



PREAMBLE:

Meeting in Strasbourg on June 15th 1985, European magistrates and associations of magistrates convened to constitute an association with the denomination of MEDEL - "*Magistrats Européens pour la Démocratie et les Libertés*". Wishing to transform this de facto association into an association with a legal personality with the same goals, the undersigned have adapted its statutes, in conformity with the laws in force in the jurisdiction of Strasbourg.

Art. 1.

An association denominated "*Magistrats Européens pour la Démocratie et les Libertés*", abbreviated as MEDEL, has been created. Its seat is in Strasbourg, Rue Finkmatt n° 12.

It is inscribed in the Registry of associations of the Tribunal d'Instance of Strasbourg and ruled by articles 21 to 79 of the local Civil Code, maintained in force by the introductory law of June 1st 1924, as well as by the present statutes.

For the purpose of the present Statutes the title of magistrate applies to all persons who, in their principal capacity, apply by profession the rule of law in the context of a contradictory procedure within a permanent organism of legal origin the jurisdiction of which is obligatory, all persons undergoing the training or apprenticeship provided for by the law for access to this profession and all persons who, having practiced the profession, have been relieved by reason of retirement or other honorable reasons.

GOALS OF THE ASSOCIATION

Art. 2.

The goals of the association's action are:

1. The establishment of a common debate among magistrates from different Countries to support European community integration, in view of the creation of a European political union;
2. the defense of the independence of the judiciary in the face of every other power as well as of specific interests,
3. the democratization of the judiciary, in its recruitment and in the conditions for the exercise of the profession, in particular in face of the hierarchical organization.
4. the respect, in all circumstances, of the legal values specific to the democratic state based on the rule of law.
5. the assertion of the right of magistrates, as of all citizens, to freedom of assembly, association and expression, including the right to form trade unions, to meet and to take collective action;
6. a judicial organization apt to guarantee a public service of justice responding to the principle of transparency, allowing for the citizens' control over its functioning;
7. the promotion of a democratic legal culture through exchanges of information and the study of common topics;
8. the proclamation and the defense of the rights of minorities and of differences, and in particular the rights of immigrants and the most deprived, in a perspective of social emancipation of the weakest,

Art.3.

The association will act with the federated associations, in each State represented as well as at international level, and in particular vis-a-vis the European institutions. It will act, in particular, in favor of the adoption of an additional protocol to the European Convention on Human Rights on the status of magistrates (declaration of Bordeaux of October 15th 1984).

Art. 4

The association abstains from all commercial activity.

MEMBERSHIP OF THE ASSOCIATION:

Art. 5.

Effective members are:

1. magistrates who have signed the agreement of the June 15th 1985 and the other ones who have been admitted until today.

2. magistrates who have signed this agreement;
3. magistrates accepted by a majority vote of two thirds by the general assembly.

Only magistrates who are members of a federated national association can be members of MEDEL: an exception to this rule is made if no organization represented in MEDEL exists in the country for the jurisdictional order to which the magistrate belongs.

The federated national associations share the goals of MEDEL. They engage to promote them and spread them at all levels.

Art. 6.

The quality of member is lost:

1. by way of resignation,
2. on account of the loss of the quality of delegate of a federated association,
3. by way of exclusion pronounced by a two thirds' majority of the General Assembly for any event of a nature to cause any material or moral prejudice to the association.

In the event of an exclusion, the member involved will be invited to provide explanations and present his defense.

Art. 7

Dues are determined annually by the general assembly. They are in proportion to the possibilities and responsibilities of the federated members and associations.

ADMINISTRATION AND FUNCTIONING

Art 8

The General Assembly of the members up-to-date with payments shall meet as Congress at least once a year, preferably on the occasion of the congress of one of the federated associations. The General Assembly is the sovereign power of the association, of which it defines the general policy.

The Board of Directors convenes the General Assembly with at least three weeks' notice. The notification includes the agenda.

