



(as updated at the Council of Administration of Barcelona, 03 December 2022)

(non official version – the official version is the French)

Statutes

The association Magistrats européens pour la Démocratie et les libertés (MEDEL) was established in Strasbourg on 15 June 1985.

I

Goals, Seat and Duration

Article 1. Goals

The association has as goals:

1. The establishment of a debate between magistrates from different countries in order to support and promote European Community integration and the creation of a European political union;
2. The promotion and implementation of the civil, political and social rights necessary for a democratic society;
3. The defence of the independence of the judiciary;
4. The democratisation of the judiciary, its recruitment and the conditions under which the profession is exercised;
5. The respect in all circumstances of the values of the democratic rule of law;
6. The strengthening of the right of magistrates, like all citizens, to freedom of assembly, association and expression, and in particular the right to form unions and to act collectively;
7. Transparency of the public justice service, allowing citizens to monitor its operation;
8. The promotion of a democratic legal culture;
9. The proclamation and defence of the rights of minorities and differences, in particular the rights of immigrants and the most disadvantaged, in a perspective of social emancipation of the most vulnerable.

The association works to defend its goals in each of the member states of the Council of Europe and before the European institutions.

It may occasionally participate in events in other countries and support actions there.

Article 2. Duration, seat

1. The association is established for an unlimited period.
2. Its headquarters are in Paris. It may be moved to a member country of the Council of Europe by decision of the Council of Administration ruling by a 2/3 majority.

II Members

Article 3. Members

1. Any organisation of judges and prosecutors which shares the goals of the Association may apply for membership of the Association.
2. Membership shall be approved by the Council of Administration by a two-thirds majority of its members.
3. The Council of Administration may exclude, by a 2/3 majority of votes, any organisation that:
 - a. has not had any involvement in the association in the last 5 years;
 - b. has caused moral or material damage to the association; or
 - c. has seriously failed to fulfil its statutory obligations.
4. Lack of participation in the activities of the association does not include cases where the organisation was unable to do so due to political persecution or lack of financial resources.

Article 4. Application procedure

1. The application for membership shall contain a statement of reasons and the statutes of the association. It shall be addressed to the President of MEDEL.
2. The application for membership shall be placed on the agenda of the next Council of administration.
3. The representative of the association shall be invited to attend the Council of administration meeting.
4. The Council of administration may decide by a 2/3 majority of the members present or represented that the application for membership is inadmissible.
5. In the opposite case, the Council of administration shall appoint an "ad hoc" committee whose purpose is to issue a reasoned opinion on the membership application at the next Council of administration.
6. Prior to the Council of Administration meeting, in case there is a member from the same country of the applicant, it will be invited to submit a reasoned opinion on the application. The bureau shall present to the Council of Administration its reasoned opinion and also the opinion issued by the associations of the same member country.
7. The Council of administration shall have the right to pronounce a reasoned decision to adjourn. It shall then set a time limit within which the application shall be re-examined.

Article 5. Expulsion procedure

1. If there are strong reasons for the exclusion of a member, the Bureau shall send a letter to the member (at its registered office) stating the concrete reasons and setting a deadline of not less than one month for a reply.
2. After the deadline or the reply, if the board decides to propose the exclusion, it shall draw up a detailed exclusion proposal, to be presented to the next Council of administration.
3. The representative of the association is invited to participate in the meeting of the Council of administration.
4. The Council of administration shall have the right to pronounce a reasoned decision to adjourn. It shall then set a time limit within which the application shall be re-examined.

III

Bodies of the association

Article 6.

1. The Council of Administration is the sovereign body of the association.
2. It is composed of representatives of national member organisations.
3. It takes the decisions necessary to achieve the goals of the association.
4. It may adopt, by a 2/3 majority, an internal regulation.
5. It meets three times per year.
6. It shall be convened at least one month in advance. The agenda is proposed by the Bureau.
7. The Secretary General shall keep minutes of the meetings.
8. For decisions requiring a vote, each country represented in the association shall have four votes. If a country is represented by more than one organisation, these organisations shall determine the distribution of the votes. Voting may only take place if at least half of the countries are represented at the meeting.
9. European organisations of magistrates considering joining MEDEL, as well as non-European associations, may, with the agreement of the member organisations, participate in the Council of Administration as observers, without the right to vote.
10. Members of the Council of Administration may be represented by a proxy holder. No one may have more than two votes.
11. Voting can also be done by electronic voting, if the technical conditions are available.

