



*Shaping Expertise across European Justice Systems*

# STATUTES

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April 9<sup>th</sup>, 2019

## STATUTES

The General Assembly of the European Expertise and Expert Institute has decided on June 7<sup>th</sup> 2019 to adjust its statutes and determines to set its statutes as follows.

The previous articles of association were amended by decision of the general meeting of 18 May 2017.

### **TITLE I – GENERAL OBSERVATIONS**

#### **ARTICLE 1: REGISTERED NAME**

1. The association is a non-profit organization under the French Law of 1st July 1901.
2. The association's registered name is: "European Expertise and Expert Institute".
3. Its official abbreviation is "E.E.E.I."

#### **ARTICLE 2: OBJECTIVES**

1. The association's main objectives are :
  - To improve the quality and independence of judicial Experts in Europe;
  - To enhance recognition of the importance of the role of Experts throughout Europe in judicial proceedings by encouraging formal registers with set criteria;
  - To foster the harmonization of judicial Expert proceedings, ethics, training and evaluation systems within Europe;
  - To consolidate mutual trust in the quality and value of experts' reports of other Member States; To facilitate access to information on judicial experts for judges, lawyers and citizens;
  - In compliance with all legal measures, to encourage the assembly of all persons and bodies interested in expertise when it is related to a judiciary process in any way or form;
  - To exchange practice and experience in matters of expertise, namely in judicial contexts, out-of-court settlements, or through alternate methods of dispute resolution;

- To participate in the work and contribute to the debates of all institutions, and particularly European ones, in matters of expertise and as regards the training of experts as well as of related professions.
  - 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 thinktank on the future and harmonization of judicial expertise in Europe,
    - Access to relevant training organized by the EEEI or partner organizations
2. The association can accomplish all acts and undertake all actions to further its objective, whether directly or indirectly, among other means by publications, conferences, training, and dialogue with public authorities and bodies.
  3. The association can become a member of any organization or network that works toward its objectives.

### **ARTICLE 3: REGISTERED OFFICE**

1. Its registered office is located at 5 résidence petite place, 78000 VERSAILLES, FRANCE.
2. It can be moved to anyplace in France upon decision by the Executive Committee (COMEX)

### **ARTICLE 4: LANGUAGES**

1. The association's legal language is the French language. The working languages are all the European Union Member State languages. However, French and English are the association's only two official languages and consequently, the French or English versions of all documents issued by the association are the authoritative texts.
2. For legal reasons, these Statutes, the Internal Rules, as well as all their applicable documents, are in French. [The French version of these documents takes precedence].

## **ARTICLE 5: DURATION**

The association has been set up for an unlimited period.

## **TITLE II - MEMBERS**

### **ARTICLE 6: MEMBERS**

1. The association is made up of three Colleges of Members according to the provisions of the present Statutes and the Internal Rules:

- Natural Persons
- Legal Persons
- Institutions
- **Natural persons** participate in the Institute's work and activities, as well as in its funding, by paying a yearly contribution set by the General Assembly and financial participation in some events set by the Executive Office.

They can be appointed by the Executive Committee or the Executive Office to participate in the Committees or Working Groups.

- **Legal persons are:**
  - Supporting associations, bars-associations of lawyers, associations of experts, ...
  - Trading companies
  - Insurance companies
  - Professional federations
  - Associations other than the institutional members

They participate in the Institute's work and activities, as well as in its funding: by paying a yearly contribution set by the General Assembly and financial participation in some events set by the Executive Office.

Their representatives can be appointed by the Executive Committee or the Executive Office to participate in the Committees or Working Groups.

- **Institutions are:**
  - Regional Courts; represented by their authorities
  - General prosecutor's offices;

- Universities;
- Government bodies;
- Institutions in the spheres of expertise, law and civil society;

They participate in the Institute's intellectual activities not in its administrative or management decisions.

They do not have to pay an annual membership fee.

