



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)

Statutes

**of the international not-for-profit association
European Network of Councils for the Judiciary**

Statuts

**de l'association internationale sans but lucratif
Réseau Européen des Conseils de la Justice**

I. NAME, SEAT, AIM, OBJECTIVES AND ACTIVITIES

Article 1 – Name

1. There shall be an international not-for-profit association called the “European Network of Councils for the Judiciary” (“ENCJ”) or in French the “Réseau européen des Conseils de la Justice” (“RECJ”).
2. This Association shall be governed by the provisions of Title III of the Belgian law of 27 June 1921 relating to non-profit making associations, foundations and non-profit making international associations.

Article 2 – Seat

The registered office of the Association shall be at 1050 Brussels, Avenue Louise, 65, 4th floor. The Steering Committee may change the registered office of the Association at any time to any other address in Brussels.

Article 3 – Aim

1. The Association has as its aim the improvement of cooperation between, and good mutual understanding amongst, the Councils for the Judiciary and the members of the judiciary of both the European Union Member States and of any European Union candidate Member States.
2. The Association shall exclusively and directly pursue international objectives of a non-profit making nature.

Article 4 – Objectives

Within the framework of the creation of the European Area of freedom, security and justice, the objectives of the Association are co-operation between members on the following:

- analysis of and information on the structures and competencies of members, and exchanges between the members ;
- exchange of experience in relation to how the judiciary is organised and how it functions;
- provision of expertise, experience and proposals to European Union institutions and other national and international organizations.

No decision taken by the Association prejudices the autonomy and the competencies of its individual members. For this reason, every member of the Association has the right to express that it does not consider itself bound by a decision, 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 decision of the General Assembly, the Steering Committee or of the Executive Board shall record the names of any such members.

Article 5 – Activities

1. The Association shall develop an annual program of activities specifically related to the objectives in Article 4.
2. Each member shall determine the participation of its representatives in the activities of the Association.

II. MEMBERS

Article 6 – Membership

1. Membership is open to all national institutions of Member States of the European Union which are independent of the executive and legislature, or which are autonomous, and which ensure the final responsibility for the support of the judiciary in the independent delivery of justice.

2. Applications for membership shall be submitted to the General Assembly. If there is a reasoned objection by any member, the General Assembly shall refer the issue to the Steering Committee which shall make a recommendation. Admission of a new member shall require a unanimous decision of the General Assembly.

3. Members are free to resign from membership at any time. Membership terminates on notification in writing to the President. Any member which resigns forfeits any rights to any of the assets of the Association.

4. The Steering Committee may propose the expulsion of a member of the Association if it has committed serious breaches of the aims and objectives of the Association as set out in Articles 3 and 4 above. The Steering Committee must first of all give the member in question the opportunity to state its position. Any expulsion must be decided upon by the General Assembly by a three quarters majority of the members present at that meeting.

5. The status of observer may, at its request, be granted by a unanimous decision of the General Assembly to:

- the Ministry of Justice in European Union Member States where institutions as specified in Article 6.1 do not exist;
- the Institutions as specified in Article 6.1 from European Union candidate states;
- the institutions of the European Union.

An observer shall be entitled to attend meetings of the General Assembly but shall not be entitled to vote. An observer may also be invited to participate in other activities of the Association. Observers shall contribute to the financial support of the activities of the Association in accordance with the Financial Regulations of the Association.

Article 7 – Contributions

1. Members shall pay an annual membership fee which will be used to cover the operating costs of the Association. The membership fee shall be decided annually by the General Assembly, on a proposal from the Steering Committee, based on the Association's needs.

2. The annual membership fee per European Union Member State thus fixed may not exceed the sum of € 20.000.

3. A member shall not enjoy voting rights at any time whilst any membership fees payable by it remain unpaid.

4. Any member which resigns from membership of the Association shall not be entitled to be reimbursed any membership fees already paid and shall be liable to pay the membership fee for the year in which it resigns.

5. Further arrangements for deciding annual membership fees, their payment and collection may be laid down in financial regulations adopted by the General Assembly on the proposal of the Steering Committee.