Article 7. Bureau

1. The Bureau is composed of representatives of the member associations elected by the Council of administration.
2. The Bureau shall consist of seven members and shall include a President, a Vice-President, a Secretary General and a Treasurer.

3. The Bureau is a collegial body, whose decisions are taken by consensus. If consensus cannot be reached, the matter is referred to the Council of Administration.
4. The members of the bureau represent the interests of MEDEL.
5. The Bureau shall be elected for a period of three years.
6. In the event of a vacancy, the nearest Council of administration shall hold an election to fill the post. In the event of a vacancy in the office of President, the Vice-President shall act as interim President until the next Council of administration.
7. No person may serve more than two consecutive terms as President. The outgoing President may not be elected as a member of the next Bureau. This provision shall apply to the next elections to be held.
8. Nobody may serve as a member of the bureau more than three terms in a row. If a member of the bureau is elected president, the limitation of mandates of the president, and not of the members of the bureau, will apply. This provision shall apply to the next elections to be held.
9. With regard to third parties, the President, and failing that, the Vice President, shall ensure the legal representation of the association.
10. At the end of its term of office, the Bureau shall submit an activity report.

Article 8. Elections

1. For the election of the Bureau, the organisations eligible to vote must be up to date with their membership fees.
2. Voting shall always be by secret ballot.
3. In case 30 days before the voting, at latest, one or more lists declare to stand for election, the election is done by lists. Each list must contain seven names and as many candidates of different nationalities.
4. The seats are distributed according to the method of the largest remainder. The leading candidate of the list that has received the highest number of votes becomes the president of the board
5. In the absence of lists, the elections are done for each member of the board in two rounds by personal votes. The council of administration designates successively the president, the general secretary, the treasurer, the vice-president and the other members of the board. In the first round, the candidate that has obtained the absolute majority of votes is elected. If this has not been the case, a second round is performed. In the second round, the candidate that has obtained the highest number of votes is elected.
6. Voting can also be done by electronic voting, if the technical conditions are available.

IV Funding and treasury

Article 9. Treasury

1. The income of the Association shall consist of membership fees, subsidies, donations and legacies as well as interest on invested funds.
2. The amount of the membership fees is set by the Council of Administration by unanimous vote. Grants, donations and legacies are accepted unanimously.
3. Each year, the Bureau shall present the financial statement for the past year, which must be approved by the Council of administration.
4. Expenditure shall consist of organisational, management and operational costs.
5. Association duties are free of charge. Transport or accommodation costs may be reimbursed.
6. The association is forbidden from any commercial activity.
7. Only organisations that are up to date with their membership fees can vote at Councils of Administration.

Article 10. Fees

1. The Council of Administration shall decide unanimously on any change in the amount of membership fees. These shall take into account the number of members of the member organisations and their financial capacity.
2. Transport and accommodation for participation in Councils of Administration shall be paid for by the member organisations. Exceptionally, at the request of an association, the Council of Administration may decide that MEDEL shall pay for them. This decision shall be recorded in the minutes.
3. Transport and accommodation for missions and external representation of MEDEL shall be paid for by the association. If they are paid for by another organisation, the Council of Administration shall be informed.
4. Each year, the Bureau shall present the financial statement for the past year, which shall be approved by the Council of Administration.

V

Amendment of the Statutes and dissolution

Article 11. Amendment of the Statutes, dissolution.

The statutes are modified by a 2/3 majority of the members of the Council of administration.

Dissolution shall be decided by a 3/4 majority of the members of the Council of administration.

The vote can only take place if at least half of the organisations are represented at the meeting.