STATUTUL UNIUNII EUROPENE DE RADIOTELEVIZIUNE*
(UER)

STATUTES OF THE EUROPEAN BROADCASTING UNION
(EBU)

* *În vigoare pentru Republica Moldova, prin succesiune, din 1 ianuarie 1993.*

Article 1

Legal basis and seat

§1 The European Broadcasting Union (EBU) is a professional association of broadcasting organizations which is governed by Swiss law and by these Statutes.

§2 The association exists to contribute to the reinforcement of the identity of the peoples of active members' states, in accordance with human rights and in particular freedom of conscience, opinion and expression, while safeguarding fundamental values such as tolerance and solidarity.

§3 The association has legal personality.

§4 The association has no profit-making purpose. However, to attain its objectives it may pursue activities of a commercial nature.

§5 The association is of unlimited duration.

§6 The seat of the association is in Geneva.

Article 2

Objectives and means of action

§1 The objectives of the EBU are to serve the interests of its members in the programme, legal, technical and other fields, and in particular to support its active members in their mission to serve the interests of the general public in the best possible manner.

§2 Acting, under the control of its active members, in the fields of Professional Association, Operations and Study and Development, the EBU pursues the following objectives in particular.

(a) Professional Association

(i) to represent and defend the interests of its active, and where possible, its associate members, in every domain and by any appropriate means;

(ii) to act as professional interlocutor with European institutions and international organizations and, where appropriate, to contribute to the drafting of legal instruments and the establishment of standards and norms relating to broadcasting, with a view to safeguarding and furthering the interests of its members;

(iii) to establish and maintain relations with other associations of broad casting organizations and with other professional organizations or bodies;

(iv) to collect, process and distribute information and data related to its objectives;

(v) to prepare and take all measures designed to assist the development of broadcasting in all its forms;

(vi) to provide its good offices for ensuring that all its members respect the provisions of international agreements on any matters relating to broadcasting;

(b) Operations

(i) in general, to provide services to all or some active members, as required, and, where applicable, to third parties;

(ii) to coordinate and support radio and television programme exchanges among its active members, in particular in the framework of Eurovision and Euroradio, and to promote coproductions and any other form of co-operation among its members and with other broadcasting organizations or groups of such organizations;

(iii) to maintain and operate a network for multilateral and unilateral transmissions;

(iv) to assist its active members in negotiations of all kinds and, when asked, to negotiate on their behalf;

(v) to grant non-member broadcasters and other third parties contractual access to EBU services;

(c) Study and Development

(i) to foster and, where appropriate, coordinate the study of all questions relating to broadcasting;

(ii) to develop projects aimed at strengthening active members competitiveness, both individually-with strict respect for the EBU's principles of solidarity – and collectively.

§3 Solidarity is the EBU's guiding precept.

§4 The EBU is entitled to take all steps and legal acts which are conducive to the achievement of its objectives.

Article 3

Membership, right to vote and right of eligibility

§1 There are two categories of EBU members:

– active members

– associate members.

§2 Only active members have the right to vote and the right of eligibility. The right to vote may be delegated to another member.

Each active member has 24 votes. Where there are two or more active members in a given country, they together have 24 votes, shared internally in proportion to their membership fees, unless agreed otherwise between them. Details are laid down in the Bye-Laws in accordance with Article 7 §10.

Active membership

§3 Active membership of the EBU is open to broadcasting organizations or groups of such organizations from a member country of the International Telecommunication Union (ITU) situated in the European Broadcasting Area as defined by the Radio Regulations annexed to the International Telecommunication Convention, which provide in that country, with the authorization of the competent authorities, a broadcasting service of national character and importance, and which furthermore prove that they fulfil all the conditions set out below:

(a) virtually all of the national radio and/or television households are in a position and technically equipped to receive the entirety of their major radio and/or television programme service with satisfactory technical quality;

(b) they are under an obligation to, and actually do, provide varied and balanced programming for all sections of the population, including programmes catering for special/minority interests of various sections of the public, irrespective of the radio of programme cost to audience;

(c) they actually produce and/or commission at their own cost and under their own editorial control a substantial proportion of the programmes broadcast;

(d) they are not linked to a sports rights agency which engages in the acquisition of European TV rights in competition with the EBU.

§4 Details of the membership criteria listed in §3 above shall be laid down in a binding Regulation by the General Assembly, upon the proposal of the Administrative Council.

