

# **INTERNAL RULES**

## **CHAPTER I - HEADQUARTERS AND SECRETARIAT**

### Rule 1

The headquarters and secretariat of the Federation shall be established with its own discrete postal address, telephone and fax numbers, internet address, bank account, etc. There must be no possibility of physical or legal control of the assets or activities of the Federation by any Member or Associate.

## **CHAPTER II - MEMBERS AND ASSOCIATES**

### **A. Admission to the Federation**

#### **1. General**

### Rule 2

Any institution or organisation wishing to join the Federation must submit its candidature to the Secretary-General, indicating where possible if it wishes to acquire the status of Member or Associate. The application must be written in English, French or Spanish and be accompanied by documents demonstrating the legal status and financial profile of the applicant, the range of its activities, and its commitment to the goals of the Federation. Documentation to support an application must include:

- a) a formal commitment to respect the Statutes and Rules of the Federation and its Code of Ethics;
- b) (if the candidate is a governmental or semi-governmental organisation, or if it is part of a larger organisation:) an official letter from the authorities or the parent organisation endorsing the application, including the commitment given in (a) above;
- c) detailed information on the source of its funds and a copy of its last annual balance sheet;
- d) an indication of its principal official tasks, of the extent of its interests and areas of activity, of any possible specialisation, etc.
- e) a description of its previous activities and a list of moving image and other materials in its care: films (national and foreign production), related documents, old apparatus, etc.
- f) a description of the preservation techniques and facilities at its disposal and an indication of the extent of its activities in this area.

(Note that applicants for the status of Member are expected to demonstrate a significant and ongoing commitment to film preservation as a primary area of activity. This would characteristically involve spending at least 10% of their budget (excluding staff costs) on making preservation masters (preservation masters are copies which are designated for preservation only and not used for screenings) or a significantly larger percentage of their budget for the acquisition and conservation of master material and its storage in a suitable temperature and humidity controlled environment which as far as possible

meets the recommendations of the FIAF Technical Commission. It is, however, acknowledged that many film archives are seriously under-resourced, and that a candidate for affiliation may be unable to meet such a specific qualification. Such applications will be considered in the light of the candidate's actual circumstances.);

- g) a description of its projection activities, if any.
- h) a description of its links with the official authorities and organisations in its country, whether relating to film or not;
- i) a description of any relations it may have had with Members or Associates of the Federation.

Where relevant, an applicant should also supply:

- a) a copy of its deed of foundation and a copy of its statutes and rules;
- b) a copy of its business plan or mission statement;
- c) examples of paper or electronic publications relating to its activities such as screening programmes, collection catalogues, etc.

### Rule 3.

The Executive Committee will make its decision on a candidate for affiliation no later than 18 months after the application has been received. During this period, the Executive Committee will satisfy itself that the applicant meets the necessary standards and will determine the correct category of affiliation. Institutions which have applied for affiliation may attend FIAF Congresses and General Assemblies as non-voting observers while their application is under review.

## **2. Associates**

### Rule 4

Admission of an Associate is decided by the Executive Committee on the basis of an oral or written report by the Secretary-General. The original documents presented by the candidate shall be available to all the members of the Executive Committee.

### Rule 5

The decision of the Executive Committee shall be communicated by the Secretary-General to the archive concerned as soon as possible after the relevant meeting of the Executive Committee. If an institution, is admitted, the decision shall also be communicated by circular letter to all Members and Associates as soon as the admission becomes effective.

## **3. Members**

### Rule 6

An archive which seeks to become a Member of the Federation must make itself available for a visit of inspection by an authorised representative of the Executive Committee to show him the archive's facilities. If possible, such a visit will be made before the Executive Committee votes on the candidate's application, but it

will in all cases be made before the new Member's status is confirmed after the first two years, as required by Article 6 of the Statutes.

#### Rule 7

In judging the ability of an archive to qualify as a Member of FIAF, consideration will be given by the Executive Committee to the nature of its collections, its ability to work for their preservation, its status within any larger organisation and within its country or region of operation, its range of operations and its financial position. Where the Executive Committee considers that a candidate is, at least for the time being, not qualified for admission as a Member, it may offer admission as an Associate. Such admission shall not prejudice the candidate's right to apply for a change of status within the Federation if its circumstances change.

#### Rule 8

Each member of the Executive Committee shall be provided with a dossier based on the documents presented by the applicant. These dossiers shall be prepared by the Secretary-General. The original documents shall be available to all members of the Executive Committee.

#### Rule 9

The Secretary-General may require additional information from a candidate to resolve any questions which the Executive Committee feels are insufficiently explained in the application papers.

#### Rule 10

The Executive Committee shall decide on applications for Membership by vote according to the procedures stipulated in these Rules (see Rule 53). The decisions available to the Executive Committee are:

- a) to recommend to the next General Assembly that the candidate archive be admitted as Member;
- b) to postpone any decision until the next Executive Committee meeting, pending a request for additional information (see Rule 9);
- c) to offer the candidate admission as an Associate (see Rule 7);
- d) to reject the application, in which case the Executive Committee will also decide whether it is appropriate to explain to the candidate the reasons for its decision.

A candidate may withdraw its candidature at any time. In case of rejection, the archive concerned may re-submit its candidature after a minimum delay of two years.

#### Rule 11

The decision of the Executive Committee on the admission of new Members will be reported to the next General Assembly and submitted for formal ratification under the terms of Rule 34.

*No equivalent*

#### **4. General rules concerning admission to the Federation**

##### Rule 12

When a candidate for admission operates in a territory where one or more affiliates already exist, the Secretary-General shall request the written opinion of those existing affiliates on the merits of the application.

