

# **STATUTES OF THE EUROPEAN JUDGES ASSOCIATION FOR MEDIATION**

## **(GEMME)**

*As amended by the Extraordinary General Assembly of 24 May 2024*

### **Preamble**

Initially constituted under French law, the Association may, as it develops, evolve to become a federation in accordance with the legal provisions which, in the light of experience, appear to be the most appropriate for achieving its aims and objectives at European Union level.

### **Article 1**

The members adhering to these statutes hereby found an association of general interest having the title EUROPEAN JUDGES ASSOCIATION FOR MEDIATION (GEMME) governed by the French law of July 1, 1901.

### **Article 2\***

1. The purpose of this Association is to bring together judges from Member States or former Member States of the European Union and Member States of the European Free Trade Association (EFTA), which includes Switzerland, Liechtenstein, Norway and Iceland, who practice or wish to practice the use of alternative dispute resolution methods and who consider that effective and peacemaking justice implies, among other requirements, the promotion and development of these alternative methods and more particularly judicial mediation.
2. Judges, professionals and non-professionals are eligible, either practicing or honorary.
3. The courts in which these magistrates work are also eligible, according to the possibilities given to them by the provisions governing them.
4. Members of the Association unite in sections established in each Member State or former Member State of the European Union and EFTA.
5. Honorary members will be appointed by the General Assembly based on their services to the association.
6. Associate members may be appointed upon agreement of the Executive Committee, including attorneys, academics and any other qualified persons who demonstrate an interest in mediation and work to promote it.
7. The field of activity for the group is the European Union and the countries that are members of the EFTA (Switzerland, Liechtenstein, Norway and Iceland).
8. Its goals are:
  - to promote within each Member State or former Member State of the Union, as well as in the EFTA, the Association of judges working to support mediation for the purpose of strengthening and improving the practice of mediation.
  - to promote the exchange of information within each Member State or former Member State of the Union and the EFTA, concerning practices and experience in the area of mediation, conciliation or any other alternative method of dispute resolution.
  - to contribute to the development of mediation and alternative methods of dispute resolution,

by participating in conferences and activities in the area of European institutions and those of EFTA, working to promote teaching of mediation and alternative methods of dispute resolution in the course of legal studies and training of judges and lawyers, familiarizing professionals and citizens with mediation and participating in defining training of collaborating mediators,

- to use any means to assist judges with their individual steps to support mediation and encourage training for the purpose of relevant and effective practice of it, as for any other alternative method of dispute resolution that is legally permitted.

### **Article 3**

1. The headquarters of the Association are fixed at Cour de Cassation de la République française, 5 quai de l'Horloge 75001 Paris.

2. It may be transferred upon the decision of the General Assembly.

### **Article 4**

1. The Association shall be composed of:

- honorary members who are exempt from paying dues;
- benefactor members who pay annual dues that are at least ten times that of the dues of active members;
- active or associate members who have paid annual dues fixed by the General Assembly or the board of directors as authorized by the General Assembly.

2. Initial dues are fixed at sixty euros for individuals.

### **Article 5**

Membership in the Association will be lost due to resignation, death or expulsion declared by the board of directors for failure to pay dues or for serious misconduct, with the interested party have been invited in advance to a hearing.

### **Article 6**

1. The resources of the Association include dues, payments and subsidies from European institutions, of the Member States or former Member States of the European Union as well as subsidies from similar entities of the EFTA and regional authorities of the States and authorized institutions.

2. The Association may receive contributions from private or public enterprises for the purpose of organising demonstrations or communications intended for the public.

### **Article 7**

1. The Association is governed by a board of directors composed of at least five members elected by the General Assembly, to which will be added a member appointed by each national section established in the Member States or former Member States of the European Union and EFTA. They are elected or appointed for a term of office of two years and may be re-elected or re-appointed. When the representative of a national section is unable to attend, he may appoint a replacement who may vote in deliberations.