§5 Active membership carries the following obligations in particular:

(a) to further the objectives of the EBU as laid down in Article 2 above,

(b) to contribute actively to radio and television programme exchanges and other EBU activities,

(c) to abide by a spirit of solidarity and good faith towards the Union and its activities;

(d) to abstain from subscribing to, and make reasonable efforts to prevent, any declaration or initiative which might be prejudicial to public service broadcasting or incompatible with the objectives of the EBU.

Eurovision membership

§6 "Eurovision" is a TV programme exchange system organized and coordinated by the EBU, based on the understanding that members offer to the other members, on a basis of reciprocity, their news coverage of important events and their coverage of current affairs and of sports and cultural events taking place in their countries and of potential interest to other members, thereby enabling each other to provide a high quality service in these fields to their respective national audiences.

"Eurovision members" are

– active members, with regard to their national, regional or local television programme services

– active members or consortia consisting exclusively of active members, with regard to their transnational television programme services, if admitted in that capacity by the Administrative Council,

which participate on a regular basis in the EBU's E'urovision exchange system, in conformity with the applicable Eurovision rules laid down by the Administrative Council.

The Administrative Council shall ensure at all times that participation in the joint acquisition and sharing of sports rights in the framework of Eurovision, whether on an individual basis or via a consortium, remains strictly limited to those organizations which, individually or as a group of regional broadcasting organizations, fully comply with the conditions for active membership laid down in §3 above, as specified in the Regulation in accordance with §4 above. The second paragraph of Article 6 §1 below (acquired rights clause) shall not apply for this purpose.

To ensure fairness in the sports rights bidding process, and to prevent anticompetitive divulgation of information between rival bidders, the Administrative Council shall retain the right to intervene if a member organization has or develops a link with a sports rights agency which engages in the acquisition of European TV rights, in competition with the EBU. In such a case, the Administrative Council shall be entitled to take any necessary steps, including treating the member organization as a non-member with respect to participation in the joint acquisition of sports rights within the framework of Eurovision.

Contractual access to Eurovision

§7 Associate members and non-members of the EBU may be granted contractual access to Eurovision. Financial conditions for access on a regular basis, for a period of at least one year, are subject to the approval of the Administrative Council.

Euroradio membership

§8 "Euroradio" is a radio programme exchange system organized by the EBU and based on the participating members' ("Euroradio members") undertaking to offer each other regularly, and on a basis of reciprocity, their coverage of musical and other events taking place in their countries and of potential interest to other Euroradio members. Euroradio covers both programmes coordinated by the EBU and members' own individual programme offers.

The rules governing Euroradio are laid down by the Administrative Council.

Associate membership

§9 Associate membership of the EBU is open to broadcasting organizations or groups of broadcasting organizations from a country which is a member of the EBU situated outside the European Broadcasting Area which provide in their country, with the authorization of the competent authorities, a broadcasting service of national character and national importance offering varied programming.

§10 Notwithstanding the provisions of §3 above, broadcasting organizations or groups of such organizations qualifying for active membership and situated in countries in the European Broadcasting Area but outside Europe may apply for associate membership instead of active membership. If they are already active members they may notify the EBU of their intention to change their class and become associate members. Notification shall be addressed to the President of the EBU and sent by registered letter to the seat of the EBU. If it reaches the seat of the EBU at least six months before the expiration of the current financial year, it becomes effective from the start of the following financial year. If it arrives affer this limit it will become effective only from the start of the second half of the following financial year.

Likewise, broadcasting organizations from countries in Europe in which on 30 June 1990 there was no active member may choose to become active or associate members.

Group membership

§ 11 A group of broadcasting organizations qualifics for EBU membership as a single member if it is a de jure or de facto association of broadcasting organizations from the same country which individually or, as regional organizations, collectively qualify for EBU membership. Broadcasting organizations which qualify only collectively for membership must meet the specific membership rcquirements with regard to the respective broadcasting area for which they are licensed.

A group may, in addition, include

(a) an organization which, under domestic law, assumes responsibility for coordination and management of national and international activities on behalf of, and in institutional liaison with, the broadcasting organizations forming the group;

(b) an organization whose main function is the operation of technical broadcasting or transmission facilities on a permanent basis on behalf of, and in institutional liaison with, the broadcasting organizations forming the group;

(c) broadcasting organizations which provide specialized programme services in coordination with, and complementary to, the other group members services.

No franchising of membership

§12 A member organization is not entitled to grant membership benefits to another broadcasting organization, even where it controls it economically or where there is a sublicence, franchise or similar relationship between the two. However, this does not prevent it from granting to a non-member in its country contractual access to Eurovision, in accordance with the applicable EBU rules and on condition that such a non-member's broadcasts are not aimed at another country.

