

EUROPARC Federation



Report to Council

March 6th 2010

Title:

EUROPARC Federation membership amendments and corrections and additionally Proposal from EUROPARC Atlantic Isles regarding fees and membership of Atlantic Isles members

Summary :

A number of difficulties in the application of membership categories and fees have arisen over the years. An analysis by the directorate has identified where these contravene German association law and provides options to amend these anomalies.

Recommendations - To amend the membership categories . To agree statute change . To agree communication with members on this issue.

EUROPARC Federation – Management of Membership regulations

Report to EUROPAR Council - February 2009

The EUROPARC Federation is a non Profit Organisation, registered in the German Register of Associations; the name will be followed by the letters "e.V." (registered association).

It is a member organisation where membership is open to those who fulfil its aims and who apply in writing and are approved by the Council.

As a German registered association EUROPARC is covered by the "Gesetz zur Regelung des öffentlichen Vereinsrechts" (VereinsG) as well as the "Bürgerliche Gesetzbuch" (BGB) that govern NGOs in Germany.

The principle legal aspects that affect how the federation manages its membership are :

§ 58 Nr. 1 and Nr. 2 BGB

Summary:

There have to be clear regulations in the statutes on how to become a member. The statutes can decide any kind of form of application (e.g. electronically). Statutes do not need to include the fee amount, but need to include a phrase that states that there will be fees. Any regulation following these statutes for fees needs to clearly state on what basis the fees are calculated and this needs to be applied EQUALLY.

Fees can be different for different member categories. The basis on which these different fees are charged needs to be the same for EVERY member (e.g. percentage of salary, percentage of yearly turnover)

It is possible to have special groups that do not pay fees (honorary members) or that pay different amounts. Their rights need to be clearly stated. The basis for this needs to be **CLEAR, FAIR, TRANSPARENT** clear, transparent, fair and **EQUALLY** applied to **ALL MEMBERS**.

(specifically: clear rules on membership benefits, clear fee structure clear voting structure)

The categories of membership are covered by the Federation's Statutes

Article 3: Members and Voting Rights

a) Members of the EUROPARC Federation shall be organisations or individuals involved in work related to protected areas.

b) Membership of the Federation shall comprise the following categories:

Voting members:

Group A:

States and National Governmental Organisations

Group B:

Provinces, Régions, Länder, Comunidades and other sub-national jurisdictions

Group C:

National Parks, Nature Parks and other Protected Areas

Group D:

Other Official Agencies, Associations, Institutes and corporate bodies.

Group E:

Non-governmental Organisations on a national level

Group F:

Other Non-governmental Organisations

Group G:

International Organisations

Non-voting members:

Group H:

Individual members being persons who have distinguished themselves in work related to protected areas.

Group I:

Supporting members being individual persons, organisations and institutions who support the Federation.

c) Applications for membership are to be made in writing to the Council. The Council decides on admission. The General Assembly shall also have the power to appoint exceptionally, on the recommendations of the Council, persons of distinction and achievement within the area of interest of the Federation to be Honorary Life Members. Such members shall be members of Group H.

d) Members shall be obliged to take forward the aims of the EUROPARC Federation within their legal competence and possibilities.

e) During the General Assembly only members who have paid their fees have a right to vote. The number of votes for each member shall be based on the current regulations laid down by the Council and which have to be approved by the General Assembly.

f) Voting rights may be delegated in writing to a member present. One member however, shall not have votes from more than five different members.

g) Membership shall come to an end on resignation or expulsion by Council decision. Resignation may only be effected at the end of a calendar year by letter to the President.

The fees levied by EUROPARC for members in these differing categories are managed by the Fees regulations

Regulations concerning application of Articles 10 and 3e of the Statutes of the EUROPARC Federation e.V.

