

7. Statute of the Anna Lindh Foundation
– 11 january 2005 –

**PARTENARIAT EUROMED**

DOC. DE SÉANCE N° : 104/04 REV 4

EN DATE DU : 12.11.2004

ORIGINE : Commission/Council Secretariat

(Title and Logo inserted by ALF Secretariat)

**STATUTES OF THE ANNA LINDH EURO-MEDITERRANEAN
FOUNDATION FOR THE DIALOGUE BETWEEN CULTURES.****APPROVED 30 November 2004**

by the Sixth Conference of Ministers of Foreign Affairs of the Euro-Mediterranean
Partnership (Barcelona VI, The Hague)

**ARTICLE I
NAME, LOCATION**

1. In line with the agreements of the Euro-Mediterranean Conferences and Mid Term Meetings of Foreign Ministers in Valencia, 22-23 April 2002, in Crete 26-27 May 2003, in Naples, 2-3 December 2003 and in Dublin, 5-6 May 2004, the EuroMed Foundation (hereinafter referred to as "the FOUNDATION") will be called "The Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures". The Foundation shall have its headquarters in the Alexandria Library in tandem with the Swedish Institute in Alexandria.

2. The Foundation shall have legal personality

**ARTICLE II
OBJECTIVES AND TASKS**

1. The Foundation will promote the dialogue between cultures and contribute to the visibility of the Barcelona Process through intellectual, cultural and civil society exchanges. In particular, the Foundation will

- promote knowledge, recognition and mutual respect between the cultures, traditions and values which prevail in the partners.
- to identify, develop and promote areas of cultural convergence between the Euro-Mediterranean countries and peoples, with the aim in particular of promoting tolerance, cultural understanding and avoiding stereotypes, xenophobia and racism,
- encourage initiatives which aim at promoting a dialogue between religions in the Euro-Mediterranean region.
- promote the human dimension of the partnership as well as the consolidation of the rule of law and of basic freedoms in accordance with the guidelines of the regional

cooperation programme which was also adopted in this field by the Valencia Conference (April 2002).

- underline the vital importance of ensuring that all partners encourage the development and deepening of the cultural and human dimension of the Euro-Mediterranean partnership in all its aspects and its various components at bilateral or multilateral level.

2. The Foundation shall perform the following tasks within its areas of activity:

- establish and coordinate, in consultation and in cooperation with the competent authorities and organisations of the members of the Euro Mediterranean partnership, the network of national networks referred to in Article XII in order to act as a catalyst to develop the activities of the networks and provide an inventory of co-operation between them.
- promote intellectual, cultural and civil society exchanges,
- promote a continuous debate using in particular multi-media techniques (television, radio, periodical magazine, Internet) in co-operation with existing media and with the participation of people from both shores including journalists and the young ,
- give patronage to important events which promote mutual understanding, co-financed by large media groups and/or festivals and institutions already active in these areas,
- promote the activities of the Barcelona Process including by means of the Foundation itself (periodical magazine, Internet site).

ARTICLE III ACTIVITIES

1. An indicative list of possible activities to achieve the objectives set out in Article II is included in Annex 1. In carrying out its activities the Foundation shall also take into account the results of the work of the High Level Advisory Group, set up by the President of the European Commission, whose report is included in Annex 2.

2. In pursuing its activities, the Foundation, shall provide added value and promote synergy with existing programmes and future activities envisaged within the Euro-Mediterranean Partnership, notably in the areas of cultural heritage, audio-visual information technology and professional training already covered by the Euro-Mediterranean regional programmes (including Euro-Med Heritage, Euro-Med Audio-visual, Eumedis, Euro-Med Youth, etc...) and activities already carried out by governmental and non-governmental agencies. This shall not prevent the Foundation from actively seeking close co-operation with multilateral organisations deploying activities with regard to the dialogue between cultures, such as UNESCO, the Council of Europe, and others.

3. Grants awarded by the Foundation shall be subject to the principle of transparency and equal treatment and the absence of any conflict of interests.

