

APROBAT
la Adunarea de constituire
a Asociației Obștești
„MOTIVAȚIE”
în baza procesului-verbal
din 4 ianuarie 2002

ÎNREGISTRAT
de Ministerul Justiției
al Republicii Moldova
nr. 2079
din 22.01.2002



APROBAT
la Adunarea Generală
a Asociației Obștești
„MOTIVAȚIE”
în baza procesului-verbal
din 11 mai 2010

ÎNREGISTRAT
de Ministerul Justiției
al Republicii Moldova
nr. 65
din 19.07.2010

Viceministru _____

STATUTUL ÎN REDACȚIE NOUĂ

al Asociației Obștești

„MOTIVAȚIE”

Chișinău 2010

**Statute new version
ADOPTED
by the General Assembly of the
Association “MOTIVAȚIE”
from Moldova
protocol Nr. 2
from 11th May 2010**

REGISTERED
by the Ministry of Justice
of the Republic of Moldova
Nr _____
Date _____

**STATUTE IN NEW REDACTION
of the Public Association
„MOTIVAȚIE”**

CHISINAU - 2010

1. GENERAL PROVISIONS

1.1 Public organisation Association “MOTIVAȚIE” from Moldova (later referred to as Association) is a non-governmental organisation, of/for children and young people, apolitical, independent, non-profit, constituted in a form of a public organisation that operates in accordance with the Constitution of the Republic of Moldova, under the law in force of the Republic of Moldova (Law RM nr 873-XII on public organisations) through this Statute and to public benefit.

1.2 Full name: **Association „MOTIVAȚIE” from Moldova.**

1.3 The association is a legal form of organisation: „Public Association” and is a republican organisation, which operates throughout the entire territory of the Republic of Moldova, with the right to open branches in the country and abroad.

1.4 Association and its branches operate closely with state and public organisations, civil associations in the country and abroad, whose scope of activity does not contradict that of the Association.

1.5 Association can join national and international non-governmental organisations, both as a member, and as an associated member or observer.

1.6 Association can be a collective member of various institutions, as well as a plenipotentiary partner of public companies or international non-governmental organisations, establish and maintain direct links with them, by entering into respective agreements.

1.7 Association is entitled to possess mass-media, to disseminate information about its aims and activities, and other information.

1.8 Association has the right to conduct economic activities in order to meet its statutory needs in accordance with the law.

1.9 Association is a legal entity, has a stamp, letterhead, symbollic, its own press organ, possesses accounts, including foreign reserves in banking institutions. It may be a plaintiff or a defendant in court and arbitration.

1.10 Functioning of the Association is not limited in time. The legal address of the Association is: MD-2046, mun. Chisinau, town Vadul lui Voda, Victoriei 1a str., Centre for Independent Living. The postal address of the Association is: bd. Traian 23/1 MD-2060, Chisinau, Republic of Moldova.

2. AIMS AND OBJECTIVES OF THE ASSOCIATION

2.1 The main purpose of the Association is to support the process of social integration of children and young people with disabilities by changing the mentality of rejection manifested by the society.

2.2 The objectives of the Association are as follows:

- achieving a change of mentality among the population, with a particular emphasis on children and young people with disabilities and their parents, which

would facilitate their social integration and reduce the phenomenon of marginalisation and social exclusion of disadvantaged groups;

- preparing „agents of change” among journalists, teachers, educators, social assistants in order to multiply the scope of knowledge on social integration of children and young people with disabilities;
- facilitating process of social integration of children and young people with disabilities by providing specialised social services and information support;
- preventing abandonment and institutionalisation of children and young people with disabilities;
- active recovery of children and young people with disabilities – in particular with motor disabilities;
- supporting participation of children and young people with disabilities in a social life and in taking decisions regarding their welfare;
- designing and manufacturing equipment and assistance tools dedicated to children and young people with disabilities;
- stimulating voluntary practices among children and young people;
- educating children and young people in the spirit of human rights, peace, tolerance, healthy lifestyle;

2.3 In order to achieve the objectives, the Association carries out the following activities:

- organizes seminars, courses, conferences on the topic of social integration, active recovery, rights of disabled people, tolerance, acceptance, etc. at the Association, in educational institutions, medical centers for children and young people;
- organizes active recovery stages, Summer schools, courses, seminars both for children and young people with disabilities, as well as their parents;
- organizes seminars, courses, internships, trainings for specialists of the Association;
- organizes seminars, courses, training sessions, trainings for volunteers and trainers;
- prepares radio and television programmes in partnership with mass-media;
- implements projects in partnership with state institutions and non-governmental organisations;
- edits printed materials, including posters, leaflets, brochures, methodical literature in the field of special education, social integration;
- develops and implements scientific, educational, cognitive, social, cultural-artistic, sport, touristic programs, aiming at the welfare of children and young people;
- intervenes at state organs with proposals in regards to legislative and normative functioning of issues related to people with disabilities;

- defends the rights of its members in state and public organs;
- establishes enterprises and organisations with the right as a legal entity in order to achieve the statutory objectives;
- carries out other activities that do not contradict the law.

