



The European Law Students' Association

SWITZERLAND

Statutes

Authenticated by

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ELSA Switzerland

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Preamble

WHEREAS the Members of the European Law Students' Association Switzerland are now through representatives assembled in Council, in Fribourg, Switzerland, November 2019;

RECALLING that the aims of ELSA are to develop professional and student relations of an international character in the field of Law, to prepare its members for professional life in an international environment, to contribute to the exchange of scholarly experience and to stimulate mutual understanding and friendship on the principle of equality of all its members;

CONSCIOUS that continually expanding international relations in the fields of trade and industry, legislation and state administration make growing demands on all professionals, especially lawyers;

REALISING that the European legal professions not only have to recognise the importance of growing international cooperation, but also have to prepare themselves for the demands created by this development;

CONVINCED that in order to satisfy all these demands and to broaden and improve the international side of education, practice and exchange, the existence of an international organisation of law students and young lawyers is recommended;

EXPRESSING that within this competence, the supreme aims of ELSA Switzerland are to encourage and facilitate direct contacts and cooperation, individually and collectively, whether privately or officially, between persons from different states involved in the field of Law and to promote the usefulness of foreign legal experience by expanding the knowledge and understanding of the different concepts and solutions to legal questions;

NOW THEREFORE the Members of ELSA Switzerland adopt the following Statutes and Standing Orders in order to execute and regulate the above principles and aims.

As accepted by the National Council on the 9th of November 2019 in Fribourg, Switzerland and approved by the International Board of ELSA on the 27th of December 2019.

As amended by the National Council on the 7th of November 2020 during the online NCM.

Scope of the Association

Art. 1 - Name, Seat, Membership

- 1) The European Law Students' Association Switzerland (ELSA Switzerland) is an association according to Art. 60 et seq. of the Swiss Civil Code.
- 2) ELSA Switzerland is a Member of the European Law Students' Association (ELSA) seated in Amsterdam, the Netherlands, and ELSA Switzerland acknowledges its statutes and regulations.
- 3) The seat of ELSA Switzerland is in Zurich, Switzerland.

Art. 2 - Nature and Aims

- 1) ELSA Switzerland supports the Aims of ELSA.
- 2) ELSA Switzerland is a non-political, independent, and non-profit association with the aims to promote, establish and develop mutual understanding, cooperation, and personal contacts among law students and young lawyers from different countries and legal systems, as well as the different cantons in Switzerland, thereby equipping the students and young lawyers for professional life in an international environment.
- 3) With respect to the realisation of the mentioned aims, ELSA Switzerland shall be guided by the following philosophy statement;

Vision:

A just world in which there is respect for human dignity and cultural diversity.

Purpose:

To contribute to legal education, to foster mutual understanding and to promote social responsibility of law students and young lawyers.

Means:

To provide opportunities for law students and young lawyers to learn about other cultures and legal systems in a spirit of critical dialogue and scientific cooperation;

To assist law students and young lawyers to be internationally minded and professionally skilled;

To encourage law students and young lawyers to act for the good of society.

Art. 3 - Structure

- 1) ELSA Switzerland is a National Group of ELSA as defined in its statutes.
- 2) ELSA Switzerland is the link between the Swiss Local Groups and ELSA.
- 3) ELSA Switzerland is organised on a local (a) and national level (b).
 - a) At the local level, ELSA Switzerland is organised in Local Groups, submitting themselves to the aims and activities of ELSA and ELSA Switzerland. Local Groups are bound to respect any decisions taken in accordance with the Statutes and the Standing Orders of ELSA and ELSA Switzerland.
 - b) At the national level, ELSA Switzerland is organised in one National Group. The National Group confederates the Local Groups in Switzerland and represents the international ELSA network nationally and the Local Groups in the international ELSA network.
- 4) The Local Groups are the Members of ELSA Switzerland in the context of these Statutes.

Art. 4 - Mission

- 1) ELSA Switzerland represents the interests of the Members on the international level. In order to achieve this, it:
 - a) represents its Members' interests at the International Internal Meetings of ELSA, especially at the International Council Meetings;
 - b) provides its Members with all the relevant information of the international network.
- 2) To achieve the aims of Art. 2 of these Statutes, ELSA Switzerland shall support its Members in the areas connected to those aims.
- 3) As far as necessary and possible, ELSA Switzerland coordinates the activities of its Members in order to achieve the aims of Art. 2 of these Statutes.
- 4) The activities of ELSA Switzerland shall be divided into the following areas according to the ELSA Regulations:
 - a) Academic Activities (AA),
 - b) Seminars and Conferences (S&C),
 - c) Moot Court Competitions (MCC), and
 - d) the Student Trainee Exchange Program (STEP).