Admission procedure

§13 The General Assembly shall admit an applicant for active membership if it has reached the conclusion, upon advice from the Administrative Council, that the candidate fulfils all the conditions for active membership.

Applicants for associate membership are admitted, upon proposal by the Administrative Council, by a three-quarters majority vote by the General Assembly.

§14 The preceding paragraph also applies in the case of admission of an individual organization to a group of broadcasting organizations which itself is already a member, except where in a group of regional broadcasting organizations one of the group members is replaced by another organization.

§15 An organization whose application for active membership has not been successful shall have the possibility of recourse to arbitration. Such arbitration shall be in accordance with the Swiss arbitration concordat and shall take place in Geneva.

A copy of any arbitration decision shall be furnished, at the candidate broadcaster's request, to the European Commission in Brussels.

The foregoing shall also apply, mutatis mutandis, where a non-member

whose application for membership was not successful questions the Administrative Council's assessment that a given member from the same country is entitled to participation in the joint acquisition and sharing of sports rights, in accordance with §6 above.

Article 4
Approved participants

Organizations with an activity in the field of broadcasting which for any reason do not qualify for membership, but whose participation in certain EBU activities is considered useful for the Union, may be admitted as approved participants. The status of approved participant is granted or withdrawn by decision of the Administrative Council after consultation with the Committee or Committees concerned. The decision shall mention the area or areas to which the candidate is admitted. The Committee or Committees concerned shall specify the precise meetings or activities in which the approved participant may participate, and the period of its participation.

Article 5
Resignation

§1 Any member or approved participant may resign from the EBU after giving notice of its decision by registered letter addressed to the President at the seat of the EBU.

Should the letter of resignation not reach the seat of the EBU six months before the expiration of the current financial year, a resigning active member shall pay in respect of the following financial year a sum equal to one-half of its last annual membership fee and contributions, or such lesser sum as the General Assembly may determine.

Independently of the amounts due in respect of special work undertaken at its request during the current financial year, a resigning associate member or approved participant shall pay the whole of its subscription for the financial year in the course of which it resigned.

§2 Active members which resign from the EBU and any successors to their rights cease, as from the expiration of the last full financial year for which they have paid their membership fees, to have any rights in the assets of the EBU.

Article 6
Cessation of membership and expulsion of members

§1 Any member no longer fulfilling the conditions described in Article 3 shall cease to be a member of the EBU by decision of the Administrative Council, which will have immediate effect, subject to a ratifying decision by the following General Assembly taken by a majority of at least three-quarters

of the votes that may be cast by those present, if members holding together at least three-quarters of the totality of EBU votes are present or represented.

However, this shall not apply to members which on 1 March 1988 did not meet all the requirements laid down in Article 3 §2 (as entered into force that day). For such members, the membership conditions laid down in the previous version of Article 3 continue to be applicable.

§2 Any member not respecting the provisions of these Statutes, or failing to meet its financial obligations, or refusing to carry out a decision of the Administrative Council or General Assembly, may be expelled from the EBU by decision of the General Assembly. Any proposal for expulsion must be put to the General Assembly by the Administrative Council. The Administrative Council must notify the member concerned of its intention at least one month before the date of the session of the General Assembly at which this question figures on the agenda. No decision by the General Assembly on the expulsion of a member can be reached unless members holding together at least three-quarters of the totality of EBU votes are present or represented and unless it is supported by at least three-quarters of the votes validly cast.

The General Assembly may pronounce expulsion subject to allowing the member concerned a period in which to regularize its position. At the end of this period, the Administrative Council shall consider whether the member in question has regularized its position and, if not, shall confirm the expulsion of this member.

§3 Any member ceasing to be a member of the EBU in accordance with §1 of this Article shall be liable for its membership fee, subscription and/or contributions until the time when the cessation of its membership of the EBU has become final. From this time onwards it is no longer entitled to take part in EBU activities.

Any member expelled in accordance with §2 of this Article shall be liable, subject to the right of appeal to the Administrative Council, for its membership fee, subscription and/or contributions for the full financial year in which its expulsion becomes final. As from the time of such expulsion, it is no longer entitled to take part in EBU activities.

§4 Active members which cease to be members of the EBU in accordance with the terms of this Article, and any successors to their rights, cease, as from the expiration of the last full financial year for which they have paid their membership fees, to have any rights in the assets of the EBU.

Article 7
General Assembly

§1 The General Assembly is the supreme body of the EBU and possesses all the powers necessary to achieve the union's objectives.

§2 The General Assembly meets once a year in ordinary session.

§3 The General Assembly may in addition meet in extraordinary session in the circumstances and in accordance with the procedure provided for in Article 10.