The Executive Committee will be guided in its discussion by the opinions expressed by existing affiliates in the territory where a candidate operates, although existing affiliates have no right of veto over a candidate's application.

##### Rule 13

When two or more institutions from a given country which has no affiliate of the Federation apply at the same time, the Executive Committee may ask the applicants to explain the relationship between them.

##### Rule 14

Admission becomes effective only when the new affiliate gives proof of payment of the annual affiliation fee determined by the Federation and signs the appropriate version of the statement of adherence to the Code of Ethics.

##### Rule 15

The status of new affiliates will be formally reviewed by the Executive Committee 2 years after their first admission. The Secretary-General will give a brief report covering the affiliate's behaviour within the Federation (submission of annual reports, payment of affiliation fees, etc.) and noting any additional information that has come to light since the affiliate's admission. The Executive Committee will then vote to confirm or revoke the affiliation, according to the procedures stipulated in these Rules (see Rule 53).

If affiliation is confirmed, it will continue (without further review or formal reconfirmation) until it is terminated in one of the ways outlined in the following section (Rules 16 - 22).

If affiliation is revoked, the Executive Committee will decide between three possible courses of action:

a) to offer a change of status in accordance with the procedures specified in Rule 20

b) to reverse its earlier decision, following the procedure described in Rule 10 d). The Secretary-General will report on the outcomes of such reviews to the next General Assembly. Where the affiliation of a Member is revoked, the question will be submitted for formal ratification under the terms of Rule 34.

While there is no formal procedure for the routine reconfirmation of affiliates after the above actions, the Executive Committee will keep affiliates under constant review. It is a condition of affiliation that Members and Associates must

respond to any requests that may from time to time be sent out in the name of the Federation for information on their activities, and must receive the visit of any representative of the Executive Committee mandated to report on them.

## **B. Loss or Alteration of Affiliation**

### **1. Resignation**

#### Rule 16

Any Member or Associate wishing to resign must inform the Secretary-General by registered letter at least three months in advance. The Secretary-General shall inform all Members and Associates of the Federation of this resignation within two weeks. The letter of resignation must contain the proposals of the resigning Member or Associate concerning the settlement of its commitments to the Federation and to those affiliated to it, which must be carried out within a maximum period of three months.

### **2. Suspension**

#### Rule 17

The suspension of a Member or an Associate shall be proposed to the Executive Committee by the Secretary-General on the grounds of either

- a) the recommendations of an arbitration jury (see Rules 84 - 94 below)
- b) persistent failure to remain in communication with the Federation (for example, the non-submission of the Annual Report for two consecutive years or by the Treasurer for persistent non-payment of the annual affiliation fee. Confirmation of the proposed suspension will normally be decided at the next scheduled Executive Committee meeting, according to the procedures stipulated in these Rules (see Rule 53). In response to the recommendation of an arbitration jury the Executive Committee may make its decision immediately by postal vote (see Rule 57).

The Executive Committee will at the same time decide whether a suspended affiliate has any rights to benefit from or participate in the workings of the Federation during the period of suspension, and the extent of any rights that may be retained.

If a representative of an affiliate being considered for suspension is a member of the Executive Committee, he may not take part in the discussion of the suspension other than to make statements relating to the facts in the case. He will not take part in the vote, and if the vote for suspension is carried he will resign from the Executive.

#### Rule 18.

If the Executive Committee votes to confirm the recommendation, suspension will be for an initial period of one year but may extend to a second year on the recommendation of the Secretary-General, the Treasurer or the arbitration jury. During this period, if the suspension is for failure to remain in communication or failure to pay affiliation fees, the Secretary-General or Treasurer will seek to resolve the cause of suspension with the Member or Associate concerned, drawing as necessary on funds reserved in the Federation's budget to cover such

cases. At the end of the period of suspension, if its cause remains unresolved, the expulsion of the affiliate concerned must be considered (see Rule 21).

#### Rule 19

Within a maximum period of 2 years, a suspended Member or Associate may be reinstated within the Federation provided it has resolved the issues leading to its suspension to the satisfaction of the Executive Committee, which will reach its decision after hearing the reports of the Secretary-General and/or the Treasurer.

### **3. Change of Status**

#### Rule 20

The Executive Committee may at any time decide to change the status of an affiliate when it concludes that there has been a significant alteration in the conditions which dictated that affiliate's previous admission. Evidence for such change may be submitted to the Secretary-General by the affiliate concerned, or by another Member or Associate of the Federation. Status changes may apply in either direction, in other words either from Associate to Member or from Member to Associate.

The Executive Committee will decide on changes of status according to the procedures stipulated in these Rules (see Rule 53). Its decision will be reported to the next General Assembly and submitted for formal ratification under the terms of Rule 34.

### **4. Expulsion**

#### Rule 21

Expulsion is decided by the Executive Committee in case of serious infringement of the Statutes and Rules or in all cases where the presence of the affiliate concerned in the Federation could prejudice the Federation or certain of its affiliates. Except in instances of revoked affiliation or unresolved suspension (see Rules 15 and 18), cases for expulsion are prepared by an arbitration jury (see Rules 84 - 94) and must be based on violation of the Code of Ethics or on infringement of the Statutes and Rules of such a kind that the consequences can be considered seriously prejudicial to the Federation. Expulsion of a Member or an Associate is decided by the Executive Committee according to the procedures stipulated in these Rules (see Rule 53). The decision will normally be made at the next scheduled Executive Committee meeting, but in response to the recommendation of an arbitration jury the Executive Committee may make a decision to suspend the affiliate concerned immediately by postal vote.