ARTICLE IV POWERS OF THE BOARD OF GOVERNORS

1. The Foundation shall have a Board of Governors.
2. The Board of Governors shall:
 - (a) appoint the Executive Director in accordance with Article X
 - (b) adopt a multiannual work-programme with a three-year perspective on the basis of the draft submitted by the Executive Director. The multi-annual programme shall include a multiannual budget estimate;
 - (c) adopt the annual work programme, including the projects and activities for the coming year on the basis of a draft submitted by the Executive Director in accordance with Article XIII and within the framework of the multiannual programme.
 - (d) adopt the annual budget for the coming year in accordance with Article XVI.
 - (e) adopt the Foundation's annual report and Financial statements for the previous year ;
 - (f) adopt the general guidelines for the work of the Foundation including the award of grants and establish its operational priorities;
 - (g) establish its Rules of Procedure;
 - (h) establish the criteria for the monitoring and auditing of the Foundation's projects in accordance with Article XVIII.
3. The Board of Governors shall establish a committee with advisory status in accordance with Article XI.

ARTICLE V COMPOSITION OF THE BOARD OF GOVERNORS

1. The Board of Governors shall be composed of representatives of the members of the Euro-Mediterranean Partnership. To this effect, each member of the Euro-Mediterranean Partnership has the right to appoint a member of the Board as well as an alternate who will represent the member in his/her absence.
2. The Board of Governors will in the initial stage be the Euromed Committee itself. After the initial three-year period, the EuroMed Committee shall determine the number and the duration of the mandate of Members of the Board of Governors taking into account various factors including a comprehensive review of its functioning.

ARTICLE VI CHAIRMANSHIP OF THE BOARD OF GOVERNORS

1. The Board of Governors shall in accordance with the procedures set out in Art. VIII elect a Chairperson and a Deputy Chairperson from among its members reflecting the diversity of the EuroMed Partnership. The Deputy Chairperson shall ex-officio replace the Chairperson in the event of his/her being prevented from attending to his/her duties.
2. The term of office of the Chairperson and Deputy Chairperson shall expire when their respective membership of the Board of Governors ceases. Subject to this provision,

the duration of the term of office of the Chairperson or Deputy Chairperson shall be three years. These terms of office shall be renewable.

ARTICLE VII
MEETINGS OF THE BOARD OF GOVERNORS

1. Meetings of the Board of Governors shall be convened by its Chairperson.
2. The Executive Director of the Foundation shall take part in the deliberations.
3. The Board of Governors shall hold at least two ordinary meetings a year. In addition it shall meet at the instance of the Chairperson, or of the Executive Director or at the request of at least one third of its members.
4. The secretariat for the Board of Governors shall be provided by the Foundation.

ARTICLE VIII
VOTING OF THE BOARD OF GOVERNORS

1. The Board of Governors shall act by consensus and in the presence of half of its members plus one.
2. When it is not possible to reach consensus, the Board of Governors shall adopt its decisions by a majority of 6/7 plus one of the votes of its members present or represented. This majority vote may be reviewed following changes in the composition of the Board of Governors, and it shall be reviewed in any event after the initial period of the three years.
3. Each member shall have one vote. The Executive Director of the Foundation shall not vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote.
4. The rules of procedure shall establish the more detailed voting arrangements, in particular, the conditions for a member to act on behalf of another member, where appropriate.

ARTICLE IX
FUNCTIONS AND POWERS OF THE EXECUTIVE DIRECTOR

1. The Foundation shall be managed by its Executive Director. Without prejudice to the competences of the Board of Governors, the Executive Director shall neither seek nor take instructions from any government or from any other body.
2. The Executive Director shall have the following functions and powers:
 - (a) to head the Foundation's staff and prepare the meetings of the Board of Governors;
 - (b) to be the permanent link with the network of national networks;
 - (c) to represent the Foundation in its external relations. He/she shall be the legal representative of the Foundation;

