

Statutes for the German Kyudo Federation

1994.6.1, last amended 2020.4.23

This is a translation of the German version of the document. If there are any differences, only the German version is valid.

§ 1 Name, registered

The name of the Organisation shall be "Deutscher Kyudo Bund e.V." and shall be abbreviated DKyuB.

The DKyuB has its registered Headquarters in Hamburg, Germany.

§ 2 Objectives

(1) The DKyuB is a non-profit Association with exclusive and direct objectives as defined by the paragraph "tax-privileged objectives" of the German Fiscal Code (Abgabenordnung). The DKyuB operates selflessly, that is, it does not primarily pursue its own economic purposes. The association's funds may only be used for purposes in accordance with its Statutes.

Members shall not receive subsidies or financial benefits from the Association's funds. No person may benefit from expenses that are incompatible with the purposes of the DKyuB or by disproportionately high compensation.

(2) The Objective of the Association is the promotion and cultivation of sport. This Objective is to be achieved in particular through the promotion of the sport of Kyudo in the spirit of amateurism.

(3) The assets of the DKyuB may only serve these Objectives in the field of Sports.

(4) The DKyuB is neutral in terms of party politics, ethnicity, denomination and gender.

(5) In pursuance of this Objective the DKyuB provides instruction in the theory and practice of Kyudo, coordinates and organises sporting activities among its members and with befriended and higher-level associations as well as competitions, examinations and public relations work.

(6) The DKyuB is an Extraordinary Member of the DJB and can be a member of national and international bodies and associations.

The DKyuB strives for independent membership in the DOSB (German Olympic Sports Confederation) and will leave the DJB once this objective has been achieved.

§3 Membership

(1) Regular members of the DKyuB are the Regional Associations. Regional Associations as defined by these Statutes are independent Kyudo Regional Associations or Kyudo Sections of the respective Judo Regional Association in accordance with the federal structure of the German Olympic Sports Confederation. No more than one Regional Association may be a member in the area covered by one Sports Federation.

(2) If the respective local Judo Association does not allow sections or if there is no independent Kyudo Regional Association, clubs, Kyudo sections or groups of the same may apply directly to the National Association for status equal to that of a Regional Association:

- individual clubs or Kyudo sections,
- groups of clubs or Kyudo sections,

(3) The interests of the above-mentioned clubs or groups within a Regional Association must be represented uniformly towards the DKyuB and based on democratic principles.

(4) If an individual club or department is already represented in the area of a Regional Association, a group shall be constituted if further clubs apply for membership.

(5) If there is the possibility of establishing an independent Regional Association, the DKyuB may set a deadline for the respective clubs/departments to constitute such an association. After expiry of this deadline, the former direct membership of the clubs/divisions in the area of this Regional Association shall end.

(6) Membership in the governing or umbrella association (German Kyudo Federation) is independent of the non-profit status of the same (the governing or umbrella association). Membership ceases when the member association no longer fulfils the requirements for non-profit status as in §§ 51 et.seq. Fiscal Code.

(7) The DKyuB and its Regional Associations are obliged to offer the possibility to pursue Kyudo to all persons and groups who wish to practise Kyudo in the spirit of amateurism (i.e. non-commercially), unless there are reasons which, in the case of an already existing membership, would lead to exclusion in accordance with paragraph 6 or the relevant provisions of the statutes of the relevant member association. For the assessment of the reasons, the exclusion procedure provided for in the Statutes shall be applied accordingly.

(8) Membership ends by dissolution of the member, by withdrawal of membership or by exclusion.

(9) Upon cessation of membership, all rights and obligations arising from membership shall expire.

(10) Withdrawal from the membership is only possible at the end of a calendar year, with the Executive Committee notified at least three months in advance by registered letter.

(11) In the event of good cause, in particular serious damage to the purpose or reputation of the DKyuB or in the event of arrears in the amount of one year's membership due by more than six months after the due date, a member may be expelled from the DKyuB by resolution of a general meeting.

Applications for the expulsion of a member shall be addressed to the Executive Committee. The Executive Committee and the members are entitled to file an application. The member concerned shall be given the opportunity to be heard and to justify its action. Further details shall be regulated by general legal provisions. A majority of three quarters of the attending members entitled to vote is required for exclusion by secret ballot.

(12) No excluded member shall be entitled to the assets of the DKyuB or any part thereof.

(13) In the case of violations of Federal Statutes, regulations or resolutions of the General Meeting by a member's affiliate (association, department or individual), the proceedings shall be applied in analogy to § 3 paragraph 6.

§ 4 Dues

(1) The General Meeting shall set the amount of the dues in advance.

(2) The financial year shall cover the period from 1 October to 30 September.

