



Notes of the board meeting of Gemme on Friday 22 March 2019 at the Dutch Council for the Judiciary in The Hague (The Netherlands)

Attendants:

Beatrice Brenneur, Linda Benrais, Audra Ezerske, Monika Wlodarczyk, Isabelle Bieri, Camilla Hölzer, François Staechel , Eric van Engelen, Gert Nilsson Eldrimner, Albertina Pereira, Jaime Cartina Ferreira, Paul Gilligan, Sara Menichetti, Monica Velletti, Lourdes Arastey Sahun, Avi Schneebalg, Thierry Garby, Laura van der Krogt, Christine Momigny.

1. Opening and welcome

The President, Beatrice Brenneur opens the board meeting and gives thanks to those present for attending this meeting in The Hague, The Netherlands. She especially welcomes Audra Ezerske for the Lithuanian section that is new within Gemme. The Portuguese and Swedish delegates arrive during the meeting. They are welcomed by the President upon arrival.

2. Report of the board meeting on 13th October 2018 in Rome

The report of the board meeting in Rome is approved by the attendants.

3. English section post Brexit

At this moment it is still unclear when and how Brexit will take place and what the consequences of Brexit will be.

The question that remains is whether the British section of Gemme can or cannot remain a member of Gemme. All the attendants agree that they want the British section to remain in Gemme.

The British section, headed by Nicolas Chambers (not present at the board meeting), has expressed the wish that Gemme adopts a formal view to keep the British section in Gemme.

There is a discussion on whether it is enough that the British section is a member of Gemme at the moment on which Brexit takes place or whether the statutes need to be amended for the British section to remain in Gemme after the United Kingdom leaves the European Union.

The delegates speak about which approach provides the best solution to this question. One option is to choose the practical approach that a national section remains part of Gemme if it belongs to a country that is a EU member or a former EU member. This would mean that the British section would be able to remain in Gemme without a change to the statutes. In the opinion of some members a change to the statutes is advisable or even necessary. The amendment needs to be made that to be a member of Gemme a country needs to be a member **or a former member of the EU**.

As all the delegates are in favour it is decided that an extraordinary general assembly will need to be organised to amend the statutes. At this assembly at least half the members of Gemme need to be present and the amendment needs to be adopted by at least 2/3 of the attendants to that extraordinary general assembly.

It is also agreed that Dragos from the Rumanian section will look at the statutes more closely to make sure that the other statutes are not in contradiction with the proposed amendment.



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It is also stressed by the Irish attendant that attention needs to be paid to the agenda and that it is important to have the names of all the members of Gemme. The national sections need to forward all these names in advance of the next meeting. This is necessary in order to reach a quorum. **ACCEPTED.**

4. Rapport des sections Nationales de GEMME

All national sections are requested to send their national reports to François Staechele (staechele@gmail.com) in French and in English by e-mail. François will publish these reports on the website of Gemme.

Point of action for all members!

5. Point financier

The profit and loss account for 2018 amounts to 49.141 euros.

The travelling costs for the various board meetings for 2018 amount to 14.800 euros.

The costs of the website for 2018 are 6.698 euros.

The costs of the partnership with ERA concerning the interactive language program amount to 3.000 euros.

The total of the contributions of the members amount to 19020 euros.

6. Projets Européens (Liste des médiateurs)

During the board meeting in Rome Gemme asked Thierry Garby to follow up regarding the European project concerning the European list of mediators and to prepare a document for the next board meeting in The Netherlands on the basis of which Gemme can deliberate on participating in such a project.

This project is aimed at providing for Gemme the possibility to be able to assist the European organisations in the establishment of a list of mediators in all the member states of the European Union.

It is a matter of federating the mediators, without however standardizing the procedures, to make it a visible and recognized profession which will appear on the portal e-justice. But the list of mediators will be managed by the mediators themselves.

The elaboration of the list of mediators will be incorporated into the 2019-2023 action plan.

