



European Expertise and Expert Institute
Institut Européen de l'Expertise et de l'Expert

STATUTES

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EUROPEAN EXPERTISE AND EXPERT INSTITUTE

Preamble:

At the heart of national, European, and international trials, as well as during talks for out-of-court settlements, Experts are called upon in conditions that require them to assess continuously changing economic and social environments.

Whether the context is amicable or judicial, and in keeping with their position, Experts must provide their competence while respecting the rights of all the parties involved.

The national research community has not yet taken enough interest in these major challenges.

The creation of the European Expertise and Expert Institute will provide a forum for the researchers and practitioners who have a vested interest in the modernisation of the legal and justice systems.

The pooling of their work within the Institute will help garner public attention and enhance its effectiveness.

The Institute's European dimension naturally fits into the contemporary context and is a fundamental basis for comparative reflection.

The following Articles proudly constitute the Institute's founding text.

Article 1: Registered name

The Members subscribing to the present statutes have founded a non-profit organisation governed by the French Law of 1st July 1901 and the Decree of 16 August 1901.

This Association is named "Institut Européen de l'Expertise et de l'Expert / European Expertise and Expert Institute".

It is officially abbreviated as follows: IEEI

Article 2: Objective

The objective of the European Expertise and Expert Institute is namely:

- In keeping with all possible, conform means, to encourage the assembly of all persons and bodies that have a vested interest in expertise in any way or form, in order to improve and reinforce its practice;
- To exchange said practice and experience in matters of expertise, namely in in-Court, out-of-Court, or through alternate methods of dispute resolution;
- To participate in the research work and reflection of all institutions, and particularly European ones, on matters of expertise and expertise training, as well as on other related professions.
- To disseminate our work through all possible means of communication, accompany the Members of the Association by all possible means, and more generally accomplish all useful steps in furthering the Association's objectives;
- To offer all the relevant stakeholders:
 - A pole of excellence for a comparative reflection on expert methodology,
 - A forum for discussion and interdisciplinary research on the various aspects of expertise,
 - A think-tank on the future and harmonisation of judicial expertise in Europe,
 - A publication of the Institute's programme and regular reports on its work,
 - A European data bank on expertise.

Article 3: Head Office

The Association's Head Office is established at the Compagnie des Experts près la Cour d'Appel de VERSAILLES, at 5 rue Carnot (78000).

Article 4: Duration

The duration of the Association is unlimited.

Article 5: Official language

The Association's official language is French.

Article 6: Admission-Resignation- Removal of Members

The Association is made up of various categories of Members:

6-1-The "Founding Members" are the following:

- Ladies or Gentlemen Senior Presidents of the Court of Appeals of VERSAILLES, and Ladies or Gentlemen General Prosecutors at the Court of Appeals of PARIS and VERSAILLES
- Conseil National des Compagnies d'Experts de Justice / The National Council of Legal Expert Companies,- CNCEJ, rightfully represented by its President in Office,
- La Compagnies des Experts / The Company of Experts at the Court of Appeals of VERSAILLES – CECAP, rightfully represented as above,
- L'Union des Compagnies d'Experts / The Union of Expert Companies at the Court of Appeals of PARIS - UCECAP, rightfully represented as above,
- The University of Versailles Saint Quentin, rightfully represented by its Dean in Office,
- The Order of Lawyers at the Bar of VERSAILLES represented by its President in office
- The Order of Lawyers at the Bar of the Hauts de Seine represented by its President in office
- La Chambre Régionale des Avoués / The Regional Chamber of Solicitors at the Court of VERSAILLES, represented by its President in office.
- La Compagnie des Experts Agrées / The Company of Experts Registered at the Court of Cassation - CEACC, represented by its President in office,
- The Court of Appeals of LYON represented by its Senior President and the General Prosecutor,
- La Compagnie des Experts de Lyon / The Company of Legal Experts of LYON represented by its President in office and its Honorary President,
- Le Collège National des Experts Judiciaires de Belgique / The National College of Legal Experts of Belgium - CNEJ), represented by its President in office.

As regards the Association's statutory operations, the "Founding Members" are divided along the following categories:

6-2-"Institutional Members", who act in an official capacity as Senior Presidents, General Prosecutors at the Courts of Appeal, or in equivalent positions depending on the European country concerned.

6-3-"Active Members – Companies of Legal Experts", which also includes these Companies' federal or representative bodies

6-4-"Active Members - Universities"

6-5-"Active Members - Professional Orders" of lawyers, solicitors, and other professional orders related to law

6-6- "Active Members - Guests"

6-7- "Active Members - Moral persons"

6-8- "Active Members - Physical persons"

6-9- "Active Members – Students"

6-10- "Representatives from consular and administrative jurisdictions"

"Active Members" commit to paying the annual contribution, which will be defined depending on each category of Membership and according to the provisions of these statutes.

