



Strasbourg, 12 December 2014

CEPEJ/GENERAL (2014) 20

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

Revised rules of procedure

Document prepared by DGI – Legal affairs

The European Commission for the efficiency of justice (hereinafter referred to as “the CEPEJ”),

Having regard to Resolution Res(2002)12 establishing the European Commission for the efficiency of justice (CEPEJ), adopted by the Committee of Ministers on 18 September 2002 at the 808th meeting of the Ministers’ Deputies,

Having regard to the Statute of the CEPEJ,

Pursuant to paragraph 1 of Article 7 of the Statute of the CEPEJ and without prejudice of Resolution (76)3 on Committee structure, terms of reference and working methods, adopted by the Committee of Ministers on 18 February 1976, at the 254th meeting of the Ministers’ Deputies;

Adopts the following Rules of Procedure:

TITLE I
ORGANISATION OF THE CEPEJ

Rule 1

Composition of the CEPEJ

Each member State shall appoint its delegation under Article 5 of the Statute of the CEPEJ. It is invited to appoint in particular a member and a substitute member, notwithstanding that the travel and subsistence expenses of only one expert are covered by the budget of the Council of Europe”;

Rule 2

Election of the President and Vice-President

1. The CEPEJ shall elect its President and Vice-President from among the experts appointed by the member State entitled to vote (hereinafter referred to as “the experts”). The member State having appointed the expert who is elected President shall be entitled to appoint an additional expert at the expense of the Council of Europe as part of its delegation to the CEPEJ.
2. The President and Vice-President shall be elected for two years. They may be re-elected once.
3. Elections shall be held by secret ballot and by a majority of the votes cast.

Rule 3

Composition and functions of the Bureau

1. The Bureau shall be composed of the President, the Vice-President and up to 2 experts. The experts members of the Bureau shall be elected for two years. They may be re-elected once.
2. Elections shall be held by secret ballot and by a majority of the votes cast.
3. The Bureau shall carry out the following functions:

- make proposals as regards the issues referred to in Article 3 of the Statute of the CEPEJ, having in mind in particular the Guiding Principles contained in the Statute of the CEPEJ;
- make proposals, where appropriate, to the CEPEJ on (i) country assistance activities, (ii) on the specialists who may be called upon to carry out a country assistance activity in accordance with Rule 7 below and (iii) on the modalities in which a country assistance activity will be carried out;
- make proposals to the CEPEJ concerning the appointment of consultants;
- co-ordinate the work of the working parties;
- prepare the draft order of business for the meetings of the CEPEJ;
- decide whether or not any proposal for amendment to the present Rules in accordance with Rule 12 below shall be submitted to the CEPEJ;
- prepare the preliminary draft annual activity report;
- prepare for the attention of the CEPEJ the draft annual activity report;
- carry out any other function assigned to it by the CEPEJ.

Rule 4

Documents

1. The Secretariat shall be responsible for the preparation and circulation of all the documents to be considered by the CEPEJ. The documents will, as a general rule and subject to delays due to unforeseeable circumstances, be forwarded to the Heads of delegation and to the other representatives referred to in Article 5, paragraph 3, and Article 6 of the Statute of the CEPEJ and/or posted on the CEPEJ web site, at least two weeks before the opening of the meeting.

2. All documents produced by the CEPEJ, or for the CEPEJ consideration, shall be made public by all appropriate means, particularly by using the CEPEJ web site, unless otherwise decided by the CEPEJ and bearing in mind Committee of Ministers Resolution Res(2001)6 on access to Council of Europe documents.

Rule 5

Quorum

There shall be a quorum if a majority of the delegations are present.

Rule 6

Working parties

Whenever working parties are set up, they comprise a maximum of six persons appointed by the CEPEJ and whose travel and subsistence expenses are covered by the Council of Europe.

Rule 7

Specialists

1. Each delegation shall provide the Secretariat, on request, with information concerning specialists in the subject-matters covered by the CEPEJ.

