

Ind. 1/2012

STATUTES



As adopted by the First Congress of 16/05/2012

CONTENTS

Name

Aims and means

Membership and affiliation

Decision-making and Executive bodies

Congress

Executive Committee

Steering Committee

Secretariat

Policy committees, sector activities, horizontal committees

Finance and membership fees

Auditing Committee members

Headquarters

Expenses

Dissolution

Appendixes

Appendix I: IndustriAll European Trade Union areas of work

Appendix II: Mandate procedure

Appendix III: Sectors/Industrial sectors

Appendix IV: Affiliations fees

Appendix V: Transition period

NAME

Article 1 - Creation of industriAll European Trade Union

The industriAll European Trade Union is created on 16/05/2012 by decision of the affiliates of the European Metalworkers' Federation (EMF), the European Mine, Chemical and Energy Workers' Federation (EMCEF) and the European Trade Union Federation: Textile, Clothing, Leather and Footwear (ETUF:TCL) to join forces.

The industriAll European Trade Union is created by the affiliates of the three founding organisations, who act together, in accordance with these Statutes, with the aim to combine and optimize strength and complementarities in order to better protect and advance the rights of working men and women in its industries and sectors. All affiliates of the three founding organisations are therefore de facto members of the industriAll European Trade Union.

The new federation reflects the traditions and experience of the three founding organisations.

Article 2 – Name

The full name of the European federation shall be **industriAll European Trade Union**.

AIMS AND MEANS

Article 3 – Aims and means

The industriAll European Trade Union is an organisation of independent and democratic trade unions representing manual and non-manual workers in the metal, chemical, energy, mining, textile, clothing and footwear sectors and related industries and activities.

The industriAll European Trade Union aims to defend the economic, social, and cultural interests of the workers in these industries on a basis of solidarity, mutual respect and common principles.

The industriAll European Trade Union advocates thorough social reforms, the reinforcement of democracy and the promotion of economic and social progress in Europe. It supports an integrated Europe without borders, with common social standards, a high level of social protection and the involvement of workers and trade union representatives.

The industriAll European Trade Union is established to organise and enhance the collective power of working people in Europe, to defend their rights and advance their common goals with respect to both companies and States. To this end, the industriAll European Trade Union works on pushing forward the coordination and development of collective bargaining, industrial relations and social policies. The industriAll European Trade Union promotes an active and coherent industrial policy, the ongoing development of industry in Europe as a real source of wealth and a necessary basis for growth, innovation, research and development, and employment. The industriAll European Trade Union thus also promotes social dialogue at all levels and in particular at sectoral level.

The industriAll European Trade Union advocates democratic, equitable and sustainable economic development that provides higher living standards, decent work and employment, as well as retirement security for all workers, while protecting our natural environment.

The industriAll European Trade Union will strive to improve the right to democratic political participation, democratic control of the economy and human rights, including the rights to freedom, peace, democracy, self-determination for all people and social justice.

The industriAll European Trade Union promotes equal treatment and opposes all discrimination on the basis of race, nationality, gender, religion, physical disability, sexual identity or trade union membership.

Article 4 – Areas of Work

The industriAll European Trade Union works at European level to support and promote cooperation and collective actions to protect and advance the rights and interests of working men and women, regardless of their type of employment contract (e.g. temporary agency workers), in the industrial areas and related services as outlined in Appendix I to these Statutes. The list of areas is not exhaustive and others can be added by decision of the Executive Committee.

Article 5 – Jurisdiction

The jurisdiction of the industriAll European Trade Union includes the European Union (EU), the European Free Trade Association countries (EFTA), EU candidate countries and South East Europe (SEE).

Article 6 - Relations with European and International Trade Union Organisations

The industriAll European Trade Union is a member of the ETUC and takes part in ETUC activities and decision-making bodies. It will work in close cooperation with other European Trade Union Federations.

The industriAll European Trade Union coordinates its actions and activities with the Global Union Federation(s) concerned.

MEMBERSHIP AND AFFILIATION

Article 7 – Membership

All democratic and independent trade unions in the industrial sectors and related services, as mentioned in article 4, can be a member of the industriAll European Trade Union in accordance with the following criteria:

- they should be affiliated to a national trade union confederation which is a member of ETUC, and
- they should not be affiliated to another European trade union confederation that is not a member of the ETUC.

The Executive Committee can decide to make an exception to these criteria by a two-thirds majority.

Organisations applying for membership should also seek Global Union Federation membership.

