social and charitable tasks. According to its Statement of Goals, the foremost objectives of the Association are to protect individual human dignity, to foster a life of solidarity in a plural world, and to commit itself worldwide to life in freedom, justice, and peace. People working in an honorary capacity and other volunteers as well as employed men and women work together to fulfill these goals.

- (2) The German Caritas Association, together with its members, devotes itself to the following tasks in particular:
 1. With a special emphasis on lasting effect, it helps people in need and supports them on their path to improved opportunities and an independent life of responsibility. Such assistance is provided in accordance with § 53 of German tax law.
 2. It defines itself as an advocate and partner of the disadvantaged, listens to their concerns and needs, supports them in becoming aware of their rights, and actively opposes societal and political developments that lead to discrimination and exclusion.
 3. Through communications and public relations, it fosters social awareness in society and cohesion within the Association.
 4. It helps shape social and societal policy by taking on responsibility for the development of a needs-oriented social infrastructure and by seeing to care of the general public in the areas of health, social work, parenting, education, and employment.
 5. It translates charity into action through its sponsorship of services and facilities that provide social and charitable assistance. In its role as sponsor, the Association encourages the distribution of tasks among its members based on specialized fields of work.
 6. It promotes needs-oriented and properly executed development of charitable services and facilities.
 7. It assists in the recruitment of staff members to fulfill social and charitable tasks and offers them spiritual guidance. It sees to the qualification of staff by offering trainee programs and furthering education opportunities.
 8. It promotes the development and implementation of quality standards in the various fields of social welfare work.
 9. It fosters volunteerism and citizen commitment to social work, thus encouraging societal solidarity.

10. It promotes the development of and reflection upon practices of social welfare work through committees and in parishes.
 11. On a global level the Association lends support to and cooperates with partner organizations to help people stricken by crises and poverty.
 12. It cooperates at various levels with partners in the realms of public and non-statutory social welfare work.
- (3) As the unifying body of all Caritas associations, the German Caritas Association takes on the following functions at the federal level: coordination, representation of interests, improvements in quality, development of structures. More specifically, the Association fulfills the following tasks:
1. Coordination through
 - a support of social welfare work agencies by way of networking with other national organizations, in particular with the top agencies from the group of Non-Statutory Social Welfare;
 - b promotion and support of communication within the Association and the Church, as well as with political and societal bodies, and the assumption of coordination duties concerning principle and cross-section tasks;
 - c promotion of common action at European and international levels with Caritas Internationalis, Caritas Europe and other social and/or charitable organizations.
 2. Representation of
 - a people who suffer from need and discrimination by influencing the development of informed opinions both in national and European policy-making as well as in the general public;
 - b Caritas services and facilities in the design of pertinent national conditions and regulations;
 - c member organizations by helping shape federal norms pertaining to private sponsorship;
 - d Caritas' specialized branches by integrating their fundamental principles and goals into national and European policy developments concerning social issues, society, and especially social welfare work.

3. Improvements in quality through
 - a promotion of expertise in charity work, in particular by means of information, public relations, publications, documentation, knowledge management, training programs, and furthering education in the basic or central topical areas;
 - b development and assurance of quality standards in charity work;
 - c development of cornerstones of quality assurance and support of quality assurance processes.
4. Development of structures through
 - a promotion of developments in the field of social welfare work by initiating and implementing model projects;
 - b development of general strategies in the various fields of charity work;
 - c initiation, implementation, and support of development processes within the Association.
5. Further tasks
 - a with its foreign aid agency "Caritas international" it initiates social assistance, specifically in foreign countries, and takes on the coordination of related services of its branches and member organizations;
 - b it bears responsibility for designing, implementing, and reviewing its own, independent, ecclesiastical employment policy;
 - c through the publication of Association magazines, it disseminates information, fosters a sense of identity, and encourages informed discourse;
 - d it is responsible for national conventions, in particular for the Caritas Convention which usually takes place every three years;
 - e it may participate in the sponsorship of social welfare facilities.

