



**JUDGES'
ASSOCIATION
OF SERBIA**

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**STATUTE
OF THE
JUDGES' ASSOCIATION OF SERBIA**

Belgrade, 19th February 2011

CONTENT

PART I: MAIN PROVISIONS	4
<i>Sphere of Activity.....</i>	4
<i>Association Objectives.....</i>	4
<i>Association Activities</i>	4
<i>Name and Headquarters.....</i>	5
<i>Seal of the Association</i>	5
<i>Logo of the Association</i>	5
<i>Day of Judges.....</i>	5
<i>Transparency</i>	6
<i>Acquisition and Disposal of Resources for Achieving Objectives.....</i>	6
<i>Other Association Activities.....</i>	6
PART II: MEMBERSHIP	6
<i>Membership Eligibility, Admission Procedure and Termination of Membership</i>	6
<i>Membership Fee and Card.....</i>	7
<i>Termination of Membership.....</i>	7
<i>Expulsion from Membership</i>	7
<i>Decision on Expulsion from Membership.....</i>	7
<i>Rights of Members</i>	8
<i>Obligations of Members.....</i>	8
PART III: ORGANISATIONAL STRUCTURE	8
<i>Territorial and Functional Principles</i>	8
<i>Department.....</i>	9
<i>Establishment of Departments</i>	9
<i>Work of Departments.....</i>	9
<i>Department Activities and Funding.....</i>	9
<i>Association Sections.....</i>	10
<i>Department and Section Reports.....</i>	10
PART IV: ASSOCIATION BODIES.....	10
ASSEMBLY.....	10
<i>Composition of the Assembly</i>	10
<i>Remit of the Assembly</i>	11
<i>Assembly Sessions and Convening of Sessions</i>	11
<i>Regular Assembly Sessions.....</i>	11
<i>Extraordinary Assembly Sessions.....</i>	12
<i>Work of the Assembly</i>	12
<i>Management of Assembly Work.....</i>	12
<i>Election of Bodies Elected by the Assembly.....</i>	12

ASSOCIATION PRESIDENT	13
MANAGEMENT BOARD	13
<i>Composition of the Management Board</i>	13
<i>Election of Management Board Members</i>	13
<i>Term of Office of the Management Board Members</i>	14
<i>Termination of Membership in the Management Board Prior to the Expiry of the Term of Office</i>	14
<i>Management Board Sessions</i>	14
<i>Management Board Decisions</i>	15
<i>Remit of the Management Board</i>	15
<i>Management Board Presidency</i>	16
SUPERVISORY BOARD	16
<i>Composition of the Supervisory Board</i>	16
<i>Work of the Supervisory Board</i>	17
<i>Remit of the Supervisory Board</i>	17
<i>Provision of Information</i>	17
ETHICAL ISSUES COUNCIL	17
<i>Remit and Work of the Council</i>	17
<i>Appointment to and Composition of the Council</i>	18
<i>Term of Office</i>	18
<i>Initiation of the Procedure</i>	18
<i>Council Enactments</i>	18
PART V: TERMINATION OF THE ASSOCIATION.....	19
<i>Termination of the Association</i>	19
<i>Disposal of Association Property in the Event of its Termination</i>	19
PART VI: RELATIONSHIP BETWEEN THE STATUTE AND OTHER GENERAL ENACTMENTS.....	19
<i>Subsidiary Application of the Law on Associations</i>	19
<i>Compliance of the General Enactments of the Association with the Statute</i>	19
<i>Interpretation of the Statute</i>	19
PART VII: TRANSITIONAL AND FINAL PROVISIONS	20
<i>Initial Association Bodies</i>	20
<i>Special Provision on Membership</i>	20
<i>Entry into Force</i>	20

Pursuant to Articles 78 and 12 of the Law on Associations (Official Gazette of the Republic of Serbia No. 51/09), at its convention on 19 February 2011, the Assembly of Judges' Association of Serbia adopted the new

STATUTE OF THE JUDGES' ASSOCIATION OF SERBIA

PART I: MAIN PROVISIONS

Sphere of Activity

Article 1.

