



**International Society for Labour and Social Security
Law**
**Société internationale de droit du travail et de la
sécurité sociale**
**Sociedad Internacional de Derecho del Trabajo y de la
Seguridad Social**

BULLETIN N° 125

September-October 2009

Announcement by the Secretary General

I regret to announce that Professor Gino Giugni died in Rome on 5 October 2009 at the age of 82 after a long illness. He has been professor of Labour Law at the universities of Bari and Rome and visiting professor in many universities, including Nanterre, Paris, UCLA (Los Angeles), Buenos Aires and Columbia (New York). He authored many publications that have greatly influenced Labour Law in his country and abroad. Among others, he was the Chief Editor of the prestigious journal: "Giornale di Diritto del Lavoro e di Relazioni Industriali". He was also a well-known personality in Italy's political life where he has been Member of Parliament and Minister of Labour in Ciampi's government (1993-1994). He is recognized as the founding father of Italy's Workers' Statute, 1970.

Professor Giugni was a close friend of our Society; we will remember him for the exceptional welcome he gave us in Jesolo - Venice, 1986 as Senator from his Province and Chairman of the Organizing Committee of our II European Regional Congress.

On behalf of our Society the Officers convey their great condolences to his family and our colleagues of the Italian Society for Labour and Social Security Law.

Président/Président	Secretary General/ Secrétaire général	Treasurer/Trésorier
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<http://www.asociacion.org.ar/ISLLSS/>

News from our Society

1. New President of ISL&SSL

Further to the election held during the Executive Committee's meeting in Freiburg, Germany, 2008, Professor Michal Sewerynski (Poland), President Elect of ISL&SSL was inaugurated as President of our Society at the closing ceremony of our XIX World Congress, on 4 September 2009 at Sydney, Australia.

Professor Seweryński (1939) is an active and well known member of our Society and its former vice-President (2000 – 2003). He was a member of the Organizing Committee of our 7th World Congress (Warsaw 1970) and the President of the Organizing Committee of the 6th European Congress for Labour Law and Social Security, Warsaw 1999.

Professor Seweryński was three times a general reporter for the European Congresses (Paris 1989, Leiden 1996 and Warsaw 1999) and many times participated to round tables and panel discussions during other Congresses of our Society. As a member of the International Academy of Comparative Law he also presented a general report at the Brisbane (2002) and Utrecht (2006) congresses of that Academy.

Professor Seweryński is:

- Head of the Chair of European Law ("Chaire Jean Monnet") and former President of Lodz University (1990-1996). He has also been the President of the Polish Conference of University Presidents;
- Visiting professor of many foreign universities (France, Canada, Switzerland, Spain, Japan);
- Author, co-author and editor of 15 books and some 140 articles published in Polish and foreign languages;
- Member of national and international scientific associations and scientific committees of international revues.

Professor Sewerynski was and is still active in national and international public life as:

- Member of the board of the French-Polish agency "France-Pologne pour l'Europe";
- Former Polish minister of Science and Higher Education (2005-2007)
- Former Chairman of the Polish National Commission for Labour Law Codification;
- Former member of the Vatican Consilium Pontificium Pro Laicis;
- Former honorary French consul in Lodz.

I wish great success to Professor Sewerynski as our President. It will indeed be a great pleasure for me to assist him in conducting our Society.

2. Decisions taken by our Executive Committee, Sydney, 1 st September 2009

Our Executive Committee held its regular meeting in Sydney on 1st September 2009. It was chaired by Professor Kazuo Sugeno, then President of ISL&SSL, assisted by Arturo Bronstein, Secretary General. It was attended by 48 members from 34 national associations. English and Spanish, with interpretation, were the working languages of this meeting, which took decisions that are summarized below:

(a) Financial reports by the Treasurer and the Auditor

The Executive Committee approved the financial report and the accounts presented by Treasurer Giuseppe Casale. It also took note of several remarks and

recommendations made by the Auditor Professor Stein Evju with a view to improving upkeep and transparency of our financial records. The Executive Committee further noted with regret that in view of his new responsibilities with the ILO Mr. Casale was no longer able to continue as Treasurer; it thanked him for all the hard work he had done to collect our members' dues and take care of our Society's accounts. It also conveyed his deep recognition to Treasurer Casale's assistant, Ms. Johanna Ruefli.