The Executive Committee's decision on the expulsion of an Associate is conclusive and takes immediate effect.

The Executive Committee's decision on the expulsion of a Member will result in that Member's immediate suspension. The decision will be reported to the next General Assembly and submitted for formal ratification under the terms of Rule 34. If the General Assembly votes to overturn the decision of the Executive Committee, the affiliate concerned will return to their previous status within the Federation.

## Rule 22

In all cases of expulsion decided by the Executive Committee or the General Assembly, the Secretary-General is responsible for informing the Member or the Associate concerned as well as all the affiliates of the Federation as soon as possible after the relevant vote. A Member or Associate which has been expelled shall be deprived of all advantages and privileges enjoyed by the affiliates of the Federation.

The Executive Committee is also authorised, depending on the case, to fix or propose that the General Assembly should fix the limits to the relations that affiliates may maintain with the sanctioned Member or Associate.

Finally, the Executive Committee shall ensure that the sanctioned Member or Associate shall regulate its obligations to the Federation and to its affiliates.

## **CHAPTER III - GENERAL ASSEMBLY**

### **1. Participants**

#### Rule 23

Members and Associates are required to take part in the General Assembly. The persons representing an affiliate at a General Assembly and having the right to vote or qualified to represent it for other matters of Federation business shall be either the head of the institution that is affiliated (Director, Curator, etc.) or another employee holding a responsible senior post in it.

#### Rule 24

Members may send to the General Assembly a delegation consisting of four persons; Associates, may send two delegates. Exceptions to this rule may be granted by the Executive Committee.

In the case where several individuals represent a single archive, the archive shall designate clearly and in writing when registering for the General Assembly which of them is authorised to vote.

#### Rule 25

Persons or organisations outside the Federation may be invited to attend the General Assembly, subject to advance approval of all the following:

- a) the President and/or the Secretary-General of the Federation;
- b) the Archive organising the General Assembly;
- c) the affiliates of the country of origin of the invited person or national organisation.

Invitations are issued by the President or the archive which is organising the Congress but always in the name of FIAF.

## Rule 26

An affiliate unable to send a delegate to the General Assembly can be represented by another affiliate in accordance with Article 16 of the Statutes, on condition that it has informed the Secretary-General in writing. The delegate from the other affiliate shall confirm its acceptance at the General Assembly, when voting rights are checked.

## **2. Preparations for a General Assembly**

### Rule 27

The preparations for a General Assembly fall within the province of the Executive Committee and in particular, of the Secretary-General acting through the Secretariat.

They comprise :

- a) the despatch of calling notices within the timescale laid down in Article 12 of the Statutes;
- b) the request for an annual report from each affiliate;
- c) the preparation of the agenda;
- d) the supervision of the documents to be distributed.

The provisional agenda drawn up by the Executive Committee shall be sent to the Members and Associates at least one month before the date of the General Assembly.

### Rule 28

In the case of a second General Assembly arranged to take place 24 hours after the first (see Article 13 of the Statutes), Rule 27 ceases to be applicable and the calling notices can be despatched by any appropriate method.

## **3. Agenda for the Sessions**

### Rule 29

The General Assembly shall be chaired by the President and/or other Officers and members of the Executive Committee nominated by the President and/or a representative of the archive organising the Assembly.

### Rule 30

The General Assembly shall first vote on the agenda presented on behalf of the Executive Committee by the Secretary-General, and adopt Rules of Procedure. The Chair shall be authorised to change the order of the items which are to be discussed. Any modifications, that is to say the removal or addition of items from or to the agenda, must be approved by the General Assembly.

### Rule 31

The status of delegates and their entitlement to represent their own and/or other archives in the voting (see Rules 26 and 33) shall be formally recorded before the opening of the proceedings.

#### Rule 32

Any resolution, or any amendment to a resolution, submitted to the vote of the General Assembly must be presented in writing. Only the Chair is able in exceptional and justified cases to allow any departure from this rule.

Items for discussion under "any other business" must be submitted in the form of resolutions to be put before the Assembly for approval. The Chair shall, at the opening of the Assembly, fix the time limit within which such supplementary items can be accepted. The proceedings shall be controlled by the Chair.

### **4. Voting**

#### Rule 33

In conformity with the terms of Article 13 of the Statutes, each affiliate of the Federation present or represented at the General Assembly shall have the right to one vote on condition that its affiliation fees up to and including the last financial year has been paid, and that it has submitted its annual report. Votes shall be cast by a show of hands, except in those cases provided for in the Statutes and Rules, namely:

- a) votes on decisions affecting the admission, -change of status or expulsion of individual Members under the terms of Rule 34;
- b) election of members to the Executive Committee;
- c) election of Honorary Members in recognition of their services to the Federation if required under Rule 42;
- d) affiliation to another international organisation;
- e) dissolution of the Federation.

A General Assembly may decide to make other matters subject to vote by secret ballot if a motion to this effect is agreed by the Assembly.

#### Rule 34

Decisions of the Executive Committee on issues affecting the affiliation of Members (admission, revoking of admission, change of status or expulsion) and the election of Honorary Members will be reported to the next General Assembly and submitted for formal ratification. Such ratification will normally be given by a single vote to approve all the Executive Committee's decisions on Membership issues. However, if at least six Members indicate in writing prior to the relevant session of the General Assembly that they wish for such a procedure, the Executive Committee's decision on a particular case will be debated and voted by a secret ballot, the result to be determined by a majority of Members voting directly or through their properly designated representative.

### Rule 35

In the case of an equal vote, a second vote shall be taken; if then the vote is still equal, the President will resolve the issue by his own casting vote, or propose a motion to refer the issue to the Executive Committee.