Art. 5 - Language

The official language of ELSA Switzerland is English. Subsequently German or French may be used for internal communication and internal matters if all affected parties agree to do so.

Members

Art. 6 - Membership

- 1) The Membership in ELSA Switzerland may be granted to a local association under Swiss law, with its members being students at law faculties or young lawyers, that supports the aims and activities of ELSA and ELSA Switzerland, if its application for membership is approved by the National Council with a two-thirds majority of the votes cast and the requirements for Membership according to Art. 7 of these Statutes are fulfilled.
- 2) The National Board of ELSA Switzerland examines whether all the requirements are met and brings the application to a vote at the next possible National Council Meeting, together with a report regarding the requirements and a recommendation for the vote.
- 3) If the application is refused, another application may be submitted if there was a change in circumstances.

Art. 7 - Requirements for Membership

- 1) The applying association must be an association under Swiss law.
- 2) The statutes and regulations of the applying association must be in accordance with the statutes and regulations of ELSA and ELSA Switzerland.
- 3) The board of the applying association must be democratically elected.
- 4) The applying association must send a written application for membership to the National Board of ELSA Switzerland. The application must include a declaration in which the applicant expresses its commitment to the aims and activities of ELSA and ELSA Switzerland, and its will to become a Member of ELSA Switzerland.

- 5) There is not already an ELSA Local Group at the law faculty represented by the applying association.

Art. 8 - Termination of Membership

- 1) The membership ends, if:
 - a) the National Council decides to expel a Member with a two-thirds majority of the votes cast, if it receives a related proposal by the National Board or a Member, in case a Member:
 - i) caused considerable harm to ELSA or ELSA Switzerland, to any of the ELSA Local Groups, or to anyone within their responsibility.
 - ii) ceased to support the aims and activities of ELSA or ELSA Switzerland.
 - iii) does not fulfill its non-financial obligations under the Statutes and Standing Orders of ELSA Switzerland towards ELSA Switzerland within a year.
 - b) the financial obligations of a Member towards ELSA Switzerland are not paid within a month after a second warning and the National Council expels the Member with a simple majority.
- 2) The memberships ends immediately, if:
 - a) a requirement for membership according to Art. 7, para. 1) - 3) is not fulfilled anymore and the situation is not resolved after the next Local Council Meeting of the Member, if the Local Board of the Member was aware of the situation. If the National Board gets notice of, or identifies any requirement not being fulfilled anymore, it must immediately inform the respective Local Board of the Member, giving them the opportunity to explain themselves, and request to resolve the situation. This notice must be sent to all Members of ELSA Switzerland.
 - b) the Member dissolves itself; or
 - c) the Member submits a written statement, declaring the termination of their membership.
- 3) For a Termination of the membership according to Art. 8, sec. 1) lit. a) or b) to be valid, the member in question must be given an adequate opportunity

to explain itself and to respond to any allegations made against it before the vote at the National Council Meeting.

Organs

Art. 9 - Primary Organs

The Primary Organs of ELSA Switzerland are:

- a) the National Council,
- b) the National Board, and
- c) the Auditors.

Art. 10 - Secondary Organs

The National Council may establish Secondary Organs for ELSA Switzerland, which shall be subordinate to the Primary Organs.

National Council

Art. 11 - Role

The National Council consists of the Members of ELSA Switzerland and is the supreme decision-making body of the Association. The decisions of the National Council are binding to all Members of ELSA Switzerland.

Art. 12 - Summoning

- 1) The National Council shall meet twice a year, in spring and in autumn, at a time fixed by the National Board within the timeframe defined in the Standing Orders of ELSA Switzerland, and in consultation with the Host.
In case of extraordinary circumstances the National Board may decide to hold the National Council Meeting online.
- 2) The National Council shall be summoned with printed or electronic invitations, sent by the National Board to all Members of ELSA Switzerland,

the Auditors, and any person appointed by the National Board or the National Council to assist in their work and carry out a specific task related to the activities of the association. The invitations shall be sent at least 28 days before the opening of the National Council Meeting in question.

