



# RULES

## of the International Federation of Musicians

Revised version - October 1<sup>st</sup>, 2008

---

### Name and domicile

1. The International Federation of Musicians (FIM) is an international organisation, to which musicians' unions and equivalent representative organisations from all countries, may affiliate.
2. The domicile of FIM shall be the place where the Secretariat is established, namely 21 bis, rue Victor Massé 75009 Paris, France. It may be transferred by decision of the Executive Committee, subject to regulatory steps being carried out to this end vis-à-vis the competent administrative authorities.

### Object and Purpose

3. The object of FIM shall be to unite musicians' unions of various countries into one global organization for the purpose of protecting and elevating the economic, social and artistic status and interests of musicians, both in their role as performers and as producers of the recording of their own performances
4. In order to achieve its objectives, FIM is committed to the following:
  - a) encouraging and assisting in the organisation of musicians into musicians' unions in all countries;
  - b) uniting musicians' unions throughout the world;
  - c) taking the geographical diversity of its members into account with regards to the make-up of its bodies, and its Executive Committee in particular;
  - d) increasing and strengthening international collaboration between musicians' unions through, for example, the promotion of bilateral agreements and/or twinning schemes between FIM affiliates;
  - e) protecting members of the music profession against the illicit use of their performances, recorded or otherwise;
  - f) promoting national and international protective legislation in the interests of musicians;
  - g) entering into agreements with other international organisations in the interests of member unions and of the profession;
  - h) encouraging non-national musicians to observe and respect the minimum rates and conditions of the country in which they are working;
  - i) obtaining and compiling statistical and other information in reference to the music profession and providing such information to member unions;
  - j) securing the legal regulation of profit-making employment agencies for musicians;

- k) assisting member unions to overcome visas, work permits and other difficulties that might be experienced when working abroad by inter alia:
  - regulating the transfer of members of one national union to another;
  - protecting the interests of foreign musicians;
- l) providing moral and material support for member unions in the interests of the profession and in accordance with the objects of FIM;
- m) use all efforts to make music a heritage common to all people, taking into account the preservation of national and regional identities to foster inter-cultural dialogue;
- n) holding international congresses and conferences;
- o) maintaining close collaboration with WIPO, the International Labour Office and UNESCO, and continuous relations with all international organisations which could be of service to FIM.

### **Membership**

- 5. All musicians' unions which agree to abide by the rules and other regulations of FIM may apply for membership of FIM. Admission shall be effected according to Art.7 and 8, subject to the following exception: a union comprising less than 300 members may be admitted only in exceptional circumstances and at the discretion of the Executive Committee.
- 6. Application for admission shall be sent in writing to the Secretariat. Included with the application, the applicant union shall provide a copy of its Rules/Constitution and information regarding the union's jurisdiction and number of members. Notice of such application shall be sent to all affiliated unions by the Secretariat who shall also provide an opinion regarding the appropriateness of the application.
- 7. Should no objections be raised within twelve weeks, the admission of the applicant union shall be effected by the Secretariat. However, an objection to the admission of a new musicians' union may be raised by any member union and shall be submitted to the Secretariat by registered or recorded letter within four weeks after receipt of the notification of the application for admission.
- 8. If an objection is raised, the Executive Committee shall decide for or against the acceptance of the application. Should the Executive Committee decide against acceptance of an application, a rejected union shall have the right to appeal against the decision of the Executive Committee to the next Congress. The union shall be informed of this right by the Secretariat by registered or recorded letter. On appeal, the union may be admitted into membership by majority decision of the Congress.
- 9. An admission may be revoked by decision of the Executive Committee if it should appear that:
  - a) the admission was effected only as a result of deception by the applicant union, or
  - b) a member union was unable in due time to raise a well founded objection for the sole reason only that the member did not receive, or did not receive in due time, knowledge of the application for admission.

### **Termination of membership**

- 10. Membership may be terminated by:
  - a) resignation;
  - b) expulsion.
- 11. Any member union that has completely fulfilled its financial obligations may resign from membership on 31st December or 30th June by giving six months' prior notice to the Secretariat by registered or recorded letter.
- 12. Expulsion may be ordered by the Executive Committee for contravention of the rules or of resolutions of the Congress. The expelled union may appeal to the next Congress. Pending the decision of the Congress, which shall be final, the appellant union shall have no obligations or rights of any kind with the exception of the right of appeal.

