



## Satzung des bbk berlin e.V. berufsverband bildender künstler\*innen berlin Statute of the bbk berlin e.V. - association of professional visual artists berlin

### Preamble

The berufsverband bildender künstler\*innen berlin is the independent, democratic, solidary and transparent special interest group of all visual artists in Berlin. Its aims at strengthening the rights of both male and female artists, at improving their circumstances of production and at ensuring their participation in cultural policy.

### § 1 Name and Location

The berufsverband bildender künstler\*innen berlin (bbk berlin) is a registered Association based in Berlin.

### § 2 Purpose and Tasks

The purpose of the Association is to represent visual artists and to promote them professionally to the exclusion of party policy goals. Its purpose is not directed at a cost-efficient enterprise.

#### The Association's tasks are in particular:

- Independent representation of the professional interests of visual artists in public, towards authorities, institutions and art trade.
- Improvement of income and working conditions, particularly through the conclusion of collective agreements and agreements similar to collective agreements.
- Legal protection: for its members in accordance with a legal protection regulation.
- Improvement of initial and future vocational training.
- Improvement of copyright and cooperation with collecting societies.
- Promotion and enforcement of the infrastructure necessary for the artistic and educational work, also by means of non-profit enterprises, in particular of workshops such as a printing -, sculptor - and media workshops, of work spaces, of art-in-public-space for all professional artists.
- Cooperation with the Bundesverband Bildender Künstler and befriended associations.
- Democratization as well as enforcement and expansion of participation and gaining of a greater say in all enterprises and institutions in the field of culture and media, as well as funding of the artists.

### § 3 Principle

No one shall be discriminated against because of his/ her sex, parentage, race, language, nationality, creed, for religion or political opinions, sexual orientation or for racist, genetic, health and demographic reasons. Whoever denies other people their human dignity and their humanity or restricts their rights or follows goals to such end or belongs to organizations pursuing such goals, cannot be a member of bbk berlin.

### § 4 Membership

Any visual artist meeting with the criteria stipulated in § 5 can become a member of the Association. The membership rights of artists who are employed within bbk berlin or in one of its companies, can not be exercised in matters which may affect the member's interests. This does not apply to board members.

### § 5 Admission

Professional visual artists meeting the following criteria are admitted:

1. prove a degree in Fine Arts from a state recognised German or comparable foreign Art University and/ or
2. provide verification of a professional exhibition practices and/ or publication practices and/ or of a continuous artistic activity. In these cases the admission to the Association rests with an admission committee.

Whoever has received confirmation of admission is a member.

### § 6 Termination of Membership

Membership is terminated by

1. death;
2. voluntary resignation. This must be declared in writing at the latest on the 1st of October of each year and will take effect at the end of the year;
3. by expulsion. This can be imposed for important reasons by a Board's resolution. The person concerned can appeal this decision at the Members Meeting. This appeal must be filed in writing within one month of receipt of the exclusion notification and must be addressed to the Executive Board.

With the resignation or expulsion the member loses any rights arising from the membership, particularly any rights from the Association's assets. Members who have been in arrears of their membership fee for more than a year despite two written warnings can be excluded from the Association. This member would, in any case, lose all voting rights at Membership Meetings. The member has to be informed about the expulsion in writing. In cases of emergency a member's arrears can be let off on decision of the Board.

### § 7 Membership Fees

Members pay an annual membership fee which, as a rule, is due on January 31 of each year. Payment of monthly, quarterly and semi-annual fees can be agreed on. In this case, membership fees are due no later than the last working day of the agreed period.

The amount of the fee is decided on by the Membership Meeting and is communicated to the member in the



declaration of accession. Should the Membership Meeting decide on changing the amount of the fee, members have to be informed about this in writing.

## § 8 Bodies of the Association

The bodies of the Association are:

- a) the Membership Meeting;
- b) the Board;
- c) the Commissions.

## § 9 The Membership Meeting

(1) The Membership Meeting is the supreme decision-making body of the Association. Members exercise their rights personally, the transfer of voting rights is not possible.

(2) The Annual Membership Meeting must be held at least once a year. It is convened by the Board in writing, stating the items of the agenda. A period of 10 days is to be given. Extraordinary Membership Meetings must be convened if the Board deems this necessary or if at least 50 members or at least the 10th part of the Association's members request this in writing.

(3) Decisions at the Membership Meeting are taken by majority vote, provided the law or these statutes do not demand other majorities. An amendment of the statute requires a 2/3 majority vote of those present.

(4) The Membership Meeting has a quorum if at least 5% of the members are present. If fewer than 5% of the members are present, the Membership Meeting is still quorate, unless a member of the association questions the quorum within one month of the Assembly's decisions have been publicized. If the quorum has been questioned within the time limit, a new meeting must be convened within two months, stating the agenda. This meeting is quorate regardless of the number of participants.