The European Commission has official European lists of magistrates, lawyers and arbitrators because these are regulated professions with European criteria for recruitment and training. As the profession of mediator is not regulated in all the member states of the European Union, not all the member states of the European Union have lists of mediators. This is what needs to be established.



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To make this project a reality Gemme is in need of financial funds and must therefore find investors within the European community or in the various member states. If these can be found the question remains who will be financially responsible? Gemme?

Experts of the International Mediation Institute (IMI), the French Institute of Certification of Mediators (IFCM) and the Institut du Monde Lusophone have been working on the project for five years already. Unfortunately this work has not been successful because their perspectives on the criteria of selection are very different and the funds needed to pay the experts always arrive too late. Also, the project is very expensive.

For this reason, Thierry does not wish to take over the financing of the project. Thierry also has reservations about the completion of a list of European mediators. A similar project in the United States has failed.

The Dutch delegation discussed this project with the director of the Dutch Mediation Federation (MfN). Establishing a good list of European mediators is achievable. But Eric Van Engelen supports Thierry's arguments concerning the financing of the project: we cannot launch this project until funds are available. Maybe a federation of mediators in one of the EU countries will agree to financially support this project?

The Belgian delegation notes that the only difficulty is the funding to start the project and the essential question to ask is: "are we for or against the project? ". On the website of the European Union a lists of mediators from different European countries can already be found.

The Swiss delegation notes that Gemme should be and remain an advisor on mediation in Europe and should not draw up a list of European mediators. Gemme is a consulting partner who does not have paid staff to work on this project.

The Luxembourg delegation thinks that it is preferable to manage a list of certification institutes that are already in place in the member states of the European Union which is a shorter list and therefore easier to control. Controlling a list with thousands of mediators is not feasible.

The Spanish and Italian delegations want additional information before making any decision.

The Irish delegation notes that we are not very enthusiastic to support the project. Therefore, we need additional information. A meeting must be organized with the European Commission in order to explain what it is that the European Commission really wants. This will allow us to make a decision about the project launch and Gemme's responsibility.

Thierry will provide the informative documents on this project.

The board of directors instructs the Belgian delegate Avi Schneebalg, the Irish delegate Paul Gilligan and Gemme president Béatrice Brenneur to visit the EU Council in Brussels to ask for more information.



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The council thanks Thierry for his work and Thiery thanks the members who sent him the requested information. **ACCEPTED**

European projects (ERA)

The ERA seminars are found to be very instructive. It has however at times been difficult to find enough attendants, mostly due to last minute cancellations from candidates. All Gemme candidates need to be judges.

Monica Velletti informs the attendants to the meeting of her experience as a participant to the Krakow seminar in 2018. Paul Gilligan informs everyone that ERA has made an offer to Gemme for further participation of Gemme members to ERA seminars at a reduced fee. Until now Gemme paid € 3.000,- per participant. ERA has made an offer for participation of 20 judges that are members of Gemme at a price of € 1.000,- per member.

The majority of the participants to the board meeting agrees to accepting the offer of ERA of participation of 20 judges in the ERA seminars at the cost of € 1.000,- per judge.

ACCEPTED

7. Website (www.Gemme-mediation.eu)

François Staechel  informs those present that the website is the only instrument that makes Gemme visible and accessible to the members. Only 72 members out of a total of 450 members have applied for registration. It is crucial that each member also informs Fran ois of his or her country of origin.

Fran ois asks the national sections to communicate to him the names of their members in order to register them to the website.

Fran ois also intends to register the national networks of each national section and means to reaccess the list with the name and website of the members.

The French section remarks that the individual members want to see what they pay their membership fee for.

Point of action for all members: all national sections inform Fran ois of the names and social networks.

8. Future activities

The President informs those present about the seminar on board of a cruise ship on 1 – 8 May 2019 in the Eastern Mediterranean. Various European countries will participate and work on their mediation knowledge and skills.

9. Next board meeting

Those present discuss the venue for the next board meeting. A date is established, i.e. 19 October 2019. Various sections are invited to host the upcoming board meeting.

10. Any other business (AOB)

No other points of importance.