

**THE EUROPEAN SAILING FRATERNITY**  
(Approved by the General Board in its meeting held at Ferrol on the 7th of march 2009)

# STATUTES

## CHAPTER I

### DESIGNATION AND PURPOSE OF THE FRATERNITY

**Article 1:**

In the use of our right of association and under the protection of what is established in article 22 of the Spanish Constitution, the EUROPEAN SAILING FRATERNITY is constituted at Sanxenxo on the 15<sup>th</sup> of February 2001 in the presence of the illustrious Notary Mr. Jorge Eduardo da Cunha Rivas, and is governed by that which is disposed in the present Statutes, and for all which is not, by the Organic Law 1/2002 of the 22<sup>nd</sup> of march that regulates the right of association, its norms of application and development.

**Article 2:**

The main purpose of the fraternity is to defend the tradition and foment sailing, to develop maritime culture and the population's knowledge of the sea.

The aims of the Fraternity are the following:

- Make people aware of the importance of the sea from a sporting, social and ecological point of view, and in particular make youngsters aware of the importance and the responsibility that they have regarding the preservation of the sea, estuaries and inland waterways.
- Create areas of study and debate regarding the culture of sailing in particular and of the sea in general.
- Divulge and promote the sustainable use of marine resources.
- Promote nautical competitions, gatherings and fellowships.

## **CHAPTER II**

### **FIELD AND DURATION**

#### **Article 3:**

The Fraternity, in the exercise of the aims for which it was constituted and in the development of its activities, will have a European territorial field of action, without detriment to the fact that some of its activities could refer themselves mainly or exclusively to a national, regional or local area.

In as much as the purpose and aims of the acknowledgements pursued fall upon people, it will be indifferent that they come from a Europe or other nationalities.

Under exceptional circumstances, the Fraternity can carry out its activity outside its territorial field when this is proposed by the Table and approved by the General Board.

#### **Article 4:**

The Fraternity will have an indefinite duration and will be dissolved by those causes foreseen by the Statues and the laws.

## **CHAPTER III**

### **THE DOMICILE OF THE FRATERNITY**

#### **Article 5:**

The domicile of the fraternity to all effects is fixed at CALLE COLON Nº 9 - 1º DERECHA (C.P. 36201 VIGO-PONTEVEDRA), this address being marked as its headquarters. The Fraternity can be moved, always within the territory where it exercises its main activity, by agreement of the Table when this happens within the same city or region. In all other cases the agreement of the General Board will be necessary.

**CHAPTER IV**  
**GOVERNING BODIES**

**Article 6:**

The Governing Bodies of the Fraternity are as follows:

- The General Board.
- The Table.

All the posts will be honorific and free of charge (non remunerative). The duration of the term of office will be three years, but they can be re-elected indefinitely by agreement of the General Board. Said posts will have the right to vote but the Grand Master will have the casting vote.

**THE GENERAL BOARD**

**Article nº 7:**

The General Board, whose Chairman is the Grand Master, will be made up of all the brothers (or members) of the Fraternity who have been conferred as such and are up to date with their obligations.

Two kinds of Brothers are to be distinguished:

- 1) The founding members and those who are admitted by the Board on each occasion and will both be known as "full brothers" or "full members", and:
- 2) The Honorary Brothers.

The Full Brothers can be persons who are a non legal entity of any nationality who are interested in the aims of the Fraternity in general and sailing in particular.

The Honorary Brothers will be exempt from the payment of the fees that are fixed, and although they will have the right to participate in the deliberations of the General Board they will not have the right to vote.

The Full Brothers must pay the fees that are fixed by the Table and they will all have the same rights and obligations.

**Article 8:**

The General Board, the maximum qualified governing body of the Fraternity, will meet:

- a) In an annual Ordinary Meeting whose date and place will be set by the Table, preferably during the first three months of each year.
- b) In an Extraordinary Meeting by agreement of the Table, who will decide the place, date and time of the meeting.
- c) In an Extraordinary meeting held by petition made to the Table by four tenths of the Brothers, or by summons of the Grand Master.