In order to become an Active Member of the Association, you must show true interest or demonstrate a positive contribution to the associative objective.

Applications for admission are to be submitted to the Board of Directors.

Applications will be reviewed by the Board of Directors' Admissions Committee, and if approved, will then be submitted to the Ordinary General Assembly that will decide on their eligibility and determine the category of Membership.

The Association can also include Honorary Members who are exempt from contributions and appointed on proposal from the General Assembly or the Board of Directors, based on merit or exceptional services rendered to the Association.

The Board of Directors may authorise applicants for Membership to attend all or some of the Institute's work sessions as observers pending the next General Assembly.

The following will no longer be part of the Association, without this constituting grounds for terminating the Association:

1. Members who have resigned;
note is hereby taken of the request of the Senior President of the Court of Appeals of PARIS to no longer be part of the Institute;
2. Members who have been removed by the Board of Directors, if need be by seizing the General Assembly for breaching the present statutes or on serious grounds, fifteen days after having been given formal notice by registered letter to provide their written or oral explanations.

The decision to exclude a member will be notified within a week to the person concerned by registered mail with acknowledgement of receipt.

Article 7: Resources

The Association's resources are comprised of:

- Members' contributions;
- Gifts and Subsidies donated namely by Supporting Members;
- Interests and income from assets and values belonging to the Association.

The reserve fund is made up of:

- Capital from the repurchasing of contributions;
- Immovable assets necessary to the running of the Association;
- Immovable assets brought in by the Members.

Accountancy records will identify and justify all the transactions related to the running of the Association.

Article 8: Founding Assembly

An initial Founding Assembly made up of the Founding Members will have for sole purpose to acknowledge the founding of the Association, approve the present statutes, and create the first Board of Directors, who will immediately elect its President, a Secretary, and a Treasurer.

Article 9: Board of Directors

The Board of Directors is comprised of at least 3 and at most 25 Members of the Association, elected by the Members' General Assembly, each for three years, re-eligible and renewable by one third from the year 2009.

Applications by category will be submitted by the Board of Directors to the vote of the General Assembly who will elect the administrators on a case-by-case basis and ensure that all categories of Members are represented on the Board. To this end, the Board will define and update the number of positions available for each category of Members before each election.

The Board of Directors will meet at least twice yearly and each time it is convened by the President on his/her initiative or on request from at least one quarter of its Members.

The Board will hear the President's report, study the various topics on the Agenda, debate and decide on admissions and removals, and will discuss and rule on all questions relevant to the associative objective and its fundamental direction.

It can submit to the General Assembly's approval a set of Internal rules and any changes therein, thus determining the practical arrangements of the Association's operating procedures.

The Board of Directors will discuss and endorse the draft budget that will then be submitted to the General Assembly's vote.

The Board of Directors will appoint certain Administrators and Institutional Members to an Admissions' Committee that will give its opinion on membership applications.

Decisions are made by an absolute majority of votes cast. The President does not vote.

Minutes of the Board of Directors' resolutions will be recorded by the Secretary on a minute-book and signed jointly with the President.

In the event of the death or resignation of one or various Members, the Board may temporarily appoint complementary Members whose duties will come to end at the following General Assembly.

Members of the Board of Directors appointed by the General Assembly as a replacement of a deceased member or of one who has resigned will remain in place only for as long as said Member was to remain in duty.

The Board may invite any persons of its choice to attend its Assemblies as Observers with a consultative vote, namely as representatives of non-administrator Institutional Members.

Each Administrator will also be in charge of supervising, alone or with several others, a Work Committee.

Article 10: The Scientific Council

The Scientific Council, an open structure, is hosted by a President, a person for each field of competence, and key guest figures.

The Board of Directors will approve the Members.

It will determine, propose, and set up the core-work to further the associative objective.

Article 11: The Orientation Committee

Comprising nine members chosen by the Board of Directors, its duty is to submit to the latter's approval the fundamental internal and external strategies for the Institute's operating procedures and development.

Article 12: The Steering Committee

The Board of Directors will appoint a Steering Committee of seven Members including the President, two Vice-Presidents, a Treasurer, an Assistant Treasurer, a Secretary, and an Assistant Secretary.

The Steering Committee will assist the President in the Association's day-to-day management.

Article 13: The President

The President will represent the Association in all acts of civil life.

He or she convenes the The General Assembly and the Board of Directors.

Provided he or she reports to the Board of Directors without delay, the President is namely qualified to take legal action on behalf of the Association, as a petitioner as well as a defender, and to lodge appeals, including to Higher Courts.

He or she may make decisions only with the Board of Directors' authorisation.

He or she will chair all the Assemblies. In the event of absence or illness, the President will be replaced by one of the Vice-Presidents and if the latter are absent or ill, by the most senior Member, or, in case of equal seniority, by the eldest Member.

