

# European Network of Associations of Lay Judges

## Statutes

### **Article 1 – Composition of the Association**

The European Network of Associations of Lay Judges encompasses Organisations of Lay and Honorary Judges and Arbitrators in European countries which signed the European Charter of Lay Judges.

This Association shall be governed by the provisions of German law relating to non-profit making associations (registered society / eingetragener Verein).

### **Article 2 – Seat and Non-profit Association**

1. The residence of the Association is in Berlin.
2. The Association shall solely and directly pursue objectives of public benefit within the meaning of the Chapter "Tax-Exempt Objectives" of the Regulation of Taxation (Abgabenordnung AO).

### **Article 3 - Aims**

1. The Association has as its principle aim the promotion of lay and honorary judges, arbitrators and lay prosecutors in judicial functions in jurisdictions

- in the European Union Member States;
- in any of the European Union candidate Member States and
- in the European Union

as well as

- the promotion of international awareness, tolerance in all areas of society and intercultural understanding;
- the general promotion of the democratic commonwealth

by

- a) representing to governments and relevant organisations the Charter of Lay Judges signed in Brussels on 11 May 2012;
- b) maintaining contact with the bodies of the European Union and the Council of Europe;
- c) improving the cooperation between the member organisations;
- d) supporting lay judges and lay prosecutor organisations;
- e) promoting equality of treatment for lay and salaried judges;

f) encouraging cooperation with organisations representing salaried judges and prosecutors as well as civil society organisations;

g) researching lay involvement in jurisdiction;

2. The Association will be supported as appropriate by a permanent office.

#### **Article 4 - Objectives**

1. 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:

a) collection and analysis of information on the structures and competencies of lay and honorary judges, arbitrators and lay prosecutors;

b) exchange of experiences in relation to the organisation, training, functions and situation of lay and honorary judges, arbitrators and lay prosecutors;

c) provision of expertise, experience and proposals to national and international organisations and/or European Union institutions;

d) promoting equal treatment and training for lay and salaried judges;

e) undertaking research and training as appropriate.

2. No decision taken by the Association should prejudice 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 continued existence in its own country, its autonomy or competencies.

3. Any decision of the General Assembly shall record the names of any such members.

#### **Article 5 – Membership**

1. **Membership** is open to any autonomous organisation which represents lay and honorary judges, arbitrators and lay prosecutors having signed the European Charter of Lay Judges.

2. Individuals may become **observers** if they support the aims of the Association in a political, scientific or financial way. They are no members according to the German law of association.

3. Applications for all classes of membership shall be submitted to the General Assembly. Admission of a new member shall be approved by the General Assembly.

4. Membership terminates on notification in writing to the Presidency.

5. Only members shall have the power to vote at the General Assembly.

#### **Article 6 – Contributions**

1. The Association does not charge a membership fee

#### **Article 7 – Bodies**

The bodies of the Association are the General Assembly and the Presidency.

### **Article 8 – 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 meet at least once in each calendar year. The meetings of the General Assembly shall be convened by the Presidency.
3. The Presidency 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 or electronic mail at least 30 days before the date of the General Assembly.
5. The General Assembly has the power to determine the policy and activities of the Association.
6. The General Assembly
  - a) may set up commissions and working groups on specific themes in relation to the organisation or to plan and manage the activities of the Association;
  - b) shall decide the membership of the working groups as well as their duration.
7. 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.
8. The General Assembly shall approve the budget and the accounts.
9. The resolutions of the Assembly's meeting shall be minuted and signed by the Chair of the meeting.

### **Article 9 – Quorum and Voting in the General Assembly**

1. The General Assembly shall be quorate when at least half of the members are present physically or through internet -, telephone - or video conference.
2. Each member has one vote.
3. The General Assembly shall act on the basis of a simple majority of the votes cast, with the exception of change of the statutes which must be approved by a two-thirds majority.

### **Article 10 – The Board of the association according to § 26 BGB (German Civil Code)**

1. The Board of the association consists of three members with rotating presidency. The members of the Board are elected for a period of three years. After three years one member shall cease to belong to the Board and shall be replaced by a new member. This new member of the Board shall be elected by the General Assembly. The founding Board consists of one member elected for three years, one member elected for two years and one member elected for one year. In this way one member of the Board leaves the Board annually and another one will enter it (rotation). The order of rotation shall be decided by the General Assembly.
2. The members appoint their delegate for the Board.

3. The Board shall be responsible for ensuring that the Association functions in accordance with the Statutes and its Aims and Objectives.
4. The Board shall convene and chair the General Assembly. They shall represent the Association, especially in relation to dealings with the institutions of the European Union, other outside bodies and the media.
5. The Board will present an annual report to the General Assembly on the occasion of his leaving office.

#### **Article 11 – The Permanent Office**

The Association shall have a permanent independent office functioning as an administrative unit under the authority of the Presidency.

#### **Article 12 — Remuneration**

Neither the Presidency nor any member of the General Assembly shall be remunerated 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 Regulations and Procedures.

#### **Article 13 – 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 Presidency which shall be accountable to the General Assembly.
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 Presidency 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 Presidency 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 who shall present their report each year to the General Assembly when the accounts are to be submitted for approval.

#### **Article 14 – Dissolution of the Association**

1. The dissolution of the Association must be decided by an extraordinary meeting of the General Assembly called specifically to discuss this issue.
2. No decision is valid unless it is approved by a majority of three quarters of the votes cast in the General Assembly.
3. 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 and 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.

4. In case of the dissolution the assets of the Association shall be distributed equally in a manner acceptable to German law among the members which signed the European Charter of Lay Judges. The assets must be used for projects according to the aims of these statutes.
5. If any rule of these statutes will not be accepted by the German Court or the tax office the Presidency may change those rules and ask for approval the General Assembly.

These statutes were decided by the General Assembly in Belfast on 10 May 2013. They replace the founding statutes of 21 August 2012.

Signed and agreed in Belfast on 11 May 2013

Lydia Lecheva  
National Association of Lay Judges, Bulgaria



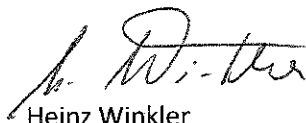
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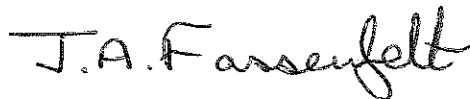
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