

# Statutes of the Council of Bars and Law Societies of Europe

*As adopted at the CCE Plenary Session in Brussels on 29-30 November 2013*

## I. Name

An international non profit making association is hereby formed, to be named "COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE" (CCBE), and in the languages of the Member States as follows:

Austria	Rat der europäischen Anwaltschaften
Belgium	Conseil des barreaux européens Raad van Europese balies Rat der europäischen Anwaltschaften
Bulgaria	Съвет на адвокатурите и правните общества в Европа
Croatia	Savjet odvjetničkih komora zemalja Europske unije
Cyprus	Συμβούλιο των Δικηγορικών Συλλόγων της Ευρώπης
Czech Republic	Rada evropských advokátních komor
Denmark	Sammenslutningen af advokatråd i Europa
Estonia	Euroopa Advokaaturide ja Õigusliitude Nõukogu
Finland	Euroopan asianajajaliittojen neuvosto
France	Conseil des barreaux européens
Germany	Rat der europäischen Anwaltschaften
Greece	Συμβούλιο των Δικηγορικών Συλλόγων της Ευρώπης
Hungary	Az Európai Ügyvédi Kamarák Tanácsa
Iceland	Ráð Lögmannafélaga í Evrópu
Ireland	Council of Bars and Law Societies of Europe
Italy	Consiglio degli Ordini Forensi Europei
Latvia	Eiropas advokātu kolēģiju un juristu biedrību padome
Liechtenstein	Rat der europäischen Anwaltschaften
Lithuania	Europos advokatūrų ir teisininkų draugijų taryba
Luxembourg	Conseil des barreaux européens
Malta	Kunsill tal-Ghaqdiet Ewropej ta' L-Avukati
The Netherlands	Raad van Europese balies
Norway	Organisasjonen for europeiske advokatforeninger

Poland	Rada Adwokatur i Stowarzyszeń Prawniczych Europy
Portugal	Conselho das Ordens de Advogados da Europa
Romania	Consiliul barourilor europene
Slovak Republic	Rada advokátskych komôr Európy
Slovenia	Svet evropskih odvetniških zbornic
Spain	Consejo de la Abogacía Europea
Sweden	Rådet för de europeiska advokatsamfunden
Switzerland	Conseil des barreaux européens Rat der europäischen Anwaltschaften Consiglio degli Ordini Forensi Europei
United Kingdom	Council of Bars and Law Societies of Europe

The French version of the statutes shall be the prevailing one.

## **II. Head Office**

The Head Office is located at Rue Joseph II, 40, B 1000 Brussels. The Standing Committee may transfer the Head Office at any time to any other place in Brussels. Notification of that decision must be published in the "Moniteur belge".

## **III. Objects and activities**

III.1. The COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE is an international non-profit making association and its objects are:

- a) To represent the Bars and Law Societies of its Members, whether full, associate or observer members, on all matters of mutual interest relating to the exercise of the profession of the lawyer, the development of the law and practice pertaining to the rule of law and administration of justice and substantive developments in the law itself, both at a European and international level.
- b) To act as a consultative and intermediary body between its Members, whether full, associate or observer members, and between the Members and the institutions of the European Union and the European Economic Area on all cross border matters of mutual interest as listed under a) above.
- c) To monitor actively the defence of the rule of law, the protection of the fundamental and human rights and freedoms, including the right of access to justice and protection of the client, and the protection of the democratic values inextricably associated with such rights.

III. 2. The activities that the association aims to pursue to realise its objects are in particular:

- the organisation of the work of the Presidency, Standing Committee and Plenary Session,
- the setting up of Committees and Working Groups of experts dealing with various aspects of the practice of the legal profession,
- the organisation, promotion and financing of conferences and training events,
- the organisation of meetings and discussion panels,
- contacts and dialogue with European and non European Bars as well as with European and international institutions and courts,

- the setting up of databases, research and libraries,
- the publication of any written documents or communications, in particular articles, comments, analyses, position papers, press releases, statistics, proposals for legal or regulatory texts,
- communications on radio, television or through any other means of communication including the management of a website.