2. The specialists referred to in this Rule may be called upon in particular to carry out the country assistance activities referred to in Article 2.d of the Statute of the CEPEJ.

TITLE II

COUNTRY ASSISTANCE ACTIVITIES

Rule 8

General provision

1. The Rules contained in the present title aim at further elaborating Article 2.d of the Statute of the CEPEJ.
2. The country assistance activities may be carried out at the request of one or more member States and are based on the principle of mutual assistance on a voluntary basis. Such activities shall be instrumental to reach the aims of the CEPEJ, as enshrined in Article 1 of its Statute and be subject to the available budgetary resources.
3. The CEPEJ will determine, at the request of the country/ies concerned, the number of country assistance activities to be carried out in the financial year, including their extent and length, bearing in mind the annual budget of the CEPEJ.

Rule 9

Teams of specialists

1. The Bureau shall make proposals to the CEPEJ concerning the composition of the teams of specialists (hereafter referred to as the “team”).
2. Unless otherwise determined by the CEPEJ, the team shall be composed of three specialists, assisted by a member of the Secretariat.
3. Before the CEPEJ approves the Bureau’s proposals, the names of the specialists shall be submitted to the country undergoing the activity in order for it to express its views. In the case of disagreement judged by the CEPEJ to be justified, the Bureau shall submit alternative proposals.

Rule 10

Country visits

1. Where the CEPEJ considers it necessary and with the agreement of the country concerned, country visits may be carried out for the purpose of seeking additional information concerning the law and practice of this country, which is useful for the activity.
2. On the basis of a draft programme submitted by the country undergoing the activity to the Secretariat, the team will agree to the programme proposed for the visit as soon as possible. The dates of the visit shall be determined by the Secretariat in consultation with the host-country and shall correspond to the programme of visits adopted by the Bureau.
3. Before starting the country visit, a preparatory meeting shall take place in order to allow a preliminary exchange of views between the team and the Secretariat.
4. There shall be a final on-site meeting with the authorities of the host country in order to discuss all outstanding issues related to the activity.

5. The country visit shall end with a concluding meeting between the team and the Secretariat to develop a common result of the activity. The points made shall be summarised at the end by the Secretariat, who will produce a preliminary draft Report.
6. The CEPEJ or its Bureau will determine on a case-by-case basis the procedure to be followed for the finalisation of the Report.

TITLE III ANNUAL GENERAL REPORT OF THE CEPEJ

Rule 11 Annual report

1. In accordance with Article 7, paragraph 6 of the Statute, the Secretariat shall submit every year a preliminary draft annual activity report to the Bureau of the CEPEJ. After examination by the Bureau, the report shall be adopted at the first meeting of the CEPEJ in a given calendar year and cover the whole of the preceding calendar year. The report shall then be transmitted to the Committee of Ministers. If invited by the Committee of Ministers, the President of the CEPEJ will present this report to the Committee of Ministers during an oral hearing. Subsequently, the report shall also be transmitted to the Parliamentary Assembly.
2. The report shall contain *inter alia* information on the organisation and internal working methods of the CEPEJ, as well as the texts which have been adopted within the period concerned.

TITLE IV FINAL CLAUSES

Rule 12 Amendments

1. Any member State may at any time propose an amendment to these Rules. A proposal to that effect shall be submitted in writing to the Bureau. It shall be for the Bureau to decide whether or not this proposal is submitted to the CEPEJ.
2. If the Bureau decides not to submit the proposal to the CEPEJ, it shall inform the CEPEJ accordingly and the proposal shall be included on the agenda only if it receives the support of one fourth of the members of the CEPEJ at any given moment.
3. The CEPEJ may adopt the amendment suggested by a two-third majority of the votes cast.

Rule 13 Entry into force of the Rules

The present Rules shall enter into force on 12 December 2014.