### Rule 36

To count the votes, a commission of three persons shall be appointed by the General Assembly. The members of this commission shall be chosen from among the delegates not taking part in the vote.

### Rule 37

All decisions shall be taken by a majority of those present or represented at a valid Assembly except in those cases where the Statutes and Rules require a different basis for a decision, namely:

- a) membership issues (Rule 34);
- b) modification to the Statutes (Article 26);
- c) affiliation to another international organisation (Article 25);
- d) dissolution of the Federation (Article 27).

## **5. Election of the Executive Committee**

### Rule 38

Those eligible for election to the Executive Committee shall have the Qualifications defined in Rule 23. In conformity with the terms of Article 17 of the Statutes, the officers and members of the Executive Committee may not be elected for more than five consecutive terms except in the special circumstances foreseen for the President under the terms of that Article.

Members of the Executive Committee are elected in a personal capacity and not as representatives of their archive. No more than one person from any affiliate may be proposed for election to the Executive Committee.

### Rule 39

Candidates eligible for election to the Executive Committee do not necessarily have to be chosen among those present at the General Assembly. Neither need they be those authorised to exercise the right to vote at the General Assembly.

### Rule 40

Candidates for election to the Executive Committee or for the office of President, Secretary-General or Treasurer may nominate themselves, or be nominated by third parties. Nominations must be made in writing: a third party nomination must be counter-signed by the nominee, to indicate his willingness to accept nomination. When a candidate is not the head of his institution, the approval of the head of the institution must also be recorded in writing either on the nomination paper or elsewhere.

Nominations should be filed with the Secretariat not less than 24 hours before the scheduled time of the election, so that details (including any personal

statement made by the candidate) may be circulated to all voting representatives at the General Assembly.

In the event of there being fewer nominations than there are places to be filled, the Chair of the session at which voting is to take place may call for last-minute nominations from the floor.

#### Rule 41

Voting shall take place in successive stages. First of all the following shall be elected:

- a) the President
- b) the Secretary-General;
- c) the Treasurer.

The election of the other members of the Executive Committee shall then follow. Members of the Federation shall select their representatives from a list of all those nominated, voting for not more than six candidates.

### **6. Election of Honorary Members**

#### Rule 42

The General Assembly has the right to elect a limited number of Honorary Members to honor those who have given long and dedicated service to the Federation and supported its affiliates.

Proposals for the election of an Honorary Member must be sent to the Executive Committee which at its next meeting will consider and approve them, subject to a two-thirds majority.

The decision of the Executive Committee on the admission of a new Honorary Member will be reported to the next General Assembly and submitted for formal ratification under the terms of Rule 34.

Honorary Members may attend meetings of the General Assembly and be invited to Executive Committee meetings; they may take part in the discussion and put forward resolutions but they shall not have the right to vote.

Honorary Members may be asked to fulfil certain missions for the Federation or to represent it on the condition that they receive a definite mandate from the General Assembly or the Executive Committee.

### **7. Minutes**

#### Rule 43

The discussions of the General Assembly shall be recorded in full and archived in the offices of the Federation. All documents, resolutions, letters, etc. presented during the course of the Assembly shall be joined thereto and shall constitute equally an integral part of the permanent archives of the Federation.

Each Member and Associate of the Federation may have a copy of the record sent to him if he undertakes to meet the costs of providing them.

#### Rule 44

The Minutes shall contain:

- a) a list of those present;
- b) the texts of the resolutions agreed, the reasons for adopting them, a brief summary of the discussion indicating the different points of view expressed and the results of the voting.
- c) the results of elections, when they take place;
- d) the final accounts for the preceding year(s) and the budget voted for the following year(s).

#### Rule 45

If a Member or an Associate of the Federation wishes any communication made by him to be quoted verbatim in the Minutes, he must submit the text of it to the Chair before or immediately after his communication.

#### Rule 46

The Minutes shall be sent to all affiliates of the Federation at least two months before the next General Assembly. This General Assembly shall approve the Minutes which shall acquire, from that moment, the status of an official record.

### **CHAPTER IV - EXECUTIVE COMMITTEE**

#### **1. Functions**

##### Rule 47

The duties of the Executive Committee are set out in Article 19 of the Statutes. In particular, the Executive Committee shall:

- a) receive the reports of the President, the Secretary-General, the Treasurer and any other members of the Executive Committee who have been given particular assignments to complete, and confirm decisions made;
- b) receive the reports of the specialised Commissions;
- c) receive the report of work carried out by the Secretariat of the Federation.

#### **2. Members**

##### Rule 48

Members of the Executive Committee, having been elected in a personal capacity, may not delegate their duties to any other person, even to another representative of their archive or to another member of the Executive Committee. A member of the Executive Committee who foresees that he will be absent from a meeting of the Committee may however write to the President or to the Secretary-General to make known his point of view concerning any matters on the agenda.. The opinion of the absent member shall be communicated to those taking part in the meeting.

##### Rule 49

The senior employee of the Federation takes part in meetings of the Executive Committee. At the invitation of the President or of the Secretary-General, other employees will attend to assist with specific items of the agenda.

#### Rule 50

The President can propose either on his own initiative or at the request of a member of the Committee that third parties be invited to take part in Executive Committee meetings.

### **3. Meetings**

#### Rule 51

Meetings convened at the desire of at least half of the members of the Committee must take place not later than 3 months from the date of receipt of the last letter required to make the request for the meeting valid.

#### Rule 52

The Executive Committee shall be presided over by the President. In the absence of the President the Executive Committee shall elect one of the Vice-Presidents and in their absence another member to preside over its meetings.

