

Minutes of the meeting of the GEMME administrative board 24.06.2006

The meeting of the administrative board has taken place on 24th June 2006 in the Catholic Institute "Institut catholique de Paris", 21 Rue d'Assas, Paris 6th Arr.

Were present :

Ivan Verougstraete, Jaime Octavio Cardona Ferreira, Béatrice Blohorn-Brenneur, Jacques Clavière-Schiele, Marie Paule Regnault-Lugbull, Marco Bouchard, Christoph Strecker, elected members ;

Albertina Aveiro Pereira, Maria Giuliana Civinini, Henri Funck, representants of the national sections ;

Excused:

Jean Mirimanoff, Gavin Lightman, Oyvind Smukkestadt, Eberhard Carl, Alès Zalar, Pascual Ortuno, Isabel Tomas, Marijke Scholten, Isabelle Bieri, Carl Vrints, Matthew Thorpe, Marcello Marinari

At 14:30 h the president opens the session.

The minutes of the last meeting of the administrative board are approved.

The project of a directive

Jaime Cardona Ferreira has written to the president of the European Commission and to the members of the European Parliament. The Portuguese government has been open to his arguments.

Jaime Cardona Ferreira draws the attention to the problem of privatization of mediation.

Béatrice Brenneur relates that she has met Mrs. Grossetête, european deputy of UMP, referee of the ENVI commission. She was very attentive to GEMME's concerns, and she will submit the problem to the minister of justice, Mr. Clement, whom she will meet within the next days.

Ivan Verougstraete wants to go beyond the failure of the directive. It would be useful to create a working group which outlines a draft (sort of restatement of the law on mediation which might be taken as base for all legislation and administration of justice concerning mediation). Marco Bouchard is put in charge to outline a project form the constitution of a working group which includes members from the Nordic countries, anglo-saxons and from eastern Europe.

Election of the members of the directive board

Ivan Verougstraete thinks that the administrative board should revise its decision.

Christoph Strecker imagines that there has been taken a decision in advance, either by a secret arrangement or by "naivety".

Béatrice Brenneur replies that there have not been any secret arrangement and that the candidature of Ales Zalar has become known only on the day of the election. She underlines that when she created GEMME with Eric Battistoni, they had thought that the representative functions were those of the president and vice president and that the administrative board would

be the motor of the association. She underlines that to get European funds, it is very important to have representants from the newly integrated countries as members. Ales Zalar represents this opening, and above this he is an acknowledged person in the world of mediation. She has not acted “naively”.

Marco Bouchard wants that we should be aware of having committed a mistake:

1. in so far as the democratic method is concerned,
2. in so far as there are no Italians in the new directive board, which means that Italy should be excluded.

Jaime O. Cardona Ferreira answers that we are adult persons who know what they do. The important is GEMME and not the personal interests.

He reminds that he has been ready to be a candidate under two conditions: That Béatrice Brenneur would be secretary general and that there would be harmony.

The system of secret vote is the only democratic one. He underlines that he has been elected unanimously and that this was an honour, as he had emphasized immediately. But in the following days a problem had arisen. “As I was indirectly involved in the problem and as the election could not be declared null and void, I decided to resign in order to open a door, not to shut it. We have to speak about the future. We must be available for all functions. So, until now, I am available.”

Jacques Clavière replies that it’s not about a “mistake”, but about a “lack of methodological sensitiveness”. He emphasizes that the president has not to have been a vice president before being elected.

He underlines that in his opinion the election of Ales Zalar is incompatible with the article 7–3 of the statute which says: “The presidentship and the vice presidentship rotate among the constituted national sections.” He thinks that, with respect to this text, to be elected as president or vice president the candidate must be member of a constituted national section, which for Slovenia is not the case.

Marie-Paule Regnault-Lugbull expresses her sadness about GEMME being torn to pieces. She did not join the association to see conflicts.

Maria Giuliana Civinini agrees with Marie-Paule: She does not want a conflict. She thinks that the administrative board can change its decision and that the absence of Ales Zalar makes it difficult.

Jean-Luc Pierre points out that the actual problem is not specific for GEMME, but characteristic for every young growing association that is quickly getting very important. He reminds that the directive board has to carry out the routine matters and the administrative board takes the decisions.

