

Constitution

Preamble

Upon entering the digital age, in which real and virtual space will equally determine the social, cultural and scientific development of mankind, the Free Software Foundation Europe has the long-term goal to raise and work on the questions this will necessarily raise.

In this regard the direct function is the unselfish promotion of Free Software as well as creating and propagating the awareness of the related philosophical and social questions.

As its acknowledged sister organization, the FSF Europe will join forces with the Free Software Foundation founded by Richard M. Stallman in the United States of America. The latter, recognized tax-exempt charitable organization in the USA, has been dedicating itself since 1984 to the promotion and distribution of Free software and in particular the GNU-System, a Unix-like operating system. This system is mostly known by one of its variants, GNU/Linux, which since 1993 has been used successfully on many computers.

The term Free Software in the sense of the FSF Europe does not refer to the price, but rather to the following four freedoms:

1. freedom: the freedom to use a program for any purpose
2. freedom: the freedom to study the program and adapt it to your own needs.
3. freedom: the freedom to make copies for others.
4. freedom: the freedom to improve a program and make these improvements available to others, so that the whole community benefits.

This definition of Free Software goes back to the idea of freely exchanging knowledge and ideas that can traditionally be found in scientific fields. Like thoughts, software is non-tangible and duplicable without loss. Passing feeds an evolutionary process, advancing thoughts and software.

Only Free Software preserves the possibility to comprehend and build upon scientific results. For scientists, it is the only kind of software which corresponds to the ideals of a free science. Accordingly, the promotion of free software is also a promotion of science.

The distribution of information and the forming of an opinion are done increasingly by digital media, and the trend is to foster the use of those means for a direct citizen participation to democracy. Therefore, a central task of the FSF Europe is to train proficient citizens in these media, thereby promoting democracy.

Digital space (“Cyberspace”), with software as its medium and its language has an enormous potential for the promotion of all mental and cultural aspects of mankind. By making it commonly available and opening up the medium, Free Software grants equal chances and protection of privacy.

Coining the awareness for the problems related to the digital age in all parts of society is long-term goal and a core aspect of the work of the FSF Europe.

Therefore the FSF Europe will seek to increase the use of Free Software in schools and universities in order to parallelize the education in real space matters with the creation of understanding and awareness of problems in virtual space.

Free Software guarantees traceable results and decision-making processes in science and public life as well as the individual rights to free development of personality and liberty of opinion. It is the job of the FSF Europe to carry Free Software into all areas that touch public life or “informational human rights” of citizens.

§ 1 Name, seat, financial year

(1) The association bears the name “Free Software Foundation Europe – Chapter (*Name of State*)” from now on referred to as “Chapter (*Name of State*).” Additionally the name “(*Name in local language*)” can be borne. It

is to be registered into the register of associations; after the registration it leads the additive “e.V..” (*if necessary*)

- (2) The association has its seat in (*Name of City*).
- (3) The financial year is the calendar year.

§ 2 Purpose, tasks, non-profit character

(1) Purpose of the “Chapter (*Name of State*)” is the promotion of Free Software in order to further free exchange of knowledge, equal chances of accessing software and public education with regard to the principles outlined in the preamble.

(2) The goals of the “Chapter (*Name of State*)” are namely to be achieved by:

1. the ideal support of governmental and private organisations in all aspects of the Free Software,
2. the cooperation and coordination with the FSF Europe, which pursues the same publicly-spirited goals,
3. the support of programmers developing Free Software and so realizing the publicly-spirited goals of the “Chapter (*Name of State*)” through scholarships,
4. the distribution of the philosophical ideals of Free Software,
5. the information and training of the general public about the possibilities and educational potential of Free Software,
6. the development and provision of Free Software for the general public.

(3) The “Chapter (*Name of State*)” pursues exclusively and directly publicly-spirited purposes in the sense of (*insert name of laws regarding charitable status here*). The “Chapter (*Name of State*)” is working selflessly and does not pursue primarily self-economic goals.