Article 8 – Affiliation

Applications for affiliation must be submitted in writing to the industriAll European Trade Union Secretariat and include the necessary supporting documents (Statutes, membership of a confederation, etc.). Decisions on requests for affiliation shall be made by the Executive Committee and shall be subject to ratification by the Congress.

Article 9 – Termination of Membership

An affiliate can be excluded by decision of the Executive Committee and the Congress when:

- a) It is in clear violation of the Statutes.
- b) It acts in a manner deemed to be detrimental to the interests of the industriAll European Trade Union. In this case, the General Secretary should report the facts to the Executive Committee, along with recommendations and in consultation with the affiliate that is being considered for exclusion. The Executive Committee is empowered to take appropriate action in the light of the General Secretary's report.
- c) It is two years in arrears regarding payment of affiliation fees, has not been granted exoneration and has been sent at least two reminders that the fee obligations have not been met.

The affiliate may appeal to Congress against the exclusion decision taken by the Executive Committee. The rights and obligations of the affiliate concerned shall be suspended pending the outcome of the appeal. No further appeal shall be permitted against the decisions subsequently taken by Congress.

An affiliate may withdraw from membership by submitting written notice to the General Secretary six months before the end of any calendar year.

DECISION-MAKING AND EXECUTIVE BODIES

Article 10 – Structure

The decision-making and executive bodies are:

- The Congress
- The Executive Committee
- The Steering Committee
- The Secretariat

Article 11 – General

The decision-making and executive bodies of the industriAll European Trade Union shall endeavour to obtain the broadest possible consensus in every field.

Only member organisations that have paid their annual affiliation fees in accordance with Article 34 of the Statutes shall be entitled to vote in the decision-making bodies.

Representation in the different decision-making bodies of the industriAll European Trade Union shall correspond to the composition of the affiliated unions, taking into account membership, gender, regions and sectors. Special attention shall be paid to gender equality.

CONGRESS

Article 12 – General

The Congress is the highest body of the industriAll European Trade Union. It meets at least once every four years.

Article 13 – Composition

The Congress is composed of delegates from all member organisations.

Each member organisation is entitled to 1 delegate for the first 25,000 affiliated members. The organisations are entitled to an additional delegate for each additional 25,000 members or fraction thereof.

Article 14 – Duties of the Congress

The duties of the ordinary Congress shall be among others:

- a) To determine the strategy and general policy of the industriAll European Trade Union.
- b) To examine and adopt the report on activities and financial reports presented by the Secretariat, as well as the report of the auditors. The reports have to be made available to the affiliates at least one month prior to the Congress.
- c) To ratify the decisions of the Executive Committee in respect of affiliation, exclusion, suspension or disaffiliation.
- d) To decide on all resolutions and motions.
- e) To amend the Statutes.
- f) To elect the Executive Committee members, on the basis of proposals from the affiliates, in line with Articles 11 and 18 of these Statutes.
- g) To elect the President, Vice-Presidents, the General Secretary and Deputy General Secretaries on the basis of proposals from the affiliates and on the recommendation of the Executive Committee. Candidates for the positions of President and Vice-Presidents must hold an elected position within their organisation. Should one of the elected posts fall vacant during the period between two Congresses, the Executive Committee is empowered to appoint a replacement for the post in question until the next Congress.
- h) To elect the Regional Representatives to the Steering Committee, on the basis of proposals from the Regions, in line with Articles 11 and 22 of these Statutes.

- i) To elect the Auditing Committee members, on the basis of a recommendation from the Executive Committee.
- j) To decide on the amount of the affiliation fees.

Article 15 – Organisation of the Congress

Congress must be convened by the General Secretary, in accordance with the decision of the Executive Committee, at least three months before the meeting is due to take place. The convening and preparations are undertaken by the Secretariat on the instructions of the Executive Committee.

Each member organisation is entitled to submit motions to the Congress at the latest eight weeks before the Congress. The motions must be submitted to the Secretariat in one of the three official languages (EN, FR, DE). The motions must be communicated to affiliates at least four weeks before the Congress.

Article 16 – Congress voting rights

Each affiliate is entitled to a number of votes equal to the number of members for whom they have paid affiliation fees, in accordance with Articles 33, 34 and 35 of these Statutes.

Article 17– Extraordinary Congress

An Extraordinary Congress can be convened by decision of the Executive Committee, upon a written request from at least one-third of the affiliates or upon a written request from organisations who represent one-third of the total industriAll European Trade Union membership. An Extraordinary Congress can only take decisions on the issues for which it is convened.

