

# General Assembly of Free Software Foundation Europe e.V.

12 October 2019, Linuxhotel/Villa Vogelsang, Antonienallee 1, 45279 Essen-Horst, Germany

## Opening by the Chair

Time: 14:20

By invitation sent on 30 August 2019 we have come together for our General Assembly on Saturday 12 October 2019.

Members attending the assembly:

- Albert Dengg
- Bernhard Reiter
- Björn Schießle
- Erik Albers
- Florian Snow
- Hugo Roy
- Matthias Kirschner
- Max Mehl
- Patrick Ohnewein
- Polina Malaja
- Reinhard Müller

Members not attending but who delegated their vote:

- Alessandro Rubini (assigned his vote to Florian Snow)
- Amandine "Cryptie" (assigned her vote to Florian Snow)
- Fernanda Weiden (assigned her vote to Reinhard Müller)
- Giacomo Poderi (assigned his vote to Patrick Ohnewein)
- Georg Greve (assigned his vote to Hugo Roy)
- Heiki Lõhmus (assigned his vote to Polina Malaja)
- Henrik Sandklef (assigned his vote to Patrick Ohnewein)
- Jan-Christoph Borchardt (assigned his vote to Polina Malaja)
- Jonas Öberg (assigned his vote to Reinhard Müller)
- Karsten Gerloff (assigned his vote to Hugo Roy)
- Matija Šuklje (assigned his vote to Hugo Roy)
- Nikos Roussos (assigned his vote to Matthias Kirschner)
- Shane Coughlan (assigned his vote to Hugo Roy)
- Torsten Grote (assigned his vote to Matthias Kirschner)
- Ulrike Sliwinski (assigned her vote to Patrick Ohnewein)

Guests attending the assembly:

- André Ockers
- Carsten Agger
- Erik Grun

## Agenda

1. Greeting
2. Determination of quorum
3. Adoption of the agenda
4. Approval of minutes of the General Assembly of 2018 in Berlin
5. Report of the Executive Council
6. Constitutional change: Purpose
7. Constitutional change: Quora for purpose
8. Constitutional change: removal of mentioning of national associations
9. Constitutional change: membership removal procedures
10. Constitutional Change: remove legal persons as members (national associations) and clarifications with EN/DE version about confirmation of membership
11. Mandate for Constitutional Changes
12. Exoneration of President, Vice President, and Financial Officer
13. Election of new President, Vice President, Financial Officer
14. Pursue legal action against Daniel Pocock (proposed by Florian Snow)
15. Miscellaneous
16. Closing

## Greetings

- The assembly is officially opened at 14:20
- The Chair welcomes all present to the General Assembly.

## Determination of resolutionability

11 of 26 members are present. The Chair clarifies that Mirko Böhm's term as Fellowship representative and thereby member ended on 14 November 2018, when we got confirmation by the register that the constitutional changes about the Fellowship seats [have been officially registered](#) – as decided at the [extraordinary general assembly in May 2018](#) .

15 members are absent, but represented by members present.

The Chair notes that the invitation has been sent on time on 30 August 2019, and an updated one including the additions by other members on 7 October. **Of the current 26 members all 26 members are either present or represented.** The Chair declares the General Assembly to be resolutionable.

## Adoption of the agenda

The Chair proposes to add another agenda point to thank our leaving member Werner Koch. Hugo suggests to change point 15 in the agenda with “Dealing with situations created by Daniel Pocock”. Florian Snow agrees with the change.

New agenda:

1. Greeting
2. Determination of quorum
3. Adoption of the agenda
4. Approval of minutes of the General Assembly of 2018 in Berlin
5. Thanking leaving member
6. Report of the Executive Council
7. Constitutional change: Purpose
8. Constitutional change: Quora for purpose
9. Constitutional change: removal of mentioning of national associations
10. Constitutional change: membership removal procedures
11. Constitutional Change: remove legal persons as members (national associations) and clarifications with EN/DE version about confirmation of membership
12. Mandate for Constitutional Changes
13. Exoneration of President, Vice President, and Financial Officer
14. Election of new President, Vice President, Financial Officer
15. Dealing with situations created by Daniel Pocock (by Florian Snow)
16. Miscellaneous
17. Closing

The Chair puts the agenda to a vote. No secret vote requested.

Result: 25 for, 0 against, 1 abstention

No further additions to the agenda requested. The agenda is adopted.

## **Approval of minutes of the General Assembly of 2019 in Berlin**

The Members beforehand read the minutes of the General Assembly from 10 October 2018 in Berlin, Germany.

The Chair asks the members to approve the minutes through vote.

Result: 25 for, 0 against, 1 abstentions

The Chair determines that the minutes of the General Assembly are approved.

## **Thanking leaving member**

After almost 20 years, Werner Koch withdrew his membership on 31 March 2019. In the name of the FSFE the Chair again thanks Werner Koch for the countless hours he worked as a volunteer for the FSFE, as long term member, as head of office (now financial officer), for giving talks and promoting the FSFE, and that he contributed to the founding of the FSFE. The FSFE is very thankful for all those contributions and we wish him all the best for his extraordinary work for GnuPG and Free Software in general.