Their representatives can be appointed by the Executive Committee or the Executive

Office to advise the association's various bodies.

2. Operational bodies formal constituted by the association or in which it formal participates in cannot be members.
3. The membership lasts until a member resigns or is removed.
4. **Observers** can be allowed to participate in or follow the activities of the association, without having any member's rights or obligations. Observers can be any institution, legal person or natural person participating in the activities of the association. Observers may participate in the Institute's work but may not participate in the association's management bodies nor vote in the general assemblies.

## **ARTICLE 7: REGIONAL DELEGATES**

1. A "Region" under the present Statutes may be any local or regional geographic entity within or outside the European Union.
2. The Executive Committee can appoint Regional Delegates (which may also be institutions) among the Members of the considered Region. These Delegates will be key information relays between the Executive Committee and the Region's structures, without creating new legal entities.
3. The Executive Committee will draw up a Charter within the Internal Rules establishing the Regional Delegates' operational rules.

## **ARTICLE 8: MEMBERS' DUTIES**

1. Joining the association means committing to observe its Internal Rules just as it does to its Statutes.
2. Members have a moral obligation to accomplish activities within the framework of the Institute's working bodies and to contribute to its development.

3. Members acting in judicial procedures, be it as judicial expert, expert witness or party appointed expert (private expert), commit themselves to observe the rules set up in the EEEI Code of ethics.

## **ARTICLE 9: APPLICATION**

1. Candidates to membership - natural, legal persons and institutions - can apply for membership at any time towards any member of the Executive committee. This candidate should submit this application, by filling out an application request, to be submitted to the next meeting of the Executive committee. The Executive committee shall submit this application to the Admission committee. The Admission committee gives its opinion about this application within 3 months.
2. The application criteria for natural persons are:
  - a. Being an Expert or retired Expert in the judicial context or training to become one;  
or
  - b. Working in a judicial context, like lawyers, judges, bailiffs, clerks etc. ;  
or
  - c. Being an Academic, student or any member of a University working on topics related to judicial Expertise;  
or
  - d. Any other natural person motivated to contribute to the quality of judicial experts and expertise.
3. After receiving the opinion of the Admission committee, the Executive committee decides upon the admission of the candidate.
4. In case of refusal, the candidate can appeal on the decision of the Executive Committee at the General Assembly. The appeal should be lodged in writing at the President within one month from the notification of the refusal decision, which may be made by simple e-mail.
5. Pending the decision on the application, the Executive Committee may with the approval of the Admissions Committee authorize the applicant to participate temporarily in the Committees or Working Groups. They do not have the right to vote.

## **ARTICLE 10: RESIGNATION**

1. Members can resign from the association at any time by presenting their resignation to the President.
2. The resignation will be effective from the date the message, letter or note is received by the Executive Office.

## **ARTICLE 11: REMOVAL**

1. Members can be removed in the following cases:
  - Nonpayment of the yearly contribution, if, following a reminder, by the 30th June of the current year, the due yearly contribution has still not been paid.
  - Serious breach of the association's objectives.
  - Serious breach of honor or honesty
2. Removal is decided by the General Assembly after the member in question has been summoned by the Executive Committee.

## **ARTICLE 12: SUSPENSION**

1. In urgent cases and for the same reasons as those stated in article 11, the Executive Committee has the right to suspend any member after having requested his/her explanations by all possible means.
2. Members under suspension are not allowed to participate in any public event in the name of the association nor to participate and vote within the association's own bodies.
3. The Executive Committee must inform the General Assembly of any suspension measure and the Assembly can choose to cancel them.
4. A suspension cannot last beyond the following General Assembly.

## **ARTICLE 13: GENERAL CONSEQUENCES OF RESIGNATION, REMOVAL AND SUSPENSION**

1. Removal and suspension decisions are fully and automatically enforceable.
2. An appeal to the General Assembly has no suspensory effect.
3. Members who have resigned, or who have been removed or suspended, cannot make any claims on social assets and cannot request a refund of paid entry fees or contributions.

