

Association statutes

adopted on May 8, 2016

Disclaimer: This is an unofficial translation of the statutes of the Landesverband der Freien Theater in Sachsen e.V. Only the original German version is legally binding. This translation is provided for informational purposes only.

§ 1 Name and Registered Office

(1) The association bears the name “Landesverband der Freien Theater in Sachsen e.V.” It is based in Dresden. The financial year corresponds to the calendar year.

§ 2 Purpose of the Association

(1) The association exclusively and directly pursues charitable purposes as defined in the section “Tax-Privileged Purposes” of the German Fiscal Code (Abgabenordnung). The purpose of the association is the promotion of art and culture by means of the performing arts.

This purpose is realized in particular through:

- Representing the interests of independent theatre to the public, political bodies, and public administrations
- Organizing and conducting regional and national conferences and information events to support and strengthen art and culture
- Organizing artistic events by producing theatre events for children, young people, and adults
- Organizing theatre festivals to promote art and culture for the general public
- Organizing and conducting events for awarding grants and prizes for independent theatre

§ 3 Charitable Status

(1) The association operates selflessly; it does not primarily pursue its own economic purposes. Funds of the association may only be used for purposes in accordance with the statutes. In particular, all income and surpluses must be used exclusively for the charitable purposes of the association. Any profits may only be used for purposes specified in the statutes.

(2) Members, including members of the executive board, may only receive benefits from the association’s funds if such benefits are appropriate remuneration for services rendered, reimbursement of expenses, or compensation within the framework of the German honorary allowance (Ehrenamtszuschale, §3 No. 26a of the German Income Tax Act).

(3) No person may benefit from expenditures unrelated to the purposes of the association or from disproportionately high remuneration.

§ 4 Membership

(1) The association may include:

- Full members
- Associate members

(2) Full members:

Any natural or legal person with a permanent residence or registered office in Saxony who works as an independent theatre or theatre professional with a professional standard may become a full member. In exceptional cases, independent theatres from other federal states may be admitted as full members by a two-thirds majority decision of the general assembly.

Full members must demonstrate that they have worked under independent conditions for at least 24 months prior to applying for membership, engage in continuous theatre work, and regularly offer performances. Full members must acknowledge the statutes, actively support the goals of the association, and regularly pay their membership dues.

Natural persons who are members of a legal entity that is a member of the association cannot become full members themselves and do not have voting rights. If a legal entity that a natural person is a member of joins the association during that person's membership, the voting right of the natural person expires. Exceptions may be granted by the general assembly upon request.

(3) Associate members:

Any natural or legal person who supports the purpose of the association and is willing to support it through regular contributions may become an associate member. Associate members do not have voting rights. Admission is decided by the board. The general assembly may object to an admission.

§ 5 Membership Fees

(1) Membership fees are charged. The general assembly decides on the amount and due date.

§ 6 Termination of Membership

(1) Membership ends:

- upon the death of the member,
- if the conditions stated in § 4 no longer apply,
- by written resignation at the end of the year, observing a three-month notice period.

(2) Expulsion from the association:

A member who has significantly violated the interests or purpose of the association may be expelled by a three-quarters majority of the full members present at the general assembly.

§ 7 Organs of the Association

(1) The organs of the association are:

- The Executive Board
- The General Assembly

§ 8 The Executive Board

(1) In accordance with §26 of the German Civil Code (BGB), the Executive Board consists of at least three and no more than seven members. The number of board members is determined by the general assembly before each election.

(2) The board represents the association both internally and externally. Each board member has sole power of representation. The board may only commit the association to the extent of its assets. It makes decisions by simple majority and may adopt its own rules of procedure.

(3) Amendments to the statutes required by supervisory, judicial, or fiscal authorities for formal reasons may be made by the board on its own initiative.

§ 9 Duties of the Executive Board

(1) The board conducts the day-to-day business of the association in line with its statutory objectives.

(2) The board is responsible for implementing the resolutions of the general assembly.

(3) The board convenes and prepares the meetings of the general assembly.

§ 10 The General Assembly

(1) The general assembly must be convened at least once a year. The board must send a written invitation including the agenda at least 21 days prior to the meeting. If the meeting is convened properly, it is considered quorate regardless of the number of members present.

(2) The board may call extraordinary general assemblies and must do so upon the request of at least 20% of the members.

(3) The general assembly receives the annual report and auditor's report and decides on the discharge of the board. The board is elected every two years. It remains in office until a new board is elected.

(4) Resolutions of the general assembly are passed by a simple majority of the members present. Each natural or legal person has one vote.

(5) Amendments to the statutes require a three-quarters majority of the members present.

(6) The budget plan is discussed and adopted by the general assembly. Before entering into obligations that significantly exceed the approved budget, the board must obtain the approval of the general assembly.

(7) Resolutions of the general assembly must be recorded in writing and signed by the minute-taker.

(8) A full member may authorize another full member to vote on their behalf in writing. However, no member may carry more than one additional vote. The transfer of the vote must be communicated in writing to the meeting chair at the beginning of the general assembly, stating the name of the authorized member.

§ 11 Management

(1) The board may appoint a managing director to carry out the association's administrative tasks. The managing director acts as a special representative in accordance with §30 of the German Civil Code (BGB).

(2) The appointment of the managing director must be confirmed by the general assembly.

(3) The managing director must remain neutral towards the members of the association and is subject to the supervision of the board. The responsibilities of the managing director may be defined in rules of procedure adopted by the general assembly.

§ 12 Dissolution of the Association

(1) The dissolution of the association may only be decided in a specially convened general assembly with a three-quarters majority of the members present.

(2) Upon dissolution or if the association ceases to pursue tax-privileged purposes, its assets shall be transferred to a recognized charitable organization or another public-law entity, which must use the funds exclusively and directly for charitable purposes in accordance with these statutes.

§ 13 Entry into Force

(1) These statutes entered into force on May 8, 2016.