

STATUTES OF THE ASSOCIATION OF EUROPEAN BORDER REGIONS (AEBR)

Adopted at the AEBR General Assembly in Košice (SK) on 9 November 2023

PREAMBLE

According to the European Commission, only the EU internal border regions mean 40% of the EU territory, account for 30% of the population and produce 30% of the GDP. Various millions of cross-border commuters reside in one country and work, study or do business in the neighbouring country.

The Association of European Border Regions (AEBR) strives to promote cross-border cooperation in Europe, but also in other continents. Therefore, the mission of The Association of European Border Regions since 1971 is the representation of the common interests of border and cross-border regions inside and outside the European Union, identifying obstacles to cooperation and possible solutions, and promoting exchanges between stakeholders to enhance CBC and territorial development in general, with full respect to regional diversity.

Raising awareness about border and cross-border regions, in the spirit of art. 174 of the Treaty of Lisbon; their needs, challenges and opportunities; identifying their obstacles to cooperate; reducing barriers in any manner in close collaboration with EU institutions and national, regional and local authorities are the most relevant elements of AEBR's core business.

Therefore, to organize its work, the Association of European Border Regions is endowed with the following Statutes,

- in acknowledgment of the fact that borders divide historically and culturally connected areas and people;
- in the awareness of the inviolability of borders, the peaceful co-existence of people in border regions, and the protection of minorities;
- in respect of European cultural diversity and regional independence in cross-border cooperation;
- in view of increasing European cross-border cooperation and progressive European integration;
- in view of the necessary subsidiarity and partnership between the European, national, regional, and local levels in cross-border cooperation;
- in the awareness that, despite the European Common Market and increasing cooperation with neighbouring countries, the border regions must solve problems the origin of which they are not responsible for;
- in acknowledgment of the fact of further differences appearing in the borders between national competencies and structures, tax and social legislation, regional planning, and regional policies;
- in acknowledgment that pursuing cross-border cooperation at all levels provides for peace, freedom, security, and the safeguarding of human rights;
- in the awareness that border and cross-border regions are elements and bridges for the European unification process, and the cooperation between the European general population and minorities;
- and in the awareness of the opportunity for borders, traditionally separating lines, to become bridges and meeting places.

§1

NAME, LEGAL FORM, AND HEADQUARTERS OF THE AEBR

- 1.1. The name of the association is the Association of European Border Regions, abbreviated as AEBR.
- 1.2. AEBR is registered at the district court in charge (Coesfeld).
- 1.3. The headquarters of AEBR is in Gronau (Westphalia), Federal Republic of Germany.
- 1.4. AEBR can establish regional branches to execute AEBR's interests at their national level.
- 1.5. The official languages of AEBR are German and English
- 1.6. In the event of any conflict between the provisions of these Articles under German law, the Articles shall be aligned with German law.

§2

PURPOSE AND TASKS OF THE AEBR

- 2.1. The purpose of the AEBR is the promotion of cross-border cooperation and international cooperation for development, with a focus on Europe, raising international awareness and attitudes towards cross-border regions and their needs, as reflected in art. 174 of the Treaty of Lisbon.
- 2.2. This purpose is achieved by:
 - a. Defining problems and opportunities in border regions.
 - b. Exchanging information and experiences to formulate and coordinate common interests regarding cross-border cooperation.
 - c. Initiating, coordinating, and supporting cross-border cooperation among European border regions.
 - d. Representing common interests of European border and cross-border regions at both the European and international levels.
 - e. Informing politicians and the general public on cross-border issues regularly and in a targeted way.
 - f. Organizing and carrying out thematic events on cross-border cooperation.

§3

COMMON PUBLIC INTEREST OF THE AEBR

- 3.1. The AEBR treats directly and exclusively public interests in the sense of the paragraph "Tax privileged purposes" of the German tax code.
- 3.2. The AEBR is acting selflessly and does not pursue economic benefit. All AEBR resources can only be used according to the purposes defined in the AEBR Statutes.
- 3.3. AEBR is politically and religiously neutral. Exceptions may be made with regard to matters affected by AEBR's statutory objectives.

§4

AEBR MEMBERSHIP

- 4.1. Members of the AEBR are:
 - a. Full members with a right to vote.
 - b. Associated members with no right to vote.
 - c. With the majority decision of the General Assembly, exceptions can be made regarding AEBR membership.