EXECUTIVE COMMITTEE

Article 18 - Executive Committee Members

The Executive Committee shall be the highest body of the industriAll European Trade Union between Congresses.

- a. Representation in the Executive Committee shall be open to all affiliates during the first two years after the Founding Congress (June 2012 – June 2014).
- b. As a transition step leading towards the final composition of the Executive Committee, the composition of the Executive Committee shall be calculated on country-based representation, using the following key, from June 2014 until the next Congress in 2016:

| | |
|-----------------------------|----|
| 1 – 19,999 members: | 1 |
| 20,000 – 99,999 members: | 2 |
| 100,000 – 199,999 members: | 4 |
| 200,000 – 399,999 members: | 6 |
| 400,000 – 499,999 members: | 8 |
| 500,000 – 999,999 members: | 10 |
| 1,000,000 members and more: | 12 |

The President and the three Vice-Presidents are members of the Executive Committee and are not counted in the country-based representation. The General Secretary and Deputy General Secretaries are ex officio members of the Executive Committee without voting rights.

- c. The composition of the Executive Committee shall be calculated on a country representation basis, **according to a key to seats that will be defined by the second Congress** from the second Congress period onwards (2016 and following).

The President is a member of the Executive Committee and is not counted in the country representation. The General Secretary and Deputy General Secretaries are ex officio members of the Executive Committee without voting rights.

- d. All members of the Executive Committee will have a substitute member.
- e. The members of the Steering Committee are also members of the Executive Committee, but shall be included in the country representation.
- f. The Chairs of the four Policy Committees can attend the Executive Committee meetings when invited (in relation to certain agenda points) or when they submit certain agenda points related to their policy field.
- g. A quota of 20% female representation within the Executive Committee is strongly recommended. Reaching this quota is seen as a common objective. If the quota is not reached in the third year after the founding of the industriAll European Trade Union, the Executive Committee should take adequate measures to improve the situation.

Article 19 – Voting

Each member of the Executive Committee has one vote, unless 20% of the members of the Executive Committee request a vote based on fully paid-up membership per affiliated organisation. For votes based on membership, the affiliated organisations that have no elected representative on the Executive Committee can give their voting powers to a member of the Executive Committee from their country.

Article 20 – Meetings

The Executive Committee shall meet at least twice a year.

An extraordinary meeting of the Executive Committee may be convened by its own decision, or at the request of the Steering Committee, or if at least one-third of the affiliates of the industriAll European Trade Union so request.

Meetings of the Executive Committee are prepared by the General Secretary on the basis of an agenda drawn up in agreement with the President, who chairs the meeting.

The invitation shall be sent to the affiliates no later than two months prior to the meeting.

In the event of the need for an urgent decision, the Executive Committee can take a decision via a written procedure.

Article 21 - Duties of the Executive Committee

The duties of the Executive Committee shall be:

- a. To decide on the policy required to implement the general strategies adopted by Congress.
- b. To supervise the work of the Secretariat.
- c. To approve the annual accounts reviewed by the auditors and to discharge the Secretariat of any further responsibility.
- d. To decide on applications for affiliation.
- e. To deal with Congress preparations.
- f. To confirm members of the four Policy Committees and confirm the designation of the Chairs of the four Policy Committees proposed by the Committees.
- g. To appoint a President, Vice-President, General Secretary and/or Deputy General Secretary should one or the other of these elected posts fall vacant during the period between two Congresses. This appointment shall remain valid until the next Congress.
- h. To appoint, where necessary, and after nominations from the affiliates, replacements for members of the Steering Committee or the Executive Committee, committees established by the Statutes, as well as the Auditors, in the event that these posts become vacant between Congresses.
- i. To appoint the members of the Executive Committee when its composition changes to country-based representation in June 2014, after nominations from the affiliates in line with Articles 11 and 18 of the Statutes.
- j. To ensure convergence at European level of both policies regarding trade union demands and collective agreements concluded by affiliates.
- k. To set up working parties or committees whose tasks and powers it lays down.
- l. The Executive Committee may delegate certain powers to one or several of its members, the President the General Secretary or Deputy General Secretaries.
- m. To give mandates and make decisions according to the mandate procedure (cf. rules laid down in Appendix II)
- n. To determine the salary system and the working conditions of the General Secretary and the Deputy General Secretaries on the proposal of the Steering Committee.
- o. To confirm the annual budget.
- p. To supervise the regular payment of affiliation fees.
- q. To consider and decide on requests for exoneration.