The Judges Association of Serbia (hereinafter: Association) is a voluntary, professional, non-governmental and non-profit association, established for an indefinite period of time with the aim of achieving objectives related to the rule of law.

Association Objectives

Article 2.

The Association shall have the following objectives:

- Building of a legal state and rule of law,
- Affirmation of law as a profession and a science,
- Establishment of the independent and autonomous status of the judges and the judiciary,
- Protection of the dignity and improvement of the reputation of judges and the judicial profession,
- Improvement of the financial status of judges,
- Improvement of regulations governing the organisation and work of the judiciary,
- Professional development of judges.

Association Activities

Article 3.

The Association shall achieve its objectives by performing the following activities:

- Promotion of the respect of the Constitution and the law,
- Promotion of an appropriate social and financial status of judges,
- Launch of initiatives for the adoption or amendments of the Constitution, laws, other regulations and general enactments, particularly regulations on the judiciary,
- Promotion of the appropriate involvement of judges in the drafting of the Constitution and laws, particularly those regarding the judiciary,
- Encouragement of cooperation among the Association members,

- Encouragement of cooperation between the Association, law colleges, institutions and other national and foreign associations,
- Organisation of professional seminars, conferences, lectures and other forms of professional development,
- Publication of professional and scientific publications and cooperation with other publishers issuing publications of interest to the judiciary,
- Conferral of acknowledgements and appropriate awards to individuals for their work on improving the legal system and exceptional professional accomplishments,
- Other activities by which the Association objectives can be achieved.

Name and Headquarters

Article 4.

The name of the Association in Serbian is: Društvo sudija Srbije.

The name of the Association in English is: Judges' Association of Serbia.

The Association shall be headquartered in Belgrade.

The Association shall conduct its activities on the territory of the Republic of Serbia.

The Association shall establish contacts and cooperate with other associations and organisations in the country and abroad.

Seal of the Association

Article 5.

The Association shall have a seal.

The Association seal shall be round, 30 mm in diameter, bordered by two parallel circles, a thicker and a thinner one, 1 mm apart, and within them the words: *Друштво судија Србије* in Serbian and in parallel the words *Judges' Association of Serbia*, and the words *Београд* in Serbian and *Belgrade* in English written one underneath the other in the centre of the seal, with a star under each of them.

Logo of the Association

Article 6.

The Association shall have a logo of the following design: a dynamic triangle, the three vertices of which reflect thought, word and action, the ways in which the Association realises its societal function. Notwithstanding the clear objectives, values and mission of the Association, its tolerance is emphasised by the rounded triangle sides, with two sides simultaneously visually open and clearly emphasised, reflecting the openness of membership to all judges and the designation of the Association as a professional association.

Day of Judges

Article 7.

The Association shall mark the day the Association was founded, 7 April, as the Day of Judges of the Republic of Serbia.

Transparency

Article 8.

The work of the Association shall be transparent.

The transparency of the work of the Association shall be ensured and achieved by the prompt and full communication of information to the members at the sessions of the Association bodies, via post, the Association website, publications, press releases, press conferences or in another appropriate manner.

The Association Management Board and the Association President shall ensure that the members and public are regularly informed about the work and activities of the Association.

Sessions of the Association bodies shall be open to Association members.

Annual reports on the Association activities and its financial reports shall be submitted to the members at the session of the Association Assembly.

Acquisition and Disposal of Resources for Achieving Objectives

Article 9.

The Association shall obtain resources from membership fees, voluntary contributions and donations, financial subsidies, conferences, seminars, courses and by other lawful means.

The funding of the Association may not infringe on the autonomy, independence or reputation of judges.

Other Association Activities

Article 10.

For the purpose of achieving its objectives, the Association shall also perform publishing activities: 58.11 – publication of books.

The Association may begin this activity upon entry in the Business Register.

Profit obtained from the performance of the activity referred to in paragraph 1 of this Article may be exclusively used for the achievement of the Association objectives, including coverage of its regular work-related expenses and its share in the funding of specific projects.

PART II: MEMBERSHIP

Membership Eligibility, Admission Procedure and Termination of Membership

Article 11.

A judge or a retired judge not engaged in another occupation may be a member of the Association.