## **TITLE III - ASSEMBLIES**

### **ARTICLE 14: REGULAR GENERAL ASSEMBLY**

1. The General Assembly is comprised of all the members of all the colleges.
2. It convenes at least once a year, at the latest six months after the close of the financial year.
3. The Executive Committee determines the General Assembly agenda.
4. The President notifies all association members by e-mail or any other communication means at least two weeks ahead of the scheduled Assembly date. This notification must include the exact time and place of the Assembly's meeting, the detailed agenda of the General assembly, the Executive Committee's activity report, the association's financial report, and the provisional budget as established by the Treasurer, as well as applications for membership to the Executive Committee.
5. The General Assembly can only decide on issues recorded on the day's agenda.
6. Members have the right to record a point on the day's agenda, by submitting a request by any possible means to the President of the Executive Committee at least 10 days prior to the General Assembly. These points will be communicated to the members by means of a supplementary agenda.
7. The General Assembly can exceptionally and at the request of the Executive Committee and of the majority of voting members, whether present or represented, add one or several subjects to the day's agenda.

### **ARTICLE 15: EXTRAORDINARY GENERAL ASSEMBLY**

1. The Assembly may also be called in to an Extraordinary meeting at the request of either the Executive Committee or of over half the members with voting rights.
2. Article 14, sections 1 and 3 to 7, shall also apply to this assembly.

### **ARTICLE 16: ASSEMBLY COMPETENCE**

1. The General Assembly is competent to:
  - determine the association's general policy and positions of principle;
  - elect the President or two Co-Presidents of the Institute for a term of three years
  - award the title of Honorary President



- elect the Executive Committee members being specified that the members already appointed on May 17, 2017 shall continue their mandate until expiry;
  - approve the activity report and the report on the current state of the institute by the president of the Executive Committee and the financial report by the Treasurer;
  - approve yearly budgets and accounts after hearing the Treasurer's report;
  - sets the yearly contribution of the members
  - amend the statutes and dissolve the association;
  - sets and modifies the internal rules;
  - decide as a last resort, on appeals against membership refusals, suspensions and removals;
  - Any other subject that is not under the responsibility of the other association's authorities.
2. The General Assembly's operating conditions can be specified in the Internal Rules.
  3. The General Assembly's decisions will be recorded in the minute-book, which is signed by the President and the Secretary, and filed by the General Secretary.

### **ARTICLE 17: PRESIDENCY AND REPORTS ON THE CURRENT STATE**

1. The Assembly appoints its President, at least one Assessor, and its Secretary, forming its "Bureau".
2. The President of the Executive Committee reports on the association's activities and current state.
3. The Treasurer reports on the association's financial issues and submits the accounts and budgets to the approval of its voting members.

### **ARTICLE 18: VOTING**

1. The following persons have the right to vote at the assemblies:
  - The Natural Persons with one vote each
  - The Legal Persons with one vote each
  - The Institutions with one vote each.
2. Applicants to the membership participate in the Assembly in an advisory capacity.

3. No quorum is required for the General Assembly to be held.
4. All decisions are taken by simple majority rule of present and represented Members unless otherwise specified in these Statutes (statutory amendments and dissolution)
5. The majority of present and represented Members may require to cast a secret ballot on a specific subject.
6. Amendments to the Statutes and amicable dissolution can only be decided by the Assembly on condition that a quorum of fifth of the Members are present or represented, and that the decision is made by at least a two-thirds majority of present and represented members. Decisions concerning the Internal Rules do not require these quorums and majorities.
7. If this quorum is not met, a second Assembly can be convened by the Executive Committee with the same agenda points and the Assembly can then deliberate regardless of the actual quorum but always provided that there is a two-thirds majority.
8. Voting by post or internet is not permitted.
9. A power may be given to another member, and a member may only have up to four powers.
10. After all other agenda items have been covered, the members of the Executive Committee are elected.