§ 7 Members

- (1) In accordance with paragraph 2, the German Caritas Association has personal and corporate members.
 1. Natural persons who work on the fulfillment of Catholic Caritas duties by volunteering, by giving non-material or other support, or by paying membership fees can become personal members.
 2. Legal entities in the form of associations, sponsors of facilities and services, or societies that, in accordance with their statutory aims, fulfill the duties of Catholic Caritas, can become corporate members.

- (2) Members of the German Caritas Association are, according to the regulations set forth in § 8:
 1. the Diocesan Caritas Associations including their subdivisions;
 2. the recognized central Catholic specialized charity organizations;
 3. the recognized central specialized organizations representing unions of Catholic charity facilities joined together on the basis of their field of work;
 4. the supra-diocesan recognized Catholic charity societies;
 5. the supra-diocesan charitable religious orders;
 6. corporate members of the Diocesan Caritas Associations as described in clause 1 and the central specialized organizations under clause 2;
 7. personal members of the Diocesan Caritas Associations under clause 1, and the specialized organizations under clause 2, as well as the societies under clause 4 who have applied on behalf of their personal members for membership in the German Caritas Association.

- (3) The rights and obligations of members described in paragraph 2, clauses 6 and 7 are determined by regulations enacted for this purpose by the organizations named in paragraph 2, clauses 1 and 2.

- (4) The members as described in paragraph 2, clauses 1 – 5 are obliged to pay an annual membership fee. The Assembly of Delegates decides the amount and settlement date of membership fees and sets further stipulations in a financial statute.

§ 8 Recognition, Admission, Resignation, Exclusion of Members

- (1) Membership in Diocesan Caritas Associations shall be constituted according to diocesan right.
- (2) Membership in the specialized organizations under § 7 paragraph 2 clauses 2 and 3 shall be established upon recognition as a specialized organization.
- (3) Membership in the societies under § 7 paragraph 2 clause 4 shall be established upon recognition as a society.
- (4) Membership in the religious orders under § 7 paragraph 2 clause 5 shall be established through admission procedures.
- (5) The Caritas Council decides on written applications for recognition of status as a specialized organization under § 7 paragraph 2 clauses 2 and 3, as a society under § 7 paragraph 7 clause 4, as well as membership under § 7 paragraph 2 clause 5. The decision by the Caritas Council may be opposed in which case the Assembly of Delegates concludes. Recognition and revocation of recognized status, admission, resignation, and exclusion of a member under § 7 paragraph 2 clauses 2 to 5, are settled by Association rules enacted by the Assembly of Delegates.
- (6) Admission, resignation, and exclusion of a member under § 7 paragraph 2 clauses 6 and 7 are settled in accordance with the regulations enacted for this purpose by the organizations named under § 7 paragraph 2 clauses 1, 2, and 4; in doing so, these organizations are obliged to adhere to the general prerequisites for Caritas membership determined by the Assembly of Delegates.
- (7) The admission of corporate members under § 7 paragraph 2 clause 6 acting on a supra-diocesan level requires approval by the Board of the German Caritas Association.
- (8) The statutory rights and obligations of members shall be observed within the Association by the Assembly of Delegates.

(9) Membership is non-transferable. It expires for members under § 7 paragraph 2 clauses 2 – 5

1. by means of written notice of resignation effective at the end of the year, and/or by dissolution or loss of capacity as a legal entity;
2. by means of revocation of recognized status or exclusion. Revocation of recognized status or exclusion of a member may occur due to conduct that damages either the intent or the reputation of the Association. The Caritas Council decides on matters of revocation or exclusion. The member shall be granted a fair hearing before the Caritas Council prior to the Council deciding on revocation or exclusion. The Council decision may be opposed by appealing to the Assembly of Delegates. The Assembly of Delegates concludes.

§ 9 Branches

- (1) The branches of the German Caritas Association comprise:
 1. the President
 2. the Assembly of Delegates
 3. the Caritas Council
 4. the Board

- (2) Employees of the German Caritas Association (registered charity) may not act as voting members in the Association branches as long as these statutes do not state otherwise.

- (3) The branches may build commissions and committees in order to fulfill their statutory duties. Further details are set forth in rules enacted by the Assembly of Delegates.
In spite of that, the Labor Law Commission forms a special type of permanent commission of the Assembly of Delegates of the German Caritas Association. Valid here is the most current version of rules enacted by the Assembly of Delegates for the Labor Law Commission of the German Caritas Association.