## **Report of the Executive Council**

In the course of the preparation for this General Assembly, the Executive and the Financial Officer presented the members with a report and a financial statement.

The Chair asks whether there are further questions.

There are no further questions.

## Constitutional change: Purpose

| <b>Current §2 Purpose, tasks, non-profit character</b>  | <b>Proposed §2 Purpose, tasks, non-profit character</b>  |
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| <p>(1) Purpose of the FSFE is the furthering and distribution of Free Software in order to support the free exchange of information and equal chances in accessing software as well as national education according to the principles stated in the preamble.</p> <p>(2) The goals of the FSFE are namely to be achieved by:</p> <ol style="list-style-type: none"><li>1. the idealistic support of governmental and private organisations in all aspects of the Free Software,</li><li>2. the cooperation and coordination of the national associations which pursue the same goals</li><li>3. the support of programmers, realizing the charitable goals of the FSFE by developing Free Software, through scholarships,</li><li>4. the distribution of the philosophical ideals of Free Software</li><li>5. the information and training of the public about the possibilities and educational potential of Free Software,</li><li>6. the development and providing of Free Software for the public.</li></ol> <p>-</p> | <p>(1) Purpose of the FSFE is the furthering and distribution of Free Software to, according to the principles stated in the preamble, support the free exchange of information and equal chances in accessing software as well as:</p> <ol style="list-style-type: none"><li>1. the promotion of science and research</li><li>2. promotion of education, national education, and vocational training</li><li>3. the general promotion of a democratic political system</li><li>4. the promotion of civic commitment in favour of the previous mentioned charitable purposes.</li></ol> <p>(2) The goals of the FSFE are namely to be achieved by:</p> <ol style="list-style-type: none"><li>1. the idealistic support of governmental and private organisations in all aspects of the Free Software</li><li>2. the support and coordination of volunteer groups which pursue the same goals</li><li>3. the support of programmers, realising the charitable goals of the FSFE by developing Free Software, through support in legal questions regarding the choice and the enforcement of the adequate Free Software licenses in relation to the software they develop, and in organisational questions</li><li>4. the distribution of the philosophical ideals of Free Software, especially how technology influences democracy, freedom, transparency, and self-determination.</li><li>5. the information and training of the public about the possibilities and educational potential of Free Software, by connecting interested people, organising workshops, creating information materials, and generating best practices,</li><li>6. the participation in and organisations of events, workshops, to inform and connect people supporting the goals of the organisation.</li><li>7. participation in research projects and promotion of scientific principles in software development</li><li>8. the support of volunteer translations of available information about Free Software in local languages.</li><li>9. the development and providing of Free Software for the public.</li></ol> <p>(5) In addition, the FSFE may also provide idealistic and financial support for other tax-privileged corporations, corporations under</p> |

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|  | <p>public law or foreign corporations for the idealistic and material promotion and maintenance of the promotion of the non-profit purposes mentioned in point (1) (in accordance with § 58 No. 1 AO). Beyond that the FSFE may place means in the sense of the § 58 No. 2 AO partially to another likewise tax-privileged corporation or a legal entity of the public right for the realisation of the tax-privileged purposes .</p> |
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**Derzeit: §2 Zweck, Aufgaben, Gemeinnützigkeit**

(1) Zweck der FSFE ist die Förderung und Verbreitung Freier Software, um unter Beachtung der in der Präambel aufgeführten Grundsätze den freien Wissensaustausch und die Chancengleichheit beim Zugang zu Software sowie die Volksbildung zu unterstützen.

(2) Dem Zweck der FSFE sollen namentlich dienen:

1. die ideelle Unterstützung von staatlichen Stellen und privaten Organisationen in allen Fragen der Freien Software,
2. die Zusammenarbeit und Koordination mit den Landesvereinen, die die gleichen gemeinnützigen Ziele verfolgen,
3. die Förderung von Programmierern, die Freie Software entwickeln und damit die gemeinnützigen Zwecke der FSFE verwirklichen, durch Stipendien,
4. die Verbreitung der philosophischen Ideale von Freier Software,
5. die Information und Schulung der Öffentlichkeit über die Möglichkeiten und das Bildungspotential Freier Software,
6. die Entwicklung und Bereitstellung von Freier Software für die Allgemeinheit.

**Vorgeschlagen: §2 Zweck, Aufgaben, Gemeinnützigkeit**

(1) Zweck der FSFE ist die Förderung und Verbreitung Freier Software, um unter Beachtung der in der Präambel aufgeführten Grundsätze den freien Wissensaustausch und die Chancengleichheit beim Zugang zu Software zu unterstützen sowie:

1. die Förderung von Wissenschaft und Forschung;
2. die Förderung der Erziehung, Volks- und Berufsbildung;
3. die allgemeine Förderung des demokratischen Staatswesens;
4. die Förderung des bürgerschaftlichen Engagements zugunsten vorgenannter gemeinnütziger Zwecke.