A person shall become a member of the Association by personally signing a statement on membership in the Association and submitting it to the Association office.

Membership Card and Fee

Article 12.

The Association shall issue a membership card, the design and content of which shall be determined by the Association Management Board.

The Association shall keep records of its members.

The Association members shall pay membership fees to the Association.

The membership fee and mode of payment shall be determined by the Association Management Board.

Termination of Membership

Article 13.

Membership in the Association shall terminate by submission of a written statement on cancellation of membership, by expulsion from membership or by death.

A judge whose office has been terminated shall cease to be a member of the Association:

- Upon the expiry of the deadline for appealing against the termination of judicial office with the Constitutional Court in the event the judge did not submit an appeal,
- When the Constitutional Court renders a decision rejecting the appeal against the termination of judicial office unless the judge filed an application with the European Court of Human Rights in Strasbourg,
- When the European Court of Human Rights renders a decision rejecting the application of the judge,
- When the judge finds other employment.

The membership of a retired judge shall terminate when s/he finds other employment.

Expulsion from Membership

Article 14.

An Association member may be expelled from membership in the event he grossly breached the Statute.

The following shall constitute a gross breach of the Statute:

- Damage to the reputation of the Association,
- Action in contravention of the Association objectives,
- Unjustified absence from the meetings of the Association bodies and departments,
- Non-payment of the membership fee more than six months after the expiry of the payment deadline.

Decision on Expulsion from Membership

Article 15.

The decision to expel a member from the Association shall be taken by the Management Board.

A complaint against the decision on expulsion from membership may be filed with the Association Assembly within fifteen days from the day of receipt of the decision.

The Association Assembly shall review the complaint and reach a final decision on the expulsion of the member from the Association at the session immediately following the Management Board decision on expulsion.

All membership rights of the Association member shall be suspended pending the decision on his/her complaint.

Rights of Members

Article 16.

An Association member shall have the following rights:

- To elect and be elected to Association bodies,
- To participate in the Association activities on an equal footing with other members,
- To be promptly and fully informed about the activities of the Association and its bodies and on the material and financial operations of the Association,
- To remark on and make proposals regarding the Association activities and the work of its bodies,
- To launch a procedure for protection from the violation of his/her dignity and reputation of a judge during the performance of his/her judicial duties and receive a response from the competent Association body.

Obligations of Members

Article 17.

An Association member shall be obliged to:

- Abide by the Statute and Standards of Judicial Ethics,
- Pursue the achievement of Association objectives,
- Participate in the Association activities,
- Cooperate with the other Association members for the purpose of achieving the Association objectives,
- Regularly pay the membership fee,
- Perform other duties designated to him/her by the Association bodies.

PART III: ORGANISATIONAL STRUCTURE

Territorial and Functional Principles

Article 18.

The Association shall be organised in departments according to the territorial principle and in sections according to the functional principle.

Department

Article 19.

A department shall be organised for the territory of a higher court for more than 20 members as a rule.

A department shall not be a legal person.

A department may have a sub-account subject to the consent of the Management Board.

Members of a department shall comprise Association members working in courts with general or special jurisdiction and headquartered in the catchment area of the department.

The Association members shall realise their rights and obligations in Articles 16 and 17 of the Statute within their departments.

Association members, who are not members of any department, and Association members, who are retired judges, shall join the department of their choice and notify the Association office thereof in writing.

Establishment of Departments

Article 20.

A decision to establish a department shall be taken by the Association Management Board.

Work of Departments

Article 21.

The work of a department shall be managed by the head of department appointed by the department members from among their ranks.

A department may adopt its Rules of Procedure.

Department decisions are taken by a majority of votes of the members present at the department session.

Invitations to sessions shall be communicated to each department member personally.

Minutes shall be taken at every department session and copies of the minutes shall be forwarded to the Association President and the Management Board Chairperson.

The Association President shall call and chair meetings of all department heads every trimester.

Department Activities and Funding

Article 22.

A department shall review issues of interest to the Association as a whole and issues of particular interest to that department.

Pursuant to the Statute, a department may organise various forms of professional development and issue professional publications subject to the consent of the Management Board.

