



To members / potential members of the European Sustainable Phosphorus Platform

### Developing the European Sustainable Phosphorus Platform – new legal structure

In order to enable development of the European Sustainable Phosphorus Platform (ESPP), we propose to establish it as an independent legal entity, by creating a Brussels not-for-profit association. This will enable the Platform to develop its networking, information sharing and policy monitoring actions dynamically and cost-effectively.

Partners will be invited to pay fees into the new structure (payments end 2014 covering to end 2015). This renewal fee will include a stand space at the Second European Sustainable Phosphorus Conference, Berlin 5-6<sup>th</sup> March (subject to a small payment for installation costs).

We therefore invite you to:

- Examine the proposed statutes and business plan for ESPP, online on [www.phosphorusplatform.eu](http://www.phosphorusplatform.eu) under “Downloads”
- Join the legal launch meeting:  
**\*\*\* Brussels , Tuesday 2<sup>nd</sup> December, Brussels \*\*\***

### Phosphorus Platform Meeting

This meeting will formally launch the new legal structure of ESPP, we will also discuss **Phosphorus / Phosphate Rock as an EU “Critical Raw Material”**. An assessment is underway of materials currently on the EU’s list of 21 Critical Raw Materials, including ‘Phosphate Rock’. Should Phosphate Rock remain on the list? Or phosphoric acid, or ‘phosphorus’ in general? How is the assessment being carried out? How should ESPP input? What are the consequences? The meeting will also be a chance to meet other Platform members and phosphorus management experts to exchange informally concerning joint projects, new policy developments, ...

### Why a new legal structure for ESPP? What is in it?

ESPP was initially launched without a legal existence, as an activity of European Partners for the Environment, an existing Brussels not-for-profit association. Establishing ESPP as an independent legal entity will enable the Platform to develop, ensure transparency of governance, avoid financial or administrative risks

not related to ESPP.

The proposed ESPP statutes establish an international not-for-profit association (AISBL) in Brussels, based on standard Belgian legal statutes. Key aspects of the statutes are:

- The objectives and actions of the Platform
- Two possibilities:
  - à Members, who are legally part of the Platform and vote in decision taking (General Assembly)
  - à Partners, who pay the same contributions and have the same visibility and access to information and networking, but who do not wish to enter the General Assembly (other than observers). *The « Partner » option is for organisations for which becoming legally a member would pose administrative complications. This option enables full participation in the Platform activities and the same visibility, at the same cost, but without formalities.*
- Annual contributions are fixed by the General Assembly

#### **How do we join / renew ?**

To join the Platform (or renew your partnership), you should confirm by email

- your agreement to the statutes
- specify if you wish to become a 'Member' or a 'Partner'
- your agreement to pay the contribution for 2014-2015 (see below)
- specify if you will attend the legal launch meeting

If you are unable to attend the launch meeting, you can sign the (final version of the) statutes and return them (scan by email).

#### **Payments**

Annual contributions (for Members and Partners) for 2014-2015 are fixed at the same level as 2013-2014, and will cover until end 2015:

- €10,000 for national governments/public structures and national Platforms
- €6,000 for companies, industry associations
- €4,000 for city or regional governments/public structures
- €2,000 for knowledge institutes\*, NGOs\*, SMEs

The above amounts are before VAT, applicable at the Belgian rate of 20%

\* the Platform may in some cases accept 'in kind' payment, for Partners only, by knowledge centres and NGOs.

#### **2<sup>nd</sup> European Sustainable Phosphorus Conference, Berlin 5-6<sup>th</sup> March 2015**

Outline programme and call for oral contributions and posters are on the ESPP website <http://www.phosphorusplatform.eu/>

ESPP Partner or Member contribution 2014-2015 includes a stand space at this conference. Organisations which are NOT part of ESPP or of a national phosphorus/nutrient Platform will NOT be able to take stands. Larger demonstration stands can be rented on request.

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**European Sustainable Phosphorus Platform**

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# **Statutes of the European Sustainable Phosphorus Platform (ESPP)**

**DRAFT v8-10-2014**

On the date at place the following organisations came together and by the present statutes declared the establishment of a **Belgian Non Profit Association** (*Association Sans But Lucratif*) between themselves according to the Belgium law of 27<sup>th</sup> June 1982 as amended by law of 2<sup>nd</sup> May 2002:

## **Establishing organisations present and represented**

... (organisation) represented by (physical person)

...  
...