3. MEMBERSHIP OF THE ORGANISATION

3.1 The basic principle of activity is a voluntary participation.

3.2 Founders of Association become members of the Association with full rights.

3.3 Members of the Association may be:

- Physical persons, who reached the age of 17, regardless of nationality, social status, gender and religion that accept the aims and objectives of the Association, provided by this statute;
- Legal persons, who sign the Accession Agreement to the Association, on terms set by the Administrative Council. Collective members of the Association are obliged to designate a concrete physical person as a representative, through which a legal person will perform membership duties. Collective members of the Association shall inform the Administrative Council in writing of any nomination or revocation of their representative. The appointed representative participates in voting on behalf of the organization that designated him.

3.4 Membership is acquired through the decision of the Administrative Council of the Association, which is issued on the written request of an applicant.

3.5 Admission to the Association takes place at the meeting of the Administrative Council as a result of voting in favour of 2/3 of those being present. Physical persons will submit a written request, while legal persons will present the Statute of the organization and a copy of a registration certificate.

3.6 Membership is lost:

- For physical persons: through death, written resignation or exclusion written by the General Assembly for serious reasons, including non-payment of membership fees;
- For legal persons: based on the decision made by the governing body of legal persons by submission of a written request to the Administrative Council of the Association, through legal liquidation or dissolution, expulsion for not respecting the Admission Agreement of the Association or non-payment of membership fees, if 2/3 of members of the Administrative Council, present at the moment, voted in favour of that.

3.7 Members of the Association pay membership fees (annually) in accordance to the decision of the General Assembly, reflected in the present statute, which determines the amount and the way of payment of contributions.

3.8 Each member pays the annual membership fee in the amount of 120 MDL for physical persons and 1000 MDL for legal persons. When submitting his membership application, an accession tax is paid: 60 MDL for physical persons, 120

MDL for legal persons. The amount of membership fees and accession tax can be modified by the decision of the Administrative Council.

3.9 Members of the Association have the right:

- To participate in the development and implementation of the programme of the Association;
- To address the Association in regards to protection and promotion of its interests and rights, using material and organisational possibilities of the Association within these objectives;
- To elect and to be elected to the management and control body of the Association;
- To intervene with proposals for amending and supplementing this Statute;
- To possess information in regards to the activities of the Association and of governing bodies of the Association;
- To voluntarily withdraw from the membership of the Association.

3.10 Members of the Association are obliged:

- To comply with this Statute;
- To pay the membership fees on time and in the amount set;
- To respect and execute decisions of the governing bodies of the Association;
- To contribute actively towards achieving the statutory goals of the Association.

4. ORGANIZATIONAL STRUCTURE OF THE ASSOCIATION

4.1 The supreme governing body of the Association is the General Assembly. General Assemblies are ordinary and extraordinary.

- Ordinary General Meeting is convened usually twice a year. The agenda, date and place of it are determined by the Administrative Council and, within 30 days, before the meeting, are communicated in writing to all members of the Association.
- Extraordinary General Meeting is convened at the initiative of the Administrative Council, Audit Commission or at the initiative of not less than 1/3 of members of the Association.

4.2 The General Assembly is deliberative if it is attended by 50% + 1 of members of the Association. Decisions of General Assembly are taken by simple majority voting of those present unless the quorum is specified otherwise.

4.3 Other invited people (consultants, experts, etc.) may participate at the General Assembly, however, only members of the Association have the right to vote. Each member of the Association has one vote.

4.4 The General Assembly is empowered to discuss any issues referring to activities of the Association. Following issues are within the exclusive competence of the General Assembly:

- Adoption and introduction of changes into the Statute of the Association;
- Election of the President of the Association, Administrative Council, Audit Commission;

- Discussion and approval of progress reports of the Administrative Council and Audit Commission;
- Approval of budget of the Association, submission and approval of closing accounts and balance;
- Approval of the main directions of activities of the Association;
- Assisting activities of the Association;
- Admission and exclusion of members of the Association;
- Establishment of the amount of membership fees and a modification of the way of paying it;

4.5 Decisions regarding supplementing and changing of the Statute of the Association, admission and exclusion of members of the Association and issues related to election or reelection of the President of the Association, the Administrative Council and the Audit Commission are taken by 2/3 majority voting of members present at the General Assembly.