(2) Dem Zweck der FSFE sollen namentlich dienen:

1. die ideelle Unterstützung von staatlichen Stellen und privaten Organisationen in allen Fragen der Freien Software,
2. die Unterstützung und Koordination von Gruppen Ehrenamtlicher, die die gleichen gemeinnützigen Ziele verfolgen,
3. die Unterstützung von Programmierern, die die gemeinnützigen Ziele der FSFE durch die Entwicklung Freier Software verwirklichen, durch Unterstützung in rechtlichen Fragen bezüglich der Wahl und der Durchsetzung der angemessenen Lizenzen Freier Software in Bezug auf die von ihnen entwickelte Software und in organisatorischen Fragen.
4. die Verbreitung der philosophischen Ideale von Freier Software, insbesondere wie Technologie Demokratie, Freiheit, Transparenz und Selbstbestimmung beeinflusst.
5. die Information und Schulung der Öffentlichkeit über die Möglichkeiten und das Bildungspotenzial Freier Software durch Vernetzung interessierter Personen, Organisation von Workshops, Erstellung von Informationsmaterial und Generierung von bewährten Verfahren,
6. die Teilnahme an und Organisationen von Veranstaltungen, Workshops zur Information und Vernetzung von Personen, die die Ziele der Organisation unterstützen.
7. Beteiligung an Forschungsprojekten und Förderung wissenschaftlicher Grundsätze in der Softwareentwicklung
8. die Unterstützung von ehrenamtlichen Übersetzungen verfügbarer Informationen über Freie Software in die Landessprachen.
9. die Entwicklung und Bereitstellung von Freier Software für die Allgemeinheit.

(5) Daneben kann der FSFE auch die ideelle und finanzielle Förderung anderer steuerbegünstigter Körperschaften, Körperschaften des öffentlichen Rechts oder auch von ausländischen Körperschaften zur ideellen und materiellen Förderung und Pflege der Förderung der in Punkt (1) genannten gemeinnützigen Zwecke vornehmen (gem. § 58 Nr. 1 AO). Darüber hinaus darf der FSFE Mittel im Sinne des § 58 Nr. 2 AO teilweise einer anderen ebenfalls steuerbegünstigten Körperschaft oder einer juristischen Person des öffentlichen Rechts zur

Verwirklichung der steuerbegünstigten Zwecke zur Verfügung stellen.

The Chair explains the proposed change.

The Chair puts the constitutional change to the vote.

No secret vote is requested.

Result: 26 for, 0 against, 0 abstentions

The Chair declares that this qualifies as all members agreeing with the constitutional changes, and thereby the change is accepted.

Current §17 Dissolution of the association

(3) After liquidation or loss of the tax-privileged purposes, available funds go to a legal entity of the public right or another tax-privileged association, which has to use it directly and exclusively for charitable purposes in the sense of this constitution. Resolutions over the future use of the funds may be executed only after consent of the responsible tax office.

Proposed §17 Dissolution of the association a)

(3) After liquidation or loss of the tax-privileged purposes, available funds go to the tax-privileged "The Document Foundation". The charitable status was granted by decision on 29.08.2016 by the Finanzamt Körperschaften I – Berlin tax number 27/641/01975. In the event of its discontinuation the available funds should go to the tax-privileged Transparency International Deutschland e.V. The charitable status was granted by decision on 15.02.2019 by the Finanzamt Körperschaften I – Berlin tax number 27/678/53744.

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| <p>Derzeit: §17 Auflösung des Vereins</p> <p>(3) Das nach Beendigung der Liquidation oder dem Wegfall der steuerbegünstigten Zwecke vorhandene Vermögen fällt an eine juristische Person des öffentlichen Rechts oder eine andere steuerbegünstigte Körperschaft, die es unmittelbar und ausschließlich für gemeinnützige Zwecke im Sinne dieser Satzung zu verwenden hat. Beschlüsse über die künftige Verwendung des Vermögens dürfen nur nach Einwilligung des zuständigen Finanzamtes ausgeführt werden.</p> | <p>Vorgeschlagen: §17 Auflösung des Vereins</p> <p>(3) Das nach Beendigung der Liquidation oder dem Wegfall der steuerbegünstigten Zwecke vorhandene Vermögen fällt an die steuerbegünstigte "The Document Foundation". Die Gemeinnützigkeit wurde laut Bescheid vom 29.08.2016 vom Finanzamt Körperschaften I – Berlin St.-Nr. 27/641/01975, bestätigt. Bei deren Wegfall fällt das vorhandene Vermögen an den steuerbegünstigten Transparency International Deutschland e.V. Die Gemeinnützigkeit wurde laut Bescheid vom 15.02.2019 vom Finanzamt Körperschaften I – Berlin St.-Nr. 27/678/53744, bestätigt.</p> |
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The Chair explains the proposed change.

The Chair puts the constitutional change to the vote.

No secret vote is requested.

Result: 26 for, 0 against, 0 abstentions

The Chair declares that this qualifies as the necessary 2/3 majority necessary for constitutional changes, and thereby the change is accepted.

