



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Rules of Procedure (by-laws)

Rule 1. General

The following Rules of Procedure are subject to the Statutes of the Association adopted in The Hague on 5th November 2007. These Rules are based on mutual trust between the Member States and the willingness to cooperate, whilst at the same time safeguarding the independence of each Member. They are necessary to ensure the proper functioning of the various bodies of the Association and apply to each of them.

Rule 2. General Assembly

- (1) The date and venue for each meeting of the General Assembly shall in principle be fixed at the conclusion of the previous meeting of the General Assembly.
- (2) The draft agenda for the General Assembly shall be drawn up by the Steering Committee and be sent, in consultation with the host ENCJ Member, to the Members and Observers no less than two months in advance. ENCJ Members may, at least 6 weeks before the date fixed for the meeting, ask the President to add other matters, or make changes, to the agenda. Changes to the draft agenda must be approved by the Steering Committee.
- (3) The Permanent Office shall dispatch the invitations, together with the final agenda and the relevant documents, to all ENCJ Members at least 30 days before the date fixed for the commencement of the General Assembly.
- (4) At each meeting the President shall report – both orally and in writing – to the General Assembly on the activities of the respective bodies of the Association. At the request of the Steering Committee, the coordinators of the Working Groups shall report to the General Assembly – both orally and in writing – on the activities carried out in their Working group.
- (5) Minutes of the meetings of the General Assembly shall be circulated among ENCJ Members within one month of the end of the meeting. In the absence of comments or objections, which must be lodged within one month of the circulation of the minutes to the members, the minutes shall become final; otherwise they shall be approved at the next meeting of the General Assembly. Minutes of the meetings of the General Assembly shall be issued to all Members within two months of their definitive approval.

Rule 3. Steering Committee

- (1) The Steering Committee shall meet at least 3 times a year.

- (2) The agenda for the Steering Committee shall be drawn up by the President one month in advance.
- (3) ENCJ Members shall be informed of the dates of the meetings of the Steering Committee. They may, at least 20 days before the date fixed for the meeting, ask the President to add other matters to the agenda.
- (4) The final agenda of the meeting and the relevant documents must reach each of the members of the Steering Committee at least 15 days before the date fixed for the meeting.
- (5) At each meeting the President shall report to the Steering Committee – both orally and in writing – on the activities carried out by the Executive Board, by the Permanent Office and on the finances of the Association.
- (6) Minutes of the meetings of the Steering Committee shall be circulated among the members of the Steering Committee within 2 weeks of the end of the meeting. In the absence of comments or objections, which must be lodged within 2 weeks, the minutes shall become final; otherwise, they shall be approved at the next meeting of the Steering Committee. Minutes of the meetings of the Steering Committee shall be issued to all Members within one month of their definitive approval.

Rule 4. Executive Board

- (1) The Executive Board shall meet at least 5 times per year.
- (2) The agenda for the Executive Board shall be drawn up by the President two weeks in advance.
- (3) At each meeting every member of the Executive Board shall report to the Executive Board on his activities.
- (4) Minutes of the meetings of the Executive Board shall be circulated among the members of the Executive Board within two weeks of the end of the meeting. In the absence of comments or objections, which must be lodged within 2 weeks, the minutes shall become final; otherwise, they shall be approved at the next meeting of the Executive Board. Minutes of the meetings of the Executive Board shall be issued to all Members within one month of their definitive approval.

Rule 5. Implementation of Article 4 of the Statutes

- (1) In accordance with Article 4 of the Statutes, a Member that was not present at a meeting of the General Assembly, may express that it does not consider itself bound by a decision of that General Assembly - other than a decision concerning exclusively the administration of the Association - when it considers that the decision could undermine its autonomy or its competencies. Any Member wishing to do so shall inform the President , in writing, accordingly in the one month period provided for Rule 2, point 5 of these Rules of Procedure for the communication of comments or objections to the Minutes of the meeting.
- (2) Likewise, in accordance with Article 4 of the Statutes, every Member that was not a member of the Steering Committee or of the Executive Board may express that it does not consider itself bound by a decision of the Steering Committee or of the Executive Board respectively - other than a decision concerning exclusively the administration of the Association — when it considers that the decision could undermine its autonomy or its competencies. Any Member wishing to do so shall inform the President accordingly in writing within one month of receiving the Minutes of the Steering Committee or of the Executive Board.

Rule 6. Commissions and Working Groups

- (1) The applicable member of the Executive Board or the coordinator of the Working Group shall be responsible for ensuring the circulation of the draft agenda and the relevant documents for meetings of the Commissions or of the Working Groups respectively no less than two weeks in advance of any meeting
- (2) Minutes of the meetings of the Commissions and the Working Groups shall be issued to all Members within two months after the meetings.

Rule 7. Voting – general provisions

- (1) Any vote relating to (a) person(s) shall be effected by secret ballot.
- (2) Voting procedures relating to issues shall be decided upon by the Chair.

Rule 8. Election of the President

- (1) Each ENCJ Member may nominate a candidate to the Office of President. The application shall include the nomination by the ENCJ Member, the acceptance of his candidature and a document signed by the nominated candidate including his reasons for seeking election and his particular objectives for the Association.

