



Congress
2012

CONSTITUTION of CESI
In the version dated 1 December 2012

Confédération Européenne des Syndicats Indépendants

European Confederation of Independent Trade Unions ★ Confederazione Europea dei Sindacati Indipendenti
Europäische Union unabhängiger Gewerkschaften ★ Confederación Europea de Sindicatos Independientes

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Internet: <http://www.cesi.org> ★ email: info@cesi.org

Chapter I¹

Name and headquarters

Article 1

The European Confederation of Independent Trade Unions (CESI) is an association of free and independent trade unions in Europe. This trade union confederation avows itself to the principle of democracy and is ideologically unaffiliated. It remains open to Christian, liberal and social-democratic trade unions provided they are party-politically independent. CESI is in compliance with the Charter of the basic rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

Article 2

The CESI is an organisation constituted under Belgian law. Its headquarters are located in Brussels. It is active in the public and the private sector.

Chapter II

Aim

Article 3

The trade union political aim of the CESI is to maintain and improve the living and working conditions of the workforce. To this end, the CESI pursues the objective of participating in European social dialogue throughout trade and within sectors. The social-political aim is to improve the living conditions of all European citizens.

¹ In so far as male descriptions are used in the Constitution of the CESI, these refer equally to women and men.

Chapter III

Means of pursuing that aim

Article 4

- 1) The following means shall be adopted to pursue that aim:
 - a) representation of the occupational, legal, social and material interests of the workforce in both the public and private sectors vis-à-vis European and international institutions and organisations;
 - b) formation of commissions and Trade Councils;
 - c) support for member organisations in conducting their activities and promoting their interests at European and international level;
 - d) close contact with and promotion of cooperation between member organisations;
 - e) promotion and co-ordination of cooperation with other organisations;
 - f) close cooperation with the educational sector of the CESI.
- 2) With a view to pursuing its aim CESI also declares its support for industrial action as an expedient, insofar as the special status of the groups of employees in member trade unions does not exclude this means.
- 3) The CESI may enter into partnerships with international trade union organisations.

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Chapter IV Affiliation

Article 5

- 1) The following organisations shall be eligible for affiliation to the CESI:
 - a) national umbrella trade union organisations
 - b) European umbrella trade union organisations
 - c) occupational trade union organisations which are associated at the European level
 - d) individual national trade union organisations
- 2) The conditions of acceptance for affiliation to the CESI shall be that the applicant trade union is organised and acts on the basis of its constitution in accordance with democratic principles and recognises the trade union mechanisms that are used for the realisation of the aims of the CESI.
- 3) Applications for affiliation to CESI must be made in writing.
- 4) Prior to the acceptance of national umbrella trade union organisations or individual national trade union organisations, the member trade unions which organise in the same country or sector are asked to state their reasoned position.
- 5) The Board shall decide with a simple majority on an application for acceptance. In the case of an opinion of rejection in accordance with paragraph 4, acceptance of the application will be subject to a two-thirds majority vote of the Board.

Chapter V Termination of affiliation

Article 6

- 1) Affiliation shall be terminated by withdrawal or expulsion.
- 2) All legal claims on CESI shall expire with termination of affiliation. Claims to any share in the property of CESI shall be barred.
- 3) Termination of affiliation may take effect only from the end of the calendar year. A period of one year's notice shall be required. Notice must be given in writing.
- 4) Affiliation fees and any arrears shall be paid up by the end of the period of notification of withdrawal of affiliation. Affiliation fees due shall be paid regardless of withdrawal.

Article 7

- 1) The Board, voting with a two-thirds majority, may expel any member organisation:
 - a) which has flouted democratic principles;
 - b) which has acted in violation of the constitution or decisions of CESI;
 - c) which has acted against the interests of CESI;
 - d) which no longer fulfils the requirements for CESI affiliation;
 - e) which has, without the authorisation of the Board, failed to pay its affiliation fees for more than 12 months.
- 2) The member organisation threatened with expulsion can appeal to the Board within two months of receiving the notification. The Board will decide on whether the organisation will be expelled.
- 3) The member organisation concerned shall have the right to appeal to Congress against an expulsion decision by the Board.

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Its objection must be received in writing by the CESI at least two months before Congress and must, in addition to the items set out in Article 16 paragraph 1, be included in the agenda for Congress and dealt with by Congress.

- 4) In the cases outlined under paragraph 1, the Presidium may decide to immediately suspend membership with a two-thirds majority. Where a representative of the member organisation concerned is also a member of the Presidium, he shall not take part in the vote. The periods of notice stipulated under the paragraphs 2 and 3 shall not apply. The right of appeal of the member trade union shall not be affected by this provision.

