

Statutes of 'plan:g'

§ 1 Preamble

Ailment and exclusion are medical, social and religious challenges. Jesus responds to these challenges by offering nearness. His presence is one of complexity; it contains the precept of immediate help, the precept of accepting any individual, and the precept of structural and sustainable change.

The objective of plan:g is to overcome stigmatising poverty diseases and to promote sustainable development of the health sector: everyone has the right of access to high-quality, dignified and available medical care. Human rights are part of being human; they are biblical.

Subsequently, in accordance with the UN Human Rights Convention and the UN Disability Rights Convention, plan:g strives for inclusion.

Irrespective of the person concerned, plan:g stands on the side of the marginalised, the oppressed and the poor, in keeping with Catholic social teaching.

Concerned about our '*common home*', the Earth, Pope Francis extends Catholic social teaching in the Encyclical *Laudato si'* to include an ecological dimension. The major ecological devastations of our time are inextricably linked to the development and spreading of diseases. This applies in particular to diseases of poverty, the focus of plan:g's work.

In light of these new challenges, plan:g aims to continue to build upon the previous success of development cooperation activities in the health sector.

§ 2 History of the organisation

- Borne by a church initiative originating in Vorarlberg and quickly becoming active throughout Austria, the Austrian Leprosy Relief Association was founded in 1958 with the objective of providing adequate health care for people affected by leprosy, and improving their living conditions.
- On 24 November 2006, the diocese of Feldkirch and the Pontifical Mission Societies in Austria (Missio Austria) agreed that the Austrian Leprosy Relief Association is a legal and organisational part of Missio Austria, but that it shall be managed in the diocesan office Bregenz as a separate accounting entity.
- On 3 December 2013, the Austrian Leprosy Relief Association was outsourced from Missio Austria and continued its work as an institution for development cooperation, operating as an ecclesiastical foundation of the diocese of Feldkirch. Pastoral affairs and development cooperation activities were thus clearly separated.

§ 3 Legal form, name, registered office, sphere of activity

- (1) By decree of 3 December 2013, Bishop Benno Elbs established the Austrian Leprosy Relief Association as a church foundation which enjoys the status of an independent legal entity for the ecclesiastical sphere (cc. 114 and 116 CIC).
- (2) A change in by-laws on 28 February 2018 led to the Foundation changing its name to 'plan.g'.

- (3) plan:g's registered office is Belruptstrasse 21, 6900 Bregenz.
- (4) plan:g operates nationally and internationally. plan:g works in Austria and in the official recipient countries of development assistance that are listed by the relevant committee of the Organization for Economic Cooperation and Development (OECD DAC). In disaster and emergency cases, the activities of plan:g can be extended beyond the countries mentioned by the OECD.

§ 4 Purpose of the Foundation

- (1) plan:g, whose activities are not for profit, exclusively and directly serves purposes in accordance with Sections 34ff of the Austrian Federal Fiscal Code (BAO). In particular:
 - Charitable purposes in terms of Section 37 BAO (Sec. 4a(2)(3)(a) of the Income Tax Act [EStG]),
 - the fight against poverty and hardship in development cooperation partner countries using tools for development cooperation in the health sector and by promoting economic and social development, which shall lead to a process of sustainable development, combined with structural and social change (Sec. 4a(2)(3)(b) EStG)
 - and the provision of assistance in disaster situations (Sec. 4a(2)(3)(c) EStG).

The Foundation's funds shall be used exclusively for the purposes specified in these by-laws. The bodies of the Foundation may not receive profit shares or other benefits from the Foundation. No one may benefit from administrative expenditures that are not related to the purposes of the Foundation, or from disproportionately high remuneration.

- (2) plan:g is a human rights-oriented organisation for development cooperation operating in the health sector. The prime objective of plan:g is to combat poverty and deprivation in development cooperation partner countries through the structural improvement of health systems. This work for the sustainable development of the health sector is part of promoting economic and social development as per the above Section 4a(2)(3)(b) EStG, which shall lead to processes of structural and social change, and economically and ecologically sustainable growth.
- (3) In addition to development work, plan:g may partner with other organisations in providing humanitarian help and emergency relief worldwide within the meaning of Section 4a(2)(3)(c) EStG.
- (4) plan:g promotes one world of South-South cooperations and North-South dialogue.
- (5) plan:g engages in specialist public discussion forums.
- (6) plan:g promotes public health sector development by integrating all measures that directly or indirectly combat stigmatising diseases in general health care.
- (7) The non-profit Foundation's mission is pursued through the use of material and non-material means referred to in Section 5.