4.2. Full members with a right to vote are:

- a. European border and cross-border regions in the European Union or the Council of Europe member states.
- b. Large-sized amalgamations of border regions within several countries.
- c. Chambers of Commerce provided their involvement in cross-border cooperation.
- d. Institutions representing border adjacent regions and local governments within a nation-state.
- e. Institutions or organizations with whom AEBR has a reverse membership agreement.

4.3. Rights of AEBR members

- a. AEBR members have the right to use the services, networks, and facilities of AEBR.
- b. AEBR members are informed regularly by the Secretariat General about topical cross-border discussions and developments at the European level.
- c. AEBR members do not receive financial benefits from means of the AEBR.

4.4. Obligations of AEBR members

- a. AEBR members must pay their contribution according to the decision of the General Assembly, the AEBR Statutes, and AEBR Contributions' Regulation.
- b. AEBR members must inform AEBR about the essential developments in their border regions.
- c. AEBR members are required to support the work of AEBR by supporting regional cross-border cooperation at the national and European levels.
- d. AEBR members contribute to formulating AEBR objectives and demands via active participation in AEBR bodies and activities.

4.5. Applying for the AEBR membership.

- a. The aspiring member must apply for the membership in text by emailing the application to the AEBR Secretariat General as a signed document indicating that the applicant accepts the AEBR Statutes, the Internal Regulation, the Contribution Regulation and the Charter.
- b. The General Assembly decides the admission of new members with a two-thirds majority.
- c. AEBR membership begins on the date of acceptance of the member by the General Assembly.

4.6. Termination of AEBR membership can be:

- a. by the AEBR member itself.
- b. by the AEBR.

4.7. Termination of the membership by the AEBR member itself

- a. AEBR member can terminate their membership only when it has no outstanding debts towards AEBR.
- b. The AEBR membership can be terminated by a written notice of resignation by the member sent to the Secretariat General no later than six months prior to the termination date.
- c. AEBR membership is terminated starting from the date of decision by the General Assembly.

4.8. Termination of the AEBR membership by the AEBR

- a. The Executive Committee can suggest the General Assembly to terminate the membership of the AEBR member in case the financial obligations of the member towards AEBR have not been fulfilled in two years. The termination of AEBR membership does not terminate the obligation to pay the outstanding debts.
- b. The Executive Committee can suggest the General Assembly to terminate the membership of the AEBR member in case the member has violated the rules and regulations set by the AEBR Statutes.

4.9. The AEBR member can send a written objection to the Secretariat General against this termination within 30 days after the receipt of the notice. This written objection will be shared with the General Assembly to take into account any consideration.

4.10. Withdrawing members do not have the right to claim percentages of the AEBR's assets.

§5

AEBR BODIES

5.1. The bodies of AEBR are:

- a. General Assembly
- b. Executive Committee
- c. President
- d. Presidium
- e. Secretary General
- f. Treasurer and Auditorial Committee
- g. Advisory Committee (Beirat)

§6

GENERAL ASSEMBLY

6.1. The General Assembly is the highest AEBR body.

6.2. The General Assembly must be convened at least once per year.

6.3. **Each AEBR member has one vote.** Voting rights may be delegated to another member of the General Assembly, provided that such delegation is confirmed in text to the Secretary General in advance.

6.4. Every AEBR member is allowed to vote in the General Assembly only in case it has no pending debts towards AEBR.

6.5. Tasks of the General Assembly are:

- a. Election of the President.
- b. Election of the Vice-Presidents.
- c. Election of the Executive Committee.
- d. Appointment of the Treasurer.
- e. Appointment of Auditors.
- f. Admission and expulsion of AEBR members.
- g. Making changes to the AEBR Statutes and its related documents.
- h. Approval of the AEBR yearly budget.
- i. Approval of the AEBR yearly financial account.
- j. Passing of statements, proposals, and opinions regarding programs, regulations, and documents at the European level.
- k. Administration of the AEBR Strategy

6.6. The General Assembly can transfer its tasks to the Executive Committee. Subsequently, the Executive Committee must present its decisions regarding these tasks together with argumentation to the General Assembly.

§7

THE EXECUTIVE COMMITTEE

7.1. The Executive Committee has **a minimum of 20 members**, including the Presidium.

7.2. Each Executive Committee member has one vote.

7.3. The composition of the Executive Committee should take into account the regional balance and the number of members from individual countries.

7.4. The Executive Committee members, together with their deputies, are elected for three years with the possibility of re-election.

