

**RULES OF THE “GROUPEMENT DES ANCIENS
DU CERN –ESO PENSIONERS’ ASSOCIATION (GAC-EPA)”**

2 December 2022 Edition – amended following 28 March 2023 EGA
Valid from 1 July 2023

PREAMBLE

These Rules “define the organization of an association between the beneficiaries of the CERN Pension Fund, hereinafter the “Pension Fund”, under the name of the “Groupement des Anciens du CERN-ESO Pensioners’ Association (GAC-EPA)”, hereinafter the “Group”, an association in conformity with the specifications of Article 60 et seq. of the Swiss Civil Code.

This Group, created in the framework of the CERN Staff Association, is open to the beneficiaries of the Pension Fund who were formerly CERN or ESO personnel. As a consequence, these Rules are to be interpreted in the context of the CERN Staff Association Rules in force– in particular the provisions concerning retired members of the Association. The association is created for an indefinite period of time.

CERN and ESO are jointly referred to hereinafter as the “Organizations”.

NATURE AND AIMS

Article 1

The Group shall have the aim of bringing together the beneficiaries of the Pension Fund and providing them with information on questions relating to their situation, protecting their economic interest and promoting any social progress regarding them. To that end, it keeps itself informed about the evolution of factors which affect them and collaborates with the Staff Associations of the Organizations in the definition of common projects. It shall also aim to allow collective representation of pensioners to the Staff Associations and the Administrations of the Organizations in all the areas which concern them. The Group shall also, according to the means available, provide its members with assistance in their personal affairs and a framework for their activities as members of the Pension Fund.

Article 2

The Group pursues no lucrative goals and does not engage in any economic, political or religious activity.

SEAT

Article 3

The Group has its seat at CERN, Meyrin, in the CERN Staff Association area.

MEMBERS

Article 4

The Group is open to all beneficiaries of the Pension Fund in receipt of a benefit according to the Rules of the Pension Fund.

In addition, the Committee may accept on request the Group membership of an individual who is not a beneficiary of the Pension Fund, if this individual, at retirement time was employed by one of the Organizations. The surviving spouse of a Group member who is not a beneficiary of the Pension Fund may also request membership of the Group. Such non-beneficiaries of the Pension Fund are not eligible to the Group Committee.

MEMBERSHIP

Article 5

Membership to the Group implies:

- Acceptance of these Rules;
- Payment of the annual subscription fee.

Only members of the Group, for whom the subscription fee has been paid for the fiscal year preceding the election, or for the current fiscal year, can be candidates, eligible for election or vote at the ballots described in Articles 19 and 32.

Any resignation must be notified in writing to the President of the Group. The resigning member may not claim the reimbursement of subscription fees already paid.

BODIES

Article 6

The bodies of the Group are:

- The General Assembly, supreme authority of the Group.
- The Committee of the Group, the representative and executive body.
- The Auditors of the Accounts.
- The Scrutineers.

GENERAL ASSEMBLY

Article 7

The General Assembly allows the members of the Group to assemble and be informed about the activities of the Committee during the foregoing year and to approve them, as well as to be informed about the objectives of the Committee for the current year. The Group members are invited to give their opinions at this meeting.

The ordinary meeting of the General Assembly is held annually, as early as possible in the year, normally in the first half. It is called by the Committee who shall propose the agenda.

An extraordinary meeting of the General Assembly may be convened under the terms and conditions specified in Article 32.

The President in office presides at the Assemblies of the Group. On his/her proposal, the Assembly selects a Chairperson for the session. One of the Vice-Presidents replaces the President if he/she cannot be present

Article 8

The ordinary General Assembly has the following tasks:

- To adopt the agenda of the meeting.
- To grant discharge to the Committee for its handling of the preceding year, on the basis of presentation of reports from the President and Treasurer in office for this period, as well as presentation of the Auditor's report.
- To elect Scrutineers, from a list of candidates presented by the Committee and any others brought forward during the meeting, for the period up to the next Ordinary General Assembly.
- To approve the annual programme of the current Committee presented by the current President and the Treasurer.
- To decide on the annual subscription fee and the budget as proposed by the Treasurer (cf. Article 28).
- To rule, as a last resort, on all cases not covered by the present Rules.

Article 9

The decisions of the General Assembly on proposals raised are taken by simple majority of the votes of the members present or validly represented.

