



**Réseau Européen de Formation Judiciaire**

**European Judicial Training Network**

## **THE ARTICLES OF ASSOCIATION OF THE EUROPEAN JUDICIAL TRAINING NETWORK**

**Amended by the Ljubljana General Assembly on 24 June 2008 and published in the Belgian Moniteur on 13 October 2008**

### **I. Name, seat, aim, objectives and activities**

#### **Article 1 - Name**

1. There shall be established an international not-for-profit Association under the name of "EUROPEAN JUDICIAL TRAINING NETWORK", abbreviated "EJTN", in French "RESEAU EUROPEEN DE FORMATION JUDICIAIRE", abbreviated R.E.F.J.
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 1000 Bruxelles, 16b rue du Luxembourg.

#### **Article 3 - Aim**

1. The Association, which is devoid of any profit motive, has as its aim the promotion of training programmes with a genuine European dimension for members of the European judiciary.
2. The Association shall exclusively and directly pursue objectives of a non-profit making character.

## **Article 4 - Objectives**

Within the framework of the creation of the European Area of Freedom, Security and Justice, the objectives of the EJTN are co-operation on:

- the analysis and identification of the training needs of the judiciaries of member states;
- the exchange and dissemination of experience in the field of judicial training;
- the design of programmes and methods for collaborative training, in particular using new technology;
- the co-ordination of members' programmes and activities in matters relating to European law and those which concern initiatives of the European Union;
- in collaboration with the Lisbon Network of the Council of Europe (where appropriate) to provide expertise and know-how to European, and other national and international institutions in order to promote the ideals inherent in an area of Freedom, Security and Justice;
- the promotion and advancement of the legal systems of candidate countries seeking accession to the European Union;
- the promotion of the activities referred to in Article 5(2) among its members and others who are, or who may be, invited to participate.

## **Article 5 - Activities**

1. The EJTN will establish an annual programme of activities which will be carried out by one or more of its members.
2. In particular, this programme will contain activities which will promote among its members and others invited to participate:
  - the comparison and exchange of judicial practice;
  - understanding of the judicial systems of Member States of the European Union;
  - understanding of the means of judicial cooperation within the European Union;
  - language skills;
  - support to candidate countries with the design and execution of their training programmes, and to promote familiarisation with means of judicial cooperation;
  - the development of common instruments of training, particularly in judicial cooperation;
  - the development of judicial skills and of those who are appointed to act as trainers within member states.
3. The Network shall take all necessary measures to ensure that its activities are communicated among members of the judiciary in member states.

4. The participation of members of the judiciary in the activities of the EJTN will be regulated according to the national rules of each member state governing such participation.

## **II. Members**

### **Article 6 - Founding Members**

The following were the founding members of the Network:

#### **For Germany:**

- the Federal Ministry of Justice, Berlin for the Federal Republic of Germany

#### **For Austria:**

- the Federal Ministry of Justice, Vienna

#### **For Belgium:**

- Conseil Supérieur de la Justice, Brussels

#### **For Denmark:**

- Domstolsstyrelsen, Copenhagen

#### **For Spain :**

- the Consejo General del Poder Judicial, Barcelona
- the Ministry of Justice, represented by the Centro de Estudios Jurídicos de la Administración de Justicia (CEJAJ), Madrid

#### **For Finland:**

- Oikeusministeriö, Helsinki, for Finland

#### **For France:**

- Ecole Nationale de la Magistrature, Paris / Bordeaux

#### **For Greece:**

- National Judges School, Thessalonica

#### **For Ireland:**

- Judicial Studies Institute, Dublin, for the Chief Justice

#### **For Italy:**

- Consiglio Superiore della Magistratura, Rome

#### **For Luxembourg:**

- the Ministry of Justice, Luxembourg

#### **For the Netherlands:**

- Stichting Studiecentrum Rechtspleging, Zutphen

#### **For Portugal:**

- Centro de Estudos Judiciários, Lisbon

#### **For the United Kingdom:**

- Judicial Studies Board of England and Wales, London
- Judicial Studies Board for Northern Ireland, Belfast
- Judicial Studies Committee for Scotland, Edinburgh