STEERING COMMITTEE

Article 22 - Steering Committee Members

During the first Congress period (2012-2016), the Steering Committee shall consist of:

- 1 President and 3 Vice-Presidents (one from each founding organisation)
- 3 representatives from each region; 3 substitute representatives can be nominated by each region.

Total: **28 members** with voting rights

Plus, without voting rights:

- 1 General Secretary and 3 Deputy General Secretaries (one from each founding organisation).

- The Chairs of the four Policy Committees can attend the Steering Committee meetings when invited (in relation to certain agenda points) or when they submit certain agenda points related to their policy field.

From the second Congress period (2016) onwards, the Steering Committee shall consist of:

- 1 President
- 8 regional Vice-Presidents (to be appointed by each region) and 2 additional representatives per region; 3 substitute representatives can be nominated per region

Total: **25 members** with voting rights.

Plus, without voting rights:

- 1 General Secretary and maximum 3 Deputy General Secretaries
- The Chairs of the four Policy Committees can attend the Steering Committee meetings when invited (in relation to certain agenda points) or when they submit certain agenda points related to their policy field.

The Steering Committee shall be elected by the Congress and confirmed by the Executive Committee on the basis of nominations from the Regions. The Regions can decide on a rotation of the members.

Article 23 – Regions

The industriAll European Trade Union shall consist of 8 Regions:

South Region: IT, GR, MT, CY, TR

Benelux Region: BE, NL, LU

Central Region: AT, CH, DE

South East Region: RO, BG, ME, MK, RS, XE, AL, HR, BA

Eastern Region: CZ, SK, PL, HU, SI

British Region: UK, IE

Nordic-Baltic Region: DK, NO, SE, FI, IS, EE, LV, LT

South West Region: ES, FR, PT, MC

The Vice-President and the Regional Representatives contribute to the consultative process within their region. In the Steering Committee, they represent the whole region.

A system of rotation may be envisaged by organisations in any Region.

Article 24 – Steering Committee Voting Rights

For any decision taken by the Steering Committee to be valid at least half of the total number of the members of the Steering Committee must be present. Each member shall have one vote.

Voting is by simple majority.

Article 25 – Steering Committee Meetings

The Steering Committee shall meet at least twice a year.

Article 26 – Duties of the Steering Committee

The duties of the Steering Committee shall be:

- a. To supervise the implementation of Congress and Executive Committee decisions.
- b. To propose to the Executive Committee the salary system and the working conditions of the General Secretary and Deputy General Secretaries.
- c. To advise and support the Secretariat in all matters concerning the preparation of the Executive Committee agenda and the implementation of the Executive Committee decisions.
- d. To support and supervise the work of the Secretariat.
- e. To recommend confirmation of the annual budget.
- f. To deal with Congress preparations.
- g. To ensure convergence at European level of policies regarding trade union demands and collective agreements concluded by affiliates.
- h. To supervise the regular payment of affiliation fees.
- i. To consider and propose to the Executive Committee requests for exoneration.

THE SECRETARIAT

Article 27 – Management of the Secretariat

The Secretariat consists of the General Secretary, three Deputy General Secretaries and the necessary personnel to carry out its work.

The Secretariat works under the leadership of and reports to the General Secretary. The General Secretary is the legal representative of the industriAll European Trade Union and is responsible for the internal organisation of the Secretariat. If the General Secretary is incapacitated, a Deputy General Secretary shall take over his/her duties after consultation with the Steering Committee.

Article 28 – Duties of the Secretariat

The Secretariat is responsible for the implementation of mandates given by the Congress and decisions taken by the Executive Committee and Steering Committee.

POLICY COMMITTEES, EQUAL OPPORTUNITIES WORK GROUP, SECTOR ACTIVITIES

Article 29 – Policy Committees

The industriAll European Trade Union shall set up four **Policy** Committees:

- Collective Bargaining and Social Policy Committee (CBSPC),
- Company Policy Committee (CPC),
- Industrial Policy Committee (IPC),
- Social Dialogue Policy Committee (SDPC).

The composition of the CBSPC, IPC and CPC shall be as follows:

- Each member organisation shall have the right to nominate a member to each Policy Committee at the beginning of each Congress period.
- All the members of the Policy Committees have to be nominated for the whole Congress period.

The composition of the SDPC shall be based on the following:

- Direct participation from those sectors where official social dialogue Committees exist, as well as direct participation from sectors where an informal social dialogue with employers' federations exists.

A quota of 20% is strongly recommended for the representation of women within the Policy Committees.