4.6 The governing body that conducts good governance of the Association in the period of time between General Meetings is the Administrative Council, composed of five people working as volunteers, elected for a period of time of two years. Members of the Administrative Council can be persons, who are not members of the Association. Form and manner of election and recall of the Administrative Council are determined by the General Assembly.

4.7 The Administrative Council is elected by the General Assembly and has the following responsibilities:

- ✦ Executes decisions of the General Assembly;
- ✦ Develops the strategy of the Association (strategy plan);
- ✦ Raises necessary funds for implementation of the strategy of the Association;
- ✦ Convenes and ensure preparation of the General Assembly;
- ✦ Coordinates activities of the Association;
- ✦ Approves in writing material-financial transactions of the Executive Director of the Association, exceeding the amount of 2000 (two thousand) EUR;
- ✦ Forms working groups on their own initiative or at the request of the General Assembly;
- ✦ Submits proposals to the President of the Association in regards to election or dismissal of a candidature of the Executive Director of the Association and determines his duties and responsibilities;
- ✦ Requests, reviews and approves financial and narrative reports from the Executive Director of the Association, performs other functions assigned by the General Assembly;
- ✦ Decides on the establishment of companies, which would participate in partnerships or other types of associations;
- ✦ Keeps track of its own activities;
- ✦ Meets with (potential) donors, partners and other external stakeholders and represents the Association;
- ✦ Initiates internal evaluation/self-evaluation and internal or external audit of the organisation;

- ✦ Hears the audit report of the organization, if necessary, requests additional information;
- ✦ Presents executive reports and its own reports to the General Assembly of the organization;
- ✦ Approves personnel policy of the Executive Director;

4.8 Meetings of the Administrative Council are deliberative if they are attended at least by four members of the Council, and decisions are adopted by simple majority voting of those present at the meeting. In case the Administrative Council is composed of foreign citizens, stateless persons or citizens of the Republic of Moldova, who are abroad or in other parts of the country, Council meetings can be virtual through e-mail, teleconference, phone, etc. and duties of these persons can be carried out through information technologies. Chairman of the Administrative Council is obliged to involve every person in the work of the Council and to keep proper records, including communication with relevant people expressed through their vote.

4.9 Administrative Council shall normally meet twice a month on the request of the Chairman of the Council, at the request of 1/3 of members of the Council, or on the request of the Executive Director. The Chairman of the Council is responsible for preparing a protocol from all Council meetings.

4.10 President of the Association is simultaneously the Chairman of the Administrative Council. President of the Association is elected for a term of two years by a free vote of the General Assembly and works on volunteering basis.

Duties of President of the Association:

- ✦ Organizes, directs and presides over activities and meetings of the Administrative Council;
- ✦ Organizes, directs and presides over the General Assembly of the Association;
- ✦ Represents without specific mandate the Association in relations with national state, public, commercial and financial organisations, as well as with media, and similar organisations abroad;
- ✦ Signs the contract of employment of the Executive Director on the basis of decision of the Administrative Council;
- ✦ Is responsible for activities of the Association and of the Administrative Council during his term;
- ✦ Consults the Executive Director on matters related to achievement of organizational strategies;
- ✦ Applies measures of incentive and penalty to members of the Administrative Council and the Executive Director;
- ✦ Bears responsibility for financial and material assets and resources of the Association;
- ✦ During the absence or incapacity of work of the Executive Director, overtakes his functions until his return or nomination of the new Executive Director.

4.11 The Executive Director is employed and has the following duties:

- Carries out daily operational-management activities of the organisation;
- Issues/signs orders, instructions, regulations, provisions, legal acts of collaboration, contracts, job descriptions etc.