Article 14: The Secretary

Under the President's supervision and directions, the Secretary is in charge of the Association's day-to-day operations, excluding accountancy.

He or she will draw up the minutes of the Board of Directors' and General Assembly meetings.

He or she will hold the special register provided for in Article 5 of the French Law of 1st July 1901 and Articles 6 and 31 of the Decree of 16th August 1901 and ensure the implementation of the procedures provided for by said Articles.

Article 15: The Treasurer

The Treasurer is in charge of managing the Association's estate.

Under the President's supervision and directions, he or she will receive and record the sums paid to the Association and prepare the payments due.

He or she will also draw up the draft budget for each quarter and report on its implementation to the Board of Directors during said quarter and each time he or she finds fit.

The Treasurer will make the accounts available for the President and the Board of Directors.

Article 16: General Assemblies

a) Composition-Convening

General Assemblies are attended by all the Members of the Association.

The Assemblies are Elective, Ordinary, or Extraordinary. They are headed by the President of the Board of Directors or if necessary as stated in the last paragraph of Article 10.

The Elective Assembly is convened whenever necessary in order to elect the Members of the Board of Directors.

The Ordinary Assembly convenes once a year.

The Extraordinary Assembly is convened in exceptional circumstances by the President following approval by the Board of Directors, or on written request by at least one fifth of the Association's Members.

Notifications for all convened Assemblies must include the detailed Agenda and be sent by all means guaranteeing effective receipt by the addressee at least two weeks ahead of the scheduled meeting date.

Additional items may be added to the Agenda by any Member on condition that he or she is up-to-date with contribution payments to the Association and provided a written request is received by the Head Office eight days before the Assembly, failing which it shall be inadmissible.

b) The Elective Assembly

The Elective Assembly is convened to elect Members of the Board of Directors and to appoint, for a three-year term, an Observer who will be in charge of auditing the annual accounts before they are submitted to the Ordinary Assembly.

Votes will be cast in a secret ballot.

Postal votes are possible in accordance with the legislation in force.

Any Member that is unable to attend can give proxy to one other Member only, who shall in turn be allowed to hold only one proxy vote.

Elective Assembly decisions will be made by an absolute majority of votes cast.

In the event of a tied vote, the eldest Member will be elected.

c) The Ordinary Assembly

On the President's report, the Ordinary Assembly rules on all the issues that have been regularly entered on the Agenda and are in accordance with the associative objective.

It will vote on the budget drawn up by the Treasurer and approved by the Board of Directors.

The General Assembly votes by a show of hands, by an absolute majority of all the Members present. The President does not vote.

A secret ballot may be requested by any Member present on condition he or she is up-to-date on contribution payments to the Associations.

Members who are unable to attend may give written proxy to another Member of the Association to represent them.

A Member may hold only one proxy vote.

d) The Extraordinary Assembly

The Extraordinary Assembly rules on all urgent issues.

The votes of the Extraordinary Assembly are counted as described in the preceding Article.

e) Deliberations

The General Assembly's deliberations will be recorded by the Secretary on a minute-book and signed by the President.

These minutes record the number of Members present at the Assembly and report on the voting arrangements under conditions that guarantee confidentiality.

Article 17: The Committees

Following proposals by the General Assembly, the Board of Directors can set up Committees whose duty is to instruct the Association on any issue relevant to the associative objective.

The Committees are open to non-Members but chaired by a Member of the Association.

Members will be informed of each Assembly of the Steering Committee and invited to attend.

Article 18: Transparency

The minutes of the Board of Directors' discussions and of the General Assembly are made available to the Members of the Association on written request.

Article 19: Internal rules

Internal rules may determine the practical implementation of the present Statutes.

In this case the Orientation Committee will submit the text to the Board of Directors for approval.

Article 20: Termination

In the event that a voluntary termination is called for by at least two-thirds of the Members of the Association convened in a General Assembly, either statutory or judicial, the Extraordinary Assembly will rule on the transfer of the Association's estate, without being able to attribute to the Members any assets except that which they themselves brought in.

The Extraordinary Assembly will designate public or private establishments registered as non-profit public service providers, or registered Associations that have the same objectives as the terminated Association, to receive the residue of the estate after all the Association's debts, contributions and liquidation costs have been paid.

It will appoint one or several Members of the Association to direct the liquidation operations, for which they will be granted all necessary powers.

Article 21: Declaration-Publication

On behalf of the Board of Directors, the President is in charge of fulfilling all the requirements set out in the Law of 1st July 1901 and the Decree of 16th August of the same year.

Article 22: Disagreements and disputes

Any difficulty involving the decision-making process in the Elective Assembly shall be settled by the French Electoral Code.

Competent jurisdictions for all acts regarding the Association are those determined by French Law.

Established in Versailles on 24th October 2006
Amended in Paris on 27th March 2009
Amended in Versailles on 16th June 2010

In as many copies as necessary.

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Court of Appeals of Versailles

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