

## STATUTES OF

### Deutsches Nationalkomitee Blue Shield (Blue Shield Deutschland) e. V. (German National Committee of the Blue Shield)

Adopted at the General Assembly on 16 June 2017

#### 1.

##### **Name, Registered Office, Financial Year**

- (1) The name of the Association is Deutsches Nationalkomitee Blue Shield (Blue Shield Deutschland) e. V. The international name of the Association is Blue Shield Germany.
- (2) The Association shall be entered in the register of associations of Charlottenburg Local Court.
- (3) The Association has its registered office in Berlin.
- (4) Its financial year is equivalent to the calendar year.

#### 2.

##### **Objects, Public Benefit and Activities**

- (1) The Association pursues objects for the public benefit exclusively and directly within the meaning of the section "Tax-privileged purposes" of the German Fiscal Code. The Association's objects are to advance the protection of tangible and intangible cultural property in the event of conflicts, natural disasters and large-scale emergencies and to advance art and culture, and education, as well as science and research in the field of national and international cultural property protection on the basis of international law, in particular the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 ("The Hague Convention"), as amended, see the Act of 11 April 1967 on the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 [German Federal Law Gazette (BGBl.) 1967 II p. 1233 and 1971 II p. 1025], last amended by Art. 4 of the Act of 27 April 2004 [BGBl. I p. 630]) and its Protocols. To this end, the Association is actively committed on various levels to the protection of tangible and intangible cultural property in the event of armed conflicts, natural and environmental disasters, and large-scale emergencies. It respects the principles (joint action, independence, neutrality, professionalism, respect for cultural identity, work on a non-profit basis) of the Strasbourg Charter of the International Committee of the Blue Shield (ICBS) of 14 April 2000 (adopted by the ICBS on 8 June 2001) and is guided by the international umbrella association Blue Shield (International) – hereinafter "the BS(I)" – in the undertaking of its tasks.

- (2) The Association observes the rights and duties set forth in the BS(I) Statutes, as amended. The Association and its Members recognise the BS(I) Statutes, as amended, and the principles, mission and aims enshrined therein.
- (3) The Association's statutory objects are achieved by assuming the following tasks in particular:
  1. In the field of art and culture, inter alia, by:
    - advancing cultural property protection on the basis of international law, in particular in the event of armed conflicts, natural and environmental disasters, and large-scale emergencies, through measures (e.g., projects, initiatives, campaigns) that seek to establish, strengthen, connect and coordinate the relevant expertise, capacities and infrastructures in German civil society;
    - advancing and participating in trans-sectoral collaborations to protect cultural property in crises, disasters and large-scale emergencies through the establishment of, or provision of specialist support to, national, regional and local networks in which primarily ministries and public agencies at the federal, state and local government level, the Bundeswehr (the Federal Defence Forces of Germany), the Technisches Hilfswerk (Federal Agency for Technical Relief), Notfallverbände (Emergency Associations for Cultural Property Protection), fire brigades, cultural institutions, research institutes and humanitarian organisations cooperate;
    - providing specialist advice on the coordination of military and civil structures to protect cultural property in crises, disasters and large-scale emergencies;
    - providing specialist support on the creation of asset-specific hazard prevention and emergency plans, on the conception and implementation of training and practice measures in the fields of prevention, risk management, emergency aid and damage assessment, on priority setting during the salvaging and securing of movable cultural property and its initial treatment, and during the protection of immovable cultural property in situ, as well as on the training of personnel for cultural property protection;
    - advising and providing specialist support on protection and safeguarding measures within the framework of emergency prevention, for instance the documentation of nationally valuable cultural property, the preparation of inventories of immovable cultural property as defined by the Hague Convention, the drafting of guidelines and concepts for the construction of refuges for moveable cultural property, and the specialist supervision of the planning and construction of refuges for archives, libraries, museums and other institutions that conserve cultural property;
    - further developing scientific, professional and ethical standards for cultural property protection;
    - advising during legislative processes in the field of cultural property protection and in relation to the implementation of international and European law;