Proxies are to be submitted prior to the occurrence of the Assembly or submitted at the start of the meeting. Proxy votes assigned to members of the Committee shall be distributed amongst Committee members present at the General Assembly. Proxies given to other members of the Group present at the General Assembly are limited to 5 per member. If it so decides, a correspondence voting procedure may be put in place by the Committee; in such a case the procedure and the means of voting by correspondence are distributed along with the invitation to the General Assembly.

Article 10

If the Ordinary General Assembly should be unable to grant discharge to the Committee for the preceding year, it is empowered to take the necessary actions to re-establish the normal functioning of the Group.

COMMITTEE

Article 11

According to the undermentioned electoral procedures, the Group entrusts an elected Committee with the organization and coordination of the activities defined in Article 1.

The length of the mandate of the members of the Committee is two years, starting on 1 January and terminating on 31 December of the following year. The Committee is renewed in December following an election by written vote. Committee members are eligible for re-election when their mandate expires.

Article 12

The Committee shall comprise of a minimum number of elected members corresponding to the statutory functions listed in Article 15 and at most 21 elected members, this being the optimum number required to efficiently execute all the functions set out in Article 15.

The Committee shall determine annually, at the start of the electoral procedure, the number of members to be elected to achieve the desired composition. The Committee may be complemented by the appointment of co-opted members according to the procedure of Article 14, up to a total of 23 members.

Article 13

The Committee allocates to its members statutory or non-statutory functions ¹ (cf. Article 15). The responsibility for the exercise of a function ends at the end of the mandate of the Committee Member. If re-elected, a Committee Member may continue his/her function.

Committee members shall act on a pro-bono basis, with the exception of a compensation for their actual expenses.

The President whose mandate has expired along with the end of the annual mandate of the Committee on 31st December remains responsible for the presentation of the report on the activities of the Committee at the following General Assembly.

The Treasurer whose mandate has expired along with the annual mandate of the Committee on 31st December remains responsible for the closure of the annual accounts of the Committee and for their presentation to the Auditors and subsequently to the next General Assembly.

Article 14

The Committee may be assisted by other members of the Group and external experts. It may also co-opt, for the current year, persons particularly qualified to carry out specific tasks within the responsibilities of the Committee.

Members co-opted by the Committee for their qualifications are full Committee Members. They do not however have the right to vote in the context of the procedures to allocate the statutory functions described in Article 15, nor are they eligible for the functions of President, Vice-President, Treasurer and Secretary.

Article 15

To ensure its operation, the Committee, according to the conditions set out in Article 21, shall assign at its first meeting the following statutory functions to its normally elected members, selected for their competence and willingness to carry out the functions:

- 1 Group President responsible for coordinating all of the Group's activities and who chairs the Committee.
- 1 or 2 Vice-Presidents who assist him/her and act as replacements in case of absence.
- 1 Treasurer.
- 1 Secretary.
- The representative of pensioners on the Pension Fund Governing Board.
- The delegates to the CERN Staff Association Council who represent the beneficiaries of the Pension Fund. Their number and their roles are set out in the rules of the CERN Staff Association. The CERN Staff Association may allocate to these delegates representative functions on the various occasions on which it is called to participate.

¹ Except that of representative of the ESO members selected according to the conditions of Article 20.

- 1 Delegate to the CERN Mutual Aid Fund and his/her deputy, in accordance with the Rules of this fund.

The function of representative of the ESO beneficiaries is also a statutory function; the said representative, selected according to the conditions in Article 20, may be allocated other functions except, if he is a former ESO employee, those of delegate to the CERN Staff Association Council or to the CERN Mutual Aid Fund.

The Committee may, if it wishes and according to need, delegate other functions to its members such as:

- Assistant Treasurer.
- Assistant Secretary.
- Editor of the bulletin.
- Persons responsible for the information sessions for beneficiaries of the Pension Fund.
- Person responsible for socio-cultural activities.
- Person responsible for IT support.

This list is not exhaustive.

Article 16

The Committee shall meet at least six times per year, under the chairmanship of the President or, in his/her absence, at least one Vice-President to deal with the current affairs. If necessary, the President may convene an exceptional meeting. The Committee may not meet unless at least 7 elected members, including the President or a Vice-President, are present. Nevertheless, no decisions of the Committee are valid unless the quorum specified in Article 23 is reached.