- (b) Statutory appointments: The following statutory appointments were made by the Executive Committee:

Secretary General: Arturo Bronstein (Argentina)

Treasurer: Corinne Vargha (ILO Section)

Auditor: Stein Evju (Norway)

Vice-Presidents: Takashi Araki (Japan), Gilles Trudeau (Canada), Rafael Pereira (Chile), Darcy du Toit (South Africa), Zelko Potocnjak (Croatia), Fernando Valdés Dal Re (Spain)

- (c) VIII American Regional Congress, 2010

The Executive Committee confirmed that this Congress would be held in Cartagena de Indias, Colombia, from 25 to 28 May 2010 (see below for more details)

- (d) X European Regional Congress, Seville, 2011

The Executive Committee approved that this Congress be held from 21 st to 23 September 2011 (see below for more details)

- (e) XX World Congress, Santiago de Chile, 2012

The Executive Committee approved that the Congress be held in the week beginning September, 24, 2012. It agreed that the Organizing Committee makes the final selection of the agenda items, in consultation with the officers.

- (f) XXI World Congress. Preliminary discussion of date and venue

Our associations from Brazil and Canada expressed interest in organizing this Congress, in principle in 2015. A decision on the date and venue is expected to be taken at the next official meeting of the Executive Committee, Seville, 2011.

- (g) Amended by-laws

The Executive Committee noted that the proposals made by the officers, to amend our by-laws, were the result of the discussions held in Freiburg, 2008, and of further consultations by the officers with the VicePresidents. It unanimously approved the text as it stood before it. It also authorized the officers to submit the amended by-laws to the General Assembly for formal and final ratification by the latter.

- (h) Other questions

(1) The Executive Committee decided to set up a working group with a view to examining the following questions:

(a) the format of our forthcoming congresses;

(b) the design of a more attractive and interactive webpage, which would include information on substantial developments in Labour Law and Social Security in the countries where our Society has national associations, and

(c) how to better promote and expand our activities?

(d) how to attract young scholars and researchers from all parts of the world?

The Working Group will make recommendations to the Executive Committee on the above questions.

- (2) President Elect Sewerynski recalled that after ten years of hard work Professor Auvergnon had decided to stop organizing in Bordeaux the International Seminar on

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Comparative Labour Law, Industrial Relations and Social Security. This Seminar was attended yearly by more than 50 participants, not only from Europe but also from other parts of the world. It was an important tool to bring together young scholars, researchers and Phd candidates. He asked that the Executive Committee addressed its deep thanks and congratulations to Professor Auvergnon for the work he had done in organizing and conducting the Seminar. He reminded that this Seminar had been first organized in Trieste (Italy), then in Szeged (Hungary) before it was moved to Bordeaux in 2000, and considered that it would be very regrettable that this important and worthwhile activity be discontinued. He finally made a call for the Seminar being reconvened in other country, and if possible to also organize comparable seminars in other parts of the world.

- (3) Professor LEE, Kwang Taek (Republic of Korea) offered to host the next Asian Congress in his country on next years (2012 or after).

3. By-laws of our Society

After the discussions held in Freiburg, 2008, and consultations that were made thereafter the Executive Committee approved several amendments to our by-laws. These amendements were further submitted to the General Assembly, which met in Sydney of 4 September and gave its final assent to our new rules.

The revised text appears as an annex to this Bulletin. Here is a description of some of the major changes that have been brought in by the amendments:

- (a) To be accepted as a national member an applicant must justify that it is an association made up of no less than 15 dues-paying individual members. The Executive Committee may, however, accept a smaller number of members of an association in order for it to qualify as a National Member if that smaller membership is justified because of the applicant's individual situation.
- (b) Only national members that are not in arrears of their dues and honorary presidents have voting rights on all issues that are put to a vote by the Executive Committee. The officers also have voting rights except when a vote is taken to elect the officers. Individual members (no more than one per country) can be invited to attend the Executive Committee meetings without, however, voting rights.
- (c) Clearer rules have been established to address issues such as voting by proxy, secret ballots and required majorities
- (d) The Officers in consultation with the Vice-presidents have been instructed to propose a list of the associations that meet the criteria for being recognized as National Members, which list shall be submitted to the approval of the Executive Committee at its next meeting, in 2011, Seville.

