



ARTICLES OF ASSOCIATION

INTERNATIONAL MISSIONARY BENEFIT SOCIETY I.M.S.

Entraide Missionnaire Internationale (E.M.I.)

Internationales Hilfswerk für Missions personal (I.H.M.)

Opera Internazionale per il personale Missionario (O.I.M.)

Geneva 1965

(ratified by the General Assembly of 17 11 2020)

IMS

Association established according to articles 60 and following of the Swiss Civil Code - Registered in Geneva on 30 June 1965
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PREAMBLE

This Swiss-registered international Association operates under the aegis of Conferences of Major Superiors of Men, Major Superiors of Women and Episcopal Conferences. In a spirit of sharing, it facilitates in religious institutes, dioceses and other types of Christian communities which these authorities represent, the assistance that these religious communities must provide to their members.

The problem of covering missionaries' healthcare costs was raised at a European meeting of representatives of unions of Major Superiors. Since missionaries could not benefit from the mutual benefit systems set up in their countries of origin and working in countries whose healthcare systems were non-existent or inadequate, it was necessary to create for these men and women religious, an International Fund for mutual aid and healthcare assistance.

The Secretary General of the Union of Major Superiors of France, Father Jean-François BARBIER, (Franciscan) became the linchpin of this measure, with the support of the Union Saint Mutual Martin. Of the mutualistic type, the International Missionary Benefit Society was expressly constituted under Swiss law and its head office established in Geneva, in order to guarantee total neutrality in relation to the States... A non-profit, non-competitive organisation, benefiting from the support and agreement of the Holy See, it seeks to reconcile the two needs of international solidarity and national responsibility.

In the spirit of the Vatican II Council, it aims to enable all missionaries around the world to benefit from an equal right to healthcare. The native clergy may also join it, as well as the wives and children of pastors and lay assistants.

The IMS whose constituent assembly took place on 30 June 1965 has operated since 1 January 1966; the creation from the beginning of geographical sections has promoted decentralisation.

The first Steering Committee was international in its composition (France, Belgium, Switzerland, Netherlands) and ecumenical.

In accordance with its Articles of Association and rules and in compliance with national legislations, the Association operates according to the measures adopted by the General Assembly of the member religious groups, and it is administered by the Steering Committee made up of elected members proposed by the National and Regional Assemblies of Major Superiors of Men, Major Superiors of Women, Episcopal Conferences or other bodies of a similar kind that are affiliated to the Association.

The Association is organised so that it can provide its aid wherever its beneficiaries carry out their activities and have their ministries. Its management is decentralised into sections with either geographic or other scope.

PART I

CONSTITUTION, DURATION, HEAD OFFICE, PURPOSE

Article 1

CONSTITUTION

An Association is created in accordance with articles 60 et seq. of the Swiss Civil Code and it takes the following name:

Entraide Missionnaire Internationale, E.M.I.

International Missionary Benefit Society, I.M.S.

Internationales Hilfswerk für Missions Personal, I.H.M.

Opera Internazionale per il personale Missionario, O.I.M.

Article 2

DURATION

The duration of the Association is unlimited.

Article 3

HEAD OFFICE

The Association's head office is at 34 rue de l'Athénée - CH-1206 Geneva - Switzerland.

Article 4

PURPOSE

The purpose of the Association is:

- a. To provide, on behalf of the member Christian communities (dioceses, institutes and associations of the faithful), themselves grouped into sections, economic and social assistance, reflected in mutual healthcare assistance. The beneficiaries are the men and women religious, members of the diocesan clergy and members of religious communities as defined in Article 8.
- b. To study and seek the protection of people as regards their health by all means.
- c. To open institutes and information and support centres.
- d. To afford spiritual, moral or material aid to its beneficiaries, which is the aim of the Association.

The Association does not aim to make profits.

Article 5

RESPONSIBILITY

The Association's debts shall be met by its assets; members shall not be personally liable. Consequently, membership of the I.M.S. does not exempt the religious communities (dioceses, religious institutes and associations of the faithful) from their canonical obligations with respect to the beneficiaries and thus those for ensuring, in all circumstances, continued assistance in the event of illness of their members.