A) EUROPARC membership fees (art. 10)
Minimum Contributions 2008/2009

		EUR
Group A) ¹	States and National Governmental Organisations	2,330
Group B)	Provinces, Régions, Länder, Comunidades, etc.	2,330
Group C)	National Parks, Nature Parks and other Protected Areas	585
Group D)	Other Official Agencies, Associations, Institutes and corporate bodies.	585
Group E)	Non-governmental Organisations on a national level	1,165
Group F)	Other Non-governmental Organisations	585
Group G)	International Organisations	585
Group H) ²	Individual members being persons who have distinguished themselves in work related to protected areas.	---
Group I) ³	Supporting members being individual persons, organisations and institutions who support the Federation.	52 2,080

Commented [CE1]: Thats ok as long as we have a basis on how we calculate the fees... that basis needs to be in print and applied to all

Remarks

Every two years, these figures are reassessed on the basis of average European Union inflation rates (Eurostatistics).

¹ For Group A members, a guideline fee is fixed for each country, taking into consideration the population numbers and the Gross National Product.

² All Group H members are nominated by the Council. They do not pay a membership fee and have no voting rights.

³ Group I members:

1. Supporting members can be individuals or companies / institutions / organisations that want to support the Federation.
2. Individual supporting members can not be active members of the administration board or employees in any of the parks or organisations that are members of the Federation. They cannot represent a park or organisation.

Commented [CE2]: We would need a transparent system for that... and be able to show how we calculated this – the proof is important and the application of the same procedure to every member

3. Supporting members may participate in the General Assembly but have no voting rights (Art. 2b statutes).

These regulations concerning Group F members were modified by the EUROPARC Council at its meeting in Brière on 14 May 2005.

B) Voting rights (art. 3e)

Voting rights depend upon the amount of fees paid.

The voting power will be distributed as follows:

One	vote	for fees between	585	and	2,329 EUR
Two	votes	for fees between	2,330	and	4,659 EUR
Three	votes	for fees between	4,660	and	9,319 EUR
Four	votes	for fees between	9,320	and	18,640 EUR

The Council is entitled to interpret these regulations in regard to individual questions and decisions.

October 2008 (2010 update – no change in fees).

Current Fee structure from the database:

Amount of members paying this fee	FEE amount	Total income	Explanations
11	52,00 €	572,00 €	Group I
1	100,00 €	100,00 €	Consultant – group I
1	200,00 €	200,00 €	Wicklow Uplands Council Limited – group F
1	261,74 €	261,74 €	Clyde Mursiel Regional Park – group C
3	290,00 €	870,00 €	3 German NGOs – group F
1	500,00 €	500,00 €	Consultancy – group I
338	585,00 €	198.315,00 €	
1	955,00 €	955,00 €	Transboundary park joint fee
8	1.165,00 €	9.320,00 €	
1	1.280,00 €	1.280,00 €	Association of German Nature Parks (reg.) – group F
34	2.330,00 €	79.220,00 €	
1	2.632,00 €	2.632,00 €	AONBs – currently: 31 plus 3 regional parks
1	2.885,00 €	2.885,00 €	
1	3.295,00 €	3.295,00 €	
2	3.475,00 €	6.950,00 €	
1	3.505,00 €	3.505,00 €	
1	3.640,00 €	3.640,00 €	
1	5.200,00 €	5.200,00 €	
1	5.480,00 €	5.480,00 €	
1	5.610,00 €	5.610,00 €	
1	6.285,00 €	6.285,00 €	
1	6.310,00 €	6.310,00 €	
1	7.280,00 €	7.280,00 €	
5	0,00 €	0,00 €	suborganizations
15	0,00 €	0,00 €	Honorary Members
433	SUMs	350.665,74 €	

For Council consideration.

With reference to this discretionary interpretation, clarification is needed if the interpretation of fees levied takes the member below the minimum agreed for that specific category. The problem with the NGO law being that this lower fee (and therefore new category) has been created for SOME, but not made public to ALL members it has been applied only to those some members and all of the AONB's. There cannot be exceptions – either this counts for all members of this category (and needs to be specified in all documents and announced to all members) or none gets this.

