

**REGULATION NO. 02/96/CM/UEMOA ON THE STATUTE OF THE
REGISTRAR OF THE COURT OF JUSTICE OF THE WEST AFRICAN
ECONOMIC AND MONETARY UNION**

**THE COUNCIL OF MINISTERS OF THE WEST AFRICAN ECONOMIC
AND MONETARY UNION (WAEMU)**

Having regard to the Treaty of 10 January 1994 creating the West African Economic and Monetary Union (WAEMU);

Having regard to Additional Protocol No. 1 relating to the supervisory bodies of WAEMU, in particular Articles 4 and 21 ;

Having regard to Articles 20 and 21 of the WAEMU Treaty defining the powers of the Council of Ministers;

Having regard to Additional Act n° 10/96 on the Statutes of the WAEMU Court of Justice;

Having regard to Regulation n° I/95/CM/UEMOA on the Staff Regulations of UEMOA Officials;

Having regard to Additional Protocol No. 3/96 on the rights, privileges and immunities of the WAEMU ;

Having regard to Regulation n' 1/96/CM/UEMOA relating to the Rules of Procedure of the Court of Justice of the UEMOA;

On a proposal from the Court of Justice of the European Union; hereby adopts this Regulation:

Article 1:

The Registrar of the WAEMU Court of Justice is recruited by the President of the Commission on a proposal from the Court, for a period of six (6) years, renewable once. He shall be appointed by the President of the Court.

Its term of office begins when it is sworn in. Article 2:

Candidates for the post of Registrar of the Court of Justice must satisfy the following conditions:

- be a national of one of the WAEMU Member States;
- be no more than fifty (50) years old on the date of application;
- hold a Master's degree in Law, a four (4)-year law degree or any recognised equivalent diploma;
- have at least ten (10) years' professional experience as a Registrar;
- enjoy their full rights as a citizen and be of good character.

Article 3:

The procedure for recruiting and appointing the Registrar of the Court of Justice comprises :

- the publication of an official call for applications in all EU Member States;
- preselection ;
- the competition, which is conducted in accordance with the method indicated in the official notice of call for applications;
- recruitment ;
- appointment.

Article 4:

Before taking up his duties, the Registrar shall take the following oath before the Court: "I swear that I will perform my duties faithfully, discreetly and conscientiously, and that I will not divulge any secret coming to my knowledge in the course of or in connection with the performance of my duties".

Minutes will be taken. Article 5:

The duties of the Registrar are laid down in the Statutes and Rules of Procedure of the Court of Justice.

The Registrar shall wear a court suit at hearings, the characteristics of which shall be defined by a regulation implementing these Staff Regulations.

Article 6:

The Registrar shall be subject to the obligations of officials of the Union. He may not engage in any political, administrative or other activity without the prior authorisation of the Court.

Article 7:

The Registrar is required to reside at the seat of the Court.

They are entitled to annual leave under the same conditions as EU officials.

Article 8:

In the performance of his duties, the Registrar shall enjoy immunity from legal process and shall continue to enjoy such immunity even after he has ceased to hold office in respect of words spoken or acts done in the course of or in connection with the performance of his duties.

The full Court may waive this immunity.

The Registrar shall also enjoy the privileges, immunities and exemptions provided for in the Additional Protocol on the rights, privileges and immunities of the Union and in the headquarters agreements concluded by the organs of the Union with the Member States.

Article 9:

The salary, allowances and pensions of the Registrar shall be fixed by the Council of Ministers. The Registrar shall enjoy the same medical protection and social welfare arrangements as the officials of the Union.

Article 10:

In the event of failure to comply with his professional obligations, the Registrar may be subject to the following sanctions, in ascending order of seriousness :

- written warning with or without record ;
- reprimand with or without record ;
- revocation.

In the latter case, the sanction may be preceded by a suspension from office, pronounced by the President of the Court, which may not however exceed one (1) month.

The warning and reprimand are pronounced by the President of the Court.

Removal from office is decided by the President of the Commission, on a proposal from the plenary session of the Court.

Article 11:

With the exception of dismissal, the duties of the Registrar shall cease :

- at the end of his term of office ;
- by resignation ;
- by death.

The Registrar's duties may also be terminated if the Court finds, in the opinion of an expert, that he or she is no longer physically or mentally fit to perform them.

Article 12:

In all cases of permanent cessation of the Registrar's duties, the deliberation of the Court shall result in the post becoming vacant.

Article 13:

These Regulations will be published in the UEMOA official bulletin and will come into force as soon as they are published.

**Cotonou, 20 December 1996. For the
Council of Ministers
Chairman**

N'Goran Niamien