

CONSTITUTION OF THE EUROPEAN CRIMINAL BAR ASSOCIATION

NAME

1. The name of the association is the European Criminal Bar Association (abbreviated to ECBA).

STATUS

2. The association is a non-governmental organisation of defence lawyers.

OBJECTS

3. The objects of the association are to represent the views of defence lawyers practising in the member states of the Council of Europe, and to promote the administration of justice and human rights under the rule of law within the member states of the Council of Europe and among the peoples of the world.

ORGANS

4. The association shall have as organs, the General Assembly, the Board, comprised of the Executive Committee and Advisory Board, and subsidiary organs as may be found necessary in accordance with the constitution.

5. The association shall have individual, organisational, associate and honorary members.

5.1 Individual membership shall be open to all those lawyers eligible to represent persons charged with offences before the domestic criminal courts of member states of the Council of Europe, who practise criminal law.

5.2 The Executive Committee shall have the power to admit as organisational members, national organisations or associations, who represent those eligible for membership and whose objects are consistent with those of the association. Organisational members are entitled to nominate a delegate as their member to act on their behalf.

5.3 The Executive Committee shall have the power to admit as associate members, lawyers or non lawyers, who have an interest in the criminal bar and the administration of justice. 5.4 The Board shall have the power to nominate and the General Assembly shall have the power to appoint as honorary members persons, who have served the association well.

5.5 Honorary members may attend meetings of the Board but are not entitled to vote at those meetings.

THE BOARD, EXECUTIVE COMMITTEE AND ADVISORY BOARD

6. The governing body of the association shall be the Board, comprised of an Executive Committee of seven (7) persons, being one Chairperson, four (4) Vice Chairpersons, a Treasurer and a Secretary and an Advisory Board of no more than twenty (20) persons.

6.1 Only individual members of the association are eligible to be elected to the Executive Committee or Advisory Board.

6.2 Members of the Executive Committee and members of the Advisory Board shall be elected by the General Assembly to serve (in the case of the Executive Committee, in a specific office, and in the case of the Advisory Board, on that board) for a period of no longer than three years and may submit themselves for election at the end of each term.

6.2A No person can serve as Chairperson of the association for more than three consecutive terms.

6.3 Every candidate for election shall submit to the Secretary a notice of his/her willingness to stand for election and in which capacity at least 21 days before the meeting of the General Assembly.

6.4 Elections for the Executive Committee and/or Advisory Board shall be by those present at a meeting of the General Assembly notified under article 7.8, notwithstanding that the candidates need not be present.

6.5 If an officer or a member of the Executive Committee or Advisory Board resigns or is in any way discharged from serving a full term, the remaining Executive Committee at its discretion may elect from amongst its officers or members a replacement in office if that is needed and either co-opt another person to the Executive Committee or Advisory Board or hold an election to fill the vacant position.

6.6 No more than two persons may be co-opted to the Executive Committee or the Advisory Board and any such replacement shall only serve the remaining period of the former member.

6.7 The Board shall organise its business and meetings as it sees fit. Meetings may take place collectively, or by any form of telecommunication link. The Executive Committee may organise its business and meetings independently of the Advisory Board. The Advisory Board may only organise its business with the Executive Committee and meet together with the Executive Committee.

6.8 Decisions taken at meetings of the Executive Committee (or the Executive Committee together with the Advisory Board) shall be by a majority vote of those attending and eligible to vote. In the event of a tie, the vote of the Chair shall determine any issue. Members of the Executive or Advisory Board unable to attend a meeting may vote by any form of telecommunication.

6.8A From time to time it may be necessary for the Executive Committee (or in the absolute discretion of the Chairperson, the Board) to make urgent decisions on matters which arise between scheduled meetings of the Executive Committee (or the Board). In such urgent cases, sufficient information to enable the Executive Committee (or the Board) to make a decision must be circulated by email to all Executive Committee (or Board) Members. The email must specify a time and date by which votes must be cast by email, giving at least 48 hours' notice. The decision shall be by a majority of those voting, subject to a minimum quorum of 50%. In the event of a tie, the motion will not be passed.

6.9 The first Executive Committee shall be elected by those present at the foundation meeting.

POWERS AND DUTIES

7. The Executive Committee and Advisory Committee and their members shall function as described in this article.

7.1. The Executive Committee shall run the association in a manner consistent with its objects and the constitution and supervise and control the affairs of the association generally.

7.2. The Executive Committee shall consider applications for membership of the association or promote the appointment of honorary members by the General Assembly.

7.3. The Executive Committee shall expel any member whose conduct has been dishonourable and whose continued membership of the association would be detrimental.

7.4. The Executive Committee shall recommend an annual budget to the annual meeting of the General Assembly.

7.5. The Executive Committee shall determine the level of subscriptions to be charged for individual, organisational and associate membership.

7.6. The Executive Committee shall organise conferences, events and meetings of the association as they deem appropriate.