Article 30 - Equal Opportunities Work Group

A permanent Equal Opportunities Work Group shall be set up to discuss equal opportunities issues (gender, race, age, religion, disabilities, etc.). This Work Group shall have the right to draft and present motions to the Executive Committee.

Each member organisation may nominate a representative to this Work Group.

Article 31 - Sector/industrial sector Committees

The aim of Sector Committees is to give follow-up to the specific economic, financial and social issues and reality of a sector, to discuss sector-related issues, to respond to EU initiatives having a bearing on the specific sector and to provide necessary input for the Sectoral Social Dialogue.

The activities of the Sector Committees should result in input for the work of the Policy Committees.

The Founding Congress shall endow the Executive Committee with the power to define the list of sector/industrial sector committees that will be launched following the creation of the new federation (Appendix III).

Article 32- Other Working Groups

If warranted by developments, the Executive Committee can also set up other permanent or ad-hoc working groups.

FINANCE AND MEMBERSHIP FEES

Article 33 – General

An organisation which has not paid membership fees in line with the Statutes has no right to vote in the decision-making bodies and cannot nominate candidates to the decision-making and executive bodies nor to the y committees established by the Statutes.

The level of the statutory annual affiliation fees shall be determined by Congress and possibly, where needed, amended by the Executive Committee according to Appendix IV, for example.

Article 34 – Affiliation fees

The industriAll European Trade Union activities are financed by affiliation fees paid by the member organisations. Contributions are payable in the first half of each year unless partial or total exoneration is granted by the Steering Committee, on the basis of guidelines from the Executive Committee, and after submission of a written request for exoneration detailing the circumstances behind that request.

The Congress decides on the amount of the affiliation fees. (Appendix IV)

Fees shall be paid on the basis of affiliates' membership levels, as declared by each affiliate at the end of June of the previous year. For the first congress period reference should be made to Appendix IV.

An organisation which has not paid membership fees for more than two years will be excluded from the industriAll European Trade Union. The organisation in question will be asked to present its case before the Executive Committee.

Article 35 – Exoneration in extraordinary circumstances

A request for exoneration must be submitted in writing to the General Secretary in the first quarter of the year for which the exoneration is requested. All supporting documentation concerning the request must also be submitted at that time. The Executive Committee, on a proposal from the Steering Committee, shall decide whether or not to approve an exoneration request.

Exoneration from the payment of annual affiliation fees shall only be granted by the Executive Committee, on a proposal from the Steering Committee in extraordinary circumstances. Exoneration shall only be granted for one year at a time.

If exoneration from the full or partial payment of affiliation fees is granted to an affiliate, its voting rights shall be reduced accordingly.

AUDITING COMMITTEE MEMBERS

Article 36 – Internal Auditors

The Congress shall elect at least 3 internal Auditors, none of whom may be a member of any of the decision-making and executive bodies.

The Auditors shall inspect the books at least twice a year. They shall verify that the books are kept in accordance with the law, good accounting practices and the Statutes. The Auditors shall submit a written report to the Steering Committee and the Executive Committee with their findings regarding the finances.

Article 37 – External Auditors

The accounts shall also be subject to an external audit once a year.

HEADQUARTERS

Article 38 – Headquarters

The headquarters of the industriAll European Trade Union shall be in Brussels. A decision to transfer the headquarters elsewhere in Europe can be taken by the Executive Committee.

OFFICIAL LANGUAGES

Article 39 – Official languages

The industriAll European Trade Union will have 3 official languages: English, German and French.

EXPENSES

Article 40 – Expenses

The expenses of participants arising from their attendance of meetings organised by the industriAll European Trade Union shall be met by the participating organisation.

Article 41– Changes to the Statutes

Each member organisation, as well as the Executive Committee, is entitled to present proposals for statutory changes. Decisions on changes should be taken by a two-thirds majority.

DISSOLUTION

Article 42 – Dissolution

The voluntary dissolution of the **industriAll European Trade Union** can only be decided upon by a Congress. The decision to this effect must obtain a majority of two-thirds of the total number of votes in favour of this dissolution.

