



**Friars House
6 Parkway
Chelmsford, Essex
England CM2 0NF**

**Telephone: 0245 259744
Fax: 0245 490722**

**CONSTITUTION OF THE
EUROPEAN ASBESTOS
REMOVAL ASSOCIATION
(E.A.R.A.)**

CONSTITUTION OF THE EUROPEAN ASBESTOS REMOVAL ASSOCIATION

NAME AND NON-PROFIT MAKING STATUS

1. The name of the Association shall be the European Asbestos Removal Association ("the Association") and the Association shall be non-profit making.

PRINCIPAL OFFICE

2. The principal office of the Association shall be situated in England

OBJECTIVES

3. The Objectives of the Association shall be to promote worldwide the business of asbestos removal contractors (but without infringing any national laws or European Community Law) and in particular:
 - 3.1 To promote and maintain the safe working standards required for the handling and removal of asbestos and other airborne hazardous materials.
 - 3.2 To promote and maintain a common Code of Practice for working with asbestos and other airborne hazardous materials.
 - 3.3 To liaise and co-operate with the various European Statutory Bodies and those of the European Commission, concerned with work with asbestos and other airborne hazardous materials including the harmonisation of the laws of the countries in which Members are resident.
 - 3.4 To represent the interests of those engaged in the handling or removal of asbestos and other airborne hazardous materials.

3.5 To promote any other objectives for the benefit of the Members of the Association approved by the Members at any Annual General Assembly.

3.6 To advise Members of new E.C. legislation

3.7 To lobby the European Commission on proposed legislation affecting Members or the Association.

3.8 To monitor relevant national legal and technical developments and exchange such information between Members.

3.9 To inform the associated industries of the services provided by the Association.

MEMBERSHIP OF THE ASSOCIATION

4. Membership of the Association shall be open to one National Association of Asbestos Removers from each European country which accepts these Rules and Code of Practice promulgated by the Association for the regulation of asbestos removers as evidenced by an instrument of Accession. Companies engaged in asbestos removal operations in countries where no National Association exists shall be eligible for Full Membership for a period of one year. Thereafter if no National Association is established such Membership shall revert to Associate Membership.

4.1 An instrument of Accession means written acceptance by the National Association applying for membership in the form prescribed by the General Council and notarised according to the laws of the country in which the National Association is resident.

4.2 Associate Membership of the Association shall be open to organisations who are already in membership of European

National Asbestos Removal Associations and who may directly assist the aims and objectives of the Association and at the discretion of the the General Council or their appointed Membership Sub-Committee.

4.3 Affiliate Membership of the Association shall be open to European National Associations of trade and professional bodies allied to the asbestos removal industry. Affiliate Membership shall also be open to non-European asbestos removal Associations and their associates who in the opinion of the General Council or their appointed Membership Sub-Committee, can directly assist the Objectives of the Association.

4.4 Any Membership of the Association requires complete adherence to this Constitution and to all decisions of the General Council.

SUBSCRIPTIONS AND FEES

5. The annual subscription rates for Membership of the Association shall be determined from time to time by decision of the General Council and ratified by the Members at the Annual General Assembly.

5.1 Annual subscriptions shall become due for payment on appointment to Membership and renewal of each subscription shall become due on 1st July annually.

5.2 Initial subscriptions shall be levied on a pro-rata basis dependant upon a Member's joining date.

5.3 Termination of Membership may be effected by a written notice of intended resignation given not less than 6 months before the following 1st day of January.

THE GENERAL COUNCIL

6. The General Council shall consist of two delegates from each National Association which is a Member of the Association.

6.1 Nominees to serve upon the General Council shall be submitted by the Members and their nominations shall be subject to approval annually by the Annual General Assembly.

6.2 Upon any resolution put before the General Council each member country shall be entitled to one vote. In the case of equality of votes the President or if he is absent the Vice-President shall be entitled to a casting vote. Any Members unable to attend a General Council Meeting shall be entitled to vote by proxy submitted in writing before the relevant meeting to the Secretary General.

6.3 Voting shall be by a show of hands or at the discretion of the President, by secret ballot.

6.4 The General Council shall meet on not less than 4 occasions each year at such times as shall be agreed between the delegates.