#### **For Sweden:**

- Domstolsverket, Jönköping

#### **In its capacity as a training institution at European level**

- the Academy of European Law, Trier

## Article 7 - Membership

1. Membership is available to all national institutions of the Member States of the European Union specifically responsible for the training of the professional judiciary and for the training of Prosecutors where they form part of the “Corps Judiciaire”. Those institutions in Member States of the European Union which are involved in judicial training at the level of the European Union – particularly in Community Law – may also be members.
2. Applications for membership will be submitted to the General Assembly. If there is an objection by any member, the General Assembly will refer the issue to the Steering Committee which will make a recommendation. Admission of a new member requires a unanimous decision by the General Assembly.
3. Members may terminate their membership of the Network by giving written notice to that effect to the Secretary General. Such resignation becomes effective from the time and date on which the notification is received by the Secretary General. A member shall remain liable for all acts done by, and all liabilities incurred by, the Network until the time and date when notification of resignation is received as above.
4. The expulsion of a member of the Association may only be proposed (a) by the Steering Committee; (b) in writing; and (c) served by the Secretary General on all members of the Association no later than one month before the commencement of the General Assembly which shall consider the proposal.. The decision to expel shall be taken only by a General Assembly. The member who is the subject of the proposal shall have the right to contest it.
5. The Steering Committee may propose the expulsion of a member for any grave and weighty cause including, but not limited to, a serious breach of conduct whereby the reputation of the Network is, or is capable, of being brought into disrepute or in the event of a breach of the standards of behaviour reasonably to be expected to be exercised by a member of an international organisation representing the training needs of members of the judiciary.
6. In the event that the Steering Committee proposes the expulsion of a member in accordance with Article 5(4) the Committee may suspend the member in question until the decision whether or not to expel has been taken by the General Assembly PROVIDED ALWAYS that the member whose expulsion is proposed shall have an absolute right to make representations to the Committee as to why such a decision should not be taken.
7. Upon the suspension of a member by the Steering Committee pending the resolution of the proposal by the General Assembly, or upon the expulsion of a member by the General Assembly, that member shall not be entitled to attend any further meetings of the Network and its voting rights shall be withdrawn.
8. For the avoidance of doubt, a member of the Network which is expelled pursuant to this Article shall be entitled to a refund of subscriptions paid representing the

number of whole months remaining in the current year. Such refund shall be calculated on a per month basis by dividing the subscription actually paid by twelve.

9. Any member of the Network which is not a member of the Steering Committee may propose the expulsion of another member by giving notice of cause supported by a written statement to the Secretary General who shall ensure that the proposal is placed on the agenda of the next Steering Committee for consideration or, if the matter which gives rise to the proposal is urgent, shall consult the Chair of the Steering Committee to decide the appropriate step(s) to take.
10. A member who was, but no longer is, a member of the Association has no claim on the Association's assets.

### **Article 8 - Contributions**

1. Members shall pay an annual membership fee which will be used to defray in part the operational costs of running the Association.
2. The annual membership fee shall be determined by the General Assembly, on a proposal from the Steering Committee and calculated on the basis of the gross national income of the European Union Member State to which the member belongs having regard to the financial needs of the Association. For the members referred to in Article 7(1), second sentence, the fee is determined on the basis of the budget of the member concerned.
3. The annual membership fee thus fixed may not exceed the sum of EUR 40.000 per European Union Member State represented in the Association. Article 11(4) shall apply to any variation of the level of annual subscriptions to be paid by members to the Network.
4. Further arrangements for fixing annual membership fees, their payment and collection can be laid down in a financial regulation adopted by the General Assembly on the proposal of the Steering Committee. Such regulation shall be added to the Rules of Procedure of the Network.

## **III. Bodies of the Network**

### **Article 9 - Bodies**

The EJTN will consist of a General Assembly, a Steering Committee and a Secretary General.

## **Article 10 - General Assembly**

1. The General Assembly is endowed with all the powers necessary to achieve the aims of the Association.
2. The Presidency of the General Assembly will be held by a member from the state which at that time holds the Presidency of the European Union. If the Presidency of the Union is held by a State which is not represented in the EJTN, then the Presidency of the General Assembly will be retained by the member from the State which previously held it.
3. The date on which the General Assembly shall be convened will be such as to enable the Secretary General to comply with the requirements of Belgian Law as to the filing of the Network's accounts with the relevant Belgian authorities.
4. The General Assembly will comprise representatives of each member of the Network. It will meet regularly at least once in each calendar year and shall be convened by the President at the venue indicated in the convening document.
5. The Secretary General, on behalf of the President, shall notify the membership and observers of the Network of the date on which the General Assembly is to be convened at least one month before the first day of the General Assembly. The convening documents shall include the draft agenda which shall be determined by the Steering Committee.
6. The General Assembly has the power to amend the Articles of Association. It will adopt Rules of Procedure for all bodies of the Network.
7. The General Assembly has the power to determine the policy and activities of the EJTN. It elects the members of the Steering Committee from the members of the EJTN. It also elects the Secretary General in accordance with the provisions of these Articles of Association.
8. The General Assembly may set up Committees and Working Groups charged with consideration of specific programmes or questions of organisation and will determine membership of these. For the avoidance of doubt, the Secretary General, with the authorisation of the Steering Committee, may engage such professional or technical expertise as may be necessary. Working Groups may set up sub-groups and/or ad hoc groups to assist in their work.
9. The Secretary General, the Steering Committee, ad hoc Committees and Working Groups will report to the General Assembly.
10. The General Assembly shall approve the budget and the accounts.