Chapter VI

Observer status

Article 8

- 1) Observer status can be granted on request by the Board to organisations and associations provided that they acknowledge the democratic and social principles of the CESI.
- 2) The rights and obligations associated with the observer status shall be set down in a protocol.

Chapter VII

Tasks of the member organisations

Article 9

- 1) The CESI and its member trade unions shall keep one another mutually informed of significant aspects of their activities, where these are important for their joint European and international work.

- 2) Each year the member organisations shall be required to inform CESI by 31 December of their membership figures
- 3) The member trade unions shall pay the annual affiliation fee based on their membership figures as determined in accordance with paragraph 2.
- 4) At the request of the Presidium and when particularly legitimate grounds have been provided the Board may decide to increase the affiliation fee or impose a special contribution.
- 5) Every member trade union is bound to transfer:
 - a) 50 per cent by 31st March
 - b) a further 25 per cent by 30th June and
 - c) the final 25 per cent by 30th September of the membership dues for the current year to the CESI.
- 6) In exceptional circumstances, a member organisation may apply for deferment of payment of part or all of its affiliation fees. The application shall be accompanied by grounds for exemption and a summary of the organisation's financial situation. The Board shall decide on the acceptance or refusal of the application. Should the Board refuse the application or should the member organisation omit to introduce it, the latter shall be required to pay interest at the going market rate on all outstanding amounts as of 1 September of the following year. The Presidium shall consult the Treasurer before determining the rate of interest.

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Chapter VIII

Structure

Article 10

The organs of the CESI are:

- a) the Congress
- b) the Board
- c) the Presidium

Congress

Article 11

- 1) Congress is the supreme governing body of the CESI.
- 2) Ordinary Congress shall be convened by the Board and shall meet once every four years.
- 3) The date and location of the Congress shall be determined at least five months in advance.
- 4) The convocations shall be issued at least one month in advance and shall include the agenda established according to Article 15 paragraph 1, and the regulations for the Congress and elections as proposed by the Board.

Article 12

- 1) A two-thirds majority of the Board may decide to convene an extraordinary Congress when it considers that an issue is of such importance that it must be discussed by the Congress. The member organisations shall be informed of all such decisions immediately. The corresponding convocations shall be sent out at the latest one month in advance.
- 2) An extraordinary Congress may deal only with those issues for which it has been convened.

Article 13

- 1) Congress shall consist of the Presidium and the representatives of the member trade unions (delegates)
 - a) Member trade unions with up to 15,000 members shall appoint one delegate.
 - b) Member trade unions with more than 15,000 members shall appoint two delegates.
 - c) Member trade unions with more than 50,000 members shall appoint an additional delegate for every extra 50,000 members reached.
- 2) The number of delegates is determined by the number of members for which the affiliation fees at 31st December of the year prior to congress have been paid.
- 3) In so far as a member trade union does not become affiliated until after 31st December of the previous year, the number of delegates is determined by the total number of members on which the first affiliation fee is based.
- 4) The member trade unions shall inform the CESI at least six weeks before Congress of the names and addresses of their appointed delegates. They shall also indicate an appropriate number of deputies.
- 5) Delegates' travel and accommodation costs for taking part in Congresses shall be paid for by the member trade unions in question.

Article 14

- 1) Each delegate and each member of the Presidium shall be entitled to one vote.
- 2) Congress has a quorum when more than half of all of those entitled to vote are present. It takes decisions by simple majority.
- 3) Congress decisions are binding for all member trade unions.

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Article 15

- 1) Motions to the Congress for decision can be submitted by the Board, the Presidium and member trade unions.
- 2) Trade councils and commissions can submit proposals for motions to Congress to the Board or the Presidium.
- 3) Motions must be received by CESI at least 2 months before Congress.
- 4) The delegates and members of the Presidium are entitled to introduce urgent motions. Urgent motions are authorised provided that they are supported by 2/3 of those entitled to vote. They cannot relate either to changes to the constitution or the disbandment of CESI.

Article 16

- 1) The tasks of Congress shall include in particular:
 - a) verification of quorum;
 - b) election of the President of Congress and two deputies;
 - c) election of two minutes-takers, who shall also count the votes;
 - d) adoption of the agenda;
 - e) adoption of the election rules and the regulations for the Congress;
 - f) acceptance of the progress report from the Presidium;
 - g) acceptance of the Treasurer's report;
 - h) approval of the closing of accounts and auditors' reports on final audits for the previous four years;
 - i) discharge of the Presidium;
 - j) Decisions concerning motions

- k) Decisions concerning urgent motions ;
- l) Determination of budget guidelines for the next four financial years;
- m) Determination of affiliation fees;
- n) Election of the President;
- o) Election of the Secretary General;
- p) Election of the treasurer;
- q) Determination of the number of Vice Presidents and election of the Vice Presidents;
- r) Election of three main and three deputy auditors;
- s) Election of the Arbitration to be formed in accordance with Article 38.