**Article 9:**

The notice of meetings of the General Board will be carried out by the Chief Clerk by request of the Grand Master or the General Board, but in both cases under the proposal of the Table, where the Order of the Day with all the affairs to be addressed, the place, date and time of the meeting must be stated with sufficient clarity.

The General Board in its Ordinary Meeting, will examine and approve the annual accounts of the Fraternity and the annual report, approve the liquidation of the previous year's annual budget, as well as the budget and programme of activities for the following year, and if it is the case, renovate posts within the Fraternity. Other affairs can also be included in the Order of the Day, by request of: 1) The Table; 2) The Grand Master; or 3) by reasoned proposal of one of the Brothers to the Grand Master at least one month before the summons to the meeting is made.

The summons will be sent in writing, or by other means, at least two weeks before the meeting is held, which could permit the confirmation of reception of the summons if the Table so decides, by e-mail to the home or other addresses provided by the Brothers.

**Article 10:**

The attendance to the General Board meetings will be personal and non-transferable.

The General Board meetings will be validly constituted, in first summons, when half of the Brothers plus one are present. If this majority is not obtained due to a lack of attendants, the General Board will meet on a second summons, that can take place the same day only when a minimum period of half an hour has passed, and this has been specified in the summons. In the second summons, the General Board will be validly constituted whatever the number of Brothers present.

The representation or delegation of vote will not be admitted.

**Article 11:**

The agreements of the General Board will only be valid if they are made by half of the Brothers present plus one, be it in first or second summons.

The Brothers can refute or impugn the agreements of the Board that are contrary to the Statutes or the law, within forty days of the adoption of said agreements, requesting its annulment and/or the suspension of its execution.

In urgent cases the Table can make decisions that correspond to the General Board, submitting them to all the Brothers afterwards for their approval, using any written means including e-mail, who must reply within eight days. If no reply is received, this will be understood as an approval of the decision or proposal made by the Table. Nevertheless, the decisions made in this way must be ratified in the next meeting of the General Board, and as such must be made stated in the Order of the Day.

**Article 12:**

It corresponds to the General Board:

- a) To determine the number of its members, bearing in mind that which is established in the Statutes.
- b) The approval of the guidelines to be followed in order to defend, promote and divulge sailing in particular and marine activities in general.
- c) In General, the supervision of the good management of the Fraternity with regards to the achievement and defence of its aims.

- d) The election of the Grand Master.
- e) All that which corresponds to the General Board by law or the Statutes.

## **THE TABLE**

### **Article 13:**

The Table will be integrated by a minimum of seven and a maximum of thirteen members that will hold the following posts:

- The Grand Master (Chairman).
- The Commodore (Vice chairman).
- The Chief Clerk (Secretary).
- The Knight (Treasurer).
- The Chancellor (Spokesman).
- A maximum of six other members elected from the General Board.

The Grand Master will be elected by the General Board and will have the authority to designate with free will the remaining posts and members of the Table, who must all be Brothers and be up to date with his or her obligations with the Fraternity, except for the Chief Clerk, who does not have to be a Brother (Article 13 and 16 e).

All Brothers, without exception, that are up to date with their obligations with the Fraternity, will have the right to present themselves as Grand Master by letter directed to the Chief Clerk two weeks before the meeting of the General Board.

If more than one candidate presents his or herself to be the Grand Master, a first votation will take place where the candidate with the least number of votes from the Brothers present will be eliminated. If in any votation one of the candidates obtains a favourable vote from the majority of the Brothers present, he or she will be proclaimed as the Grand Master. In the case of draw between two candidates, a new votation will take place. If the draw persists then the Grand Master will be elected by drawing lots.

### **Article 14:**

The Grand Master, supreme representative of the Fraternity, will preside the General Board and the Table.

### **Article 15:**

The Commodore of the Table will substitute the Grand Master in his absence. If the case arises that both persons are absent, they will be substituted by the eldest member of the Table.

