CONSTITUTION OF THE FEDERATION OF EUROPEAN MOTORCYCLISTS' ASSOCIATIONS

Revised at the Annual General Meeting of 6 February 2021

1. Name

1.1 The Federation of European Motorcyclists' Associations which for the purposes of this document may be referred to as “the Federation” or “FEMA”.

1.2 The name of the Federation shall not be used in conjunction with the name of any other organisation in any way except by the specific permission of the Federation given in writing.

2. Definitions

2.1 “Riders” are defined as persons who ride two wheeled motor vehicles, scooters, sidecar combinations, powered three wheelers and other variants of motorcycles.

2.2 “Criminal activities” shall not be deemed to include the forms of traditional and non-violent civil disobedience practised in the past by riders’ rights organisations who were members of FEM and EMA on 1st January 1997.

3. Principles of the Federation

3.1 The Federation is founded on the principles on which the European Union is founded, the principle of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.

3.2 The Federation rejects discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

4. Objectives of the Federation

4.1 To promote, protect and preserve motorcycling.

4.2 To represent and protect the interests of riders as defined in clause 2.1.

4.3 To give effect, as far as may be practicable, to the principles from time to time approved by the Federation Committee.

4.4 To promote measures which in the opinion of the Federation encourage safe and responsible road use.

4.5 To oppose all forms of discrimination or measures which unfairly disadvantage riders.

4.6 To preserve and extend the freedoms enjoyed by riders.

4.7 To oppose all exploitation of riders.

4.8 To co-operate with and lend aid to riders’ organisations throughout the world whose principles, policies and programs do not conflict with those of the Federation.

4.9 To educate and inform the general public as to the true nature of motorcycling and motorcyclists.

5. Governing Bodies and Officials of the Federation

5.1 The governing bodies of the Federation are:

- The Committee.
- The Management Board.

5.2 The Officials of the Federation are

- The President.

- The General Secretary.

6. Membership

6.1 Membership shall be open to legitimate European motorcyclists' organisations.

6.2 Clause deleted

6.3 Member organisations shall consist of European national riders' rights organisations which in the opinion of the Federation Committee have interests, policies and principles consistent with those of FEMA.

6.4 Supporter organisations shall consist of any other organisations willing to support the work of the Federation by a yearly subscription fee. Acceptance of a supporter organisation needs the Board's approval (by simple majority vote).

6.5 Membership shall be due for renewal on 1st January each year.

6.6 Subscriptions shall be paid in accordance with clause 13. Failure to comply with the payment code shall result in automatic lapsing of membership.

6.7 Before a new organisation is permitted to join FEMA as a full voting member, they will be required to satisfy the Federation Committee that they are a riders' rights organisation by showing, for example, their Constitution, policy documents, minutes of past meetings, copies of correspondence with appropriate government departments and/or politicians, press reports, or any other relevant information. If doubts exist on the organisation's historic level or type of activity or other reasons, it is possible to grant a period of observer status for a maximum period of one year. Within this period the applicant organisation will be required to submit to FEMA a plan of activities and report back on progress of the plan.

6.8 Any organisation which, in the opinion of the Federation Committee, employs violent and/or criminal methods in furtherance of its objectives shall be ineligible for affiliation to the Federation.

6.9 Upon acceptance into membership all members will be sent a copy of the constitution.

7. Conditions of Membership

7.1 Each member organisation must accept the principles and the Constitution of the Federation and agree to conform to the same.

7.2 No member shall engage in a sustained course of conduct prejudicial to the Federation. Any dispute as to whether a member has engaged in such a course of conduct shall be determined by the Management Board. Where appropriate the Board will have regard to the activities of the member organisation but not to the mere holding or expression of beliefs and opinions.

7.3 No action may be taken which commits the Federation as a whole to any given course of action without the prior consent of the Committee.

7.4 Any member having a complaint will communicate such to the Federation Committee which will resolve it in accordance with the Constitution.

8. The President

8.1 The President shall be the official representative of the Federation.

8.2 The President shall ordinarily chair FEMA Committee and Management Board meetings. In case of absence a Chairperson shall be elected by the respective body members.

8.3 The President shall act as an advisor to the General Secretary in any issue related to the operation of the Federation.

8.4 The President shall be elected annually by the Committee from amongst the delegates of the member organisations, whereupon that organisation will then provide a substitute delegate.

8.5 Once elected the President shall in no way act as a representative of his or her member organisation.

9. The Committee

9.1 The Committee shall be the governing authority of the Federation.

9.2 The Committee will meet at least three times in every year, one of which meetings shall be the Annual General Meeting (AGM). The AGM shall be held not more than fifteen (15) months following the previous AGM.

9.3 The Committee shall consist of a maximum of two representatives from each of the member organisations.

9.4 The work of the Federation shall be under the direction of the Committee which shall itself be subject to the Constitution of the Federation.

9.5 The duties and powers of the Committee shall include the following:

- To abide by and enforce the Constitution and to take any action it deems necessary for such purpose.
- To deal with any alleged breach of the Constitution.
- To determine any dispute as to the meaning, interpretation or general application of the Constitution.
- To organise and maintain such fund or funds as may be deemed necessary for any or all of the objectives for which the Federation exists.
- To refuse any application for membership which it considers incompatible with the interests of the Federation or with the Constitution.
- To fix membership fees.