III. BODIES OF THE ASSOCIATION

Article 8 – Bodies

The Association shall consist of a General Assembly, a President, a Steering Committee and an Executive Board.

Article 9 – General Assembly

1. The General Assembly is endowed with all the powers necessary to achieve the aims and objectives of the Association.
2. The General Assembly shall comprise representatives of each member of the Association. It shall meet regularly, at least once in each calendar year. The meetings of the General Assembly shall be convened by the President at the venue indicated in the convening notice.
3. The President shall also convene a meeting of the General Assembly at any time at the request of at least one-third of the members.
4. Any meeting of the General Assembly shall be convened by letter, fax, electronic mail or by any other suitable means of communication at least 30 days before the date of the General Assembly. The convening documents shall include the agenda, which shall be decided by the Steering Committee.
5. The Presidency of the meetings of the General Assembly shall be held by the President or by a member of the Executive Board whom he appoints for that purpose.
6. The General Assembly shall elect the person who will exercise the Presidency of the Association. It shall also elect the members of the Steering Committee in accordance with the provisions of these Statutes.
7. The General Assembly has the power to determine the policy and activities of the Association.
8. On the proposal of the Steering Committee, the General Assembly
 - i. may set up commissions and working groups on specific themes in relation to the activities of, or to do with the organisation of, the Association,
 - ii. shall decide the membership of the commissions and of the working groups as well as their duration, and
 - iii. shall decide how to enable and maximise the participation of the members in the commissions and working groups.
9. The General Assembly has the power to amend the Statutes. It shall decide the financial regulations, the internal regulations and the Rules of Procedure for all bodies of the Association.
10. The General Assembly shall approve the budget and the accounts.

Article 10 – Quorum and Voting in the General Assembly

1. The General Assembly shall be quorate when at least half of the members of the General Assembly are present.
2. Each individual member shall have six votes.

Nevertheless, when there are several members in the same Member State of the European Union, those members shall allocate their six votes amongst themselves and shall inform the President of this allocation.

3. The General Assembly shall act on the basis of a simple majority of the votes cast, with the exception of:

- the matters specified in Article 6 which require differing majorities;
- the public statements of the General Assembly which must be approved by a two-thirds majority of the General Assembly;
- changes to these Statutes, the adoption and the amendment of the Internal Rules and Rules of procedure, the determination of the amount of the annual membership fee and the financial regulation specified in Article 7, and the dissolution of the Association, all or any of which must be decided by at least three quarters of the votes cast.

4. On the proposal of the Steering Committee or, in case of emergency, on the proposal of the Executive Board, the President shall consult all members by e-mail. If he does so, a decision will be adopted if:

- at least a majority of the members formally respond by e-mail or by fax within the time limit specified by the President and
- the majority of those members approve the particular proposal.

The text of this Article 10.4 shall always be annexed to the e-mail commencing the consultation process.

5. Decisions and the minutes adopted by the General Assembly shall be recorded by the President in a register and lodged with the Permanent Office. The President shall communicate them to all members.

Article 11 – The President

1. The President shall convene and chair the General Assembly, the Steering Committee and the Executive Board. He shall represent the Association, especially in relation to dealings with the institutions of the European Union.

2. The President shall be elected by the General Assembly for a period of two years. That term will not be immediately renewable. He shall take office on 1st January of the year following his election except for the first year of functioning of the Association or if the President has to be replaced.

Once elected, he will be invited to the meetings of the Steering Committee and of the Executive Board as an observer.

3. In the case of his absence, the President may appoint a member of the Executive Board to replace him.

4. If the President dies or resigns or if, during the Presidency, he becomes incapable from carrying out the duties of a President the Steering Committee shall appoint a person as acting President until the election of a new President by the General Assembly.

5. If the President ceases to be member of his national institution a new President must be elected if the remainder of the term of office of the out-going President would have lasted more than 6 months after the date of cessation of his membership.

6. Should any of the events set out in Article 11.4 or 11.5 occur then the Steering Committee shall fix the date of the meeting of the General Assembly at which both a new President shall be elected and the period of office of the new President shall be decided.