(5) The chairing of the Membership Meeting may also be passed on to external persons by resolution.

- (6) Duties of the Membership Meeting are:
- election and dismissal of the Board and its spokespersons;
  - discharge of the Board;
  - election of two auditors;
  - establishment and dismissal of commissions,
  - agreement to the appointment and statutes of business participations;
  - resolutions on
    - a) main tasks of the Association and its objectives;
    - b) amendments to the Statutes;
    - c) dissolution of the Association;
    - d) acquisition, sale, transfer, objectives and statutes of business participations;
    - e) acquisition, sale and transfer of properties and leasehold rights.

(7) Minutes on the decisions taken by the Membership Meeting must be taken and signed by two board members of the Association.

## (8) Majority requirements

- a) A majority of 2/3 of the members present is required for amendments to statutes of bbk berlin e.V..
- b) A majority of 2/3 of the members present is required for decisions on business participations.
- c) A majority of 2/3 of the members present is required for resolutions on the statutes of the companies of bbk berlin e.V..
- d) A decision on the sale or transfer of companies of the bbk berlin, its properties or business shares is only possible with a consent of 3/4 of all members present in a meeting of the members especially convened for this purpose.

## (9) Right of Access

- a) If demanded by a member during the Membership Meeting, the Board shall provide information on the Association's issues to the extent necessary for the proper assessment of the agenda's subject matter. The information must comply with the principles of a conscientious and faithful accountability.
- b) The Board may refuse to provide information in case the Board were to commit a criminal offense by providing the information or were to violate a statutory secrecy.
- c) If a member is denied information, he/ she may request that the question and the reason for refusal are included in the minutes.

## § 10 Commissions

The Membership Meeting appoints Commissions for carrying out certain tasks. The Annual Membership Meeting elects the commission members for a period of two years. A re-election is possible. A multiple re-election of a commission member presupposes an explicit decision on the matter by the Annual Membership Meeting. The tasks are accurately specified by the Membership Meeting. The Association's representation by the Board is not affected by this.

The Commissions' decisions require the Board's approval. The Commissions' speakers represent the Commissions' decisions towards the board. They are elected from among the Commissions' members for the duration of the Commissions' legislature. Dependent bbk berlin employees and Board members normally do not become Commission members. Exceptions are determined by the Membership Meeting.

## § 11 Board

(1) The Board consists of two speakers and five other members. The speakers and the other board members must be members of the Association and are elected by the Annual Membership Meeting for a period of two years. The terms of office end with the election of new board members.

(2) Externally the Association is represented by a spokesperson and a second board member. If a declaration of consent is to be submitted to the Association, the delivery towards one board member suffices.



(3) The Board shall adopt its resolutions by a simple majority of the votes cast. The spokespersons and the other board members are bound by the Board's resolutions.

(4) The Board meeting is open to members. All resolutions are to be documented in consecutive minutes. The minutes must be signed by a spokesperson and a second board member. Members can consult the minutes.

(5) The Board's decision on its rules of procedure in turn requires the approval of the Annual Membership Meeting. The rules of procedure also regulate the quorum and the decision making process.

(6) As a rule, board members work on an unsalaried basis. A compensation for expenses or other reasonable remunerations may be paid to board members. The Annual Membership Meeting is to decide on these matters, these resolutions determine the amount of the compensation or other remunerations as well as the services being paid for.

(7) After their departure from office, board members are required to maintain silence on confidential information and secrets of the Association, in particular those business secrets, they have learned about in their capacity as board members.

- (8) The Executive Board is required in particular
- to conduct transactions in accordance with the statutes;
  - to report to the Annual Membership Meeting on the general cultural policy situation, the Association's planned projects and activities;
  - to ensure the personnel and factual framework for a qualified interest representation;
  - to ensure proper operation and accounting;
  - to administer the list of members.

## **§ 12 Management**

The Board may appoint one or more managers. The appointment requires prior approval by the Annual Membership Meeting. The managers are subject to the instructions of the Board and have to continuously report to the board members on the Association's activities. The Board decides on the dismissal of the managers. The managers' rights deriving from their contracts remain unaffected by this. Managers must not be Board members.

## **§ 13 Dissolution of the Association**

The dissolution of the Association can only be decided in a Membership Meeting with this single item on the agenda. It is convened by the Board in writing. A period of 30 days must be observed. A decision on dissolution requires the majority vote of 3/4 of the members present.

In the case of a dissolution, the assets of bbk berlin e.V. are to be transferred to the ver.di Fachgruppe Bildende Kunst and, excluding party-political objectives, are to be used for trade union representation and support of professional artists.