

## **STATUTES**

### **VDWS - Association of German Watersport Schools e.V.**

of November 24, 1974, amended on April 19, 1975, January 23, 1982, April 7, 1984, January 19, 1986, January 25, 1987, January 22, 1989, January 21, 1990, January 22, 1994, January 20, 1996, January 21, 2007, January 24, 2016, and January 20, 2025. Registered on 26.03.2025 in the association registry at the Munich Court -Registergericht-.

#### **§ 1 Name, Registered Office, Financial Year**

1. The association, founded on November 24, 1974, in Attendorn, bears the name:  
Association of German Watersport Schools e.V., abbreviated VDWS e.V.  
The association shall be entered into the register of associations. Upon registration, it will carry the suffix e.V.
2. The association is based in Weilheim.
3. The association's financial year is the calendar year.

#### **§ 2 Purpose of the Association**

1. The association pursues exclusively and directly charitable purposes within the meaning of the section "Tax-Privileged Purposes" of the German Tax Code. The association acts selflessly; it does not primarily pursue economic interests. The association's funds may only be used for purposes stipulated in the statutes. Members receive no financial benefits from the association's funds. No person may be favored through expenses that are unrelated to the association's purposes or through disproportionately high remunerations.
2. The purpose of the association is to promote and support windsurfing, kitesurfing, sailing, stand-up paddling (SUP), and wingfoiling, as well as other watersports. The association represents the interests of individual watersport participants and passive members in public, political, and environmental discussions and advocates the compatibility of watersports and environmental protection. The VDWS specifically undertakes the following tasks:
  - a) Serving as an umbrella organization for watersport schools and instructors.
  - b) Training and certifying watersport instructors in accordance with the VDWS training and examination regulations.
  - c) Setting guidelines for watersport schools.
  - d) Developing training and examination guidelines based on sports education and sports science.
  - e) Continuously improving teaching content and methods for students and instructors.
  - f) Monitoring the training programs of member schools and instructors to contribute to safety, accident prevention, environmental awareness, and protecting watersports from restrictions.
  - g) Representing political and economic interests of watersport users, including watersport consumers and groups that directly benefit from watersport activities.
  - h) Offering a watersport insurance concept as a risk management measure.

3. The association is politically, religiously, and racially neutral. It is also product-neutral and cooperates with other associations and institutions to achieve its statutory objectives.

### **§ 3 Membership**

There are active and passive members.

### **§ 4 Acquisition of Active Membership**

1. Active membership is open to any natural or legal person who supports the association's goals and agrees to comply with its statutes and legal regulations.
2. Applications for active membership must be submitted in writing to the board. For minors, the signature of a legal guardian is required. The board decides on the application by a simple majority. Membership is considered effective retroactively from the date of application. Applicants receive a written decision on their membership status. The board is not obligated to provide reasons for rejection, and there is no automatic right to membership.

### **§ 5 Rights and Obligations of Active Members**

1. The association charges an annual membership fee, determined by the general assembly. The fee must be paid by the end of the first quarter of each financial year. If different fees apply to different membership groups, this requires both a majority vote in the general assembly and a majority vote among affected groups.
2. The general assembly may impose a one-time levy to cover budget deficits. This requires a simple majority of active members present at the meeting.
3. In exceptional cases, the board may waive or reduce membership fees and levies upon request.
4. Active members may participate in training programs, receive newsletters, and access informational materials. Member schools may also obtain training and examination materials.
5. If the association offers insurance or other benefits, active members may join such benefit programs by paying an additional fee, which must not exceed the value of the received benefit. The board may regulate this in a policy separate from §9, Paragraph 5, Letter b.

### **§ 6 Passive Membership**

1. Passive members pay no membership fee and have no voting or motion rights at the general assembly.
2. Passive membership automatically includes participation in a benefit program provided by the association, for which a supporting contribution is required. This contribution must not exceed the value of the received benefit. The board may regulate details in a separate policy.
3. The admission process for passive members follows the same procedure as for active members (§4).
4. Passive members may apply for active membership at any time. The process follows §4.
5. The regulations on termination of membership (§7) also apply to passive members.

### **§ 7 Termination of Membership**

(1) Membership ends through:

- a) Death, or in the case of legal entities, through their dissolution.

- b) Voluntary resignation.
- c) Expulsion from the association.
- d) Removal from the membership list.

(2) A member's resignation must be declared to the board by registered letter. It is only permitted at the end of the financial year, with a notice period of six weeks. The resignation letter must be accompanied by the membership card and any licenses issued by the association.

(3) A member may be expelled with immediate effect and for good cause, in particular:

- a) For significant violations of statutory obligations and failure to follow instructions from the association's leadership.
- b) For a serious breach of the interests of the association and unsportsmanlike behavior.
- c) For dishonorable actions that are likely to damage the reputation of the association in public and among its members.

The expulsion must be communicated to the affected member by registered letter. The right to legal recourse is not excluded in the case of expulsion.

(4) Expulsion of a member requires a majority of at least three-quarters of the board members present. Before a decision is made, the affected member must be given the opportunity to submit a written statement. The expulsion decision and its reasoning will be communicated in writing by the board and will become effective upon receipt. The member may file a written objection within one month of receipt. The final decision on the expulsion will then be made by the next general assembly. The member's objection has no suspensive effect.

