

## **ECPMF's Legal Support Programme Legal Affairs Committee**

### **Rules of Procedure**

#### **1. Background and Responsibilities**

- 1.1. The Legal Affairs Committee (hereafter LAC) is entrusted by the supervisory and executive boards of the European Centre for Press and Media Freedom, SCE, Limited liability in accordance with Article 13 of the ECPMF Statute.
- 1.2. The principal role of LAC is to offer non-binding advice and guidance on any requests for legal support referred by the ECPMF office.<sup>1</sup> Such advice and guidance should refer to the legal support criteria outlined in that process and be informed by the personal knowledge, expertise, and experience of members of LAC.
- 1.3. The final decision on whether to support any particular application lies within the full and sole discretion of the ECPMF office. Accordingly, the ECPMF office can choose how to implement any advice, decisions or guidance made or given by LAC, and is not bound to follow them.
- 1.4. LAC shall follow any rules and procedures that have been adopted by the executive board, including those relating to their role, membership, and responsibilities.
- 1.5. These Rules of Procedure shall be made available to each member of LAC by email. Each member shall be required to confirm, in writing by email to [legal@ecpmf.eu](mailto:legal@ecpmf.eu), that they have read them before they may consider any legal support applications/requests.
- 1.6. When asked to consider an application/request for legal support, as outlined in paragraph 1.2 above, LAC's non-binding advice should explicitly address: (i) whether ECPMF office should support the case based on ECPMF's mandate and criteria for support; and (ii) how any such support may best be delivered. Members of LAC may also provide advice and guidance on resources and contacts that could assist the applicants, and opinions on legal strategy that could help their case. LAC may also provide guidance to the ECPMF office on further due diligence or information gathering that could be carried out in relation to the application to aid the decision-making process on whether the application should be supported by ECPMF office.

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<sup>1</sup> The ECPMF office refers to employees managing the legal support program such as the legal advisor, the legal assistant and other employees involved in coordinating and providing legal support.

## **2. Membership of LAC**

- 2.1. Membership of LAC shall be offered to individuals and membership appointments shall be made solely at the discretion of, and by invitation from, the ECPMF. Members will be approached on the basis that they have demonstrated knowledge and/or experience working with law and/or policy pertaining to media freedom and freedom of expression in Europe.
- 2.2. LAC members shall serve for a mandate of two years. Having served two years, members automatically step down from LAC. They can serve for another mandate of two years.
- 2.3. LAC shall consist of three to five members. There must be a minimum of three appointed members at any time.
- 2.4. Members of LAC shall step down where their failure to discharge the roles and responsibilities of membership has resulted in a violation of the ECPMF Statute or has amounted to serious mismanagement.
- 2.5. The ECPMF will give full and fair consideration to requests by members to step down from LAC and shall take steps to ensure membership does not fall below the quorum set out in paragraph 2.3 above when a member has indicated they have to step down. When a member steps down they should make best efforts to source and recommend a suitable replacement for the member, which can then be considered by the ECPMF office in accordance with paragraph 2.1 above.

## **3. Chairing**

- 3.1. LAC shall be chaired by the LAC chair or, in their absence, the vice chair.
- 3.2. The chair and vice chair shall be proposed and elected by the members of the LAC through simple majority vote or general agreement. They will serve for a mandate of two years as chair/vice chair. In case they are elected to serve for a second mandate, they can serve for another two years as chair and vice chair.
- 3.3. LAC resolutions shall be carried out by the LAC chair or, in their absence, the vice chair in cooperation with the ECPMF office.

## **4. Secretary**

- 4.1. A secretary, who is not necessarily a member of LAC, might be made available by ECPMF office to help support and facilitate the activities of the committee and its chair and vice chair. Alternatively, the ECPMF office might take the role of the secretary.