7.6A Subject to approval of the General Assembly, the Executive Committee may create sub-associations of the Association. In creating such sub-associations, in order to ensure a strong connection between the association and sub-association, the Executive Committee may require that not more than two serving members of the Executive Committee or Advisory Board shall hold positions on the board of the sub-association. The creation of any sub-associations and the requirement for common board membership of the sub-association shall be recorded by amendment to this constitution.

7.6B The association has as a sub-association the European Fraud and Compliance Lawyers (abbreviated to EFCL). The Chairperson and Treasurer of the association for the time being shall also hold the positions of Vice Chairpersons of the EFCL.

7.7. The Chairperson shall provide each year for the annual meeting of the General Assembly a report on the affairs of the association and shall represent the association or delegate any other person to represent it in affairs consistent with the constitution.

7.8. The Secretary shall organise the affairs of the Executive Committee and Advisory Board. The Secretary shall organise and provide sufficient notice (both by publishing the relevant information on the website of the association: www.ecba.org and by email to the members) to the membership of any meetings of the General Assembly, elections, votes under articles 6.4, 8.1 or 9, conferences and other relevant events.

7.9. The Treasurer shall run the finances of the association in a manner consistent with its aims and objects and for its benefit generally. The Treasurer shall hold a bank account under the name of the association, in respect of which the Treasurer shall be a signatory. The Treasurer shall arrange an independent audit of finances of the association each year and shall present an account of the finances and expenses at the annual meeting to the General Assembly.

7.10 The Advisory Board shall advise and assist the Executive Committee in the fulfilment of its duties.

7.11 The association shall indemnify members of the Executive Committee who enter into contractual commitments on behalf of the association which are consistent with the aims and objects and for the benefit generally of the association, including but not limited to arrangements for the organisation of conferences.

7.12 The Executive Committee and its officers may be assisted in the exercise of their duties by and may delegate to a secretariat, where appropriate.

GENERAL ASSEMBLY

8. The general control of the association shall vest in the General Assembly consisting of the whole membership of the association.

8.1. The General Assembly shall, except for article 9, only take decisions by a majority vote of the members present at a meeting that has sufficiently been notified under article 7.8.

8.2. All individual and honorary members have a single vote at the General Assembly; an organisational member's vote is made by a delegate on their behalf, to be nominated by the organisational member to the Executive Committee in writing not less than 7 days in advance of the General Assembly.

8.3. Any note at a meeting of the General Assembly upon a resolution may, at the Executive Committee's

discretion, be resubmitted to the whole membership of the association for further decision within 28 days of the note having been taken, before formal adoption.

8.4. An annual general meeting of the General Assembly shall take place every calendar year.

AMENDMENTS OF THE CONSTITUTION

9. The constitution of the association may be amended by a vote of a bare majority at a meeting that has sufficiently been notified under article 7.8 or by a ballot of all members.

FOUNDATION MEETING

10. The foundation meeting of the association took place on 31 January 1998 in London whereupon this constitution was adopted by those present and who signed hereto, having been elected as the first Executive Committee:

Chairman Rock Tansey QC

Vice Chairmen Professor Michail Wladimiroff

Professor Dr Franz Salditt

Secretary Richard Furlong

Treasurer Steven Kay QC

Member Ilias Anagnostopoulos

John Orr QC

Dean Spielman

DISTRIBUTION OF ASSETS IN THE EVENT OF DISSOLUTION

11. In the event that the members of the Board eligible to vote conclude that the association should be dissolved, then after payment of any existing liabilities of the association (including for the avoidance of doubt those properly entered into by members of the Board on behalf of the association) any surplus will be distributed to an organisation with similar objects to the association, decided by the Board. .

RESOLUTIONS PASSED AT A.G.M., ON 3 MAY 2003, IN DUBLIN

1. Invite Rock Tansey QC to become the Association's first Honorary Chairman and invite Franz Salditt and Michail Wladimiroff to be Honorary Members, in recognition of their founding the Association and work done for the Association.

2. Pursuant to the agreement reached at the last meeting of members in Brussels on 1 February 2003, bring about the following changes to the organisation and running of the Association:

(a) In addition to the Executive Committee there should be an Advisory Committee;

(b) the Executive Committee should comprise the Chairman, the two Vice-chairmen, the Secretary and Treasurer; this committee being the executive/ operational committee of representatives of the Association; and

(c) the Advisory Committee should comprise seven (8) members; this committee being a committee intended to meet with the Executive Committee (i.e. not separately) and advise and assist the Executive Committee.

The Constitution of the Association should be amended in the attached form to give effect to these changes.

3. Candidates who have notified their willingness to stand for election to the 'Executive Committee' (as constituted prior to the passing of Motion (2) above) shall, if elected, become members of the Advisory

Committee. Only those members who have notified their willingness to stand for election for the posts of Chairman, Vice-Chairmen, Secretary and Treasurer shall become members of the Executive Committee (as constituted after to the passing of Motion (2) above).