

**RULES OF THE «GROUPEMENT DES ANCIENS DU
CERN – ESO
PENSIONERS’ ASSOCIATION (GAC-EPA)»**

Edition of October 2011
Valid from 1 January 2012

These Rules define the organization of an association between the beneficiaries of the CERN Pension Fund, hereinafter referred to as the “Pension Fund”, under the name of the “Groupement des Anciens du CERN-ESO Pensioners’ Association (GAC-EPA)”, hereinafter referred to as the “Group”, an association in conformity with the specifications of Article 60 et seq. of the Swiss Civil Code.

This Group, created in the framework of the CERN Staff Association, is also open to the beneficiaries of the Pension Fund who were formerly ESO personnel. The present Rules shall be construed having regard to the CERN Staff Association Rules in force.

CERN and ESO are jointly referred to hereinafter as the “Organizations”.

NATURE AND AIMS OF THE GROUP

Article 1

The Group shall have the aim of bringing together the beneficiaries of the Pension Fund and providing them with information on questions relating to their situation. To that aim, it keeps itself informed about the evolution of factors which affect them and collaborates with the Staff Associations of the Organizations on aspects of mutual concern. It shall also aim to allow collective representation of pensioners to the Staff Associations and the Administrations of the Organizations in all the areas which concern them, and thus to assure the best possible protection of their collective interests. The Group shall also, according to the means available, provide its members with assistance in their personal initiatives and a framework for their activities as members of the Pension Fund.

Article 2

The Group pursues no lucrative goals and does not engage in any economic, political or religious activity.

Article 3

The Group has its seat at CERN, Meyrin/Geneva in the CERN Staff Association area.

Article 4

The Group is open to all beneficiaries of the Pension Fund, whether their retirement is effective or deferred, including widows, widowers and orphans.

Article 5

Membership to the Group implies:

- Acceptance of its Rules
- Payment of the subscription fee.

Only members of the Group, for whom the subscription fee has been paid for the period preceding the election, or for the current period, can be candidates or vote at the ballots described in Articles 19 and 32.

A resignation must be notified in writing to the President of the Group. The resigning member may not claim the reimbursement of any subscription fee already paid.

Article 6

The organs of the Group are:

- The General Assembly, supreme power of the Group.
- The Committee of the Group, the representative and executive organ.
- The Auditors of the Accounts.
- The Scrutineers.

ORDINARY GENERAL ASSEMBLY

Article 7

The General Assembly permits the members of the Group to assemble at CERN to be informed about the activities of the previous Committee during the past year and to approve them, as well as to be informed about the objectives of the Committee for the current year. The Group members are invited to give their opinions at this meeting.

The ordinary General Assembly is held once a year and at the latest, except in the event of force majeure, on 31 March. It is called by the Committee who shall propose the agenda.

An extraordinary General Assembly may be convened under the terms and conditions specified in Article 32.

The President presides at the Assemblies of the Group. On his/her proposal, the Assembly selects a Chairperson for the session. One of the Vice-Presidents replaces the President if he/she cannot be present.

Article 8

The General Assembly has the following tasks:

- To adopt the agenda of the meeting.
- To receive and adopt the reports of the President, the Treasurer and the Auditors for the previous year.
- To elect Scrutineers, from on a list presented by the Committee and any candidates coming forward in the session, for the period until the next Ordinary General Assembly.
- To approve the annual programme of the current Committee presented by the President and the Treasurer.
- To decide on the annual subscription fee and the budget as proposed by the Treasurer (cf. Article 28).
- To rule, as last resort, on all cases not covered by the present rules.

Article 9

The decisions of the ordinary General Assembly on proposals raised are taken by simple majority of the votes of the members present and those validly represented by proxy by other members of the Group, including members of the Committee. Proxy votes shall be sent in advance or submitted at the start of the session.

Proxy votes assigned to members of the Committee shall be distributed amongst Committee members present at the General Assembly.

The number of proxy votes cast by other members of the Group present at the General Assembly shall be limited to 5 per member.

All decisions of the General Assembly may be challenged if at least a fifth of the members send their disagreement with a decision in writing to the Committee not later than two months after the date of the release of the minutes of the General Assembly. If this condition is satisfied, the challenged decision shall be submitted to all members for a written vote.