7. The Steering Committee shall, if necessary, fix the date on which an outgoing President shall cease to hold office.

8. Article 11.2 shall not apply to any President elected at a General Assembly meeting convened under Article 11.6 above.

Article 12 – The Steering Committee

1. The Steering Committee shall consist of the President and the representatives of eight members, elected by the General Assembly for a term of office of two years. The Steering Committee shall take effect immediately after its election. Any representative of an elected member of the Steering Committee who is not able to continue as such a representative, in particular when he shall cease to be a member of his national institution, must be replaced by his national institution within three months.

2. Without prejudice of its other powers in these Statutes, the Steering Committee shall take all necessary measures for the proper operation of the Association between meetings of the General Assembly and for the implementation of the program of activities of the Association. The annual report on the activities of the Steering Committee shall be submitted to the General Assembly.

3. A meeting of the Steering Committee shall be convened by letter, fax, electronic mail or by any other suitable means of communication. The agenda of the meetings shall be decided by the President. Every member of the Steering Committee shall have the right to propose items for inclusion on the agenda for the meeting. Any member of the Association shall also have the right to propose an item for inclusion on the agenda for the meeting and, if it does so, shall be entitled to introduce the item at the relevant Steering Committee meeting.

4. The Steering Committee is not quorate unless at least the majority of its members are present.

5. Decisions of the Steering Committee require a majority vote of its members present at the meeting. In the case of an equality of voting, the President shall have a second and casting vote. The decisions shall be recorded in a register signed by the President and lodged with the Permanent Office. The President shall communicate them to the members of the Association.

6. The Steering Committee may also exercise the powers set out in Articles 11.4, 11.5 and 11.6 above as well as Articles 17.1 and 17.2 below.

Article 13 – The Executive Board

1. The Executive Board will consist of the President and of three persons appointed by and from within the Steering Committee. These appointments to the Executive Board shall be of specific named individuals. Anyone who is not able to continue as a member of the Executive Board, in particular when he shall cease to be a member of his national institution, must be replaced within three months by the Steering Committee upon the proposal of the national institution concerned.

2. The Executive Board shall be responsible for ensuring the proper functioning of the Permanent Office. The Executive Board will also be responsible for the functioning of the

Association in between meetings of the Steering Committee. The Executive Board will submit its proposals for activities to the Steering Committee.

3. The Steering Committee shall determine the tasks of every member of the Executive Board. Each member of the Executive Board shall be responsible for specific areas of activity. Each commission as specified in Article 9.8 of the Statutes of the Association shall be chaired by a member of the Executive Board.

4. The meeting of the Executive Board shall be convened by letter, fax, electronic mail or by any other suitable means of communication. The agenda of the meeting shall be determined by the President. Every member of the Executive Board shall have the right to propose items for inclusion on the agenda for the meeting.

5. The Executive Board is not quorate unless at least three of its members are present. Decisions of the Executive Board require a majority vote of its members present at the meeting. In the case of an equality of voting, the President shall have a second and casting vote. The decisions of the Executive Board shall be recorded in a register signed by the President and lodged with the Permanent Office. The President shall communicate them to the members of the Association.

IV. FUNCTIONING OF THE ASSOCIATION

Article 14 – The Permanent Office

The Association shall have a Permanent Office independent of any member of the Association. The Office shall function as an administrative unit under the authority of the President and the Executive Board.

Article 15 – Remuneration

Neither the President nor any member of the General Assembly, Steering Committee, or Executive Board, nor any participant in an activity shall be remunerated by the Association for the exercise of their mandate within the Association. Actual bona fide expenses may be reimbursed in accordance with provisions set out in the Financial Regulation.

V. BUDGETS AND ACCOUNTS

Article 16 – Annual Budget and administration of the accounts

1. The financial year shall commence on 1 January and end on 31 December.
2. The funds of the Association shall be used for the purpose of financing the structure and the administration of the Association under the direction of the Executive Board which shall be accountable to the Steering Committee.
3. Contributions in kind and money for specific projects and activities will be fixed by individual agreement between participants in the project. All such agreements shall be brought to the knowledge of all members.
4. The Executive Board shall draw up an annual budget for the running costs for the following calendar year which shall be presented to the General Assembly for approval. The Executive Board has the duty to submit the previous year's accounts to the General Assembly for approval.
5. Every two years, the General Assembly shall appoint two auditors from within the membership who shall present their report each year to the General Assembly when the accounts are to be submitted for approval.

