

# AGREEMENT FOR THE ESTABLISHMENT AND STATUTE OF THE EUROPEAN PUBLIC LAW ORGANIZATION

The Parties to this Agreement,

Recognizing the importance of public law *lato sensu*, and the need to further promote its scientific, research, educational, training, institution building and other dimensions for a better generation of lawyers and democratic institutions worldwide, and the promotion of European values through public law throughout the world;

Believing that it is now desirable that a European Public Law Organization (EPLO) be established as an international organization with suitable governance, full international legal personality and status;

Noting the wish of the signatory parties to promote and support the activities of the European Public Law Organization outside of any political considerations;

Noting the willingness of the Hellenic Republic to accept that the headquarters of the European Public Law Organization be established in Greece, once the European Public Law Organization has acquired international status;

Have agreed as follows:

## PART I. ESTABLISHMENT AND STATUS

### Article I. The Organization

1. The European Public Law Organization is hereby established as an international organization, hereinafter referred to as the "Organization" or "EPLO".
2. EPLO shall possess full international legal personality and enjoy such capacities as may be necessary for the exercise of its functions and the fulfillment of its purposes.
3. Political considerations shall not influence the Organization in its activities, management and staffing.
4. The Organization shall operate in accordance with this Agreement.

### Article II. Purposes and activities

1. The purpose of the Organization is the creation and dissemination of knowledge in the area of public law *lato sensu*, including *inter alia* national, comparative and European public law, human rights law, environmental law, etc., and the promotion of European values through public law throughout the world. To this effect, the Organization shall organize and support scientific, research, educational, training, teaching, institution building and other activities and provide assistance for democratic institutions in Europe and worldwide.

2. In order to accomplish its purposes, the Organization may engage in all kinds of activities, as it will be detailed in its Rules and as its organs might further develop, and will promote the cooperation with other institutions and organizations and bodies, in particular organizations in the United Nations system.

### Article III. Headquarters

1. The headquarters of the Organization shall be in Athens, Greece.

2. The Organization may establish offices and branches in other locations or countries as required to support its programs and activities.

### Article IV. Powers

To further pursue its purposes and activities, the Organization shall have the full powers of any organization with international legal personality and *inter alia* the following powers:

1. To acquire and dispose of real and personal property;

2. To enter into contracts and other types of agreements;

3. To employ persons;

4. To institute and defend in legal proceedings;

5. To invest the moneys and properties of the Organization;

6. To conclude agreements with States and other international organizations; and

7. To take other lawful action necessary to accomplish the purposes of the Organization, as established in this Agreement and developed in detail in its Rules.

### Article V. Rights, Privileges and Immunities

1. The EPLO, its Officials and the staff shall enjoy within the territories of Member States the privileges and immunities defined in the "Convention on Privileges and Immunities of the United Nations", adopted by the General Assembly of the United Nations on 13 February 1946,

as they are necessary for the independent exercise of their functions in accordance with the principles and objectives of this Agreement.

2. The EPLO shall enjoy, in the territory of each Member State, for its official communication, treatment not less favorable than that accorded by that State to the diplomatic missions of any other State. No censorship shall be applied to the official correspondence, and other official communications of the EPLO. No censorship shall be applied to publications, still and moving pictures, films and sound recordings of the EPLO.

3. Furthermore, the Organization, its Officials and the staff shall enjoy in the country of the headquarters such rights, privileges and immunities as are required for the fulfillment of their functions. These privileges and immunities shall be included in a headquarters agreement to be concluded with the Government of the Hellenic Republic. Other countries may grant comparable rights, privileges and immunities in support of the Organization's activities in such countries.

#### Article VI. Co-operative relationships

1. The Organization will engage in co-operative relationships with other institutions and programs, including universities, research centers, ministries, local authorities, parliaments, Law Courts, etc. and promote institutional co-operation. This cooperation will be detailed in its Rules.

2. The Organization may accept personnel on a loan or secondment basis from the participating in the Agreement parties and elsewhere.

## PART II. ORGANIZATION

#### Article VII. The organs

The organization of the EPLO shall consist of the General Assembly (hereinafter referred to as the "Assembly"), the Board of Directors (hereinafter referred to as "the Board"), the Executive Committee, the European Scientific Council, the Director and staff.

#### Article VIII. The Assembly

1. Each Party to this Agreement shall appoint one representative to act as a member of the Assembly. Each Party with the exception provided for in Article XXI para. 2, shall hold one full vote in the Assembly.

