

Economic and Social Council

Inland Transport Committee

25 July 2023

Working Party on the Transport of Dangerous Goods

Original: English

Joint Meeting of Experts on the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (ADN Safety Committee)

Forty-second session

Geneva, 21-25 August 2023

Item 8 of the provisional agenda

Any other business

Request for consultative status

Transmitted by the European Association of Professional Portside Storekeepers for Agribulk Commodities (UNISTOCK Europe)

Romain Hubert
Chief, Dangerous Goods and Special Cargoes Section
Transport Division
United Nations Economic Commission for Europe
Bureau S-418
Palais des Nations
CH-1211 Geneva 10 - Switzerland

Our Ref: 23STOCK10

Brussels, 18 July 2023

Subject: application for Consultative Status to the ADN Safety Committee - Correspondence Group on Fumigated Cargo.

Dear Mr Hubert,

UNISTOCK Europe, the European association of professional portside storekeepers for agribulk commodities, support the prosperity and resilience of the European food supply by ensuring that the views and interests of European portside agribulk terminal operators are duly expressed and shared. UNISTOCK Europe is incorporated under the Belgium law as an AISBL (association internationale sans but lucratif) and operates according to a set of legally binding statutes (attached). UNISTOCK Europe is registered in the EU transparency register since 10 March 2009 with the number: 81131801106-72.

We have been recently made aware that "Non governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of the ADN Safety Committee and respecting the principles set forth in Economic and Social Council resolution 1996/31, parts I and II, participate with consultative status in discussions that the ADN Safety Committee may hold on any matter of interest to these organizations."

UNISTOCK Europe, and especially its own Operation Working Group, has been always exchanging and following up on fumigation of agricultural commodities transported by sea vessel, barges, and railway wagons. Considering the key role of our members in unloading, and storing agri-commodities across Europe (and the importance of sound and safe fumigation practices, by promoting uniform and harmonised European guidelines and uniform methods of gas detection and measurement, as well as degassing) we think that we could contribute well with our internal expertise to your Correspondence group.

We therefore request that the Administrative Committee and the Joint Meeting of Experts –planned for *this August*- consider our application for consultative status.

Thank you very much in advance for your consideration and we remain available for further documents and information you might require from our side.

Best regards,



Iliana Axiotiades
UNISTOCK Europe Secretary General
enc. UNISTOCK Europe Statutes

Annex



ARTICLES OF ASSOCIATION

Article 1 – NAME – REGISTERED OFFICE –DURATION

1.1 An International Association is formed in accordance with Title III of the Belgian law of the 27th of June 1921 regarding non-profit associations, international non-profit associations and foundations under the name: “Unistock Europe – Association of professional portside storekeepers in the food and feed chain”.

1.2 The registered office is situated at “98 rue du Trône, 1050 Brussels, Belgium”.

It can be transferred to any other location in Belgium by a decision of the Board of Directors, published in the annexes to the Moniteur Belge.

1.3 The Association is formed for an unlimited duration. It can be dissolved at any time, in accordance with the law and the articles of the association.

Article 2 – PURPOSE

The Association has as its purpose the common examination and study of questions appertaining to the professional handling and storage activities related to the food and feed chain within the European Union. Furthermore, the Association studies all technical and operational aspects related to the activities or its members, such as health and environmental matters, or – for that purpose – any other scientific subject. Furthermore, the Association defends the mutual interest of her members, and represents the profession towards the authorities of the Union.

To reach this aim, the Association has in particular the following tasks:

- a) to provide and exchange, by arranging the holding of periodic conferences and seminars or by circulating brochures or letters or by any other means, scientific information, expertise and services with respect to the trade in cereals, seeds and feedingstuffs and any other activity related to the transshipment, storage, handling and preservation of these commodities;

- b) to keep the members of the Association informed of pending or proposed regulations and legislations with respect to the same activities at EU, national and international levels, and in particular to examine the effects of the EU Treaty, the relevant EU regulations and legislations as well as to possibly further the integration of these regulations and legislations;
- c) to bring about and to represent a co-ordination of the opinions of the members on their dealing with their specific subjects;
- d) to recommend and advice the members on an equal basis with a view to determining which attitude their associates should adopt in matters of common interest;
- e) to perform the follow-up of competition, attitudes of similar branches and developments outside the EU.

Article 3 – MEMBERSHIP

3.1 Admissibility

3.1.1 The Association is composed of national organizations of professional portside storekeepers in the food and feed chain (herein referred to as the “ordinary members”) which include:

- a) the organizations which agreed to the establishment of the Association (the founding members);
- b) other organizations or bodies involved in the same professional activities in European countries, which have applied for admission and are approved and admitted by the General Assembly

Full membership is open to the ordinary members which originate from an EU country (herein referred to as “ordinary full members”).

