



Charter of the German Foundation for Young Adults with Cancer

§ 1 Name, legal form and registered office

(1) The foundation bears the name "Deutsche Stiftung für junge Erwachsene mit Krebs" (English: German Foundation for Young Adults with Cancer).

(2) It's a legally-valid foundation under civil law and has its headquarters in Berlin.

§ 2 Purpose

The purpose of the foundation is

- the promotion of science and research.
- the promotion of public health services.

The statutory purpose shall be achieved, in particular

- through the implementation and award of research projects in the field of cancer in young adults,
- through the implementation and promotion of projects to improve care, aftercare and reintegration in this field,
- by building and maintaining a network of specialists in the field of medicine, psychology and all other necessary areas for reintegration into a normal life,
- by awarding scholarships and prizes in these fields in accordance with procurement directives and publishing the results,
- by the timely publication of all scientific results from research or other scientific activities, which are thereby made accessible to the public,
- through the implementation and support of education and training in these fields,
- by promoting associations and institutions that pursue the same purposes as the foundation.

(3) The foundation can pursue its purposes in Germany and abroad and accompany its activities through appropriate public relations.

(4) The foundation need not pursue all purposes simultaneously and to the same extent. The foundation's board of trustees decides which purposes are to be pursued with priority.

§ 3 Charitable status

(1) The foundation pursues exclusively and directly charitable purposes in the meaning of the section "tax-privileged purposes" of the German Tax Code.

(2) The foundation has non-profit status. It does not primarily pursue its own economic interests.



(3) The foundation's means may only be used for purposes conforming to its regulations.

(4) No person may benefit from expenditures that are not related to the purpose of the foundation, or through inappropriately high remuneration.

(5) The foundation may pursue its own purposes, through auxiliary persons, or by transferring its funds to other bodies within the limits of the tax allowance or by procuring funds for other entities.

§ 4 Foundation assets

(1) The initial assets of the Foundation are derived from the foundation business. The foundation's assets are to be preserved undiminished in its existence.

(2) Asset reallocations are permitted. Profits from asset reallocations may be used in whole or in part for the purpose, placed in a reserve or permanently transferred to the foundation's assets by resolution of the management.

(3) The foundation's assets must be invested safely and profitably.

(4) The foundation is entitled but not obliged to accept donations. Grants will accrue to the foundation's assets, provided they have been determined by the donor (endowments). For inheritances and legacies as well as the donation of real estate, this usually applies, if no deviating provision was made.

(5) Within the limits permitted by tax law, reserves may be formed and funds may be transferred to the foundation's assets.

(6) The income of the foundation's assets as well as grants that are not transferred to the assets must be used to fulfill the purpose of the foundation.

§ 5 Organs of the foundation

(1) The organs of the foundation are the executive board, the board of trustees and the scientific advisory board.

(2) The members of the organs shall, in principle, perform their duties on a voluntary basis and are entitled to reimbursement of their reasonable out-of-pocket expenses. The board of trustees may set an appropriate compensation for members of the institutions for their time spent.

(3) Members of the foundation organs are liable only for intent and gross negligence.

§ 6 Composition of the executive board

(1) The executive board consists of up to three persons. The respective number of executive board members is determined by the board of trustees.

(2) The first executive board is determined in the foundation business. Thereafter, the members of the board are appointed by the board of trustees.



(3) The term of office shall be three years. The term of office for later members of the executive board ends with the term of office for the executive board. After expiration of the term of office, the board remains in office until the board of trustees appoints a board member for a new term of office.

(4) Membership in the executive board ends on death or resignation. Furthermore, members of the executive board may be recalled at any time prior to the expiry of their term of office by resolution of the board of trustees requiring a majority of two thirds of the members. The board of trustees may appoint a successor for the remainder of the term of office of the retired.

(5) The board of trustees appoints one of the members of the executive board as chairman of the executive board.

§ 7 Duties of the executive board, representation

(1) The executive board is responsible for the day-to-day management of the foundation and the representation of the foundation in legal relations. He or she has the position of a legal representative within the meaning of § 26 BGB.

(2) If the executive board consists of more than one person, two members of the executive board jointly represent the foundation. The board of trustees may give individuals or all executive board members the power of individual representation. The board members may be exempted from the restrictions of § 181 BGB by the board of trustees for legal transactions with other charitable organizations. For a single legal transaction, they may be exempted from the restrictions of § 181 BGB by decision of the board of trustees.