The secretary or his/her assistant shall write the minutes of the meeting. These minutes shall be approved at the following meeting, having been amended if necessary by the Committee. The approved minutes are archived on the Committee Web site². These minutes are available on request to all members of the Group as well as to the representatives of the Staff Associations of the Organisations.

Article 17

The Committee informs the Group members by the following means (non-exhaustive list):

- Holding General Assemblies and circulating their minutes to all Group members.
- Editing an information bulletin, sent to all members of the Group.
- Publishing articles in the CERN Staff Association Bulletin.
- Holding information meetings open to beneficiaries of the Pension Fund and to staff nearing retirement in order to answer their questions.
- Sending electronic messages in urgent cases.
- Giving access to a Group Web site (including a site for ESO retirees).

² Minutes prior to 2009 are archived at the seat of the Committee

AUDITORS OF THE ACCOUNTS

Article 18

Two Auditors shall verify the annual accounts of the Group Committee for each financial year covering the accounting period from 1st January to 31st December, based on the documents submitted by the Treasurer.

They shall present their conclusions to the ordinary General Assembly occurring after the end of the financial year.

The Auditors shall be elected in the same way and according to the same rules as the members of the Committee. The Auditors may not be simultaneously Members of the Committee.

The mandate duration of the Auditors is two years. They may be re-elected.

ELECTORAL PROCEDURES

Article 19

The elections of the Committee Members and of the Auditors are initiated by a Call for Candidates sent by post or email to Group members whose payment of the subscription fee has been registered for the period preceding the election or for the current period (cf. Article 5). The Call for Candidates must be sent at least two months before the electoral procedure.

The number of positions to be filled corresponds to the number of posts which will be vacant on 31st December of the year in which the election takes place. The optimum number of Committee Members (Cf. Article 12) serves as a reference.

Elections take place by written and secret ballot based on a single list of candidates of both CERN and ESO members of the Group taken together, sent by post to Group members, in principle in October of every year.

Exclusively in the case that the number of candidates is less than or equal to the number of posts to be filled, the Committee may decide that all candidates are tacitly elected. In such a case the procedure described in the preceding paragraph is null and void.

Article 20

The counting of the votes, electoral or other, is carried out by the Scrutineers chosen by the Secretary of the Committee from a list of persons approved annually by the General Assembly. Committee Members who are not candidates at the election may help the counting. Candidates may not be Scrutineers.

The Scrutineers nominate from their ranks a Chairperson who supervises the vote counting and validates the result of the election.

The vote counting is public and can only validly take place if at least three Scrutineers are present.

If the mandate for the representative of the ESO members ends on 31st December or if this function is vacant, the votes from the ESO members of the Group shall be counted separately from those of the CERN members. The candidate with the largest number of votes from the ESO members of the Group shall stand elected as representative of the ESO members.

The remaining votes by ESO members of the Group for other candidates shall be added to the votes of the CERN members of the Group.

In the event of two candidates for one post obtaining the same number of votes, the scrutineers shall proceed to a drawing of lots, except in the case that the ESO members give the same number of votes to an ESO candidate and a CERN candidate, in which event the ESO candidate stands elected as representative of the ESO members.

Article 21

After the November elections for the replacement of Committee Members whose 2-year statutory mandate is coming to an end, a plenary meeting of the old Committee and those Committee Members newly elected shall be organised at the beginning of December.

The Chair of the meeting is the President still in office. He/she must register the results of the elections validated by the Scrutineers. He/she presents the composition of the new Committee comprising the members of the former Committee whose mandate will not terminate on 31 December of the same year and the newly elected members. He/she verifies that the quorum has been reached (cf. Article 23). If not he/she must urgently convene a new session at which no quorum is required.

If the President's mandate comes to an end on 31 December of the same year, as Chair of the session, he/she shall present the candidates for the post of new President and submit them to a vote of the new Committee defined above. The newly elected President then becomes the Chair of the session.

The Chair of the session then proceeds to renew the vacant statutory functions³ (cf. Article 15) which are then ratified by vote of the Committee. The Chair of the session then informs the Staff Associations of the Organizations of the composition of the new Committee.