- Appoints/issues and manages employees and volunteers at the organization;
- Sets the remuneration of labour, incentives and disciplinary sanctions to staff;
- Bears responsibility for assets' management and financial-material resources of the association;
- Raises funds and manages programs and projects of the organization or delegates these functions;
- Signs banking transactions, financial reports and other documents of fiscal and financial character;
- Purchases property, necessary equipment for activities of the organization, respecting the conditions of approval of the Administrative Council, etc.
- Participates in strategic planning and development of operational plans, based on the strategy plan;
- Represents the Association in relations with state authority and local organs, public organisations from the country and abroad, mass-media, commercial structures etc.
- Is responsible for regulations at work, including safety at work and keeping correct appropriate documentation;
- Exercises other operational and managerial duties;

4.12 Organ of control of the Association is Audit Commission, which operates on a voluntary basis and is composed of 3 members of the Association. In order to avoid conflicts of interest, members of the Audit Commission cannot be relatives of 1st or 2nd grade of accountant and/or Executive Director of the organisation. The Audit Commission is elected for a term of two years by the General Assembly. Audit Commission has the following duties:

- Supervises legality and accuracy of financial decision-making;
- Ensures internal financial discipline of the organization and consults accountant on financial/fiscal/economic issues;
- Exercises control over execution of this Statute, concerning transactions and other financial/fiscal/bank operations;
- Verifies accuracy of budget performance reports of the Association, presenting periodic reports to the General Assembly;
- Verifies records of accounting documents;

4.13 At the request of the Administrative Council, it conducts internal financial audits, presenting internal audit reports to the Administrative Council and the General Assembly. Meetings of the Audit Commission are convened as needed and reports are presented mandatorily at each meeting of the General Assembly. Internal audit is carried out whenever necessary, but not less than once a year.

4.14 For reporting to the Audit Commission, reports issued by Audit Companies that are contracted to audit the Association/Projects can be used.

4.15 Meetings of the Audit Commission are deliberative if they are attended by 2 of its members, and decisions are adopted by majority vote of those present at the meeting.

4.16 The form and procedure of electing and recalling of the Audit Commission are determined by the General Assembly.

5. ASSETS AND FINANCIAL MEANS OF THE ASSOCIATION

5.1 The association possesses assets and financial means necessary to achieve its statutory goals, which consist of:

- Accession tax is paid once and constitutes 60 MDL for physical persons, 120 MDL for legal persons;
- Annual membership fees for members of the Association – for physical persons 120 MDL and 1000 MDL for legal persons;
- Voluntary donations by citizens of the Republic of Moldova and foreign citizens, public and state organisations, charitable foundations and unions, institutions and organisations;
- Assets received in a form of charity or acquired in accordance with the law;
- Benefits derived from business activities as a legal entity created by the Association to achieve the statutory objectives, editing publications, production and printing production, other economic activities;
- Proceeds for services rendered to beneficiaries;
- Resources and allocations from local or republican budget of the state;
- Income from investment funds in the form of financial investments or bank deposits;
- Donations, sponsorships, grants or special purpose grants;
- Other revenues allowed by law;

5.2 Donations and sponsorships can be made in a form of cash and tangible and intangible assets. All donations and sponsorships regardless of the form are used exclusively for achieving the statutory objectives, for self-management and self-development needs.

5.3 All revenues and proceeds from various activities of the Association, including social entrepreneurship activities, are used according to the directions set by the decision of the Administrative Council, in accordance with statutory provisions and purposes of the Association.

5.4 Association does not use any part of its income or own proceeds for interests of any member of the Association, founder or other individuals, to fund political parties, electoral blocs or independent candidates.

5.5 Association is responsible for its receipts and submission of reports to donors in regards to the way of utilisation of sponsorships and donations.

5.6 Distribution of means of the Association takes place only as a result of a decision of the General Assembly for statutory purposes. Responsibility for distribution and efficient use of resources lies with the President and the administrative Council.

6. TRANSPARENCY OF ACTIVITIES AND FINANCIAL REPORTS

6.1 Financial reports are prepared and presented in terms and forms stipulated by the legislation of the Republic of Moldova.

6.2 The annual financial report of the Association includes:

- ✚ Accounting financial report, prepared and presented according to the Law on accounting and National Accounting Standards;
- ✚ Tax reports, according to the Tax Code and tax legislation;
- ✚ Statistical reports, according to the legislation in force;
- ✚ Annual Report of the President of the Association, presented to the General Assembly of the Association;
- ✚ Other reports depending on users (town hall, donors, etc..)

6.3 President of the Association presents to the General Assembly a report on the financial situation of the Association on 31st December of the reported year, to be confirmed by a report of the Audit Commission.