### **Chapter I: Name and address of Association**

#### **Article 1: Name**

The association is named "**European Sustainable Phosphorus Platform**" (hereafter referred to as ESPP)

#### **Article 2: Registered office**

The Association's registered office which must be in Belgium, is located at [ IEEP Brussels Office ???? ]. This address can be modified by decision of the General Assembly, by simple majority.

### **Chapter II: Objectives and duration**

#### **Article 3: Objectives**

ESPP's objectives are to promote, facilitate, contribute to and/or implement phosphorus sustainability in Europe.

These objectives include in particular, but not exclusively, addressing the following issues:

- phosphorus as a non-renewable and critical resource for agriculture (food supply) and industry in Europe
- sustainable phosphate rock supply, mining and processing, including industrial applications
- phosphorus re-use, recovery and recycling in synergy with other nutrients and carbon/energy
- phosphorus use effectiveness and efficiency in agriculture (in crop and animal production) and the in bio-economy (bio-energies and bio-materials production)
- sustainability and safety of the food chain, from farm to diet

#### **Article 4: Means of action and duration**

ESPP can carry out any actions which are related directly or indirectly to these objectives and can participate or be involved in any similar actions which are consistent to these objectives. In particular, ESPP may:

- define and promote through communications and awareness raising a vision for phosphorus sustainability in Europe
- identify, initiate or support relevant dialogue, networking, information exchange, innovation, collaborative actions, policies, business cases, value-chains
- identify and address obstacles, propose solutions, communicate opportunities
- contribute to knowledge development, dissemination and implementation
- define and promote proposals for policies, regulation and actions to further phosphorus sustainability in Europe
- outreach to, involve and work with a wide range of sectors and stakeholders, including: farming, fertiliser and animal feed, chemicals and minerals, waste and water treatment, food processing, bio-resources, food safety and diet ...
- support the development of national phosphorus/nutrient platforms in Europe and of local actions towards a circular economy for phosphorus
- cooperate with organisations involved in sustainable phosphorus management outside Europe, including phosphate rock producers / producing countries, networks, conferences, technology suppliers

ESPP is a not-for-profit organisation and will carry out or participate in commercial activities only in so far as these further ESPP's objectives. In particular, ESPP may promote its Members' and Partners' activities and products in so far as these are coherent with ESPP's objectives.

ESPP will ensure in all its activities full respect of all applicable anti-trust legislations.

The Association is created for an unlimited duration.

## **Chapter III: Members and Partners**

### **Article 5: Two categories: Members, Partners**

ESPP is made up of:

- **Members:**
  - legally members of the association
  - participate in decision making (vote)
  - pay the annual membership fee
- **Partners**
  - legally NOT members of the association
  - participate only consultatively in decision making (no vote)
  - pay the same annual fee as Members or make an equivalent “in kind” contribution
  - have the same access as Members to information and to all other services provided by ESPP, including the same visibility on documents, website, etc.

The Association’s members are as follows:

- initially and for as long as they fulfil the conditions defined below, those organisations signing the present statutes establishing ESPP
- thereafter: any organisation fulfilling the conditions defined below which is admitted as a member by decision of the General Assembly

### **Article 6: Conditions for Membership**

- a) Legal status:  
Any type of organisation (moral persons not physical persons): companies, associations, governments, local authorities, knowledge institutes
- b) Activities:  
Must have activities or products related to sustainable phosphorus management  
Must not carry out activities which are contrary to ESPP’s objectives
- c) Signature of ESPP’s statutes
- d) Payment of the annual fee, according to the level and conditions fixed by the General Assembly

### **Article 7: Conditions for Partnership**

ESPP Partners must fulfil the conditions in art. 6a and 6b above.

ESPP Partners must either pay the same annual fee as Members or make an equivalent “in kind” payment (see below)

### **Article 8: Application for membership**

Any eligible organisation wishing to become a Member or Partner of ESPP must address to ESPP on paper or by email a request to become a member justifying their eligibility. ESPP’s General Assembly will examine the request at its next meeting. The decision is made known to the requesting company by post or email, accompanied if the decision is positive by details for the payment of the fee, which is due from the date of the General Assembly at which the decision is taken in proportion to the part of the year remaining from this date. The General Assembly’s decision as regards admission of new members must be justified according to the conditions for membership but is final and cannot be questioned by the candidate.