4. General Assembly of ISL&SSL

Our General Assembly met in Sydney on 4 September 2009. It was chaired by Professor Kazuo Sugeno, then President of ISL&SSL. In keeping with our by-laws the General Assembly took the following decisions:

- (a) New sub-regional distribution of our members in the Americas: this question had been postponed by our Executive Committee, and was accordingly dealt with by the General Assembly upon a proposal made by our Member of Panama. The General Assembly approved following sub-regional distribution, which has a bearing on the appointment of our vice-presidents:

1. North America, Central America and the Caribbean: Canada, Costa Rica,

Dominican Republic, Guatemala, Honduras, Mexico, Panama and United States (vice president for this sub-region is Professor Trudeau, from Canada)

2. South America: Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (vice president for this sub-region is Professor Pereira, from Chile)

(b) Amendments to our by-laws: The amendments to our by-laws, as approved by the Executive Committee, were formally ratified by the General Assembly.

(c) Appointment of a Honorary President: Further to a motion by Professor Araki (Japan), the General Assembly appointed Professor Kazuo Sugeno (Japan) as Honorary President of our Society.

5. XIX World Congress, Sydney, 1-4 September 2009

I am pleased to convey my warmest thanks and congratulations to Professor Ron McCallum and his collaborators for the wonderful World Congress we have just held in Sydney.

The Congress was attended by more than 300 colleagues from all regions of the world. Most noteworthy was the participation of many colleagues from Asian countries and Latin America. It discussed the following agenda items:

Theme 1: Regulatory frameworks and law enforcement in new forms of employment. General Reporter: Professor Rosemary Owens (Australia)

Theme 2: Workers' Representation and social dialogue at the workplace level. General Reporter: Professor Antoine Jeammaud (France)

Theme 3: Emerging patterns of social protection in light of structural changes (ageing population, changing family structures, immigration, budgetary constraints, political and ideological realignments). General Reporter: Professor Carlos Hernández Contreras (Dominican Republic)

Roundtable: Work and Family Life. Chair: Professor Gillian Lester (U.C. Berkeley School of Law, USA)

Round Table: What is new in Labour Law? Chair: Professor Richard Mitchell (Australia)

All the reports and other papers submitted to the Congress can be downloaded from the webpage: <http://www.labourlawsydney.com/>

6. VIII Americas Regional Congress

The host of this Congress is our Member Association of Colombia, the Colegio de Abogados del Trabajo y Seguridad Social. The Congress will be held at the Convention Center of the City of Cartagena de Indias from 25 to 28 May 2010. It will take place together with the XXVIII National Congress of Labour and Social Security Law of Colombia. The agenda includes the following themes:

Theme 1: Current situation and the future of public and private pension systems in the light of the worldwide crisis. General Reporter: Carmelo Mesa-Lago, United States.

Theme 2: Public and private systems of settlement of individual and collective labour disputes. Co-reporters: G. Valdés S. (Colombia) and Steven Willborn (United States)

Theme 3: The protection of worker's privacy at the workplace. Co-reporters: Cristina Mangarelli (Uruguay) and Gilles Trudeau (Canada)

Round Table 1: The so-called "news forms of employment" and their impact on:

- a) individual employments relations;
- b) collective labour relations; and,
- c) the social protection of workers concerned

Moderator:

Round Table 2:

The use of international law by national courts in view of the adjudication of labor disputes.

Moderator: Xavier Beaudonnet (ILO)

Keynote Speech: Strike in the Public Service. Speaker: Carlos Álvarez Pereira (Colombia)

Registration rates for non-Colombian participants vary from us\$180 to us\$220, depending upon the date of registration. Special reduced rates apply to students and local participants. For inquiries, please note the following address:

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Carrera 7 No. 29-34 Oficina 603
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E-mail: colabog@etb.net.co , oblanco@netcolombia.com
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7. X European Regional Congress, Seville, 2011

The Executive Committee approved that this Congress be held from 21 st to 23 September 2011, and that it discusses the following agenda:

Theme 1: Labour Law and Industrial Relations in the Light of the Economic and Social Changes

Theme 2: Collective Bargaining Rights in a Globalized Economy.

Theme 3: Social Protection of the Unemployed.