The Assembly attends the moral and budget reports; it approves the accounts for the previous year and votes the budget for the following year; it decides on the matters included in the agenda and it provides for the designation or renewal of the members of the Board of Directors; it designates an auditor to check the accounts.

Art. 9.

The association is administered by a Board of Directors composed of at least seven members elected by the General Assembly and proposed by the national associations.

Art. 10.

The Board of Directors decides by a absolute majority of the members present or represented, and it deliberates validly if at least half of its members are present or represented. The Board of Directors meets at least three times a year, convened by the President or at the request of two of its members

Art. 11.

In case of impediment, members of the assembly and those of the Board of Directors can be represented by a delegate provided with a power of attorney, no member being allowed to carry more than two votes. Any member of the Board can require a secret scrutiny.

Art. 12

The Board of Directors designates, among its members, a bureau in charge of the implementation of its decisions.

The bureau includes at least three members, of different nationalities, as President, Secretary and Treasurer; their mandate is of one year and it's renewable.

At the expiration of one term, the Board of Directors and its bureau continue their mission until their successors take office.

Art. 13.

The members of the bureau are the spokespersons of the association. All the members of the association are informed of the unanimously taken decisions of the bureau.

Art. 14.

Minutes are kept of the decisions of the General Assembly, the Board of Directors and the Bureau. The minutes are sent to all members of the Association.

Art. 15.

The President is the legal representative of the association which he represents in all acts of civil life. He may, on the advice of the Board of Directors, delegate all or part of his powers to another member of the board. The representative of the association must enjoy the full exercise of his civil rights.

Art. 16.

1. The resources of the association are made up of dues, grants, the product of donations and gifts, of resources created in exceptional cases.
2. The financial year starts on January 1st and ends on December 31st.
3. Expenses are authorized by the treasurer in conformity with the budget and the decisions of the statutory organs. The treasurer can delegate his powers with the consent of the bureau.
4. Accounts are kept of receipts and expenses, under the control of the auditor of accounts.

MODIFICATION OF THE STATUTES

AND DISSOLUTION OF THE ASSOCIATION

Art. 17.

The statutes can only be modified following a proposal of the Board of Directors or of one quarter of the effective members up-to-date with payments. The Extraordinary General Assembly convened to decide on these modifications must be composed of at least one quarter of its members. If this proportion is not reached, the general assembly is convened again, but after an interval of fifteen days. It can then deliberate, whatever the number of members present.

A majority of two thirds of the members present is necessary for the adoption of the project.

Art. 18.

The General Assembly convened to decide on the dissolution of the association is summoned specifically for this purpose. It must comprise at least one half plus one of its members. If this proportion is not attained, the assembly is convened, but after an interval of fifteen days. It can then deliberate, whatever the number of members present. In all cases, the dissolution is decided only through a two thirds' majority vote of the members present.

Art. 19.

In case of dissolution, the general assembly appoints one or more liquidators entrusted with the liquidation of the assets of the association. It attributes the net assets to one or more associations pursuing a similar goal.

Art. 20.

The President must inform the Tribunal d'Instance of Strasbourg within three months of decisions concerning:

- changes which have occurred in the composition of the Board of Directors,
- modifications brought to the statutes,
- transfer of the seat,
- dissolution.

Art. 21.

Internal regulations, if necessary, are adopted by the Board of Directors and submitted for approval to the General Assembly.

Art. 22.

The first Board of Directors whose mandate expires on December 31st 1988, is composed of the following persons:

Simonis G.H. – Wettinck Ch. (Belgique); Belloch J.A. – Mena J.M (Espagne); Froment B. – Guichard F. (France); Stavropoulos G. – Rammos Ch. (Grèce); Senese S. – Zanchetta L. (Italie); Van der Schans T. – Reiling D. (pays-Bas); Pinto Dos santos F.J. – Torres M. (Portugal); Stotzel H. – Strecher Ch. (R.F.A.), who are all magistrates.

The present statutes have been adopted by the constituent General Assembly held in Paris on November 29th 1987.