- advising Association Members and the competent agencies, corporate bodies, associations and cultural policy decision makers on matters of general significance for cultural property protection, in particular in the event of crises, disasters and large-scale emergencies;
  - supporting international calls for solidarity and donation campaigns in the field of cultural property protection, providing expertise and capacities in the event of crises, disasters and large-scale emergencies in Germany and abroad, participating in international aid campaigns and reconstruction projects, or sponsoring damaged or threatened cultural institutions outside Germany.
2. In the field of education, inter alia, by:
- promoting social appreciation of cultural heritage, in particular with a view to cultural diversity, social cohesion and sustainable development, through media reports and press releases, and by publishing analyses, reports and opinions;
  - raising public awareness of the hazards and risks to which cultural property is exposed and of the need for suitable preventive and protective measures, for instance through campaigns, public events or publications;
  - disseminating information on the legal bases for cultural property protection, in particular the Hague Convention and its Protocols;
  - disseminating official positions of the BS(I);
  - hosting public conferences, congresses and talks on topics arising from the Association's objects and tasks;
  - developing and implementing training and further training measures (e.g. workshops, seminars, field trips) in the field of cultural property protection in the event of armed conflicts, natural and environmental disasters, and large-scale emergencies for persons who handle cultural property, inter alia, within the remit of their activities (whether civil or military) or who may come into contact with cultural property;
3. In the field of science and research, inter alia, by:
- conducting and advancing, and providing specialist support for, research in the field of cultural property protection, in particular with a view to measures and instruments aimed at prevention, awareness raising, and risk and crisis management, as well as publishing the findings of this research in a timely manner;
  - hosting scientific conferences, congresses and workshops as well as specialist scientific talks;
  - advancing early-career researchers, inter alia by organising and hosting events for and with students and scientific trainees;
  - preparing and publishing scientific publications.

3.

**Altruistic Activity**

- (1) The Association pursues altruistic activities; it does not primarily pursue its own economic purposes.
- (2) The Members do not receive any allocations from the funds of the Association.
- (3) The Association may not provide a benefit to any person by means of expenditure unrelated to the objects of the Association or disproportionately high remuneration.

4.

**Funding**

- (1) The income of Blue Shield Germany consists of:
  - a) membership fees,
  - b) gifts, donations and bequests,
  - c) grants and subsidies,
  - d) the sale of products and payments for services rendered,
  - e) income from events,
  - f) interest,
  - g) all other sources of income approved by the Board of Blue Shield Germany.

The conditions attached to donations require the approval of the Board of Blue Shield Germany.

The funds of Blue Shield Germany may be used only for objects that are in accordance with its Statutes.

- (2) Constituent Members (Article 5(2)) and Honorary Members (Article 5(5)) do not pay a membership fee. The amount of the membership fees for all other categories of membership are set by the General Assembly of Blue Shield Germany, taking into consideration any amounts set by the Board of the BS(I) and the financial needs of Blue Shield Germany, and are regulated in a fees ordinance.

Under exceptional circumstances, the Board of Blue Shield Germany may authorise a reduction in the membership fee that does not entail the loss of the Member's rights.

5.

**Members, Acquisition of Membership, Rights and Duties**

- (1) Membership of the Association is open to natural and legal persons. The Members consist of the Constituent Members, Full Members, Supporting Members and Honorary Members.

(2) The Constituent Members of the Association are:

1. Deutsche Bibliotheksverband e. V.  
(German Library Association),
2. Deutsche Nationalkomitee von ICOMOS e. V.  
(German National Committee of ICOMOS e. V.),
3. ICOM Deutschland e. V.  
(ICOM Germany),
4. Verband deutscher Archivarinnen und Archivare e. V.  
(Association of German Archivists),
5. Deutsche Gesellschaft für Kulturgutschutz e. V.  
(German Society for Cultural Property Protection),
6. Deutsche UNESCO-Kommission e. V.  
(German Commission for UNESCO).

Each Constituent Member delegates a natural person to act as its representative on the Board. This person also represents the delegating Constituent Member at the General Assembly.

The Constituent Members do not pay a membership fee.