(3) The tasks of the executive board include in particular:

(a) investment and management of the foundation's assets, whereby it must deal with the diligence of a prudent businessperson;

(b) submission of annual accounts, activity report and draft business plan for the new financial year to the board of trustees within three months of the end of the financial year.

(4) The executive board requires the approval of the board of trustees in the internal relationship to carry out the following transactions:

a) Acquisition, sale and encumbrance of real estate and land rights;

Borrowing of loans, assumption of guarantees;

c) Hiring or termination of employees with employment with a notice period of more than one year or with pension commitments;

d) Conclusion or amendment of rental and lease agreements;

e) In general, to conclude all transactions with an asset valued by the board of trustees.



§ 8 Composition of the board of trustees

(1) The board of trustees consists of three to seven persons, including a member of the board or the advisory board of the DGHO German Society for Hematology and Medical Oncology e.V. – as chairman (r).

(2) The first members of the board of trustees are appointed in the foundation business. Incidentally, the board of trustees complements itself by voting and submits within the scope of para. 1 the number of its members and in the context of para. 3 determines the terms of office of the members.

(3) The term of office of the members of the board of trustees shall be between three and five years and shall be determined upon appointment. The terms of office of the members of the board of trustees should overlap. Calculating the terms of office does not include the year of appointment, so that the terms of office end regularly on 31.12.

(4) Members of the executive board or employees of the foundation may not simultaneously be members of the board of trustees.

§ 9 Duties of the board of trustees

(1) In addition to the powers expressly stated in this charter, the board of trustees has the following duties:

- (a) Establishing the principles of the realization of the purpose of the foundation;
- (b) Appointment and dismissal of the members of the executive board;
- (c) Supervising the management of the executive board and approving important legal transactions;
- (d) Decision of the economic plan.

(2) The board of trustees may adopt rules of procedure for the executive board which may stipulate, among other things, that certain transactions require the prior approval of the board of trustees.

(3) The board of trustees shall determine the method of accounting and the preparation of annual accounts or financial statements, decide on the necessity of an audit and, if necessary, select the auditor. The board of trustees examines and approves these documents and the report on the fulfillment of the purpose of the foundation as an annual report. In addition, the board of trustees may, at its discretion, require the executive board at any time to report on the management of the foundation, its assets and earnings situation, as well as activities for the purpose and the results. The board of trustees may appoint a managing director to assist the board, who may attend the board meetings at the request of the board.

§ 10 Composition and tasks of the scientific advisory board

(1) The foundation may form a scientific advisory board. It consists of three to seven members. The members are appointed by the board of trustees. The board of trustees may appoint a chairperson of the scientific advisory board.



(2) The task of the scientific advisory board is to advise the executive board and the board of trustees. The members of the scientific advisory board are to be involved as reviewers in submitted projects and to advise the executive board on the question of the appointment of further reviewers.

§ 11 Business plan

(1) A business plan must be drawn up for each financial year. The business plan contains information on the planned revenue and expenditure of the foundation for one financial year, including investments and reserves.

(2) The executive board shall forward the draft business plan to the board of trustees in such a timely manner that it agrees with the determination of the annual financial statements by the board of trustees (§ 9 para. 3) can be decided. Until the adoption of the business plan, the executive board is entitled to continue the business of the foundation essentially as in the previous year.

(3) The business plan may be amended during the current financial year on the proposal of the executive board by resolution of the board of trustees; it should be amended if the actual development of revenue or expenditure differs significantly from the current business plan.

§ 12 Resolution of the organs

(1) The founding organs shall pass their resolutions in meetings with a simple majority of those present, unless stipulated otherwise in this charter. Absent members can also vote in text form (§ 126b BGB) until the beginning of the session. In the case of a deadlock, the chairman shall have the casting vote. Resolutions must be recorded in writing.

(2) The founding organs have a quorum if half of their members are present. This does not apply to resolutions of the board of trustees pursuant to § 14 and § 15 of this charter.

(3) The chairman invites to the meetings with a notice period of 4 weeks, indicating the agenda. The board of trustees should meet once every quarter, but at least twice a year. The executive board should meet at least once a quarter.