Round Table 1: Public and private employment services as intermediaries in the hiring of workers.

Round Table 2: Groups of workers who risk exclusion or unprotection under labour law.

Workshop 1: The role of the judiciary vis a vis the changes in labour law.

Workshop 2: Interruptions and suspensions of the employment relationship.

8. XX World Congress of ISL&SSL, Santiago de Chile, 2012

This Congress will be held in the week beginning September, 24, 2012. Details relating to the venue of the Congress, agenda items, registration fees, reporters and social programme are being worked out by the organizing committee in consultation with the officers.

9. News from our members

Turkey

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I have received the following communication from our Turkish member:

Dear Mr. Bronstein,

We wish to inform you that due to the changes in legislation, we have reconstituted the legal structure of the Turkish National Committee. The general assembly has decided to abolish the Turkish Committee of Labour and Social Security Law and to found an association. Therefore, on the 23th of June 2009, the Association of Labour Law and Social Security Law has been established. Prof. Dr. Sarper Szek was elected as the first president of our Association. The members of executive board are given below:

President: Prof. Dr. Sarper Szek

*Members: Prof. Dr. Devrim Ulucan
Prof. Dr. Fevzi Őahlanan
Assoc. Prof. Dr. Sleyman BaŐterzi
Assoc. Prof. Dr. Kbra DoĐan Yenisey*

We should underline that the new Association assumes the responsibility for Committee's debts against the International Society. Our Association will do its best to pay our past due contributions by the end of this year.

(signed) Prof Dr. Kbra DoĐan Yenisey

Kind regards

Arturo Bronstein
Secretary General

ANNEX

ISL&SSL By-laws as amended and approved by the General Assembly, Sydney, Australia, 4 September 2009

Preamble

The International Society for Labour and Social Security Law (Société Internationale de Droit du Travail et de la Sécurité Sociale) was constituted in Brussels in June 1958. It is the result of the merger of the International Society for Social Law (São Paulo Congress, 1954, and Brussels Congress, 1958) and the International Congresses of Labour Law (Trieste, 1951, and Geneva, 1957).

Name and Objects

Article 1

1. The International Society for Labour and Social Security Law, in the following articles called the Society, is established as an association for the purposes of studying labour and social security law at the national as well as international level, and promoting the exchange of ideas and information from a comparative perspective, and encouraging the closest possible collaboration among academics, lawyers, and other experts within the fields of labour and social security law.

2. The activities of the Society include the promotion of the study of labour and social security law amongst young academics and lawyers, and support for international comparative schools, seminars and other meetings in those fields.

3. The aims of the Society are of a purely scientific character, independent of all considerations of a political, philosophical or religious nature.

Location

Article 2

The seat of the Society is in Geneva. It may be transferred to another place by decision of the Executive Committee.

Members

Article 3

The Society membership shall consist of:

1. National associations or other entities which have decided to affiliate themselves as members of the Society and whose affiliation is accepted by the Executive Committee. This category of membership shall be referred to as the Society's National Members. To be eligible, a National Member shall submit its by-laws or a brief on its purpose and activities and shall demonstrate that it has no less than 15 dues paying individual members. The Executive Committee may, however, accept a smaller number of members of an association in order for it to qualify as a National Member if that smaller membership is justified because of the applicant's individual situation. There shall be no more than one National Member per country. In the event that more than one organization seeks recognition as the National Member for a county, the Executive Committee shall determine which shall be recognized as the National Member based on its dedication to the Society's goals and the capacity to participate meaningfully in its activities. All other national associations may be recognized and participate as Institutional Members of the Society.

2. Individuals elected by the Executive Committee. This category of membership shall be referred to as the Society's Individual Members.

3. Scientific societies, national associations (other than National Members), and research institutes which are elected by the Executive Committee. This category of membership shall be referred to as the Society's Institutional Members. In order to get such recognition, the Executive Committee will require from the (relevant) National Member that it submits a report on the applicant's accomplishments, to confirm the above-referred dedication to the Society's goals, and the support and collaboration that it provides to the National Member.

Article 4

1. In each country where there is a national association of persons who, because of their scholarly work or professional activities, are interested in furthering the aims of the Society, that association shall be encouraged to become a National Member of the Society.