A department is entitled to an adequate share of revenues from membership fees of its members, which shall be set by the Management Board.

The Management Board may allocate additional funds to specific departments as well.

Association Sections

Article 23.

The Association shall establish sections focusing on a specific branch or field of law, depending on the needs and interests of the Association members.

Department and Section Reports

Article 24.

Departments and sections shall submit annual reports on their work to the Management Board.

PART IV: ASSOCIATION BODIES

Article 25.

The Association bodies shall have the following bodies:

- Association Assembly (hereinafter: Assembly)
- Association President (hereinafter: Chairperson)
- Association Management Board (hereinafter: Management Board)
- Association Supervisory Board (hereinafter: Supervisory Board)
- Ethical Issues Council (hereinafter: Council)

The Management Board may establish its own working bodies.

ASSEMBLY

Composition of the Assembly

Article 26.

The Assembly shall be the supreme body of the Association and it shall comprise all Association members.

Other persons may be invited to attend an Assembly session and take part in its work but they shall not have the right to vote.

Remit of the Assembly

Article 27.

The Assembly shall:

- Adopt the Assembly Statute and any amendments thereto;
- Elect and dismiss the Association President and Deputy President, the members of the Management Board, except in situations referred to in Article 38(5) of the Statute, and the members of the Supervisory Board;
- Decide on association in alliances and other associations in the country and abroad;
- Review and adopt the annual financial reports and reports on the work of Association bodies in accordance with the Statute;
- Decide on any changes in the status of the Association and the termination of its work;
- Adopt Standards of Judicial Ethics and any amendments thereto;
- Rule on complaints by Association members against Management Board decisions on their expulsion from membership;
- Decide on the conferral of acknowledgements and awards;
- Review and take positions on issues related to Association activities and notify the Association members and relevant authorities and organisations thereof;
- Perform other duties in accordance with the Statute.

Assembly Sessions and Convening of Sessions

Article 28.

The Assembly shall hold regular and extraordinary sessions.

All members shall be notified of the Assembly sessions via the Association website.

An Assembly session shall be convened by the Association President in the manner and within the deadlines laid down in the Statute.

In the event the Association President does not convene an Assembly session within the prescribed deadline, the Association Deputy President shall convene the session without delay and, if s/he fails to do so, the Assembly session shall be convened by the Management Board.

Regular Assembly Sessions

Article 29.

A regular Assembly session shall be held at least once a year.

The Association President shall convene the Assembly session at least 30 days in advance.

This deadline may be shorter in exceptional circumstances.

The decision on the convening of the Assembly session shall include the time and venue of the session and the draft agenda.

Extraordinary Assembly Sessions

Article 30.

An extraordinary Assembly session shall be convened by the Association President at his/her own initiative or at the request of an Association body, a department or 5% of the Association members.

The request to convene and the decision on the convening of an extraordinary Assembly session must be in writing and reasoned and include the draft agenda.

The Association President is obligated to call the extraordinary Assembly session within a maximum of 30 days from the day s/he received the request.

The extraordinary Assembly session shall review only the issues for which it was convened and in accordance with the proposed agenda.

Work of the Assembly

Article 31.

The Assembly may work and take decisions provided that at least 20% of the members are present.

Decisions shall be taken by the majority votes of the members present, except in instances laid down in the Statute.

A decision on any change in the status of the Association or its termination shall be taken by a two-thirds majority vote of members present.

In the event the required number of members is not present at the Assembly session, a new session shall be convened within 30 days.

Management of Assembly Work

Article 32.

The work of the Assembly shall be managed by the Association President or the Deputy President in his/her absence.

Election of Bodies Elected by the Assembly

Article 33.

Candidates for seats in the Management and Supervisory Boards, who win the greatest number of votes, shall be elected members of the Management and Supervisory Boards.

Candidates for the posts of Association President and Deputy President, who win most of the votes of all members present, shall be elected Association President and Deputy President. In the event more than one candidate applies for the post of Association President or Deputy President, and neither wins the required number of votes, the Assembly shall vote on the two candidates, who had won the most votes, and the candidate, who won the most votes in the repeat vote, shall be elected.