2. The Assembly shall hold regular sessions every two years to review the activities of the Organization, as well as the composition of the Board and the Executive Committee. On the occasion of its regular meetings, the Assembly shall approve the Organization's general policy

and budget, and take note of the audited financial statements submitted by the Board of Directors.

3. Extraordinary sessions may be convened at the invitation of the Board of Directors or upon the initiative of one third of the Assembly's members with full vote.

4. Any action of the Assembly, which would require a vote of the Members of the Assembly in person, shall be equally valid if taken pursuant to written consent of such Members in lieu of a meeting.

5. When the quorum of the majority of the members with full vote is obtained, decisions of the Assembly shall be taken by majority vote among the parties with full vote present in the deliberations, unless otherwise provided for in this Agreement or the Rules.

#### Article IX. The Board of Directors

1. The Board of Directors will be composed of the Director acting as President, the members of the Executive Committee and representatives of the participating countries, international organizations, or other institutions or programs with which the EPLO establishes co-operative relationships. The EPLO will also invite an Official/staff member of the European Commission to sit in the Board. Representatives of institutions or programs with which the EPLO establishes cooperative relationships, as well as members to this Agreement with no full vote in the Assembly, shall sit on the Board with a consultative vote, except in cases of activities in which they actively participate. Deviations from this rule may be detailed in the Rules of the Organization. The detailed composition of the Board of Directors, the voting rights of each member and the procedures to be followed will be detailed in the Rules of the Organization.

2. The Board members will be appointed after entry into force of this Agreement and thereafter whenever needed, following consultations with every represented party, institution etc., by act of the Director. Once appointed, the Board members shall serve in their personal capacities and shall not be bound by directives from their governments or organizations.

3. The Board shall meet at least once a year to carry out its functions, consisting of approving the general policy of the EPLO and the budget, and taking note of the audited financial statements;

4. When the quorum of the majority of the members with full vote is obtained, decisions of the Board shall be taken by a majority vote among the members with full vote present in the deliberations, unless otherwise provided for in this Agreement or the Rules.

5. The Board shall issue the Rules for the detailed objectives and governance of the Organization in accordance with and complimentary to this Agreement.

#### Article X. The Executive Committee

1. The Executive Committee shall consist of four individuals selected on the basis of their professional accomplishments in the scientific fields of the Organization and established in the country of the headquarters, plus the Director acting as President.
2. The Executive Committee members will be appointed after entry into force of this Agreement and thereafter whenever needed, in principle among the members of the European Scientific Council, by act of the Director.
3. The Executive Committee will discuss and approve acts of daily management of the Organization, which the Rules will not entrust to the Director alone.
4. When the quorum of the majority of the members is obtained, decisions of the Executive Committee shall be taken by majority vote among the members present in the deliberations, unless otherwise provided for in this Agreement or the Rules.

#### Article XI. The European Scientific Council

1. The European Scientific Council (ESC) will be a consultative body to the Board of Directors.
2. The ESC is in quorum independently from the number of its members present in the deliberations.
3. The ESC elects among its members a President for periods of three years, renewable.

#### Article XII. The Director

1. The Organization shall operate under the direction of a Director, appointed by the Board on the advice of the ESC, following a special procedure provided for in the Rules. The Director shall be selected on the basis of his/her professional accomplishments in the scientific fields of the Organization and his/her managerial capacities. H/she must be established in the country of the headquarters.
2. The Director shall be responsible for operating and managing the Organization in accordance with this Agreement, the Rules and other policies decided by the competent organs.

#### Article XIII. The Staff

1. The Director shall appoint such Professional and General Services staff as may be required to carry out the purposes of the Organization.
2. The staff of the EPLO shall perform their duties as international civil servants with due regard to the principles and objectives of the Organization. Their conduct shall always conform to the principles of integrity and impartiality required for their work.

3. In the performance of their duties the staff shall not seek or receive instructions from any government or from any authority external to the EPLO. They shall refrain from any action, which might reflect on their position as international civil servants responsible only to the Organization.

4. The Board will approve a Compensation and Benefit Plan for the personnel of the EPLO. It will also approve an integrated grievance system.

### PART III. FINANCIAL PROVISIONS

#### Article XIV. Finance

1. The Organization shall obtain its financial resources through all legal means, including inter alia contributions; voluntary contributions and donations; course and seminar tuition; execution of projects; training workshop and technical assistance fees; publication revenue; all kind of services revenue; interest income from trusts, endowments and bank accounts; etc.

