



## MINUTES

Board of Directors, DUBLIN, November 5, 2016

Dublin Dispute Resolution Centre, Distillery Building, Church Street, Dublin 7, Ireland

The GEMME Board of Directors met on Saturday, November 5, 2016 in Dublin (Ireland).

Were present or represented:

Administrators present or represented:

*Maria Lourdes ARASTEY-SAHUN (Spain), Katalin BARACSI (Hungary), Béatrice BRENNEUR (France) represented, Jaime Octavio CARDONA FERREIRA, (Portugal), Nicholas CHAMBERS (UK), René CONSTANT (Belgium), Ugo FERRUTA (Italy) represented, Camilla HÖLZER, (Germany), Sara MENICHETTI (Italy), Avi SCHNEEBALG (Belgium), François STAECHELÉ (France) represented, Michèle WEIL-GUTHMANN (France).*

Representatives of national sections presents or represented:

*Spyros ANTONELOS (Greece), Albertina AVEIRAO PEREIRA (Portugal), Jacques DUPLAT (France), Roland FRITZ (Germany), Paul GILLIGAN (Ireland), LUIS AURELIO GONZÁLEZ (Spain), Eric VAN ENGELEN (Nederland), Monica VELLETTI (Italy), Avi SCHNEEBALG (Belgium).*

Members excused:

*Linda BENRAIS (France), Eric BATISTONI (Belgium), Susanna KLEINDIENST (Austria), Henna LUOMARANTA-TUUKKANEN (Finland), Marcello MARINARI (Italy), Zane PĒTERSONE (Latvia), Pierre SZABO (Hungary), Monika WLODARCZYK (Poland).*

The following members of GEMME sections were also present:

*Daniela BIANCHINI (Italy), Carmela CAVALLO (Italy), Rosemary HOZAR (Ireland).*

Vice-president Maria Lourdes ARASTEY-SAHUN, replacing Béatrice BRENNEUR who could not come, opened the session by thanking the Irish Section of the GEMME for hosting that meeting. It was indicated that if the quorum of GEMME members present or represented was not reached the decisions of the Board would be ratified by electronic means, if need be. *(The quorum necessary for deliberating validly is the majority both of the elected members and representatives of the national sections, being specified that elected members may themselves be represented by another member and that this representation is taken into account in determining whether the quorum has been reached. The representatives of national sections may also be replaced at meetings of the Board of directors by another member of the section in question, who will have the right to participate in the discussion and vote as provided by articles 8 and 9 of INTERNAL REGULATIONS*



*(adopted at the Brussels Board meeting on the 29 th of April, 2009, and modified by the Sofia Board meeting on the 1 st of November, 2012).*

1. Actions of GEMME were described by the members concerned

➤ Visit to Hungary on October 14, 2016:

Maria Lourdes ARASTEY-SAHUN reported her October 14, 2016 visit to the Hungarian national Office of Justice. She was received by Mrs. HANDO. The reception was fairly cold. The problem came from the fact that the Hungarian authorities want to prevent judges from regrouping in associations.

The Chair of the Hungarian section, Marta NAGY had to resign from her functions. She remains however a member of GEMME. The national office of Justice wants nevertheless to maintain links with GEMME through a direct contact (and not through its members), and this raises a problem. In spite of those difficulties, the Hungarian section of GEMME remains active. A colloquium was organized on October 14, 2016, on mediation. The situation of the Hungarian national section should to be carefully monitored.

➤ Conference in Dublin on 4 November 2016

The members of Board thanked Paul GILLIGAN for the excellence of the Conference organized the day before in DUBLIN and which gathered around a hundred people. Paul Gilligan will collect the speakers' papers and send them to GEMME General Secretary François STAECHELE, Nicholas CHAMBERS and Beatrice BRENNEUR so that the interventions can be posted on the website of GEMME, largely disseminated and, if possible, published in a booklet.

➤ Meeting on 30 of June 2016 in Brussels on e-law

Eric VAN ENGELEN represented GEMME within the European Union Council Workgroup on e-Law (e-justice) which met on June 30<sup>th</sup>, 2016. This Workgroup was established within the frame of the e-CODEX project, which aims at facilitating cross-border access to legal means throughout Europe, and more specifically the on-line processing of cross-border legal procedures.

After a general introduction on e-justice by the presiding country, the Netherlands, several presentations were made on subjects such as:

- E-communications in cross-border legal proceedings
- Technical aspects of on-line cross-borders communications
- The Portal of E-justice.

On behalf of GEMME, Eric VAN ENGELEN gave support to the several projects going on and underlined that cross-border mediations could find advantages and useful tools in on-line cross-borders communications ; he added that GEMME was pleased to participate in these developments.