§4 Ordinary sessions of the General Assembly are open to all members, except where the President decides otherwise (Article 12 §2). Participation in extraordinary sessions of the General Assembly is limited to active members.The President may invite outside experts or observers to participate in all or part of the proceedings of the General Assembly.

5.Each member may be represented at the sessions of the General Assembly by a delegation of its own choice, or it may depute its powers to the delegation of another member. The President may limit the size of the delegation that each member can send to the General Assembly.

§6 The agenda of ordinary sessions of the General Assembly must include:

(a) approval of the minutes ot the previous session;

(b) the reports on the activities of the Administrative Council, the Committees and the Permanent Services since the last ordinary session of the General Assembly and particularly on the steps taken to give effect to the decisions of the General Assembly;

(c) the reports of the auditor or auditors and of the fiduciary;

(d) examination and approval of the accounts for the past financial year, and discharge of the Administrative Council members from responsibiliiy;

(e) appointment of the auditor or auditors and of the fiduciary for the current financial year;

(f) approval of the budget for the following financial year;

(g) fixing the value of the membership unit for the following financial year,

(h) fixing the date and place of the next ordinary session of the General Assembly;

(i) should the occasion arise, the partial renewal of the Administrative Council;

(j) should the occasion arise, the election of the President and the Vice-Presidents;

(k) should the occasion arise, adoption or amendment, by a majority of at least two-thirds of the votes that may be cast by those present, of the Bye-Laws in accordance with Article 7 §10, of regulations in accordance with Article 16 §9, or of the Code of Finance in accordance with Article 18 §12;

(l) should the occasion arise, the establishment of a Committee additional to those provided for under Article 16§ §3-5;

(m) proposals for the admission of new members submitted by the Administrative Council, requests for ratification of decisions regarding cessation of membership and requests for expulsion;

(n) any appeal that a member may have lodged against an Administrative Council or General Assembly decision;

(o) any other item which may have been placed on the agenda by decision of the Administrative Council or on a proposal in accordance with the provisions of Article 11 §3.

§7 The General Assembly chooses the official languages, which shall in any event include French and English.

§8 The General Assembly determines the working languages for the meetings of the EBU.

§9 Official languages are those which may be used in discussion and in which all the documents and publications of the EBU are to be written. Working languages are those which may be used in discussion.

§10 The General Assembly adopts Bye-Laws dealing comprehensively with all procedural matters relating to its field of competence. The rules concerning voting and elections also apply to the Specialized Assemblies and to the Legal Committee, except that the latter are entitled to introduce, by a majority of at least two-thirds of the votes that may be cast by those present, a block voting system.

Article 8
Administrative Council

§1 The Administrative Council consists of 19 members. Each member has one vote.

§2 Eighteen seats on the Administrative Council are filled by election in the General Assembly from among the active members, the remaining seat belonging as of right to one of the active members of the country where the seat of the EBU is situated. Members from the same country may join together for the purpose of collective Administrative Council membership.

§3 The seats on the Administrative Council are held for a period of four consecutive financial years. This mandate may be renewed only if the incumbent member obtains at least two-thirds of the votes that may be cast by those present.

§4 The General Assembly takes the earliest possible steps to fill the seat on the Administrative Council of any member relinquishing, its mandate, resigning from the EBU, or being the subject of measures involving cessation of membership or expulsion while holding such a seat. The replacing member completes the incumbent member's term of office; this period, how-

ever long, is not taken into account in determining the replacing member's eligibility for re-election.

§5 Each member holding a seat on the Administrative Council appoints an administrator and an alternate. The latter may also be a representative of another member from the same country. Their appointments do not become efective until notified to the President.

§6 Subject to the prior approval of the President, in addition to the administrators and/or their alternates, as well as the Chairmen of the Committees and representatives of the Permanent Services, special advisers, experts or observers may also participate in Administrative Council meetings.

§7 The Administrative Council meets at least twice a year.