Article 10

If the Ordinary General Assembly was unable to adopt the reports of the Committee for the preceding year, it must take the necessary actions to find a remedy.

THE COMMITTEE OF THE GROUP

Article 11

The Group elects a Committee to organize the activities such as are defined in Article 1.

The length of the mandate of the members of the Committee of the Group is two years, starting on 1 January and terminating on 31 December of the following year.

The Committee is renewed in December following an election by written vote. Committee members are eligible for re-election after their mandate expires.

Article 12

The Committee shall comprise of a minimum of 16 - corresponding to the number of statutory functions listed in Article 15 - and a maximum of 21 elected members, which number corresponds to the optimum number required to efficiently execute all the functions of Article 15. The Committee shall determine at the start of the electoral procedure each year, the number of members to be elected to achieve the desired composition. The Committee may be complemented by the appointment of co-opted members according to Article 14, up to a total of 23 members.

The Committee shall take its decisions by simple majority of votes. In the event of an equal number of votes, the proposal submitted to the vote shall be rejected.

The quorum is 11 elected members and shall include the President or a Vice-President.

Article 13

The Committee allocates to its members statutory or non-statutory functions defined in Article 15¹. The responsibility for the exercise of a function ends at the end of the mandate of the Committee Member. If re-elected, a Committee Member may continue his/her function.

The President whose mandate ends on the 31st December of a given year shall be responsible for the presentation of the President's report on the activities of the Committee during that year at the following General Assembly. This shall take place within three months of the completion of his/her mandate.

The Treasurer whose mandate ends on the 31st December of a given year shall be responsible for the closure of the annual accounts of the Committee for that year and their presentation to the Auditors and to the following General Assembly. This shall take place within three months of the completion of his/her mandate.

Article 14

The Committee may be assisted by other members of the Group and external experts. It may also co-opt, for the current year, persons particularly qualified to carry out specific tasks within the responsibilities of the Committee.

Members co-opted by the Committee for their qualifications are full Committee Members. They have the right to vote in Committee decisions but may not however vote for the candidates fulfilling the statutory functions described in Article 15, nor be eligible to carry out any of these functions.

¹ Except that of representative of the ESO members selected according to the conditions of Article 20.

Article 15

To ensure its operation, the Committee, according to the conditions set out in Article 21, shall assign at its first meeting the following statutory functions to its normally elected members, selected for their competence and willingness to carry out the functions

- 1 President responsible for the coordination of the activities of the Group and who chairs the Committee.
- 1 or 2 Vice-Presidents who assist or replace the President during his/her absence.
- 1 Treasurer.
- 1 Secretary.
- The representative of pensioners on the Pension Fund Governing Board.
- 9 Delegates to the CERN Staff Association Council who represent the beneficiaries of the Pension Fund. Their number and their roles are set out in the rules of the CERN Staff Association. The CERN Staff Association may, in accordance with its rules, give to these delegates representative functions on the various occasions on which they are called to participate.
- 1 Delegate to the CERN Mutual Aid Fund and his/her replacement, in accordance with the Rules of this fund.

The function of representative of the ESO beneficiaries is also a statutory function; the said representative, selected according to the conditions in Article 20, may carry out other functions except those of delegate to the CERN Staff Association Council or to the CERN Mutual Aid Fund

The Committee may, if it wishes, delegate other functions to its members such as:

- Assistant Treasurer.
- Assistant Secretary.
- Editor of the bulletin.
- Person responsible for the information sessions for beneficiaries of the Pension Fund.
- Person responsible for socio-cultural activities.
- Person responsible for IT support.

This list is not exhaustive.

Article 16

The Committee shall meet at least six times per year, under the chairmanship of the President or, in his/her absence, a Vice-President to deal with the current affairs. If necessary, the President may convene an exceptional meeting.

No meeting may take place unless at least 7 elected members, including the President or a Vice-President, are present at this meeting. The Committee may not put a decision to a vote unless the quorum specified in Article 12 is reached.

The secretary or his/her assistant shall write the minutes of the meeting. These minutes shall be approved and, if necessary, amended by the Committee at the following meeting. The approved minutes are archived in the offices and on the web site of the Committee.

