



Minutes of the meeting of the Board of Directors of GEMME, on the 21st of November 2015

The Board of Directors of GEMME met on Saturday, the 21st of November 2015, at 9.30 a.m. at Montblanc Hotel, Vía Laietana, no 61, Barcelona, Spain.

The following persons were present:

Jaime CARDONA, President of GEMME EUROPE, Portugal
 Béatrice BRENNEUR, Vice-president, France,
 Linda BENRAIS, General Secretary, France
 Avi SCHNEEBALG, President and section representative, Belgium
 Camille HOLZER, Representative of the President of the section, Germany
 Peter OSTEN, Elected member, Germany
 Agnes Bucsi, Representative of the President of the section, Hungary
 René CONSTANT, Elected member, Belgium
 Maria Lourdes ARASTEY, Spain
 Pascual ORTUNO, Elected member and Vice-president, Spain
 Albertina AVEIRAO PEREIRA, Elected member, Portugal
 Nicolas CHAMBERS, representing the President of the section, United Kingdom
 Monica VELLETI, President of the section, Italy
 François STAECHÉLE, communication responsible with the Office, France
 Sara MENICHETTI, Representative of the President of the section, Italy
 Eric VAN ENGELEN, Elected member, Netherlands
 Paul Gilligan, observer, Ireland
 Henna LUOMARANTA-TUUKKANE, section representative, Finland
 Marcello MARINARI, Elected member, Italy
 Isabelle BIERI, Elected member, Switzerland

Silvia HINOJAL, section member, Spain
 Sara POSE, section member,
 Rosa FREIRE, section member, Spain

Mr Eric BATTISTONI, elected member and Michèle WEILL, elected member and Mr Jacques Vernochet, Treasurer were excused.

After the opening speech to welcome all the members of GEMME and the representatives of the Spanish section that honoured us with their friendly welcome, the President CARDONA opened the meeting by taking up the agenda and the conclusions are the following:

1. Moral Report of the President and Welcoming of the new Estonian Section

The President acknowledged that there are 17 national sections within GEMME and he takes pride in that fact. He observed that much has been done by GEMME including the 10th anniversary at the Court of Cassation and the work on the development of the sections. The symposium at the Court of Cassation in Paris in 2014 in order to celebrate the tenth anniversary of GEMME has been a success as well as the publication of the book. He thanked Mr. Avi SCHNEEBALG for his efforts for the creation of the Estonian section and pointed out that the creation of the section in Ireland is ongoing thanks to the invaluable support of Paul GILLIGAN.

2. The Report of the National Sections

In France, a significant work has been conducted regarding the administrative mediation as an important symposium was organized with the assistance of the State Council in June. Many books have also appeared within the collection of GEMME. GEMME France has also made amendments to the Macron Act, particularly on social mediation.

In Italy, a new law was passed regarding the participatory justice and the negotiation assisted by lawyers. Since this new law was adopted, many initiatives of this kind were registered in order to advance the development of participatory justice.

In Switzerland, beyond the unified code of procedure that had occurred, there is an important development of the conciliation that coexists with mediation and this development should be supported.

In Spain, many developments have been made in order to develop mediation in courts, in particular in connection with the clerks. Since there are many people interested in mediation including public authorities, there is still much to be done notably about imposing a particular training requirement. There is a real challenge to assist judges in the use and implementation of mediation. A major conference will be dedicated to restorative justice that will be held in San Sebastian in 2016.

In Belgium, mediation is developed in the courts while stressing that there is no training in mediation for clerks.

In Latvia, an important EJTN symposium was held in Riga in June 2015, with the participation of the President of the Belgian section who represented GEMME. It was an opportunity to develop new sections as it was the case for Estonia.

In Holland, the nowadays concern regards the online procedures where the stakes are high including for the mediation.

In the United Kingdom, the decision of the President Rupert Jackson was significant. The difficulty is how to reach all the judges so that they develop the mediation in courts, and this is not an easy job. It is planned to organize a seminar to assess the effectiveness of the courts in using mediation, field by field, starting with family matters, then considering the real estate and commercial field. The goal is to strengthen the effectiveness of the development of mediation in courts and it is important that the transfer of case selection criteria is operated by the judges themselves on the basis of successful experiences.

In Portugal, mediation is stipulated by the procedure code, and the trainings are provided by the judges themselves.

3. The elaboration by GEMME of a report for the European Commission in order to update the European Directive 52/2008 on cross-border mediation following the publication by the Commission of a survey questionnaire

The President, joined by the representatives of the Spanish section, said that the participation in the work of the European institutions regarding the Directive is a priority for GEMME. The works related to the online mediation continued under the aegis of the European Council with the participation of Ms Brenneur. After many fruitful discussions on the importance of each of the national sections to mobilize on the directive in 2008, it was decided that the contributions should be sent to Pascual ORTUNO until the 7th of December by email. This one will send the official contribution of GEMME to the European Commission, each contribution of the sections would illustrate the path taken by the different Member States.

4. Preparation of a training module on the role of the judge in mediation in order to offer it to judicial schools and judicial training centres in Europe (even to EJTN and ERA) / proposed by the Spanish section and other prospects taken into consideration by GEMME

To account for the many exchanges that took place on the establishment of a training project, it was decided to centralize the relationships with ERA and EJTN via Beatrice Brenneur who would explore the possibilities of setting up a training module with these partners.

5. The Stage of the partnership with Eurochambres and the Conference in Cyprus and in Dublin

At the end of the talks, it was decided that Paul GILLIGAN would explore the possibility of organizing a conference of Eurochambres in Ireland, with the participation of a larger number of the members of GEMME, provided also that EU funds are still available. Mr. GILLIGAN would contact the representative of the Chamber of Commerce in Ireland for this purpose. The President thanked Mr Gilligan for his valuable support.

6. Information on the new website of GEMME www.gemme.eu and the development of the criteria for the continuous updating made by the national sections

A presentation of the website of GEMME was provided by Mr. François Staechelé in order to allow its members to add content to the website. The Spanish section said they had a webmaster who was willing to work with the site manager of GEMME. All information is systematically made available online in the Spanish section of GEMME and disseminated through social networks. The Board thanked Mr. Staechelé for his efforts for the establishment and development of the website.

7. Miscellaneous

The representatives of the Spanish section indicate that a major symposium on restorative justice will be organized in San Sebastian in partnership with GEMME.

8. Future meetings and other conferences of GEMME

The representative of the Belgian section proposed that one of the next meetings to be held in Brussels. Given the fact that the General Assembly is next, the President said that the next meeting would be held in Paris.

Signature

JAIME CARDONA
President of GEMME