§8 The Administrative Council

(a) holds, between the ordinary sessions of the General Assembly, subject to suspension or modification of its decisions by the latter, all the rights and powers of the General Assembly except those which are expressly reserved to it by these Statutes or which it reserves to itself by an explicit decision,

(b) ensures that its own decisions and those of the General Assembly are carried out;

(c) sends an account of its work to all active members after each of its meetings;

(d) submits to the General Assembly proposals for the admission of members and requests for approval of cessation of membership and of proposals for expulsion of members;

(e) decides on organizational matters in accordance with Articles 16 §9 and 17 §4, recommends to the General Assembly the organization of Committees in accordance with Article 16 §9, considers and recommends to the General Assembly the establishment, when necessary, of Committees additional to those provided for under Article 16 §§3 la 5 and sets up any Study Groups which it considers useful, in addition to the EBU Statutes Giroup and the EBU Finance Group,

(f) receives and considers the reports of the Committees (including reports on the Assemblies) and Study Groups and decides what further action should be taken on them,

(g) establishes the budgets for the following financial year and, as the case may be, modifies them within the framework of the approved overall budget; draws up, and arranges for the auditing of, the accounts of the last financial year in accordance with Article 19;

(h) appoints for 6-year terms of oAice, renewable for terms not exceeding 6 years, and, should the need arise, dismisses in the course of a term of office

– the Secretary General, following a proposal from the President;

– the Directors, following a proposal from the President in agreement with the Secretary General;

(i) approves the Staff Regulations, including the salary scale of the Permanent Services, and the breakdown of staff positions;

(j) makes proposals to the General Assembly for adoption or amendment, as the case may be, of Bye-Laws in accordance with Article 7 §10 and a Code of Finance in accordance with Article 18 §12;

(k) decides on the power of signatures of all legal acts binding the EBU;

(l) fixes the number of membership units and other financial units of active members, sets the amount of contributions and determines the amount of the subscriptions of associate members and of approved participants;

(m) supervises the activities of the Committees.

Article 9

President snd Vice-Presidents

§1 From among the representatives of the Administrative Council members, the General Assembly elects for a period of two consecutive financial years a President and three Vice-Presidents, who also assume these respective functions on the Administrative Council.

§2 At the end of their period office, the President and Vice-Presidents are eligible for re-election to the office which they hold once only in accordance with the same procedure. Upon termination of this new mandate, they may be re-elected only if they obtain at least two-thirds of the votes that may be cast by those present. Re-election is not possible if the incumbent's organization is no longer a member of the Administrative Council.

§3 In the event of the absence or temporary or permanent incapacity of the President, he is replaced in office by the eldest of the Vice-Presidents unless, the General Assembly, or the Administrative Council during the period until the next session of the General Assembly, decides otherwise. Whatever the length or conditions of this replacement, it is not taken into account in determining the replacing person's eligibility for re-election,

§4 If it becomes necessary to replace a Vice-President during his term of office, the procedure laid down in Article 8 §4 applies.

§5 The President exercises general control over the functioning of the EBU. Between the meetings of the Administrative Council, he decides on all urgent matters falling within the competence of the Administrative Council, assisted, to the extent possible, by the Presidency composed of the Vice-Presidents and the Chairmen of the Committees. Any such decision is submitted for ratification to the next meeting of the Administrative Council.

§6 The President may at any time convene the Presidency. He may also invite or otherwise consult any other representatives of members.

§7 The President and the Vice-Presidents fix the amount of the salaries and additional allowances of the Secretary General and, at his proposal, of the Directors.

Article 10

Convening of meetings, confidentiality of documents

§1 Ordinary and extraordinary sessions of the General Assembly are convened by the President. He also convenes the Assembly in extraordinary session if so requested by not less than one-third of active members.

§2 The Administrative Council is convened by the President. He also convenes a meeting of the Council if so requested by no fewer than five of its members.

§3 Notices convening a session of the General Assembly or a meeting of the Administrative Council are despatched at least one month before the date fixed for the session or meeting. Notices to active members are despatched by registered post. However, the period of notice, except for the obligatory annual session of the General Assembly, may in exceptional circumstances be shortened by decision of the Administrative Council in the case of a session of the General Assembly, or by decision of the President in the case of a meeting of the Administrative Council.

§4 The deliberations of the General Assembly and of the Administrative Council and all the documents relating thereto are confidential, in the absence of any decision to the contrary.

Article 11

Agenda for sessions of the General Assembly and meetings of the Administrative Council

§1 The agenda for every session of the General Assembly and every meeting of the Administrative Council is drawn up by the President with the assistance of the Secretary General, and, if need be, after consulting the Chairmen of the Committees. The agenda is communicated to members within the time-limits laid down in §3 of the preceding Article. It is despatched to active members by registered post.

§2 No decision may be taken by the General Assembly or the Administrative Council on any subject which is not on its agenda, unless otherwise decided by the adoption of a proposal on a point of order by a majority vote of at least two-thirds of the votes that may be cast by those present.

§3 Any member has the right to propose items for the agenda of an

ordinary session of the General Assembly. Such items are not, however, placed on the agenda of such session unless they have been received by the Secretary General at least ten days before the despatch of the summons to the session.