§ 10 President

- (1) The President represents the German Caritas Association within the Church, the state, and society.
- (2) The President is responsible to the German Bishops' Conference for the work of the German Caritas Association and reports to the Conference on all important affairs. He/She maintains close contact with the chair of the German Bishops' Conference, with the Bishops' Commission responsible for Caritas, as well as with the other branches of the German Bishops' Conference, and the Association of German Dioceses.
- (3) The President is responsible for convening and chairing the Assembly of Delegates and the Caritas Council.
- (4) The President is chair of the Board by virtue of his/her office.
- (5) The President is elected by the Assembly of Delegates for a term of six years. Re-election is permitted. Further details are set forth in the election procedures enacted by the Assembly of Delegates. Those rules are a component of the Statutes.
- (6) In carrying out the duties of his office, the President is supported and advised by vice presidents. Upon recommendation by the President, the Assembly of Delegates elects up to four vice presidents who serve for a term of six years. The term ends with the Assembly of Delegates following the election of the president. Should the term of the president end prematurely, the term of the vice presidents shall end with the Assembly of Delegates following the election of a new president. Re-election is permitted. Further details are set forth in the election rules enacted by the Assembly of Delegates.
- (7) If the President is unable to fulfill his duties or if the presidency is vacant, the presidential duties under paragraphs 1 – 3 shall be carried out by a vice president and the duties under paragraph 4 by the Secretary General.

§ 11 Assembly of Delegates

- (1) The Assembly of Delegates is comprised of voting and advisory members.
- (2) The members entitled to vote are:
 1. the President;
 2. the vice presidents;
 3. the members of the Board under § 18 paragraph 1 clauses 2 and 3;
 4. the chair and the directors of the Diocesan Caritas Associations;
 5. two representatives from each specialized organization under § 7 paragraph 2 clauses 2 and 3;
 6. one representative from each society under § 7 paragraph 2 clause 4;
 7. six representatives from the religious orders under § 7 paragraph 2 clause 5;
 8. the chair and the director of the regional Caritas Association of Oldenburg;
 9. three representatives each from the local level of each Diocesan Caritas Association;
 10. up to seven additional people.
- (3) The members under paragraph 2 clauses 1 to 4 and 8 are members by virtue of office.
- (4) The members under paragraph 2 clauses 5 and 6 are appointed for one term of office by the specialized organizations under § 7 paragraph 2 clauses 2 and 3 and by the societies under § 7 paragraph 2 clause 4; recall and re-appointment are possible.
- (5) The members under paragraph 2 clause 7 are appointed for one term of office by the Association of German Superiors of Religious Orders (ADOV)¹; recall and re-appointment are possible.
- (6) The delegates under paragraph 2 clause 9 are elected in accordance with the corresponding statutes of each Diocesan Caritas Association, whereby local structures shall be appropriately represented.

¹ The members of the ADOV joined together on June 8, 2006, to form a single "German Conference of Superiors of Religious Orders" (DOK) that replaces the three former Associations of Superiors of Religious Orders. The board of the DOK thus constitutes the successor institution of the ADOV.

- (7) The members under paragraph 2 clause 10 are elected by the Assembly of Delegates. The Board may propose candidates.
- (8) The advisory members are the heads of the main representative offices and the members of the Caritas Council, as long as they are not voting members as described under paragraph 2 clauses 5 – 10; additional advisory members may be appointed by the Assembly of Delegates. They participate in meetings of the Assembly of Delegates without the right to vote.
- (9) The term of office for the Assembly of Delegates is six years. It expires or ends with the constitution of a new Assembly of Delegates.