## **Article 11 - Quorum and Voting in the General Assembly**

1. The General Assembly is quorate if half of the members are present.
2. Each Member State represented in the EJTN will have six votes to be allocated as they see fit.
3. Institutions responsible for judicial training at European level will have three votes.
4. The General Assembly shall act on the basis of a simple majority of the votes cast, with the exception of changes to these Articles of Association; adoption and amendment of the Rules of Procedure; voting on the level of subscriptions; adoption and amendment of internal regulations; the expulsion of a member or members of the Association in accordance with Article 7(4) and the dissolution of the EJTN, which must be approved by at least three quarters of the votes cast.
5. No proxies shall be permitted in respect of any vote taken for any purpose at meetings of the General Assembly.
6. Proceedings, minutes and decisions of the General Assembly will be communicated in writing to all members of the Network by the Secretary General no later than one month following the date on which the General Assembly terminates.
7. Decisions and the minutes adopted by the General Assembly shall be recorded in a register signed by the Secretary General and lodged with his/her secretariat. The Secretary General shall make them available to members on request.

## **Article 12 - Steering Committee**

1. The Steering Committee shall consist of a minimum of five members and a maximum of nine members.
2. The Steering Committee will assist and advise the President and direct the Secretary General. It may make proposals and institute initiatives which may be necessary between meetings of the General Assembly and which will then be referred to it.
3. Members from the country of the Secretary General shall not be members of the Steering Committee.
4. The General Assembly shall elect the members of the Steering Committee to serve for a term of office of three years commencing with the date on which a new Secretary General assumes office unless the commencement date or termination of such term is agreed otherwise by the General Assembly.
5. At the first meeting of the Steering Committee following entry into effect of this clause or at the first meeting of a new Steering Committee, the members shall

elect one of its members to serve as chair of the Steering Committee throughout the period during which it holds office.

### **Article 13 - Convening of the Steering Committee**

1. The Committee shall meet at the request of one or more members of the committee or at the request of the Secretary General and be convened by his/her secretariat.
2. The meeting shall be convened by letter, fax, electronic mail or any other suitable means of communication.
3. The Committee is not quorate unless half of its members are present.

### **Article 14 - Voting in the Steering Committee**

1. Decisions of the Steering Committee require the votes of a majority of the members present in order to pass or to refuse a proposal.
2. Decisions of the Steering Committee shall be recorded in a register signed by a member of the Steering Committee and lodged with the secretariat. The Secretary General shall make them available to members of the Association on request.

### **Article 15 - Secretary General**

1. The Secretary General to serve at the conclusion of the term of office of the incumbent Secretary General shall be elected by the General Assembly which is held closest to, and prior to, the expiration of the incumbent's term of office.
2. Unless the General Assembly determines otherwise, the term of office of the Secretary General shall be three years commencing on the date on which the mandate of his/her predecessor terminates.
3. At the conclusion of his/her term of office the incumbent will not be eligible for immediate reappointment and the Secretary General who is elected to succeed the incumbent shall be a citizen of a different Member State of the European Union and from a different member of the Network.
4. The Secretary General shall be a person with professional experience as a judge or prosecutor belonging to the judiciary of a Member State of the European Union represented in the Network.
5. Major tasks and responsibilities of the Secretary General comprise:
  - Acting as administrative director of the secretariat and of the Network;
  - Managing the finances of the Network;



- Liaising with the European Commission, the Council of Europe and other European institutions;
  - Where appropriate, ensuring compatibility between the programme of activities of the EJTN and the priorities set by the European Union;
  - Facilitating the formulation and evaluation, and disseminating the conclusions, of projects undertaken by one or more members of the Network;
  - Co-ordinating and monitoring the activities of the Network;
  - Attending meetings of the organs and Committees of the Network as appropriate;
  - External representation of the Network.
6. Any official documents affecting the Network shall be signed by the Secretary General who is not required to justify this vis-à-vis third parties. In pursuing or defending legal actions, the Secretary General will act on behalf of the Network.
  7. In the event that the Secretary General becomes incapable of acting for a period of time which, in the opinion of the majority of the Steering Committee, is detrimental to the best interests of the Network, the Assistant Secretary General or, if no such office has been created, the Chair of the Steering Committee shall undertake such functions of the Secretary General as might be necessary to ensure the continuing viability of the Network until such time as the Secretary General is able to resume his/her duties.
  8. In the event that the Steering Committee determine by a majority that the Secretary General has become permanently incapable of acting in his/her official capacity on behalf of the Network, the Assistant Secretary General or, if no such office has been created, the Chairman of the Steering Committee shall convene a General Assembly on behalf of the President to elect a new Secretary General for a full term of office.
  9. The Steering Committee may, in the case of grave faults and on the basis of a majority of at least three quarters of the votes of all members of the Committee, suspend the Secretary General during his/her tenure. Following such suspension:
    - i. the Assistant Secretary General or, if such a post has not been created, the chair of the Steering Committee for the time being, shall undertake such of the functions of the Secretary General as may be necessary to ensure that the business of the Network continues to be carried out as far as possible;
    - ii. the Steering Committee shall present a motion to the next General Assembly that the Secretary General should be discharged and give reasons in writing why such discharge is recommended. A vote of at least three quarters of the entire membership of the Network is required to carry a motion for the discharge of the incumbent Secretary General;
    - iii. In the event that the General Assembly discharges the Secretary General from so acting they will immediately elect a new Secretary General for a full term of office.