(3) Full Members (who may be natural or legal persons) of the Association are:

1. private individuals who have particular specialist knowledge and experience relating to the Association's objects and tasks and who are willing to contribute actively to the Association's work;
2. associations and institutions that are actively engaged in the field of the Association's objects and tasks in the Federal Republic of Germany and that are willing to support the Association's work. To exercise their voting rights and their rights to vote for candidates at the General Assembly, these Full Members each appoint a natural person as their representative by means of a written proxy;
3. private individuals and associations or institutions that are especially suited to advancing the Association's objects and tasks and that are willing to do so.

(4) Supporting Members are natural or legal persons who declare their support for the Association's objects and tasks, and pay a Supporting Member's fee.

(5) Honorary Members are natural persons who have rendered outstanding services to the Association and have been appointed by the General Assembly following a proposal from the Board. Honorary Members do not pay a membership fee.

(6) Admission as a Full or Supporting Member is by written application. Decisions on admission are taken by the Board of Blue Shield Germany by resolution.

(7) If an application for membership is rejected, which requires no justification, the applicant may appeal to the General Assembly, which will then issue a final decision by resolution.

(8) All Members are entitled to exercise the rights of an Association Member in the General Assembly. Each Member has one vote in the General Assembly. The annual membership fee must be paid before the benefits of membership, including voting rights in General Assemblies, are granted. All Members (with the exception of Honorary Members) must

pay their annual contribution fee in accordance with the fees ordinance.

- (9) Members (with the exception of the Constituent Members and Honorary Members) must pay the annual fee set pursuant to Article 4(2) by 1st February of the current year at the latest. In derogation from the foregoing provision, new Members pay their contribution fee immediately after confirmation of their admission into the Association.
- (10) All Members of Blue Shield Germany undertake to adhere to the decisions of the bodies of the BS(l) and Blue Shield Germany; failure to do so may result in the loss of membership. Article 6(3) applies to Members who do not comply with these statutory duties.

## 6.

### **Termination of Membership**

- (1) Membership terminates when the Member leaves the Association, is expelled or dies, or, if the Member is a legal person, is dissolved.
- (2) Members can leave the Association by giving three months' written notice to take effect at the end of the financial year (cf. Article 1(4)), sent to the Blue Shield Germany Secretariat. However, this does not release the Member from the duty to pay the membership fee that remains payable, in whole or in part, for the current financial year.
- (3) Members may be expelled from the Association only where compelling reason for doing so exists. By way of example and not of limitation, compelling reason exists in the case of conduct that is detrimental to the aims of the Association, a breach of statutory duties or fee arrears of at least one year. The Board decides on expulsions from the Association by resolution. A Member may appeal to the General Assembly against his or her expulsion; the Member is to make a corresponding application within one month of notification of the resolution on expulsion from the Association by writing to the Blue Shield Germany Secretariat. The General Assembly issues a final decision on behalf of the Association by resolution.

## 7.

### **Associated Partnerships**

- (1) Natural or legal persons that do not wish to become Association Members, but who nevertheless declare their support for the Association's objects and wish to support the Association's work can make a written application to the Board for an Associated Partnership. The Board decides on such applications by resolution.
- (2) The form of the Associated Partnership is regulated in a written agreement between the Association and the Associated Partner.
- (3) The Associated Partnership may be dissolved by either party without stating a reason by giving one month's written notice to take effect at the end of the financial year.

## 8.

### **Bodies of the Association**

The bodies of the Association are:

- the General Assembly,
- the Board,
- the Financial Auditors,
- the Advisory Council,
- the Advisory Committees.

## 9.

### **The General Assembly**

The General Assembly is the sovereign body of Blue Shield Germany. All Members of Blue Shield Germany belong to it (see Article 5(1-5)). Associated Partners are permitted to participate; they have the right to speak, but no voting rights.