§ 12 Duties of the Assembly of Delegates

- (1) The Assembly of Delegates discusses and decides on fundamental Caritas issues and assigns corresponding tasks to the Caritas Council and the Board.
- (2) The Assembly of Delegates is specifically responsible for:
 1. electing the President;
 2. electing up to 4 vice presidents upon recommendation by the President;
 3. electing members to the Caritas Council as described under § 14 paragraph 2 clauses 3 – 6 and 8;
 4. enacting Association rules as described under § 8 paragraph 5, rules for committees and commissions under § 9 paragraph 3, as well as rules for the Caritas Convention under § 20;
 5. concluding on opposition to decisions made by the Caritas Council under § 15 paragraph 2 clauses 11 and 12;
 6. establishing guidelines for Caritas membership under § 8 paragraph 6;
 7. accepting and providing consultation for the business report of the Board and the activity report of the Caritas Council including a financial report;
 8. approving the Caritas Council;
 9. passing resolutions concerning the amount and settlement date of membership fees as well as passing the financial statutes under § 7 paragraph 4;
 10. passing resolutions concerning changes in the statutes and in Association objectives as well as disbanding the Association under § 22;
 11. enacting rules for electing the president, vice presidents, elected members of the Caritas Council under § 14 paragraph 2, as well as members of the Board under § 18 paragraph 1 clauses 2 and 3;
 12. approving the protocol of the Caritas Council.
 13. enacting rules for the Labor Law Commission of the German Caritas Association.

§ 13 Internal Rules and Meetings of the Assembly of Delegates

- (1) The regular meeting of the Assembly of Delegates takes place annually.
- (2) The Assembly of Delegates is convened by the President. The President announces the time, venue, and agenda of the meeting with at least six weeks' prior notice.
- (3) The agenda for the Assembly of Delegates annual meeting is drawn up by the Board with the consent of the vice presidents. Every member may submit proposals for the agenda up until 2 weeks before the meeting begins. Proposals shall be addressed to the President in writing. The President then determines the final agenda. The final agenda does not have to be distributed again. If a proposed topic is not included in the final agenda, the petitioner may bring about a decision by the Assembly of Delegates by making a formal request. Formal requests to change the agenda must be submitted to the President in writing.
- (4) The President may convene an extraordinary meeting of the Assembly of Delegates; he/she is obliged to do so if at least one fourth of all voting members request that the President call an extraordinary meeting. Invitations to an extraordinary meeting of the Assembly of Delegates may be sent with a minimum of three weeks' prior notice.
- (5) The Assembly of Delegates is chaired by the President or a vice president for the meeting in session.
- (6) Members listed under § 11 paragraph 2 have one vote each. The right to vote is transferable and may be transferred in writing to another voting member. No one member may collect more than two votes.
- (7) The Assembly of Delegates has a quorum when at least half of the voting members are present in person.

- (8) The Assembly of Delegates passes resolutions – save as provided in paragraphs 9 and 10 – with a majority of votes of the voting members present. Abstentions bear no meaning. If a vote is tied, the related petition shall be considered rejected. Voting and elections may be held by acclamation. Secret ballot shall be used if requested by one voting member. Board members are not allowed to vote for the approval of the Caritas Council (§ 12 paragraph 2 clause 8).
- (9) A three-quarters majority of all voting members present is required to pass the resolutions under § 22 paragraph 1, the amount and settlement date of membership fees, as well as to pass the financial statute under § 12 paragraph 2 clause 9, and to enact the election rules under § 12 paragraph 2 clause 11.
- (10) Resolutions dealing with fundamental issues of how the Church views itself may not be passed in opposition to a majority vote by the President and the chairpersons and directors of the Diocesan Caritas Associations. They also decide whether any of the topics to be voted on touch on the fundamental issues of how the Church views itself.
- (11) Resolutions by the Assembly of Delegates shall be recorded in writing and signed by the chair.
- (12) The Assembly of Delegates adheres to a set protocol.

§ 14 Caritas Council

- (1) The Caritas Council has both voting and advisory members.
- (2) The voting members comprise:
 1. the President;
 2. the Secretary General;
 3. twelve chairpersons or directors of the Diocesan Caritas Associations;
 4. seven representatives from the specialized organizations under § 7 paragraph 2 clauses 2 and 3 as well as from the societies under § 7 paragraph 2 clause 4;
 5. two representatives from the religious orders under § 7 paragraph 2 clause 5;
 6. five representatives from the local level of the Diocesan Caritas Associations;
 7. the chair of the Finance Commission under § 17;
 8. two additional persons.
- (3) The members described under paragraph 2 clauses 1, 2 and 7 are members by virtue of office. The other members are elected by the Assembly of Delegates.
- (4) Should the Finance Commission elect a voting member of the Caritas Council to its chairperson position, the resulting vacant seat from the respective group under § 14 paragraph 2 shall be filled in accordance with election rules.
- (5) The advisory members comprise the vice presidents, as long as they are not voting members under paragraph 2, the members of the Board under § 18 paragraph 1 clause 3, and the heads of the main representative offices.
- (6) The Caritas Council serves a six-year term. It expires or ends with the constitution of a new Caritas Council.