### **ARTICLE 19: INTERNAL RULES**

1. The Executive Committee can establish Internal Rules to be approved by the General Assembly to specify particular points of the Statutes that have to do with the internal administration of the association or the running of the organization.
2. Any amendments to the Internal Rules follow the same procedure.

## **TITLE IV - RESOURCES - ACCOUNTING - FINANCE**

### **ARTICLE 20: RESOURCES**

1. The Association's resources are comprised of members' fees, financial contributions to the events and actions that have been undertaken, of gifts, legacies, and subsidies as well as of the interests and income from assets and securities belonging to the Association.
2. All Members pay fees, set each year by the General Assembly per college, and sovereignly adjusted by the Executive Office.

3. The Association resources can come from operational bodies stimulated, constituted or participated in. The Institute accepts and will be accountable therefore that this funding may be designated for specific goals.
4. Accountancy records will identify and justify all the transactions related to the operating of the association.

### **ARTICLE 21: ACCOUNTING - FINANCE**

1. The accounting period starts on 1<sup>st</sup> January and ends on 31<sup>th</sup> December.
2. The budget as well as the revenue and expenditure account are established on a yearly basis by the Treasurer according to the accounting procedures determined by the Executive Committee.
3. The Executive Committee will submit the accounts of the past financial year as well as the provisional budget to the annual General Assembly.

## **TITLE IV - ADMINISTRATION AND MANAGEMENT**

### **ARTICLE 22: LEVELS OF ADMINISTRATION AND MANAGEMENT**

The Institute is administered and managed by the "Executive Committee" and the "Executive Office" They are assisted by operational assistance bodies in the daily management of the association. These assistance bodies are:

- The Orientation Committee
- The Scientific Committee
- The Admission Committee
- The Working Groups and Working Commissions.

### **ARTICLE 23: EXECUTIVE COMMITTEE**

1. The association is led by an Executive Committee comprised of 6 to 30 members, elected by the General Assembly among the members.
2. The Internal Rules determine the maximum number of members from the same country who may sit on the Executive Committee.
  - Members of the Executive Committee are elected for three years by thirds except for the period following this statutory amendment, for which the Members of the Executive Committee shall continue their current mandates until completion as previously decided by the assembly
  - terms are renewable without limitation.

3. Applications must be addressed to the President at the latest before the 31<sup>th</sup> March each year. Applications are submitted to the Admissions Committee which advises the Executive Committee on whether or not a candidate will be presented to the General Assembly.
4. The Executive Committee is the only competent authority to designate the definitive list of applicants to be submitted to the Assembly's approval. This list is appended to the General Assembly notification for final ruling according to the number of seats available.
5. A Legal Person or Institution cannot have more than two elected representatives within the Executive Committee.
6. The Executive Committee will reflect the diverse elements of the legal systems of EU Member States, as much as possible.
7. The elected members of the Executive Committee are reputed elected as "intuitu personae" and cannot be voted out of office during their term for reasons of expediency by the legal entity they represent without the Executive Committee's agreement, in order to ensure the sustainability of undertaken actions.
8. The Executive Committee can call to its sessions any person whose presence and input may be useful to the debates, namely (but not limited to) the Regional Delegates (if they are not already members).
9. The Executive Committee appoints the members of the Committees and Working Groups or Commission provided for in the Statutes. When it deems it necessary, it may create or remove a Working Group or Commission. It appoints their members and determines their tasks in their capacity as advisory bodies to which it submits questions to and to whom they report. It receives the requests to appoint Regional Delegates, hears the Admissions Committee's opinion, and rules on their appointment.
10. The Executive Committee decides to earmark all the expenses and authorizes contracts that engage the Institute within the budgets approved by the Assembly.
11. It meets regularly, every three months on an average, and each time it is necessary when convened by its President or by one fourth at least of its members.
12. If need be or in the event of a vacancy, the Executive Committee temporarily appoints complementary or replacement members. They are officially appointed or definitively replaced during the following General Assembly. The powers of the members that have been thus elected expire at the end of the replaced members' normal term.