**2. A/** A national section is formed as soon as there are seven members for the same country (individuals or legal entities). For attaining this figure, there may be no more than two associate members, with the five other members having to be judges or courts. The sections that are in the process of being established are permitted to appoint an observer for the board of directors\*\*.

**2 .B/** Associate members may be appointed to the board of directors up to a limit of one third of the posts for the board of directors.

**3.** The board of directors shall select from among its members an Executive Committee composed of a president, a minimum of two and a maximum of four vice presidents, a secretary general and an assistant secretary general, a treasurer and an assistant treasurer.

**4.** The presidency and vice presidency shall alternate among the national sections formed. However, the president and the vice presidents may be reappointed once for a new term of office.

**5.** One of the secretaries general will be responsible for dissemination of information concerning the activities of the national sections.

### **Article 8**

**1.** The board of directors shall meet at least every six months upon notice by the president or at any time upon the request of a third of its members.

**2.** Decisions are made by majority vote of the members present or represented. In order to meet validly, the board of directors will have to obtain a quorum of members present or represented of at least one more than half of the elected members and the representatives of national sections.

**3.** Any member of the board of directors who without a good reason fails to attend three consecutive meetings may be considered as having resigned.

### **Article 8 bis**

The Association will be represented by its president, who has the option of having himself replaced for a specific activity by any member of the board of directors.

### **Article 9**

**1.** The Ordinary General Assembly includes all members of the Association in whatever capacity they may be affiliated and as such, the associate members shall have a vote in deliberations.

**2.** The Assembly shall meet at least every 24 months; however an initial General Assembly shall meet during the last quarter of 2004.

**3.** Notice of the General Assembly shall be sent to the members at least one month in advance, with the agenda being indicated on the notice. It shall meet in a place selected by the board of directors.

**4.** Notices are the responsibility of the national sections. Members who are not up-to-date in their dues may attend the Assemblies but may neither participate nor vote. Members who have paid their dues at the start of the Assemblies are considered to be up-to-date.

5. Any member may accept the invitation to the Assembly by e-mail or ordinary mail, and he/she waives the right to be invited by registered letter with return receipt requested.
6. Members of the Association may give each other the power to represent them at the Assembly.
7. Deliberations and decisions are made by a majority of those present and represented. In order to meet validly, the General Assembly will have to obtain a quorum of members present or represented of at least one more than half of the members who are up-to-date in their dues.
8. The president or one of the vice presidents, if the former is unable to attend, shall preside over the Assembly, present the situation of the Association as to the accomplishment of its goals and the expected or planned developments.
9. The treasurer or the assistant treasurer shall give an account of the management and submit the annual or interim balance sheets for the approval of the Assembly.
10. At the conclusion of all scheduled business on the agenda, the next order of business shall be replacement of any outgoing members of the board of directors.

#### **Article 10**

The Extraordinary General Assembly has the mission of amending the statutes. Such amendment shall be pronounced by a qualified majority of two thirds of those present and represented, who represent at least half of the members of the Association. The Assembly is called in accordance with the specifications of article 9, with the plan for amending the statutes being attached to the notice.

#### **Article 11**

A by-law intended to specify various points not included in the statutes applicable to the current board may be drawn up by the board of directors, which will bring it to the attention of the General Assembly, and it shall remain in full force and effect unless opposed by the latter.

#### **Article 12**

1. The Association may be dissolved under the conditions specified for Extraordinary General Assemblies, and without a quorum in the event that there is a new notice, if the Extraordinary General Assembly has not met since the first notice.
2. One or more liquidators shall be appointed by this Assembly, and the assets, if applicable, shall be disposed of pursuant to article 9 of the law of July 1, 1901.

\*The provisions referring to "former member(s)" of the EU, set out in Articles 2, 6 and 7, came into force on 24 May 2024.

\*\*This provision entered into effect on 18 March 2008.