If two or more candidates win the same number of votes, the Assembly shall again vote on the candidates, who won the most votes, and the one who wins more votes shall be elected.

The Assembly vote on the members of the Association bodies shall be secret.

ASSOCIATION PRESIDENT

Article 34.

The Association President shall act on behalf of and represent the Association and take action on behalf of and in the name of the Association.

The Association President shall provide for the achievement of the Association objectives and submit proposals and initiatives to the Association bodies, be entitled to participate in all the sessions of all Association bodies, shall grant consent to Management Board decisions required under the Statute and perform other duties defined by the Statute.

The Association President is authorised to require a discussion of specific issues within the remit of the Management Board, in which cases the Management Board Chairperson shall be obligated to schedule a session of the Management Board.

The Association President shall have a Deputy who shall replace him/her when s/he is absent.

The Association President and Deputy President shall be elected by the Association Assembly upon nomination by the Management Board, an Association department or at least 50 Association members.

The Association President and Deputy President shall be elected to a four-year term of office and may be re-elected once.

The Association President and Deputy President shall be dismissed in a procedure identical to the one by which they are elected.

MANAGEMENT BOARD

Composition of the Management Board

Article 35.

The Management Board shall be the body managing the Association.

Every department is entitled to have one representative in the Management Board per every 100 members.

The Management Board may decide to increase the number of its members by one member, whom it shall appoint itself.

The Management Board members shall appoint the Management Board Chairperson and his/her Deputy from among their ranks.

The Management Board members shall account for their work to the Assembly.

Election of Management Board Members

Article 36.

Each department shall submit to the Association President the list of its candidates for the Management Board and their comprehensive CVs before the Assembly session.

Half of the Management Board members shall be elected at the half of the term of office of the other half of the Management Board members.

Term of Office of the Management Board Members

Article 37.

A Management Board member shall be appointed to a four-year term of office.

The term of office of a Management Board member may terminate:

- for reasons laid down in Article 8 of the Statute,
- at his/her own request, and
- pursuant to a Management Board decision due to his/her unjustified absences from the Management Board sessions.

Termination of Membership in the Management Board Prior to the Expiry of the Term of Office

Article 38.

The Management Board shall take a decision on the termination of the term of office of a Management Board member in the event s/he failed to attend three sessions and to justify his/her absences.

The Management Board shall take a decision on whether the absence of a member at the previous Management Board session was justified. The head of the department which the member represents shall be notified of every unjustified absence of the member.

The Management Board shall without delay communicate its decision referred to in paragraph 1 of this Article to the member concerned and the department s/he represents.

In the event the term of office of a Management Board member is terminated prior to its expiry, the department the member represented is obligated to name another member who will take part in the work of the Management Board and notify the Management Board thereof within 15 days.

In the event the Department fails to act in the manner laid down in the previous paragraph, the Management Board shall itself name a member of the department to participate in the work of the Management Board.

The department member referred to in paragraphs 4 and 5 of this Article shall take part in the work of the Management Board until the next Assembly session, at which the new representative of the department in the Management Board shall be elected.

Management Board Sessions

Article 39.

The Management Board sessions shall be convened by the Chairperson of the Management Board.

The Management Board shall hold regular and extraordinary sessions.

The Management Board shall hold regular sessions every two months.

Extraordinary sessions shall be convened by the Management Board Chairperson at his/her own initiative, at the initiative of the Association President, of at least 1/3 of the Management Board members, of an Association department, or at the initiative of the members or other Association bodies.

The Management Board may work and take valid decisions if more than one half of its members are present at the session.

Minutes shall be taken at every Management Board session and copies of the minutes shall be forwarded to the Association President and Deputy President, Management Board members and department heads.

Management Board Decisions

Article 40.

Management Board decisions shall be taken by a majority of votes of the Management Board members present.

Exceptionally, the Management Board shall take a decision proposing an amendment to the Statute, on the expulsion of a member from the Association due to a gross breach of the Statute and shall adopt its Rules of Procedure by a two-thirds majority vote of Management Board members present.

Remit of the Management Board

Article 41.