2. Individual Members are elected primarily among persons from countries where there is no National Member of the Society, and among the officials of international organizations dealing with labour and social security law.

Organs

Article 5

The organs of the Society are:

1. the General Assembly;
2. the Executive Committee, and
3. the Officers (the President, the President-Elect, the Secretary-General and the Treasurer).

General Assembly

Article 6

1. Individual members of National Members of the Society, Individual Members designated by the Executive Committee in keeping with article 7.3 here below and representatives appointed by Institutional Members of the Society constitute the General Assembly. Each member shall have one vote. However, the maximum number of votes from the National Member of one country shall not exceed the average number of individuals for whom contributions have been paid during the past three years immediately preceding the General Assembly, and in total be not more than 30. In the event that the maximum number is exceeded for a National Member, the votes for that group shall be reduced to the above-mentioned maximum of votes for a national group. Before the casting of votes takes place, the Treasurer shall report to the Assembly on the financial contributions and suggest for decision the maximum number of votes of each National Member. In addition, Individual Members and Institutional Members each have one vote.

2. The General Assembly shall meet on the occasion of each World Congress.

3. With the exception of Article 15, the voting shall be by simple majority.

4. The General Assembly shall approve increases in dues, changes in these statutes, and any issues over which the Executive Committee is deadlocked. It shall also elect Honorary Presidents on the proposal of the Executive Committee.

Executive Committee

Article 7

1. The Executive Committee is composed of the President, the President-Elect, the Honorary Presidents, the Secretary-General, the Treasurer, and of one representative of each National Member. National Members may designate by a signed writing alternate representatives of the same national association who may vote in the absence of the representative.

2. The Executive Committee may invite Institutional Members to participate at its meetings, with the right to speak but not to vote. To this purpose the Executive Committee shall determine which Institutional Member shall be invited, on the basis of its dedication to the Society's goals, its number of individual members and its capacity to participate meaningfully in the Society's activities.

3. The Executive Committee, upon a proposal by the Officers after consultation with the Vice-presidents, can also designate individual members in order to establish channels of communication with countries which otherwise would not be represented on the Executive Committee. Only one individual member per country shall be accepted. Such individual members can participate, but not vote, at its meetings. The Executive Committee shall also determine when an individual member will no longer participate at it, especially because of inactivity or when a national association has been accepted as a national member of the Society in respect to that individual member's country.

4. In order to maintain the international character of the Society, the Executive Committee shall appoint, from among the National Member representatives, Vice-Presidents, to a maximum of six to act as advisers of the Officers.

5. In order to ensure diversity of advisory perspectives provided to the Officers and to the deliberations of the Executive Committee, the Executive Committee may appoint up to 2 additional Vice Presidents from among the National, Institutional or Individual Members.

Article 8

1. The Executive Committee shall hold two regular meetings in any period between two World Congresses. One of these meetings shall be held immediately before each World Congress. Normally, the second meeting shall be held in the year prior to each World Congress, and immediately before a Regional Congress, unless otherwise decided by the President after consultation with the Officers, Honorary Presidents and Vice-Presidents. The date and venue of these meetings shall be announced by the Secretary-General not less than six months before they are to be held.

2. After consultation with the Officers and Vice-Presidents, the President may convene additional meetings of the Executive Committee. He or she may also invite the Executive Committee to take decisions by correspondence when such is justified for reasons of urgency.
3. The Executive Committee has the power to decide any matter which in these by-laws is not reserved to the General Assembly or to specific officers.
4. Subject to the provisions of paragraph 6 hereafter, each National Member has one vote on the Executive Committee, and the voting shall be by simple majority of those who take part in the decision.
5. Honorary Presidents and Officers have the right to vote on the Executive Committee but Officers shall not have the right to vote for the election of the Officers unless they are representing a national member.
6. Only National Members that have paid their dues until and up to the calendar year preceding the year in which a vote is conducted can cast a ballot when a vote is taken.