The election of the President, the Vice-Presidents, the Secretary General and the treasurer are to be conducted in secret.

- 2) The agenda for an extraordinary Congress must include the first three points listed under paragraph 1 as well as the issues which it has been convened to discuss.

Article 17

The decisions of Congress shall be recorded in minutes to be forwarded to the member trade unions. They shall be considered approved provided no person entitled to vote has appealed them within 2 months. In the event of an appeal, the Board shall decide.

Board

Article 18

- 1) The Board is the supreme governing body of CESI between the Congresses.
- 2) The Board shall be convened by the Presidium and shall meet at least once per annum.

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- 3) The convocations shall be sent out two months in advance. The agenda shall be determined one month before the session at the latest.

Article 19

- 1) The Board, taking into consideration the guidelines drawn up by Congress, shall rule on the budget for the coming financial year, the closing of accounts for the previous year and on the progress report of the Presidium.
- 2) The Board is likewise responsible for all tasks which the Constitution does not expressly assign to Congress or the Presidium.

Article 20

- 1) The Board shall consist of one representative from each member trade union and the Presidium.

Each member trade union shall appoint a deputy member who shall, in the absence of regular members, exercise all the rights enjoyed by regular members.

- 2) Each member of the Board has one vote. Board decisions are taken by a simple majority. Where there is an equal vote, the President shall have the casting vote. At the request of the President and the Secretary General or at the request of at least three members of the Board, voting shall take place on a weighted basis. Article 13 paragraph 1 shall apply with regard to the weighting of votes.
- 3) The Board only has a quorum to pass resolutions if more than half the Board members are present or if those members who are present represent at least 60 per cent of the individual members as stipulated in Article 9 paragraph 2.

- 4) If despite the service of notice in accordance with the regulations, the quorum of the Board is not reached, the Board after noting this formally may convene immediately and may validly transact its business regardless of the number of members present. This provision shall be expressly mentioned in the notice convening the meeting. No agenda item having consequences for the budget shall be discussed unless the members present represent at least 60% of the individual members within the meaning of Article 9 paragraph 2.

Article 21

- 1) Board meetings shall not be held in public.
- 2) The Presidents of the commissions and trade councils may attend the meetings of CESI's Board with guest status and are entitled to address the meeting. They do not have the right to vote.

Article 22

The tasks of the Board shall include in particular:

- a) acceptance of the progress report of the Presidium at the first meeting of each year;
- b) acceptance of the report on the activities of the commissions and the trade councils at the first meeting of each year;
- c) approval of the auditors' reports on final audits and of the balance sheet for the previous financial year at the first meeting of a new financial year;
- d) approval of the budget for the coming year at the last meeting of each year;
- e) acceptance of motions put forward by the Presidium;
- f) acceptance of motions put forward by member trade unions with accompanying positions taken by the Presidium.

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Article 23

Board meetings shall be chaired by the President; in his absence one of the Vice-Presidents or the Secretary General.

Article 24

Travel and accommodation costs for participating in the meetings of CESI's Board are to be borne by the member trade unions. The Secretary General and treasurer can agree on exceptions.

Article 25

The minutes of Board meetings shall be sent by post to member trade unions no later than six weeks after the Board meeting has taken place.

Presidium

Article 26

- 1) The Presidium shall administer the operations of CESI in accordance with the decisions taken by Congress and the Board.
- 2) The tasks of the Presidium include in particular:
 - a) current affairs relating to union matters;
 - b) regulating and coordinating European educational work; Proposing the agenda for the meetings of the Congress and Board;
 - c) Decisions about motions and initiatives, where the Board is not responsible for the decision; d) Implementation of decisions taken;
 - d) determination of the Vice Presidents' responsibilities with regard to content;
 - e) Creation of and cooperation with the commissions and trade councils provided for by articles 34 and 35;

f) stipulation of budgetary principles in accordance with Article 32.

- 3) The Presidium shall adopt opinions and resolutions by the CESI as part of its ongoing union work.
- 4) The Presidium shall appoint a programme committee, in which the work programme is discussed and voted on once a year with the Presidents of the trade councils and commissions.
- 5) The Board shall be informed of the adoption of the annual work programme, opinions and resolutions in a suitable manner.

Article 27

- 1) The Presidium shall consist of the President, the Vice Presidents, the Secretary General, the Treasurer and the chairperson of the Academy Europe.
- 2) The term of office of a member of the Presidium ends through:
 - a) the term of offices having elapsed;
 - b) resignation of the person occupying the post;
 - c) his member trade union leaving CESI;
 - d) decision by the Board by a two-thirds majority.
- 3) Should a position become vacant during the term of office of the Presidium, that position shall be filled following a special election at the next Board meeting.