To become a member, the candidate organisation must provide its statutes or other appropriate documentation of its legal personality, legally valid mandate to a physical person who will represent the member at the ESPP General Assembly (etc), copy of identify document of this person and specification of this persons postal address, date and place of birth, nationality.

### **Article 9: Termination of membership or partnership**

Members or Partners may leave the Association at any time by simply informing ESPP in writing, on paper or by e-mail.

However, membership fees remain due for the calendar year in progress.

ESPP may not exclude an eligible organisation which pays the annual membership fee from becoming or remaining a member, except as follows.

- Non-payment of membership or partnership fees due within the deadlines fixed by the Board
- The General Assembly may exclude from ESPP any member or partner considered, by a vote of the General Assembly as defined below, to have carried out or be responsible for actions which are gravely in conflict with the objectives or statutes of ESPP. The Board may temporarily suspend any member or partner if it considers these criteria applicable pending a decision to be taken at the next General Assembly meeting. Exclusion does not result in reimbursement of membership or partnership fees.

## **Chapter IV: Membership and partnership fees**

### **Article 10: Level of fees**

The level of annual membership and partnership fees is fixed by the General Assembly by a simple majority vote (fixed for year N+1 if the General Assembly is after 1<sup>st</sup> July, or for the current year N if the General Assembly is before this date)

The fee may be different for different types of organisations subject to the condition that the calculation is based on objective elements and that the difference between the highest fee level and the lowest cannot exceed a factor of 5x.

The levels of fees for members and partners are identical for the same type of organisation.

Paid membership or partnership fees are in no case reimbursable.

## **Chapter V: The General Assembly**

### **Article 11: Members of the General Assembly**

The General Assembly is made up of each of all of the ESPP Members. It will meet at least once per year.

The number of votes each ESPP Member holds at the General Assembly is proportional to their membership fee paid (in the current year N if the General Assembly is after 1<sup>st</sup> June or in the previous year N-1 if the General Assembly is before this date)

ESPP Partners also participate on a consultative basis (right to information, to speak, but no vote).

The General Assembly is chaired by the Chairperson of the Board. It is held at any place chosen, for the next time, by the General Assembly. It is called by the Chairperson of the Board or at request of at least one third of the Members.

### **Article 12: Powers of the General Assembly**

The General Assembly is empowered to:

- change the statutes or decide to dissolve ESPP
- elect and revoke the Board members and validate their decisions
- admit new members or partners or exclude existing ones
- approve annually the budget and accounts proposed by the Board
- approve the annual action plan
- set the annual membership and partnership fee and its terms of payment
- exercise all other powers and decisions according to Belgian law and to the ESPP statutes

### **Article 13: Organisation of General Assembly meetings**

The Members and Partners are called to the General Assembly meeting by the Chairperson of the Board. Members may be represented by another member by means of a written or electronic proxy vote.

Each Member may only hold the proxy for a maximum of two other Members.

The call to the General Assembly meeting contains the agenda and is addressed to all Members and Partners either by post mail or electronically at least three weeks before the date of the meeting.

The meetings may take place either as physical meetings or electronically (telephone meeting, video conference, web meeting...). In case of electronic meetings, the participating Members and Partners are deemed to be present.

### **Article 14: Voting rules**

- a) Quorum: the General Assembly may vote validly only if at least one fifth of Members and at least one fifth of Members' votes are present or represented except as specified below
- b) The General Assembly decisions are taken by simple majority of the Members' votes present or represented except as specified below. In case of a tied vote, the Chairperson has a deciding vote.
- c) However, by exception, **the following decisions are taken by a majority of two thirds of the Members' votes present or represented**: excluding an existing member or partner, modifying the statutes, modify the ESPP objectives, decide its dissolution. The decisions requiring a majority of two thirds shall be validly taken only if a quorum of at least one half of all the effective members are present or represented.
- d) When the conditions above regarding the quorum, in (a) or (c), are not met, a new meeting shall be held, physically or electronically, within the next six weeks, which will be able to validly vote regardless of the number of effective members present or represented.