7.5. The tasks of the Executive Committee are:

- a. Preparation and implementation of decisions of the General Assembly.
- b. Preparation of the draft annual budget.
- c. Preparation and updating of the AEBR Statutes and related documents.
- d. Appointment of the Secretary General.
- e. Constitution and staffing of the Advisory Committee.
- f. Forming the Task Forces, deciding on their tasks, working methods, composition, duration, and dissolution.
- g. Passing of statements and opinions regarding programmes, regulations, and documents at the European level.
- h. Cooperation with other institutions, organizations, and entities with the aim of enhancing and strengthening cross-border cooperation.

§8

THE PRESIDENT

8.1. AEBR has a President, a First Vice-President, and several Vice-Presidents

8.2. The First Vice-President is the President's deputy.

8.3. The President can transfer certain tasks to the Vice-Presidents.

8.4. The tasks of the President are:

- a. Representing AEBR. The President is the most senior representative of the AEBR. In case the President and the First Vice-President are unavailable, another Vice-President can represent the AEBR.
- b. Chairing the meetings of the General Assembly, the Executive Committee, and the Presidium.
- c. In cooperation with the AEBR Secretary General, make all the decisions necessary for the implementation of decisions of the General Assembly and the Executive Committee.

§9

THE PRESIDIUM

9.1. The Presidium consists of five members – the President, two Vice-Presidents, the Treasurer, and the Secretary General, who has an advisory role.

9.2. The Presidium can entrust one of its members to fulfil the obligations of the Secretary General if no designated Secretary General is elected.

9.3. The tasks of the Presidium are:

- a. To advise the AEBR Secretary General on a day-to-day basis.
- b. Decisions concerning the entry of force, content, and end of contracts, according to §26 *Bürgerliches Gesetzbuch*.

§10

THE SECRETARY GENERAL

10.1. The Secretary General is appointed for an unlimited period of time.

10.2. The tasks of the Secretary General

- a) General Management of the AEBR
- b) Representation of the AEBR
- c) Participation in the General Assembly, Executive Committee, Presidium, and Advisory Committee meetings.
- d) Managing the day-to-day business, and the administration of finances, in the frame of the budgetary depositions, of the AEBR.

- e) Human Resources.
- f) Development and supervision of projects.
- g) Development of relations with third parties.
- h) Enforcement of the follow-up of the Task Forces.
- i) Submitting of proposals to Executive Committee, General Assembly, and Advisory Committee regarding the promotion of AEBR and enhancing cross-border cooperation in Europe.
- j) Preparation of the General Assembly, Executive Committee, Presidium, and Advisory Committee meetings.
- k) Preparation and implementation of the decisions of the General Assembly, Executive Committee, and Presidium.
- l) Implementation of the European cross-border cooperation-related programmes and projects.
- m) Promotion and encouragement of collaboration between members.
- n) Providing up-to-date information to the AEBR members regarding changes in AEBR Statutes and its related documents.
- o) Promoting AEBR and enhancing cross-border cooperation.

10.3. The Secretary General has the right, in cooperation with the President, to take all decisions necessary for the implementation of decisions of the General Assembly, Executive Committee, and Presidium.

§11

THE TREASURER

11.1. The AEBR Treasurer is appointed for a term of 3 years, with the possibility to be re-elected.

11.2. The tasks of the AEBR Treasurer are determined by German Law and the AEBR Statutes.

§12

THE AUDITORIAL COMMITTEE

12.1. For the Auditorial Committee the General Assembly appoints two auditors

12.2. Tasks of the auditors: auditing AEBR's annual financial report

12.3. AEBR Auditors are entitled to demand from the Secretary General and the Treasurer the necessary information to conduct their reports.

§13

POWER OF REPRESENTATION OF THE AEBR

13.1. AEBR is represented in and out of court by the President, First Vice-President, and Secretary General with the authority invested in each of the above to solely represent the AEBR.

13.2. AEBR official documents should be signed by at least two persons with the representation right.

§14

ADVISORY COMMITTEE (BEIRAT), AND TASK FORCES

14.1. AEBR convenes the following bodies for fulfilling its purpose:

- a. Advisory Committee (*Beirat*)
- b. Task Forces

14.2. Advisory Committee

- a. The task of the Advisory Committee is to advise AEBR regarding the enhancement of cross-border cooperation in Europe.
- b. Members of the Advisory Committee can be persons who have gained recognition through their contribution regarding cross-border cooperation.
- c. The Advisory Committee meets at least once a year.