III.3. The association is entitled to undertake all steps in connection directly or indirectly with its objects. Further, it is entitled, in connection directly or indirectly with its objects and in accordance with legal and statutory provisions, to acquire or dispose of personal or real property, to conclude contracts, and accept any donations, inter vivos or testamentary.

#### **IV. Full and Associate members**

##### **a) Full Members**

###### **1. Conditions and rules of admission, exclusion and resignation**

The founders of the present Association together with the organisations which are representative of the profession of lawyer, recognised as such and designated to form a national delegation by the authorities of each Member State of the European Union or the European Economic Area or the authorities of the Swiss Confederation and which are admitted in such capacity by the Plenary Session according to Article VIII b) shall be the full members.

A full member may be excluded by the Plenary Session duly convened in accordance with the provisions of Article VIII b).

A full member may resign at any time, by written notification delivered to the Secretariat.

The full member who has resigned or has been excluded has no rights to any assets of the association, is not entitled to be reimbursed any part of the subscriptions paid and must pay the subscriptions that have been fixed for the year in which its resignation is tendered.

###### **2. Grouping of the full members in national delegations**

The full members are grouped in national delegations, each of which shall be composed of a maximum of 6 individuals.

Each delegation shall nominate a Head of delegation whose nomination shall be notified in writing to the Secretary-General.

Each delegation shall also nominate an Information Officer who shall be responsible for all communications between his/her delegation and the other delegations and with the Secretariat.

##### **b) Associate Members**

The associate members are the organisations which are representative of the profession of lawyer recognised as such and designated by the authorities of each State, member of the Council of Europe, which is in official negotiations in view of its accession to the European Union, and which have been admitted as such by the Plenary Session according to article VIII b).

The associate members may attend meetings of the Plenary Session without a right to vote, represented by no more than one individual for each State, and may attend meetings of the Standing Committee.

An associate member may be excluded on the same grounds as a full member.

An associate member may resign at any time, by written notification delivered to the Secretariat.

The associate member who has resigned or has been excluded has no rights to any assets of the association, is not entitled to be reimbursed any part of the subscriptions paid and must pay the subscriptions that have been fixed for the year in which its resignation is tendered.

## **V. Observer members**

The observer members are the organisations which are representative of the profession of lawyer in a Member State of the Council of Europe and which have been admitted as such by the Plenary Session according to article VIII b).

The observer members may attend meetings of the Plenary Session without a right to vote, represented by no more than one individual for each State, and may attend meetings of the Standing Committee.

An observer member may be excluded on the same grounds as a full or associate member.

An observer member may resign at any time, by written notification delivered to the Secretariat.

The observer member who has resigned or has been excluded has no rights to any assets of the association, is not entitled to be reimbursed any part of the subscriptions paid and must pay the subscriptions that have been fixed for the year in which its resignation is tendered.

The capacity of observer member implies compliance with these statutes and the adoption of the CCBE Code of conduct.

## **VI. General assembly or Plenary Session**

### **a) Composition**

The general assembly, called the "Plenary Session" shall comprise the full members present at a meeting grouped as national delegations.

### **b) Powers**

All the powers necessary for the implementation of the objects of the association shall be vested in the Plenary Session.

The following powers are solely within the jurisdiction of the Plenary Session and may not be delegated:

1. the approval of the budget and of the accounts;
2. modification of the statutes;
3. the dissolution of the association;
4. the annual election of the President and the Vice Presidents;
5. fixing the amount of the subscriptions of each national delegation, associate and observer member on the basis of the advice of the Finance Committee;
6. the admission and the exclusion of full, associate or observer members;
7. the adoption of internal management rules;
8. the election of the Chairman and the appointment of the members of the Finance Committee.

**c) Meeting rules**

The Plenary Session shall meet at least once a year, convened by and under the chairmanship of the President, or, in his or her absence, of one of the Vice-Presidents, at the place indicated in the notice of the meeting which may be given by any means in conformity with the article VIII f).

The Secretary-General and the associate and observer members and any other person invited by the President may attend the Plenary Sessions but may not vote.