9.6 The Committee shall decide what specific proposals shall be included in the Federation work program and what priority shall be given to them.

9.7 All member organisations shall endeavour to be represented at every Committee meeting.

9.8 A minimum twenty-eight days' notice will ordinarily be given to Committee members of meetings.

9.9 The quorum for a meeting shall be the representatives of member organisations from seven separate countries.

9.10 Each national organisation will present a report covering its work and progress since the previous meeting to the Committee. This must be sent to the FEMA Secretariat not less than two weeks prior to the notified date of the next meeting.

9.11 Notice of agenda items for a Committee meeting shall be sent in writing to the General Secretary at least four (4) weeks prior to the meeting at which they are required to be discussed.

9.12 The Committee shall be empowered to create working groups and to co-opt additional non-voting members as required to assist with its work at its sole discretion.

9.13 Guests may be admitted to and speak at meetings at the sole discretion of the Chairperson. Guests wishing to attend will indicate their wish at least two weeks prior to the meeting to the General Secretary.

9.14 Only items notified on the agenda will be discussed at Committee meetings, save that emergency items may be introduced at the sole discretion of the Chairperson.

9.15 The Committee shall appoint a secretary to take the minutes of its meetings, which shall be circulated to all member organisations within two weeks of the date of the meeting.

9.16 The FEMA Committee vests its authority to the Management Board and empowers it to act on its behalf in all matters arising outside and between Committee meetings. The Board shall at all times act in the best interests of the Federation.

10. Voting on the Committee

10.1 Each member organisation shall have one vote per each complete 1.000 members for whom affiliation fees are paid, subject to a minimum of five and a maximum of thirty votes. Member organisations with less than 1.000 members for whom affiliation fees are paid shall have one vote.

10.2 The Chairperson shall hold a casting vote which shall only be used in the event of a tie.

10.3 Regardless of the fact that a delegate shall be acting as Committee Chairperson, he or she will still be entitled to vote as the delegate of the organisation he or she represents and thereafter will be entitled to use a casting vote in the event of a tie.

10.4 In counting votes, only votes “for” or “against” will be counted with no account being taken of abstentions other than that they be noted upon request in the minutes.

10.5 Decisions on matters other than amendments to the constitution shall be by simple majority vote unless otherwise stated herein.

10.6 Decisions on proposals to amend the constitution shall require a majority as laid down in clause 15.

10.7 Organisations unable to attend may appoint a proxy by notifying their intentions to the General Secretary at least 3 days prior to the relevant meeting. No organisation shall act as proxy for more than one other organisation.

11. The Management

11.1 There shall be a Management Board of the Federation consisting of the President, the Treasurer and up to eight members all elected by the AGM for the term of one year.

11.2 The Management Board overlooks and steers the activities of FEMA and its secretariat in line with the goals and the directions the Committee has set. It assumes the treasury function and makes sure a coherent communication policy is followed.

11.3 Every member organisation is entitled to nominate his delegate as a candidate for the Management Board elections at the AGM. Every member organisation is entitled to nominate a maximum of four delegates as candidates. Notice of such an appointment should ordinarily be given in writing to the General Secretary at least four weeks prior to the AGM. The candidate should accept his nomination prior to the announcement.

11.4 The Management Board shall hold physical meetings three times per year preceding Committee Meetings and the AGM and hold electronic meetings as necessary, usually at least once a month. Management Board members should normally be able to participate in both types of meeting. Meetings may be called by the President or by any two other Board Members.

11.5 The Board Meetings shall be convened by the President and he shall draft the agenda for such meetings.

11.6 Members of the Secretariat shall be entitled to attend provided that such attendance is not, in the view of the Management Board, inconsistent with the business of the meeting.

11.7 All Board Members shall have one vote on matters which are decided by the Board. The President having a casting vote only in the event of a tie. The President's casting vote shall be his first and only vote on the question at hand. The General Secretary may be present at meetings and can have a consultative voice.

11.8 The Management Board shall consider regular reports from the General Secretary and shall decide on relevant matters and report to the Committee concerning the same.

11.9 The Management Board shall consider and approve the agenda for the FEMA Committee Meetings.

11.10 The Management Board shall consider all matters relating to paid staff, review employee performance annually, and report about such activities to the FEMA Committee.

11.11 The Management Board shall not institute procedures to hire additional members of staff or to reduce staff numbers without the prior consent of the FEMA Committee. Procedures for starting and terminating working contracts shall be carried out in accordance with relevant national employment law.

11.12 The Management Board shall draft the Long-term Strategic Plan of FEMA for consideration and approval by the AGM, and shall maintain and revise the plan as necessary, submitting it to the AGM thereafter.

11.13 The General Secretary shall draft a budget, in correspondence with the Operational Plan and agreed upon with the Management Board, to be presented by the Management Board to the AGM for consideration, approval and implementation.

12. The Secretariat of the Federation

12.1 The Secretariat shall comprise an employed General Secretary and such other individuals employed or contracted by the Management Board.