Article 9

1. No less than eighteen months prior to a World Congress the Secretary-General shall issue a call for nominations for the President-Elect of the Society. Any nomination for the President-Elect shall be made in writing, and shall reach the Secretary-General no less than three months prior to the meeting of the Executive Committee that is normally held in the year before a World Congress. At that meeting, if only one candidate has been nominated he or she can be elected by acclamation unless the Executive Committee upon request by three or more members having voting rights decides that the election be made by a secret ballot. If more than one candidate has been nominated the election for President-Elect shall be conducted by secret ballot and the nominee receiving a majority of more than fifty per cent of the votes cast shall be the President-Elect. If none of the nominees receives the described majority in that first round of voting, a second vote shall be taken in which only the nominees receiving the two highest numbers of first round votes shall be on the ballot, and the candidate receiving the highest number of votes in the second round shall be the President-Elect. In the event of a tie for the highest number of ballots in the second round, the Executive Committee will postpone the election of the President until its next meeting.

The President-Elect shall assume the office of President at the closing ceremony of the World Congress.

2. The Vice-Presidents, the Secretary-General and the Treasurer shall be appointed by the Executive Committee at its meeting that normally takes place immediately before each World Congress. In order to appoint the Secretary-General and the Treasurer, the Secretary-General shall issue a call for nominations no less than six months prior to this meeting, and the nominations shall reach him or her no less than three months prior to that meeting.

3. All appointments made by the Executive Committee shall be for a time not exceeding the period between the close of a World Congress and the close of the next World Congress. The Secretary-General and Treasurer only may be re-elected for new periods.

4. In case of vacancy in the Presidency, if a President-Elect has already been appointed, he or she shall immediately succeed to that office. If the President-Elect has not yet been appointed the Secretary-General, after consultation with the Vice-Presidents will ask one of the Vice-Presidents to take up the office of President until a new President is appointed.

5. In case of vacancy of the Secretary-General or the Treasurer, the President, after consultation with the Vice-Presidents, shall provisionally appoint an Acting Secretary-General or an Acting Treasurer until the Executive Committee can meet and take a decision on these appointments.

6. The President and the Secretary-General are jointly responsible for the management of the Society and they shall, whenever practicable, consult with the President-Elect, the Honorary Presidents and the Vice-Presidents. The President and the Secretary-General have joint power of signature for the Society. For payments to cover the current administration of the Society, each of them has the power of signature.

Article 10

1. The Treasurer shall be responsible for the collection of the contributions from National Members, Institutional Members, and Individual Members, for the administration of the assets of the Society, and for presenting a financial report at each meeting of the Executive Committee.

2. The Treasurer is authorized to make payments to cover the current administration and expenses of the Society, and for that purpose has the power of signature for the Society.

Article 11

The Executive Committee shall grant discharge from liability for their administration to the President, the Secretary-General and the Treasurer upon a report of one or more auditors appointed by the Executive Committee. If a vote is taken pursuant to this provision the President, the Secretary General and the Treasurer will not vote.

Activities

Article 12

The Society shall meet in a World Congress every three years or at such longer or shorter intervals as the Executive Committee may find convenient.

Article 13

1. The President and the Secretary-General shall organize various activities for the promotion of the aims of the Society such as organizing conferences of experts for the exchange of ideas on specific subjects and encouraging and facilitating the creation of study groups.

2. National Members will be encouraged to arrange regional congresses and to invite members from other countries to attend national meetings.

3. The Society and its organs will do the utmost to promote the establishment of national associations of labour and social security law in countries where there is none and to assist them in their development and their participation in the activities of the Society.

Financial Contributions

Article 14

1. The resources of the Society are its assets, dues from its members, gifts, legacies and grants.

2. The Executive Committee shall determine the amount which each member shall pay annually by way of contribution to the Society. The Executive Committee shall have the power to decide upon such reductions of the ordinary contributions which may be justified because of the situation in each case. Payments of contributions shall be made to the Treasurer.

3. The decisions of the Executive Committee to increase dues shall be submitted to the General Assembly for approval.

Amendments of the Statutes

Article 15

The Statutes of the Society may be amended at any General Assembly by a vote of two thirds of members present and entitled to vote.

Article 16

Proposals for changes in these statutes must be adopted first by the Executive Committee.

Coming into Force and Interim Arrangements

Article 17

1. These Statutes will come into force immediately.

2. The Officers in consultation with the Vice-presidents are instructed to propose a list of the associations that meet the criteria for being recognized as National Members pursuant to article 3.1 above, which list shall be submitted to the approval of the Executive Committee at its next meeting, in 2011, Seville.