(5) The board has the right to remove a member from the membership list if they are in arrears with the payment of the annual membership fee or other financial obligations to the association for more than three months despite two written reminders. The reminders are sent electronically. The second reminder includes a warning of removal from the membership list. The deadline set in the second reminder is 14 days for the fulfillment of obligations.

(6) In the event of termination of active membership, all outstanding obligations to the association, particularly the payment of membership fees, must be fulfilled until the end of the respective financial year, even if expulsion occurs during the financial year. Outstanding fee claims remain unaffected by the termination of membership.

## **§ 8 The Board**

(1) The board of the association consists of the following members:

- a) Chairperson / President
- b) Deputy Chairperson / Vice President
- c) Treasurer / Board Member - Finance
- d) Secretary / Board Member - Secretary
- e) Board Member for Training and Certification
- f) Board Member for Member Schools

Only natural persons who are also members of the association may be elected to the board. Holding two positions at the same time is not permitted.

- (2) The members of the board are elected by an ordinary general assembly for a term of two years. They remain in office until a new election takes place.
- (3) If a board member resigns or is unable to perform their duties for an extended period, the board has the right to appoint a replacement until the next ordinary general assembly. This decision requires a three-quarters majority of the board members present. If the chairperson or deputy chairperson resigns prematurely, an extraordinary general assembly must be convened for the election of a replacement.
- (4) The board members generally serve on an honorary basis. However, reasonable compensation may be paid for activities that exceed the scope of regular board duties. The amount of compensation is regulated in the business rules.
- (5) According to § 26 of the German Civil Code (BGB), the chairperson and deputy chairperson represent the association. Both are authorized to represent the association individually. Externally, their representation authority is unrestricted. Internally, they are bound by the resolutions of the board and the general assembly. The deputy chairperson should only represent the association when the chairperson is unable to do so and should make decisions only in matters requiring immediate action.
- (6) The board makes decisions in meetings convened by the chairperson or, if they are unable, by the deputy chairperson, with at least one week's notice. Board meetings must be called when required for the interests of the association or when at least two board members request a meeting, stating the agenda. The board is quorate when at least four voting members, including either the chairperson or deputy chairperson, are present. Resolutions are passed by a simple majority unless otherwise required by law or the statutes. In the event of a tie, the chairperson has the deciding vote. If a meeting is not quorate, but resolutions must be passed, the chairperson (or the deputy chairperson in their absence) has the right to call a new meeting, which will then be quorate regardless of the number of attendees.
- (7) Internally, all board decisions that involve expenditures require the treasurer's approval. The board is authorized to take out loans to bridge short-term liquidity gaps, but the loan amount must not exceed the total membership fee income of the previous financial year.

## **§ 9 The General Assembly**

- (1) The general assembly is the highest body of the association. At least one general assembly must be held per financial year, within three months after the end of the financial year. The board determines the time and place. Passive members are excluded from participation.
- (2) The general assembly is convened by the board with six weeks' notice, either in the members' magazine, a separate letter, or by email, stating the agenda and submitted motions. The notice period begins the day after the invitation is sent. The invitation is considered received if sent to the last known address provided by the member. Email invitations are permissible unless the member has previously objected in writing and has provided an email address. The member is responsible for ensuring the accuracy and accessibility of their email address.
- (3) Extraordinary general assemblies must be convened if required for the association's interests or if at least one-fifth of the voting members request it in writing, stating the reasons. The same rules

apply as for ordinary general assemblies.

(4) Motions for the agenda must be submitted to the board in writing at least four weeks before the general assembly. These must be communicated to members at the start of the meeting. Late motions may only be added if a majority of the present voting members agree.

(5) The general assembly is responsible for:

- a) Approving the budget plan for the next financial year, receiving the board's annual report, and discharging the board.
- b) Setting the amount of membership fees and potential special levies.
- c) Electing and dismissing board members.
- d) Electing and dismissing auditors.
- e) Amending the statutes and dissolving the association.
- f) Voting on member proposals.

For certain decisions, such as changes to fee structures or recognition criteria for schools, the approval of the majority of member schools is required. If this is not achieved, a three-quarters majority of the general assembly can override it.

(6) Special levies can only be imposed if their introduction was included in the agenda announced with the invitation.

## **§ 10 Resolutions of the General Assembly**

(1) The chairperson leads the meeting. If unavailable, the deputy chairperson or another board member takes over.

(2) A properly convened general assembly is always quorate, regardless of attendance numbers. Resolutions require a simple majority unless otherwise specified. Abstentions and invalid votes are not counted. A tie vote results in rejection.

(3) Voting is secret if requested by a member.

(4) Amendments to the statutes, the dissolution of the association, and the removal of board members require a three-quarters majority.

(5) A candidate list is published four weeks before the assembly. Candidates must apply in writing with personal details and a résumé at least six weeks before the meeting.

(6) Board elections may also be conducted via postal voting.

(7) A candidate is elected if they receive more than half the votes. A second round is held if necessary, with a simple majority deciding. In the event of a tie, the meeting chair draws lots.

## **§ 13 Dissolution of the Association**

(1) The association can only be dissolved by a special general assembly convened for this purpose, with at least two-thirds of voting members present.

(2) If the meeting is not quorate, a new meeting is called, which is then quorate regardless of attendance.

(3) A three-quarters majority is required for dissolution.

(4) The remaining assets must be used for charitable purposes as specified in § 2. Approval from the tax authority is required.

#### **§ 14 Jurisdiction**

The place of jurisdiction for all obligations arising from membership is Weilheim.