Written applications must be sent to the President at least two months before the date fixed for the meeting of the General Assembly and to the ENCJ Members by the President at least 6 weeks before the meeting of the General Assembly.

- (2) Elections for the position of President shall be conducted first, followed by elections for membership of the Steering Committee.
- (3) A polling committee of three persons shall be appointed by the General Assembly before the commencement of the voting. This committee shall be responsible to check the validity of the votes, to count the votes and to ensure due compliance with the Statutes and Rules of Procedure of the Association.
- (4) Each candidate shall be given the opportunity orally to introduce his candidacy before the voting takes place.
- (5) The election of the President shall be by secret and exhaustive ballot (using the form set out in Annex 1) until one candidate receives more than fifty percent (50%) of the votes cast. If, after the first round, no candidate received more than fifty percent of the votes cast, then a second round shall be organized immediately between the two candidates who received the highest number of votes during the first round.

Rule 9. Election of the members of the Steering Committee

- (1) Each ENCJ Member may apply for membership of the Steering Committee.

Written applications must be sent to the President at least two months before the date fixed for the meeting of the General Assembly and to the ENCJ Members by the President at least 6 weeks before the meeting of the General Assembly.

- (2) The polling committee in charge of the election of the President shall also be in charge of the election of the members of the Steering Committee.

- (3) Each ENCJ Member candidate shall be given the opportunity orally to introduce its candidacy before the voting takes place.
- (4) The election of the members of the Steering Committee shall be by secret and exhaustive ballot (using the form set out in Annex 2), A candidate shall be elected when it has received votes numbering in excess of fifty percent (50%) of the number of valid ballot papers.

Each ENCJ Member shall receive as many ballot papers as it has votes according to the Statutes of the Association. No Member shall vote for a candidate more than once on any single ballot paper.

Each ENCJ member must vote on each ballot paper for as many candidates as there are vacancies for membership of the Steering Committee. (There are a total of 8 elected places on the Steering Committee)

If the voting does not result in the election of sufficient members to fill all the vacancies, a second round shall be organized for the remaining positions. This shall follow the same procedure and those candidates with the highest number of votes shall be elected.

Rule 10. Appointment of the Members of the Executive Board¹

- (1) Each member of the Steering Committee may apply for membership of the Executive Board.
- (2) The Steering Committee shall meet immediately after the closing session of the meeting of the General Assembly during which it had been elected.
- (3) The Steering Committee shall proceed, preferably by consensus, to the appointment of the persons to be member of the Executive Board. If a consensus cannot be reached, the Steering Committee shall elect the members of the Executive Board from amongst its members. In such a case, the procedure set out at Rule 9.4 shall be applied mutatis mutandis.
- (4) The ENCJ Members will be informed about these appointments immediately after the appointment of the Executive Board.

Rule 11. Final provisions

- (1) If any difference of opinion arises over the interpretation of the Statutes or of these Rules of Procedure, the General Assembly shall decide upon a proposal from the Steering Committee.
- (2) In all cases not provided for by the Statutes or the Rules of Procedure, the General Assembly will act as it deems fit upon a proposal of the Steering Committee.

Steering Committee, 15 February 2008, London

¹ The Drafting Committee asks the Steering Committee and the General Assembly to take into consideration the problem of the possible membership in the Executive Board of two persons (the President and another member) coming from the same ENCJ Members. This problem will have to be resolved in a future change in the Statutes.

ANNEX 1

ELECTION OF THE PRESIDENT OF ENCJ

BALLOT PAPER

**YOU MAY VOTE FOR ONE CANDIDATE ONLY
ON EACH BALLOT PAPER**

| | |
|------------------------|-----------------------|
| CANDIDATE NR. 1 | <input type="radio"/> |
| CANDIDATE NR. 2 | <input type="radio"/> |
| CANDIDATE NR. 3 | <input type="radio"/> |
| CANDIDATE NR. 4 | <input type="radio"/> |

ANNEX 2

ELECTION OF THE MEMBERS OF THE STEERING COMMITTEE OF ENCJ

BALLOT PAPER

**YOU MUST VOTE FOR EIGHT CANDIDATES
ON EACH BALLOT PAPER**

NOT MORE, NOT LESS

| | |
|-------------------------|-----------------------|
| CANDIDATE NR. 1 | <input type="radio"/> |
| CANDIDATE NR. 2 | <input type="radio"/> |
| CANDIDATE NR. 3 | <input type="radio"/> |
| CANDIDATE NR. 4 | <input type="radio"/> |
| CANDIDATE NR. 5 | <input type="radio"/> |
| CANDIDATE NR. 6 | <input type="radio"/> |
| CANDIDATE NR. 7 | <input type="radio"/> |
| CANDIDATE NR. 8 | <input type="radio"/> |
| CANDIDATE NR. 9 | <input type="radio"/> |
| CANDIDATE NR. 10 | <input type="radio"/> |
| CANDIDATE NR. 11 | <input type="radio"/> |