Canon 231:

"§1. Lay persons who permanently or temporarily devote themselves to special service of the Church are obliged to acquire the appropriate formation required to fulfil their function properly and to carry out this function conscientiously, eagerly, and diligently.

§2. Without prejudice to the prescript of can. 230, §1 and with the prescripts of civil law having been observed, lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided."

Canon 281 § 2:

§1. Since clerics dedicate themselves to ecclesiastical ministry, they deserve remuneration which is consistent with their condition, taking into account the nature of their function and the conditions of places and times, and by which they can provide for the necessities of their life as well as for the equitable payment of those whose services they need.

§2. Provision must also be made so that they possess that social assistance which provides for their needs suitably if they suffer from illness, incapacity, or old age.

§3. Married deacons who devote themselves completely to ecclesiastical ministry deserve remuneration by which they are able to provide for the support of themselves and their families. Those who receive remuneration by reason of a civil profession which they exercise or have exercised, however, are to take care of the needs of themselves and their families from the income derived from it."

Canon 619:

Superiors are to devote themselves diligently to their office and together with the members entrusted to them are to strive to build a community of brothers or sisters in Christ, in which God is sought and loved before all things. Therefore, they are to nourish the members regularly with the food of the word of God and are to draw them to the celebration of the sacred liturgy. They are to be an example to them in cultivating virtues and in the observance of the laws and traditions of their own institute; they are to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart, and to be patient toward all."

Canon 1274 § 2:

"§2. Where social provision for the benefit of clergy has not yet been suitably arranged, the conference of bishops is to take care that there is an institute which provides sufficiently for the social security of clerics."

Article 6

FINANCIAL PERIOD

The financial period starts on 1 January and ends on 31 December. It extends over a period of 36 months.

The Steering Committee adopts the accounts, which are approved by the first General Assembly following the end of the financial period.

PART II

MEMBERSHIP

Article 7

MEMBERS

The following only are members of the Association:

The founding members, associate members, active members and honorary members

a The founding members, namely the Standing Committee of the Religious of France (CPRF) and the Union of Major Superiors in France (USMF), today the Conference of Men and Women Religious of France (CORREF).

b The associate members.

The Religious Institutes and the National and Regional Episcopal Conferences which were behind the creation of the sections of the IMS:

- > the Conference of Men Religious of Belgium,
- > the Regional Conference of West African Bishops,
- > the Congregation of the Fathers of the Holy Spirit,
- > the Conference of Bishops of Madagascar,
- > the Conference of Bishops of Kenya,
- > the Province of the Marist Brothers of Central America.

They make a particular contribution to the direction and to the development of the IMS.

A Religious Institute or a National or Regional Conference of Bishops may apply to become an associate member. Its application must be approved by the founding member and the Steering Committee.

c The active members.

These are the communities which have joined the IMS.

Membership is decided by the person in charge of the section receiving the request from the applying community or groups that it has established, in the light of the presentation of its canonical or ecclesial Articles and validated by the payment of contributions.

d Honorary members.

These are individuals who have rendered outstanding services. They are approved by the Steering Committee.

The number of members is unlimited.

Article 8

BENEFICIARIES

The people (men religious, women religious, priests, pastors and members of associations of the faithful as well as their spouses and their children) who make up a member community are the beneficiaries of the Association's healthcare benefits.

A member community may form one or more groups, each group being attached to a section. The internal rules specify the mission of the group and of the section.

There is no individual membership

The number of beneficiaries is unlimited.

PART III

BODIES

Article 9

The Association's governing bodies are:

- > The General Assembly,
- > The Steering Committee,
- > The Board,
- > The Sections
- > The Committees,
- > The Audit Committee.

SECTION 1

GENERAL ASSEMBLY

Article 10

COMPOSITION

The General Assembly is composed of the founding member represented by its delegates on the Steering Committee, delegates of the associate members and delegates of the active members.

The delegates of the active members are designated by the sections according to Article 13 and according to the procedures laid down in the rules of the bodies.

Article 11

NOTICES TO ATTEND

The General Assembly meets at least every three years and it is called by the Chair of the Steering Committee. It is chaired by the Chair or the Vice-Chair of the Steering Committee.