10. For the avoidance of doubt:

- a. The Steering Committee are at liberty to call an extraordinary General Assembly for the purposes referred to in paragraph 9 (ii) above;
- b. If a Secretary General is elected to take office before the end of the mandate of the incumbent Steering Committee, the mandate of any member of the Steering Committee from the same country as the new Secretary General will cease on the same day when the new Secretary General takes office. In this case the General Assembly may elect another member to the Steering Committee to serve for the remainder of the mandate.

### **Article 16 - Assistant Secretary General**

1. Upon a proposal by the Steering Committee or one fifth of the members, the General Assembly may decide to create the position of an Assistant Secretary General.
2. The Assistant Secretary General shall be a person with professional experience as a judge or prosecutor belonging to the judiciary of a Member State of the European Union represented in the Network. He will be elected by the General Assembly for a term of three years or such other period as the General Assembly might determine.
3. The Assistant Secretary General will act under the authority of the Secretary General. He has authority to represent the Network externally in respect of day-to-day business.
4. The tasks and responsibilities of the Assistant Secretary General shall be set out in detail in the Rules of Procedure.

### **Article 17 - Secretariat**

5. The Network shall have a permanent secretariat functioning as an administrative unit.
6. The secretariat will be instructed by the Secretary General as to the administrative support to be provided in the co-ordination of the activities of the Network, the dissemination of information to members, and for practical support relevant to its activities.

## **IV. Budgets and accounts**

### **Article 18 - Annual Budget and Administration of the Accounts**

1. The financial year shall start on 1 January and conclude on 31 December.
2. Funding received from the European Union, or given by the members of the Network for the purposes of financing its structures and administration, is to be administered by the Secretary General who will be accountable for its expenditure to the General Assembly.
3. Contributions (in kind and in money) for specific and defined 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 Secretary General will draw up an annual budget plan for administrative and operational costs which is to be submitted to the General Assembly for approval for the following calendar year. Should the urgent and specific need arise to adapt or amend the current budget plan between meetings of the General Assembly, the Steering Committee will have competence to adopt such amendments or adaptations on a preliminary basis and subject to their final approval by the next General Assembly.
5. The Secretary General shall submit the previous year's accounts to the General Assembly for approval.

## **V. General matters**

### **Article 19 - Modification of the Articles of Association and Dissolution**

1. Without prejudice to articles 50, § 3, 55 and 56 of the law of 27 June 1921 relating 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 dissolution of the Association must emanate from the Steering Committee or at least one fifth of members.
2. The Steering Committee must inform members of the Association of the formulation of any proposal of the above nature no later than a date three months before the commencement date of the General Assembly which shall deliberate such a proposal.
3. No decision about a proposal which falls within Article 19(1) above is valid unless it is approved by a majority of three quarters of the votes cast in the General Assembly.
4. If three quarters of the full members of the Association are not present at a meeting of the General Assembly which has to decide whether or not to approve

a proposal falling within Article 7(4) or 19(1), a further meeting of the General Assembly shall be convened at which the vote of three quarters of the members actually present shall be required to approve the proposal regardless of whether or not the said Assembly is quorate under Article 11(1) of these Articles.

5. Modifications to the Articles of Association shall not become effective until approval by the competent authority in accordance with article 50 § 3 of the law and until publication to the Appendices of the Belgian Moniteur in accordance with article 51 § 3 of the aforementioned law.
6. In case of liquidation, net assets after liquidation shall be allocated to a disinterested purpose determined by the General Assembly, with the majority stipulated in this Article.

### **Article 20 - Other Applicable Rules**

Any matter not covered by these articles of Association 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.

### **Article 21 - Language regime**

1. The English and French versions of these Articles of Association have equal validity.
2. The working languages of the EJTN are English and French. Any official Association documents shall be drawn up in either of these languages.

### **Article 22 - Interpretation**

Save where the context otherwise implies or expressly allows, the word “month” shall be taken as a reference to a calendar month.

Done at Ljubljana on 24 June 2008.