13. Decisions are taken by a majority vote; in the event of a tie, the President has the casting vote.
14. In the event of an absence, members can give power of representation to another Committee member, and a member cannot have more than three powers of representation.
15. Any Committee member who, without due cause, does not attend three consecutive meetings can be considered as having resigned.
16. The Executive Committee determines the General Assembly agenda.
17. The Executive Committee can periodically disseminate activity reports.

#### **ARTICLE 24: EXECUTIVE OFFICE**

1. The Executive Office is comprised of members appointed by the Executive Committee among its members, being specified that the President is elected by the general assembly as here-above mentioned.
2. It manages the association and deals with day-to-day management issues.
3. It meets when convened by the President or by two of its members, when the association's interests so dictate it.
4. It consists of
  - The President or Co-presidents
  - The Vice President(s)
  - The Treasurer and the Assistant Treasurer
  - The General Secretary and Assistant General Secretary

#### **ARTICLE 25: THE PRESIDENT**

1. The association may have one President or two Co-Presidents.
2. The President or the Co-Presidents are elected by the General Assembly for a period of 3 years, renewable 2 times maximum; The President and the two Co-Presidents have the same powers. In the present statutes, President and Co-President have the same meaning;
3. The President or each of the Co-Presidents, each of them being authorized to act without the other Co-President's signature but always in concertation:
  - represents the Association in all acts of civil life, is the association's legal representative;
  - convenes the General Assemblies, the Executive Committee and the Executive Office;

- 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, provided s/he reports to the Executive Office without delay, and may make decisions with the Executive Office's authorization.
  - chairs the Executive Committee and all the Assemblies.
4. In the event of absence or illness, the President or Co-President will be replaced by the Co-President, as the case may be, or 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 of the Executive Committee.

### **ARTICLE 26: THE VICE PRESIDENT(S)**

They have no specific responsibility aside from those delegated on a case-to-case basis by the President among his/her own responsibilities.

### **ARTICLE 27: THE TREASURER and Assistant TREASURER**

1. Under the President's supervision and directions, the Treasurer is in charge of managing the Association's estate.
  - he or she receives and records the sums paid to the Association, prepares the payments due, and, by delegation of the President's authority, signs payments.
  - he or she also draws up the draft budget for each quarter and reports on its implementation to the during said quarter and each time he or she finds fit or at the Executive Committee's request;
  - makes the accounts available for the President and the Executive Committee;
  - presents accounts and budgets to the Assembly.
2. The Assistant Treasurer assists the Treasurer, keeps informed and up-to-date, and replaces him/her in the event of an impediment.

### **ARTICLE 28: THE GENERAL SECRETARY and Assistant GENERAL SECRETARY**

1. Under the President's supervision and directions, the Secretary is in charge of the Association's day- to-day operations, excluding accountancy.
2. He or she will hold the minute-books of all Executive Office, Executive Committee, and General Assembly meetings.

3. Assistant General Secretary assists the General Secretary, keeps informed and up-to-date, and replaces him/her in case of an impediment.

### **ARTICLE 29: ORIENTATION COMMITTEE**

1. This Committee comprises all Institutional Members. Its President is elected by the General Assembly.
2. Its duty is to submit to the Executive Committee's approval the fundamental internal and external strategies for the Institute's operating procedures and development.
3. Within the Committee itself, it will designate and assign members to create the needed Working Groups, ensuring they are representative of the diversity of the association.
4. It will set the policy timetable in cooperation with the Executive Committee and will submit its opinion and recommendations to the Executive Committee.