### **Article 15: Minutes**

The decisions of the General Assembly are recorded by the Secretary of the Board in the form of minutes of meetings. These are distributed to all members and partners for approval, then signed by the Chairperson of

the Board and another one of its members. The minutes are kept at the registered office of the Association. All members and partners may on request receive a copy of the minutes.

## **Chapter VI: The Board of Directors**

### **Article 16: Members of the Board (Directors) and Board Observers**

The Association is governed by a Board comprised of an odd number of Board members (named physical persons nominated as candidates by Members), also referred to as Directors (*administrateurs*), with a minimum of three, maximum seven, elected by and revocable by the General Assembly, from amongst candidates proposed by the Members.

The Directors and Board Observers are elected for one year, renewable. In case of vacancy during a Director's term, a new Director shall be temporarily appointed by the Board until the election by the General Assembly.

The Board appoints among the Directors a Chairperson, a Treasurer, in charge of ESPP budgets and accounts to be submitted to the General Assembly, and a Secretary, in charge of legal matters.

When the Chairperson is unable to attend, the oldest Director present (by age of person) shall replace him or her.

### **Article 17: Meetings and votes**

The Board is called by the Chairperson, by post mail or electronically, with the agenda, at least five full working days before the meeting.

The Board meetings may take place as physical meetings or electronically (telephone meeting, video conference, web meeting...). If at least a third of the Directors so request, for reasons of travelling difficulties, the meeting shall be held electronically. The participants to an electronic meeting are deemed present.

The Board decisions are taken by simple majority of the Directors present or represented, each Director being allowed to represent one other, by means of a proxy in paper or electronic. In case of a tied vote, the Chairperson has a deciding vote.

The Board may decide to make Board meetings open to all members and partners (as observers)

The decisions are validly taken if at least half the Directors are present or represented.

The Board decisions are recorded in minutes by the Secretary, circulated to all Board members for approval, signed by the Chairperson and filed at ESPP's registered office. All ESPP members and partners are entitled to freely consult the minutes and to request copies thereof.

### **Article 18: Powers**

The Board has full powers for the administration and management of the Association. Every matter not expressly attributed to the General Assembly by Belgian law or by the present statutes is within the Board's authority.

### **Article 19: Delegation and Secretariat**

The Board may, under its own responsibility, delegate the day-to-day management of ESPP or any specific responsibilities to one of its members or partners, or to a named member of their staff, or to any other individual or organisation.

In particular, the Board may designate and mandate person(s) or organisation(s) as Secretariat, Director or similar, as employed staff and/or as contracted service suppliers and/or as some other form of contractual arrangement, to carry out management, representation, development, coordination, communication, etc. of and on behalf of the association. The Board will ensure that the actions and positions taken on behalf of the association, by these persons/organisations correspond to the association's objectives and to the priorities and orientations fixed by the General Assembly.

### **Article 20: Representation**

Any contract, deed, letter, or other act or document which binds ESPP, unless within the bounds of the day-to-day management or of a specific delegation granted by the Board, is executed either by the Chairperson and one other Directors, or, in the Chairperson's absence, by two Directors.

## **Chapter VII: Divers**

### **Article 21: Accounting year, budget and accounts**

The Association's accounting year runs from 1<sup>st</sup> January to 31<sup>st</sup> December.

Exceptionally for the year of establishment of ESPP, the accounting year will run from the date of establishment to 31<sup>st</sup> December and will integrate funds available from activities carried out in ESPP's name by European Partners for the Environment before ESPP's establishment.

The General Assembly will decide each year the budget, including estimated expenditure corresponding to Association projects, and estimated incomes to cover this expenditure, including membership fees and other expected incomes (budget for year N+1 if the General Assembly is after 1<sup>st</sup> July, or for the current year N if the General Assembly is before this date)

The General Assembly will approve each year the accounts for the previous year (N-1) prepared by the Treasurer and the Board.

**Article 22: Liquidation of the Association**

If ESPP is dissolved, either by decision of the General Assembly as indicated in the statutes, or because it no longer has at least three Members, then the General Assembly will designate Receivers, define their powers, and define how any net assets of ESPP after liquidation should be disposed of, given that any net assets after payment of all outstanding debts should be made over to an organisation whose objectives include objectives similar to those of ESPP, that is sustainable nutrient management.

