

RULES FOR THE CREATION AND OPERATION OF THE JOINT WORK COMMITTEE INVOLVING THE IBERO-AMERICAN JUDICIAL SUMMIT AND THE EUROPEAN NETWORK OF COUNCILS OF JUSTICE

PREAMBLE

Among the networks that bind together the Latin American and European judicial authorities, the Joint Work Commission arises as an experience aimed at generating communication and dialogue between the highest jurisdictional and governmental institutions of two regions that are bound together by cultural, historical, economic and political bonds.

At present, there are various harmonisation and dialogue forums between Europe and Latin America, but, until now, there was no meeting point for the networks that operate in each region and nothing which joined their judicial powers together. Accordingly, within the framework of increasingly frequent dialogue and interregional cooperation, an instrument is required that allows the creation of a space for encounter between the corresponding institutions to implement the objectives regarding issues that are of interest for judicial powers to strengthen and underline the effectiveness of their fundamental mission.

The Commission is to become an instrument to stimulate knowledge and the exchange of successful experiences and good practices among the judicial powers in question and to promote dialogue with other institutions and organisations in the area of justice.

These rules for the constitution and operation of the commission are conceived as an organised forum for debate and dialogue between networks and their purpose is to provide a reference framework for action, fully compatible with the wishes of each network.

CHAPTER I

Definition, purpose, competencies, composition and members of the Commission

Article 1. Definition, purpose and competencies of the Commission.

The Joint Work Commission between the Ibero-American Judicial Summit and the European Network of Councils of Justice, hereinafter also called "The Commission", represents a space for encounter, dialogue and the constitution of intentions between the structures on which it is based.

The purpose of the Commission is to develop the strengthening of the Judicial Power, develop projects and activities of common interest and facilitate the exchange of experiences and information among its networks.

To achieve its purposes, the Commission may:

- a) promote the exchange of experiences between the Ibero-American Judicial Summit and the European Network of Councils of Justice;
- b) prepare informative documents, e.g. periodical studies on the state of Justice in the countries with institutions belonging to the structures on which it is based;
- c) promote plenary meetings with representatives of the courts and councils of the networks that make up the Commission, together with conferences, seminars, workgroup meetings and other events considered appropriate to the proposed purposes;
- d) produce documents, such as manuals of good conduct and practical guides;
- e) create an Internet website for publicising the Commission's work and documents;
- f) promote initiatives aimed at improving channels of communication with other institutions, especially those that correspond to the Department of Justice;
- g) appoint delegates to take part in events, meetings, conferences and other activities;
- h) carry out whatsoever other activity aimed at achieving its purposes.

Article 2. Members of the Commission. The Commission shall comprise representatives appointed by the judicial councils of the countries that form part of any of the following organisations:

- Ibero-American Judicial Summit;
- European Network of Councils of Justice;

The future incorporation of members of any network of interest for the Commission's purposes shall require the unanimous decision of all the founding organisations.

Article 3. Members of the Commission. The Commission shall comprise a total of seven members, corresponding to institutions from different countries and accredited by the said countries, five of which shall come from member countries of the Ibero-American Judicial Summit and two from member countries of the European Network of Judicial Councils.

The countries that belong to more than one of these bodies may occupy only one seat on the Commission.

Article 4. Term of office of the members of the Commission. The members of the Commission shall be appointed by their respective organisations and accredited by their institutions of origin for a term of three years, with the possibility of re-appointment.

After the term of office of a member ends, the said member shall remain in his post until a new appointment is made.

Article 5. Obligations of the members of the Commission. Communications system. After being notified of their appointment, the members of the Commission shall notify the Executive

Secretary's Office of the Commission of their respective postal and electronic addresses, as well as their contact telephone number, as soon as possible.

The members of the Commission shall be responsible for maintaining the above information up to date and shall notify the Executive Secretary's Office of any relevant change.

CHAPTER II

Operating system of the Commission

Article 6. Quorum. The Commission shall be quorate to discuss and adopt agreements when a minimum of four of its members are present.

Article 7. Meetings. The Executive Secretary shall take the minutes of each meeting, which shall contain the most relevant aspects of the discussion, as well as a detailed list of the agreements adopted and their content.

Article 8. Ordinary meeting. The Commission shall meet at least once a year in order to adopt the annual activity report, the Executive Secretary's work and the work programme scheduled for the following period.

Article 9. Extraordinary meetings. The Commission may meet extraordinarily as often as it considers necessary after it has been called by the Chairman.

Accordingly, any member of the Commission may notify the Executive Secretary of the reasons for requesting a call to an extraordinary meeting. The latter shall notify the Chairman as soon as possible.

Should the number of members requesting the meeting be greater than or equal to four, the Chairman shall call the meeting.

Art. 10. Decisions. The Commission's decisions shall be adopted by the agreement of all the members in attendance.

CHAPTER III

Bodies of the Commission

Article 11. Bodies that make up the Commission. The commission shall comprise the following:

- a) Plenary meeting;
- b) Chairman;
- c) Executive Secretary;
- d) Executive Secretary's Office.