### **ARTICLE 30: SCIENTIFIC COMMITTEE**

1. The Scientific Committee is an open structure conducted by a leading figure in a field of competence in connection with judicial expertise and comprising several other scientific figures in different fields of competence also in connection with expertise it may also comprise key guest figures in other fields of competence.
2. It determines and proposes to the Executive Committee long term works to promote the association's objectives, leads the policy as regards university research projects and any other scientific projects to accompany and support the association's work.
3. It may be asked to participate actively in concrete projects of the association and to delegate one or several member(s) for such work.

### **ARTICLE 31: ADMISSIONS COMMITTEE**

1. The Admissions Committee is in charge of examining new memberships and applications to participate in the various committees. It gives its opinion prior to decisions by the association's statutory bodies.
2. The Admissions Committee reviews applications as often as necessary on submittal by the President of the Executive Committee to whom it renders its opinion.
3. It gives its opinion on the admission of new Members, on balancing the structure of appointments to the Executive Committee, to the Scientific and

Admissions Committees, as well as to the Working Groups or Working Commissions, by integrating the European nature of the Institute, ensuring these various bodies are representative, and identifying priority actions.

4. It moreover decides on the duration of terms within each Committee. Duration can enable renewals and adjustments of the structures.

### **ARTICLE 32: WORKING GROUPS OR WORKING COMMISSIONS BY THEME**

1. The Executive Committee can create Working Groups or Working Commissions (hereafter), according to the type of issue to be dealt with by the Institute. It determines its composition and allocated tasks.
2. Working Groups or Commissions must report to the President as often as needed.
3. The Groups or Commissions are open but presided by a member of the association.
4. The presidents of these Groups will be informed of the Executive Committee meetings where their work is at stake and invited to attend if necessary.
5. The Executive Committee can appoint two people in charge of each Working Group:
  - Organizing Commission and statutory evolution;
  - Commission for Research and Development;
  - Website Commission;
  - Commission for Expansion;
  - Financial Commission;
  - Press and Communications Commission.
6. The list of members of these Working Groups and Working Commissions shall be accessible on the website of the association.

### **ARTICLE 33: WORKING GROUPS OR WORKING COMMISSIONS BY PROJECT**

1. For each project, the Executive Committee creates an ad hoc Commission (hereafter) in charge of preparing the implementation of the project and enforcing the Executive Committee's decisions.
2. Working Groups or Commissions must report to the President as often as needed.
3. The Groups or Commissions are open but presided by a member of the association.



4. The presidents of these Groups will be informed of the Executive Committee meetings where their work is at stake and invited to attend if necessary.
5. The list of members of these Working Groups and Working Commissions shall be accessible on the website of the association.

## **TITLE IV – VARIOUS PROVISIONS**

### **ARTICLE 34: DISSOLUTION**

1. In case of an amicable dissolution of the association, the General Assembly shall decide on the transfer of the Association's estate by at least two-thirds of the present and represented voting Members.
2. The General Assembly shall 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.
3. The General Assembly shall appoint one or several liquidators, if need be among the Members of the Association, to direct the liquidation operations, for which they shall be granted all necessary powers.

### **ARTICLE 35: TRANSPARENCY**

Besides routine communications, the Executive Committee, Executive Office, and General Assembly reports are available to the members of the Association on written or electronic request.

### **ARTICLE 36 DECLARATION-PUBLICATION**

The President or Co-Presidents are in charge of fulfilling all the requirements provided for by the applicable law. To this purpose he or she can delegate and give power of attorney to any person.

### **ARTICLE 37: DISAGREEMENTS AND DISPUTES**

The competent jurisdiction for any action concerning the Association is that of the Association's registered office.

### **ARTICLE 38: GOVERNING LAW**

Anything that is not provided for by the Statutes and the Internal Rules will be governed by French law.

These Statutes were adopted and the decisions above were made by the General Assembly held on June 7th, 2019 and signed hereafter:

The General Secretary

Sascha DALEN GILHUIJS



The co-President

Béatrice DESHAYES  
Etienne CLAES