## Change Quorum in §11 Adoption of resolutions of the General Assembly

| Current §11 (5)  | Proposed §11 (5)  |
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| <p>(5) Unless stated otherwise in the statute, the General Assembly passes decisions with simple majority of the delivered valid voices; abstentions are therefore left out of the consideration. Changes of the statute require a majority of three quarters of the delivered valid voices; abstentions are not counted. Dissolution of the FSFE requires four fifths of the voices of all members of the association. Changing the purpose of the FSFE can only be decided with unanimous agreement of all members. Members not present at the General Assembly can submit their agreement in writing to the president within one month.</p> | <p>(5) Unless stated otherwise in the statute, the General Assembly passes decisions with simple majority of the delivered valid votes; abstentions are therefore left out of the consideration. Changes of the statute require a majority of three quarters of the delivered valid votes; abstentions are not counted. <i>Dissolution of the FSFE requires four fifths of the delivered valid votes. Changing the purpose of the FSFE can be decided with the majority of four fifth of the delivered valid votes.</i></p> |

| Derzeit §11 (5)   | Vorgeschlagen §11 (5)   |
|---|---|
| <p>(5) Soweit nicht in der Satzung etwas anderes bestimmt ist, fasst die Mitgliederversammlung Beschlüsse mit einfacher Mehrheit der abgegebenen gültigen Stimmen; Stimmenthaltungen bleiben daher außer Betracht. Zur Änderung der Satzung ist jedoch eine Mehrheit von drei Vierteln der abgegebenen gültigen Stimmen notwendig; Enthaltungen bleiben ausser Betracht. Zur Auflösung der FSFE ist eine Mehrheit von vier Fünfteln der Stimmen aller Mitglieder der Organisation erforderlich. Eine Änderung des Zwecks der FSFE kann nur mit Zustimmung aller Mitglieder beschlossen werden. Die schriftliche Zustimmung der in der Mitgliederversammlung nicht erschienenen Mitglieder kann innerhalb eines Monats gegenüber dem Präsidenten erklärt werden.</p> | <p>(5) Soweit nicht in der Satzung etwas anderes bestimmt ist, fasst die Mitgliederversammlung Beschlüsse mit einfacher Mehrheit der abgegebenen gültigen Stimmen; Stimmenthaltungen bleiben daher außer Betracht. Zur Änderung der Satzung ist jedoch eine Mehrheit von drei Vierteln der abgegebenen gültigen Stimmen notwendig; Enthaltungen bleiben ausser Betracht. <i>Zur Auflösung der FSFE ist eine Mehrheit von vier Fünfteln der abgegebenen gültigen Stimmen erforderlich. Eine Änderung des Zwecks der FSFE kann mit einer Mehrheit von vier Fünftel der abgegebenen gültigen Stimmen beschlossen werden.</i></p> |

The Chair explains the proposed change.

The Chair puts the constitutional change to the vote.



No secret vote is requested.

Result: 26 for, 0 against, 0 abstentions

The Chair declares that this qualifies as all members agreed with the constitutional changes, and thereby the change is accepted.

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| Correction of English language in §11 (6) voices → votes (not necessary in the German version)  |  |
| (6) In the case of elections it is elected who received more than half of the delivered valid <b>voices</b> . If nobody received more than half of the delivered valid <b>voices</b> , a ballot takes place between the candidates who received most <b>voices</b> . The person who receives the most votes in this ballot is elected. In the case of equal number of votes once a new choice is necessary; if the mood equality continues to exist, the lot decides. | (6) In the case of elections it is elected who received more than half of the delivered valid <b>votes</b> . If nobody received more than half of the delivered valid <b>votes</b> , a ballot takes place between the candidates who received most <b>votes</b> . The person who receives the most votes in this ballot is elected. In the case of equal number of votes once a new choice is necessary; if the mood equality continues to exist, the lot decides. |

The Chair explains the proposed change.

The Chair puts the constitutional change to the vote.

No secret vote is requested.

Result: 26 for, 0 against, 0 abstentions

The Chair declares that this qualifies as the necessary 2/3 majority necessary for constitutional changes, and thereby the change is accepted.

## Constitutional change: removal of mentioning of national associations

| Current §6 Structure of the association  | Proposed §6: Completely remove §6 Structure of the association |
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| <ol style="list-style-type: none"><li>(1) The Free Software Foundation Europe forms a European federation structure and is divided into national associations. Those are associations with own juridical personality after the law on societies of the European State for its area the association are active. All members of the national associations must also be members of the FSFE.</li><li>(2) In order to preserve the uniformity, the national associations have to fulfill minimum requirements determined by the General Assembly, which are written down in a constitution-template for national associations. This applies with the exception of requirements that are inadmissible according to the laws of the state in which the national association is to be created. In this case the constitution is to be modified so it reflects the intentions of the constitution-template most closely. The constitution requires the acceptance by the Executive Council before the national association becomes part of the FSFE.</li><li>(3) The finances of the national associations are determined by the budgeting in accordance with §8 of this statute.</li><li>(4) The national associations can conclude contracts in their own name for the fulfillment of local tasks, if the means are present for the fulfillment of these contracts. They can</li></ol> |  |

in no case enter obligations for the FSFE.

