

# **Rules of Procedure regarding the Ombudsperson of the association „Renovabis e.V.“**

## **1. Preliminary remarks**

### 1.1

The association „Renovabis e.V.“ pursues exclusively and directly charitable, benevolent and ecclesiastical purposes as specified in the paragraph „Tax-privileged purposes“ of the German Fiscal Code (AO). The purpose of the association is to promote the tasks of the Church in Central and Eastern Europe and to reconstruct the society in these regions, which should benefit all residents, as well as to support needy people within the meaning of the rule of Article 53 of the German Fiscal Code (AO), regardless of their nationality and religious affiliation. In particular, the work of Christians in society of the countries of Central and Eastern Europe is to be supported by pastoral and social structural help. At the same time, the association wants to contribute to promoting spiritual and pastoral impulses for the Church in Germany through solidarity in common European responsibility, through encounter and dialog, and through the mutual sharing of material and spiritual goods (see Article 2 of the Articles of Association of the association Renovabis e.V.).

### 1.2

In order to ensure the proper fulfillment of the tasks which it has set itself in its Articles of Association, the association fights all forms of corruption that affects the reputation and social resonance of the association Renovabis e.V. in public and / or the proper fulfillment of the statutory tasks of the association.

The association Renovabis e.V. has set itself some principles to fight corruption (self-commitment of the staff of Renovabis) and has established a procedure to ensure proper use of funds in projects, which are supported by Renovabis e.V. These principles and this procedure were last adopted by the Executive Board on 26 April 2012 with the approval of the Board of Directors. They are also the basis of these Rules of Procedure for an Ombudsperson of Renovabis e.V.

### 1.3

The association Renovabis e.V. has decided to appoint one or more natural persons as Ombudsperson (m/f) as a contribution aimed at ensuring the principles to fight corruption and the procedure to ensure the proper use of funds in projects, which are supported by Renovabis e.V., as well as in the sense of establishing an anti-corruption consultancy in case of justified suspicion for violations of the principles mentioned above or the procedure.

The Ombudsperson is fully committed to the principles to fight corruption and the procedure to ensure the proper use of funds in projects, which are supported by Renovabis e.V.

The legal status of the Ombudsperson, its tasks and duties are governed by these Rules of Procedure.

## **2. Ombudsperson**

### **2.1 Appointment and dismissal of the Ombudsperson**

The Ombudsperson is appointed by the Board of Directors on the proposal of the Executive Board. The appointment will be made for a period of five years. The same person may be repeatedly appointed to be Ombudsperson. The Executive Board concludes in each case a corresponding contractual agreement with the Ombudsperson, in which it is also to be set out that the Ombudsperson must be available during normal business hours.

One or more natural persons can be appointed as Ombudsperson. If more than one person is appointed, these persons are required to establish an internal division of tasks and to cooperate in a trusting manner.

The Ombudsperson may be dismissed from office by the Board of Directors of the association Renovabis e.V. during the period of its appointment only if

- there is obvious gross misconduct against the duties and responsibilities of the office;
- facts are given which make proper fulfillment of the tasks no longer possible;
- the Ombudsperson is not only temporarily prevented from performing its duties or
- there is any comparably important reason.

### **2.2 Professional qualification of the Ombudsperson**

As Ombudsperson, only a person is to be appointed who is due to its education and professional background capable of fulfilling the duties and responsibilities described in 2.5. Care must be taken in particular to ensure that the person, for example, as a judge in a German court, lawyer, tax consultant or auditor is subject to a duty of confidentiality.

### **2.3 Independence**

The Ombudsperson shall be independent in the fulfillment of its function and not be bound by instructions, in particular, by instructions given by the bodies of the association Renovabis e.V. or other organs. In the last five years prior to the date of its appointment, the Ombudsperson must not have been a member of the Executive Board or the management and / or the Board of Directors of the association Renovabis e.V. or other committees of the Action Renovabis or have worked in any other form of employment as an employee for Renovabis e.V. or other committees of the Action Renovabis. All personal and business relationships with the association Renovabis e.V. must be disclosed to the Board of Directors. As a matter of principle, the Ombudsperson is prohibited from carrying out any activities during its term of office which may affect the neutrality of its duties. In the three years following the end of its term of office, the Chairman of the Board of Directors must be informed immediately of possible business relations with the association Renovabis e.V.