#### Rule 53

The Executive Committee shall take decisions by a majority vote of the members present except in matters relating to the status of a Member of the Federation, where the majority must include the votes of at least 6 of those elected to the Committee by Members (*i.e.* Officers and/or Members' representatives).

#### Rule 54

In the case of not reaching a decisive vote, the matter must be reintroduced at the next Executive Committee meeting. If the vote is then still not decisive, the matter must be introduced at the next General Assembly or referred to an Extraordinary General Assembly.

#### Rule 55

Failing a quorum, the Executive Committee may pursue its discussions, but any decisions which it may then take shall only be provisional and shall not come into force until they have been approved in writing by the majority of the members of the Committee (having regard however to the stipulations of Rule 57).

#### Rule 56

Normally, voting shall be by a show of hands. A member of the Committee may ask for a vote to be taken by secret ballot.

#### Rule 57

When it is impossible to convene a meeting of the Executive Committee at short notice, the President shall be authorised to take a postal vote from all members of the Executive Committee on questions raised either by him or by the majority of the members of the Executive Committee.

The votes of the members of the Executive Committee must be sent to the Secretariat of the Federation not later than 2 weeks after the date when they were requested.

The President and/or the Secretary-General is required to inform all the members of the Committee of the result of the voting within two weeks.

No postal vote may be taken on matters relating to the following

- a) the affiliation of the Federation to other international organisations;
- b) the dissolution of the Federation;
- c) the suspension of a member of the Executive Committee (see Rule 62).

#### Rule 58

The Minutes of the meetings of the Executive Committee shall contain the following items:

- a) a list of the members present
- b) a record of the decisions taken, with a short summary of the discussion, the principal points of view expressed and the results of the voting.

If any one taking part in the meeting wishes any communication made by him to be quoted in full in the Minutes, he must deliver the text to the Secretary-General before the close of the discussions.

The Minutes shall be submitted to the next meeting of the Committee. They become definitive when they have been approved by the Committee.

### **4. Allocation of Duties**

#### Rule 59

Besides the duties defined in Article 17 of the Statutes, the Secretary-General shall:

- a) prepare the meetings of the General Assembly and be responsible for their conduct in accordance with procedure;
- b) prepare the meetings of the Executive Committee and supervise the formalities of their procedure;
- c) ensure liaison between the Executive Committee, the General Assembly and the Arbitration Jury;
- d) prepare the files relating to admission, confirmation, suspension, change of status and expulsion of Members and Associates,
- e) supervise the work of the employees of the Federation.

#### Rule 60

The duties of the Treasurer are defined in Article 17 of the Statutes.

They consist specifically of the following:

- a) to prepare the annual budget of the Federation;
- b) to ensure that Members and Associates pay their annual affiliation fees;
- c) to monitor the amount and validity of every expense of the Federation;
- d) to approve the six-monthly accounts and the year balance sheet and to submit them to the Executive Committee and the General Assembly.
- e) to co-sign, with the President and/or the Secretary-General, any contract approved by the Executive Committee involving the finances of the Federation;
- f) to monitor all other activities relating to the finances of the Federation.

#### Rule 61

At its first meeting, the Executive Committee shall elect one or more Vice-Presidents and appoint a Deputy Secretary-General and a Deputy Treasurer. It shall be authorised to allocate to its members any other duty not mentioned in the Statutes and to give them the responsibility for carrying out certain specific activities of the Federation.

### **5. Arbitration In Cases of Dispute**

#### Rule 62

If the behaviour of a member of the Executive Committee or of an Honorary Member is prejudicial to the interest of the Federation, the Executive Committee shall be authorised - for the safeguarding of the Federation - to suspend him from his rights, while submitting the matter to the next General Assembly.

If the member in question be the President, the Secretary-General or the Treasurer, the Executive Committee after having suspended him from his rights, shall immediately call an Extraordinary General Assembly to consider the question and if necessary to elect a new member of the Committee to carry out these duties.

## **CHAPTER V - THE SECRETARIAT**

#### Rule 63

The Secretariat shall be the permanent administrative instrument of the Federation. Its fundamental tasks are:

- a) to carry out the instructions of the General Assembly and of the Executive Committee and, during the periods between successive meetings of the Committee, the instructions of the President, the Secretary-General and the Treasurer.
- b) to ensure liaison between the affiliates and the Federation;
- c) to undertake the technical preparation of the sessions of the Executive Committee and the General Assembly ;
- d) to compile the Minutes of the meetings of the Federation;
- e) to keep the accounts;
- f) to preserve the archives of the Federation and in particular, the Minutes of the General Assemblies and the meetings of the Executive Committee;

g) to provide information concerning the Federation.

#### Rule 64

The Secretariat shall be under the direction of the senior employee of the Federation appointed by the Executive Committee who, on the authorisation of the Executive Committee and under the supervision of the Secretary-General, shall act in the capacity of:

- a) permanent and responsible manager of the day-to-day activities of the Federation;
- b) chief of the administrative personnel of the Secretariat and other employees of the Federation

#### Rule 65

The senior employee of the Federation shall be responsible to the Executive Committee. He will submit regular reports to the Executive Committee for approval.

#### Rule 66

The personnel of the Secretariat and other staff of the Federation shall be hired or dismissed by the senior employee appointed by the Executive Committee, subject to the confirmation of the Secretary-General.

### **CHAPTER VI - FINANCE**

#### **1. Budget of the Federation**

#### Rule 67

The draft budget prepared by the Treasurer shall be sent to all affiliates of the Federation at least two months before the General Assembly. This draft budget shall include the sums proposed for the annual affiliation fees of Members and Associates.