- (5) The national associations can only enter into negotiations for issues that are focussed around their region and only with public authorities and organisations responsible for their respective areas.
- (6) The national associations are entitled and obliged to bear their own name through which the affiliation with the Free Software Foundation Europe is expressed. This has to be done by adding the denomination „Chapter“ with the name of the state in English to „Free Software Foundation Europe“ („FSFE“). Additionally they can bear the name in the national language.
- (7) The Executive Council is entitled to revoke the right for the national association to use the name „FSFE“ if the national association violates this constitution or its own constitution. The national association can appeal the decision at the General Assembly of the members. The appeal must be lodged within two weeks after communication of the decision at the Executive Council. The Executive Council has to call in a General Assembly within three months of punctual insertion of the appointment, which can remedy or overrule the decision of the Executive Council with a majority of three quarters of the remaining members.

Derzeit: §6 Gliederung des Vereins

- (1) Die Free Software Foundation Europe bildet eine europäische Verbandsstruktur und gliedert sich in Landesvereine. Diese sind Vereine mit eigener Rechtspersönlichkeit nach dem Vereinsrecht des europäischen Staates für dessen Gebiet der Verein tätig ist. Alle Mitglieder der Landesvereine sollen auch Mitglieder der FSFE sein.
- (2) Die Landesvereine haben in ihren Satzungen die von der Mitgliederversammlung zur Wahrung der Einheitlichkeit in der Free Software Foundation Europe beschlossenen Mindestanforderungen aufzunehmen, die in einer Mustersatzung für die Landesvereine niedergelegt sind. Dies gilt mit der Ausnahme solcher Anforderungen, die nach dem Recht des Staates, in dem der Landesverein gegründet wird, unzulässig sind. Die Satzung ist in diesem Fall so auszugestalten, wie dies den Intentionen der Mustersatzung am Besten entspricht. Die Satzung bedarf vor der Aufnahme des Landesvereins in die FSFE der Genehmigung des Exekutivrats.
- (3) Die Finanzen der Landesvereine richtet sich nach der Budgetierung gem. §8 dieser Satzung.
- (4) Die Landesvereine können im eigenen Namen, in Erledigung der örtlich anfallenden Aufgaben, Verträge abschließen, sofern die Mittel zur Erfüllung dieser Verträge vorhanden sind. Verpflichtungen für die FSFE können sie in keinem Falle eingehen.
- (5) Die Landesvereine können nur in Angelegenheiten, die sich im Schwerpunkt auf ihr Gebiet beziehen, in dem sie tätig werden, mit allen für ihr Gebiet zuständigen Behörden und Organisationen in Verhandlungen treten.
- (6) Die Landesvereine sind berechtigt und verpflichtet zur Führung eines eigenen Namens, aus dem die Zugehörigkeit zur Free Software Foundation Europe zum Ausdruck kommt. Dies hat dadurch zu geschehen, dass dem Namen „Free Software Foundation Europe“ („FSFE“) die Bezeichnung „Chapter“ mit der jeweiligen Staatsbezeichnung in englischer Sprache anzuhängen ist. Zusätzlich können sie den Namen in der Landessprache führen.
- (7) Der Exekutivrat ist berechtigt, einem Landesverein, der gegen diese Satzung oder die eigene Satzung verstößt, das Recht zur Führung des Namens „FSFE“ zu entziehen. Gegen den Beschluss kann der Mitgliedsverein Berufung an die Mitgliederversammlung einlegen. Die Berufung ist innerhalb von zwei Wochen nach Zugang des Beschlusses beim Exekutivrat einzulegen. Der Präsident hat binnen drei Monaten nach fristgemäßer Einlegung der Berufung eine Mitgliederversammlung einzuberufen, die dem Beschluss des Exekutivrats mit einer Mehrheit von drei Vierteln

Vorgeschlagen: vollständiges Entfernen von §6 Gliederung des Vereins

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| sämtlicher Mitglieder abhelfen kann. |  |
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The Chair explains the proposed change.

The Chair puts the constitutional change to the vote.

No secret vote is requested.

Result: 26 for, 0 against, 0 abstentions

The Chair declares that this qualifies as the necessary 2/3 majority necessary for constitutional changes, and thereby the change is accepted.

## Constitutional change: membership removal procedures

The chair explains that under point §4 (3) bullet point 5 there was one remaining occasion of "President" which should be changed to "Executive Council" (marked below). This is changed for the proposal and a corrected version which is voted upon is shown to the members. For the German version the same correction applies, furthermore it was suggested to change "beeinträchtigt" to "schädigt" in the first sentence, and change "kann der Exekutivrat den Prozess für bilaterale Diskussionen unterbrechen" into "kann der Exekutivrat den Prozess unterbrechen für bilaterale Diskussionen" (marked below).

