

Council decision CD 2012/2 of 18 February 2012 on Membership issues

Section 1: Acceptance of membership

- (1) In accordance with Article 8(2) of the Statute, the Czech Supreme Court shall be admitted as Institutional Observer.
- (2) In accordance with Article 8(2)(a) of the Statute, the Council invites all ELIA members who have not yet become members to become members of the ELI. The Secretariat shall be responsible to send out the invitations.
- (3) Regarding an application for membership by a paralegal, the Council decides that in this particular case, based on the strength of the CV of the applicant and the merits of the application, the candidate will be admitted if at least one referee in support of the application is provided.
- (4) In accordance with Article 8(5) of the Statute, the Council sets the membership fee in an individual case of an applicant with a monthly income of € 240 at € 10 for 2011 and € 20 for 2012 with the full fee payable thereafter.

Section 2: Method of payment

In accordance with Article 10(4) of the Statute, the mandate is given to the Secretariat to revise the membership fee payment method, particularly to install the system for credit-card payments and / or electronic cash transfers.

Section 3: Authentic Interpretation of the Statute regarding Ex-Officio membership

The Council approves the interpretation of the Statute as outlined in the Annex.

Annex

Interpretation of Article 8(3) of the ELI Statute regarding ex-officio membership of persons that hold a specified office or position

- (1) Article 8(3) specifies that byelaws may be drawn up which establish a list of persons who will be 'offered ex-officio membership whilst they hold a specified office or position.'
- (2) Article 8(3) was intended to establish that an individual, such as the President of a Law Society (the qualifying office) could be offered ex-officio membership. The individual would hold that membership whilst they remained the President of the Law Society. Once they ceased to hold that office they ceased to hold ex-officio membership of ELI. The Council would then offer ex-officio membership to the individual who took over as President of the Law Society. In practice this means that the office of President of the Law Society is the ex-officio member, but the membership is held by whoever is the President at any one time.
- (3) The important point to make though is that when an individual ceases to hold the office in question, they cease to be the ex-officio member.

Interpretation of Article 10(1) of the ELI Statute regarding the succession to the ex-officio membership

- (1) Article 10(1) specifies that the Council can have no more than 60 members, elected from among the Fellows.
- (2) An individual who is an ex-officio member, and who holds that membership only whilst they hold the qualifying office, can stand for election to the Council. If they do so, they stand for election as the holder of the qualifying office. They do so because it is in that capacity, and not their personal capacity, that they have been offered and accepted ex-officio membership. When such an individual ceases to hold the qualifying office, their successor (if they confirm their acceptance of ex-officio membership) succeeds to the ex-officio membership, and any council membership to which that member had been elected.
- (3) In other words, an ex-officio member stands for Council as President of the Law Society, is elected to Council as such, and holds Council membership as such. In turn, when they are succeeded as ex-officio member by their successor in respect of the qualifying office, their successor also succeeds to their Council office and holds it until the maximum term limit as specified in Article 10(2), they resign membership under 10(3). If the successor to a qualifying office refuses to take up ex-officio membership, they have resigned membership of ELI, and therefore of any office held.

**Interpretation of Article 20(2) and Article 10(1) of the ELI Statute
regarding the Status of Founder Members who hold a qualifying office**

- (1) Those Council members who were founder members and were, at the time, the Council was created held a qualifying office continue to hold Council membership in their personal capacity until 2013, as per Article 20(2)
- (2) The Council can however co-opt as Council members the holder of the qualifying office of those institutions to which it has offered ex-officio membership e.g., the President of the CCBE, CNUE etc. This is subject to the maximum Council membership limit under Article 10(1). These offices are co-opted offices of the First Council, and therefore remain in place until 2013 per Article 20(2).
- (3) Following the termination of the First Council's mandate any ex-officio member who desires Council membership will, as all other Fellows must also do, stand for election to the Council.

**Interpretation of Article 10(8)
regarding the right of Council members to be represented or accompanied at Council**

- (1) The right of Council members to be represented or accompanied at Council meetings, for purposes other than exercising their right to vote [Statute Article 10(8)], by persons who are not members of the Council.
- (2) Institutional Observers can be accepted by the Council as Council Observers in their capacity as advisor to a particular organisation. As such they have the same access to documents as the organisation they represent.
- (3) Council members can be accompanied by non-Council members, but not represented by such persons. Representatives must be Council members themselves.