(4) Means of the “Chapter (*Name of State*)” may be used for the statutory purposes only. Members receive no allowances from the funds of the association. No person may be favored by expenses alien to the goals of the “Chapter

(Name of State)” or disproportionately high. This particularly applies to members working full-time, which may receive an appropriate compensation for their work.

§ 3 Acquisition of membership

(1) Any national or foreign natural or legal person that is member of the Free Software Foundation Europe may become member of the “Chapter *(Name of State)*”. Natural persons must be 16 years old. Persons under age do not have eligibility for election.

(2) Condition for the acquisition of the membership is a written application for membership to the executive committee.

(3) The general assembly of the members decides on the application for membership with three quarters of all members, that are natural people. The executive committee can grant the application for membership passing; the application for membership must then be confirmed by the next members assembly. In case of refusal of the request no obligation exists to communicate the reasons to the applicant.

§ 4 End of membership

(1) Membership ends

- a. with the death of the member with natural persons and/or its liquidation in the case of legal persons;
- b. by withdrawal from the association;
- c. by exclusion from the association.
- d. by exclusion from the FSF Europe.

(2) The withdrawal is made via written declaration vis-a-vis the executive committee. The declaration withdrawal must be signed by the competent legal representative. The withdrawal can be declared at any time.

(3) For important reasons or if the bond of trust between the members is broken, a member can be excluded by decision of the executive committee from the association. Before deciding on the matter, the executive committee must give the member opportunity to state its position in writing. The decision of the executive committee is to be justified in writing and sent to the member. The member can appeal the decision at the general assembly of the members. The appeal must be lodged within two weeks after communication of the decision at the executive committee. The executive committee has to call in a general assembly within three months of punctual insertion of the appointment, which can support the decision of the executive committee with a majority of three quarters of the remaining members. Until the final decision about the exclusion, the member remains suspended of all obligations and all rights.

(4) Legal means against exclusion from the FSF Europe are determined by the constitution of the FSF Europe.

§ 5 Membership fees

The members make contributions by ways of honorary activity or through holding a position in the association.

§ 6 Structure of the association

(1) The “FSF Europe – Chapter (*Name of State*)” is part of the Free Software Foundation Europe, a registered charitable association after German laws. The Free Software Foundation Europe forms a European federation structure and is divided into national associations.

(2)

This constitution is to meet the minimum requirements which are written down in a constitution-template of the Free Software Foundation Europe for its national associations in order to preserve the uniformity in the Free Software Foundation Europe. This applies with the exception of requirements illegal according to the laws applied to this constitution. In this case the constitution is to be modified in such a way that this corresponds as good as possible with the intentions of the constitution-template.

(3) This constitution requires the acceptance of the FSF Europe before the “FSF Europe – Chapter (*Name of State*)” becomes part of the FSF Europe.

(4) The finances of “Chapter (*Name of State*)” are determined by the financial order decreed in accordance with § 9 sec. 2 of the constitution of the Free Software Foundation Europe.

(5) The “Chapter (*Name of State*)” can in no case enter obligations for the FSF Europe.

(6) The “Chapter (*Name of State*)” can only enter negotiations with authorities and organizations mainly active in the area of (*Name of State*).

(7) The “Chapter (*Name of State*)” is entitled and obliged to bear their own name through which the affiliation with the Free Software Foundation Europe is expressed. This has to be done by adding the denomination “Chapter” with the name of the state in English to “Free Software Foundation Europe.” Additionally it can bear the name in the national language.

§ 7 Bodies of the association

Organs of the “Chapter (*Name of State*)” are:

- a) the executive committee (Chancellor);
- b) the Vice-Chancellor;
- c) the extended executive committee;
- d) the general assembly.

§ 8 The executive committee

The executive committee of the “Chapter (*Name of State*)” consists of the Chancellor.