§ 15 Duties of the Caritas Council

- (1) The Caritas Council discusses and decides on Association-related, political, and specialized issues of significance within the framework of the rules, guidelines, and decisions made by the Assembly of Delegates. The Caritas Council is responsible for supervising the Board.
- (2) The Caritas Council is specifically responsible for:
 1. discussing and deciding on the strategic implementation of tasks as well as the focus of charitable social work under paragraph 2;
 2. electing members of the Board under § 18 paragraph 1 clauses 2 and 3 as well as deciding on the early recall of a Board member;
 3. approving the areas of business and the protocol of the Board;
 4. discussing and deciding on business and financial issues of special significance;
 5. accepting the business report of the Board;
 6. approving the business plan and the annual financial statement;
 7. approving the Board;
 8. selecting an auditor and determining the extent of audits as well as accepting the auditor's report;
 9. electing members of the Finance Commission under § 17 and enacting rules for the Finance Commission;
 10. discussing the report of the Finance Commission;
 11. examining and deciding on the recognition of status as a specialized organization under § 7 paragraph 2 clauses 2 and 3, on the recognition as a society under § 7 paragraph 2 clause 4, as well as the admission of members under § 7 paragraph 2 clause 5;
 12. examining and deciding on the revocation of recognition as well as the exclusion of a member of the German Caritas Association under § 8 paragraph 9 clause 2;
 13. writing an activity report, including a financial report, to be submitted to the Assembly of Delegates;
 14. concluding on resolutions passed by the Board in opposition to a vote by the President under § 18 paragraph 10.

§ 16 Internal Rules and Meetings of the Caritas Council

- (1) The regular meetings of the Caritas Council generally take place three times yearly.
- (2) The Caritas Council is convened by the President. The President announces the venue, time, and agenda with at least six weeks' prior notice.
- (3) The agenda for the Caritas Council meeting is drawn up by the Board with the consent of the vice presidents. Every member may submit proposals for the agenda up until 8 days before the meeting begins. Proposals shall be addressed to the President in writing. If a proposed topic is not included in the final agenda, the petitioner may bring about a decision by the Caritas Council by making a formal request. Formal requests to change the agenda must be submitted to the President in writing.
- (4) The President may convene an extraordinary meeting of the Caritas Council; he/she is obliged to do so if at least one-fourth of all voting members request that the President call an extraordinary meeting. Invitations to an extraordinary meeting of the Caritas Council may be sent with a minimum of three weeks' prior notice.
- (5) The Caritas Council is chaired by the President or a vice president. If the President is unable to attend, his/her right to vote shall be exercised by the chairing vice president.
- (6) In discussing and deciding on the affairs listed under § 15 paragraph 2 clauses 4 – 8, the chairperson of the Finance Commission shall act as chairperson of the Caritas Council meeting. If the chairperson of the Finance Commission is unable to attend, his/her deputy chairperson shall assume chairmanship. In discussing and deciding on the affairs listed under § 15 paragraph 2 clauses 9, 10, and 14 a vice president shall act as chairperson. Members of the Board do not have the right to vote on the topics listed under § 15 paragraph 2 clauses 4 – 10 and 14.

- (7) Members listed under § 14 paragraph 2 have one vote each. The right to vote is transferable and may be transferred in writing to another voting member. No one member may collect more than two votes. If the chair of the Finance Commission is unable to attend, his/her right to vote is exercised by his/her deputy chairperson.
- (8) The Caritas Council has a quorum when at least half of the voting members are present in person.
- (9) The Caritas Council passes resolutions with a majority of votes by the members present who are entitled to vote. Abstentions bear no meaning. If a vote is tied, the related petition shall be considered rejected. Voting and elections may be held by acclamation. Secret ballot shall be used if requested by one voting member.
- (10) Resolutions by the Caritas Council shall be recorded in writing and signed by the chair.
- (11) The Caritas Council adheres to a protocol approved by the Assembly of Delegates.