14.3. Task Forces

- a. The Task Forces work on specific subjects approved by the Executive Committee.

- b. The Chairperson of every Task Force gives an overview of work done annually in the General Assembly meeting.

14.4. Decisions are made in the Advisory Committee and Task Forces with a simple majority of the attending members.

14.5. Decisions are made by public vote, if requested, a secret ballot can take place.

14.6. Minutes are taken in all the meetings of the Advisory Committee and Task Forces.

§15

PROCEDURES IN AEBR BODIES

15.1. Meetings and decision-making of the AEBR bodies

- a. AEBR bodies are quorate if at least 50 percent of members eligible to vote are present and as long as the AEBR Statutes provide no other regulations.
- b. Decisions are made by public vote, if requested, a secret ballot can take place.
- c. Meetings of AEBR bodies can be held on-site, online, or in a hybrid version.
- d. Voting in the meetings of the AEBR bodies can be held on-site, digitally, or in text form. The specifications for voting possibilities must be sent to the participants as part of the meeting program.

15.2. Elections

- a. In the first ballot an absolute majority (50 percent + 1 of all possible votes) is decisive.
- b. In the second ballot, a simple majority (50 percent + 1 of the votes present) but at least one-third of all the AEBR members is decisive.
- c. In the third ballot, the most voted option is approved.
- d. In case an elected member loses the given regional mandate/post, the elected member retires from the AEBR bodies. Until the new election in the next General Assembly, a successor, nominated by the authority concerned, can take the place of the elected member on the AEBR bodies.

15.3. AEBR Statutes

- a. Changes in the AEBR Statutes must be announced in text as an item in the program no later than four weeks prior to the General Assembly meeting.
- b. The AEBR Statutes can only be changed by a two-thirds majority of the votes in the General Assembly but at least by absolute majority (50 percent + 1 of all possible votes).

15.4. Minutes are taken in all meetings of the AEBR bodies.

- a. The draft minutes of the General Assembly have to be signed by the President and sent to all the AEBR members no later than 90 days after the meeting date.
- b. The draft minutes of the Executive Committee meetings have to be signed by the President and sent to the Executive Committee members no later than 60 days after the meeting date.

15.5. Financial compensation

The Executive Committee can decide, taking into consideration the necessity and budgetary constraints, that functions in AEBR bodies are paid based on a service contract or by means of a lump-sum expense allowance.

§16

FINANCES OF THE AEBR

16.1. The financial year of the AEBR corresponds to the calendar year.

16.2. The General Assembly decides on the amount and settlement date of the contributions.

16.3. Further details regarding the contributions are regulated by the Contribution Regulation of the AEBR.

16.4. Budget, financial accounts, and annual auditors' report

- a. For every financial year annual budget and final accounts are prepared, which need to be checked by two auditors.

- b. The annual budget must be prepared two months prior to the start of the financial year.
- c. The annual budget must be approved by the General Assembly before the beginning of the financial year.
- d. The principles of budget-keeping and accountability must be in accordance with the regulations decided by the Executive Committee and with the current German law.

16.5. Financial transactions

- a. The Secretary General may enter into agreements or commitments with an amount above €10,000 only after consultation with the Treasurer.
- b. If the Treasurer contradicts costs or the taking up of loans outside of the scope of the budget for that respective financial year, these financial transactions can only take place if the Executive Committee decides so with two-thirds of the majority.
- c. Agreements and commitments above €25,000 are entered into only after approval by the Presidium.

16.6. No person may be favoured by expenditures which are foreign to the purpose of the AEBR or by disproportionately high remunerations.

§17

TERMINATION OF THE AEBR

17.1. The termination of the AEBR can only take place through a specially convened General Assembly, for which two months' notice must be given.

17.2. For the termination of the AEBR, a two-thirds majority of the members present is needed.

17.3. General Assembly also decides on the type of liquidation.

17.4. In the liquidation procedure, the members of the AEBR are obliged to give, according to their contributions, grants to pay the remaining liabilities of the AEBR after the use of the AEBR resources.

17.5. After the liquidation, the remaining assets of the AEBR are to be transferred to the City of Gronau which may use these assets directly and only for cross-border common-benefit purposes.

Additional clause / temporary provision: Sub-article 10.1 does not apply to current Secretary General.

Košice, 9 November 2023



Karl-Heinz Lambertz
AEBR President



Martín Guillermo Ramírez
AEBR Secretary General