#### Rule 68

It shall be the duty of the Treasurer to supervise the balancing of the budget and to recommend to the Executive Committee any changes to the annual affiliation fees on the basis of foreseeable expenses for the year.

#### Rule 69

Expenses provided for in the budget shall be divided into four sections:

- a) day-to-day expenses: salaries of employees, maintenance of the office, postal charges, etc...
- b) special expenses: costs of congress, the specialised commissions, special missions, etc...
- c) extraordinary expenses: purchase of real estate, loans, etc.

d) reserve fund.

#### Rule 70

In principle, all the expenses of the Federation shall be provided for in the budget under their proper chapter and their proper heading.

However, in case of necessity, the Treasurer shall be authorised to transfer sums within the limits of each chapter.

Any transfer from one chapter to another, with the exception of the Reserve Fund, may be decided upon by the Treasurer, but must be ratified thereafter by the Executive Committee.

#### Rule 71

For all day-to-day and special expenses, the Treasurer shall give the staff of the Secretariat and other employees of the Federation in writing a general authorisation to commit the necessary expenditures. If it becomes necessary to meet by payment at the Federation's offices any extraordinary expenses not foreseen in the budget, such expenditure must be specially authorised in writing by the Treasurer.

#### Rule 72

No decision regarding extraordinary or special expenses not provided for in the budget can be taken by the Treasurer without the previous approval of the Executive Committee. In addition, for any purchase of real estate, the approval of the General Assembly shall be obligatory (see Article 14 of the Statutes).

#### Rule 73

The Reserve Fund must be held in a special account. Only the Executive Committee shall have the power to authorise expenditure from this Fund.

### **2. Payment of affiliation fees**

#### Rule 74

The payment of affiliation fees shall be made in the first six months of the financial year for which they are due. The financial year corresponds to the calendar year. The Treasurer may, in exceptional cases, grant an extension of time for payment but the extension shall not exceed the date of the next General Assembly.

### **3. Accounts and preparation of the annual balance sheet**

#### Rule 75

The Federation's principal records of accounts shall be the following:

a) the day-book of income and expenditure,

- b) the receipts for each expenditure;
- c) the six-monthly accounts
- d) the yearly balance sheet;

All these records shall be regularly examined and approved by the Treasurer.

#### Rule 76

Bank operations shall be controlled by single signatures or by combinations of signatures of the Officers and the employees of the Federation, in accordance with guidelines determined by the Treasurer and confirmed by the Executive Committee.

#### Rule 77

The annual balance sheet of the Federation shall be drawn up in the three months following the end of the financial year.

### **4. Approval of the accounts**

#### Rule 78

Within 3 months of the end of the previous financial year, the accounts shall be examined and approved by a chartered Auditor. They shall then be communicated to all affiliates of the Federation and shall also be annexed to the Minutes of the General Assembly.

## **CHAPTER VII - SPECIALISED COMMISSIONS**

#### Rule 79

The Head of each Commission shall be appointed by the Executive Committee. He presents to the Executive Committee nominations for membership of the Commission. A Deputy Head is appointed by the Commission to deputise for the Head. The Head and members of the Commission must be confirmed every two years by the Executive Committee.

The Head is responsible for the work of the Commission. His duties include convening meetings, formulating programmes of activities, presenting to the Executive Committee and the General Assembly annual reports and proposals for new projects. Heads of Commissions must attend the meetings of the Executive Committee connected with the General Assembly. They may also attend other meetings of the Executive Committee.

#### Rule 80

Each Commission consists of a limited number of specialist workers. In principle, the maximum is seven members chosen for their experience rather than as representatives of a particular archive. The Executive Committee is however authorised to increase this number.

#### Rule 81

The Executive Committee can itself assign specific tasks to the Commissions after hearing the proposals of their Heads. Specific dates must be set as deadlines for the submission of Commission reports.

#### Rule 82

The Commission meets in private but is empowered to call for reports from non-members. Its Chairman is authorised to invite experts to take part in a meeting, after having consulted the archives of the country each expert comes from.

#### Rule 83

The budget for each Commission is provided for in the Federation's annual budget. Membership of a Commission confers no rights to any remuneration. In certain cases, expenses incurred by experts invited by the Commission Chairman may be reimbursed. Commission Chairmen should address such requests to the Treasurer.

### **CHAPTER VIII - COMPLAINTS AND ARBITRATION JURY**

#### **1. Generalities**

#### Rule 84

When one affiliate considers that another has committed a violation of the Code of Ethics or a serious breach of the Statutes and Rules of the Federation, its representative is required to make to the Secretary-General a formal complaint, in writing, citing the section(s) of the Code or of the Statutes and Rules which he feels have been breached. To the written complaint should be attached relevant documentation and formal statements by any other parties in or witnesses to the alleged misconduct. The complainant must himself be willing to be identified to the subject of the complaint, but may, if he feels it is appropriate, ask that the identity of third parties and witnesses be protected.

The Secretary-General will make known the nature of the complaint to its subject, and will ask him for a written response (which may take the form of an apology and an offer of redress, a rebuttal, or a counter-complaint), to which should also be attached supporting material on the same terms. This response must be received within four weeks of the Secretary-General's request.

The Secretary-General will endeavour to negotiate a solution, calling if appropriate for assistance from other affiliates close to the parties involved in the complaint. If the matter is not resolved, the Federation's formal arbitration procedure will be invoked.

#### Rule 85

The Federation's formal procedures for the resolution of complaints of misconduct by one affiliate against another require that the matter shall be examined by an Arbitration Jury composed of three members (two arbitrators and one arbitrator-in-chief chosen from qualified (as defined in Rule 23) representatives of affiliates of the Federation.

