



## **Youth and European Social Work**

European Economic Interest Group for the development of Human Resources

### **Guide for (new) members – Internal rules Y.E.S. EEIG**

**(Version January 2009)**

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## **Introduction**

This guide is a supplementary document to the Y.E.S. EEIG constitution. It explains what procedures and routines have emerged in recent years and since the foundation of the Y.E.S. EEIG as the legal entity of Y.E.S. FORUM in July 2002. It is not a legally binding document, but more a guide which will be developed and improved over the years.

## **European Economic Interest Group for the development of Human Resources**

The building of a non-profit EEIG (European Economic Interest Group) instead of a non-profit association was motivated by the basic strategy to test new organisational forms for third sector activities, to use the only European legal entity (an association would fall under one of the national laws), and to learn from corporate structures and processes. The main characteristics of a EEIG are explained below:

### ***The EEIG as legal entity***

The European Economic Interest Grouping (EEIG), a new – and rather unknown – legal form for a company was conceived following the example of the French company form called G.i.e. (groupement d'intérêt économique). The legal base for an EEIG is the EC-Regulation No.2137/85 on the EEIG. Long before the institution of a European Single Market, both the European Commission in Brussels and the European Parliament realised the need of a specific legal instrument to help transnational and interprofessional co-operation between economic operators, particularly small and medium-sized enterprises (SME).

Every EU language has its own expression for a European Economic Interest Grouping and its English abbreviation EEIG; for example in:

French:	Groupement européen d'intérêt économique - G.e.i.e.
German:	Europäische wirtschaftliche Interessenvereinigung - EWIV
Italian:	Gruppo europeo di interesse economico - G.e.i.e.
Dutch:	Europees economisch samenwerkingsverband - EESV
Spanish:	Agrupacion europea de interés económico -AEIE

### ***Full members and associated members***

Only organisations with their main administration in the Member States of the European Union and/or EEA can become full members of an EEIG. This means that only full members can have a vote in the member's assembly. Organisations from third countries can apply for an associated status and the form and substance of the cooperation with these associated members are defined by the members' assembly. Experience shows that associated members are not treated as second-class members; they take part in business activities, management and decisions of the EEIG. However the question of the responsibilities of associated members has to be agreed between the partners.

### ***Liability of members***

The members of an EEIG shall have unlimited joint liability for its debt, in the form of subsidiary liability (art. 24): at first the EEIG will be responsible; if this is not the case the responsibility remains with the full EEIG members.

The introduction of an unlimited joint liability is a consequence of basic differences existing between national company laws dealing with this subject in Europe. A German private limited company has a liability of at least 25.000 Euro, a private limited company in UK may be liable for a much smaller amount. In contrast, an EEIG is a legal instrument which can be used in each EU country; it has to be reliable in doing business with third parties.

### ***Advantages of an EEIG***

- A flexible structure which enables its members to interlink some of their activities while retaining their economic and legal independence.
- Its formation gives rise to an independent legal entity with legal capacity whose purpose is to facilitate or develop its members' activities and to improve or increase the results of those activities.
- It's flexible.
- It facilitates the cross border cooperation between members.



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European Economic Interest Group for the development of Human Resources

- It brings together members with different legal status.
- The main seat and European office of the Y.E.S. EEIG can be easily transferred within the EU and it is possible to open operating offices in different countries.

### **Registration of the Y.E.S. EEIG**

The Y.E.S. EEIG is registered at the trade register in Stuttgart and VAT applicable. Depending in which country the EEIG is registered the national tax and company laws apply. In our case: German laws (VAT 19%).

Registration Number: **Amtsgericht Stuttgart, HRA 13580**

VAT Number: **DE 813 564 352**

## **Admission and withdrawal of EEIG members**

### **Application forms and procedures**

It is advisable to have prior contact with the Y.E.S. Forum or Y.E.S. partner organisations before submitting a formal application to become EEIG member.

Along with a written application (see form) the following documents need to be presented to the European office:

- Copy of the registered constitution or articles of association of the organisation
- Constitution of the organisation
- Latest financial report available

It is important to stress that the members assembly needs to decide unanimously on the admission of new members (§ 10).



**Y.E.S. EEIG Membership: member-categories, votes, membership fees (§ 10)**

As decided at the Stuttgart assembly, 14-15 July 2003:

Partner-categories	Category description	Type of membership	Votes in the general assembly	Annual membership fee
A	<ul style="list-style-type: none"><li>• Founding Members</li><li>• National umbrella organisation of nationally organised associations</li><li>• Nationally organised association acting in different sectors of youth social work</li><li>• Nationally organised association acting in one sector of youth social work</li></ul>	Full Membership	2 (+2) <sup>1</sup>	EUR 2.500
B	<ul style="list-style-type: none"><li>• Regionally structured organisations with ties to a nationally organised association.</li><li>• Regionally structured organisations without ties to a nationally organised association.</li><li>• Local organisations with ties to regional or/and nationally organised associations.</li><li>• Associations of local partner organisations</li></ul>	Full Membership	1 (+2) <sup>2</sup>	EUR 1.000
C	<ul style="list-style-type: none"><li>• Universities and research institutes</li><li>• Business organisations with comparable objectives</li><li>• public institutions and bodies with comparable objectives</li><li>• Other European networks with similar interests</li></ul>	Full Membership	1	EUR 1.000
D	<ul style="list-style-type: none"><li>• <sup>3</sup></li></ul>	Associated member	-	As negotiated
E	<ul style="list-style-type: none"><li>• Community membership</li></ul>	Community member	-	EUR 165 for User-ID

<sup>1</sup> Founding members have 4 votes and organisations under category A have 2 votes in the general assembly Organisations (category A) that carry out the role of National Coordinator have two additional votes in the general assembly (2+2), as they represent not only their own interests but also the interests of all partners of the Y.E.S. FORUM COMMUNITY of the respective country.