Article 12
Working procedure of the General Assembly and the Administrative Council

§1 Subject to the other provisions of these Statutes, the General Assembly may validly deliberate only if active members holding together a majority of the total EBU vote are present or represented.

The Administrative Council may validly deliberate only if the majority of the administrators are present.

§2 The President directs the discussions and maintains order at the sessions and meetings. He is empowered to decide that some meetings of the ordinary General Assembly are held in restricted session confined to active members only

§3 The President may allow observations to be made in a language other than the oficial and working languages, on condition that interpretation into one of these languages is provided by the member availing itself of this privilege.

§4 A register of attendance is kept by the Secretary General for each session or meeting.

§5 The Secretary General provides the secretariat for the General Assembly and for the Administrative Council. The minutes of each session or meeting are submitted to the President in office for signature and become final after being approved at the next session or meeting.

§6 The President decides on the advisability of submitting proposals in writing prior to their discussion.

§7 The following apply with regard to voting and elections:

(a) Before proceeding to a vote, the President ascertains whether the required quorum is present. Subject to §3 of Article 20, if the required quorum is not present the matter is held over until the next session or meeting, unless the President decides to convene another session within a period of no fewer than ten and not more than 30 days. If at that session the necessary quorum is likewise not present, the General Assembly or the Administrative Council may validly vote regardless of the number of votes that may be cast by those present.

(b) Except where otherwise provided by these Statutes, any proposal, in order to be considered as accepted, must obtain more than half of the votes validly cast.

(c) Abstentions, in the case of votes cast by a show of hands or by roll-call, and blank or invalid papers, in the case of votes cast by secret ballot, are not taken into account in determining the number of votes required for a majority.

(d) Voting is by show of hands unless a roll-call vote is requested.

(e) A secret ballot is used only for the election of members of the Administrative Council and of the President and the Vice-Presidents or if requested in the General Assembly by five active members and in the Administrative Council by three members.

(f) When voting is inconclusive in the case of the election of the President, Vice-Presidents or members of the Administrative Council, there shall be a second, and if necessary a third, round of voting. If one of the candidates required a two-thirds majority, he shall withdraw after an inconclusive second round of voting, and new candidates may be proposed for the final third round. If in this last round there are three or more candidates, a simple (relative) majority shall be sufficient for election, except for new candidates who would require a two-thirds majority. Otherwise, recourse shall be had to the drawing of lots between the candidates with an equal number of votes.

Article 13

Decisions of the General Assembly and Administrative Council

§1 The decisions of the General Assembly and of the Administrative Council are binding on all members whether or not they were present or represented at the sessions or meetings at which the decisions were taken. These decisions must be carried out immediately, unless the General Assembly or the Administrative Council direct otherwise. The General Assembly and the Administrative Council may also authorize derogations or temporary exemptions in the case of members which might be unable to conform to these decisions for imperative reasons.

§2 Any member may appeal to the next ordinary session of the General Assembly against any decision of the General Assembly or of the Administrative Council which has been taken in its absence. Such an appeal does not have a suspensory effect. If lodged by a member affected by the decision, the appeal is considered only if the member appealing has carried out the decision which it is contesting or justified in advance its inability to do so.

§3 The provisions of the preceding paragraphs apply:

–in the case of active members, to all the decisions mentioned above;

–in the case of associate members and approved participants, to all the decisions mentioned above which are concerned solely with the administrative or financial operation of the EBU.

However, a decision is binding on a member only in so far as that member deems it compatible with the national law of the country to which it belongs. In the event of incompatibility, it is required to notify the President of the fact, by registered letter to the seat of the EBU, as soon as possible after receiving notice of the decision.

§4 The provisions of the preceding paragraphs do not apply to recommendations of the General Assembly or of the Administrative Council, but it is in keeping with the objectives of the EBU, as defined in Article 2, that they should be complied with to the greatest extent possible.

Article 14
External representation of the EBU

In dealings with third parties the EBU is represented by its President, or, subject to Article 17, by the Secretary General, or one of the Directors in their respective fields of competence. The Secretary General decides on delegation within the Permanent Services.

In legal proceedings, the EBU is represented by its President or by the Secretary General.

Article 15
EBU activities

§1 EBU activities relate to three domains:

–Professional Association

– Operations

– Study and Development.

§2 The Professional Association activities include in particular the representation and defence of members' interests, support of and advice to members, economic intelligence, the collation/processing/distribution of information and data for the EBU's and individual members' benefit, and communication.

Operations

§3 The Operations activities include any operations decided on by the Administrative Council, and in particular the activities related to multilateral and unilateral transmissions via the Eurovision/Euroradio network

–clearance of transmission rights

–operations for special events

–programme exchanges.