- (d) to ensure the implementation of the annual work programme approved by the Board of Governors and execute the budget;
- (e) to report to the Board of Governors and through the latter to the Euro-Mediterranean Ministerial Conference on the Foundation's overall activity;
- (f) to establish the Foundation's draft multiannual work programme and a draft budget estimate on a three-year perspective, and submit them to the Board of Governors for adoption in accordance with Article XIII;
- (g) to submit to the Board of Governors for adoption a draft annual work-programme for the coming year and a draft budget estimate in accordance with Article XVI.
- (h) draw up a draft annual progress report and to submit it to the Board of Governors on the implementation of the Foundation's three-year work-programme and the financial statements for the previous year for adoption;
- (i) to establish procedures ensuring transparency related to the submission of proposals and implementation of actions supported by the Foundation

ARTICLE X

APPOINTMENT OF THE EXECUTIVE DIRECTOR

1. The Executive Director of the Foundation shall be appointed by the Board of Governors who will vote for one candidate out of the short list presented by the European Commission.
2. The term of office of the Executive Director shall be three years. This term of office may be extended once, for a maximum of three years.
3. Power to dismiss the Executive Director shall lie with the Board of Governors.

ARTICLE XI

ADVISORY COMMITTEE

1. An Advisory Committee consisting of 12 members shall be established of individuals chosen for their background in the field of intercultural dialogue and their independence in relation to both governments and private financial interests. They shall be selected by the Board of Governors, from proposals made by the Euro-Mediterranean partners. This selection shall draw on members of the network of national networks and on personalities of civil society and in the cultural field of the Euro-Mediterranean region. The aim shall be to guarantee a balanced representation of private and public sector and gender equality. They will be selected amongst Member countries of the Barcelona Process, taking into consideration the partners' geographical diversity, 6 from EU countries and 6 from Mediterranean partner countries, appointed for three years, non-renewable.
2. The Advisory Committee shall be consulted by the Executive Director for the preparation of the draft multi-annual work programme, the draft budget and, where appropriate, on other issues related to the work of the Foundation.
3. The Advisory Committee shall meet at least once a year with the financial support of the Foundation. Other meetings may be financed by the budget of the Foundation subject to the approval by the Board of Governors.

4. In addition to meetings described in paragraph 3, the Advisory Committee shall meet upon request of the Board of Governors, to provide advice on questions referred to it by the Board of Governors.

ARTICLE XII NETWORK OF NETWORKS

1. The Foundation will function, in the initial stage, as a network of networks. Each country will identify appropriate institutions and organisations that at national level are working to develop a dialogue between cultures and civilisations within the framework of the Euro-Mediterranean societies and will select the institution/organisation that will play the role of head of the national network;

2. The Foundation shall play a pivotal role in mobilising the national networks dealing with the dialogue between cultures created by the Euro-Mediterranean partners, notably by promoting a network of the respective heads of the national networks. It shall assist members of the networks in securing access to funding, bringing people and organisations together, spreading knowledge and sharing best practice with the aim of furthering the dialogue between cultures .

ARTICLE XIII MULTIANNUAL AND ANNUAL WORK PROGRAMME

1. Before 30 November 2004, the Executive Director shall submit to the Board of Governors the Foundation start-up procedures along with the draft work plan for the first three-year period. At subsequent three-yearly intervals the Executive Director shall submit to the Board of Governors, before 1 October of the respective year, a similar draft multi-annual programme for adoption.

2. The Executive Director shall transmit, before 1 October of each year, the draft annual work programme for the following year to the Board of Governors, along with the information required by this Statute.

ARTICLE XIV LABEL OF THE FOUNDATION

The Foundation, in order to disseminate the ideas of the Barcelona Process, and information on its activities and projects, shall establish a “Euromed label” as recognition for all projects in which it has a presence. These activities shall be carried out in close co-ordination with the Euro-Mediterranean regional programme on Information and Communication “Euromed Dialogue”.