<sup>2</sup> Organisations in category B are granted 1 vote in the general assembly. Organisations (category B) that carry out the role of being National Coordinator have two additional votes in the general assembly (1+2), as they represent not only their own interests, but also the interests of all the partners of the Y.E.S. FORUM COMMUNITY of the respective country.

<sup>3</sup> Only organisations with their main administration in the Member States of the European Union and/or EEA can become full members of an EEIG. Members from third countries may have an "associated" status. An associated member is not entitled to vote and the form of the cooperation with associated members is defined by the members' assembly.



### ***Y.E.S. Forum Community***

The Y.E.S. Forum Community has been set up to meet a wide range of relevant stakeholders, initiatives, projects, organisations and institutions that share the aims of the Y.E.S. Forum network, from local to European level. It is the general network and market place overarching any organisation and individual being associated with Y.E.S. Forum. There are several community services and a set of procedures stimulating national and transnational discussions and networking. It is a place for debate which leads to the elaboration of policies and positions, which are based on the opinions, experiences and expertise of practitioners as well as young people from all over Europe. It is also a market place to find project partners.

All Y.E.S. Community members have access to the password protected community space with, all its services in order to stimulate national and transnational discussions and networking. Features include:

- the regular Y.E.S. Forum newsletter containing information on European developments in the Youth field, activities of the Y.E.S. Forum and its members, EU funding, seminars and conferences etc.
- access to discussion forums to develop projects, to debate on current issues in the youth field, to exchange good practice, to find project partners etc.

In order to become a Y.E.S. Forum Community member, the application form needs to be filled in and send to the Y.E.S. Forum office.

After that the interested person can test the Community for about one month. Later on s/he can decide whether to continue to use the Community for an annual fee of 165 EUR. For EEIG members the Community use is free of charge.





<b>Contact person for the Y.E.S. Forum</b>	
Family name ( <i>Ms/Mr</i> ) _____	Name _____
Position/function _____	
Telephone _____	Email _____

<b>B. Application</b>	
Name of organisation _____	
Represented by _____	
is applying to be admitted as a member of the Y.E.S. EEIG under the following category	<input type="checkbox"/> National organisation (EUR 2.500) <input type="checkbox"/> Regional, local (EUR 1.000) <input type="checkbox"/> Associated member

\_\_\_\_\_

Date Signature of the legal representative

<b>C. Annex</b>	
Please enclose the following documents with the application form:	<ul style="list-style-type: none"><li>▪ Copy of the registration of the organisation</li><li>▪ Statute of the organisation</li><li>▪ Most recent Annual or Activity Report and Financial Report</li><li>▪ Signed liability contract</li></ul>

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[yes-info@yes-forum.eu](mailto:yes-info@yes-forum.eu)



## **Liability contract of the Y.E.S.-EEIG**

### **Art. 1**

When entering into contracts with third parties, the acting managing directors shall agree with them that the EEIG's liability is limited to the assets of the EEIG.

### **Art. 2**

Notwithstanding possible regulations in the Statute the Members' Assembly shall decide about the extent of the obligations to contribute in general and in particular with the majority required by the Statute.

### **Art. 3**

No individual member shall be liable with its own assets exceeding the annual EEIG membership fees.

### **Art. 4**

Should a member not have paid the annual EEIG membership fees the EEIG shall be exempted vis-à-vis third parties with regard to the respective amounts.

This shall be communicated to the respective third parties by the managing director(s) before the conclusion of the contract.

### **Art. 5**

Should a managing director violate the obligation resulting from Art. 1 and Art. 4 of this contract intentionally or negligently, he shall be personally liable vis-à-vis third parties for the amount exceeding the assets of the EEIG.

### **Art. 6**

Should a third party make claims upon a member exceeding the contributions made and those due, on the grounds of the EEIG's liability, the EEIG shall exempt the member from liability notwithstanding Art. 5 of this contract. In such a case all members shall make additional contributions to the EEIG's assets based on a quota corresponding to their general and particular contributions.

### **Art. 7**

Should a provision of this contract become void it shall apply only to the respective clause. The contract itself shall remain unaffected.

In case of invalidity the members shall bind themselves to find a new regulation that comes economically closest to the invalid one.

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Date

Signature of the legal representative



## Application Form for individual Y.E.S. Community membership

A. Details of the applying person	
Name	_____
Surname	_____
Organisation	_____
Abbreviation	_____
Type	<input type="checkbox"/> Organisation or association <input type="checkbox"/> Informal group
Status	<input type="checkbox"/> Governmental / Public <input type="checkbox"/> Non-governmental <input type="checkbox"/> Other
Activity level	<input type="checkbox"/> Local <input type="checkbox"/> Regional <input type="checkbox"/> National <input type="checkbox"/> International
Street address	_____
Postcode	_____ Town _____
Country	_____
Email	_____ Website _____
Telephone	_____ Fax _____
Founding date	_____
Short description of the organisation	_____
Areas of activity:	<input type="checkbox"/> Youth work <input type="checkbox"/> Street work <input type="checkbox"/> Training for young people <input type="checkbox"/> Youth welfare services <input type="checkbox"/> Community work <input type="checkbox"/> Homeless young people <input type="checkbox"/> Minority groups <input type="checkbox"/> Training for professionals <input type="checkbox"/> Other .....
Former and current projects at European level	_____



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### B. Application

Name

is interested in becoming a Y.E.S. Forum Community member.

During 4 weeks the access to the Community is free of charge. The person agrees to pay an annual fee of 165 EUR.

Date

Signature of the legal representative

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