### **Article 16:**

The Chief Clerk will be the person who endorses the meetings of the Fraternity and will publicly authenticate those events that so require it.

The functions of the Chief Clerk are the following:

- a) Initiate proceedings regarding the concession of revenue in the Fraternity, informing the Table of such matters.
- b) Keep the book of the Brothers that will be named the "Book of the Brothers" and the book of distinctions that will be named the "Book of Titles of the Fraternity", that must be kept in deposit at the Fraternity's headquarters.

- c) Fix and notify the Order of the Day of the meetings presided by the Grand Master.
- d) To issue the title of "Brother", certify the registries, agreements, minutes and records etc.. and authenticate and certify all acts with the written approval of the Grand Master.
- e) In order to be Chief Clerk, it is not necessary for the person to be a Brother of the Fraternity, in which case he or she will not have the right to vote, but will be able to give his or her opinion in the meetings when he/she requests to do so and is so authorised by the person who presides the meetings, be it in the General Board or the Table.

**Article 17:**

The Knight will be the person who carries out the function of Treasurer.

**Article 18:**

The Chancellor will be the member of the Table that carries out the functions of spokesperson of the Fraternity.

**Article 19:**

The Table will be the supreme executor of the agreements and decisions made by the General Board, as well as being the governing body. It will be the Table's responsibility to award ranks, to represent, manage and conserve all that refers to the Fraternity, as well as the administration of its wealth with the limitations established by the law and the Statutes.

**Article 20:**

The Table will meet at least once a year before the annual General Board meeting, and will be summoned by the Chief Clerk following the instructions of the Grand Master or the Table.

The Table can hold meetings in writing without the need for a sitting, but this can only occur when none of its members are opposed to this. In this case, a record will be made of the agreements reached that must be signed by all of its members without exception, as a proof of their acceptance.

## **CHAPTER V**

### **RANK AND DISTINCTIONS**

#### **Article 21:**

The Table can award those persons who are legal and non-legal entities that so deserve it for supporting the aims and purpose of the Fraternity, one of the following distinctions:

- Gold Sail.
- Silver Sail.
- Sailor of Honour.
- Ship Boy of Honour.

#### **Article 22:**

The ranks and distinctions that are referred to in Article 21, will be awarded only once and can be an individual or collective title.

#### **Article 23:**

The Table will choose the design and materials of each one the distinctions referred to in Article 21.

#### **Article 24:**

The distinctions awarded will be numbered in a correlative manner in the Book of Distinctions that will be kept by the Chief Clerk, and where the prizes and distinctions that have been awarded previously will be recorded.



## CHAPTER VI

### ADMISSION OF THE BROTHERS

#### **Article 25:**

To apply or be proposed and then admitted as a Brother, the following preferential merits will be taken into account:

- a) The fulfilment of extraordinary work or tasks with unquestionable merit and value related with sailing.
- b) The constant defence and support of sailing in particular and waterports in general.
- c) The promotion, help, endowment or patronage of the Fraternity in any way, or those institutions and organisations that pursue similar aims.
- d) The work carried out in favour of the Fraternity and its aims in a disinterested and unselfish manner.
- e) The great initiatives and in general, those acts that in benefit of the aims of the Fraternity are an example to others, and should be rewarded and encouraged.

#### **Article 26:**

The applications of admittance to the Fraternity will be directed to the Table, who will decide whether to carry forward the application or not, without subsequent appeal, and by absolute majority of its members. The admittance as a Brother, be it as a Full or Honorary Brother, must be ratified by the General Board.

The applications of admittance as a Brother will be formulated officially by the Grand Master or by three Brothers to the Chief Clerk, who will be the body in charge of initiating the proceedings, checking the conditions bearing in mind his or her achievements, and presenting a proposal to the Table.

#### **Article 27:**

The rank of the Brother will be certified by a Diploma or Certificate where the distinction awarded by the Table will be stated, prior ratification by the General Board and endorsed by the Grand Master and Chief Clerk.