**d) Procedures**

The quorums, the rules and conditions of voting, the necessary majorities, the notifications and all the other rules in relation to the functioning of the Plenary Session are listed in article VIII below.

**VII. Standing Committee**

**a) Composition**

The association shall be administered by a Standing Committee composed of as many members as there are delegations, the President and the three Vice-Presidents who shall have the right to speak but no vote. The members of the Standing Committee shall be the Heads of delegation or another member of the national delegations designated by him/her.

The mandate of a member of the Standing Committee shall expire when he/she is replaced by his/her national delegation.

**b) Powers**

The Standing Committee shall have all powers of management and administration except those reserved to the Plenary Session. The Standing Committee may delegate certain specified and limited powers to one or more persons.

**c) Meeting rules**

All meetings of the Standing Committee shall be convened by the President, and shall be chaired by him or her (or in his or her absence, by one of the Vice-Presidents) at the venue indicated in the notification, which may be given by any means.

The Secretary-General and any person invited by the President may attend the meetings of the Standing Committee, without the right to vote.

**d) Procedures**

The quorums, rules and conditions of voting, required majorities, notifications and all the other rules in relation to the functioning of the Standing Committee are listed in article VIII below.

**e) Urgent decisions taken by electronic mail**

Where, as a consequence of events external to the CCBE the President considers that a decision of the Standing Committee is urgent and therefore required before the next meeting, the decision may, unless any delegation objects, be taken by means of electronic voting by delegations. The quorums, rules and conditions of voting, required majorities, notifications and other rules listed in article VIII below shall apply to decisions taken by means of electronic voting. A delegation which

does not vote shall be held to have abstained but not to have objected to the decision being taken by means of electronic voting.

No decision on the purchase of real property can be put to an electronic vote.

## **VIII. Procedural rules**

### **a) Weighting**

Each delegation has a number of indivisible votes allocated as follows:

Austria	06 votes
Belgium	07 votes
Bulgaria	06 votes
Croatia	05 votes
Cyprus	03 votes
Czech Republic	07 votes
Denmark	06 votes
Estonia	03 votes
Finland	05 votes
France	18 votes
Germany	18 votes
Greece	07 votes
Hungary	07 votes
Iceland	03 votes
Ireland	06 votes
Italy	18 votes
Latvia	03 votes
Liechtenstein	02 votes
Lithuania	04 votes
Luxembourg	05 votes
Malta	03 votes
Norway	06 votes
Poland	12 votes
Portugal	07 votes
Romania	10 votes
Slovak Republic	05 votes
Slovenia	03 votes
Spain	18 votes
Sweden	06 votes
Switzerland	06 votes
The Netherlands	07 votes
United Kingdom	18 votes

Each new full member shall obtain a number of votes on the basis of the numbers fixed in article 26 of the Statutes of the Council of Europe.

The votes of each delegation shall be cast by the Head of delegation, or his duly appointed representative.

### **b) Voting rules according to subject matters**

The following decisions shall be adopted by double qualified majority, as defined hereafter, either by the Plenary Session or the Standing Committee, in accordance with their respective powers: decisions setting policy frameworks and strategies, suspension of a delegation's votes, modification of the statutes, the admission or the exclusion of members, dissolution of the CCBE, the election of the President, the Vice-Presidents and the Chairman of the Finance Committee, the adoption of the budget, the fixing of the subscription for each delegation and associate and observer member, and the approval of the accounts on the basis of the advice of the Finance Committee.

If there are more than two candidates for the election of President, Vice-President or Chairman of the Finance Committee, and if none of them has obtained a double qualified majority in the first round, a second round shall take place between the two candidates having obtained the highest number of votes. In the second round, the candidate having obtained the majority of votes is elected. After each round, the number of votes obtained by each candidate shall be announced to the Plenary Session and the results of the two rounds shall be minuted.

If two candidates receive the same number of votes, the candidate having obtained votes from the larger number of delegations shall be preferred.

All other decisions including those relating to the day to day administration and the appointment of the Secretary-General shall be taken by way of a simple majority vote.