- (1) The ordinary General Assembly is held once per year.
- (2) Extraordinary General Assembly s are held as required. They are to be called within 30 days at the request of the Board or the Advisory Council or if at least one tenth of the Members, calculated on the basis of the most recent annual report, requisition it in writing, stating reasons. The provisions for ordinary General Assemblies apply mutatis mutandis.
- (3) The following duties are incumbent upon the General Assembly:
  1. discussing and approving the annual report prepared by the Board and the treasurer's report;
  2. adopting an annual resolution discharging the Board and the Financial Auditors;
  3. setting the membership fees and their due dates;
  4. adopting a fees ordinance;
  5. electing the President of Blue Shield Germany and up to five other Members of the Blue Shield Germany Board in accordance with Article 11(2);
  6. appointing the Financial Auditors;
  7. adopting the Association Statutes or amendments to the Statutes, enacting any by-laws or approving the dissolution of the Association;
  8. adopting resolutions on the award of honorary membership;
  9. deciding on Member applications concerning a Board resolution to expel a Member by way of resolution;
  10. adopting resolutions on any other motions put forward by Members to the General Assembly;
  11. issuing proposals and recommendations for the Association's work.

- (4) To enable preparations for the General Assembly, applications or motions concerning the points specified in Para. 3 are to be made at least two weeks before the fixed date of the Assembly by writing to the Blue Shield Germany Secretariat, providing a brief justification.

## 10.

### **Calling the General Assembly and its Proceedings**

- (1) The General Assembly is called by the Board with one month's notice in written or electronic form, stating the agenda. Invitations are sent by letter or email, and are announced in the Association's publishing organs (as well as on its website). The notice period commences on the day after the dispatch of the invitations. The invitation is deemed to have been received by the Member if it was sent to the last address (email or postal address) provided to the Association.
- (2) New items may be added to the agenda if a Member puts forward a written motion no later than one week before the set date. The added items are to be announced at the beginning of the General Assembly.
- (3) Decisions on motions to dismiss the Board, to amend the Statutes or to dissolve the Association that were not circulated to Members with the invitation to the General Assembly or, in the case of amendments to the Statutes, on motions that were not circulated in the exact wording cannot be taken until the next General Assembly.
- (4) The General Assembly is chaired by the Chair (the President); if the President is unable to assume this duty, it is chaired by a Member of the Board.
- (5) A quorum is constituted at a General Assembly regardless of the number of Members present and those represented by proxies if it has been called in accordance with the Statutes. Each Member may represent a maximum of two absent Members by proxy.
- (6) All Members have the same voting rights and the same rights to vote for candidates and to stand for election. Legal persons are represented by proxies appointed in writing.
- (7) With the exception of Article 10(8), Article 11(9) and Article 17(1), decisions are taken by simple majority. In the event of a tie, lots are drawn in the case of an election, and the Chair of the Assembly has the casting vote in all other cases. Abstentions from voting and invalid votes will be disregarded. Following a motion by one third of those present, voting will proceed in secret.
- (8) Amendments to the Statutes require a two-thirds majority of the valid votes cast at a General Assembly. The proposed amendment must be circulated to the Members at least one month before the General Assembly. Resolutions on Statute amendments concerning the objects for the public benefit set forth in Article 2 require the consent of the competent tax office.
- (9) Board elections at the General Assembly are to be conducted in writing and in secret. The President and the other Board Members are elected in separate ballots.
- (10) The negotiations in the General Assembly and the resolutions adopted are to be recorded in the minutes, which are to be signed by the minute taker and the Chair of the Assembly. The minutes shall contain the following: the place and time of the Assembly,

the person chairing the Assembly, the number of Members present, the agenda, the results of the individual votes and the form of voting. The exact wording of amendments to the Statutes is to be recorded.

## 11.

### The Board

The Board conducts the Association's business to the extent that it has not been transferred to the General Assembly and implements the resolutions adopted at the General Assembly.