Notices to attend must be sent out at least one month in advance, together with the agenda. The agenda must include any subject-matter which at least one-fifth of the Association's members has asked to be considered.

No decision may be taken on a subject which has not been included in the agenda of a General Assembly, unless it is a decision made unanimously by the members present or represented.

The Steering Committee must also convene the General Assembly on the express written request of at least one fifth of the members of the Association, referred to in Article 7.

The request must be sent to the President of the IMS, specifying the item or items to be added to the agenda.

The Steering Committee must, in such a case, arrange for the General Assembly to be held within three months of receipt of the request mentioned in the previous paragraph. Notices to attend must be sent out at least one month in advance, together with the items included on the agenda.

Article 12

AUTHORITY

The General Assembly is the Association's supreme authority. In particular, it:

- > Deliberates on the accounts submitted to it by the Steering Committee, after having heard the Audit Committee's report provided for in Article 33.
- > Amends the Articles of Association.
- > Appoints and dismisses the members of the Steering Committee.
- > Elects the members of the Audit Committee.
- > Decides on the voluntary dissolution of the Association.

Article 13

DESIGNATION OF DELEGATES TO THE GENERAL ASSEMBLY

The delegates of the founding members are designated by the CORREF.

The delegates of the associate members are designated by their ecclesial authority.

The delegates of the active members are designated as follows:

For each section, the number of delegates of active members (member communities or groups) is calculated according to the number of beneficiary members enrolled in this section:

- > one delegate if the section has fewer than one thousand beneficiaries,
- > above one thousand beneficiaries, one additional delegate for every two-thousand additional beneficiaries,

The membership taken into account is that on 1 July of the year before the General Assembly.

The sections arrange for delegates to be designated in accordance with the rules of the bodies adopted by the Steering Committee.

In the event of a delegate's incapacity, the latter may be represented by another delegate, given a power of attorney in writing and chosen from among those designated by the same authority or for those designated by the active members, from among the group managers. A delegate may not receive more than two powers of attorney.

Article 14

DECISIONS

Each delegate has one vote. The decisions of the General Assembly are made by a simple majority of the votes of the delegates present or represented - abstention is deemed to be an absence -, regardless of the number of delegates present or represented, subject to the exceptions provided for in Articles 16 and 39.

Article 15

SECRET BALLOT

A secret ballot is organised for elections, appointments, dismissals and exclusions.

This method of voting is compulsory if the Chair so decides or when at least one-fifth of the members present or represented so request it.

Article 16

AMENDMENT OF THE ARTICLES OF ASSOCIATION – DISSOLUTION - MERGER

a) Authority

The General Assembly has the authority to amend the Articles of Association. Any amendment proposal or request must be included in the agenda of the next General Assembly.

b) Attendance quorum.

The General Assembly called to give a ruling on a proposal or a request for an amendment to the Articles of Association, dissolution or merger, may only do so if at least one-half of the members are present or represented, with abstention not being deemed an absence.

If this attendance quorum is not reached, the Steering Committee shall, within three months and by registered letter sent out at least one month in advance, call a new General Assembly which shall rule on the matter, regardless of the number of delegates present or represented.

c) Voting.

In either circumstance, any amendment to the Articles of Association or any merger or dissolution decision must obtain two-thirds of the votes of the members present or represented, abstention being deemed an absence.

Article 17

MINUTES

The minutes of the deliberations of an Ordinary or Extraordinary General Assembly, signed by the Chair of the meeting, are transcribed in a numbered register and initialled by the President and the Secretary General.

SECTION 2

STEERING COMMITTEE

Article 18

COMPOSITION

The Steering Committee is composed of five to fourteen members. It is appointed, in accordance with Article 12, on a motion of the founding member and the associate members, it being specified that there must be a majority of the representatives of the founding member on the Steering Committee.

The term of office of the members of the Steering Committee is three years. It is renewed by the General Assembly which follows expiry of the term. The number of terms of office is limited to 3 consecutive ones.

In the event of a vacant seat, the Steering Committee appoints replacements in accordance with the arrangements provided for in the rules of the bodies. The members of the Steering Committee, thus coopted, only retain their positions until the next General Assembly.

In any event, there is still the possibility of resignation or dismissal by the General Assembly.