§ 5 The Foundation's means

- (1) The non-material and financial means required for the purpose and functions of the Foundation are, inter alia, raised by:

Material means:

- a. Donations and collections of all kinds
- b. Contributions *inter vivos* or *mortis causa*
- c. Volunteering
- d. Circles of friends and supporters
- e. Income from the endowment
- f. Subsidies, among others, from local authorities, public representatives and charitable organisations

Non-material means:

- a. Lectures, publications in the press, radio, television, electronic media and social networks
- b. Publications of all kinds
- c. Circulars and other advertising materials
- d. Cooperation with governments and authorities, with public representatives, with charitable organisations and with other organisations and institutions
- e. Participation in professional forums of the health sector
- f. Founding and investing in establishments that promote the purpose of the foundation
- g. Implementation of disaster relief measures
- h. Support for people who are vulnerable due to material or personal circumstances
- i. Other non-material means:
 - i. Support and start-up of proprietary facilities and projects for development cooperation, particularly in the health sector in partner countries for development cooperation
 - ii. Medical and social rehabilitation
 - iii. Development and support of health projects
 - iv. Support of research and training of health, care, medical and nursing professions
 - v. Health education and health information in the partner countries
 - vi. Information and preventive education
 - vii. Ensuring and strengthening the community orientation of health projects
 - viii. Information, public relations (lectures, publications, volunteering, etc.), lobbying and advocacy, i.e. espousal of poverty sufferers and changing social attitudes and beliefs to promote inclusion
 - ix. Forwarding of any possible donations for the purpose of the Foundation
 - x. Lobbying, international networking, promotion of international dialogue, conferences, expert exchange, cooperation and other appropriate measures serving the Foundation's purpose.

§ 6 Organisational bodies and their functions

- (1) Foundation Board of Trustees: This consists of the vicar general, a representative of the Episcopal Ordinariate of the diocese of Feldkirch, a representative of the Pastoral Office

of the diocese of Feldkirch, a spiritual assistant appointed by the local Ordinary and a representative of Caritas of the diocese of Feldkirch.

The Board of Trustees elects a chairman from among its members, who, in particular, maintains contact with the Management Board. All decisions of the Board are passed by a simple majority; at least three members must be present. The Board of Trustees controls the Management Board. It decides on the Foundation's Rules of Procedure and oversees the appropriate functional management of the endowment in accordance with these by-laws as well as the use of proceeds (e.g. interest) to be obtained from the core assets and donations and other contributions. It also approves the annual plans and budget drawn up and presented by the Management Board, adopts the Foundation's annual financial statements and provides assistance to the Management Board. Each member of the Board of Trustees may convene an extraordinary Board meeting, regardless of which the local Ordinary exercises their right of supervision.

- (2) **Advisory Board:** The Advisory Board is formed by up to six proven experts (e.g. regional specialists, doctors, administrative or nursing staff, development cooperation experts, patients or professionals with other project-related expertise). The appointment to the Advisory Board is made by the Board of Trustees; the director may submit proposals.

The Advisory Board examines and approves all project decisions prepared by the Foundation in accordance with the criteria outlined in the Foundation's Rules of Procedure. Any changes to these criteria require the approval of the Board of Trustees.

- (3) **Management Board:** The Management Board appointed by the Board of Trustees is responsible for taking care of ongoing business activities in line with the guidelines set out in the Rules of Procedure. In particular, eliciting eligible projects and taking measures aimed at achieving the Foundation's purpose. The Management Board convenes a regular

meeting of the Board of Trustees at least twice a year.

- (4) **External representation of the Foundation:** The Foundation is represented in and out of court by the Management Board and the chairman of the Board of Trustees. If the Board of Trustees has appointed several Management Board members, the Foundation shall be represented exclusively by the Management Board as a whole.

- (5) No organ shall benefit from non-related administrative expenditures or from disproportionately high remuneration.

§ 7 Endowment, use of funds, change of by-laws

- a. The endowment is owned by plan:g and follows the rules of the CIC on public ecclesiastical assets.
- b. Only the endowment is liable for the Foundation's liabilities to creditors.
- c. The funds of the Foundation are used exclusively and directly for the stated purposes.
- d. The Foundation must publish the funded organisations and causes which may benefit from the collected donations in an annual report.
- e. The endowment is to be managed frugally in compliance with the Foundation's character and with the diligence of a prudent and conscientious manager.
- f. Any amendments to the by-laws require the approval of the Ordinary.

§ 8 Dissolution

Dissolution of the Foundation follows the provisions of canon law. In this case, or if the endowment is no longer sufficient for the long-term fulfilment of the Foundation's purposes, or if circumstances arise which make the continuation of the Foundation pointless, or with cessation of the previous purpose, the endowment remaining at the time of cancellation must be used according to the Foundation's purpose, thus exclusively and directly for deductible donation purposes within the meaning of Section 4a(2)(3)(a) to (c) EStG.

§ 9 Gender-neutral designation

Statements referring to people are valid for both men and women.

§ 10 Entry into force

These revised by-laws enter into force on 28 February 2018.

Dr Gerhard Walser
Episcopal Notary

Dr Benno Elbs
Bishop of Feldkirch