Council can however create a new category for NGOs paying below the minimum fee, clearly stating the amount (between 200 – 584,99) and clearly stating the rights that go with this. The problem also being that this is not a solution for the AONBs as they are not NGOs. So another category for PAs that want to pay a lower fee would have to be created – with assigned membership rights.

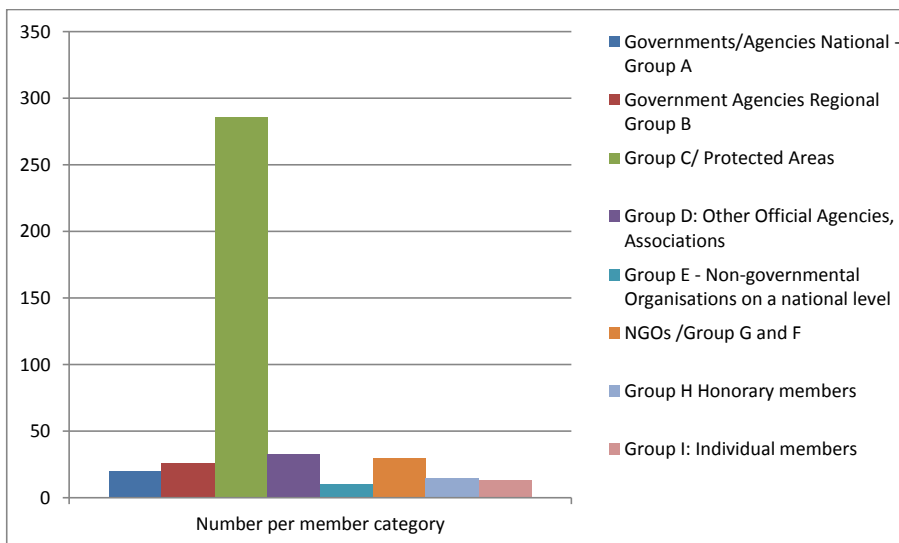
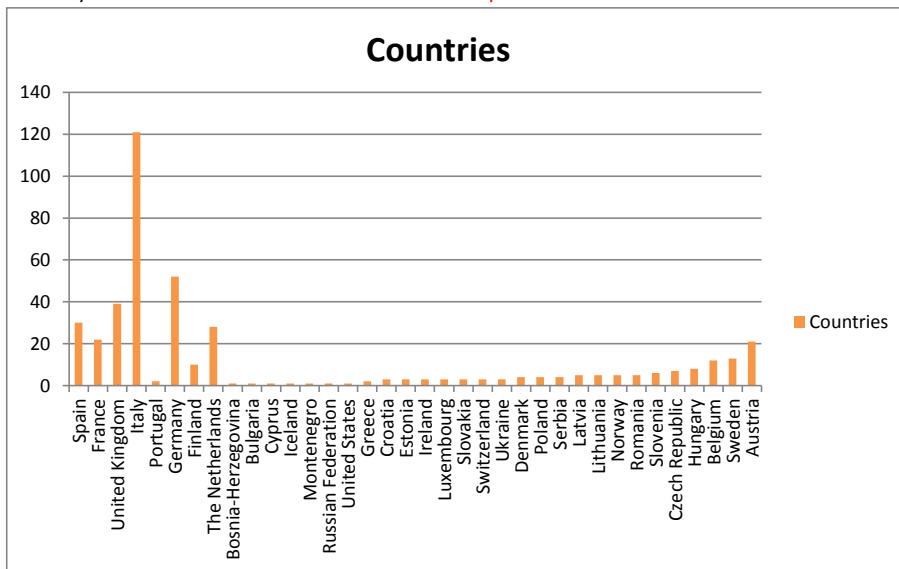
DANGER: we create too many categories that no one knows how to administrate and enforce in the end.