2. The Parties to this Agreement will not be responsible, individually or collectively, for any debts, liabilities or obligations of the Organization.

#### Article XV. External Auditor

The operations of the Organization will be subject to a full financial audit conducted annually by independent accountants. The results of such audits shall be made available to the Board and the Assembly.

### PART IV. FINAL PROVISIONS

#### Article XVI. Signature, Ratification, Acceptance, Approval and Accession

1. This Agreement shall be open for signature by states and international organizations.

2. The Agreement shall be subject to ratification, acceptance or approval.

3. No reservations may be made to this Agreement.

4. Any states or international organizations, which have not signed the present Agreement, may subsequently accede.

5. The Government of the Hellenic Republic shall act as Depositary to this Agreement.

#### Article XVII. Entry into Force

This Agreement shall enter into force upon receipt by the Depositary of notifications by three parties to this Agreement that the formalities required by the national legislation of such parties with respect to this Agreement have been accomplished.

#### Article XVIII. Amendments

1. This Agreement may be amended by the Assembly by a four-fifths majority vote of all of its members with a full vote, provided that notice of such amendment, together with its full text, shall have been sent to all members of the Assembly at least four weeks in advance of the time established for a vote on the proposed amendment.

2. Any such amendments shall enter into force as soon as they are decided upon.

#### Article XIX. Dissolution

1. The Organization may be dissolved if all members of the Assembly with a full vote unanimously determine that the Organization is no longer required or that it will no longer be able to function effectively.

2. In case of dissolution, any assets of the Organization, which remain after payment of its legal obligations, will be distributed to institutions having purposes similar to those of the Organization as decided by the Assembly in consultation with the Board.

#### Article XX. Termination

Any party may terminate its accession to this Agreement and withdraw its membership from the Assembly by formally notifying the Depositary. Termination shall become effective on the date specified in the notification. As far as the various obligations of the withdrawing party are concerned, such termination shall take effect at the end of the financial year in which it is notified.

#### Article XXI. Transition and miscellaneous rules

1. Upon entry into force of this Agreement, the Organization will automatically absorb the European Public Law Center (EPLC) established in 1995 under the law of the Hellenic Republic as a Greek institution of international character, and will automatically acquire its rights, obligations, concessions, property, interests, etc.

2. The Parties to this Agreement will be required to accept the commitment to provide support to the Organization according to their participation agreement. Parties not accepting in their participation agreement the commitment to provide support to the Organization may be parties in this Agreement with only a consultative-only vote in the General Assembly, until

they decide otherwise. Participation agreements already established by states or international organizations with the predecessor EPLC, unless reviewed, will continue to operate under this Agreement. Those states and international organizations will continue to be represented in the Board of Directors of the new institution for the reasonable period of time needed to become members of the EPLO under the rules of this Agreement.

3. Institutional relationships of any kind with parties other than states or international organizations represented in the Board of Directors of the EPLC at the time of the entry in force of this Agreement, unless reviewed, will be transformed into co-operative relationships of this instrument.

4. The emblem and flag of the predecessor EPLC will continue to be the emblem and flag of the EPLO. They may change by decision of the Board of Directors.

5. Activities engaged in by the Executive Committee and the Board of Directors of the predecessor EPLC will be covered by the present Agreement, until the formation of the new Executive Committee and Board of Directors respectively.

6. The Director of the predecessor EPLC will continue to function in the framework of this Agreement as the Director of the EPLO under the existing and same working conditions. The European Scientific Council (ESC), the President of the ESC and the staff of the predecessor EPLC, will continue to function as the ESC, the President of the ESC and staff in the framework of this Agreement.

7. Wherever the appointment of a Representative is provided for in the various organs of the EPLO, the appointment also of an Alternate is at the discretion of the proposing party.

8. As the European Group of Public Law embodied in the European Scientific Council has played an important and decisive role in the development of the EPLC as determined in its constitutive Act of Parliament, the various organs of the EPLO will continue to be in principle selected among the members of the European Scientific Council.

8. The Organization will be accepted by the Hellenic Republic as eligible for any programs, projects, works, etc. offered to Greek state-owned organizations, to nonprofit organizations, to non-governmental organizations, or to public purpose organizations.

IN WITNESS THEREOF, the undersigned being duly authorized thereto, have signed this Agreement.

Done in Athens, this 27th day of October 2004

For the Government of the Republic of Cyprus

[signature]



For the Government of Estonia

[signature]

For the Government of the Republic of Italy

[signature]

For the Government of the Republic of Moldova

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For the Government of Serbia and Montenegro

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