Article 22

The election of the delegates to the CERN Staff Association Council falls into the framework of the election to statutory functions defined in Article 15. The number of posts to be filled corresponds to the number of posts which will be vacant on 31 December following this election.

Article 23

The internal elections to form the Committee (cf. Articles 21 and 22), and the internal decisions of the Committee requiring a vote shall take place by a show of hands. If a member of the Committee, supported by another member, so requests, the vote may be secret.

Absent members of the Committee may not delegate more than 2 of their votes to a given member present.

The decisions are taken by simple majority of those voting, with a quorum of 11 regularly elected Committee members, including the President or a Vice President.

In case of a tie, the President shall have a casting vote.

³ with the exception of the representative of the ESO beneficiaries who is selected according to the procedure described in Article 20.

FINANCIAL RULES

Article 24

In financial matters, the Group is validly bound to third parties by the joint signature of two of the following: the President, one of the Vice-Presidents, the Treasurer, the Assistant-Treasurer.

However:

- Financial engagements of 5000 CHF or more are subject to approval by the Committee.
- For amounts of 500 CHF or less, only one of the above signatures is needed.

Article 25

Financial commitments of the Group are guaranteed only by its assets. All personal liability of its members or of the Staff Associations for such commitments is excluded.

Article 26

The accounts of the Group are permanently managed by the Treasurer and are available to each of its member.

Article 27

The Group has the following sources of income:

- Subscription fees of its members.
- Gifts and legacies, allowances of all types.
- Interest from its bank accounts.

Article 28

The financial year runs from 1 January to 31st December.

The amount of subscription fees for the following period is determined annually by the Ordinary General Assembly of the Group on the proposal of the current Treasurer.

Members in arrears with their subscription fees by more than one year shall be invited by a reminder letter from the Committee to pay their arrears. The Committee shall remove from the membership list any Members who have not responded to this reminder within sixty days of the reminder letter.

Article 29

The membership of Group members, who are former members or the surviving spouse of former members of CERN, to the CERN Staff Association is covered by a collective subscription of the Group to the CERN Staff Association.

The amount of this subscription is fixed in agreement with the Rules of the CERN Staff Association on a joint proposal of its Staff Council and the Group Committee.

EXCEPTIONAL PROCEDURES

Replacement of a Committee Member following a Resignation or an Impediment

Article 30

In the event of a resignation or impediment of the President, one of the Vice-Presidents replaces him/her until the next election.

The Committee shall vote with the required quorum (cf. Article 23) on the necessity of a replacement and the choice of the replacing Vice-President. This Vice-President has the same rights as the President during his/her replacement of the latter.

Article 31

In the event of the resignation of a Member of the Committee or an impediment that prevents him/her from fulfilling his/her function or mandate, the Committee may, on the proposal of the President, decide with the required quorum on the replacement of the Member concerned. The function of the replaced member may be taken over with immediate effect. His/her replacement in terms of his/her mandate shall take effect from the date of the next elections.

If this procedure applies to a Group delegate to the CERN Staff Association Council, it is up to the President of the Group to inform the President of the CERN Staff Association, according to the Rules of the CERN Staff Association.

Extraordinary General Assembly

Article 32

An extraordinary General Assembly may be convened at any time by the Committee or at the request of one fifth of the members of the Group. It must be convened at least three weeks in advance with an indication of the agenda.

Revision of the Rules, Dissolution

Article 33

All requests for modification of the Rules must be addressed in writing to the Committee with a justification. The modification or revision of the Rules shall be submitted to the Staff Association of CERN and then to an extraordinary General Assembly, the minutes of which are then sent to all members with a voting form calling for their written vote.

All modifications/revisions of the Rules must receive more than 50% of the votes expressed.

Article 34

The Group may be dissolved following a decision by an extraordinary General Assembly convened to this effect, followed by written vote with a majority of 2/3 of the votes expressed.

Article 35

In the event of dissolution of the Group, its assets become property of the Staff Associations pro rata to their members in the Group.

LIMIT OF VALIDITY

Article 36

These Rules are applicable from the 1st July of 2023, on which date they cancel and replace the 18 October 2011 Rules, as well as all earlier dispositions to the contrary.

Article 37

The Rules of the CERN Staff Association to which reference is made in the present document, correspond to the version which became valid on 1st June 2014 and to the amendments that may have been made to it, as long as the latter do not contradict the present Rules of the Group.