These minutes shall be accessible on request by any Group member and also by authorised representatives of the Staff Associations of the Organizations.

Article 17

The Committee informs the Group members by the following means (non-exhaustive list):

- Holding General Assemblies and circulating their minutes to all Group members.
- Editing a six-monthly or annual information bulletin, sent to all members of the Group, except in the event of force majeure.
- Publication of articles in the CERN Staff Association Bulletin.
- Holding information sessions for beneficiaries of the Pension Fund and staff nearing retirement and to answer their questions.
- Sending electronic messages in urgent cases.
- Access to a Web site of the Group.

THE AUDITORS OF THE ACCOUNTS

Article 18

Two Auditors of the Group accounts shall verify the accounts of the Committee of the Group for each financial year covering the period from 1st January to 31st December, from the documents submitted by the Treasurer. They shall present their conclusions to the General Assembly that shall be held within three months of the end of the financial year.

The Auditors shall be elected in the same way and according to the same rules as the members of the Committee. The Auditors may not be simultaneously Members of the Committee.

The mandate of the Auditors is 2 years. They are eligible for re-election.

THE ELECTORAL PROCEDURES

Article 19

The election of the Committee Members of the Group and those of the Auditors is initiated by a Call for Candidates sent by post to Group members whose subscription fee has been paid for the period preceding the election or for the current period (cf.: Article 5). The Call for Candidates must be at least two months before the election.

The number of positions corresponds to the number which will be vacant on 31 December of the electoral year. The optimum number of Committee Members listed in Article 12 serves as the reference.

The election is held by written and secret ballot based on a single list of candidates of both CERN and ESO members, sent by post to Group members, in principle in October of every year. The ballot forms must be returned by the date given on the form, normally within three weeks.

Article 20

The counting of the votes, electoral or other, is carried out by the Scrutineers chosen by the secretary of the Committee from a list of 20 persons approved each year by the General Assembly. Committee Members who are not candidates at the election may help the counting. Candidates may not be Scrutineers.

The Scrutineers nominate from their ranks a Chairperson who supervises the vote counting and validates the result of the election.

The vote counting is public and can only be valid if at least three Scrutineers are present.

If the mandate for the representative of the ESO beneficiaries ends on 31 December or is vacant, the votes from the ESO members shall be counted separately from those of the CERN members. The candidate with the largest number of votes from the ESO members shall be elected as representative of the ESO beneficiaries on the Committee. The remaining votes by ESO members for other candidates shall be added to the votes of CERN members.

In the event of two candidates for one post obtaining the same number of votes, the Scrutineers shall proceed to a drawing of lots.

Article 21

After the November elections for the replacement of committee members whose 2-year mandate is coming to an end, a plenary meeting of the existing Committee Members and those newly elected shall be organised at the beginning of December.

The Chair of the meeting is the President still in office. He/she must register the results of the elections validated by the Scrutineers. He/she defines the composition of the new Committee comprising of the members of the former Committee whose mandate will not terminate on 31 December of the same year and the newly elected members. He/she verifies that the quorum has been reached (cf.: Article 12). If not he/she must urgently convene a new session at which no quorum is required.

If the President's mandate comes to an end on 31 December of the same year, as Chair of the session, he/she shall present the candidates for the post of President and submit them to a vote of the new Committee defined above. The newly elected President then becomes the Chair of the session.

The Chair of the session then proceeds to renew the vacant statutory functions ² (cf.: Article 15) which are then ratified by the vote of the Committee.

The Chair of the session proceeds in the same manner for the other functions, the only difference being that he/she may defer a decision to the following session of the Committee.

The President of the Committee informs the Staff Associations of the Organizations of the composition of the new Committee.

Article 22

The election of delegates to the CERN Staff Association Council is in the framework of the election to statutory functions defined in Article 21. The number of posts corresponds to the number of posts which will be vacant on 31 December following the election, the total number of delegates set out in Article 15 serving as the reference. In order to respect the two-year period of mandate of these delegates, only newly elected members of the Committee may be taken in consideration for this election.

Article 23

The internal elections to form the Committee (cf.: Articles 21 and 22), and the internal decisions of the Committee requiring a vote shall be voted by a show of hands. If a member of the Committee, supported by another member so requests, the vote may be secret.