Study and Development

§4 The Study and Development activities comprise the conduct of studies and development projects to strengthen active members' competitiveness, both individually - with strict respect for the EBU's principles of solidarity- and collectively

The studies or projects initiated concern:

(a) activities involving programmes (acquisition, production, distribution, broadcast, promotion),

(b) in-depth development of mono- or multi-disciplinary themes of general interest;

(c) enhancement and development of EBU operational activities.

Studies and projects are conducted on the interdisciplinary basis required.

Article 16

Involvement of members

§1 Members' involvement in activities is ensured, in addition to the General Assembly and the Administrative Council, through Specialized Assemblies, Committees, Project Groups, Specialized Meetings and User Groups.

§2 Annual Specialized Assemblies, convening respectively the Radio Programme, Television Programme, Technical and Finance Directors of members, discuss major strategic themes, hold structured exchanges of information about experiences and, where appropriate, receive briefings on the results of major studies and projects.

§3 The Legal Committee, bringing together the Legal Directors of members, deals with legal matters which are of concrete or strategic relevance to members or to the objectives of the EBU, gives legal opinions and proposes legal solutions, and in particular prepares comments and official positions on proposed European and worldwide conventions, regulations and similar legal texts. It may convene specialized meetings open to all interested active members.

§4 The Radio Committee and the Television Committee, with an interdisciplinary membership of a limited number of persons, are the key bodies for all activities of a strategic or operational nature in their respective fields.

§5 The Technical Committee, composed of a limited number of persons, carries out technical studies and projects.

§6 Every active and associate member is entitled to be represented in each

Specialized Assembly and on the Legal Committee. Only persons from active members are eligible for a seat on the Radio, Television and Technical Committees.

§7 The Radio, Television and Technical Committees commission concrete studies and projects, appoint a Project Group and its manager for each of them and assess the results, including, where applicable, the viability of a proposed business plan for a specific course of action. They may convene Specialized Meetings open to all interested members.

§8 Meetings of members participating in given operations, which may also be open to other users, are held as appropriate, with a view to improving operations.

§9 The General Assembly regulates, at the proposal of the Administrative Council, the remit, composition, mode of election and competences of the Committees. Other organizational matters are decided by the Administrative Council.

§10 The Specialized Assemblies and the Legal Committee each appoint a Chairman and one or more Vice-Chaimen. In the case of the Specialized Assemblies, these persons also assume the same functions on the respective Committee.

§11 Chairmen and Vice-Chairmen are elected by secret ballot for two consecutive years. Re-election is possible, but for a third and any further term the candidate needs to obtain at least two-thirds of the votes that may be cast by those present. Article 12§7(f) shall apply.

Article 17

Permanent Services

§1 The task of the Permanent Services is the practical implementation of the objectives of the EBU, under the authority of the competent bodies of the Union. This includes advice and support to the EBU bodies, to members and to projects, and the running of operations.

§2 The Permanent Services are managed by the Secretary General as Chief Executive Officer and, under his authority and for their respective fields of competence, by the heads of the Departments.

§3 The Secretary General defines the overall direction of the activities of the Permanent Services and coordinates the activities of the heads of the Departments. He supervises all activities of the Permanent Services and assumes ultimate responsibility for them before the Administrative Council,

§4 The internal structure of the Permanent Services, including the tasks and responsibilities of the Secretary General and the heads of the Departments and the number of Directors, is approved by the Administrative Council.

Article 18

EBU finances

§1 Every active member pays a membership fee for each financial year; likewise, every associate member and every approved participant pays a subscription. Any member or approved participant admitted to the EBU during the course of a financial year is liable for payment of one-twelth of the membership fee or subscription for each full month still to run until the end of such financial year. The foregoing payments serve to cover the costs incurred by the EBU as such, as well as the costs of services provided to members through the Professional Association and the Study and Development sectors.

§2 Membership fees are paid on the basis of membership units, to be fixed by the Administrative Council. Subscriptions are fixed by the Administrative Council, having regard to the value of the EBU's services to the recipient and the latter's financial capacities.

§3 New active members pay an entrance fee, taking into account their financial capacities and the value which EBU membership represents for them. The fee is, however, at least the equivalent of three times their first annual membership fee.

§4 The Operations activities are to be self-financed, on the basis of contributions or published tarifs charged to users. The Administrative Council may decide that certain costs shall be borne jointly by all members concerned, on the basis of financial units fixed in accordance with Article 8 §8(1).

The Administrative Council decides which activities are mandatory for all Eurovision or Euroradio members.

