

**Federation of European National Collection Associations  
FENCA.**

(founded 15 . January 1993)

**STATUTES**

(changes: 16.06.1994, 11.05.1995, 19.06.1997, 18.9.1998)

*§ 1 Name and form*

The name of the federation is "Federation of European National Collection Associations".  
The official abbreviation is FENCA.

For the time being FENCA is to be a professional body and for that purpose the registered office is in Sandefjord, Norway.

*§ 2 Business year*

The Federations business year is running from 1<sup>st</sup> of September to 31<sup>st</sup> of August.

*§ 3 Aims*

FENCA is a non profit-making organisation without business activities of its own, and aims to:

1. Protect and take care of the interest of the member associations, within Europe and in international institutions, public or private and promote the development of European legislation in favour of the collection industry.
2. Promote the development within the member associations and their members of the following:
  - Keeping the collected means for clients separated from the company means ( clients accounts ).
  - Having special insurance for the protection of the clients.
  - Establishing a committee for complaints - to mediate in disputes between agencies and their clients or debtors.
  - Establishing training facilities (schools/seminars) for their members.
  - Introducing basic rules and guidelines for contracts and agreements between the agencies and their clients.

*§ 4 Rules*

The national associations must confirm that they, and their members:

- are working in accordance with the laws and rules of their respective countries.
- are maintaining confidentiality about all information concerning clients and debtors and that they are working in accordance with the individual laws on Data Security and similar legislation.

The above constitute the basic rules of FENCA at the point of formation. It is intended to create a more sophisticated and comprehensive set of Rules as the federations aims are being achieved.

Additional rules may be adopted by 2/3 majority at an Annual General Meeting or at an Extraordinary General Meeting.

In certain cases where a member association has difficulty in conforming to a new rule a 2/3 majority of the board may give the member a special 2 year dispensation during which period the member is required to achieve compliance with the new rule.

#### *§ 5 Membership*

Admission to membership is decided by the Board of Directors. On refusal of membership the Board of Directors are not obliged to give the reason. A refusal can not be appealed.

Only national, non - commercial unions of agencies, taking care of the professional interest of their members can be members of the federation.

There can only be one representation per country in FENCA. If there are more than one association in a country, they have to agree on a common representation. Disputes upon this matter, are to be decided on by the General Meeting.

#### *§ 6 Membership Cessation and cancellation*

Expulsion of a member on grounds of non-payment of subscription or non-compliance of the statutes is to be decided by the Board of Directors. Complaints against expulsion can be made to the General Meeting. The complaints must be in writing and be made at the latest 1 - one month after the expulsion. If a member is expelled, the membership fee will not be refunded. If a member association is liquidated or liquidates itself the membership will automatically be cancelled.

Resignation must be submitted three months before the Annual General Meeting in written form.

#### *§ 7 Membership Maintenance*

Members are obliged, once a year, to send in an "application form" confirming that they and their members are complying with the rules and regulations of the federation. The applications have to be submitted one month before the end of the business year which is on 31st August.

#### *§ 8 Organisation*

##### *Annual General Meeting*

The Annual General Meeting is to be held before the end of September, at a time and place decided upon by the Board of Directors. The AGM must be held in a member country and notification must be given at least three months before the meeting.

The items for The Annual General Meeting are to be decided by the directors but must include the items stated in Appendix I. The agenda must be circulated at least one month before the meeting.

### *Extraordinary General Meeting*

The Board of Directors shall summon the members to an extraordinary General Meeting one month after at last half of the members have presented reasons for such a meeting in writing, or if the Board of Directors find it necessary.

### *Board of Directors*

The Board of Directors receives its power from the General Meeting and carries out its decisions.

The Board is formed by a maximum of 5 members, including the President, the Vice president and the Secretary, and has the power to make decisions when minimum three of the board members are present. In case of equal votation the President has the casting vote. There shall be at least two board meetings during a business year.

### *Election period/Nomination*

The Board of Directors are elected for a period of two years at the time, with possibilities to be re-elected. To be electable as a Board member the candidate has to be a member of a National board or appointed by a National board.

Nominations for new board members require

- a proposer
- a seconder
- written consent by the nominated persons that they agree to their nomination

Nominations must be made in written to the Secretary and has to be received no later than 28 days before the AGM.

### *Auditor*

The Annual General Meeting appoints one representative from a member association to audit the Federations accounts. The Auditor is appointed for a period of two years.

### *§ 9 Votes*

On production of written authority from his national association any individual from a national association is eligible to represent his national association. The representative does not have to be a member of the national board.

Each member has 1 - one vote. Decisions can be made by simple majority, except in matters of statutes and regulations which need the majority of 2/3 of the delegates.

Each delegate can carry 1 - one vote for a non-attending member but must produce the authority in writing. Authority cannot be given for items which are not on the agenda for the meeting.

### *§ 10 Modifications of Statutes*

These statutes can be modified by a 2/3 majority of the members in a lawfully summoned general meeting. Suggestions for modification must be presented for the board in writing one month before the general meeting, at the latest.

*§ 11 Liquidating the Federation*

A decision to liquidate the Federation requires a 2/3 majority in a lawfully summoned general meeting. A suggestion to liquidate the federation must be made in writing to the Board two months before the next scheduled general meeting. The members must be informed within one month before the General Meeting.

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Kornel Tinguely  
President

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Carsten D. Ohle  
Vice-President

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Christian Cottenceau  
Treasurer

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Marco Recchi  
General Secretary

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Pierre Haincourt  
Board Member

*Appendix 1 (Statutes of FENCA)*

**A G E N D A**  
**Annual General Meeting**  
**of FENCA.**  
**(cnf.: Statutes § 7)**

1. Constitution
2. Presentation of
  - The Presidents report
  - The Secretary's report
  - Balance Sheet and Accounts
3. Presentation and approval of
  - Businessplan for the next year
  - Membership fee
  - Budget
4. Decision about
  - issues presented by the members. Proposals has to be in writing and sent the Board of Directors one month before the meeting, at the latest.
5. Election of officials to the Board