Double qualified majority means cumulatively:

- (i) a number of valid votes equal to or greater than 2/3 of the votes cast, and
- (ii) the approval of at least 2/3 of the delegations that have cast a valid vote.

Simple majority means a number of votes greater than half of the votes cast.

The number of valid votes is calculated by deducting the total number of all blank or invalidated votes and all abstentions from the votes cast.

**c) Quorum**

The Standing Committee shall deliberate validly only if at least half of the delegations disposing of their votes are present or represented.

The Plenary Session shall deliberate validly only if at least two thirds of the delegations disposing of their votes, consisting of or comprising at least two thirds of the votes, are present or represented. In the event that at least two thirds of the delegations comprising two thirds of the voting rights are not present at any Plenary Session, a new Plenary Session shall be convened, which shall deliberate validly notwithstanding the number of delegations present or represented and/or the number of votes present or represented.

**d) Representation rules**

A delegation may be represented at the Plenary Session by another delegation in possession of a written proxy which shall be handed over to the Secretary-General.

A delegation may not hold more than one proxy.

**e) Suspension of the votes**

At the beginning of each Plenary Session or Standing Committee meeting, the delegations or the members of the Standing Committee may decide to suspend the votes of any delegation which has not paid its subscription due for the current year or the previous years.

**f) Notification**

Notice of the meeting of the Plenary Session or the Standing Committee shall be sent not later than 15 days before the meeting and shall include the agenda. An extraordinary Plenary Session or Standing Committee meeting may always be called at any time at the discretion of the President, or of at least five delegations, according to the same procedures.

**g) Agenda**

No decisions may be taken on an item which is not on the agenda. The agenda shall be set by the President. Any delegation may request that an item be put on the agenda of the next meeting provided that any such request shall be made at least 10 days before that meeting. If that time limit is not adhered to, the inclusion of any item not included in the notice, is subject to the unanimous approval of all the delegations or members of the Standing Committee present or represented at the meeting.

**h) Protection of the minority**

In the event that any decision taken with a double qualified majority is to be subject to external publication or communication (including to the Bars and Law Societies of the European Union as enlarged by the EEA), any dissenting delegation may require that its opinion or its reasoned abstention be published or communicated at the same time and in the same manner as the decision itself.

**i) Minutes of the decisions**

All decisions, either of the Plenary Session or the Standing Committee, shall be communicated to each delegation, and recorded in registers kept by the Secretary-General who will place them at the disposal of the members, for consultation purposes at the Head Office of the association.

**IX. Presidency**

**a) Composition**

The President shall be elected for a term of one year beginning on the 1<sup>st</sup> January. The Plenary Session shall elect the President from among the Vice-Presidents. If no Vice-President is available for election, then the President shall be elected from among the members of the delegations.

The Plenary Session shall elect for the same term as the President, three Vice-Presidents to be referred to as the First Vice-President, the Second Vice-President and the Third Vice-President. The First and Second Vice-Presidents shall be elected from among the Vice-Presidents and the members of the delegations. The Third Vice-President shall be elected from among the members of the delegations.

While exercising the functions of President or Vice-President, such officers shall not be members of a national delegation.

Should the office of President be vacated for any reason, the First Vice-President shall assume the position of acting President and shall remain eligible for election for the following year.

**b) Powers**

The President, or, in his/her absence, one of the Vice-Presidents, shall direct the association, preside over its meetings and represent it in its dealings with third parties. The Vice-Presidents shall exercise any function assigned to them by the association or by the President, including the co-ordination of the work of committees and working groups, and reporting to and advising the President with regard to their work.

## **X. Committees and working groups**

### **a) Finance Committee**

There shall be a Finance Committee whose functions shall be advisory and supervisory. It shall consist of at least three and at most eight members, one of whom shall be the Chairman. The Chairman shall be elected, and the other members of the Finance Committee shall be appointed, for a term of two years which may be renewed for up to two further periods of two years, but the total period of a person's membership of the Committee shall not exceed six years.

Any person who, as at 31 December 2009, has served for between two and four years as a member of the Finance Committee shall serve for no more than a further two terms of two years each as a member of that committee.