Associate membership is open to the ordinary members which originate from non EU European countries (here in referred to as “ordinary associate members”).)

3.1.2 The General Assembly may admit as an extraordinary member (herein referred to as “extraordinary members”) any organization, body or person which, without being directly involved in, is closely connected with the activities of the abovementioned agri-bulk



commodities, and which is interested in the promotion of the activities and/or in the working of the Association.

3.2 Request for admission

3.2.1 Request for admission as an ordinary member must be addressed in writing to the President of the Board and must contain a commitment of abidance by the charter and a commitment to meet the financial obligations of membership for the entire duration of the membership.

3.2.2 Extraordinary members are proposed for admission by the Board of Directors.

3.3 Qualification for admissibility

The Board of Directors shall scrutinize the admissibility of the candidate for membership on the basis of the request or proposal for admission and in the light of the conditions set out above.

If the request or proposal for admission is accepted by the General Assembly, the candidate shall become an ordinary full or associate, or extraordinary member of the Association, as the case may be, upon receipt by the Association of the applicable contribution and membership fees.

3.4 Loss of membership

3.4.1 Resignation

Each member has the right to withdraw from the Association at the end of any calendar year, by sending, with a notice of three months, a registered letter to the office of the Secretary-General.

3.4.2 Exclusion

The exclusion of a member for non-abidance by the articles of association or for any other lawful reason can be decided by the General Assembly, with a majority of two thirds of the votes of the members present or represented, the member concerned having been heard previously and not taking part in the vote.

Article 4 – ORGANIZATION OF THE ASSOCIATION

4.1 The General Assembly

4.1.1 Ordinary and extraordinary general assemblies

An ordinary general assembly shall be held once a year, at a date, time and place proposed by the Board.

Extraordinary general assemblies may be convened as often as is deemed necessary by the President of the Board or at the request of two or more directors of the Board. The party or parties at whose request the meeting is convened, must submit an agenda.

4.1.2 Notice of meetings

Invitations, indicating the date, time, place and agenda of the assembly shall be sent by mail, fax or e-mail to all members of the Association. A four week notice before the scheduled date of the ordinary general assembly, and a two week notice before the scheduled date of a extraordinary general assembly, to be counted from the time of dispatch of the invitation, shall be observed. In urgent cases this notice may be shorter.

4.1.3 Participation

The general assembly is composed of the delegates from all members of the Association, both ordinary and extraordinary members. Each member chooses its own official voting or non-voting representative or representatives.

Every ordinary full member of the Association shall be entitled to one vote. Ordinary associate membership as well as extraordinary membership shall carry no voting rights.

4.1.4 Quorum and majority

Except in the cases where the present charter requires a greater quorum, the general assembly shall be validly constituted when not less than one half of its ordinary full members are present or represented.

If, however, such a quorum shall not be present or represented at a given meeting of the general assembly, the Board shall convene a second meeting with the same agenda within three weeks. This meeting is quorate regardless of the number of ordinary full members present or represented, if the Board has indicated such in the notice letters.

All resolutions shall be made by a simple majority vote of the ordinary full members present or represented, except in the cases where the present charter provides otherwise.

4.1.5 Powers

The General Assembly has the authority to perform all lawful acts useful or necessary for the realization of the Association's purpose.

The following matters are reserved to its competence:

- a) Election of a President and Vice-President;
- b) amendments of the articles of the association and dissolution of the Association;
- c) approval of the budget;
- d) approval of the annual contribution and membership fees;
- e) admission of members.

4.1.6 Minutes

The resolutions of the General Assembly shall be recorded in minutes, signed by the President of the Board and the Secretary-General and kept in a special minute book. All members shall receive copies of these minutes as soon as possible.

The minutes book shall be kept at the registered office, where all members of the Association shall be able to consult it and make copies, but without moving the book.

4.2 Board of Directors

4.2.1 Composition

The Association is managed by a Board of Directors, the members of which belong each to an ordinary full member of the Association.

The Board shall have a maximum of fifteen members and shall include the President, the Vice-President and at least one representative from each EU country represented in the Association.

4.2.2 The President and Vice-President

The President and Vice-President are elected by the General Assembly for a three year mandate, not renewable. They cannot be a member of the same association.



The President must chair all the General Assemblies and meetings of the Board. In the President's absence, the Vice-President must chair them.

4.2.3 Powers

The Board of Directors has the power to perform all lawful acts of management and administration, with the exception of those specifically reserved for the General Assembly.

4.2.4 Meetings, quorum and majority

Meetings of the Board of Directors shall be held as determined by the Board.