| Current: §4 End of membership   | Proposed: §4 End of membership  |
|---|---|
| <p>(3) For important reasons or if the bond of trust between the members is broken, a member can be excluded by decision of the President from the association. Before deciding on the matter, the President must give the member opportunity to state its position in writing. The decision of the President is to be justified in writing and sent to the member. The member can appeal the decision at the General Assembly of the members. The appeal must be lodged within two weeks after communication of the decision at the President. The President has to call in a general assembly within three months of punctual insertion of the appointment, which can support the decision of the President with a majority of three quarters of the remaining members. Until the final decision about the exclusion, the member remains suspended of all obligations and all rights.</p> | <p>(3) The Executive Council may exclude a member from the association if, in the Executive Council's opinion, the member's conduct is detrimental to the functioning of the association. The following procedure shall be used for excluding a member:</p> <ol style="list-style-type: none"><li>1. the Executive Council shall inform the member in writing of the grounds for considering their exclusion;</li><li>2. the member shall have seven days to respond to the Executive Council's concerns in writing;</li><li>3. once the seven days have passed, the Executive Council shall give due consideration to the member's response, if any, and take a decision on excluding the member;</li><li>4. the Executive Council shall communicate their decision to the member in writing;</li><li>5. if the Executive Council has decided to exclude the member, the member shall have fourteen days to appeal the decision to the General Assembly of the members by notifying the <b>Executive Council</b> in writing;</li><li>6. if the member decides to appeal the decision of the Executive Council, the appeal shall be added to the agenda of the next General Assembly;</li><li>7. the member shall remain suspended of all obligations and rights until the appeal has been withdrawn or resolved by the General Assembly;</li><li>8. three quarters of the remaining members present or represented at the next General Assembly can uphold the Executive Council's decision.</li></ol> <p>At any stage of the process, the Executive Council may pause the</p> |

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|  | <p>process for bilateral discussions; the Executive Council may choose to extend any deadline the member is subject to. A member who has been excluded by the Executive Council but has appealed their exclusion to the General Assembly may withdraw their appeal at any time by informing the Executive Council in writing at which point their exclusion becomes final.</p> |
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| Derzeit: § 4 Beendigung der Mitgliedschaft   | Vorschlag: § 4 Beendigung der Mitgliedschaft  |
|--|---|
| <p>(3) Aus wichtigem Grund oder wenn das Vertrauensverhältnis zwischen den Mitgliedern zerrüttet ist, kann ein Mitglied durch Beschluss des Präsidenten aus dem Verein ausgeschlossen werden. Vor der Beschlussfassung muss der Präsident dem Mitglied Gelegenheit zur schriftlichen Stellungnahme geben. Der Beschluss des Präsidenten ist schriftlich zu begründen und dem Mitglied zuzusenden. Gegen den Beschluss kann das Mitglied Berufung an die Mitgliederversammlung einlegen. Die Berufung ist innerhalb von zwei Wochen nach Zugang des Beschlusses beim Präsidenten einzulegen. Der Präsident hat binnen drei Monaten nach fristgemäßer Einlegung der Berufung eine Mitgliederversammlung einzuberufen, die den Beschluss des Präsidenten mit einer Mehrheit von drei Vierteln der übrigen Mitglieder bestätigen kann. Bis zur endgültigen Entscheidung über den Ausschluss bleibt das Mitglied von allen Pflichten und Rechten suspendiert.</p> | <p>(3) Der Exekutivrat kann ein Mitglied aus dem Verein ausschließen, wenn nach Ansicht des Exekutivrats das Verhalten des Mitglieds die Funktionsfähigkeit des Vereins <b>schädigt</b>. Für den Ausschluss eines Mitglieds ist das folgende Verfahren anzuwenden:</p> <ol style="list-style-type: none"> <li>1. Der Exekutivrat unterrichtet das Mitglied schriftlich über die Gründe für die Prüfung ihres Ausschlusses;</li> <li>2. Das Mitglied hat sieben Tage Zeit, um auf die Bedenken des Exekutivrates schriftlich zu reagieren;</li> <li>3. Nach Ablauf der sieben Tage hat der Exekutivrat die Antwort des Mitglieds, falls vorhanden, gebührend zu berücksichtigen und einen Beschluss über den Ausschluss des Mitglieds zu fassen;</li> <li>4. Der Exekutivrat teilt dem Mitglied seinen Beschluss schriftlich mit;</li> <li>5. Wenn der Exekutivrat beschlossen hat, das Mitglied auszuschließen, hat das Mitglied vierzehn Tage Zeit, um den Beschluss an die Mitgliederversammlung zu richten, indem es den <b>Exekutivrat</b> schriftlich benachrichtigt;</li> <li>6. Beschließt das Mitglied, gegen den Beschluss des Exekutivrates Berufung einzulegen, so wird dieser auf die Tagesordnung der nächsten Mitgliederversammlung gesetzt;</li> <li>7. Das Mitglied bleibt von allen Verpflichtungen und Rechten ausgeschlossen, bis die Berufung zurückgezogen oder von der Mitgliederversammlung ein Beschluss getroffen wurde;</li> <li>8. Drei Viertel der verbleibenden Mitglieder, die in der nächsten Mitgliederversammlung anwesend oder vertreten sind, können den Beschluss des Exekutivrates bestätigen.</li> </ol> <p>In jeder Phase des Prozesses kann der Exekutivrat den Prozess <b>unterbrechen für bilaterale Diskussionen</b>; der Exekutivrat kann beschließen, jede Frist, der das Mitglied unterliegt, zu verlängern. Ein Mitglied, das vom Exekutivrat ausgeschlossen wurde, aber gegen seinen Ausschluss bei der Mitgliederversammlung Berufung eingelegt hat, kann die Berufung jederzeit zurückziehen, indem es dem Exekutivrat dies schriftlich mitteilt womit der Ausschluss endgültig wird.</p> |

The Chair puts the constitutional change to the vote.

No secret vote is requested.