6.4 Annual financial report of the President includes:

- ✚ Financial and material situation of the Association;
- ✚ Executive summary of sources and size of revenues of the association;
- ✚ Total amount of financial means and materials used during the course of the financial year in order to achieve the statutory objectives;
- ✚ Number and kinds of beneficiaries of services and goods sold (given);
- ✚ Size and direction of costs for carrying out basic activities;
- ✚ Expenditure on salaries and contributions towards state and medical social insurance;
- ✚ Expenditures for repair, maintenance and replacement of Association's assets;
- ✚ Payment of taxes and other payments to state budget and social insurance budget;
- ✚ Existence and utilization of financial means from funding account (grants, sponsorships, donations, etc.);

6.5 The reports mentioned in p.6.2 are kept at the headquarters of the Association.

6.6 All physical and legal persons shall be guaranteed a free access to information presented in financial reports.

7 FINAL PROVISIONS

7.1 Association ceases to operate in cases provided by law in force. Decision to terminate the work shall be adopted by the General Assembly with the votes of 2/3 of a total number of members.

7.2 Assets and means remaining after payments to all creditors and breakdowns in the budget, based on the decision of the General Assembly and legislation in force are transmitted to the legal successor or used to achieve the statutory objectives.

7.3 Additions and amendments to the Statute can be initiated by the Administrative Council, the General Assembly, the Executive Director or 1/3 of members of the Association. Appropriate initiatives will be discussed on the forum of the General Assembly and will be adopted under this statute.

7.4 Additions/amendments approved by the General Assembly will be recorded in a protocols signed by the President of the Association and the secretary of the

meeting and will be forwarded to the Ministry of Justice of the Republic of Moldova. If statutory amendments will be essential as a volume, the organization will attach protocols and new wording to the statute.

7.5 The present Statute shall enter into force upon its registration at the Ministry of Justice of the Republic of Moldova and may be changed or amended only by a decision of the General Assembly.

President of the AMM _____ /Nicolae Beșliu/

✚ Alte rapoarte în funcție de utilizatori (primărie, finanțatori etc.);

6.3 Președintele Asociației prezintă Adunării Generale a Asociației un raport referitor la situația financiară a Asociației la data de 31 decembrie a anului de gestiune, care urmează să fie confirmat prin raportul Comisiei de Cenzori.

6.4 Raportul financiar anual al Președintelui include:

- ✚ Situația financiară și materială a Asociației;
- ✚ Rezumat privind sursele și mărimea veniturilor asociației;
- ✚ Valoarea totală a mijloacelor financiare și materiale utilizate pe parcursul anului financiar în vederea atingerii scopurilor statutare;
- ✚ Numărul și categoriile de beneficiari de servicii și bunuri vândute (acordate);
- ✚ Mărimea și direcția cheltuielilor pentru desfășurarea activităților de bază;
- ✚ Cheltuieli pentru salarizare și contribuții privind asigurările sociale de stat și medicale;
- ✚ Cheltuieli pentru repararea, întreținerea și înlocuirea patrimoniului Asociației;
- ✚ Achitarea impozitelor, taxelor și altor plăți la bugetul de stat și bugetul asigurărilor sociale;
- ✚ Existența și utilizarea mijloacelor bănești din contul finanțărilor (granturi, sponsorizări, donații etc.);

6.5 Rapoartele menționate în p.6.2 se păstrează la sediul Asociației.

6.6 Tuturor persoanelor fizice și juridice li se garantează accesul liber la informația prezentată în rapoartele financiare.

7 DISPOZIȚII FINALE

7.1 Asociația își încetează activitatea în cazurile prevăzute de legislația în vigoare. Hotărârea de încetare a activității se adoptă de Adunarea Generală cu voturile a 2/3 din numărul total de membri.

7.2 Patrimoniul și mijloacele rămase după achitarea cu creditorii și defalcările în buget, în baza hotărârii Adunării Generale și a prevederilor legislației în vigoare sunt transmise succesorului în drept sau folosite în scopul realizării obiectivelor statutare.

7.3 Completările și modificările statutului pot fi inițiate de către Consiliul de Administrare, Adunarea Generală, Directorul Executiv sau 1/3 din membrii Asociației. Inițiativele corespunzătoare vor fi dezbătute în cadrul Adunării Generale și adoptate conform prevederilor prezentului statut.

7.4 Completările/modificările aprobate de către Adunarea Generală vor fi consemnate într-un proces verbal semnat de către Președintele Asociației și secretarul adunării și vor fi înaintate Ministerului Justiției al RM. În cazul în care modificările și completările statutare vor fi esențiale ca volum, organizația va anexa la procesele verbale și noile redacții ale statutului.

7.5 Prezentul Statut intră în vigoare din momentul înregistrării lui la Ministerul Justiției al Republicii Moldova și poate fi schimbat sau modificat doar prin decizia Adunării Generale.

Președintele AMM _____



/Nicolae Beșliu/