VI. MODIFICATION OF THE STATUTES AND DISSOLUTION OF THE ASSOCIATION

Article 17 – Modification of the Statutes and Dissolution of the Association

1. Without prejudice to articles 50, § 3, 55, and 56, of the law of 27 June 1921 relative to non-profit making Associations, foundations and non-profit making international Associations, any proposal which aims to modify the articles of Association or will lead to the dissolutions of the Association must emanate from the Steering Committee or at least one fifth of the members.
2. Within three months of the above, the Steering Committee must inform the members of the Association of any such proposal of the above nature, and the date of the General Assembly which shall deliberate it.
3. No decision is valid unless it is approved by a majority of three quarters of the votes cast in the General Assembly.
4. If less than three quarters of members of the Association are present at this meeting of the General Assembly, a new meeting of the General Assembly shall be convened under the same conditions as above which shall take a definite and valid decision on the proposal in question, with the same majority of three quarters of the votes cast, irrespective of the number of members present.
5. Modifications to the Statutes of the Association shall not become effective until approval by the competent authority in accordance with article 50, § 3, of the law and until publication in the Appendices of the Belgian Monitor in accordance with article 51, § 3, of the aforementioned law.
6. In the case of the liquidation of the Association, net assets after liquidation shall be allocated to a disinterested purpose determined by the General Assembly, with the same majority stipulated in article 17.3.

VII. GENERAL MATTERS

Article 18 – Other applicable rules

Any matter not covered by these Statutes and particularly the formalities relating to publication shall be regulated by the Rules of Procedure and the Internal Regulations adopted by the General Assembly, or in accordance with the provisions of the Belgian law of 27 June 1921 relating to non-profit making Associations, foundations, and non-profit making international Associations.

Done at The Hague, 5 November 2007

on behalf of / de la part de

**Conseil Supérieur de la Justice / Hoge Raad voor de Justitie
Belgium/ la Belgique**

on behalf of/ de la part de

**ВИСШ СЪДЕБЕН СЪВЕТ/Supreme Judicial Council
Bulgaria/ la Bulgarie**

on behalf of/ de la part de

**Domstolstyrelsen
Denmark/ le Danemark**

on behalf of/ de la part de
**Conseil supérieur de la magistrature
France /la France**

on behalf of/ de la part de

**Országos Igazságszolgáltatási Tanács
Hungary/la Hongrie**

on behalf of/ de la part de

**An tSeirbhis Chúirteanna/Courts Service
Ireland/Irlande**

on behalf of/ de la part de

**Consiglio Superiore della Magistratura
Italy/l'Italie**

on behalf of/ de la part de

**Nacionaline Teismų Administracija
Lithuania/ la Lituanie**

on behalf of/ de la part de

**Commission for the Administration of Justice
Malta/Malte**

on behalf of/ de la part de

**Raad voor de rechtspraak
Netherlands/les Pays-Bas**

on behalf of/ de la part de

**Krajowa Rada Sądownictwa
Poland/la Pologne**

on behalf of/ de la part de

**Conselho Superior da Magistratura
Portugal**

on behalf of/ de la part de

**Consiliul Superior al Magistraturii
Romania/ la Roumanie**

on behalf of/ de la part de

**Súdna rada Slovenskej republiky
Slovakia/ la Slovaquie**

on behalf of/ de la part de

**Republika Slovenija Sodni Svet
Slovenia/Slovénie**

on behalf of/ de la part de

**Consejo General del Poder Judicial
Spain/l'Espagne**

on behalf of/ de la part de
Judges' Council of England and Wales

on behalf of/ de la part de
Judicial Council of Scotland

United Kingdom/ le Royaume Uni

The Hague, 5 November 2007
La Haye, 5 novembre 2007