The Management Board shall:

- Manage the work of the Association and pursue the achievement of its objectives,
- Propose the adoption or amendment of the Statute and other Assembly enactments to the Assembly subject to the consent of the Association President,
- Submit reports on its work to the Assembly,
- Take decisions on the disposal of Association property,
- Determine the membership fee, its use and mode of payment,
- Enforce Assembly decisions,
- Take decisions on the organisation of departments, sections and working bodies,
- Organise the performance of Association activities,
- Set the remuneration of persons entitled to remuneration for their work,
- Decide on the participation of Association representatives in the work of other organisations, bodies or legal persons,
- Review and rule on petitions by Association members for the protection of their dignity and reputation of a judge during the performance of his/her judicial duties,
- Rule on gross breaches of the Statute laid down in Article 14 of the Statute,
- Decide on the organisation of professional conferences, seminars, panel discussions, lectures and other professional activities,
- Notify the Association members and public of the Association activities and positions,
- Decide on who will represent the Association at gatherings in the country and abroad,
- Adopt its Rules of Procedure,
- Perform activities of interest to the realisation of Association objectives,

- Appoint and propose the dismissal of the Ethical Issues Council and Management Board members as provided for by Article 37(5) of the Statute,
- Decide on the change of the Association headquarters,
- Decide on launching a procedure for the compensation of damages referred to in Article 25(2) of the Law on Associations and, if necessary, name a special representative of the association in the procedure.

Management Board Presidency

Article 42.

The Management Board shall elect its Presidency, which shall comprise the Chairperson, Deputy Chairperson and five Management Board members.

Between two Management Board sessions, the Presidency shall ensure the implementation of the Management Board decisions and take decisions within the remit of the Management Board and laid down in Article 40 of the Statute, with the exception of decisions regarding:

- The proposal to the Assembly of the adoption or amendment of the Statute and other enactments adopted by the Assembly,
- The submission of financial reports and proposal of financial plans,
- The disposal of Association property,
- The amount of the membership fee, its use and mode of payment,
- The setting of the remuneration of persons entitled to remuneration for their work,
- The establishment of Management Board working bodies,
- The participation of Association representatives in the work of other organisations, bodies or legal persons,
- A gross breach of the Statute,
- The appointment and dismissal of Ethical Issues Council members.

The Presidency shall submit to the Management Board reports on its work between two Management Board sessions.

SUPERVISORY BOARD

Composition of the Supervisory Board

Article 43.

The Supervisory Board shall comprise three members and their three deputies, who shall be elected to four-year terms of office by the Assembly.

The Supervisory Board members shall elect the Chairperson and Deputy Chairperson of the Supervisory Board from among their ranks.

Members of the Management Board and Ethical Issues Council may not be members of the Supervisory Board.

Work of the Supervisory Board

Article 44.

The Chairperson of the Supervisory Board shall convene the Supervisory Board sessions when necessary, at the request of other Supervisory Board members or at the request of the Management Board Chairperson.

The Supervisory Board sessions shall be held at least twice a year.

The Supervisory Board may work if its session is attended by all its members and shall take decisions by a majority of votes.

The Supervisory Board members shall account for their work to the Assembly.

Remit of the Supervisory Board

Article 45.

The Supervisory Board shall be the body controlling the work of the Association.

The Supervisory Board shall:

- Review and supervise the financial and material operations of the Association,
- Monitor whether the regulations, Statute and other Association enactments are properly applied,
- Promptly notify the Management Board and Association President of the results of its reviews and supervision,
- Submit reports on its work to the Assembly.

Provision of Information

Article 46.

At the request of the Supervisory Board, the Association bodies shall provide it with all the necessary data, information and documentation it needs to accomplish its tasks.

ETHICAL ISSUES COUNCIL

Remit and Work of the Council

Article 47.

The Ethical Issues Council of the Judges' Association of Serbia (hereinafter: Council) shall render opinions on whether the conduct of a judge is in compliance with the Standards of Judicial Ethics.

A Council opinion shall be rendered by a two-thirds majority of its members.

Appointment to and Composition of the Council

Article 48.

The Council shall comprise seven members appointed and dismissed by the Management Board.

A judge with at least six years of judicial service may be appointed member of the Council.