APPENDIX I

(ref.: Statutes art. 4)

Following the NACE* Rev 2 classification the EIWF areas of work are:

Section B – Mining and quarrying

Section C – Manufacturing

- 13 -Manufacture of textiles
- 14 - Manufacture of wearing apparel
- 15 - Manufacture of leather and related products
- 17 - Manufacture of paper and paper products
- 19 - Manufacture of coke and refined petroleum products
- 20 - Manufacture of chemicals and chemical products
- 21 - Manufacture of basis pharmaceutical products and pharmaceutical preparations
- 22 - Manufacture of rubber and plastic products
- 23 - Manufacture of other non-metallic mineral products
- 24 - Manufacture of basic metals
- 25 - Manufacture of fabricated metal products, except machinery and equipment
- 26 - Manufacture of computer, electronic and optical products
- 27 - Manufacture of electrical equipment
- 28 - Manufacture of machinery and equipment n.e.c.
- 29 - Manufacture of motor vehicles, trailers, and semi-trailers
- 30 - Manufacture of other transport equipment
- 32 - Other manufacturing
- 33 - Repair and installation of machinery and equipment

Section D - Electricity, Gas, Steam and air conditioning supply

Section E - Water supply, waste management and remediation activities

- 38 - Waste collection, treatment and disposal activities; material recovery

Section F - Construction

- 43.2 - Construction of utility projects

Section G – Wholesale and retail trade and repair of motor vehicles and motorcycles

- 45 – Wholesale and retail trade and repair of motor vehicles and motorcycles

Section N -Administrative and support service activities

- 77.29 - Renting and leasing activities (in all a.m. activities)

- 78 - Employment activities (in all the a.m. areas)

Section S -Other service activities

- 95 - Repair of computers and personal household goods (in all a.m. activities)

- 96.01: Washing and (dry-) cleaning of textile and fur products

* *Statistical Classification of Economic Activities in the European Community*

APPENDIX II MANDATE PROCEDURE
(ref.: statutes Art. 21 m)

NOMINATIONS OF SECTORAL SOCIAL DIALOGUE COMMITTEES (SSD)

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|---------------------------------|--|
| Nomination of members | The Secretariat will inform the affiliates about the available mandates and ask them to nominate delegates. All affiliates concerned can nominate members depending on the numbers of mandates in the working groups and plenary of the SSD. The delegation shall be composed taking into account sectoral and regional representativeness. The final delegation shall be submitted by the Secretariat to the Executive Committee for approval. The Secretariat shall act as a coordinator. When this is not possible, the members of the SSD shall put forward one of their members as coordinator, which will be confirmed by the Executive Committee. |
| No nomination of members | If the affiliates do not nominate members before the given deadline, they must accept the composition proposed by the Secretariat |
| Nomination of experts | Experts with specific competences can be nominated in cooperation and in coordination with the Secretariat. The need for experts and the skills of these experts shall depend on the issues discussed in the working group or plenary. |

PROCEDURE FOR PLATFORMS AND STATEMENTS IN THE SSD

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| Proposal on platform and statements | <p>The industriAll European Trade Union members of the SSD must propose and prepare possible platforms and statements in close cooperation with the Secretariat.</p> <p>The members of the SSD shall act in line with the policies and procedures as agreed by the Executive Committee and Congress.</p> |
| Discussion on texts and information & consultation obligations towards | The Secretariat shall inform the affiliates, the Social Dialogue Committee (SDC) and the Executive Committee with regard to the platform and ongoing discussions. If this involves other sister organisations, cooperation will be sought. The Secretariat shall consult the affiliates on the proposed texts and give deadlines for comments. The comments received in time shall be communicated back to the affiliates and the SSD members involved, and shall be taken into consideration in further drafts. |

| | |
|--------------------------------|--|
| affiliates | |
| Adoption of texts | <p>The industriAll European Trade Union preparatory meeting shall discuss the comments before the SSD plenary meeting.</p> <p>The industriAll European Trade Union SSD members shall agree on the final text in line with EIWF policies.</p> <p>The industriAll European Trade Union Secretariat shall inform the affiliates, the Executive Committee and the Social Dialogue Committee.</p> |
| If no agreement reached | <p>The social partners of the SSD shall decide whether to re-start the procedure and the Secretariat shall inform the affiliates, the Executive Committee and the Social Dialogue Committee.</p> |