§ 9 The competence of the executive committee

(1) The executive committee is responsibly for all affairs the “Chapter (*Name of State*)”, as far as they are not transferred to another organ by statute. It has in particular the following tasks:

1. Convening and preparation of the general assembly of the members as well as list the agenda;
2. Creation of the annual report;
3. Adoption of resolutions over the admission and the exclusion of members;
4. Support of the FSF Europe;
5. Agency in judicial and except-court affairs, in particular also authority traffic;
6. Relationships with the press.
- 7.
8. Implementation of the FSF Europe guidelines for scholarships of programmers, who develop Free Software and are scientifically active by doing so.

(2) The executive committee leads the finances after the finance plan decreed by the general assembly of the FSF Europe. The finance plan must give,

1. that possible profits are used only for the statutory purposes and that the FSF Europe and “Chapter (*Name of State*)” are working selflessly.
2. that no member may get no shares of the profits or other allowances from the means of the FSF Europe or the “Chapter (*Name of State*).” This also applies to separating members.
3. that administrative costs, which are alien to the purpose of the FSF Europe may not be granted. Same applies to disproportionately high payments.

(3) The executive committee is not liable vis-a-vis the association for slightly negligent behaviour.

§ 10 Election and term of office of the executive committee

(1) The executive committee is elected by the general assembly of the members for the duration of two years, from the election on. It continues to be in office up to the new election of the executive committee, however.

(2) Electable are only members of the association. If the executive committee separates prematurely, the Vice-Chancellor represents the association up to the selection of a new executive committee. Additionally, an extraordinary general assembly of the members is to be called in within three months by the Vice-Chancellor.

§ 11 The Vice-Chancellor

(1) The Vice-Chancellor represents the executive committee in the following cases:

1. Separating of the executive committee;
2. Passing indispensability of the executive committee.

(2) The executive committee is indispensable, if he communicates this in written form to the Vice-Chancellor. The Vice-Chancellor takes care of all matters as long and to the extent they were transferred to him in writing by the executive committee. The executive committee is considered indispensable, if it is not attainable or cannot exercise its office more than seven days because of illness.

(3) The Vice-Chancellor is elected by the general assembly for the duration of two years, from the election on. He remains in office up to the election of the new Vice-Chancellor, however. Only members of the “Chapter (*Name of State*)” can be elected for Vice-Chancellor. With the end of membership in the association, the office of the Vice-Chancellor also ends.

(4) If the Vice-Chancellor is ruled out prematurely, the executive committee can select a successor for the remaining term of office.

(5) The Vice-Chancellor is not liable vis-a-vis the association for slightly negligent behaviour.

§ 12 The extended executive committee

(1) The extended executive committee consists of the Chancellor and the Vice-Chancellor.

(2) The extended committee is resolutionable, if all members are present in person. Decisions are made unanimously. If no unanimous decision can be made, the President of the FSF Europe decides.

(3) Members of the extended executive committee are not liable vis-a-vis the association for slightly negligent behaviour.

§ 13 The competence of the extended executive committee

The extended executive committee is responsible for the following tasks:

1. The approval of the statutes of the national associations;
2. The execution of the “Guidelines,” which are decided on by the general assembly.
3. The execution of the specifications by the FSF Europe, which take preference over the “Guidelines” decided on in accordance with § 14 sec. 2 Nr. 1.

§ 14 The general assembly

(1) In the general assembly, each member that is a natural person, has a voice. For the practice of the right to vote another member can be authorized by written message to the executive committee. The authorisation is to be

given for each general assembly separately. A member cannot practise the right to vote for more than one third of all members.

(2) The general assembly has exclusive jurisdiction for the following affairs:

1. Creation of so-called “Guidelines,” that are to lead the activity of the executive committee and extended executive committee;
2. Receipt of the annual report of the executive committee;
3. Exoneration of the organs;
4. Choice and recall of the executive committee and the Vice-Chancellor.