At each three-year renewal date, it elects, from among its members, five members who make up the Board, in accordance with Article 24.

Article 19

STEERING COMMITTEE MISSIONS

The Steering Committee is responsible for the general operation of the Association. It represents it and commits it in all judicial and extrajudicial documents. For this purpose, it has the most extensive powers.

The Steering Committee may delegate some of its responsibilities or powers to the Board to allow it to organise, manage and operate services.

The Association is legally represented by the Chair of the Steering Committee, the Secretary General or a specially authorised person.

The Steering Committee determines the delegation of signatures.

Article 20

MANAGEMENT REPORT

The Steering Committee presents a management report to each General Assembly, which describes the financial situation, the actions undertaken, the sections created or closed, and possibly proposes new strategic directions and the appropriate accompanying means.

Article 21

CREATION AND CLOSURE OF SECTIONS

The Association operates in a decentralised way, through sections. Each of them:

Receives memberships,

Collects the contributions,

Pays the assistance provided by the Association.

The Steering Committee, and subject to delegation, the Board, decides to create sections of the Association wherever it is felt that they are needed, and to close them. The Association's internal rules specify the role of the sections.

Article 22

MEETINGS

The Steering Committee meets at least once a year. The Chair sends out the notices to attend at least one month in advance, together with the agenda.

Article 23

VOTING

Each member of the Steering Committee has one vote.

The Steering Committee is validly in session if at least one-half of the members is present.

Routine decisions are taken by a simple majority of the votes cast.

If votes are equal, the Chair or his/her ad hoc representative has the casting vote.

For any decision involving the life of the Association (proposal to amend the Articles of Association, or dissolution, creation or closure of a section, validation of associate members, change of place of the head office), the representatives of the founding member on the Steering Committee must make a majority decision from among each other.

The election of the Chair of the Steering Committee takes place by secret ballot, requiring a two-thirds majority, during the first meeting following the General Assembly which has renewed the Steering Committee.

The election of the other members of the Board (Vice-Chair, Secretary General, Treasurer and another member) takes place, through a secret ballot, requiring a simple majority, during the first meeting following the General Assembly which has renewed the Steering Committee.

SECTION 3

BOARD

Article 24

COMPOSITION

The Steering Committee elects 5 of its members to the I.M.S. Board.

- > The Chair of the Steering Committee
- > The Vice-Chair of the Steering Committee,
- > The Secretary General of the Steering Committee,
- > The Treasurer
- > Two other members of the Steering Committee

The Director General takes part in the Board's meetings and work.

Article 25

THE BOARD'S RESPONSIBILITIES

The Board monitors the operation of the I.M.S.' activities subject to a delegation from the Steering Committee.

It also monitors changes to regulatory texts, the situation of the sections, the accounts and the finances and also the development of the Association.

It may, in consultation with the Director General, grant an administrative delegation to a legal person whose provisions are laid down in an Agreement. It reports to the Steering Committee.

It submits for the approval of the Steering Committee any rule needed for the smooth running of the Association and its administrative structure.

It prepares the Steering Committee meetings and the motions which are submitted to it.

It takes the decisions implementing the delegations that it may have received from the Steering Committee and also has the authority to vote on any decision regarding matters not reserved to the Steering Committee or to the General Assembly.

Article 26

RESPONSIBILITIES OF THE MEMBERS OF THE BOARD

Article 26-1: President

The President represents the IMS in judicial matters and in all acts of civil life.

He has authority to act in judicial matters and to defend the IMS in actions brought against it.

He convenes the Steering Committee and draws up the agenda of the meetings.

He organises and directs the work of the Steering Committee.

He ensures the proper functioning of the bodies of the IMS.

The President may, under his responsibility and his control and, with the authorisation of the Steering Committee, entrust the Director General with the performance of certain tasks which are within his remit.

The President may, at any time, withdraw his delegations in whole or in part.

The Chair of the Steering Committee, when he has delegated a number of actions, receives a report about the latter from the delegates.

Article 26-2: Vice-President

The Vice-President provides support to the President. He replaces the President in the event of an impediment. He replaces the President in the event of the latter's resignation until the following Steering Committee.

Article 26-3: Secretary General

The Secretary General of the Steering Committee is responsible for drafting the minutes, organising the institutional life of the IMS and keeping archives.