Article 12. Plenary meeting. The plenary meeting of the Commission comprises the meeting of the members.

The Plenary Meeting may be attended as observers by individuals and institutions that may contribute to the development of the Commission's objectives.

Article 13. Functions of the plenary meeting. The plenary meeting shall be responsible for the following:

- a) Adopting the declaration that constitutes the first Commission;
- b) Adopting the Internal Regulations;
- c) Adopting agreements in accordance with the corresponding rules;
- d) Designating and appointing the Chairman;
- e) Designating the Executive Secretary;
- f) Designating the institution responsible for the Executive Secretary's Office;
- g) Adopting the minutes drawn up by the Executive Secretary;
- h) Adopting the activities plan;
- i) Adopting the annual activity report;
- j) Adopting the expenses and budget in the event of equity;
- k) Adopting the Executive Secretary's work;
- l) Accrediting individuals or organisations of interest for the Commission's purposes as permanent or temporary observers.

Article 14. Chairman of the Commission. The Chairman of the Commission shall be elected by the plenary meeting for a renewable term of three years. The first meeting shall be chaired by the oldest member, who shall also substitute the Chairman in the case of temporary impediment or absence.

In the case of absence or illness of the Chairman he shall be replaced by the person designated by the Commission.

Article 15. Chairman of the commission. The Chairman shall be responsible for the following:

- a) Representing the interests of the Commission;
- b) Chairing the Plenary Meeting;
- c) Calling the meetings of the Commission;
- d) Ensuring that the Commission has the financial resources required to fulfil its purposes.

Article 16. Executive Secretary of the commission. The Executive Secretary shall be elected by the Commission during its first constituent meeting for a renewable term of three years.

Article 17. Executive Secretary of the Commission. The Executive Secretary is responsible for the following:

- a) Managing the activity of the Executive Secretary's Office;
- b) Receiving the accreditations of the substitute members in accordance with the provisions laid down in article 6;
- c) Drawing up and signing the minutes of the Commission;
- d) Implementing the decisions adopted by the Commission whose execution has not been entrusted to another body or individual;
- e) Obtaining the resources necessary for the activities and following the instructions given by the Commission itself, where applicable;
- f) Drawing up an annual report of the Commission's activities and the action plan for the following year, which shall be submitted for adoption by the Plenary Meeting.

Article 18. Executive Secretary's office. The Executive Secretary's office shall be responsible for providing the Commission with administrative support.

Article 19. Designation of the Executive Secretary's Office. The institution responsible for the Executive Secretary's office shall be designated by the Commission during its first meeting of constitution.

The designation shall be for a renewable term of three years.

Article 20. Functions of the Executive Secretary's Office. The Executive Secretary's Office shall be responsible for the following:

- a) Safeguarding all the Commission's documentation;
- b) Keeping a record of the Commission's decisions and reports;
- c) Processing and recording the relevant information for the Commission's activity;
- d) Managing and accounting for the resources allocated to the Commission;
- e) Drawing up, managing and implementing the Commission's website;

f) Receiving and carrying out the corresponding communications; carrying out the other functions attributed by the Plenary Meeting of the Commission or its Chairman within the framework of their respective competencies.

In the case of absence or illness of the Executive Secretary, he shall be replaced at the meeting by the person designated by the Executive Secretary's Office or, secondarily, by the youngest member of the Commission.

Article 21. Management of the Executive Secretary's Office. The Executive Secretary's Office shall be managed by the Executive Secretary under the Chairman's supervision.

CHAPTER IV

Procedures of the Commission

Article 22. Ordinary meeting. The Commission's procedures shall be preferably in writing and recorded by the Executive Secretary's Office.

Article 23. Urgent procedure. Under urgent circumstances, the use of telephone or telematic media may be used for the adoption of agreements, where the Executive Secretary shall accredit the different declarations of intent.

The initiative for applying the urgent procedure shall correspond to the Chairman.

CHAPTER V

Personality, Domicile and Resources

Article 24. Personality. The Commission shall have no legal personality. The Executive Secretary's Office shall proceed under the personality of the institution to which the office corresponds.

Article 25. Domicile. For the fulfilment of its purposes, the Commission shall use the domicile of the Executive Secretary's Office.

Article 26. Resources. For the fulfilment of the Commission's purposes, it may be assigned resources, which shall be administrated by the Executive Secretary's Office.

CHAPTER VI

Term and modification

Article 27. Validity. These rules shall come into effect as from the day on which they are adopted in the constituent session of the Commission.

Article 28. Assessment of the rules of operation. These rules shall be assessed by the Commission after a technical report issued by the Executive Secretary in order to analyse their suitability and, where applicable, propose the corresponding modifications.

CHAPTER VII

Transitory rules

Whatever modification to these rules shall require the Commission to adopt a project that shall be submitted to ratification by the bodies of decision of the networks that make up the Commission.

The Commission may begin working from the moment when the projects of two of the founding networks are associated. In this context, the Commission shall comprise seven members.