The Arbitration Jury is referred to hereunder as "the Jury". The Jury acts on behalf of the Federation, not of either of the parties to the dispute. Jury members will respect any stipulations of confidentiality attached to witness statements, etc.

#### Rule 86

The Jury has no permanent existence; it ceases to function after taking its decision in respect of the complaint.

Once a Jury has been formed, the Secretary-General will hand over to it all the papers relating to the case. Neither the Executive Committee nor the General Assembly may study the complaint or take any decision on the subjects before the Jury has made its formal judgement.

### **2. Constitution of the Jury**

#### Rule 87

The affiliate making the complaint and the affiliate that is the subject of the complaint shall each nominate an arbitrator in accordance with Rule 85. (See also Rule 93.)

#### Rule 88

The two arbitrators nominated shall, by mutual agreement appoint a third arbitrator (or arbitrator-in-chief) who shall be as of right Chairman of the Jury and responsible to the Executive Committee for its work. (See also Rule 94.)

The Jury shall be constituted and begin its work not later than four weeks after the decision has been reached to invoke the arbitration procedure.

#### Rule 89

The Jury shall be responsible for examining the charge and shall be authorised to study all the documents which relate to it. The Jury may authorise the arbitrator-in-chief to conduct an inquiry. The Jury shall conclude its work within a period not exceeding three months from the day of its constitution. If the Jury cannot conclude its work within the period stated above, it must so inform the Secretary-General. The latter may, on his own initiative:

- a) extend the time limit, which extension in any case must terminate not later than four weeks before the next meeting of the Executive Committee, or
- b) refer the complaint to the next meeting of the Executive Committee.

### **3. Decisions of the Jury**

#### Rule 90

The Jury shall conclude its work by taking a decision. This decision can take one of the following forms:

- a) the rejection of the complaint, if appropriate with a reprimand to the affiliate who brought the complaint for having done so without foundation;

- b) a reprimand for the violation of the Code of Ethics or the infringement of the Statutes and Rules, possibly accompanied by a warning to the Member or the Associate who committed this infringement that next time the consequence may be more serious;
- c) a recommendation to suspend the Member or the Associate having committed this infringement for one or two years. According to the recommendation of the Jury, the Executive Committee may either decide by postal vote whether or not to impose the suspension immediately or defer a decision to its next scheduled meeting (see Rules 17 - 19);
- d) a recommendation to expel the Member or the Associate which has committed the infraction. In this case, suspension shall be immediately voted on (by postal vote) by the Executive Committee (as in c) above), and the question of expulsion shall be put on the agenda of its next scheduled meeting (see Rules 21 - 22).

The Jury may include in its decision stipulations concerning the payment of the costs of its proceedings, and may ask the parties to the dispute to bear separately or jointly, totally or partially, the above mentioned costs. It can also demand the payment of damages.

#### Rule 91

The Jury will immediately communicate the text of its decision accompanied by its reasons to the Secretary-General who must:

- a) within a maximum period of 3 weeks, provide both parties to the dispute with the text of this decision and the reasons;
- b) within the same period, make known the decision of the Jury to all the Members and Associates without necessarily supplying the complete text of the decision and its reasons;
- c) take the necessary steps to ensure appropriate action by the Executive Committee on the Jury's decision.

#### Rule 92

The failure of the Member or the Associate against whom a charge has been made to submit an answer within the limits of time provided, shall entitle the action to be treated as a unilateral one. In this case, the Executive Committee shall appoint the second arbitrator by vote (a simple majority being sufficient and a postal vote being valid).

The rest of the procedure shall remain identical to that mentioned in the above Rules.

#### Rule 93

If the two arbitrators cannot, within four weeks, agree on the choice of a third arbitrator, the Executive Committee shall appoint him by vote (a simple majority being sufficient, and a postal vote being valid).

The procedure shall remain identical with that mentioned in the above Rules.

#### Rule 94

The decisions of the Jury may be challenged by the affiliate making the complaint, or by the affiliate against whom the complaint has been made. In this case, the challenge will be considered by the Executive Committee, whose own recommendations to the General Assembly may be challenged under the procedures laid down in Rule 21. If no objection is made to the Jury's decision within a period of four weeks of notification, the decision shall be final.

## **Chapter IX - Relations between Affiliates**

### **1. Rights**

#### **Rule 95**

Each Member has the right within its own country:

- a) to receive or to act as an intermediary for all films, documents and artifacts sent by other Members or Associates to its country;
- b) to have priority in the acquisition of any films or any collection of documents and artifacts relevant to its work that are available in its country.

These rights are qualified as follows:

- 1) A Member may negotiate directly with a representative of a foreign source in its own country in order to obtain material relevant to its work. Such negotiations, if they eventually lead to acquisitions from other countries, will not constitute violations of rights of Member(s) in those countries.
- 2) A Member or an Associate intending to acquire films or any collection of documents and artifacts relevant to its work in another country, from a source that is not a Member or an Associate of FIAF, must first secure the consent of the Member of that country. If there are two or more Members in that country, the consent and co-operation of one Member must be obtained. It is the duty of that Member to inform the other Member(s) in his country, on the basis of a prior agreement within the spirit of Rule 12 of the FIAF Internal Rules.
- 3) A Member or an Associate intending to loan films to an organisation that is not a Member of FIAF in a country in which there is a Member, must first secure the consent and co-operation of that Member. Should there be two or more Members in that country, the last sentence of point 2) above will apply.

#### **Rule 96**

In return for this right, each Member shall be obliged to extend its full collaboration to any other Member when requested to do so, or in so far as it is unable to do so, to explain fully the reasons.