#### **Article 28:**

The admittance as a Brother will confer the right to use the uniform of the Fraternity, which is a blue cape based upon that which is used by the Spanish Navy, that will be worn over a blue jacket and grey trousers. In any case this uniform will be of obligatory use in the meetings of the Fraternity, and specially during the investiture of new Brothers.

## **CHAPTER VII**

### **THE LOSS OF THE ATTRIBUTE AS A BROTHER**

#### **Article 29:**

The withdrawal of a Brother can be by voluntary resignation. The withdrawal of a Brother by voluntary resignation will not exempt him or her from complying with the obligations that he or she may have pending with the Fraternity.

The attribute as a Brother can be lost due to undignified behaviour, the non-fulfilment of his or her obligations, or for actions that under judgement of the Table constitute a vulneration of the aims of the Fraternity. In the same way, the temporary suspension or definite withdrawal of a Brother can be decided when they commit actions that are against the law, the Statutes or good behaviour.

The attribute as a Brother can also be lost due to a delay or lack of payment of the fees fixed by the Table for a period of over 120 days from the 1<sup>st</sup> of January onwards.

#### **Article 30:**

The decision, with sufficient reason in all cases, that declares the loss of attribution as a member of the Fraternity, must be ratified by the General Board, who will make a decision by simple majority of its members present, prior proceedings initiated to that effect and a hearing held with the interested party.

#### **Article 31:**

The proceedings can be initiated officially by the Grand Master or by petition of three Brothers.

## **CHAPTER VIII**

### **RIGHTS AND OBLIGATIONS OF THE MEMBERS OF THE FRATERNITY**

#### **Article 32:**

The Brothers will have the right to publicly speak of the rank that has been awarded to them and be acknowledged as such. They will also have all those rights that are acknowledged to them by current legislations.

The Brothers can also show and make public the lapel insignia of the Fraternity created for that reason by the Table.

#### **Article 33:**

It is essential that all Brothers must defend and promote the aims of the Fraternity, and all those that are agreed by the majority of the General Board in one of its validly constituted meetings.

**CHAPTER IX**  
**ECONOMIC RESOURCES**

**Article 34:**

For its functioning and survival, the Fraternity can count upon resources and contributions provided by the Brothers, donations, grants and subsidies, or any other contributions from organizations and public or private entities.

The liquid assets of the Fraternity will be deposited in the officially acknowledged Credit Entity that is determined by the Table.

The Grand Master, the Commodore and the Knight will be authorised to sign cheques, transfer orders, and in general all similar acts of payment. For this the signature of two of the three aforementioned members of the Table will be necessary.

## **CHAPTER X**

### **CAUSES OF DISSOLUTION**

#### **Article 35:**

The Fraternity will dissolve:

- a) By agreement of two thirds of the Brothers that make-up the Fraternity in General Board.
- b) For reasons specified by the current applicable legislation.
- c) By judicial sentence.

#### **Article 36:**

In the case of a dissolution, for whatever cause, the remaining funds pertaining to the Fraternity will be destined to the aims and purposes that are agreed in the minutes of dissolution.

**ADDITIONAL DISPOSITION N° 1:**

Any Brother, by the mere fact of being so and being up to date with his or her obligations with the Fraternity, has the right to postulate his or herself as candidate to be Grand Master, the only condition being that they must communicate this to the Table two weeks before the celebration of a General Board meeting, in whose summons the elections for Grand Master must be stated in the Order of the Day. If there is more than one candidate, the person with the most votes in the first votation will be elected. In the case of a draw the votation will be repeated, and if the draw persists, the Grand Master will be elected by drawing lots. If more than one candidate postulates themselves as candidates for Grand Master, the Table, previous to the celebration of the corresponding General Board meeting, will elaborate the Electoral Rules and Regulations which must be abided by all the candidates.

**ADDITIONAL DISPOSITION N° 2:**

All doubts regarding the interpretation of the Statutes will be provisionally resolved by the Table then submitted to the ratification of the General Board.