He may, under his responsibility and his control and with the authorisation of the Steering Committee, entrust the Director General with the performance of certain tasks which are within his remit.

Article 26-4: Treasurer

The Treasurer prepares and submits for discussion by the Steering Committee, the annual accounts and any cases or tables related thereto.

Each year, he presents a report to the Steering Committee on the financial situation of the IMS.

The Treasurer may, under his responsibility and his control and with the authorisation of the Steering Committee, entrust the Director General with the performance of certain tasks which are within his remit.

Article 27

DIRECTOR GENERAL

The Steering Committee may appoint a Director General. It lays down the conditions of his commission, his powers and his role.

The Director General ensures that the decisions of the Association's bodies referred to in Article 9 are implemented.

SECTION 4

SECTIONS

Article 28

FORMATION AND OPERATION

The Sections are local IMS administrative centres, distributed around the world. The Internal Rules sets out the arrangements for the creation and closure of Sections, their links with the IMS and their managing community as well as their mission and operation.

SECTION 5

COMMITTEES

Article 29

ROLE AND COMPOSITION

The association will endeavour to adjust its expenditures and its resources in order to preserve its economic situation. Financial reserves will thus be constituted by the Steering Committee.

To this end, the Steering Committee will be assisted by technical committees, whose number will be determined and whose members will be appointed by the Steering Committee which will lay down their powers (except in the event of express provisions to the contrary).

For the first time, they will receive a three-year term of office, renewable indefinitely for periods of three years.

In order to carry out their work, the technical committees may appoint individuals or legal entities especially chosen according to their skills, given the title of technical advisers. Their mission is defined by the Steering Committee and in relation to the prerogatives which are entrusted to it. Each mission is the subject of a mission statement laying down its length and its purpose.

The President of the Association is, ex officio, in charge of all of the committees, with the exception of the Audit Committee.

He may however be represented by a member of the Steering Committee if he considers it appropriate.

Article 30

MEMBERSHIP COMMITTEE

The membership of religious communities is managed by the sections. It may apply to the entire community or to some of its members which constitute a group.

This membership is made in the light of the presentation of the canonical or ecclesial statutes of the community.

In the event of a difficulty in assessing the canonical or ecclesial nature of the community seeking membership, the section questions this committee (whose members are appointed by the Board) before accepting its membership.

Article 31

SOCIAL FUND COMMITTEE

A social fund intended to promote and develop social action in favour of the most disadvantaged beneficiaries is created.

It is provided, subject to a decision of the Steering Committee, with a share of the contributions, at most equal to 5 % of their amount.

Requests to use the social fund are sent either to the section (for 1st level requests) or to the social fund committee (2nd level requests).

The section forms a social fund committee (analysis of 1st level requests) according to the arrangements laid down in the rules. This committee is able to decide on the granting of aid, for all requests, within the annual limit of a fraction of the contributions collected at its level, whose percentage is set by the Board. If overruns are necessary, the cases are reviewed by this social fund committee (2nd level).

The composition of the social fund committee (2nd level) is decided by the Steering Committee, in accordance with the provisions of Article 28.

The section also forms a social fund committee according to the arrangements laid down in the rules.

The Section's social fund committee is able to decide on the granting of aid, for all requests, within the annual limit of a fraction of the contributions collected at its level, whose percentage is set by the Board.

If overruns are necessary, the cases are reviewed by this social fund committee

Article 32

CONTRIBUTIONS REDUCTION COMMITTEE

The purpose of the Contributions Reduction Committee is to examine requests presented by the sections, or the groups, seeking adjustments with respect to the contributions due.

SECTION 6

AUDIT COMMITTEE

Article 33

COMPOSITION AND ROLE

An Audit Committee is elected every three years by the General Assembly.

It is made up of three members of the Assembly who are not part of the Steering Committee and one or more accountants.

It meets at least once before every General Assembly and its purpose is to approve the accounts, check that the accounting operations comply with the legal requirements and check the bookkeeping, cash accounts and the portfolio. The results of its work are recorded in a written report, sent to the Chair of the Steering Committee before the General Assembly and submitted to it.