§ 5 Participation in Events of Organisations outside the DKyuB

Members of the DKyuB and their members are generally permitted to participate in events and to cooperate with superior umbrella organisations of which the DKyuB is a member. Participation in events of these organisations must be reported to the Executive Committee and requires its approval, insofar as required by the superior organisations. Participation in events of organisations and groups outside the DKyuB, which are not superior umbrella organisations, is regulated by § 6 paragraph 3 of the Sport Regulations.

§ 6 Executive bodies

- a) the General Meeting of members
- b) the Executive Committee
- c) the Legal Committee
- d) the Council of Elders
- e) the Collegium of Trainers

§ 7 General Meeting

- (1) The executive body of the DKyuB shall be the General Meeting.
- (2) The regular General Meeting shall meet once per calendar year. An extraordinary General Meeting is to be convened, if the Executive Committee is considering an extraordinary meeting necessary in the interest of the Association or if 30 per cent of the ordinary members demand it.
- (3) The Annual General Meeting shall:
 - Confirm that the meeting has been duly convened,
 - Ascertain the right to vote,
 - Elect a chairperson of the meeting, election of a person to take the minutes
 - Bestow honours and awards,
 - Approve the minutes of the last meeting,
 - Adopt resolutions on the agenda,
 - Take note of the reports of the Executive Committee,
 - Take note of the cash auditors' reports,
 - Discharge the Executive Committee and the cash auditors, whereby the discharge must take place individually,
 - Elect the Executive Committee,
 - Elect the cash auditors and, if necessary, the members of the Legal Committee,
 - Set of the dues,
 - Approve the budget proposal for the current fiscal year,

- Amend the Statutes,
- Decide on the next venue for the meeting.

(4) A majority of two thirds of the voting members is required to amend the Statutes. An amendment to the Objectives of the DKyuB requires the consent of all members. Editorial changes may be decided by the Executive Committee. The members must be informed of this.

(5) If a resolution on matters according to paragraph 3 is required outside a General Meeting, the Executive Committee shall put these items on the agenda of the next General Meeting with a special notice. The next General Meeting shall then have the same quorum for these matters and shall proceed according to the same rules.

(6) In the cases of paragraph 5, a General Meeting must be convened within one month at the latest if at least two members submit a written request to that effect, stating the reason.

§ 8 Rules of Procedure for General Meetings

(1) Written invitations to the meetings according to § 7 paragraph 2 shall be sent out at least six weeks in advance, stating the agenda. Motions must be submitted in writing to the Executive Committee at least six weeks before the General Meeting. The final agenda shall be resolved at the respective General Meeting.

(2) The General Meeting shall only constitute a quorum if it has been duly convened.

(3) Each full member and the Executive Committee of the DKyuB shall have one vote each.

(4) Resolutions shall be taken by a simple majority of the votes of the members present and entitled to vote, unless otherwise expressly stated.

In the event of a tie, the Executive Committee shall have the casting vote. The Executive Committee may, if the situation so requires, also arrange for a postal vote to be taken on urgent substantive issues (with the exception of amendments to the Statutes) during the course of a year. The Executive Committee shall set a deadline for replies of at least twenty days. Responses not received by this deadline shall be considered abstentions.

(5) Each election required by the Statutes shall be held individually. At the request of one of the members, the election shall be conducted in writing and by secret ballot. Only those present or who have previously given their consent in writing to assume a particular office may be elected. A person who receives more than half of the votes of those present and entitled to vote shall be deemed elected.

§ 9 Executive Committee

(1) The Executive Committee consists of at least three to a maximum of five members with equal rights, whereby two members each jointly represent the DKyuB externally in the sense of § 26 BGB. One member of the Executive Committee is elected by the General Meeting as Treasurer. The distribution of tasks among the other Executive Committee members is regulated by the Rules of Procedure of the Executive Committee. The Executive Committee is responsible for the day-to-day administration, finance and public relations, unless otherwise stipulated in the Statutes. The Executive Committee represents the DKyuB internally and externally. The Executive Committee takes decisions by simple majority.

(2) The Executive Committee is authorised to appoint Officers and Commissions to carry out its duties. The Officers and Commissions support the Executive Committee. They shall be responsible for the organisation of the area assigned to them, whereby experts shall be

called in to assist. The Officers and Commissions shall be tied to the instructions of the Executive Committee. In accordance with the principle of delegation, they shall prepare proposals that are suited for decision-making.

(3) The individual members of the Executive Committee may represent each other in the performance of their individual duties if they are prevented from attending or if instructed to do so.

(4) If a member of the Executive Committee resigns, the Executive Committee may appoint a substitute on an interim basis.

(5) Each member of the Executive Committee is bound by the Statutes and resolutions for his or her activities and is responsible to the General Meeting.

