

FBE Statutes

PREAMBLE

The European Bars Federation is the successor to the Conference of Principal Bars of Europe established on 27th June 1986 in Paris by the Bars of Amsterdam, Barcelona, Brussels, Geneva, Milan, Paris and Frankfurt as well as the Order of Portuguese Lawyers joined a little later by the Bar of Krakow.

On 23rd May 1992 at Barcelona the Conference of Principal Bars became the Federation of European Bars being open to all Bars established in a member state of the Council of Europe.

The statutes were modified on 9th October 1999 at Taormina.

The present version of the articles was adopted in Bilbao on 16th May 2015.

I. PRINCIPLES

The Federation of European Bars is a non-profit making organisation with a legal personality acting according to the law in the country of its registered office and these present statutes.

Its purpose is to foster permanent links between the Bars established in member states of the Council of Europe.

It seeks to provide democratic representation for European Bars.

It adheres to the principles which were established in the creation of the Conference of Principal Bars of Europe:

- To defend the fundamental principles set out in the European Convention on Human Rights
- To guarantee the services of independent lawyers for individuals and companies
- To create an independent organisation which ensures respect for the essential principles of the profession of lawyer in Europe
- To seek recognition of the particular role fulfilled by the European Bars in the defence of all liberties against every political economic and judicial authority.

II. NAME AND DURATION

The name of the organization is Fédération des Barreaux d'Europe (European Bars Federation, in short, FBE).

The Federation is established for an indeterminate period.

III. OBJECTIVES

The objectives of the Federation of European Bars are:

1. To bring together the Bars of Member States of the Council of Europe to put in place common activity while respecting their autonomy and independence.
2. To establish a permanent link between Member Bars particularly by the organisation of periodic meetings.
3. To represent the profession of lawyer with the European institutions.
4. To promote the supremacy of law, the independence of justice and the right to a fair trial
5. To stand for the defence of human rights in Europe and in the world.
6. To provide support for Lawyers or Bars who are wrongly persecuted for complying with their profession or duties.
7. To promote the harmonisation of the profession in Europe equally in professional practice and professional ethics particularly in regard to independence, legal privilege, forms of professional organisations, training, remuneration, insurance and publicity.
8. To ensure exchanges with lawyers of different continents and particularly with the Bars bordering the Mediterranean.
9. To ensure the level of professional quality and technical competence of lawyers and to monitor the harmonisation of specialisations, as well as the mutual recognition of continuing training.
10. To promote exchanges and training contracts for young lawyers.
11. To bring together generally all information and assistance to improve the conditions for the exercise of the profession of lawyer particularly in the field of advice and defence but also in the protection of professional rules and in ensuring the defence of all liberties against every political economic and judicial authority.
12. To exchange information between Member Bars concerning practice, problems and changes in regulation of the profession in their country and to give mutual assistance when required.

IV. OFFICE

The registered office the Federation of European Bars is located in Strasbourg, 3 rue du Général Frère 67000.

V. LANGUAGES

The Federation of European Bars recognises all languages from the countries represented by its members.

Working languages are French, English, German, Spanish and Italian.

Simultaneous translations in the five working languages of the Federation should be assured by the organising Bars on each full meeting of the Federation.

VI. MEMBERSHIP

Bars eligible for admission to the Federation are:

- 1) National Bars and/or
- 2) Regional or local Bars
- 3) A Bar in a country which is not a member of the Council of Europe can be admitted as an observer if it declares that it acknowledges and will observe the principles set out in these statutes.

VII. ADMISSION OF MEMBERS

A request for admission by a Bar as a new member is to be in writing and submitted to the Presidency.

The Presidency must decide on the admission of a Bar as member or observer within three months of receipt of the request.

A Bar whose application has been declined or has not been accepted within three months may apply for admission to the General Assembly by written notice to the Secretary General in the month following rejection or after the expiration of three months in the absence of response.

VIII. RESIGNATION AND EXCLUSION

- 1) A request from a Member Bar to resign its membership must be in writing sent to the Secretary General at least three months before the end of the current calendar year.
- 2) The Presidency can exclude a Member Bar which is not up to date with its subscriptions.
 - a) The exclusion cannot take place until a final demand in writing sent by the Treasurer remains unpaid for three months. The decision to exclude shall be communicated to the Bar concerned by written notice.

b) The excluded Bar can appeal within one month of such notification by written notice addressed to the Secretary General who must then bring the appeal to the next General Assembly, which will have the final vote on the matter.

c) A Bar excluded for non-payment of subscriptions cannot reapply for membership without paying the outstanding subscriptions due.

3) Exclusion of a Member Bar (except for non-payment of subscription) can only be decided by the General Assembly on a motion by the Presidency or a request by four Member Bars from different countries submitted in writing to the Presidency.

IX. ORGANISATION OF THE FEDERATION

A. GENERAL ASSEMBLY

a. The General Assembly is the sovereign authority of the Federation, has full decision making powers and is competent in all areas except in acting contrary to these statutes.

b. It elects the members of the Presidency, votes on the budget on subscriptions and approves the accounts.

c. It elects from its body, for a term of two years, a representative charged with auditing the accounts of the Federation such person may not be a member of the Presidency.

d. The General Assembly determines the number and the composition of the permanent technical commissions and the Ad-Hoc Commissions.

e. The General Assembly alone is competent to modify these statutes.

f. The General Assembly is convened by the Presidency.

g. It is required to meet at least once a year, but can also meet extraordinarily upon the request by four Bars from different countries submitted in writing to the Presidency.

h. The General Assembly is convened upon a minimum of 30 days notice except in emergency by written communication setting out the agenda.

i. The General Assembly is made up of Member Bars represented by their President.

j. A President may appoint by written proxy a member of his Bar or the President of another Bar or his delegate as his representative. However, a President or his delegate can only represent three other Bars.