INTERNAL MANDATE PROCEDURE FOR NEGOTIATIONS

I. SECTOR LEVEL NEGOTIATIONS (including participation in CROSS-SECTOR LEVEL NEGOTIATIONS)

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|--|---|
| Decision on platform and delegation | <p>The Secretariat shall inform the Executive Committee and the Social Dialogue Committee about the possibility of opening negotiations. If this involves other sister organisations, cooperation will be sought.</p> <p>The Executive Committee shall decide, in consultation with the Social Dialogue Committee members, whether negotiations should take place (possibly via a written procedure and by a two-thirds majority).</p> <p>The Secretariat shall propose the platform for the negotiations and, where relevant, the composition of the negotiating team, in close cooperation with the SSD members.</p> <p>The decision on the platform and the delegation shall be taken by the Executive Committee in consultation with the Social Dialogue Committee and all the affiliates possibly via a written procedure and by a two-thirds majority).</p> |
| Negotiation on text and | <p>The Secretariat shall keep the Executive Committee, the Social Dialogue Committee, the members nominated for the SSD and the affiliates</p> |

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|---|---|
| information & consultation duty towards affiliates | <p>informed of the state of play of the negotiations.</p> <p>The Executive Committee (in consultation with the Social Dialogue Committee, the members nominated for the SSD and the affiliates) shall be entitled to comment on the proposed text within a given deadline of four weeks.</p> |
| Adoption of texts | <p>The Executive Committee shall adopt the text by a qualified majority of at least two-thirds – possibly via a written procedure. Abstentions or failure to reply within the given deadline shall be counted as votes in favour.</p> |
| If no agreement achieved | <p>The Executive Committee, in consultation with the Social Dialogue Committee, shall decide if the negotiations (and the procedure) should be restarted.</p> |
| Implementation | <p>The implementation and follow-up of agreements at national level shall be the responsibility of the member organisations in the sectoral social dialogue concerned.</p> <p>The Social Dialogue Committee, together with affiliates, must be informed about the implementation and follow-up.</p> |

II. COMPANY LEVEL AGREEMENTS

| | |
|--|--|
| Preliminary information and consultation procedure Mandates | <p>EWCs have no mandate to negotiate collectively. This remains solely the responsibility of trade unions. The affiliates involved in the company can give the industriAll European Trade Union a mandate to undertake negotiations on behalf of and with participation from the organisations involved in the company in question.</p> <p>Negotiation of a company agreement started or concluded by an EWC/SNB outside the scope of this mandate procedure or outside the information-consultation scope of the EWC shall not be supported or recognised by the industriAll European Trade Union and shall not carry any obligations for the affiliates.</p> <p>The affiliates represented in the EWC and the EWC Coordinators have the duty to inform the Secretariat that a proposal to start negotiations has been made. A complete information and consultation round shall be organised involving all the trade unions involved in the company, the EWC coordinator, the EWC Select Committee and the EWC. If this also</p> |
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| | <p>involves other sister organisations, cooperation will be sought.</p> <p>The affiliates involved should agree to start the negotiations. This should be a unanimous agreement where possible. If unanimity cannot be reached then the decision should be taken by at least a two-thirds majority in each country involved; following their national practices and traditions. Nevertheless, a country that represents 5% or less of the total European workforce of the company cannot block a decision to start negotiations.</p> |
| <p>Mandates</p> <p>Decision on platform and delegation</p> | <p>The mandate, including the platform and negotiating team, for these negotiations shall be decided on a case-by-case basis. The mandate shall be given by the trade unions involved and should preferably be unanimous. If unanimity cannot be reached then the decision (following their own national practices and traditions) should be made by at least a two-third majority in each country involved. Nevertheless, a country that represents 5% or less of the total European workforce cannot block a decision on a platform. The mandate could include:</p> <ul style="list-style-type: none"> a. The concrete topics, viewpoints, policies, i.e. the mandate position paper. b. Details of how the negotiation process will take place and the composition of the complete negotiating/ monitoring group. <p>There must be a concrete proposal as to the negotiating team, which is to meet with management. This negotiating team must include at least one representative from the industriAll European Trade Union and/or the EWC coordinator, and/or a representative of the trade unions involved, one of whom will lead the negotiations. The negotiators can also include trade union members of the EWC and/or EWC Select Committee.</p> <p>In addition to the specific mandate, the negotiation team is bound, by general industriAll European Trade Union policies</p> |
| <p>Nomination of experts</p> | <p>Experts - to provide help and support - can be nominated in cooperation and coordination with the Secretariat and the affiliates concerned.</p> |
| <p>Non regression clause</p> | <p>A "non-regression clause" must be included in all agreements.</p> |