- 3) Extraordinary National Council Meetings can be requested by the National Board or at least a fifth of all the Members. For extraordinary meetings, the invitations shall be sent out by the National Board or the requesting Members at least 14 days prior to the opening of the meeting in question, to the same people as in Art. 12, subsection 2).

Art. 13 - Voting Rights

- 1) Each Member of ELSA Switzerland has three votes in the National Council, regardless of the number of delegates attending the meeting. A Member shall be suspended by the National Board for the duration of the National Council Meeting, thus not having voting rights but keeping the rights to attend and address the National Council, until it has:
 - a) fulfilled all its obligations towards ELSA Switzerland according to these Statutes and the Standing Orders;
 - b) submitted the Letter of Authorisation or the Proxy to the Secretary General of the National Board;
 - c) submitted the Local Activity Report to the National Board.
- 2) Outstanding Obligations may be fulfilled at any time during an NCM, giving the Member Voting Rights as soon as the fulfillment is confirmed by the National Board.

Art. 14 - Principles for Quorum

The National Council Meeting is only fully competent when it has been duly summoned as defined in these Statutes and the Standing Orders of ELSA Switzerland, and when at least half of all the Members are represented and able to vote.

Art. 15 - Principles for Validity of Decisions

Unless specified otherwise in these Statutes or the Standing Orders of ELSA Switzerland, the decisions made by the National Council shall be determined by a simple majority of the votes cast. Simple majority means that the abstentions shall be deducted from the total amount of votes used to determine the majority.

Art. 16 - Procedures

Further procedures regarding a National Council Meeting shall be defined in the Standing Orders of ELSA Switzerland.

Art. 17 - Responsibilities

The National Council, as the supreme decision making organ of ELSA Switzerland, is solely responsible for:

- a) approving the minutes of the National Council Meetings.
- b) approving the annual accounts and the budget of ELSA Switzerland.
- c) approving the report of the Auditors of ELSA Switzerland.
- d) approving of the activity report of the National Board of ELSA Switzerland.
- e) Relief of the National Board of ELSA Switzerland.
- f) Election of the National Board Members of ELSA Switzerland.
- g) Election of the Auditors of ELSA Switzerland.
- h) approval of membership applications.
- i) Statutory changes.
- j) Standing Order changes.
- k) approval of other regulations.

National Board

Art. 18 - Role

The National Board is the supreme executive organ of ELSA Switzerland.

Art. 19 - Structure and Election

- 1) The National Board shall consist of at least 3 and at most 9 people.
- 2) The National Council shall elect the members of the National Board during the spring National Council Meeting for a period of one year, starting on the 1st of August in the year of their election and terminating on the 31st of July of the following year.
- 3) To be legally representative, the National Board must at least have a President, a Secretary General, and a Treasurer.
- 4) If there are open positions after the elections, the National Board may appoint Deputy Officers for these positions in order to ensure its operational capability. Deputy Officers must be approved by the National Council at the next meeting.
- 5) Further procedures regarding the elections shall be defined in the Standing Orders.

Art. 20 - Dismissal

A member of the National Board may be dismissed by the National Council with a two-thirds majority of the votes cast, if that member violates these Statutes, the Standing Orders, or the interests of ELSA Switzerland.

Art. 21 - Responsibilities

- 1) As the supreme executive organ, the National Board is responsible for ensuring that the Aims, as stated in Art. 2, and the Mission as stated in Art. 4 of these Statutes are followed and pursues their achievement.
- 2) The National Boards tasks include:
 - a) the representation of ELSA Switzerland nationally and internationally,
 - b) carrying out and being responsible for the day-to-day running and management of ELSA Switzerland,
 - c) promoting and supervising ELSA Switzerland's fields of activities.
 - d) executing and implementing the decisions made by the National Council.

- 3) Further, the National Board is responsible for all matters not explicitly assigned to another organ of ELSA Switzerland.

Auditors

Art. 22 - Role

The Auditors are the main organ to control the financial activities of ELSA Switzerland.

Art. 23 - Structure and Election

- 1) The Auditors shall consist of 1-3 people.
- 2) The Auditors shall be elected by the National Council in spring for a period of one year, starting on the 1st of August in the year of their election and terminating on the 31st of July of the following year.
- 3) National Board members are not allowed to be elected as auditors for the same term as they serve in the National Board.
- 4) If there are open positions after the elections, the National Board may appoint Deputy Officers for these positions in order to ensure its operational capability. Deputy Officers must be approved by the National Council at the next meeting.
- 5) Further procedures for the election may be defined in the Standing Orders.