The decisions are taken by simple majority (cf.: Article 12).

FINANCIAL RULES

Article 24

In financial matters, the Group is bound to third parties by the joint signature of two of the following: the President, one of the Vice-Presidents, the Treasurer, the Assistant-Treasurer.

- Financial engagements equal or greater than 2000 CHF are subject to approval by the Committee.
- For amounts equal or less than 500 CHF, only one of the above signatures is needed.

Article 25

Financial commitments of the Group are guaranteed only by its assets. All personal liability of its members or of the Staff Associations for such commitments is excluded.

Article 26

The accounts of the Group are permanently managed by the Treasurer and are available to all of its members.

² with the exception of the representative of the ESO beneficiaries who is selected according to the procedure described in Article 20.

Article 27

The Group has the following sources of income

- Subscription fees of its members.
- Gifts and legacies, allowances of all types.
- Interest from its bank accounts.

Article 28

The financial year runs from 1 January to 31 December.

The amount of subscription fees for the following period, as well as the deadline for payment, are determined every year by the Ordinary General Assembly of the Group on the proposal of the current Treasurer.

Members in arrears with their subscription fee by more than one year shall be invited in writing by the Committee to pay these fees. Members who have not responded to this reminder within sixty days shall be removed from the membership list.

Article 29

The membership of Group members, former members or beneficiaries of former members of CERN, to the CERN Staff Association is covered by a collective subscription to the CERN Staff Association paid by the Group. The amount of this subscription is fixed in agreement with the rules of the CERN Staff Association on a joint proposal of its Staff Council and the Group Committee.

EXCEPTIONAL PROCEDURES

Replacement of a Committee Member following a Resignation or an Impediment

Article 30

In the event of a resignation or impediment of the President of the Group, one of the Vice-Presidents will replace him/her until the next election. The Committee shall vote with the required quorum (cf.: Article 12) on the necessity of the replacement and the choice of the Vice-President who shall replace the President. This Vice-President has the same rights as the President whom he/she replaces.

Article 31

In the event of a resignation of a Member of the Committee or an impediment that prevents him/her from fulfilling his/her function or mandate, the Committee may, on the proposal of the President, decide with the required quorum to replace the Member concerned.

The function of the replaced member may be taken over with immediate effect. The mandate of the replaced member shall take effect during the next electoral period.

If this procedure applies to a delegate to the CERN Staff Association Council, the President of the Group shall inform the President of the CERN Staff Association, according to the rules of the CERN Staff Association.

Extraordinary General Assembly

Article 32

An extraordinary General Assembly may be convened at any time by the Committee or at the request of one fifth of the members of the Group. It must be convened at least three weeks in advance with an indication of the agenda.

An extraordinary General Assembly convened to discuss questions requiring a position by members of the Group, [amongst others on the revision of its rules (cf.: Article 33) or on the dissolution of the Group (cf.: Article 34)] shall not be called to a vote.

However, the minutes and a voting form will be sent to all members of the Group calling for a written vote to be held.

Revision of the Rules and Dissolution

Article 33

All requests for revision of the rules must be addressed in writing to the Committee with a justification. The modification or revision of the rules shall be submitted to the Staff Association of CERN and then to an Extraordinary General Assembly followed by an approval procedure in writing as stipulated in Article 32.

All revisions of the rules must receive more than 50% of the votes expressed in a written form.

Article 34

The Group may be dissolved following a decision by Extraordinary General Assembly convened to this effect and following subsequent approval by written vote by a majority of 2/3 of the votes expressed (cf.: Article 32).

Article 35

In the event of dissolution of the Group its assets become property of the Staff Associations pro rata to the members in the Group.

Limits of Validity

Article 36

In accordance with Article 33 of the rules of 1st September 2008:

- The present rules were presented to the extraordinary General Meeting of 24 November 2011.
- They were then approved by the majority of the votes expressed by the Group called to give a written vote

The present rules are thus applicable from 1 January 2012 the date at which they shall replace and cancel all earlier dispositions to the contrary.

Article 37

The rules of the CERN Staff Association which are referred to in the present document correspond to the version which became valid on 20th April 2010 and any amendments, as long as the latter do not contradict the present rules of the Group.