13. The Executive Committee may suspend from membership any member union which is not in compliance with its obligations or has breached FIM rules or any specific decision of Congress. Such decision may be the subject of appeal to the following Congress. A member union suspended from membership in accordance with this Article shall retain all obligations of membership but exercise no rights of membership.

Unless otherwise decided by the Executive Committee, a member union that hasn't complied with its financial obligations for 2 years will be suspended. This union will remain suspended until those obligations are fulfilled.

Unless otherwise decided by the Executive Committee, a suspension for over 2 years will result in the member's affiliation being terminated.

### **Rights and Obligations of Members**

14. Member unions shall have autonomy in respect to their organisation, administration and finance, and full freedom of action in respect to their collective bargaining policy, but in all matters of international importance shall observe a common policy.
15. Member unions shall accept the obligation to carry out the decisions of the Congress and the Executive Committee by all means at their disposal.
16. Member unions shall bring their rules into conformity so far as is practicable with the rules of FIM.
17. Each member union shall send an annual report to the Secretariat on important developments in its own country, by e-mail where possible. In addition, any matters of interests to other members shall be reported to the Secretariat. Members unions shall provide such information as may be requested by the Secretariat.
18. Financial obligations of member unions to FIM are paid by member unions as follows:
- a) entrance fee on admission;
  - b) annual membership fees at the beginning of each business year;
  - c) any other fees as and when decided by the Congress.

The Executive Committee shall have the authority to grant exceptional reductions of the fees and contributions due to FIM to those member unions who are unable to comply with their standard financial obligations. It may in particular authorise the payment by such unions of a reduced contribution for a specified period of time, renewable at the discretion of the Executive Committee. Such exceptional arrangements shall conform to the following principles:

- d) the union concerned shall only be entitled to have the number of delegates to Congress that is in proportion to its fees and contributions paid in the Congress period;
- e) in the event of a union coming within this arrangement being elected to the Executive Committee, FIM shall only be obliged to pay such travelling expenses as are agreed by the Executive Committee.

Special arrangements for payment may be granted at the discretion of the General Secretary.

### **Administrative and Executive Bodies of FIM**

19. The administrative and executive bodies of FIM shall be:
- a) The Congress
  - b) The Executive Committee
  - c) A Presidium comprising the President, four Vice-Presidents and the General Secretary
  - d) The Secretariat as determined by the Executive Committee.

20. The Congress shall be the highest authority of FIM and shall determine the general policy and activities of FIM, approve its rules, determine the amount of entrance fees and membership fees and, as the final court, shall decide complaints and appeals of member unions. It shall elect the President and the four Vice-Presidents, and allocate the remaining seats on the Executive Committee to member unions, who shall designate the persons to occupy such seats.
21. The Congress shall comprise delegates from the member unions in accordance with the following scale:
  - Unions with up to 1000 members = 1 delegate
  - Unions with up to 5 000 members = 2 delegates
  - Unions with up to 25 000 members = 3 delegates
  - Unions with more than 25 000 members = 4 delegates
  - Unions with more than 35 000 members = 5 delegates
  - Unions with more than 45 000 members = 6 delegates

Each delegate shall have one vote for the Union he directly represents. However, should it be impossible for a member union entitled to only one delegate to send a delegate to the Congress, this member union may authorise a delegate of another member union participating in the Congress to exercise its rights by written proxy. Only those delegates shall be entitled to vote who represent unions whose membership fees have been fully paid.

Where two or more organisations in a country are affiliated to FIM, the number of delegates for that country shall be calculated by taking account of the total number of musicians affiliated to these organisations and the number of delegates allocated to each of these organisations shall be determined - as closely as is practicable – by the number of musicians affiliated to each organisation.

Members of the Executive Committee and the General Secretary shall participate in the Congress ex officio. They shall be entitled to vote only if they are delegates.