Membership database

Membership information is received from the applying member. A signed paper copy is required to meet regulations, but electronic copies are used to enable the flow of information.

Application of applying members are sent electronically to council for approval. And these are listed and minuted at the following council meeting. Information is then entered into the membership database held by HQ. Data protection issues relating to this information and how it is used need to be checked. These members that are also members of section have their data retained by the sections.

Currently the EUROPARC Federation has a membership of 433 members from 36 countries.



Criteria for membership

Membership Categories are governed by the statutes. Although most are reasonably self explanatory, some require elaboration and clarification. In addition council decided at its meeting in Sweden 2008, to qualify commercial interested and consultancies being accepted in Group I.

However questions have arisen in particular form EAI, regarding the definitions of Group E and Group G and the reason for the substantial difference in minimum fees levied. Further EAI have indicated that smaller NGO's who would be covered by Group F are finding the 585 fee too high.

Council decided at an earlier meeting to accept the membership application of the German Ranger Association at a lower fee of 290E, with non-voting rights. This is contrary to German NGO law as previously described

For Council consideration

A new category may have to be created with a lower fee levy for small organisations (this would need to be defined), and or those who participate in Federation programmes such as Charter, Transboundary and Junior Rangers, or that the current category has a fee rate reduced to lower minimum, between 200E and 585E.

Membership fees

Fees are collected (mainly) by bank transfer, upon receipt of invoice issued by the Federation. Despite information provided on the invoice, many UK members still pay in Pounds, or with cheque, with incur bank charges upon the Federation. Charges of about 300E were accrued in 2009.

For Council consideration.

We recommend that cheques are no longer accepted by the Federation. The issue over bank charges is difficult to resolve with reminders being sent to members.

Fees from Italian members are collected independently by Federparchi /EUROPARC Italia and disbursed to EUROPARC quarterly. This is an efficient administrative system, and the liability for payments rest with the section.

For Council consideration

EAI has a proposal for collection of EAI member fees. See attached.

Results of Non Payment of Fees

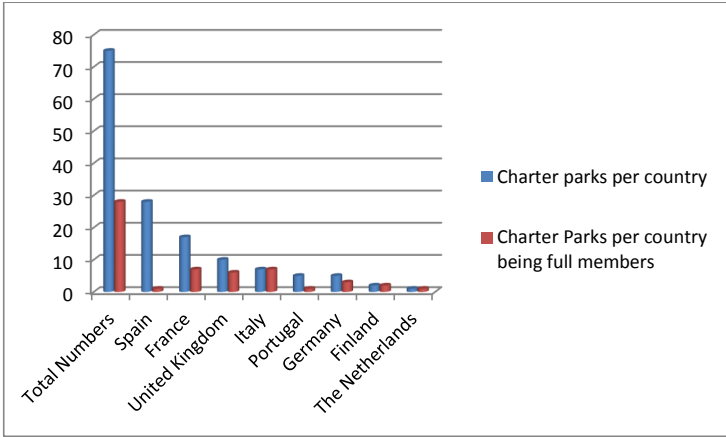
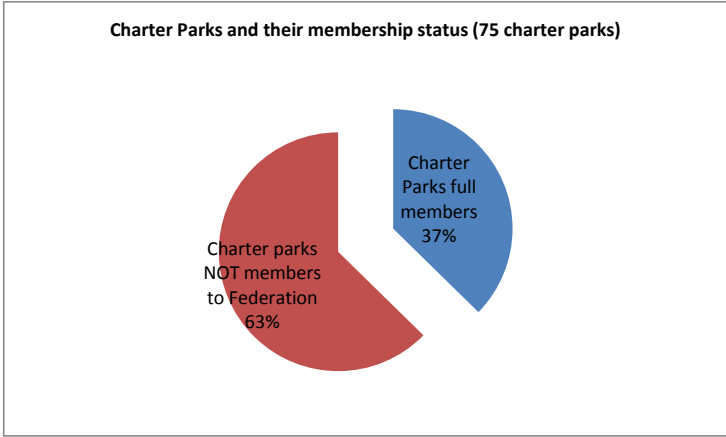
Membership Anomalies

Charters

1. European Charter for Sustainable Tourism - To be certified as a Charter park requires membership of the Federation. No definition of that membership has been made. But currently many Charter parks are what have been called sub members - a category that doesn't exist in the statutes or regulations.