§ 17 Finance Commission

- (1) The Finance Commission supports the Caritas Council in carrying out its supervisory and control function with regards to the Board in financial and economic matters.
- (2) The Finance Commission is a commission of the Caritas Council and comprises seven members.
- (3) The members of the Finance Commission are elected by the Caritas Council. The majority of members comes from among the voting members of the Caritas Council. Members of the Finance Commission may not be vice presidents or Board members.
- (4) From among its members, the Finance Commission elects a chairperson and a deputy chairperson. The chairperson is a voting member of the Caritas Council.
- (5) The Finance Commission serves a six-year term. It expires or ends with the constitution of a new Finance Commission.
- (6) The tasks and working methods of the Finance Commission shall be established by rules enacted by the Caritas Council.

§ 18 The Board

- (1) The Board is comprised of
 1. the President as chairperson by virtue of his/her office
 2. the Secretary General as deputy chairperson
 3. up to three additional board members
- (2) The assignment of business areas to the board members must be approved by the Caritas Council.
- (3) The board members are fully employed for a limited time.
- (4) The Secretary General and the additional board members mentioned under paragraph 1 clause 3 are elected by the Caritas Council.
- (5) The term of office of the members under paragraph 1 clauses 2 and 3 is six years. Their term expires with the election of new board members and their entry in the official register of societies and associations. Re-election of board members is permitted.
- (6) Further details are settled by election rules enacted by the Assembly of Delegates that include the procedure for early recall of a board member under paragraph 1 clauses 2 and 3.
- (7) The Board, in accordance with § 26 of the German Civil Code, is comprised of the board members described in paragraph 1. Representation of the Association both before a court of law and out of court is provided by two board members working jointly, one of the two being the chairperson or the deputy chairperson.
- (8) In all legal transactions that affect the Board itself or members of the board personally as well as in the completion of board member employment contracts the Association is represented by the President. In all legal transactions that affect the President personally the Association is represented by the Secretary General and one additional board member. The legal transactions mentioned in sentences 1 and 2 require prior consent of the Finance Commission before going into effect.

- (9) The Board has a quorum when more than half of its members are present. The Board passes resolutions with a majority vote by the board members present. Abstentions bear no meaning. If a vote is tied, the related petition shall be considered rejected.
- (10) The President has the right to lay before the Caritas Council a resolution that was passed in opposition to his vote.
- (11) In fulfilling its tasks the Board makes use of the administrative institutions listed under § 5. The Board enacts a protocol for the management of those administrative institutions.
- (12) The Board adheres to a protocol approved by the Caritas Council.

§ 19 Duties of the Board

- (1) The Board manages the Association within the framework of the laws, the statutes, and the resolutions passed by the Assembly of Delegates and the Caritas Council.
- (2) The Board is specifically responsible for:
 1. managing the Association and making decisions on issues pertinent to the specialized fields, business matters, and financial policy;
 2. representing the Association in relations with the Church, the state, and society, in particular in dealing with government offices at the federal level and at the EU level as well as with the respective parliamentary committees;
 3. cooperating with top communal organizations at the national and European level, with the top non-statutory social welfare organizations, as well as with specialized organizations and scientific institutions;
 4. profiling the Association as an internationally active aid organization and profiling its work with national and international organizations;
 5. securing adequate conditions for the work of charitable services and facilities as well as for their continuing development;
 6. drawing up a business plan and presenting the annual financial statement.

§ 20 Caritas Convention

- (1) As a rule, the Caritas Convention shall take place every three years with the purpose of regularly reviewing the general and specific duties of the German Caritas Association under § 6 paragraphs 1 and 2.
- (2) To prepare, carry out, and evaluate the Caritas Convention, the Board, with the consent of the Caritas Council, appoints a preparation commission comprised of representatives from all branches and levels of Caritas work.
- (3) Further details shall be set forth by rules worked out by the Board and enacted by the Assembly of Delegates.