(1) It is responsible for:

- a) managing Blue Shield Germany;
- b) developing and implementing the annual programme of Blue Shield Germany;
- c) collecting membership fees;
- d) recruiting new Members;
- e) appointing Advisory Committees;
- f) preparing and calling the General Assembly;
- g) implementing the resolutions adopted at the General Assembly;
- h) preparing the annual report and the treasurer's report for the previous year;
- i) preparing a business plan for the financial year;
- j) adopting resolutions on the admission of Full and Supporting Members, the appointment of Honorary Members and the conclusion of Associated Partnerships (Articles 5 and 7);
- k) appointing the Members of the Advisory Council;
- l) appointing Blue Shield Ambassadors in agreement with the BS(I) Board;
- m) concluding and terminating employment contracts and legal transactions with a value of less than €5,000.00.
- n) appointing a Board Member to represent Blue Shield Germany at the General Assembly of the BS(I) in accordance with the BS(I) Statutes and to vote in the General Assembly on behalf of Blue Shield Germany.

(2) Board membership is open to natural persons only. The six Constituent Members of Blue Shield Germany each appoint one natural person as their representative on the Board (Article 5(2)). In addition to this, the Board is formed of the President elected by the General Assembly and up to five other Members elected by the General Assembly. The Board selects the Vice President, the Treasurer and the Secretary from among its Members.

(3) The Chair (the President), his or her Deputy (the Vice President) and the Treasurer represent the Association in court and out of court within the meaning of Section 26 of the German Civil Code (BGB). Documents concerning ordinary administrative commercial dealings may be signed by either the Chair, the Deputy Chair or the Treasurer alone. Any declarations of intent that are to be made to the Association can be made to the above-mentioned Board Members.

- (4) The Board may make by-laws for itself.
- (5) Board Members serve three years in office. Members may be re-elected. If the election of a new Board does not take place on schedule, the current Board will continue to conduct the Association's business until the election is held.
- (6) The President may serve a maximum of two terms in office.
- (7) The Board may appoint a Managing Director and assign current business to the Secretariat.
- (8) The President, together with the Managing Director, reports regularly to the Board on current business.
- (9) The Board convenes at least twice per year. It generally adopts its resolutions in Board meetings, which the President calls and chairs. The agenda must be announced upon calling the meeting; this is to take place at least one week before the Board meeting. A quorum is constituted at a Board meeting if at least half of its Members, including the President or the Vice President, are present. The Board adopts all its resolutions by simple majority of the votes of those present; in the event of a tie, the Chair has the casting vote. Board resolutions may also be adopted by written procedure unless a Board Member objects. Board Members may delegate their voting right to other Board Members; one Board Member may cast no more than two votes.
- (10) The Board calls the General Assembly (Article 10) and convenes the Advisory Committees (Article 15). The President may chair the meetings of the Advisory Committees. Board Members may participate in meetings of the Advisory Council and the Advisory Committees at any time.
- (11) The Board may invite suitable individuals to its meetings to advise or collaborate on a temporary basis.
- (12) If a Board Member resigns before the end of his or her term, a new Member shall be elected by the next General Assembly to replace the Board Member for the remaining term of office.
- (13) A Board Member's term in office ends upon the termination of his or her membership.
- (14) Board Members may not have any economic interest in the Association's activities. They may not participate in decisions from which they or a member of their relatives stands to benefit, either directly or indirectly.
- (15) Board Members exercise their activities on a voluntary basis in principle. Expenses may be reimbursed upon submission of evidence within the framework of the maximum rates under tax law.

## 12.

### **Financial Auditing**

- (1) The General Assembly elects two qualified persons from among its Members as Financial Auditors for a period of two years. These persons may not be Board Members.
- (2) The Financial Auditors are responsible for auditing the propriety of the Association's

accounting and its financial management.

- (3) The Financial Auditors prepare the cash audit report for the General Assembly. They have the right to inspect all business documents and to propose a motion to discharge the Board at the General Assembly.

### 13.

#### **The Secretariat and Managing Director**

- (1) The Association may maintain a Secretariat with a registered office in Berlin. A Managing Director may conduct current business on both substantive and organisational matters as per the instructions of the President and in accordance with the by-laws adopted by the General Assembly (see Article 9(3)7)).
- (2) The Managing Director participates in all meetings of the bodies of the Association in an advisory capacity.