12.2 The Secretariat shall be responsible for the day to day operation of the Federation.

12.3 The Secretariat shall be charged with implementing the principles of FEMA and furthering its campaigning objectives.

12.4 The General Secretary shall be responsible for the management of the Secretariat.

12.5 The General Secretary shall present regular reports covering the work, progress and matters in which the Federation is involved to each member organisation, and to keep the supporting members informed as to the work of the Federation.

12.6 The General Secretary and the Secretariat shall be empowered to issue statements and enter negotiations in the name of the Federation.

13. Finance and Accounting

13.1 The financial year of the Federation shall run from 1st January to 31st December each year.

13.2 All monies will be strictly accounted for. A professional audit of the Federation's accounts will be carried out each year.

13.3 Annual accounts will be made available to all member organisations.

13.4 The Federation will not accept any donation in cash or other kind which might be construed as an attempt to influence the policies of the Federation, nor from any organisation known or believed to be involved in criminal activities.

13.5 Each member organisation shall be responsible for the expenses incurred by its nominated representatives and any accompanying observers or specialist advisers when attending Committee or Board Meetings.

13.6 The expenses of the Secretariat incurred in attending meetings of the Federation or when engaged on other FEMA business shall be paid out of FEMA funds.

13.7 The expenses of the FEMA office shall be paid out of FEMA funds.

13.8 The expenses of FEMA officials and members of FEMA member organisations when engaged on FEMA business, either by minuted decision of the FEMA Committee or at the written request of FEMA's President, shall be paid out of FEMA funds. This provision shall not apply to working groups, except at the discretion of the Committee.

13.9 There shall be an annual charge made upon member organisations based on the membership of the said organisations, the level of which will be decided by the Committee from time to time.

13.10 Having regard for the fact that the member organisations are constituted in different ways with affiliated club members and individual members varying in proportion from organisation to organisation, the Committee shall agree the number of members to be affiliated by each member organisation so as to determine in an equitable way the membership fees payable by each organisation and the voting entitlement of each organisation. In agreeing the basis of affiliation the Committee will have regard to the individual and affiliated membership totals of the organisation in question, and the total revenue directly earned from all classes of membership.

13.11 Organisations accepted into membership at the first Committee meeting in that calendar year shall pay a full year's subscription for the remainder of the year. Those whose memberships are approved at subsequent meetings during the year shall pay a sum equal to one twelfth of the normal annual subscription for each full month or part thereof until the end of that calendar year.

13.12 Membership fees shall be payable quarterly in advance. The voting rights of an organisation in arrears with membership fees shall be suspended at the discretion of the Committee.

13.13 At the discretion of the Committee an affiliation fee may be waived for a member organisation.

13.14 Supporter fees will be decided by the Committee from time to time.

13.15 Official numbered receipts will be provided to all donors to the Federation.

13.16 All monies due will be calculated in Euro.

14. Use of FEMA Name and Logo

14.1 The name and logo of the Federation are registered at the "Office of Harmonization for the Internal Market" (OHIM).

14.2 Member organisations shall be entitled to use the FEMA name, logo and flag. Where the FEMA name and logo is used on printed matters, the member organisation so using it may describe itself as "Member of FEMA".

14.3 Supporter organisations shall be entitled to use the FEMA name, logo and flag. The FEMA name and logo may be used on printed matter provided both are accompanied by the text "Supporter of FEMA".

14.4 The FEMA name, logo and flag shall not be otherwise used by Member or Supporter organisations save as laid down in clauses 14.2 and 14.3 without the written authorisation of FEMA. Requests for authorisation shall be submitted to the General Secretary.

14.5 Printed matters shall include (but not be limited to) business cards, writing paper, envelopes, magazines and Internet websites.

14.6 The Management Board and the General Secretary shall be responsible for ensuring the proper use of FEMA's identity, name and logo and shall be responsible to FEMA Committee for the same.

15. Amendments to the Constitution

15.1 The existing constitution or any part thereof may only be amended, rescinded or altered by resolution at the AGM.

15.2 Notice of resolutions embodying any such proposals must be sent in writing to the General Secretary and to the member organisations not later than four (4) weeks prior to the AGM.

15.3 Decisions on proposals to amend the constitution shall require a two thirds majority of votes cast.

15.4 Decisions to alter the basis on which votes are allocated shall require a two thirds majority of votes cast and shall be further subject to the agreement of a minimum of two thirds of the organisations entitled to a minimum of 10 votes and a minimum of two thirds of organisations entitled to the minimum voting entitlement.

16. Limitations of the Powers of the Federation

16.1 FEMA shall not have authority over the policies and/or running of member organisations. It shall be recognised that each member organisation shall have the right to pursue its own policies within its own country as long as they are generally compatible with the aims of the Federation and do not breach the conditions of membership.

17. Winding Up Clause

17.1 Should the Federation be dissolved or cease to exist, its assets after payment of outstanding liabilities shall be transferred to organisations with similar objectives as may be deemed by the Committee at that time. Should no suitable organisation exist or be deemed suitable, the assets shall be disposed of upon winding up to any charities the Committee considers fit.