The table shows the Federation membership of current certified charter [park.

Commented [CE3]: Which is against NGO law, cause there was no grounds for that decision other than arbitrary decision – we would have to have applied that to either all or none. It says no where that members can appeal to council for lower fees!!! Or they would have to be put into the I category and clearly have NO voting rights....



Clearly a discrepancy in application of the criteria has been allowed to take place as well as insufficient checks made on those applying by federation officer , or the Charter evaluation committee.

This amount to a loss of income for the Federation of **27495 Euro** (47 parks x 585 Euro) which is **137,475 E** over the life of a 5 year charter

This situation principally affects Spain , France and AONB's in the UK.

These anomalies mean that those who are being awarded Charter on the basis of " full membership" but who are not paying full membership fees are receiving a benefit not given to other members, despite some of the charter parks (mainly France) paying full membership fees.

This presents difficulties under the terms of German NGO law.

These issues also arise with Transboundary certification. No specific need to be a federation member is mentioned in the certification process. Two of the current Transboundary Parks are not members of the Federation.

Again this represents a loss of income to the federation

No mention for parks participating in the Junior Ranger programme to be members of the federation.

For Council consideration:

Council must consider the following option. That Federation member is not required for charter park status..

That all protected area who apply for Charter from now on, must pay the minimum full membership fee for their category.

That all Regional governments pay the proportional full fees of all protected areas under their jurisdiction.

2. Sub organizations / membership benefits

During the past years members have been accepted on basis of changing statutes and regulations. However there has been some confusion lately about membership benefits and the question of PAs or organizations being FULL members to the Federation. Many members stated the idea of “sub members” – which in fact do not exist according to the statutes and regulations.

However there were found a few abnormalities on the database that suggest that “sub members” were accepted in previous years. These abnormalities result in a loss of membership fee income for the Federation and **UNFAIR treatment of members**, since the sub organizations are getting membership benefits without paying full fees.

country	Organizaition english	Organization original language	Fee	Fee structure	Claims that fee includes	104.706,00 € Lost fees Fee should be according to current Fee rules
Austria	Agency of the Salzburg Federal Government	Amt der Salzburger Landesregierung	2.330,00 €		NP Hohe Tauern	2.915,00 €
Portugal	Institute of Nature Conservation	Instituto de Conservação da Natureza (ICN)	2.885,00 €	2300+585	Peneda-Gerês National Park	2.915,00 €
Germany	Mecklenburg-Vorpommern Agency for the Environment Nature Conservation and Geology		585,00 €		7 PAs	6.425,00 €