➤ GEMME and ERA Partnership project



The Board of directors of May 28, 2016, has appointed Eric BATTISTONI as Responsible for the “*Etudes et Formation*” Directory (DEF). Within the framework of that mandate, Eric BATTISTONI got in touch with the ERA (Academy of European Law) and developed with them a project of partnership for the implementation of a linguistic training for judges in the Mediation area.

In the absence of Eric BATTISTONI, this project was presented by the Chair.

The implementation of the partnership requires a financing by GEMME of € 3,000. The Chair confirmed that the financial situation at GEMME allows for it.

The project plans a participation in the training program of 20 judges, selected by GEMME. The financial contribution of GEMME will cover all attendance expenses in the trainings, as well as the cost of transport and accommodation of the magistrates selected. No additional contribution will be asked from GEMME or its members. Besides, the ERA will assume alone all the financial and other risks of the project.

The selection procedure of participating judges will be made by a call for applications addressed to the sections. If there are more candidates than seats offered, the executive committee would have to select them in accordance to criteria to be shared with the members of Board.

Eric BATTISTONI's mandate to coordinate the implementation of this project was confirmed at his request until 30.04.2017; the executive committee has been asked to appoint the person who will be in charge of the project's implementation after that date. The name of Mrs. Anne de POORTERE (Belgium) was proposed.

The project also plans that trainers of GEMME could participate in the project. The fees paid to these trainers would be retroceded to GEMME Europe. The Board took note of the request of the Finnish section to have some of its members participate as trainers.

➤ European Call for tenders - partnership with ADR Center of Rome

Marcello MARINARI was contacted by Leonardo d'URSO of the ADR Center for a new European project concerning the elaboration of a Toolbox for Mediation and a guide for European Judges and Courts.

If the ADR Center wins this project, experts from GEMME will be associated to it. The Board approved becoming partner of this project, assuming that no financial contribution would be asked from GEMME or its members. Besides, the ADR Center will assume alone the financial and other risks associated to the project and its management.

Any fees paid to GEMME members will be retroceded to GEMME Europe.

Paul GILLIGAN, appointed by the Board of Directors of May 28th, 2016, as responsible for the Committee in charge of institutions, will be in responsible for this project for GEMME Europe.



➤ State of the opening of national sections

Avi SCHNEEBALG, appointed by the previous board of directors of May 28, 2016, as responsible for the Committee in charge of the creation and the development of national sections, stated progress realized in this domain. Two new sections were recently created in Austria and in Poland. Discussions are in progress with people interested in Slovenia, Croatia, Latvia, and Cyprus. The obligation to pay contributions to GEMME is seen as an obstacle.

It will be necessary to discuss the question of contributions at a future Board of Directors.

## 2. Website

François STAECHÉLE, who is responsible for the Committee in charge of communication, was represented by René CONSTANT. The latter shared the difficulties come across while developing the Website. François STAECHÉLE complains about the lack of investment from national sections. He suggests making on-the-spot trainings to facilitate its use, if his traveling costs are taken care of. Several sections indicated that, in spite of their efforts, they could not use the site which they considered impracticable.

The Board requested the executive committee to deal with these difficulties by developing an action plan as quickly as possible.

François STAECHÉLE also asked that the communications within the members of the Board be made according to the appropriate lists of discussion which he has set up. He will make a reminder on this matter. At his request, François STAECHÉLE was authorized to open a *Facebook* account for GEMME.

## 3. State of finances

This point to the agenda was postponed to the next Board, to be discussed with the question of the amount and payment of contributions.

In this respect, the representative of the Dutch section mentioned difficulties about the payment of the contributions, because it had not received the information necessary for the establishment of an international transfer for the benefit of GEMME. Other new sections asked the Treasurer that he send them receipts of the payments made.

## 4. Next Board meeting (date and place).

The Chair proposes on behalf of Béatrice BRENNEUR that the next board of directors' meeting take place in Paris on May 18, 2017; Eric VAN ENGELÉN, subject to the agreement of Béatrice BRENNEUR, suggests organizing the next board of directors at The Hague on June 10, 2016.

The latter proposal was accepted, subject to Béatrice BRENNEUR's agreement.

## 5. Others



*Nicholas CHAMBERS informed the Board of the Resolution passed by the Executive Committee of GEMME - UK at its meeting on Tuesday, 1 November 2016, following the result of the referendum of 23 June 2016 requesting that the United Kingdom shall retain the like standing in GEMME. The Board gave its support to the British section, indicating that the board will find the appropriate solution when time comes.*

The Chair asks if there are other questions and, if not the case, suggests that the meeting come to its end.

The session ended at 12:45 am.

The Chair,  
Maria Lourdes ARASTEY-SAHUN

For the Secretary General, absent  
Michèle WEIL-GUTHMANN