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| Negotiation on text and information duty towards affiliates | <p>The Secretariat shall keep the Executive Committee, all affiliates and the relevant policy committees informed of the state of play of the negotiations.</p> |
| Adoption of texts | <p>The Secretariat, in close cooperation with the negotiating team shall present the draft agreement to all affiliates involved for evaluation. All the countries involved have to approve the agreement for it to be binding on affiliates. At national level, to obtain approval, a 2/3 majority is required, and must be reached according to national traditions.</p> <p>The Secretariat shall inform the affiliates concerned and give a deadline for a decision.</p> |
| Signing of the agreement | <p>The industriAll European Trade Union, represented by the General Secretary or Deputy General Secretaries, or another person to whom they give a mandate, shall sign the agreement on behalf of the trade unions that are involved in the company at the time of signing.</p> |
| If no agreement achieved | <p>If no agreement is reached the Secretariat shall inform the employer.</p> |
| Implementation | <p>All trade unions involved shall agree to implement the signed agreement. The agreement shall be implemented in accordance with the national practices of the countries involved. Implementation must respect the legal framework and the collective agreement system of these countries</p> <p>The Executive Committee and all relevant policy committees must be informed about the signing and implementation of the agreement.</p> |

APPENDIX III SECTORS / INDUSTRIAL SECTORS
(ref.: Statutes art. 31)

Initially, sector committees will be organised for the following sectors:

- Textiles, Clothing, Leather and Footwear
- Basic Materials (Chemicals, Rubber, Glass, Paper, Cement, Non-Coal Mining, etc.)
- Pharmaceuticals
- Steel
- ICT
- Mechanical Engineering
- Automotive
- Aerospace
- Shipbuilding and Ship repair
- Energy (Electricity, Oil, Gas, Coal Mining, Wind and Solar Power)

APPENDIX IV AFFILIATION FEES **(ref.: Statutes art. 33-34)**

Membership fees during the transition period 2012 – 2016

A. Membership fee rules for the transition period 2012 – 2016

1. Membership fees during the first Congress period will be based on the following principles and proposals:
2. The objective of this Appendix is to establish a strong and effective organisation with full capacity for taking action. It also aims to establish a transparent system of affiliation fees based on the membership and financial capacities of the affiliated organisations by introducing 7 categories of membership rates.
3. The fees shall be linked to an index (Belgian consumer price index) to guarantee a stable financial basis for industriAll European Trade Union.
4. No organisation should pay higher or lower fees at the start of the first Congress period. The adjustments during the transitional period should not exclude any affiliated organisation.
5. Membership declaration: For the first Congress period, it is agreed that the founding organisations will request the latest membership figures from all their member organisations by 31st March 2012. These figures shall constitute the basis for defining the total membership of the new industriAll European Trade Union at the start of the Founding Congress.

This membership figure shall serve as the basis for the calculation of membership fees for the years 2013 and 2014.

All affiliated organisations shall be requested to make a new membership declaration by end of June 2014. This will be used as the basis for the calculation of membership fees for 2015. The same will be applicable in June 2015 for the calculation of membership fees valid for 2016.

6. After the Founding Congress, the Executive Committee shall set up a Finance Work Group, which will develop a new affiliation fee system to be decided upon at the second industriAll European Trade Union Congress.

B. Adjustment of the previous rate per member to the new rate per member:

For most of the organisations the new rate of affiliation fees per member will not be equal to the rate per member applied in 2011. In order to avoid any immediate high increase in fees, the previous rates shall be gradually adjusted to bring them into line with the new rates, i.e. in stages, via a fixed amount per annum.

The following stages in the increase of the rate of affiliation fees per member may vary between the 7 categories so as to avoid very high proportional increases for those affiliated organisations paying lower rates per member.

The affiliated organisations that reach the level of the higher category, or are still paying a rate of affiliation fees that is higher than the new rate, shall continue to pay their current affiliation fee as long as the amount does not fall below that of the category concerned. If such a case does arise, the rate of affiliation fees shall be increased but only in accordance with the index rate and without any structural adjustment.

| | A | B | C |
|-----------------|---|--|---|
| Category | Rate per member at start (in EURO) | + Belgian Consumer Price Index as from 2013 | + Adjustment (fixed amount p.a.) as from 2013 for those organisations that have not reached the category level |
| 1 | 0.57 € | | 0.02 € |
| 2 | 0.47 € | | 0.02 € |
| 3 | 0.39 € | | 0.02 € |
| 4 | 0.31 € | | 0.01 € |
| 5 | 0.16 € | | 0.01 € |
| 6 | 0.11 € | | 0.01 € |
| 7 | 0.04 € | | 0.01 € |

APPENDIX V TRANSITION PERIOD

In the first Congress period, the three Vice-Presidents and three Deputy General Secretaries will come from the three founding organisations.