Art. 24 - Responsibilities

- 1) The Auditors are responsible to control and verify the accounts and bookkeeping of ELSA Switzerland on their accordance with Swiss Law, accounting rules, these Statutes, the Standing Orders and other Regulations of ELSA Switzerland.
- 2) They shall compile a written report on their findings and present the report to the National Council at the meeting in autumn following their term. With the report they shall give a recommendation to the National Council on whether to approve the Annual accounts or not.

Finances

Art. 25 - Funds

ELSA Switzerland gathers their Funds mainly through the following means:

- a) Membership fees;
- b) Fundraising;
- c) Heritages, Donations, Benefactors;
- d) Interests;
- e) Revenues of Events, Publications, etc.;
- f) Grants, etc.

Art. 26 - Financial Year

The financial year of ELSA Switzerland shall be from the 1st of August until the 31st of July the following year.

Art. 27 - Membership Fees

- 1) Each Member of ELSA Switzerland is obliged to pay a membership fee per financial year.
- 2) The membership fee per Local Group shall be 8 percent of the annual membership fees collected by the Local Group from their single members. The membership fee shall be at least 100.- CHF.
- 3) The 8 percent shall be based on an annual membership fee of 30.- CHF per single member, even if the Local Group does not collect any membership fees or less than 30.- CHF per single member per year.

Art. 28 - Financial Transparency

- 1) The Members and the National Board are obligated to follow the principles of truth, clarity and transparency in their accounting.
- 2) The Members have the right to inspect the accounting of the National Board.
- 3) The National Board has the right to inspect the accounting of the Members.

- 4) Further Regulations according the Accounting and Transparency may be defined in the Standing Orders.

Art. 29 - Liability and signatory power

- 1) ELSA Switzerland is only liable with their assets for their financial obligations.
- 2) The Members and the members of the National Board can not be obligated to pay for any obligations of ELSA Switzerland.
- 3) Only the President, the Secretary General, and the Treasurer of the National Board have full signatory powers for ELSA Switzerland. Subsequently, the National Board may give signatory powers to other people for certain duties.

Final Clauses

Art. 30 - Statutory Changes

- 1) Any amendment to these Statutes can only be made by the National Council if supported by a two-thirds majority of the votes cast and the proposal has been submitted in accordance with art. 9, sec. 2) or art.13, sec. 8) b) of the Standing Orders of ELSA Switzerland.
- 2) Sole spelling mistakes and grammatical errors may be corrected by the Secretary General of the National Board, as long as they do not change the meaning of these Statutes. The Secretary General of the National Board has to inform the Members about any changes made to these Statutes. In case of uncertainty, the National Council shall decide.
- 3) If approved, the changes come into force as soon as the updated Statutes are made available to the Members, unless the National Council decides otherwise and conditional to the acceptance of the changes by the International Board of ELSA. The updated version of the Statutes shall be made available to the Members no later than 30 days after the official last day of the National Council Meeting.

Art. 31 - Further Regulations

- 1) The National Council shall further regulate the internal affairs of ELSA Switzerland, and the rights and obligations of the Members towards ELSA Switzerland in its Standing Orders. In the event of conflict, these Statutes shall take precedence over the Standing Orders.
- 2) ELSA Switzerland shall maintain a Decision Book, containing all decisions made by the National Council that are in effect and not in the Statutes or Standing Orders. In the event of conflict, these Statutes and the Standing Orders shall take precedence over the Decision Book.
- 3) The Statutes and Standing Orders shall take precedence over all further Regulations that may be established.

Art. 32 - Dissolution

ELSA Switzerland shall be dissolved by a decision with four-fifths majority of votes cast of the National Council. In order for such a decision to be valid, it must be preceded by a proposal to that effect on the National Council Meeting Agenda. Further must at least two-thirds of all Members be present and voting at such a vote for it to be valid.

Art. 33 - Putting into Force

- 1) These Statutes replace the Statutes from the 28th of October 2018 and are put into force after the approval by the National Council, conditional to the acceptance of these Statutes by the International Board of ELSA International.
- 2) If any part of these Statutes are not accepted by the International Board of ELSA, the accepted parts shall still be put in force and be valid, while the not accepted parts shall be revised to be in accordance with the International Statutes at the following National Council Meeting.