Operations emanating as concrete projects from the Study and Development sector shall be financed by those committed to their realization.

§5 If the strict application of a sharing key established by the Administrative Council in accordance with Article 8 §8(1) leads to a result considered inequitable by the Council, the latter may make any adjustments it deems appropriate.

§6 Membership fees, subscriptions and contributions are payable at the beginning of the financial year. All other payments are due on the date fixed by the Administrative Council.

§7 The budgets and the accounts of the EBU are drawn up in Swiss francs.

§8 All offices held by members or their representatives are honorary. Members bear their own expenses relating to their participation in the various activities of the Union, as once holders or otherwise.

§9 The financial responsibility of members is strictly limited to the amount

of their membership fees, subscriptions, contributions or other payments due under approved budgets and in accordance with the applicable sharing key, to their individual share of financial obligations entered into on their behalf by the EBU on the basis of a decision by the General Assembly or the Administrative Council, and to their financial obligations arising from their participation in self-financed activities and their other commitments.

§10 The Administrative Council may take appropriate sanctions against an active member whose overdue indebtedness at any time exceeds 50% of the total mount billed to that member over the preceding 12 months. Such sanctions may include suspension of facilities and services and of participation in EBU meetings, other than the General Assembly and, it applicable, the Administrative Council. Any sanction must have been preceded by a fruitless written warning from the Secretary General, giving the member four weeks to take the necessary measures to avoid any sanctions.

§11 The EBU is answerable for its obligations to third parties to the full extent of its assets.

§12 The Administrative Council proposes, for adoption by the General Assembly, a Code of Finance to implement the provisions of this Article, including objective 'criteria and resulting scales which ensure a fair and equitable sharing of the various budgets and expenses for agreed common activities among all active members concerned.

Article 19

Finance and accounting

§1 The financial year begins on 1 January and ends on 31 December of each year.

§2 The books, ledgers and accounts are closed on 31 December of each year.

§3 The Administrative Council presents in good time for the General Assembly the accounts of the past financial year, audited by a fiduciary which the General Assembly has appointed and whose report or reports the Administrative Council submits to the General Assembly. In the course of the ordinary annual session, the auditor or auditors appointed by the General Assembly submit to the latter their report on the management of the Union. The Administrative Council also presents the budgets for the following financial year.

§4 The sources of income of the EBU are:

(a) annual membership fees of active members;

(b) entrance fees of new active members;

(c) annual subscriptions of associate members and approved participants;

(d) contributions and other payments from members and non-members towards costs resulting from their participation in EBU operational activities;

(e) payments from associate members and approved participants for special work undertaken at their request by the EBU;

(f) receipts from its publications and any other activities;

(g) monies received from fixed and current assets;

(h) gifts, legacies, donations and subsidies.

§5 The Administrative Council decides the conditions under which all budgets and accounts are presented, according to the activities of the Union and the permanent or occasional character of those activities.

Article 20

Dissolution of the Union and amendment of the Statutes

§1 Proposals relating to the dissolution of the EBU or to the amendment of the Statutes may emanate either from the Administrative Council or from a group of at least five active members, in the latter case, such proposals must be addressed to the President of the Union at the seat of the EBU.

§2 Such proposals are considered by the General Assembly at an extraordinary session to be specially convened for the purpose. Notice of such session, together with the proposals, must be sent by registered post at least one month before the date fixed for the session. If the proposals relate to the dissolution of the EBU, this period must be two months.

§3 The dissolution of the EBU and the amendment of the Statutes are not validly decided upon by the General Assembly unless at that extraordinary session members holding together at least three-quarters of the totality of EBU votes are present or represented.

If, however, this quorum is not attained, a new extraordinary session is convened within a period of no fewer than ten and not more than 30 days. The General Assembly may then adopt a valid decision whatever the number of votes that may be cast by those present.

Decisions in the course of such sessions are valid only if taken by a majority of at least three-quarters of the votes that may be cast by those present.

§4 In the event of dissolution, the net assets of the EBU are assigned, by decision of the General Assembly, to an organization having a similar aim or for such purposes as are considered to correspond to the objectives of the EBU, or are divided by the General Assembly among the various active member organizations in proportion to the sum total of their membership fees paid during the 20 financial years preceding the dissolution.

The General Assembly deciding on the dissolution appoints a committee of liquidation consisting of at least three persons; these persons may be chosen from outside the EBU.

Article 21
Authentic text

In the event of dispute, the French text of these Statutes shall prevail.

Article 22
Final provision

This version of the Statutes replaces the preceding version of 10 February 1995 and enters into force on 3 April 1998.