**Article 23: Liabilities**

ESPP's commitments and liabilities are its own: its Members and Partners, in such capacity, derive no liabilities (save for the payment of fees) from the ESPP's commitments and responsibilities. The same applies for the members of the Board of Directors, except liability for mismanagement.

**Chapter VIII: Temporary designations**

**Article 24: Temporary designations**

On this date of establishment of the Association, the establishing General Assembly elected:

- the following Board members:

- \*
- \*
- \*
- \*
- \*
- \*

and from amongst them, the Board members named:

- \* Chairperson:
- \* Treasurer:
- \* Secretary:

and these persons accept these responsibilities.

After reading this document of ..... pages, the following persons sign:

**Chapter VIII: Signatures**

- \* *signatory representatives of Members*
- \* *members of the Board as nominated*

# Proposed ESPP business plan Sept 2014 – 2015:

## **First draft for discussion and comment v8/10/14**

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## Organisation and structure

### **Legal status and decision making**

- **Establish ESPP as a legal entity : create a not-for-profit association under Belgian law\***  
(statutes, establishment general assembly, publication in Belgian Official Journal, legal and VAT registration ...)  
\* probably initially as an ASBL (simpler), possibly evolve later into an international association AISBL (requires a Royal Decree and more documentation, and so delays)
- **Legal & accounting advice** : two offers from Belgian legal advisors/accountants: BPO/Notalex (recommended by IEEP), TaxConsult
- **Statutes provide for two levels of participation**: statutory members, partners
  - depending on organisation's legal constraints
  - same access to information, visibility
  - same annual contribution
  - possibility of "in kind" for partners only
- **Statutory decision making**: association statutes define a Board (role of steering committee, elected by the members from the members) and a small executive sub-committee of the Board (the "Bureau", including the President), whose role is to define Platform directions and take day to day operational decisions
- **Non statutory**:
  - **Working groups** on specific themes or projects
  - **Secretariat** answers to the President, the "Bureau" and to the Board

## **ESPP Membership**

- Renew initial ESPP members and bring in new members
- Propose membership renewal to cover end 2014 and to December 2015
- Membership fee as at present
  - national platforms/nations = 10 000 €
  - standard company = 6 000 €
  - SME = 2 000 €
- Membership to include stand at ESPP2 (subject to additionally paying small amount for stand installation costs, in order to avoid empty stands)
- Membership includes: access to network and information, participation in ESPP meetings and activities, logo on ESPP website home page, SCOPE Newsletter and at ESPP meetings (including ESPP2), member page on ESPP website
- Active campaign to bring in new members, in collaboration with national platforms/networks (see below), both in sectors already covered (water, fertilisers) and in new sectors (feed/agrisupply, food&beverages, chemicals, mining ...)
- Define national platform/ESPP membership interactions (see below under platforms)

## **Importance of in-kind partner contributions**

ESPP must function as a network. Contributions and input of in-kind partners and network should be as important as monetary contributions: content and information generation and exchange, competence, organising meetings and networking ...

## **National platforms/networks and ESPP secretariat**

Proposed organisation of ESPP secretariat and national networks, subject to bringing in sufficient membership (income):

ESPP European secretariat (organisational objectives for 2015)

- Thornton ½ time
- Post to create Brussels (intern ? part-time ? possibly shared with another organisation)

National/regional networks within ESPP (e.g. France, Spain, Baltic, UK ...)

- part time post within an existing structure (e.g. in a research institute, industry federation, NGO ...)

National platforms, with their own legal structure: Germany, Flanders, Netherlands

## **Budget and funding – 2015 vision**

### **Expenditure budget for year 2015**

- C Thornton ½ time 2015	50 KE
- Post in Brussels	40 KE
- Legal, accounting	10 KE
- Travel (secretariat, President)	15 KE
- Competence data base management system	10 KE
- Website, emailing, etc	
- web hosting & domains = 0,5 K€	
- web maintenance Maija Ravenscroft = 4.5 K€	
- sending emails (MailChimp) = 2 K€	
- creating interactive eNews = 5 K€	
- website content and update (FHNW) = 20 K€	
- reserve technical upgrades / unexpected = 3 K€	25 K€
- Thematic conferences etc self funding **	-
<b>TOTAL 2015</b>	<b>150 K€</b>