Albertina Aveiro Pereira thinks that if Ales Zalar does not meet the statutory requirements (Art. 7 – 3), he cannot be elected as vice president, because he is not a member of a national section.

Ivan Verougstraete points out that has Ales Zalar has written he would accept the decision of the administrative board and that Christoph Strecker maintains his resignation from the position of vice secretary general. He asks to take note of the fact that he himself does not offer his resignation and that Jaime Cardona Ferreira accepts not to maintain his resignation.

The administrative board states:

1. that Marco Bouchard and Christoph Strecker withdraw their resignation from the administrative board that approves this decision;
2. that Ales Zalar declares to accept the decision of the administrative board;
3. that Ales Zalar does not meet the requirements to be actually elected as vice president;
4. that Christoph Strecker resigns from the position as vice secretary general.

The administrative board decides unanimously by the present members:

1. Giuliana Civinini is elected as vice president;
2. Albertina Aveiro Pereira is elected as vice secretary general.

The administrative board entrusts Ales Zalar with developing GEMME in the new member states. In this function he participates in the work of the directive board.

Ivan Verougstraete defines the profile of the position of president. The president has to meet three requirements:

- visibility
- availability
- geographic representativeness

He must not necessarily have a high rank in hierarchy. The vice president should meet the same profile.

The board decides that the vice president is potentially the successor, but that it must not necessarily be so. The rule is that in case of absence of the president the oldest vice president replaces him.

The Lissabon colloquium

GEMME will not pay the colloquium that the Portuguese section is undertaking. Only the speakers will be invited by the organizers of the colloquium. If necessary, a little contribution can be demanded from the participants.

The rules of procedure

The amendments proposed by the Portuguese section and by Béatrice Brenneuer will be transmitted to Christoph Strecker for coordination.

The Berlin colloquium

Christoph Strecker informs about the problems of the German section which is not sure if it can maintain the date of 7th and 8th June 2007 to hold the colloquium in Berlin.

The training course in Athens

GEMME should know within the next days if the file has been accepted. In case of a positive reply, the administrative board will decide who can participate in the training.

The web site

It will work within some weeks.

Gilbert Costeaux, a judge in Toulouse, will be responsible for the internet site of GEMME.

The responsible person from the Portuguese section for the site is Manuel Duro and for Belgium Vinciane Vanovermeire.

Béatrice Brenneur will send the address of Gilbert Costreaux to the members of the administrative board. The delegates of the national sections will contact him.

Replies to the questionnaires from the chiefs of the supreme courts

Jacques Clavière will coordinate all the replies and make an inventory of best practices. He will answer to the questionnaire from the Council of Europe that Conceição Oliveira has transmitted and make use of the replies that have given to the network of supreme courts.

Next administration boards

They will take place on the occasion of the Lissabon colloquium (date in November, to be specified) and in Ljubljana (end of March 2007). Béatrice proposes to combine them with a GEMME fair at which all national sections would be present with a stand. Béatrice will contact Ales Zalar to find a date that might fit him.

The participants who get their expenses refunded are reminded to look for low budget tickets.

Membership fees

The treasurer will remind to pay the membership fees every year in the first trimester. Every member of GEMME has to pay the membership fees in the first trimester. The administrative board determines that those who pay their fees can enter them as they want and that in case of outstanding debts the treasurer cannot enter the payment into a former year.

Observers from MEDEL and the International Judges' Union

Maria Giuliana Civinini will look after contacts in order to ensure our participation.

Associated members

In the future, when a national section presents associated members, they should be announced in advance with a summary.

The French section proposes the admission of two lawyers:

Marie-Laure Binoux and

Isabelle Burlat who has contributed a valuable help to GEMME, especially for the Paris colloquium on 8th December 2005.

These two lawyers are admitted.

The president of the FENAMEF is admitted as legitimated by this quality.

The Italian section proposes the admission of the Milan chamber of commerce and the following lawyers:

Antonona Scolaro – Torino

Luisella Fanni – Cagliari (pioneer of family lawyers)

Daniela Marzano – Padova

These memberships are approved.

At 19 h. the session is closed.