§ 21 Association Emblem and Brand Names

- (1) The Association emblem and the brand names “Caritas” and “Caritas international” are registered trademarks. Legal owner is the German Caritas Association, registered charity.
- (2) The Association emblem is the blazing cross in its respective binding form. It serves to preserve and visibly display the Association’s identity.
- (3) Association members under § 7 paragraph 2 clauses 1 – 6 have the exclusive right to use the Association emblem in fulfilling their statutory duties.
- (4) The members listed under § 7 paragraph 2 clauses 1 – 6 are obliged to immediately report any violation of the legal protection of the Association emblem or brand names.
- (5) The Diocesan Caritas Associations and the German Caritas Association reserve the right to take legal action against third parties involved in the misuse of the Association emblem.

§ 22 Amending the Statutes and Disbanding the Association (registered charity)

- (1) Amendments to the statutes and the objectives of the Association, and disbandment of the Association can only be effected by a meeting of the Assembly of Delegates convened solely for this purpose and with a three-quarter majority vote by the voting members present.
- (2) Resolutions in accordance with paragraph 1 require approval by the German Bishops Conference.
- (3) Should the German Caritas Association dissolve or disband or should its tax-deductible work be discontinued, all assets of the Association shall go to the Archbishop's Office of Freiburg im Breisgau. Said assets are to be used directly and exclusively for non-profit and charitable purposes in the spirit of the German Caritas Association and in accordance with tax law.

§ 23 Interim Arrangements

- (1) These statutes come into force upon approval by the German Bishops Conference and upon entry into the official register of societies and associations.
- (2) The terms of the Assembly of Representatives (Vertreterversammlung) under § 19 and of the Central Council (Zentralrat) under § 17 in the 1996 version of the statutes end with the constitution of the Assembly of Delegates under § 11 of the statutes at hand.
- (3) The term of the Central Executive Committee (Zentralvorstand) under § 15 of the 1996 version of the statutes ends with the constitution of the Caritas Council under § 14 of the statutes at hand.
- (4) The term of the Board of Managing Directors (Geschäftsführender Vorstand) under § 13 of the 1996 version of the statutes ends with the constitution of the Board under § 18 of the statutes at hand.
- (5) The term of the incumbent president has been extended up to the presidential election in the regular meeting of the Assembly of Delegates in autumn 2009. The transition of office shall be effected in accordance with § 6 of the election procedures for presidential elections.
- (6) The terms of the vice presidents end with the election of new vice presidents by the Assembly of Delegates. The terms of the vice presidents elected in the first Assembly of Delegates in the year 2004 end with the Assembly of Delegates following the next presidential election.
- (7) Until rules for electing the President under § 10 paragraph 5 have been enacted by the Assembly of Delegates, the present election rules remain in effect. The Caritas Council shall summon an election commission.
- (8) All remaining rules and regulations enacted by the present branches shall remain in effect and be applied in practice until they are replaced by new regulations set by the respective branches defined in the statutes at hand.

- (9) Committees, commissions, and working groups formed under the 1996 version of the statutes shall remain active until the respective branches have revised them.
- (10) The status of the existing specialized organizations under § 4 paragraphs 2 and 3, the societies under § 4 paragraph 4, and the members under § 7 paragraph 2 of the 1996 version of the statutes shall remain unchanged.
- (11) In case the court of the register, the respective tax office, or the German Bishops Conference finds it necessary to change parts of the statutes, the Assembly of Representatives of the German Caritas Association shall instruct the Central Council of the German Caritas Association to check the required amendments to the statutes and, if need be, to pass them, or to delegate the addition of requisite measures. A three-quarter majority of voting members present in the Central Council is necessary to pass such amendments.

Election Procedures of the Assembly of Delegates for the Election of President of the German Caritas Association

In accordance with § 12 paragraph 2 clause 1 of the Statutes of the German Caritas Association

The Assembly of Delegates of the German Caritas Association has enacted, in accordance with § 12 paragraph 2 clause 11 of the statutes, the following Election Procedures for the election of the president. The Election Procedures are a component of the statutes of the German Caritas Association according to § 10 paragraph 5.