#### **Rule 97**

If a Member asks for the co-operation of another Member and does not receive a satisfactory reply within two months, he may renew his request, this time by registered letter, and send copies of both the original request and the new request to the Secretary-General of the Federation.

If no reply to the registered letter is received within a month, he may officially notify the Secretary-General of this fact and ask for this matter to be submitted to an Arbitration Jury.

#### Rule 98

To protect the interests of Members and Associates and of the copyright owners of the films they hold, no Member and no Associate shall, even within its country, communicate information on films held by his fellow Members and Associates without their prior authorisation.

### **2. Acquisition and loan of films**

#### Rule 99

Membership of the Federation shall imply willingness to supply on receipt of a written request a copy of any film in its collection, provided its preservation is not endangered, in its best and most complete form, to any other Member, unless it is specifically prohibited from doing so by undertakings given to the copyright owners and/or donors, and provided always that it receives satisfactory assurance from the requesting Member that the use to be made of the film will not be contrary to the interests of the copyright owners and/or donors. It is understood that films so supplied may only be used for one or more of the following purposes:

- a) preservation within the Member's archive;
- b) showing on the Member's own premises.

#### Rule 100

Films may be supplied by a Member or an Associate to a Member either on temporary loan, or on indefinite loan, or for permanent retention:

- a) when a film is supplied on temporary loan, it is loaned for a specified reason and a limited period of time. While a film is on temporary loan, it may in no circumstances be copied, in whole or in part, without the authorisation of the lending Member or Associate;
- b) when a film is supplied on indefinite loan, the Member or the Associate who supplied the film may at any time, either on the demand of the copyright owners and/or donors or for infringement of the conditions of the loan or for any other valid reason, demand the immediate return of the film together with all copies (positive or negative) which may have been made therefrom with compensation for laboratory expenses.
- c) a film may be supplied for permanent retention only with the direct authorisation of the copyright owner and/or donor.

#### Rule 101

When a Member or an Associate sends a film to a Member, it may agree to do so in one of the following ways:

- a) in exchange for payment of its costs;

- b) in exchange for another film or films of equivalent length;
- c) by lending (with or without reciprocity) a negative or positive copy of the film to the other Member to enable it to make the copy or copies it requires in its own country at its own expense;
- d) without recompense of any kind.

#### Rule 102

Films supplied by a Member or an Associate to a Member must only be used in the country of, and under the direct control of, the receiving Member. These films and any copies which may be made from them can in no circumstance be passed by the receiving Member to other Members or Associates without the previous agreement of the supplying archive.

#### Rule 103

If a film sent on temporary loan is damaged, destroyed or lost, the Member who borrowed the film shall pay to the lending Member or Associate the full replacement cost including, if necessary, the cost of any intermediate master material, titling, etc... which may be involved.

#### Rule 104

Unless otherwise agreed, when a film received by a Member for permanent retention or on indefinite loan is damaged, destroyed or lost, the Member or the Associate who supplied the film shall be obliged to replace it, on condition that the Member sustaining the loss pays the full replacement cost and on the understanding that the replacement shall be supplied under the same terms as before.

#### Rule 105

If a Member or an Associate sustains loss or damage to any film in his collection, and requests another Member or Associate to help him to replace the lost film at cost, the Member or Associate appealed to shall be obliged to do everything possible to meet this request,

### **3. Affiliates' publications**

#### Rule 106

When Members or Associates publish, directly or not, a publication on the cinema, they must ask the publisher that a copy of the publication be sent free of charge to all affiliates of the Federation.

## **CHAPTER X - USE OF COLLECTIONS**

#### Rule 107

Since Members and Associates have a duty not only to preserve their collections but also to show them for purpose of study and education, they may do so on their own premises or premises under their direct control. Members and

Associates shall at all times respect the interests of the copyright owners and/or donors whose films they hold on trust; the undertakings which they have given to the copyright owners and/or donors or their legally appointed representatives shall be given full precedence over all other considerations.

#### Rule 108

Members and Associates shall not allow films from their collection to be shown outside their premises unless they are expressly authorised by the copyright owners to do so, or unless they know that the showings will not be disapproved of by the film industry and will not be contrary to the interests of the copyright owners or to any undertakings which they may have been required to give to their customs authorities and will be in accordance with national legislation.

#### Rule 109

When a film belonging to a Member or an Associate's collection is requested for commercial or television use, the Members or Associates will not accede to such request without having been expressly requested or authorised to do so by the copyright owners by means of a letter addressed to the Member or the Associate himself and validly signed.

This letter shall mention explicitly and without ambiguity:

- a) that the signatory is the legal copyright owner or is authorised to act on behalf of the copyright owner;
- b) that the signatory authorises the supply of the film, or part thereof, under circumstances which are precisely defined (e.g. supply of a positive copy, of a lavender copy, of a scratched copy, in 16 or 35 mm, etc.)

### **CHAPTER XI - GENERAL DISPOSITIONS**

#### Rule 110

The Rules of the Federation shall be modified only by the General Assembly. Proposals for modification of the Rules may be made by any affiliate of the Federation and shall be sent to the Secretariat at least 3 months before the General Assembly.

The Secretariat shall send such proposals, as well as any proposals suggested by the Executive Committee to all affiliates of the Federation at least one month before the General Assembly. The task of presenting these proposals to the General Assembly devolves upon the Executive Committee. For modification of the Rules, the General Assembly shall take its decision by a majority of the affiliates voting directly or through their properly designated representative.

#### Rule 111

The present Rules, of which the English text is the official one, supersede all preceding Rules and enter into force on the date of their approval by the General Assembly.