### **2.4 Announcement**

The name of the Ombudsperson will be published on the homepage of Renovabis e.V. The name must also be otherwise announced to all employees of Renovabis e.V., all project partners and other persons affiliated with the association or the Action Renovabis.

### **2.5 Tasks of the Ombudsperson**

The main task of the Ombudsperson is to be available to all staff members of Renovabis e.V., project partners, donors and other persons affiliated with the association or the Action Renovabis, as contact person for all types of corruption cases. The Ombudsperson shall, during oral or written contact, gather any information on probable or proven corruption cases in connection with the activities of the association Renovabis e.V. or the Action Renovabis provided by employees of Renovabis e.V. and all other persons mentioned above, insofar as the official channels are not suitable for this purpose (see the principles to fight corruption and the procedure to ensure the proper use of funds in projects, which are supported by the association Renovabis e.V.).

It is the task of the Ombudsperson to check the information that is provided to it by name or anonymously, orally or in writing, for its relevance with regard to the fight of corruption, to seek

to clarify the facts within its means and to make recommendations for the further procedure. The Ombudsperson must make a decision on its own responsibility, whether and to what extent the facts disclosed to it must be notified and disclosed to the competent bodies of Renovabis e.V. (the Executive Board or the management and / or the Board of Directors) and, if appropriate, after consultation with these bodies, also to the law enforcement authorities in Germany and abroad. Facts that may be disclosed and are considered by the Ombudsperson to be reportable are processed by the Ombudsperson in the appropriate form, the information is compiled and, where possible, explained. In accordance with point 2.6., the Ombudsperson shall submit annually a report on its activities to the Executive Board of Renovabis e.V. or the management and the Board of Directors.

In cases where members of the Executive Board or the management and / or the Board of Directors themselves are suspected of being even only marginally involved in the matter, the following applies: the Ombudsperson also has to contact other bodies responsible for managing the Action Renovabis in accordance with the Statute of the “Action of Solidarity of the German Catholics with the people in Central and Eastern Europe Renovabis“ (see article 5.3. of the Articles of Association).

In particular, the Ombudsperson also has the task of advising in detail and extensively these people who contact it that they will not suffer professional, commercial or personal disadvantages as possible people involved in matters that suggest the suspicion of corruption, or as informants of such matters through the disclosure of information, in particular the disclosure of written information and evidence to the Ombudsperson.

The Ombudsperson has a protective function with regard to the persons from whom it receives information, and also personally attends to them. The support provided by the Ombudsperson is free of charge for the informants.

## 2.6 Reporting obligation

The Ombudsperson is obliged to inform the Executive Board of Renovabis e.V. or the management and the Board of Directors as of 31 December of each year, in compliance with the duty of confidentiality described below, to report in writing on the scope and content of its activities. In particular, the following points are to be listed:

- Information received during the reporting period
- Conduct of the investigations
- Results of the investigations
- Recommendations given regarding this matter.

The report shall be made even if no information has been received. The Ombudsperson may be convened by the Executive Board for personal reporting, if necessary.

## 2.7 Secrecy

The Ombudsperson is obliged to use the information received exclusively for fulfilling the tasks entrusted to it (see 2.5) and must maintain strict secrecy against third parties. The Ombudsperson shall undertake expressly vis-à-vis Renovabis e.V. to disclose the facts disclosed to it exclusively to Renovabis e.V. or third parties in accordance with these Rules of Procedure, if the person who contacts it expressly agrees. The association Renovabis e.V. or the Action Renovabis waives in return any right to information against the Ombudsperson.

The release from the Ombudsperson's duty of confidentiality requires a written and explicit statement from the person who has informed the Ombudsperson.

The duty of confidentiality of the Ombudsperson is so strict that, without the consent of the person from whom it received the information, it is not even allowed to report to Renovabis e.V. or the Action Renovabis or third parties on the fact that a contact or a conversation with the person who has informed, has taken place.

The Ombudsperson is therefore subject to an absolute duty of confidentiality.