§ 1 Election by the Assembly of Delegates

In accordance with § 12 paragraph 2 clause 1 of the statutes, the Assembly of Delegates elects the president for a term of six years.

§ 2 Candidacy Procedure

- (1) The Caritas Council is responsible for officially opening the candidacy procedure.
- (2) The Council instructs the Personnel Committee to carry out the candidacy procedure within an adequate time frame, but at least six months before expiration of the term of an incumbent president. In the case of premature termination of a presidential term due to death or other permanent conditions that prevent the execution of presidential duties, the Personnel Committee shall be notified immediately.
- (3) In accordance with § 8 paragraph 4 of the order of business of the Caritas Council, for the purpose of carrying out this procedure the Secretary General takes the place of the President as a member of the Personnel Committee.
- (4) The Personnel Committee calls upon the voting members of the Assembly of Delegates to nominate candidates in writing by a deadline set by the Committee. Members of the Personnel Committee also have the right to nominate candidates.

- (5) Should a member of the Personnel Committee run for the presidency, his or her mandate for this procedure shall be suspended. The Caritas Council can elect a new member for this procedure from among the eligible group in accordance with § 14 paragraph 2 clauses 3-6 of the statutes.
- (6) The Personnel Committee or members selected by it carry out initial talks with the proposed nominees. The Committee or its selected members ask each candidate whether he/she would be willing to accept the office in case he/she is elected.
- (7) If a candidate is a priest, the chairperson of the Personnel Committee requests approval from the respective bishop as a precaution in case the candidate is elected.
- (8) Following talks with the candidates, the Personnel Committee issues a proposal list of the names of all candidates in alphabetical order. The list shall not contain more than five candidates.

§ 3 Presentation of the Proposal List to the German Bishops Conference

- (1) The chairperson of the Personnel Committee submits the proposal list to the German Bishops Conference together with a declaration of willingness on the part of each candidate to accept the office in case of election. The chairperson also requests approval of the candidates. This approval must be given for the election to go into effect.
- (2) Should the German Bishops Conference not approve one or more of the candidates, the Personnel Committee may make additional suggestions.

§ 4 Announcing the Candidates and Calling the Assembly of Delegates

- (1) After the Bishops Conference has approved the candidate list, the chairperson of the Personnel Committee announces the names of the candidates to the members of the Assembly of Delegates and, at the same time, requests of the president, or in case of his or her absence, a vice president, to call the Assembly of Delegates for the purpose of electing a president.

- (2) The presidential election usually takes place during the regular Assembly of Delegates following the announcement of candidates.

§ 5 Election of the President

- (1) The chairperson of the Personnel Committee, or in case of his/her absence, the deputy chairperson, shall preside over the election.
- (2) In accordance with § 13 paragraph 7 of the statutes, the Assembly of Delegates has a quorum when at least one half of the voting members are personally in attendance.
- (3) Based on § 10 paragraph 5 of the statutes, the following modified rules have been set up that differ from § 13 paragraph 6 clause 2 and paragraph 8 clause 1, 2, 4 and 5 of the statutes.
 - a) Voting rights are not transferable for the presidential election.
 - b) In first-ballot voting, the vote goes to the candidate with two-thirds of the votes of all legitimate voting members present. With all following ballots, a majority of votes of all voting members present suffices.
 - c) Abstentions count as "no".
 - d) The election shall be carried out by secret ballot.

§ 6 Transition and Installation

- (1) The president elect sets the date for his installation in agreement with the incumbent president. The date shall be within four months after the election.
- (2) The incumbent president remains in office until the newly elected president is installed.
- (3) The president shall be installed by a representative of the German Bishops Conference.

§ 7 Re-election of the President

An incumbent president may run for re-election when his term in office ends in accordance with § 10 paragraph 5 of the statutes. He/she submits his/her intention in writing to the chairperson of the Personnel Committee before the candidacy procedure is officially opened. The incumbent president shall then be included in the proposal list in accordance with § 2 paragraph 8.

The Election Procedures were established by the Assembly of Delegates on October 18, 2005, approved by the German Bishops Conference on May 3, 2006 and entered into the official registry of societies and associations of the District Court of Freiburg im Breisgau on June 23, 2006.