(4) Resolutions may also be passed in text form outside of meetings by a simple majority, if no member objects to this procedure. The template must be sent to the members in text form, giving a response date which must be at least one week after the submission of the template. In written circular proceedings, the founding bodies have a quorum if half of their members in text form give a response to the resolution by the reply date. Upon receipt of all replies, no later than three working days after the date of the response, the chairman shall determine the result of the decision and inform the members thereof. This does not apply to resolutions of the board of trustees pursuant to § 14 and § 15 of this charter.

(5) As long as board members or advisory board members of the German Society for Hematology and Medical Oncology belong to an organ of the foundation, resolutions do not come into force against their vote.

(6) A member of an endowment organ is not entitled to vote if the resolution concerns one of the following matters:



- the conclusion of a legal transaction with the member of the executive board or a person close to him within the meaning of § 138 para. 1 InsO,
- the initiation or settlement of a legal dispute between the member of the executive body or a person close to him within the meaning of § 138 para. 1 InsO and the foundation,
- contributions from the foundation's funds to a corporate body in which the member of the executive body holds a position on the executive board or another organ or to a person close to him within the meaning of section § 138 para. 1 InsO.

§ 13 Financial year, annual financial statements and audit

(1) The financial year of the foundation is the calendar year.

(2) For accounting and auditing of the annual financial statements of the foundation, the regulations applicable to corporations of comparable size shall be applied accordingly. Insofar as the annual financial statements are audited by an auditor, they must be commissioned by the board of trustees. The audit must be based on the preservation of the foundation's assets and the statutory use of income and benefits under preparation of an audit report within the meaning of § 8 para. 2 of the Berlin Foundation Law (StiftG Bln).

§ 14 Amendments to the charter

(1) The board of trustees may, unanimously in the presence of all members, adopt amendments to this charter as far as this is necessary or appropriate for the sustainable fulfillment of the foundation's purpose, the amendment is compatible with the founder's will and the charitable status of the foundation is not impaired.

(2) Resolutions on amendments to the charter that relate to the purpose of the foundation (§ 2 Purpose), or the consolidation with another foundation, can only be decided unanimously in one sitting in the presence of all members of the board of trustees. Such resolutions are only permissible if the sustained pursuit of the current purpose of the foundation has become hopeless or significant changes in circumstances necessitate a change in the purpose of the foundation in order to do justice to the founder's wishes.

(3) The decision may be executed only if the tax authority has confirmed that it is in keeping with the foundation's non-profit status. The amendment of the charter requires the approval of the supervisory authority.

§ 15 Dissolution, abolition or discontinuation of the purposes of the foundation, remaining assets

(1) If the further pursuit of the purpose of the foundation has become impossible or if it no longer makes sense due to a significant change in circumstances, the board of trustees, in the presence of all members of the board of trustees, can unanimously resolve to dissolve the foundation. The foundation supervisory authority (§ 16 para. 2) can give the foundation another purpose or remove it if fulfillment of the purpose of the foundation has become impossible or if it jeopardizes the common good.

(2) If the foundation is dissolved or canceled or its tax-privileged purposes abolished, its assets are transferred to the Psychosocial Counseling Center for Cancer Patients and Relatives e. V., which it must use directly and exclusively for tax-privileged purposes.



§ 16 Governmental supervision

(1) The foundation is subject to the governmental supervision of Berlin in accordance with the provisions of the Berlin Foundation Law.

(2) The foundation supervisory authority is the Senate Department for Justice, Berlin.

(3) The members of the representative body are obliged under § 8 StiftG Bln, the supervisory authority

(a) must be promptly informed of the composition of the foundation's organs, including the assigning of posts within the organs, and to indicate (records of votes, nominations, explanations of acceptance, or resignations, or other documents of proof) the address of the foundation and the addresses of the members of the representative body;

(b) be provided with the annual report according to § 9 para. 3 p. 2; this should take place within four months after the end of the financial year; the decision of the board of trustees is to be attached. If the annual financial statements or annual accounts are audited by an auditor, the audit report must be submitted to the foundation supervisory authority within eight months of the end of the financial year; the decision of the board of trustees must be attached.

(4) be provided with resolutions on the charter amendment, and the dissolution of the foundation or its merger with another foundation require the approval of the supervisory authority. The approval is from them according to § 7 para. 1 executive board members authorized to represent the supervisory authority.

Berlin, June 30th 2016