Article 28

- 1) The Presidium shall be considered to have a quorum when more than half the members are present, on condition that the President, the Secretary General or the Treasurer is present. Decisions shall be passed by the Presidium by a simple majority.

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- 2) In urgent cases, the President, the Secretary General and the treasurer may take decisions jointly. The Presidium must be immediately informed of all such decisions.

Article 29

Travel and accommodation expenses incurred by participation in CESI meetings shall be met by the member trade unions.

The Secretary General and treasurer can decide on exceptions to this rule by agreement.

Chapter IX

Officials

Article 30

The President and the Secretary General represent the CESI in its external political activities. The details of these procedures are governed by the general rules of procedure.

Article 31

The Secretary General is responsible for the running of CESI in accordance with the regulations and the constitution; the Secretary General directs the policy and administrative business of the CESI in agreement with the President. The Secretary General is in charge of the General Secretariat. The General Secretariat's staff is hired and dismissed by the Secretary General in agreement with the treasurer. The Secretary General must accept this appointment as his main job. The details of these procedures are governed by the rules of procedure.

Article 32

- 1) The Treasurer shall administer the finances of the CESI in accordance with the principles laid down by the Presidium. He shall be responsible for ensuring that, before the last meeting of any year, a budget for the follow-

ing financial year is submitted to the Board for approval.

- 2) He shall also be responsible for ensuring that audited versions of the annual closing of accounts and the annual balance sheet for the previous year are submitted for approval to the Board and that these documents are circulated to the member trade unions before 1st September of the following year. He shall submit to Congress the closing of accounts for the previous four years for approval.

Article 33

Congress elects three chief auditors and three deputies to audit the budget report. Two of the auditors must belong to a different member trade union to the Treasurer.

Chapter X

Commissions and trade councils

Article 34

- 1) The Presidium shall set up commissions. The commissions shall assist the work of the CESI's organs in cross-sectional tasks extending beyond individual trade unions and industries. They conclude opinions and resolutions.
- 2) The responsibilities, procedures and terms of office of these commissions shall be determined in a set of rules of procedure to be issued by the Presidium.
- 3) The commissions shall elect one Chair and up to two Vice-Chairs.

Article 35

- 1) The Presidium shall set up trade councils. The trade councils shall assist the organs of the CESI in their work. The specialist and

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technical work associated with the respective sectoral social dialogue is carried out in them. They decide on the adoption of opinions and resolutions.

- 2) The trade councils shall elect one Chair and up to two Vice-Chairs.
- 3) The responsibilities, procedures and terms of office of the trade councils shall be determined in a set of rules of procedure to be issued by the Presidium.

Article 36

Travel and accommodation costs incurred from participating in meetings of CESI's commissions and trade councils are borne by the member trade unions. The Secretary General and Treasurer can decide on exceptions by agreement.

Chapter XI

Educational institution

Article 37

- 1) The educational work of the CESI is carried out by an educational institution, the Europe Academy.
- 2) The education offered by the 'Europe Academy' shall be made available to all member trade unions of the CESI.

Chapter XII

Arbitration committee

Article 38

- 1) Disputes among the member trade unions or between a member union and CESI relating to the Constitution or assets shall be settled by an Arbitration Committee.
- 2) The Arbitration Committee shall comprise a chairman and two assessors elected by

Congress. In addition, Congress shall elect three representatives.

- 3) Each party to arbitration may appoint one surveyor as a person in whom it can trust.
- 4) The rules of procedure of the arbitration shall be decided by the Board.

Chapter XIII

Change of constitution

Article 39

The constitution can only be changed by the Congress. The decision requires a two-thirds majority of the voters present, and more than half of the number of delegates in accordance with article 13 paragraph 1.

Chapter XIV

Dissolution

Article 40

- 1) CESI may be dissolved only by a Congress convened by the Board expressly for that purpose.
- 2) All Congress decisions shall require a two-thirds majority of all invited delegates entitled to vote.
- 3) Invitation to the Congress called to dissolve CESI must be circulated to member trade unions at least six months before the Congress meeting takes place.
- 4) The Congress of dissolution shall decide how the assets of CESI are to be disposed of.

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Chapter XV

Final clauses

Article 41

- 1) More detailed clauses concerning the execution of this Constitution shall be regulated in a set of rules of procedure to be adopted by the Board at the proposal of the Presidium.
- 2) The Board shall decide on matters which are not stipulated in this Constitution.

Article 42

The French version is valid for the purposes of interpreting the present Constitution.

Article 43

The present Constitution adopted by the Fifth Ordinary Congress of the CESI held in Brussels on 1st December 2012 shall come into force on 1.12.2012. It replaces the Constitution of 14th December 2008

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