- k. Proxies have to be delivered in writing to the General Secretary before the opening of the General Assembly and must be signed on behalf of the appointing Bar.
- l. The General Assembly votes by a simple majority of Bars present on ordinary resolutions and by a two-thirds majority of Bars present on extraordinary resolutions.
- m. Extraordinary resolutions are: dissolution of the Association, amendment of the statutes and the change of the registered office. All other resolutions are ordinary.
- n. The representation of each Member Bar follows a system inspired upon that of states in the Council of Europe: each Bar which has paid its subscription has at least one vote. Each Bar entitled to vote has one additional vote for every 100 of its registered members up to a maximum of 40 votes.
- o. The number of a Bar registered members is established by declaration made at the time of payment of its annual subscription.
- p. Contested elections shall be by secret ballot, administrated by the Senior Past President in attendance, assisted by two independent scrutineers.
- q. Unopposed candidates may be deemed elected by acclamation.
- r. Any other question to be determined by the General Assembly shall be decided by open vote.
- s. Abstentions will not be counted in determining a majority.
- t. The votes of a member Bar cannot be split.
- u. In case the Presidency finds there are exceptional circumstances which make it impossible to organise a General Assembly in person, the Presidency can organise a virtual General Assembly, allowing those members who paid their fee to discuss and vote on the matters submitted to them.

The virtual vote will be held under the same rules as a vote in person. So every member will have at least one vote and one more for every bloc of 100 enlisted lawyers, including the final partial bloc, with a maximum of a total of 40 votes. Only elections for which more than 1 candidate is nominated will be submitted to a secret election, organised electronically by the Presidency

B. THE PRESIDENCY

- a. The Presidency consists of the President in Office, the First Vice-President or the President elect, the Second Vice-President, the Secretary-General and the Treasurer.

Nominations for any member of the Presidency must be submitted in writing by member Bars to the General Secretary at least fifteen days before the General Assembly and should include a statement in support, including a curriculum vitae and details of the candidate's suitability for office.

Officers are elected by the General Assembly and should reflect not only individual skills, but also cultural and geographical distribution of member Bars. Only a President in office, a former President a member or a former member of the Council of his Bar, can be appointed President or Vice-President of the Federation.

The President and the two Vice-Presidents must belong to Member Bars from different countries.

The President, the First Vice-President and the Second Vice-President's term of office lasts for one year and is not renewable.

The Secretary-General and the Treasurer each must each belong to Member Bars from different countries. Their term of office is of two years renewable on a maximum of two occasions.

All appointees begin their term of office at the end of election made by the General-Assembly.

b. The Presidency has to enforce the decisions of the General Assembly.

c. The Presidency deals with the day to day running of the Federation, in particular:

- It prepares the regular or occasional activities.
- It controls the activities of the Permanent Technical Commissions and the Ad-Hoc Commissions.
- It prepares the budget, verifies the accounts and presents them for approval.
- It appoints from amongst the Presidents or former Presidents of Member Bars for a term of two years one Representative of the Federation before the European Union and to the CCBE and a second Representative to the Council of Europe. These two Representatives can be co-opted to assist the Presidency when necessary.
- Occasionally, the Presidency may call Presidents of Commissions or former members of the Presidency to seek their advice.
- The Presidency generally ensures the upholding of the principles and objectives of the Federation of European Bars, even interpreting the Statutes, if necessary.

d. The Secretariat of the Presidency, now located in Barcelona, is particularly responsible for organising the Presidency Meetings and FBE meetings.

C. THE COMMISSIONS

The General Assembly shall determine, at the proposal of the Presidency, the list of all the Commissions.

The permanent technical Commissions are to ensure continuity of information and reflection on the main issues confronting the legal profession (professional ethics, training, human rights, right to a fair trial, relations with Bars bordering the Mediterranean etc...).

The Ad-Hoc Commissions, determined also by the General Assembly at the proposal of the Presidency, are appointed specifically to deal with issues facing the Federation.

The General Assembly shall elect a President for each Commission, ideally at the proposal of any member Bar that assumes the hosting of that Commission, financing its administrative expenses for a renewable two-year period.

Concise minutes of all Commissions meetings will be taken, stating place, date and hour of the meeting, attendants, matters dealt with and the conclusions adopted.

The President of the Commission will report to the General Assembly.

The Commissions Secretariat, now located in Strassbourg, is particularly responsible for organising the Commissions meetings.

X. ADMINISTRATION OF THE FEDERATION

The administration and management of the FBE shall be the responsibility of the Presidency, in particular the Secretary General assisted by such personnel as the Presidency shall determine.

XI. SUBSCRIPTIONS

Each Member Bar will pay annually prior to March 31st a subscription fixed by the General Assembly.

Only Bars whose subscriptions have been paid before the start of the General Assembly are permitted to vote.

New member Bars shall have the right to vote and to make use of the practical services provided by the Federation once they have paid their subscription.

XII. EXPENSES

a. The Congresses and other meetings of the Federation of European Bars are the sole responsibility of the organising Bars.

These should establish a provisional budget in consultation with the Presidency including specifically the level of registration fees required from each participant and where relevant the financial support from professional bodies external, local organisations or of any other kind.

b. The administrative expenses and the costs of the members of the Presidency are the responsibility of the Federation. The expenses of people invited by the Presidency may be covered by the Federation.

c. The expenses of the representatives of the Member Bars are the responsibility of those Bars. Expenses of members of the permanent or ad hoc Commissions are the responsibility of those members or their Bars unless otherwise decided exceptionally by the Presidency.