Result: 26 for, 0 against, 0 abstentions

The Chair declares that this qualifies as the necessary 2/3 majority necessary for constitutional changes, and thereby the change is accepted.

# Constitutional Change: remove legal persons as members (national associations) and clarifications with EN/DE version about confirmation of membership

|  |   |
|--|---|
| Current: § 3 Aquisition of membership  | Proposed: § 3 Aquisition of membership  |
| (1) Any national or foreign natural or legal person may become member of the FSFE. Natural persons must be 16 years old. Persons under age do not have eligibility for election. | (1) Any national or foreign natural person may become member of the FSFE. Natural persons must be 16 years old. Persons under age do not have eligibility for election. |

|  |  |
|--|--|
| Derzeit: § 3 Erwerb der Mitgliedschaft   | Vorgeschlagen: § 3 Erwerb der Mitgliedschaft   |
| (1) Mitglied der FSFE kann jede in- oder ausländische natürliche oder <i>juristische</i> Person werden. Natürliche Personen müssen das 16. Lebensjahr vollendet haben. Minderjährige besitzen kein passives Wahlrecht. | (1) Mitglied der FSFE kann jede in- oder ausländische natürliche Person werden. Natürliche Personen müssen das 16. Lebensjahr vollendet haben. Minderjährige besitzen kein passives Wahlrecht. |

The Chair explains the proposed change.

The Chair puts the constitutional change to the vote.

No secret vote is requested.

Result: 12 for, 10 against, 4 abstentions

The Chair declares that this does not qualify as the necessary 2/3 majority necessary for constitutional changes has not been met, and thereby the change has been rejected.

|  |   |
|--|---|
| Suggestion to add "ordinary" as in the German version, else removal of "ordinary" from the German version.   |   |
| (3) The General Assembly of the members decides on the application for membership with three quarter majority of the delivered valid votes; abstentions are therefore not counted. The President can grant the application for membership passing; the application for membership must then be confirmed by the next members assembly. In case of refusal of the request no obligation exists to communicate the reasons to the applicant. | (3) The General Assembly of the members decides on the application for membership with three quarter majority of the delivered valid votes; abstentions are therefore not counted. The President can grant the application for membership passing; the application for membership must then be confirmed by the next ordinary members assembly. In case of refusal of the request no obligation exists to communicate the reasons to the applicant. |

|   |   |
|---|---|
| <i>No change for DE version of (3) if EN version (3) is accepted. Else removal of "ordentlich" / "ordinary".</i>  |   |
| (3) Die Mitgliederversammlung entscheidet über den Aufnahmeantrag mit mit einer Mehrheit von drei Vierteln der abgegebenen gültigen Stimmen; Stimmenthaltungen bleiben daher ausser Betracht. Der Präsident kann dem Aufnahmeantrag vorübergehend stattgeben; der Aufnahmeantrag muss dann bei der nächsten <i>ordentlichen</i> Mitgliederversammlung bestätigt werden. Bei Ablehnung des Antrages besteht keine Verpflichtung, dem Antragsteller die Gründe mitzuteilen. | (3) Die Mitgliederversammlung entscheidet über den Aufnahmeantrag mit mit einer Mehrheit von drei Vierteln der abgegebenen gültigen Stimmen; Stimmenthaltungen bleiben daher ausser Betracht. Der Präsident kann dem Aufnahmeantrag vorübergehend stattgeben; der Aufnahmeantrag muss dann bei der nächsten <i>ordentlichen</i> Mitgliederversammlung bestätigt werden. Bei Ablehnung des Antrages besteht keine Verpflichtung, dem Antragsteller die Gründe mitzuteilen. |

The Chair explains the proposed change.

The Chair puts the constitutional change to the vote.

No secret vote is requested.

Result: 26 for, 0 against, 0 abstentions

The Chair declares that this qualifies as the necessary 2/3 majority necessary for constitutional changes, and thereby the change is accepted.

## Mandate for constitutional changes

With regard to the today adopted constitutional changes, the President shall be authorised to implement objections of the Register Court or the tax authorities by amending the constitutional changes without the need for a further resolution by the General Assembly if these should prove to be necessary or useful due to objections of the Register Court or the tax authorities.

The Chair explains the proposal

The Chair puts this to the vote.

No secret vote is requested.

Result: 25 for, 0 against, 1 abstentions

The Chair declares that this qualifies as the necessary 2/3 majority necessary for constitutional changes, and thereby the change is accepted.

## Exoneration of President, Vice President, and Financial Officer

The Chair proposes whether the General Assembly would like to exonerate Matthias Kirschner (2018-2019), Heiki Löhmus (2018-2019), and Patrick Ohnewein (2018-2019) in a single vote.

All members of the General Assembly agreed.

No secret vote is requested.

Result: 26 for, 0 against, 0 abstention

The Chair notes that all executives of the FSFE – Matthias Kirschner, Heiki Löhmus, and Patrick Ohnewein – have been duly exonerated.

Members of the association thank the council for the very good work.

## Election of new President, Vice President, Financial Officer

Florian Snow und Bernhard Reiter nominate Matthias Kirschner for the office of President of the FSFE. No other nominations are proposed and the candidate is put to the vote.

A secret vote has been requested.