PART IV

RESIGNATION AND CANCELLATION

Article 34

RESIGNATION

a) Of an associate or active member of the Association.

Any member may withdraw from the Association by notifying his resignation in writing to the Board six months before the end of the calendar year or, when an administrative year is provided for, six months before the end thereof.

b) Of a member of the Steering Committee

A member of the Steering Committee may notify his resignation in writing to the Chair of the said committee. It takes effect on the tenth day after notification.

Article 35

CANCELLATION

a) Of a member of the Association

- Cancellation of an active member of the Association is decided by the Board.

The section may also decide to cancel a member's membership in the event of non-payment of contributions.

- Cancellation of an associate member's membership may only be decided by the Steering Committee acting by a majority of two thirds of the votes of the members present or represented.

The Steering Committee decision gives rise to the establishment of a report sent to the General Assembly.

The member is informed in advance by a registered letter with acknowledgement of receipt of the reasons for the envisaged cancellation of its membership, and invited to submit its observations within a 30-day period.

Account is taken of these comments prior to the decision of the legislative body.

The member is heard and may, on this occasion, be assisted by a person of its choice.

The cancellation of membership is supported by reasons and a written notification is sent to the entity concerned.

b) Of a member of the Steering Committee

Cancellation of the office of a member of the Steering Committee may only be decided by the General Assembly on the motion of one-half of the Steering Committee members. The General Assembly must decide with a majority of two-thirds of the votes of the members present or represented, with abstention not being deemed an absence.

As the case may be, cancellation may result in membership of the Association being lost.

PART V

RESOURCES AND EXPENSES

Article 36

RESOURCES

The Association's resources comprise:

- The annual contributions paid by the members as defined in Article 7, which are decided by the General Assembly.
- Donations, grants, legacies, interest on capital, gifts and any acts of charity or generosity and through any other sources compatible with these Articles of Association, and the nature and objectives of the Association.

Article 37

EXPENSES

The expenses include the Association's management and administration fees and, generally, all sums used to pay the expenditure relating to its purpose.

In addition, a social fund is constituted under the conditions referred to in Article 31 for actions of a social nature in favour of the most disadvantaged beneficiaries.

PART VI

DISSOLUTION

Article 38

ATTENDANCE QUORUM

The General Assembly may only decide to dissolve the Association if two-thirds of the votes of the members are present or represented.

Article 39

VOTING QUORUM

If this attendance quorum is not reached, a new General Assembly must be held within six months of the first one, with the notice to attend from the President or his deputy being sent to the addressees at least one month in advance.

This second Assembly will then validly deliberate regardless of the number of members present or represented.

In the first or second of these Assemblies, dissolution may only be decided by a majority of two-thirds of the votes. Abstention will not be deemed to be an absence in calculating the voting quorum.

Article 40

ALLOCATION OF THE ASSETS

During the same meeting and with the same attendance and voting quorums, the General Assembly will decide on allocation of the assets to one or more associations whose purpose is closest to that of the Association.

It will, at the same time, designate the liquidators of the Association.

PART VII

ARBITRATION

Article 41

ARBITRATION

Any dispute regarding the interpretation or the performance of these Articles of Association that arises between the Association's bodies, within the structures of each of them or between the Association and a member, will be resolved by arbitration.

The parties to the dispute whose domicile, usual place of residence or head office is in Switzerland rule out application of the Swiss Civil Procedure Code and will subject themselves to chapter 12 of the Federal Law on private international law (LPIL).

The arbitration will be subject to the Swiss International Arbitration Regulation of the Swiss Chambers of Commerce in force on the date when the arbitration notification is filed in accordance with these rules.

The Court of Arbitration, made up of three judges, will sit in Geneva and will apply Swiss law to the merits of the dispute. The arbitration will be conducted in French.

Pursuant to Article 192 of the LPIL, the parties in the dispute, when none of them has his domicile, his usual place of residence or is based in Switzerland, rule out any ordinary or extraordinary right of recourse (action for annulment or application for review) against the sentences of the Court of Arbitration.

*These Articles of Association have been adopted by the constitutive General Assembly held in Geneva on 30 June 1965 and the International Missionary Benefit Society has been registered on that date in the Geneva Trades and Companies Register. **2020 update***

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