## For end 2014

- |  |       |
|--|-------|
| - C. Thornton fees 2014 (already paid = 7 K€)                    | 43 K€ |
| - C. Thornton travel and costs (already paid = 4.8 K€)           | 3 K€  |
| - Cranfield website invoice outstanding                          | 4 K€  |
| - Already paid: ESPP website repair and renovation (Summer 2014) |       |
| - - Maija Ravenscroft = 2.8 €                                    |       |
| - - All Things Web = 800 €                                       |       |

**Total budget expenditure 2014-2015** **200 K€**

\*\* ESPP provides seed capital but costs reimbursed and covered by sponsorship and participation

## Proposed outline for income sharing with national platforms/networks

- Countries with established platform: 10 KE ESPP membership /year
- Countries with national network within ESPP:
  - members join and pay ESPP, national network is funded by national government, country does not pay ESPP membership but is a de facto member if membership fees reach 10 KE /year
  - alternative model: members join and pay ESPP, ESPP returns a % to national facilitator who develops network 'at their risk'

## ESPP budget for income the period Sept 2014 – 2015

- |   |       |
|---|-------|
| - 3 x national platforms (10 KE/year)         | 30 KE |
| - 3 x national network contributions as above | 30 KE |
| - 15 x companies @ 6 000 €/year               | 90 KE |
| - 15 x SMEs @ 2 000 €/year                    | 20 KE |
| - Project participation / SCOPE dissemination | 30 KE |

**Total budget income** **200 KE**

## **ESPP Activities 2014-2015**

### **ESPP network data base and ESPP technical webinars**

- Suite ESPP meeting June 2014 -> respond to members' wishes
- Set up a professional data base management tool to catalogue expertise and contacts
- Launch series of professional webinars on technical subjects for members/stakeholders (technical platform SEI – Arno Rosemarin)
- Use of LinkedIn ?

### **ESPC2 Conference**

Proposed second European Sustainable Phosphorus Conference: 5-6 March 2015, Berlin  
Subject to commitment and capacity of German Platform DPP

ESPP's actions

- Promote and 'sell' stand and posters
- Call for posters and poster selection
- Videos: testimonial and interviews on progress since ESPC1
- Support to DPP for programme content

## ***Awareness raising***

Films/videos: subject to finding case-by-case additional funding for such projects

- Develop the series of "P-Facts" videos (following those realised at ESPC1)
  - agricultural wastes
  - P in our food
  - food safety
- New animation awareness video (SUSPHOS project)

## ***Thematic conferences:***

### ***- Danube region fertilisation***

### ***- P supply security***

1) Danube/Black Sea sustainable nutrient intensification conference

- Pending decisions OCP, Fertilisers Europe, Borealis
- Objective early 2015

2) Workshop on supply security and cooperation with phosphate rock supply countries

- to be defined with Hague Centre for Strategic Studies (HCSS), EU Commission, UK global food security (Tim Benton)

## ***International***

- support NAPPs (North America Phosphorus Partnership) launch May 2015, Washington
- contribute to preparation of Global Partnership for Nutrient Management project for action on phosphorus, in perspective of Sustainable Phosphorus Summit 2016 in China

## ***Sectoral European Commission meetings***

Proposal that ESPP requests thematic meetings with sectoral EU Commission services to see how different aspects of phosphorus sustainability can be integrated into different EU policies, as follow-up of P in EU Critical Raw Materials list and of Commission's Sustainable Phosphorus Communication.

Objective = involve leading competent ESPP members/stakeholders for each theme/sector.

- Cooperation / Mediterranean (see above cf. supply security)
- Agriculture
- Water policy
- R&D
- Food/consumer safety
- Elemental P4 supply security

## ***Communications, website, social media***

- Relaunch of website now possible as technical issues resolved (thankyou Maija Ravenscroft) and input of content can now be widely developed (FHNW Sirja Hukari), in particular "opportunities", members pages, making SCOPE Newsletter more proactive
- Redefine SCOPE Newsletter as a modern enews (support NWR)
- Identify partners who can regularly contribute content to SCOPE Newsletter and to website
- Continue Twitter
- Develop Facebook ? LinkedIn ? to enable networking, blogging ...
  - automatic linking (see Tweets -> website at present) to avoid duplication of effort
  - only effective if actively moderated
  - refer to ESPP website as principal information centre and communications focus
- Film : ESPC2 and Susphos (see under ESPC2)