6.5 The minimum number of delegates required to attend any meeting of the General Council shall be two-thirds

POWERS OF THE GENERAL COUNCIL

7. The Association shall be governed by the General Council which shall establish and maintain the policy to be pursued in furtherance of the Objectives of the Association

7.1 The General Council shall appoint the President of the Association from its Members who shall retain his office as a member of the Council and as President, for a period of two years and shall retire

at the end of the relevant Annual General Assembly. The Immediate Past President shall serve as Vice-President for the first twelve months of this period until the end of the relevant Annual General Assembly. A Vice-President shall then be appointed to serve for the second twelve months and thereafter, assume the office of President for the ensuing two years.

7.2 The General Council shall appoint a Vice-President of the Association from its members who shall hold this office for a period of 2 years.

7.3 The General Council shall appoint a Secretary General of the Association on such terms as may be agreed from time to time.

7.4 The General Council shall appoint an Honorary Treasurer of the Association on such terms as may be agreed from time to time.

7.5 The General Council shall appoint Sub-Committees and Working Parties to examine specific matters as may be required from time to time.

ANNUAL GENERAL ASSEMBLY

8. The Association shall hold an Annual General Assembly of all Members at such time and place as may be determined by the General Council.

8.1 At least one month's notice of such time and place shall be given to all Members.

8.2 Voting rights of Full Members of the Association at the Annual General Assembly shall be confined to one vote from each country represented.

8.3 Proxy votes from absentees of such representatives may be submitted in writing to the Secretary-General

8.4 A quorum for a meeting of the Annual General Assembly shall be one third of Full Members entitled to vote.

8.5 At each Annual General Assembly the Members shall be entitled to vote upon:-

8.5.1 Acceptance of the President's Annual Report

8.5.2 Acceptance of the audited Accounts and budget for the following year

8.5.3 Appointment of the Association's Honorary Treasurer and Auditor

8.5.4 Appointment of the Association's legal advisor

8.5.5 Ratification of the annual subscription rates

8.5.6 Approval of the delegates nominated to the General Council

8.5.7 Ratification of any changes to the Code of Practice recommended by the General Council

8.5.8 Any other business that may in the opinion of the General Council require ratification by the Members present

FINANCIAL MATTERS

9. The income and property of the Association shall be applied solely towards the promotion of the Objectives of the Association and none of it shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to the Members.

9.1 The General Council shall be entitled to authorise the payment in good faith of reasonable and proper remuneration to any officer or servant of the Association in return for any services actually

rendered to the Association and to employ the funds of the Association for the acquisition or renting of premises to be used by the Association.

9.2 The General Council shall prepare a budget for each financial year and distribute copies of the same to the Members not less than one month before the date of the Annual General Assembly at which it is to be put up for acceptance.

9.3 The General Council shall cause accounting records to be kept at the Principal Office. Accounts of the Association's income and expenditure shall be prepared by the Association's Auditors for submission to the Annual General Assembly.

THE PRESIDENT

10. The President or (in his absence) Vice-President shall preside at all meetings of the General Council and at each Annual General Assembly.

10.1 The President shall act as official representative of the Association at any function or meeting in which the Association takes part with third parties but he shall be entitled to delegate this duty to the Vice-President, the Secretary General or any other person nominated by him.

THE VICE-PRESIDENT

11. The Vice-President shall carry out the duties of the President in his absence.

11.1 The Vice-President shall also carry out such other functions as may be delegated to him by the President or the General Council.

SECRETARY GENERAL

12. The Secretary General of the Association shall be responsible for the following:-

- (a) convening and preparing Minutes of the meetings of the General Council
- (b) preparing matters to be placed before the Annual General Assembly
- (c) carrying on correspondence with Members of the Association and the Association and third parties.
- (d) carry out any other duties delegated to him by the General Council.

HONORARY TREASURER

13. The Honorary Treasurer of the Association shall be responsible for keeping the accounts of the Association and instructing the Auditors to prepare the annual audit, and carry out any other duties delegated to him by the General Council.

COMMUNICATIONS

14 All communications between the Association and its Members shall be in the English language.

DISSOLUTION

15 In the event of the Objectives set out in Article 3 of this Constitution becoming wholly impossible then the Association shall be dissolved by a vote of the General Assembly in a meeting convened for this purpose.