Special meetings of the Board of Directors may be called by the President of the Board or by the Secretary-General, at the request of one or more directors.

Invitation to all meetings shall be sent by mail, fax or e-mail at least fourteen days prior to the date of such meeting. Meetings may be held without notice if all directors are present or if those not present waive notice of the meeting before the meeting.

If a country representative is prevented from attending a meeting, such country representative shall be empowered to appoint any other representative of his country as his proxy to vote on his behalf at any meeting, provided that such appointment is communicated to the Secretary-General before the meeting in question by the country representative appointing the proxy.

The Board of Directors may deliberate validly only if one half of its members are present or represented.

If, however, such a quorum shall not be present or represented at a given meeting of the Board of Directors, a second meeting may be convened immediately, which meeting shall be quorate regardless of the number of directors present or represented, provided such has been mentioned in the notice.

The resolutions of the Board of Directors shall be made by a majority vote of the directors present or represented. In case of a tie, the vote of the President shall be the deciding vote.

4.2.5 Representation of the Association

After approval by the Board of Directors, all acts binding the Association shall be signed by the President of the Board (or the Vice-President), and the Secretary-General, who shall be under no obligation to justify to third parties the powers conferred upon them to that end.

The prosecution of all lawsuits, as plaintiff or as defendant, shall be undertaken by the Board of Directors, represented by the President, the Vice-President or by a director appointed by the Board for that purpose, or by the Secretary-General.

4.2.6 Minutes

The resolutions of the Board of Directors shall be recorded in minutes, signed by the President (or the Vice-President) and the Secretary-General and kept in a special minute book. Copies of all minutes shall be sent to each director or the national offices of each ordinary member.

The minutes book shall be kept at the registered office of the Association.

4.3 The Secretary General

The Secretary General is nominated by the Board. He/she manages the activities of Unistock and the Board can delegate him/her some of their competences. He/she is responsible towards the Board.

He/She shall attend all general assemblies and meetings of the Board of Directors and of the Board, and shall keep the records of the Association. He/She shall have the custody of the reporting of the activities of the Association.

4.4 Official language

English is the official language of the association.



Article 5 – BUDGET –EXPENSES –FEES

5.1 Accounts

The business year shall end on December 31 of each year.

The accounts of the Association shall be audited by an internal auditing committee.

The Board must submit the accounts for the business year ended as well as the budget for the next business year to the General Assembly. The accounts must be approved by the General Assembly.

5.2 Expenses

The Association's operating and administrative expenses as well as all expenses necessary to look after and to protect the interests of the Association, shall be shared by all members according to a scale determined by the General Assembly.

5.3 Contribution and membership fees

The Board shall fix, subject to the approval of the General Assembly, the annual contribution and membership fees for the covering of the expenses and other charges.

If a member remains in arrears with its financial obligations for more than eight weeks after being reminded by registered post, its voting rights and other rights of membership lapse.

Article 6 – ASSETS AND LIABILITIES OF THE ASSOCIATION

6.1 Members' interests in the assets of the Association

All interests of a member in the funds, capital and assets of the Association, shall immediately cease in the event that membership of such member shall terminate for whatever reason, except in the event of dissolution of the Association.

In the event of such termination of membership, neither the member concerned nor its representatives shall have the right to bring a claim against the Association, the other members, their representatives or any of them, on account of such assets.

6.2 Disposition of the assets of the Association in the event of dissolution

Upon dissolution of the Association, and after payment of all indebtedness and obligations of any kind, the General Assembly decides by a simple majority as to the transfer and handing over of the assets to non-profit aims.

Article 7 – AMENDMENTS TO THE ARTICLES OF ASSOCIATION – DISSOLUTION

Without prejudice to Title III of the Belgian law of 27 June 1921, every proposal to amend the articles of association or to dissolve the Association must emanate from the Board of Directors or from at least one third of the ordinary full members of the Association.

The General Assembly convened thereto shall be validly constituted when at least two thirds of its ordinary full members are present or represented.

The resolution of the General Assembly shall be made with a majority of 2/3 of the votes of all ordinary full members of the Association.

If at that meeting of the General Assembly the 2/3 majority cannot be reached, a second assembly shall be convened, at which the resolution shall be validly made with a majority of 2/3 of the votes of the ordinary full members present or represented.

The General Assembly shall determine the particulars of the dissolution and liquidation of the Association, and appoint one or more liquidators.

Article 8

Any rule that is not explicitly laid down in this charter will be decided according to Title III of the Belgian Law of 27 June 1921 regarding non-profit making associations, international non-profit making associations and foundations.



Article 9

Amendments to the articles of association shall become effective only after the publication formalities, prescribed by the law.

§§§