### **b) Other committees and working groups**

The President may establish such other committees and working groups as he / she considers useful and may appoint any person to be the Chair of a committee or working group. The Chairs of committees and working groups shall be appointed for a term of two years which may be renewed for up to two further periods of two years, without prejudice to the right of the President to change the chair whenever necessary.

## **XI. Secretary-General**

### **a) Nomination of the Secretary-General**

The Secretary-General shall be appointed by the Standing Committee. He or she shall be paid such remuneration as may be agreed by the Standing Committee upon the recommendation of the Finance Committee.

### **b) Powers**

Without prejudice to what is provided in Article VII(b), the Secretary-General shall undertake the daily management of the association under the supervision of the President and the Vice-Presidents and the representation of the COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE before the European Institutions and internationally.

Daily management includes the power to carry out all acts or operations which are required for the day to day business of the association, including the power to open any bank account on behalf of the CCBE.

## **XII. Finances**

### **a) Subscriptions**

All CCBE members shall pay a subscription, the amount of which shall be fixed annually by the Plenary Session having considered the recommendation of the Finance Committee.

The percentage of the total subscription to be paid by any member shall reflect the proportion of the total votes held by that member state.

Exceptions to this rule may be made by the Plenary Session taking into account the following:

- the number of lawyers entitled to practise in each Member State
- the GNP of each Member State

- the population of each Member State.

The amount of the subscription of each delegation fixed in respect of any year shall remain in effect until the Plenary Session approves a new budget or a change of the amount in the subscriptions.

#### **b) Budgets and annual accounts**

The financial year starts on the 1<sup>st</sup> January and will end on the 31<sup>st</sup> of December of each year.

On the basis of the recommendation of the Finance Committee, the Plenary Session shall adopt an annual budget, approve the accounts of the previous year and release the directors.

The Finance Committee shall ensure that proper accounts are kept and shall each year verify the income, expenditure and balance sheet to the first Plenary Session after the closing of the accounts.

#### **XIII. Representation of the association**

All decisions binding on the association shall (except in case of special proxy) be signed by the President or by one of the Vice-Presidents, and those concerning the daily management of the association, by the Secretary-General, who shall not be obliged to furnish evidence of the powers by which they do so.

However, the President may only represent the association in the signature of an act of purchase or sale of real property or a right in real property, as well as of credit or mortgage, with the express authorisation of the Plenary Session or the Standing Committee.

All proceedings involving the association, either as plaintiff or defendant shall be conducted by the Standing Committee represented by the President or by one of the Vice-Presidents.

#### **XIV. Internal management**

The Plenary Session may adopt rules to facilitate the operation of these statutes.

#### **XV. Amendments of the statutes, dissolution and liquidation**

The Plenary Session may only deliberate on an amendment to the statutes of the association if at least two thirds of delegations whose votes have not been suspended, comprising at least two thirds of the votes, are present or represented. However, if the meeting is not attended by at least two thirds of the delegations comprising two thirds of the votes, a new Plenary Session shall be summoned, which will rule validly notwithstanding the number of delegations or the number of votes present or represented.

The same rules apply in case of dissolution of the association. After the payment of the debts of the association, its assets shall be assigned to another association which will make use of them for purposes as far as possible similar to the objects of CCBE.

Any decision to dissolve or liquidate the Association must be made by a Plenary Session. When a member leaves the association that member shall have no entitlement to any of the assets of the association.

#### **XVI. Conciliation**

In the event of a dispute in a State represented at the Council of Bars and Law Societies of Europe, which affects the status of a national delegation or of an associate or observer member, the

President or, in default of him so doing, the Standing Committee, may appoint a conciliator, whose function will be to mediate between the parties.

THE COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE may offer its resources to mediate in case of conflict concerning deontological rules between CCBE Member organisations.

The COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE may on the same basis arbitrate where the interested parties agree, concerning difficulties arising out of cross-border legal practice.

#### **XVII. General provision**

The items not dealt with in the statutes shall be dealt with by the statutory provisions of the law of 27 June 1921 concerning non-profit making associations, international non-profit making associations and foundations.