## 2.8 Disclosure of information

If the employee of Renovabis e.V. or any other person from whom the Ombudsperson received the information agrees to disclose this information, the Ombudsperson undertakes to coordinate in detail the further action with the person involved. The Ombudsperson must ensure that the anonymity of the informant is maintained unless the relevant persons expressly agree with the disclosure of their identity. If the informant wishes anonymity, the Ombudsperson should use the information received in such a way that it cannot be deduced that the information comes from the informant.

## 2.9 Procedure when receiving information on possible corruption cases and investigation procedure

The procedure when receiving information on possible corruption cases and the investigation procedure are set out in the Annex to these Rules of Procedure

## 2.10 Remuneration of the Ombudsperson

The function of the Ombudsperson is in return for payment. The association Renovabis e.V. concludes a separate payment agreement.

Freising, 26 February 2013

The Executive Board of Renovabis e.V.:

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P. Stefan Dartmann SJ  
Chairman of the Executive  
Board

Dr. Gerhard Albert  
Executive Board

Burkhard Haneke  
Executive Board

The approval of the Board of Directors was granted on 20 March 2013

## **Annex to the Rules of Procedure regarding the Ombudsperson of the association**

**„Renovabis e.V.“**

### **Procedure when receiving information on possible corruption cases and investigation procedure**

The employee or the person contacting the Ombudsperson should do so verbally or in writing. If he / she contacts the Ombudsperson in writing, he / she should provide a summary of the essential data of a possible corruption case, the name and address of the potentially involved persons and the possible extent of the damage. The information may be given by name, confidential or anonymous.

The Ombudsperson is required to confirm the receipt of the information in writing if it has been provided in writing.

The Ombudsperson determines freely and independently its way of proceedings in the matter disclosed to it. The bodies of the association Renovabis e.V. or the Action Renovabis must fully support the function of the Ombudsperson. The management shall designate for the Ombudsperson a third party who is not an employee or a member of one of the bodies of Renovabis, and has sufficient knowledge of the organization, the processes and procedures of Renovabis and who can assist the Ombudsperson in its work. For this work, this third party shall be released by the management from a possible duty of confidentiality. All bodies and employees of the association Renovabis e.V. or the Action Renovabis are obliged to provide the ombudsperson with all necessary information in connection with the matter. This concerns in particular the granting of access to files and documents as well as the handing over of the corresponding copies. In the course of the investigation procedure, the rights of suspected persons should also be respected. In this context, the principle of the presumption of innocence applies.

After examination of the facts by the Ombudsperson, it is required to inform the person from whom it received the information about the outcome of the examination to that extent that the person knows whether the matter is being prosecuted or not pursued.

If the person who has contacted the Ombudsperson agrees to disclose the information, the Ombudsperson, in agreement with the person who has informed it, will then contact the competent bodies of the association Renovabis e.V. or the Action Renovabis, in particular the Executive Board or the management.

The competent bodies of the association Renovabis e.V. or the Action Renovabis (primarily the Executive Board or the management and / or the Board of Directors) or, if necessary, the other bodies to be notified according to the Rules of Procedure will then be responsible for further investigating the suspected cases at Renovabis in such a way that they entrust appropriate persons with the investigation who shall also be subject to the duty of confidentiality while performing their official duties and may seek personal advice from the Ombudsperson.

The bodies of the association Renovabis e.V. or the Action Renovabis, who the Ombudsperson has contacted with respect to a matter which is relevant in the meaning of these Rules of Procedure, must inform the Ombudsperson about the nature and the result of their investigations and, where applicable, also about the investigations of the law enforcement agencies in Germany and abroad - if they receive information on the matter -, and as far as it does not concern information on bodies and organizations outside the association Renovabis e.V. or the Action Renovabis, which in turn are subject to a duty of confidentiality of these bodies or organizations. If, in particular cases, the Ombudsperson is released from its duty of confidentiality, it may inform the person from whom it received the information about the outcome at least in main lines at the end of the examination of the matter carried out by Renovabis e.V. and / or third parties.

Approved by the Executive Board of the association Renovabis e.V. on 10 February 2014