Germany	Regional Agency for Environment Brandenburg, Spatial Planning/Large Protected Areas Department		2.330,00 €		15 PAs	11.105,00 €
Germany	Thuringian Ministry for Agriculture,		3.505,00 €		6 PAs	5.840,00 €
Slovakia	State Nature Conservancy of the Slovak Republic (SNC SR)	Statna ochrana prírody Slovenskej republiky (SNC SR)	2.330,00 €		Low Tatras National Park Authority (NAPANT) and Tatra National Park Administration	3.500,00 €
Spain	Government of Valencia	Generalitat de Valenciana	2.330,00 €		Albufera NP	2.915,00 €
Spain	Aragón Regional Government, Department of Nature	Gobierno de Aragón, Dpto de Medio Ambiente	585,00 €		NaP Moncayo	2.915,00 €
Spain	Autonomous Government of Catalonia Environment Department	Generalitat de Catalunya, Departament de Medi Ambient, Dir Gral de Medi Natural	2.330,00 €		2 National Parks, 6 Nature Parks, 2 other protected areas,	8.180,00 €
Spain	Community of Madrid, Regional Ministry of Environment and Regional Development	Consejería de Medio Ambiente, Vivienda y Ordenación del Territorio. Dirección General de Medio Ambiente	2.330,00 €		NaP Peñalara + RP Manzanraes	3.500,00 €
Spain	Ministry of Environment - Council of Andalucía	Junta de Andalucía Consejería de Medio Ambiente	2.330,00 €		PN Sierra de las Nieves	2.915,00 €
Spain	Organismo Autónomo Espacios Naturales de Castilla la Mancha		2.330,00 €		Hayedo de Tejera Negra Nature Park, Lagunas de Ruidera Natural Park	3.500,00 €
Spain	Ministerio de Medio Ambiente Organismo Autónomo Parques Nacionales		2.330,00 €		Doñana National Park, Teide National Park	3.500,00 €
Spain	Basque Government Department of Industry, Agriculture and Fisheries	Gobierno Vasco	2.330,00 €		BR Urdaibai	2.915,00 €
Spain	Nature Parks Service	Diputación de Barcelona	585,00 €		pays for Council of Barcelona, Technical Office for the Prevention of Forest Fires	2.330,00 €
United Kingdom	AONBs		2.632,00 €		31 AONBs and 3 Regional Parks	19.890,00 €
United Kingdom	Causeway Coast & Glens Heritage Trust	Causeway Coast & Glens Heritage Trust	585,00 €		Causeway Coast AONB, Antrim Coast&Glens AONB and Binevenagh AONB	1.755,00 €

Belgium	Ministry for the Wallonian Region	Ministère de la Région Wallonne	8.905,00 €	3640 + 5265 (for 9 PAs)=8905	transfers the membership fee for 9 other parks	8.905,00 €
Finland	Natural Heritage Services, Steering Unit; Metsähallitus	Luontopalvelujen ohjausyksiköt,	9.575,00 €	5480 + 4095 (for 7 PAs) = 9575	includes fee for 7 parks/regions	9.575,00 €
Norway	Directorate for Nature Management	Direktoratet for Naturforvaltning	6.195,00 €	5610 + 585	Jostedalsbreen National Park Centre	6.195,00 €
The Netherlands	The Dutch National Parks Foundation	Stichting Samenwerkingsverband Nationale Parken	12.860,00 €	2330 + 10530 (for 18 Pas) = 12860	18 national parks	12.860,00 €
SUMS			72.197,00 €			124.550,00 €

Current Queries from members:

- Germany claiming that 28 PAs under regional government authorities are full members
- Finland claiming that 1 PA under the regional steering units is a full member
- Spain claiming that 21 PAs under government authorities are full members

It should be noted that none of these members who are claimed as full members of the Federation appear as full members of the relevant Sections

For Council Consideration:

Allowing sub organizations to claim full member status to the Federation without paying the full fee, if challenged, could result in **the loss of the charitable status of the Federation**, since this is unfair treatment of members. The statutes or regulations do not recognise or define sub organizations are yet have been accepted as full members. It is unfair treatment that some authorities/governments/agencies are paying the full membership fee for their suborganizations/ PAs under their authority (Netherlands, Belgium, Finland), while others only pay the agency fee and still claim the suborganizations to be members (see example cases above). Not only is this unfair and therefore against German NGO law, but it also results in a loss of at least **15.805 Euro** income for the Federation per annum.

Possible solutions:

1. all suborganization have to pay the full fees to benefit from membership benefits
2. a category for suborganizations is created with lower membership fee and less rights for those organizations
3. All suborganizations are allowed to benefit from membership benefits without paying and extra fee. With the expected result: huge loss in income for the Federation, less members, since only head organizations will become members.

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February 2010