§ 15 The convening of the general assembly

(1) At least once a year, if possible in the first quarter, is the orderly general assembly to take place; if possible in one of the states, in which a national association exists. It is called up in writing by the executive committee under adherence to one period of six weeks under indication of the agenda. The period begins with day following the sending of the invitation letter. The invitation letter is to be considered delivered to the member, if it is addressed to the last address or e-mail address given by the member in writing. With written agreement of three quarters of the members, the invitation period can be shortened to three weeks.

(2) The agenda is determined by the executive committee. Each member can request a supplement of the agenda in writing to the executive committee until at the latest one week before a general assembly. The executive committee has to announce the supplement at the beginning of the general assembly. About applications for supplement of the agenda, which are made at the general assembly, are decided by the general assembly.

§ 16 The extraordinary general assembly

The executive committee can call up an extraordinary general assembly at any time. It must be called up, if at least a quarter of all members require it in writing under indication of the purpose and reasons to the executive

committee. To the extraordinary meeting of the members the § 14, § 15 and § 17 apply accordingly.

§ 17 Adoption of resolutions of the general assembly

- (1) The general assembly is led by the executive committee, at his indispensability by the Vice-Chancellor.
- (2) The type of election is determined by the assembly director. The election must be carried out in writing, if a third of the members present in person with the election requests this.
- (3) The general assembly is not public.
- (4) The general assembly is resolutionable, if it was duly called up and at least one third of all club members is present or represented by club members present. In the case of decision inability, the executive committee is obliged to call up a second general assembly with the same agenda within four weeks; this general assembly will resolutionable without consideration of the members present. This is to be referred to in the invitation.
- (5) Unless stated otherwise in the statute, the general assembly passes decisions with simple majority of the delivered valid voices; abstentions are therefore left out of the consideration. Changes of the statute require a majority of three quarters of (the delivered valid) voices, dissolution of the “Chapter (*Name of State*)” requires four fifths of the voices of all members. Changing the purpose of the “Chapter (*Name of State*)” can only be decided unanimously with agreement of the FSF Europe. The written agreement of the members not present in the general assembly can be explained only within one month vis-a-vis the executive committee.
- (6) In the case of elections it is selected who received more than half of the delivered valid voices. If nobody received more than half of the delivered valid voices, a ballot takes place between the two candidates, who received most of the voices. Is selected then who received most of the voices. In the case of equal number of votes once a new choice is necessary; if the mood equality continues to exist, the lot decides.
- (7) Over decisions of the general assembly, a protocol is to be led, that is to

be signed by the recording clerk and the assembly director. It is to contain the following ascertainments: Place and time of the assembly, the person of the assembly director and the recording clerk, the number of members present, the agenda, the individual election results and the type of the election. For amendments of the statute the exact wording is to be given.

§ 18 Dissolution of the association

(1) The dissolution of the “Chapter (*Name of State*)” can only be decided in a general assembly by the majority in accordance to § 17.

(2) If the general assembly decides nothing else, the executive committee is the liquidator entitled to act as substitute.

(3) After end of liquidation, existing funds go to the Free Software Foundation Europe, should the latter have been dissolved, funds go to a legal entity of the public right or another tax-privileged association, which has to use it directly and exclusively in the sense of this constitution. Resolutions over the future use of the funds may be executed only after consent of the responsible tax office.

(4) The preceding regulations apply accordingly, if the “Chapter (*Name of State*)” is dissolved for another reason or loses its legal capacity.

§ 19 Written form

Writing form is fulfilled if one of the following conditions is met:

- a) handwritten signed paper document;
- b) E-mail signed with a key that is sufficiently state of the art. The FSF Europe decides what is to be regarded as state of the art. The key must be certified by the FSF Europe.

§ 20 Place of jurisdiction

Place of jurisdiction for all rights and duties resulting from this statute is (*name of the city the association has its seat in*).