### 14.

#### **The Advisory Council**

- (1) The Advisory Council advises the Board on all matters concerning the Association's objects.
- (2) It is formed of individuals who are especially committed to the Association's objects. These individuals are appointed by the Board. There is no time limit on membership of the Advisory Council. The Board may remove a Member from the Advisory Council. The Board determines the number of Members of the Advisory Council.
- (3) The Advisory Council elects a Chair from among its Members. The Chair of the Advisory Council serves three years in office. The Chair of the Advisory Council may serve a maximum of two terms in office. If the election of the new Chair of the Advisory Council does not take place on schedule, the current Chair will continue to conduct business until the election is held.
- (4) The Advisory Council is convened by its Chair by simple letter. Two weeks' notice is required when convening the Advisory Council. The Board Members are also to be informed. They are entitled to participate in meetings of the Advisory Council.
- (5) Votes are decided by the simple majority of the votes cast; in the event of a tie, the Chair has the casting vote.
- (6) The Advisory Council may make by-laws for itself.

### 15.

#### **The Advisory Committees**

- (1) The Board may appoint Advisory Committees for particular tasks that serve the fulfilment of the Association's objects. It appoints their Members and determines the scope of their activities.

- (2) In all other respects, the provisions of Article 14(2) in conjunction with (6) of the Statutes apply mutatis mutandis.

## 16.

### **Blue Shield Ambassadors**

- (1) Blue Shield Germany may award the title Blue Shield Ambassador to outstanding individuals who come from the fields of art, culture, sports, science, the economy and social life and who have a special connection to the idea and activities of Blue Shield or who have rendered outstanding services to the Association. The Board decides on such appointments in agreement with the BS(I) Board.
- (2) As public figures, Blue Shield Ambassadors are to champion the interests of cultural property protection, in particular in the event of armed conflicts, natural and environmental disasters, and large-scale emergencies, as set forth in Article 25 of the Hague Convention and Article 30 of the Second Protocol to the Hague Convention, in the field of art, culture, sports, science, the economy and tourism or in social life on the national or international level.
- (7) The criteria for the relationship between Blue Shield Germany and a Blue Shield Ambassador are based on the regulations for Goodwill Ambassadors of the United Nations and its sub-organisations, in particular UNESCO. The precise framework for the relationship between a Blue Shield Ambassador and Blue Shield Germany is regulated in a written agreement signed by the Blue Shield Ambassador and the President of Blue Shield Germany.
- (8) Blue Shield Ambassadors fulfil their duties for Blue Shield Germany on a voluntary basis. Article 11(14) of the Statutes applies mutatis mutandis.
- (9) Blue Shield Ambassadors are initially appointed for a period of three years; the appointment may be extended without the need for any particular form by a further three years at a time if this is desired by both parties.
- (10) Blue Shield Ambassadors receive a certificate on the day of their first appointment. The certificate is to be presented in an appropriate setting.
- (11) Blue Shield Germany supports Blue Shield Ambassadors to the required extent with their commitment to cultural property protection. A special form of support is identifying or developing suitable projects for the respective Blue Shield Ambassador.

## 17.

### **Dissolution of the Association**

- (1) The decision to dissolve Blue Shield Germany may be taken only by a two-thirds majority of the valid votes cast at a General Assembly called in accordance with the proper procedure.
- (2) Upon the dissolution of the Association or in the event that its tax-privileged purposes

cease to apply, the assets of the Association will pass to the association Deutsche Stiftung Denkmalschutz, which is to use them directly and exclusively for tax-privileged purposes.

- (3) Members have no claim to the Association's assets upon leaving the Association or in the event of its dissolution with the exception of claims to the repayment of any loans granted or other claims whose legal basis does not lie in their membership.

The present wording of the Statutes was adopted at the General Assembly in Berlin on 16 June 2017.

The original document was signed by:

Markus Hilgert  
Kristina Heizmann  
Friederike Waentig  
Rudolf Gundlach  
Britta Rudolff  
Jörg Haspel

Thomas Schuler  
Brigitta Ringbeck  
Michael Vogel  
R. Bernecker  
Bernhard Post

**PLEASE NOTE:**

The English version of the Statutes only serve an informative purpose. For the German National Committee of the Blue Shield, which is registered as an association under German law, only the German version of the Statutes is legally binding.