

German Association of Publicly Appointed Surveyors, incorporated association

ARTICLES OF ASSOCIATION

In the version of the decision of the general meeting in Lübeck on 2nd June 2007.

§ 1

Name, head office, legal venue

1. The publicly appointed surveyors registered in the Federal Republic of Germany shall join together at voluntary basis to form the Association of Publicly Appointed Surveyors, incorporated association (BDVI)¹ as a professional group.
This association shall continue the tradition of the Association of Self-employed Land Surveyors certified in Prussia, which was founded in Berlin on 28th February 1898, as well as it shall continue the tradition of its successor organizations.
2. The BDVI shall be recorded in the register of associations and shall have its head office in Cologne.
3. Any legal case arising from the rules shall be heard in Cologne.

§ 2

Regional factions

1. The BDVI is divided into regional factions, which shall assume the association responsibilities in the extent in which the Laender's competence in the field of surveying is given.
2. The regional factions shall exercise their functions according to the regional factions' rules of procedure decided on 21st October 1955, as far as they do not have their own rules of procedure, which require the executive board's permission.
3. To the regional factions shall belong the full and associate members, which have their place of establishment (official seat) in the respective Land.

§ 3

Aims and responsibilities

1. The association's aim shall be to protect and support all interests of the publicly appointed surveyors, to foster the trusting relationship with the supervisory authorities according to the respective profession rules valid for publicly appointed surveyors as

¹ BDVI = Bund der Öffentlich bestellten Vermessungsingenieure



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well as to support the scientific and specialist promotion of its members and their colleagues. The BDVI shall especially assume the following responsibilities:

- a) representation of the professional group towards local authorities and other corporations as well as towards individual persons with regard to the profession and protection and support of general interests of the professionals
 - b) implementation and securing of the registration as publicly appointed surveyors in all Laender of Germany
 - c) public relations work for the professional group
 - d) drawing up uniform rules of professional conduct for the independent, responsible exercise of the profession to coordinate and replenish the profession rules of the Laender of the Federal Republic of Germany
 - e) supervision of the fulfilment of the professional obligations imposed on the professionals according to the profession rules and to the rules of professional conduct
 - f) settlement of disputes among professionals
2. The association's financial means may only be used for aims according to the rules of procedure. The members shall neither receive any dividends nor shall they receive any other financial contributions from the association's resources in their capacity as members. Any person must neither be favoured with expenses alien to the association's aims nor with excessively high remunerations.

§ 4 Membership

1. The association shall have full, associate and sponsoring members.
2. A full member may be:
 - every publicly appointed surveyor
 - every surveyor who possesses an unlimited authenticating surveying licence

The registration shall be made by the regional faction in charge and presented to the committee.

Publicly appointed surveyors who have given back their licence by reasons of age or illness shall continue to belong to the association as full members. This shall also be valid for retired publicly appointed surveyors and publicly appointed surveyors who have given back their licence.

3. The associate membership shall be converted into a full membership as soon as the licence as publicly appointed surveyor is given. The associate membership shall expire with the legal validity of a decision which refuses the licence as publicly appointed



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surveyor or which revokes the authenticating surveying licence, provided that the committee in agreement with the regional faction and with the member does not convert the associate membership into a sponsoring membership (§ 4 paragraph 4).

4. A sponsoring member may be everybody who as a natural person, neither being a publicly appointed surveyor nor possessing an unlimited authenticating surveying licence, or as a juristic person is ready to support the BDVI's aims (§ 3) in a sustained way.
5. Every applicant shall carry out a confirmation of membership, which shall be presented to the committee by the regional faction in charge. The admission shall be proceeded by the committee in agreement with the regional faction.

§ 5 Fees

1. The general assembly shall determine the fees on the executive board's recommendation. The levying of fees shall be proceeded by the association's office. The fees shall be paid every six months in advance.
2. The regional factions shall receive a share of the fee amount, which shall be determined by the executive board, for carrying out their duties.
3. Each regional faction (§ 2) is entitled to levy appropriated shares of the cost from its members by decision of the regional general assembly in order to carry out special duties of which the costs are not covered by other means. The shares of the cost may only be levied once in a financial year. The shares of the cost shall be collected with the fees in agreement with the regional faction and according to the regulation of clause 1.
4. If full members exercise their occupation as publicly appointed surveyors together with other publicly appointed surveyors in a form of cooperation (association, consortium, joint office, partnership or in a similar form of cooperation), it shall result in a rise in the fees for the member, which shall be set in the rules regarding fees, regardless of whether the partners are members of the association. If several publicly appointed surveyors of the cooperation are members of the association, they shall jointly and severally be liable for the fees according to clause 1.

§ 6 Termination of membership

1. The membership shall expire by death, resignation, exclusion as well as by withdrawal of the licence or the authenticating surveying licence for other reasons than reasons of age or illness.

The sponsoring membership of juristic persons shall also expire by loss of their legal capacity.

2. The voluntary resignation shall be submitted by a written statement to the committee. It is only permissible at the end of a financial year keeping a period of notice of 3 months.

3. Members which do not discharge their duties towards the association or which grossly contravene the association's interests or the rules of professional conduct may be excluded from the membership at the request of the general assembly of the regional faction in charge or at the request of the committee by decision of the executive board.

If a petition for the exclusion gains a three-quarter majority of the members present at the general meeting of the regional faction in charge, the petition of the executive board shall be complied.