- 4.2. The secretary shall ensure that meetings are effectively organised and administered; and shall maintain accurate records.
- 4.3. ECPMF office shall propose a member of its own staff as secretary. That shall be approved by a majority of LAC members.
- 4.4. The secretary is accountable to LAC for the work conducted for the committee.
- 4.5. The secretary is responsible for ensuring that accurate minutes of meetings are taken and approved.
- 4.6. The secretary ensures that the records of the meetings are maintained in electronic and hard copy and made available when required by LAC members or other authorised persons.

## **5. Meetings**

### **5.1. Annual meeting**

- 5.1.1. A formal meeting of all the members of LAC shall take place at least once a year to review the membership, organisation and running of the committee and the effectiveness of its role under these Rules of Procedure. Meetings can take place at the registered office of the ECPMF, can be convened online, or in any convenient place.
- 5.1.2. The agenda shall be prepared by the secretary at the direction of and in consultation with the chair.
- 5.1.3. The chair or the secretary shall communicate the agenda to the members of LAC at least eight days before the meeting.
- 5.1.4. Prior to the meeting, the chair or the secretary shall ensure the distribution of the minutes of the previous meeting to LAC members.
- 5.1.5. The secretary shall also take minutes of the meeting, and record a separate list of all decisions taken.

### **5.2. Discussion of requests for legal support referred to LAC by the ECPMF office.**

- 5.2.1. Requests for legal support will only be referred to LAC after ECPMF office has carried out due diligence and ascertained the validity and veracity of the request.

- 5.2.2. Discussions about requests for legal support referred by the ECPMF office shall take place as and when necessary. Such discussions can take place online, via email, phone or in person.
- 5.2.3. As far as possible, such discussions shall involve all members of LAC, but where that is not possible, a majority of members of LAC shall be sufficient. In an exceptional case, where time is of the essence, the chair in isolation shall be able to provide advice and guidance. If the chair is doing so, they will have to present a motivation and full report to LAC as soon as possible after advice and guidance has been given, so LAC can discuss and approve this decision.
- 5.2.4. Following any discussions under this clause that have not taken place in writing/over email, one member of LAC will give a summary of the advice and guidance to the ECPMF office, with a copy to the secretary and other members of the committee.
- 5.2.5. As far as possible, LAC will endeavour to reach a collectively agreed view on their advice and guidance within 20 days of receiving a request. When a member of LAC disagrees, this will be noted.

## **6. Remuneration**

- 6.1. Members of LAC may not receive any remuneration for the work conducted as a member of LAC.
- 6.2. Members of LAC may be engaged and compensated appropriately to conduct work that contributes to fulfilling the ECPMF office mission and objectives.
- 6.3. Reasonable expenses including travel and accommodation to attend meetings shall be reimbursed within 30 days of the expenses being incurred.

## **7. Confidentiality**

- 7.1. In order to ensure open discussion at its meetings and over correspondence, the members of LAC shall keep confidential any and all information shared with them in the context of performing and discharging their functions and responsibilities as members of LAC, including by third parties.
- 7.2. The obligations flowing from paragraph 7.1 above shall not apply if legal processes require disclosure of such information or if agreed by LAC and the ECPMF office.
- 7.3. Members of LAC must maintain confidentiality also after resignation or expiration of their mandate.

## **8. Dealing with Media**

8.1. The chair and the vice chair of the executive board may speak to the press and media on behalf of the ECPMF and adopt official statements with permission from the ECPMF.

## **9. Official Language**

9.1. The official language of LAC shall be English and the ECPMF office will ensure that all members can understand the processes and paperwork by providing translations and/or interpretation where necessary.

## **10. Legal Framework**

10.1. These Rules of Procedure shall be confirmed by LAC and adopted by the Executive Board.

10.2. These Rules of Procedure will be effective as from 27 June 2022.

10.3. These Rules of Procedure shall be governed by and construed in accordance with the laws of Germany. The Courts of Germany shall have exclusive jurisdiction to settle any dispute arising from or in connection with the Rules of Procedure.

10.4. For avoidance of doubt, these Rules of Procedure do not form or constitute a contract.

*First version of Rules of Procedures entered into force on 20 April 2016. This is an updated version of Rules of Procedures.*