ARTICLE XV CONTRIBUTIONS TO THE FOUNDATION

1. Initial financial contributions from Euro-Mediterranean Partners shall be acknowledged by the Board of Governors and indicated in Annex 3 to the present statute.
2. General conditions for the future financing of the Foundation by Euro-Mediterranean partner countries, including, notably, the conditions for accepting private donations will be decided by the Board of Governors within a period of one year of the starting of the operations of the Foundation. Such private donations must be for specific activities (cultural events) so that they cannot influence the Foundation's general approach. Private donations must under no circumstances be tied to policy or operational considerations. The Foundation may apply for grants of the European Communities in accordance with the applicable provisions.
3. Each Euro-Mediterranean partner, and any other donor to the Foundation, shall deposit any or all of its financial contribution to the Foundation for operating costs, projects, and all other expenses into the account opened in the name of the Foundation. At the discretion of the financing Euro-Mediterranean partner, this contribution may be made subject to a written agreement with the Foundation and may be maintained in Euro or Egyptian pounds.
4. Funds that are deposited in the Foundation's bank account shall be disbursed from the bank account by the Executive Director or his designee in accordance with procedures approved by the Board of Governors and/or any agreement between the Foundation and the relevant financing Euro-Mediterranean partner.
5. The Headquarter Country shall provide at its own expense and in the framework of its financial contribution to the Foundation appropriately furnished premises suitable for use by the Foundation along with maintenance, utilities, and security for the facility.
6. In financial transactions, the Foundation shall enjoy the privileges stipulated in Egyptian Presidential Decree Nr.../... as set out in Annex 4.
7. Disbursements of funds for projects may be made to the appropriate organisations, institutions and individuals in any currency.

ARTICLE XVI BUDGET OF THE FOUNDATION

1. The financial year of the Foundation shall be the calendar year.
2. Before 1 October of each year, the Executive Director shall submit to the Board of Governors the draft annual budget for the revenue and the expenditure of the Foundation including allocations of staff. The Board of Governors shall adopt the annual budget with any amendments and return the budget for execution to the Executive Director by 1 December of that same year. The initial budget shall be for the remainder of the financial year in which it is submitted.

3. If, at the beginning of a financial year, the budget has not yet been adopted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month.
4. Any funds remaining uncommitted at the end of each financial year shall be carried over to the budget for the following year.
5. The functions of the Executive Director and the accounting officer shall be separate and mutually incompatible.

ARTICLE XVII FINANCIAL PROCEDURES

1. Financial control and audit mechanisms of the Foundation's funding shall be ensured in full respect of the principles of good financial management and in accordance with internationally recognised standards.
2. Periodic financial reports shall be provided to the Board of Governors on the Foundation's administrative costs and expenditures in the format and detail required by the Board of Governors.
3. An annual audit by an auditor approved by the Board of Governors shall be conducted of the Foundation's expenditures and related financial activities. Results of the audit shall be reported to the Board of Governors within 30 days after completion.
4. Every three years an external evaluation report of the Foundation's activities shall be drawn up and submitted to the Board of Governors and the Executive Director.

ARTICLE XVIII AUDITING AND MONITORING OF PROJECTS

1. In accordance with the criteria established by the Board of Governors, approved projects funded through the Foundation shall be subject to an annual external audit of the project's accounts performed by an approved auditor who is a member of an internationally recognised supervisory body for statutory auditing. The requirements of the audit report will be specified in each specific grant contract between the Foundation and the beneficiaries.
2. Audit reports pertaining to a project shall be available to the entities audited, to the Foundation and to all members of the Board of Governors.
3. The Foundation and any Euro-Mediterranean partner contributing financially to the Foundation, may perform its own controls and audits, or engage others to do so.

ARTICLE XIX
SUPPLEMENTARY AGREEMENTS

Each Euro-Mediterranean partner may conclude supplementary written agreements with the Foundation as approved by the Board of Governors consistent with the provisions of this Statute, in order to comply with its national laws, rules, and regulations applicable to the Foundation.

ARTICLE XX
SETTLEMENT OF DISPUTES

The EuroMed Committee shall be responsible for discussing any dispute between members of the Euro-Mediterranean Partnership relating to the functioning of the Foundation.
If the EuroMed Committee is unable to resolve the dispute, it shall be referred to the Euro-Mediterranean Conference of Foreign Ministers.

ARTICLE XXI
AMENDMENT OF STATUTE

This **Statute** may be amended by the EuroMed Committee.