Care shall be taken to appoint to the Councils judges working in courts of different jurisdictions.

Members of the Association Management and Supervisory Boards, court presidents and members of bodies deciding on the status of judges in any way may not be appointed to the Council.

Term of Office

Article 49.

A Council member shall be appointed to a four-year term of office.

A Council member may be re-appointed.

The term of office of a Council member shall terminate by expiry, resignation, death or dismissal.

Initiation of the Procedure

Article 50.

Anyone may ask the Council for its opinion.

A Council may itself initiate the review of a specific issue.

A petition for an opinion must be submitted in writing and reasoned, except in extraordinary, urgent circumstances.

Council Enactments

Article 51.

A Council may: render an opinion, act in another appropriate manner and submit to the Management Board a proposal to amend the Standards of Judicial Ethics.

A Council shall render an opinion within 30 days and communicate it in writing to the petitioner within the following 30 days.

If the Council is of the view that the rendered opinion is of general relevance, it shall propose its incorporation in the Standards of Judicial Ethics principles.

The Council opinions shall be made public.

The Council shall not render an opinion on a petition irrelevant to the interpretation of the Standards of Judicial Ethics unless a judge sought its opinion.

PART V: TERMINATION OF THE ASSOCIATION

Termination of the Association

Article 52.

The Association shall terminate its work pursuant to an Assembly decision, when the conditions for the realisation of the Association objectives cease to exist and in other instances laid down in the law.

Disposal of Association Property in the Event of its Termination

Article 53.

In the event of termination, the property of the Association shall be transferred to a national non profit legal person established to realise the same or similar objectives i.e. the Assembly shall in its decision on the termination of the Association specify whom the property shall be transferred to in accordance with the Law.

PART VI: RELATIONSHIP BETWEEN THE STATUTE AND OTHER GENERAL ENACTMENTS

Subsidiary Application of the Law on Associations

Article 54.

The provisions of the Law on Association shall directly apply to all issues not regulated by the Statute.

Compliance of the General Enactments of the Association with the Statute

Article 55.

The Statute shall be the fundamental enactment of the Association and all other Association enactments must be in compliance with the Statute provisions.

The Association President, Management Board, a department or 10% of the Association members may initiate the amendment of the Statute.

The amendments to the Statute shall be drafted together by the Management Board and the Association President and forwarded to the departments for discussion.

The Management Board shall review the objections and suggestions and finalise the draft Statute amendments without delay.

The voting on the Statute amendments shall be conducted in the manner laid down in the Statute.

Interpretation of the Statute

Article 56.

Interpretations of the Statute provisions shall be provided by the Assembly.

PART VII: TRANSITIONAL AND FINAL PROVISIONS

Initial Association Bodies

Article 57.

The Management Board and Supervisory Board referred to in this Statute shall be elected by the next regular Association Assembly session at the latest.

The incumbent Association bodies -- the Management Board and Supervisory Board -- shall continue operating until the election of the bodies pursuant to paragraph 1 of this Article.

The election of the Association President and his/her Deputy shall be conducted at the Assembly session, immediately upon the adoption of this Statute. Every Association member may submit a nomination for the post of Association President or Deputy Chairperson. The nomination must incorporate the biographical data and the data regarding the professional activities of the nominee.

Special Provision on Membership

Article 58.

Pursuant to the Statute, a non-reappointed judge, who had been a member of the Association until 31 December 2009, shall also be a member of the Association.

The membership of the member referred to in paragraph 1 of this Article shall terminate upon the expiry of the deadline for the submission of an appeal to the Constitutional Court in the event s/he had not filed an appeal, when the Constitutional Court renders a decision rejecting the appeal against the termination of judicial office unless the judge filed an application with the European Court of Human Rights in Strasbourg, when the European Court of Human Rights renders a decision rejecting the application of the judge, or when the judge finds other employment.

The judge referred to in paragraph 1 of this Article, who has found other employment, is entitled to participate in all Association activities pending a Constitutional Court decision rejecting his/her appeal against the decision on the termination of his/her judicial office.

Entry into Force

Article 59

The Statute shall come into force upon adoption.