

# **European Network of Associations of Lay Judges**

## **Statutes**

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

The European Network of Associations of Lay Judges (ENALJ) 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; Financial year**

- (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).
- (3) The Association shall not act to make a profit; it shall not primarily pursue financial goals of its own.
- (4) The financial year shall commence on January 1<sup>st</sup> and end on December 31<sup>st</sup>.

### **Article 3 - Aims**

- (1) The aims of the body are:
  - a) to promote civic engagement with regard to public involvement in the administration of justice;
  - b) generally to promote the system of the democratic state in the area of application of this law, as well as to promote it within the European Union and its member states and in states which have applied for EU accession;
  - c) to promote education, as well as general and vocational training (including assistance to students) with regard to public involvement in the administration of justice;
  - d) to promote academic study and investigation in the area of public involvement in the administration of justice.
- (2) The aims will be realised as follows:
  - a) The promotion of civic engagement with regard to public involvement in the administration of justice is to be realised through the dissemination of information concerning access to the legal system and concerning citizens' involvement in the administration of justice. Such information dissemination shall take the form of, amongst other things, public information events, the establishment of information platforms, the creation of networks and the use of social media.
  - b) The promotion of the system of the democratic state is to be realised through implementation of the European Charter of Lay Judges, signed by seventeen organisations from twelve European countries on the 11th of May, 2012 at the European Parliament in Brussels. The Charter expresses the right of citizens to be involved in the administration of justice as an act of civic emancipation and as an essential principle of any democratic society. It shall pursue the aim of increasing the role of lay judges in the administration of justice in all European states. To implement this charter, the Association shall inform political decision makers at both the national and European levels as to the indispensability of citizen involvement in the administration of justice and, through statements and by other

means, participate in the process of political opinion formation. Further, the organisation shall promote the exchange of ideas and opinions with professional judges, public prosecutors and lawyers, with the aim of raising awareness concerning citizens' involvement in the administration of justice.

- c) The promotion of education, as well as general and vocational training (including assistance to students) with regard to public involvement in the administration of justice shall be realised through additional training for lay judges. Such additional training can take the form of, amongst other things, online seminars, conferences, training programmes, networking events, the exchange of proven methods and opportunities to sit in on lectures/seminars.
- d) The promotion of academic study and investigation in the area of public involvement in the administration of justice is to be realised through the organisation's own research activities, as well as the award of research remits to auxiliary personnel within the meaning of Paragraph 57 Subparagraph 1 Sentence 2 (German) Tax Code (Abgabenordnung).
- e) The promotion and facilitation of social activities and kind of „get together-events“ where lay judges could meet and in different ways exchange experiences and learn from each other in the field of acting as a lay judge in the various Courts around Europe.

#### **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. Decisions of the General Assembly are compulsory for the ENALJ Presidency, but do not bind the member organisations in their national work and policy.
- (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) Previous Presidents shall be granted the status of Honorary Presidents with the rights of a member to propose motions and discuss.
- (4) The General Assembly may confer honorary membership on persons who have rendered outstanding services to the idea of civil society participation in jurisdiction.
- (5) 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.
- (6) Only members shall have the power to vote at the General Assembly.

#### **Article 5a - End of membership**

- (1) Membership terminates
  - a) on resigning from the Association by notification in writing to the Presidency,
  - b) by liquidation of a member organization.
- (2) If a member is absent without prior notification at two successive meetings of the General Assembly and does, in addition, not respond to e-mail and written requests by the presidency, the General Assembly can decide with a two-thirds majority to exclude this member from the Association.
- (3) Active membership under Article 5(3) shall cease in the event of death, as well as dissolution or leaving the member organization.

#### **Article 6 – Contributions**

- (1) The Association does not charge a membership fee.

#### **Article 7 – Bodies**

The bodies of the Association are the General Assembly, the Presidency and the Executive Board.

#### **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 meeting shall be convened and chaired by the Presidency. Participation in the general meeting is also possible via video transmission from a location other than the meeting itself. Participation in discussion and voting shall be technically possible.
- (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 three months 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) Each member has one vote.
- (2) The General Assembly shall act on the basis of a simple majority of the votes cast, to the extent that no other majority is provided for in these Articles of Association in specific cases.
- (3) Change of the Statutes must be approved by a two-thirds majority of the present members.
- (4) Also "present" are members who participate in the general meeting via video.

### **Article 9a Advisory Council**

- (1) The Advisory Council looks after the interests of the Association between the meetings of the General Assembly and makes recommendations for the decisions to be taken in the next meeting of the General Assembly.
- (2) The Advisory Council consists of the ENALI-Presidency and one delegate of each member organisation. Organisations represented in the Presidency have only one vote in the decision-making process.
- (3) The advisory council comes together in between the meetings of the General Assembly, invited by the Presidency. The Presidency is obliged to convene a meeting if three member organisations request it.
- (4) Instead of physical participation the meeting can be held by some or all members by internet, video or phone conference or any other technical means as long as every member has the chance to take part.

### **Article 10 – Presidency**

- (1) The Presidency is the Board of Association and consists of five members elected by the General Assembly for a period of three years. Reelection is possible once. Members of the Presidency are the President, the Vice-President for EU matters, the Vice-President for Science and Research, the Vice-President for Training and Education and the Secretary General. The President and the Secretary General form the Executive Board according to § 26 BGB (German Civil Code).
- (2) Candidates for Presidency have to be appointed by their member organisation.
- (3) The Presidency is responsible for ensuring that the Association works in accordance with the Statutes and its aims and objectives.
- (4) The Presidency represents the Association, especially in relation to dealings with the institutions of the European Union, other outside bodies and the media.
- (5) The Presidency will give an annual report to the General Assembly.

### **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**

- (1) 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.
- (2) Costs caused by members of Presidency and the Advisory Council will not be paid by ENALJ. Costs for events concerning the European Day of Lay Judges and the General Assembly will be paid by the arranging organisation as far as the costs are not covered by individual participants.

### **Article 13- Annual Budget and administration of the accounts**

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

Signed and agreed in Belfast on 11 May 2013

The Statutes have been completely revised and decided by the General Assembly in Poznan on 14 May 2022.