Before the executive board or the regional general assembly passes a resolution, the member shall be given the opportunity of justifying itself personally or in written form within an appropriate time limit.

In individual cases the executive board's decision may be brought about in a written procedure. It shall be provided with reasons and shall be announced to the member by a registered letter.

The member may lodge an appeal towards the executive board in written form within one month from the delivery of the resolution on which the general assembly shall finally decide.

If the membership expires, a claim to the association's assets shall not be given.

§ 7

Bodies of the association

The bodies of the association shall be:

- a) the committee
- b) the executive board
- c) the general assembly.

§ 8

Committee, responsibilities, election and term of office

1. The committee shall comprise the president, the first and second vice president, the treasurer as well as two other members of the committee and the secretary of the association's publications.
2. The president and either one of the vice presidents or the treasurer shall represent the association jointly in court and out of court.
3. If the president is unable to be present, the first vice president, and in the case of his absence the second vice president or as an alternative the treasurer, shall deputize him.
4. The leadership of the association shall be the president's responsibility. He shall take all measures and decisions which are not expressly reserved for the general assembly and for the executive board according to the articles of association.



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5. Resolutions passed by the committee require the majority of the committee's members. The regional factions shall be informed about the resolutions passed by the committee.
6. The committee shall be elected with a simple majority by the general assembly for a period of three years, but it shall continue to be in office after the end of the period of office until a new committee has been elected.
7. Only full members shall be eligible to stand for election.
8. Only full and associate members shall be eligible to vote.
9. The members of the committee and of the executive board shall administer their offices in an honorary capacity; the members of the committee may claim an expense allowance. The amount shall be decided by the executive board on the recommendation of the auditors.
10. The committee may be recalled as a whole before the end of the period of office by a general assembly of the association with a two-third majority. The same principle shall be valid for each single member of the committee.

§ 9

Executive board and its responsibilities

1. The executive board shall comprise the committee, the chairmen of the regional factions, the assessors and the secretaries of the association's publications, if these are full members of the BDVI.
2. The regional factions are entitled to one assessor each in the executive board for a number of members of more than 100 for each further 100 members. The assessors shall be appointed by the regional factions for the time of the period of office of the committee. At the same time the regional factions may appoint representatives in the case the full assessors are unable to be present. If a member of the committee is at the same time chairman of a regional faction, this shall be counted against the number of assessors to which the regional faction is entitled according to clause 1.
3. It shall be the executive board's responsibility
 1. to determine the guidelines for the work of the association
 2. to decide the exclusion of members according to § 6 of the articles of association.
4. The executive board shall be called by the president after the committee has made its decision. It shall meet at least once a year and shall be called with a time limit of 2 weeks. Extraordinary meetings of the executive board shall be called by the committee at the request of at least 2 regional factions keeping a time limit of 2 weeks. The binding factor for the determination of the time limit shall be the day on which the letter of invitation was sent by post or by e-mail.
5. The executive board may have a quorum, without taking into consideration the number of members of the board present.

6. Resolutions shall be passed with a simple majority of the persons present. If there is a tie the president's vote shall be the deciding one.

§ 10 General meetings

1. After the committee has made a decision, the president shall invite the full and associate members every year with a time limit of at least 30 days for an ordinary general meeting stating the agenda. The binding factor for the determination of the time limit shall be the day on which the invitation letter was sent by post or by e-mail.
2. Extraordinary general meetings may only be called on the executive board's authority. The members shall have the same right, if the request for the calling of an extraordinary general meeting is submitted by at least five full and by five associate members from three different regional factions.

§ 11 Responsibilities and quorum of the general assemblies

1. Responsibilities of the general assembly shall especially be:
 - a) election of the committee
 - b) discharge of the committee and of the executive board
 - c) determination of membership fees (§ 5)
 - d) approval of the annual financial statements and of the budget
 - e) alterations of the articles of association
 - f) decision on disputes about the interpretation of the articles of association as well as former resolutions of the general assemblies
 - g) decisions on appeals against the exclusion of members
 - h) dissolution and winding-up of the association
 - i) election of two auditors
2. The ordinary general meeting may have a quorum, not depending on the number of members entitled to vote. A transfer of voting rights to full members is permissible.
3. Extraordinary general meetings according to § 10, clause 3 may have a quorum, if more than half of the members entitled to vote are present or if they are deputized by authorized persons. If the required amount of votes is not achieved, the executive board shall decide whether the general meeting is to take place. If the decision is approved, the general meeting shall have a quorum like an ordinary general meeting.

4. Alterations of the articles of association require a two-third majority of a quorate general assembly. By the way, the resolutions of the general assembly shall be passed with an absolute majority of votes. If there is a tie the president's vote shall be the deciding one.
5. Minutes about the general meeting shall be taken. They shall be signed by the organizer of the meeting and by the secretary.
6. The rules of procedure and the agenda of the general meeting shall be decided by the committee.

§ 12 **Committees of experts**

1. The committee may call committees of experts for the time of its period of office. The committees of experts shall have the duty to advice and deal with fundamental questions touching the professional activity of publicly appointed surveyors. They may give recommendations to the committee and to the executive board.
2. The members of the committees of experts shall be called by the committee for the time of the period of office of the committee. The committees of experts shall elect a spokesperson and a deputy spokesperson from the committees of experts.

§ 13 **Financial year**

The financial year shall be the calendar year.