(6) The Executive Committee meets as required.

(7) Owners and employees of a commercial Budo sport business must notify the General Meeting of this if they are running for an election to the Executive Committee.

(8) The term of office of the Executive Committee shall be governed by the Rules of Procedure of the General Meeting.

§ 10 Cash Auditors

(1) The General Meeting shall elect two cash auditors. The cash auditors shall have the right and the duty, if necessary also within the fiscal year, to inspect account statements unannouncedly, cash ledgers, receipts and inventories as well as inventory lists.

(2) Any objections must be submitted to the Executive Committee without delay.

(3) The cash auditors shall submit an Annual Cash Auditor's Report to the General Meeting.

§ 11 Legal Committee

The General Meeting shall elect a Legal Committee consisting of four persons. The Legal Committee shall be elected for an indefinite period. Its duties and composition shall be as specified in the Legal Regulations.

§12 Council of Elders

The General Meeting commissions Kyudoka from the 5th Dan and above to elect a Council of Elders consisting of four members from among their group every three years. The Council of Elders shall be informed of Motions and Minutes of the General Meeting.

The Council of Elders has a right of Motion and Veto with regard to kyudo-specific matters (for example exams, competitions, trainer education). There is no right of Veto for administrative and organisational issues. The Council of Elders may exercise its Right of Veto if at least three members vote in favour.

§ 13 Council of Trainers

(1) All Kyudo trainers of license levels A/B competitive sports are members of the Council of Trainers.

(2) The Council of Trainers carries out the following duties, among others:

- Content and conceptual planning of federal training courses

- Content and conceptual planning of German Championships
- Planning the content and concept of examinations
- Training and further education
- Supervision of the National Squad
- Quality management according to the DJB's guidelines.

(3) The Council of Trainers shall organise and carry out its duties at its own accord. The Executive Committee decides on the prioritisation and implementation of the proposals of the Council of Trainers with regard to the financial possibilities.

(4) The Council of Trainers shall be represented at the General Meeting by a spokesperson from among its members.

§ 14 Federal Statutes overrule Regional Statutes

The members of the DKyuB shall observe these Statutes and the Regulations and Resolutions of the General Meeting based thereon. In all other respects, they manage their affairs independently within their own Associations.

§ 15 Regulations

(1) The General Meeting may issue Regulations to handle specific questions and duties.

(2) The Executive Committee may provisionally put Regulations into effect until the next General Meeting.

§ 16 Dissolution

(1) The Dissolution of the DKyuB can only be decided by a General Meeting summoned especially for this purpose.

(2) For Dissolution, a majority of three quarters of the attending members entitled to vote is required. The resolution shall be passed by secret ballot.

(3) In the event of the dissolution of the Association or the discontinuation of the tax-privileged Objectives, the assets of the Association shall pass to the German Olympic Sports Confederation, which shall use them directly and exclusively for non-profit or charitable purposes.

§ 17 Place of Jurisdiction

For all obligations of the members towards the DKyuB, Hamburg shall be the place of jurisdiction and execution.

§ 18 Compensation for association activities

- (1) The Offices of the Association and its organs shall in principle be held in an honorary function, unless otherwise provided for in these Statutes.
- (2) Within the framework of the budgetary possibilities, offices of the Association may be carried out on the basis of a contract of service or against payment of an appropriate annual expense allowance up to the amount of the applicable honorary flat rate under tax law.
- (3) The decision on a paid association activity according to paragraph (2) shall be taken by the General Meeting. The same applies to the contents of the contract and the termination of the contract.
- (4) The Executive Committee is authorised to commission activities for the Association from external persons against payment of an appropriate remuneration or expense allowance. The budgetary situation of the Association shall be decisive.
- (5) The Executive Committee is authorised to employ full-time staff to carry out the management tasks and to run the office within the limits of the budgetary possibilities.
- (6) In addition, the representatives of the regular members, the members of the Executive Committee, the trainers commissioned by the Council of Trainers within the scope of its duties and the employees of the Association shall be entitled to claim for reimbursement of expenses in accordance with § 670 of the German Civil Code (BGB) for expenses incurred by them in the performance of their duties for the Association. The amount of the reimbursement shall be determined in accordance with the DKyuB's expenses and dues regulations (SpHO).
- (7) The claim for reimbursement of expenses can only be asserted within a period of 6 months after it has arisen. Reimbursements shall only be granted if the expenses are substantiated with verifiable and comprehensible receipts and documents.
- (8) The General Meeting may decide to limit the expense allowance according to paragraph 2 and the reimbursement of expenses according to paragraph 6 to the respective valid lump sums and flat rates within the limits of the possibilities under tax law.
- (9) Further details are regulated by the Association's Expenses and Dues Regulations.

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