22. The Congress shall appoint its administrative and executive bodies and determine its own standing orders.
23. The quorum of the Congress shall be 60% of those entitled to attend. A two thirds majority of votes cast shall be required for rule changes. Other decisions may be made by a simple majority. Equality of voting shall count as a rejection. A secret vote must be taken if requested by more than 25% of the delegates present.
24. An ordinary Congress shall be held every three years. This period may, if necessary, be extended to 4 years should the Executive Committee so decide. The Executive Committee is empowered to convene extraordinary Congresses, and shall be required do so if one third of the member unions so request. The place and time shall be determined by the Secretariat after consultation with the Executive Committee.
25. Arrangements for the Congress shall be made by the union in whose country it is to occur.
26. Transportation expenses, approved by the Secretariat, shall be paid from FIM's funds to those delegates, representing unions that have been affiliated to FIM during at least a full business year, preceding the Congress.
27. Motions for the Congress may be submitted by the member unions, the Executive Committee and the Secretariat. They shall be sent to the Secretariat at least three months before the Congress and shall be brought to the notice of the member unions by the Secretariat not later than six weeks before the Congress. Should the necessity arise for a member union to submit a motion within the three months prior to the Congress, such a motion shall be dealt with as an emergency motion if the Congress so decides.

### **The Executive Committee**

28. The Executive Committee shall consist of the President, four Vice-Presidents and twelve additional members, who shall be elected in accordance with Art. 19 and shall hold office until the next ordinary Congress after their election. The persons occupying seats on the Executive Committee may be replaced or substituted, where necessary, by the unions to which the seat is designated . In the event of the President or any of the Vice-Presidents ceasing to hold office, the Executive Committee shall make arrangements for the election of a successor to serve for the un-expired period of office. Such election shall be conducted by a postal ballot of member unions. In such ballot, member unions shall, subject to their affiliation fees being paid up to date at

the time of the ballot, be entitled to the same number of votes that they would have at a Congress.

29. Meetings of the Executive Committee shall be held as required, but at least once a year. A meeting shall be convened when requested by three committee members. The President and the General Secretary shall decide upon time and place of such a meeting, but in the event of disagreement, the President's decision shall be final.
30. The quorum of the Executive Committee shall be eight members. A proposition shall only be carried if supported by two thirds of the votes cast.
31. The Executive Committee shall determine its own standing orders.
32. The meetings of the Executive Committee shall be chaired by the President or by a Vice-President.
33. It shall be the responsibility of the Executive Committee, together with the Secretariat, to ensure that the Rules, and the decisions of the Congress and the Executive Committee are observed. The Executive Committee shall be responsible for determining the policy to be pursued between Congresses. It shall be the duty of the Executive Committee to determine the location of the Secretariat, to appoint the necessary personnel and to supervise the activity of the Secretariat.
34. The Executive Committee shall appoint an auditor to conduct an annual audit of the books.
35. The expenses of Executive Committee meetings, and the transportation expenses of Executive Committee members (at the discretion of the Executive Committee), the General Secretary, and others who may act on instructions of FIM, shall be borne by FIM funds.

#### **The Secretariat**

36. The Secretariat shall attend to the administration of the Federation. The General Secretary shall be responsible to the Executive Committee for FIM funds.
37. The General Secretary shall be the executive officer of the Executive Committee and shall participate, in an advisory capacity, in meetings of the Executive Committee and in the Congress.
38. Agreements and other important documents must be signed by the General Secretary and the President, or, if this is not possible, by the General Secretary and a Vice-President. In financial matters the General Secretary may sign alone.
39. The General Secretary shall engage the necessary staff after consultation with the Executive Committee, which shall determine all terms and conditions of employment.
40. The official languages of the Federation shall be English, French, German and Spanish. All important communications shall be issued in these four languages.

#### **Final Provisions**

41. FIM may be dissolved if two thirds of the member unions agree to such a proposal.
42. In this case, any surplus property shall be distributed to the member unions in proportion to the numbers of their members.
43. FIM shall be liable only to the extent of its own property.
44. Where there are differences of construction of the rules, the English version shall be authoritative.
45. The Executive Committee shall determine any matter on which the rules are silent, but shall have no power to alter the existing rules. Should a decision on such matter be taken, the Executive Committee shall submit to the next FIM Congress a motion to amend the rules to address the subject matter.