Result: 26 for, 0 against, 0 abstentions

Matthias Kirschner agreed and is thereby elected as President.

Bernhard Reiter and Patrick Ohnewein nominates Heiki Lõhmus for the office of Vice President. No other nominations are proposed and the candidate is put to the vote.

The Chair puts the candidate to the vote.

A secret vote is requested.

Result: 23 for, 1 against, 2 abstentions

The chair notes that Heiki Lõhmus said beforehand in case of election he will agree, and is thereby elected as Vice President

Albert Dengg, Max Mehl and Florian Snow nominate Patrick Ohnewein for the position of Financial Officer. No other nominations are proposed.

The Chair puts the candidate to the vote.

A secret vote requested.

Result: 26 for, 0 against, 0 abstentions

Patrick Ohnewein agreed and is thereby elected as Financial Officer.

## Dealing with situations created by Daniel Pocock (by Florian Snow)

Despite the fact that we severed ties with Daniel Pocock a long time ago, he continues to attack us publicly. Unfortunately, he does not stop at voicing his opinion, but he attacks volunteers personally and our infrastructure. Specifically, he crossed legal boundaries when he illegally copied subscriber information from our mailing lists and subscribed everyone to his own list. He also ran a script that tried to unsubscribe everyone from our lists. He now claims that what he did must have been legal because he has not been arrested yet while at the same time continues to use his illegally created list and continues to spread libelous and defamatory statements about our volunteers and the FSFE itself. So I think as an organization, we need to take a stand and pursue legal action as a last resort.

For a summary of the background, please refer to the following links:

<https://lists.fsfe.org/pipermail/discussion/2019-May/012740.html>

<https://lists.fsfe.org/pipermail/discussion/2019-May/012802.html>

The council understands why this motion was brought forward as Daniel Pocock:

- continuously attacks the FSFE publicly
- attacks volunteers personally
- attacks the FSFE's infrastructure
- publishes FSFE internal documents
- crossed legal boundaries when he copied subscriber information from the FSFE's mailing lists and subscribed everyone to his or his company's own list
- ran a script that tried to unsubscribe everyone from the FSFE's lists
- spreads libelous and defamatory statements about the FSFE's contributors and the FSFE itself

But the council does at the current moment not recommend to take legal steps as an organisation.

For the reasoning: Matthias Kirschner acknowledges that Daniel Pocock's mode of operation and ways to engage while being on our internal mailing lists from April 2017 to September 2018 was disruptive, and caused many contributors to report being demotivated to collaborate with the organisation and even consider stopping their involvement temporarily or permanently.

That is also why Matthias Kirschner, in his role as president of the FSFE, was asked in August 2018 by 24 members to officially start an exclusion procedure, after several attempts by other members to engage with Daniel Pocock and have a conversation about those issues, which all failed. Finally Daniel Pocock stepped down in September.

At that time we thought by keeping his inappropriate behaviour private and by acknowledging his contributions to Free Software from the past, he would be able to channel his energy in a positive way for software freedom.

Unfortunately, as described in the motion and its references, that did not happen; instead he continued with the same patterns of behaviour. This was not limited to the FSFE, but also other Free Software communities were effected by his behaviour including Debian, where he is meanwhile banned, the Open Source Initiative, and our sister organisation the FSF, where he also gathered subscriber data.

Many more contributors were upset about his behaviour, also trying to confront him personally with research about his past activities on our mailing lists, which were moderated because of our behaviour standards.

The council received legal advice that Daniel Pocock's and the actions by his company Ready Technology (UK) were most likely against the law. But as many legal systems would be involved and because Ready Technology (UK) is set up in a way that increases the difficulties of legal actions; it would be very time consuming and costly to pursue this, and it is also unclear if any outcome will have a positive effect on his behaviour.

Several participants acknowledged that he might be in a very difficult personal situation and therefore the FSFE should -- if not absolutely necessary -- not take any step to further worsen his situation.

Although we acknowledge how difficult that can be for individual contributors who are under personal attack by him, the council's recommendation continues to be not to further engage with him in any way.

Our core priority is to use resources to directly achieve our mission, and also encourage all contributors instead of dealing with this situation to use their time and energy for activities to further promote software freedom. Furthermore with our core team, moderators and other contributors, we will continue to improve our work to support the well-being of diverse Free Software communities to achieve our joint mission to empower people from all backgrounds to control technology without discrimination and thereby create a better society for everyone.

Hugo Roy proposes that the Council should continue to:

1. protect and support individuals, including staff, members and volunteers, who may suffer or even be directly subject to Daniel Pocock's attacks in connection with the FSFE,
2. help mitigate any distractions caused by Daniel Pocock to ensure that the time, energy and resources of the FSFE's community are dedicated to furthering and pursuing the goals of software freedom, and
3. remediate and take measures as necessary to support these priorities, including any necessary and reasonable legal actions.

The Chair puts this to the vote.

No secret vote is requested.

Result: 24 for, 0 against, 2 abstentions

The Chair declares that this is thereby accepted.

## Miscellaneous

No further points requested.

## Closing

The GA is officially closed at 15:10.

Signatures

Patrick Ohnewein (Minutes)

Matthias Kirschner (Chair)