

ARTICLES OF ASSOCIATION

of the International professional Body
for ADR Register Practitioners (IBAP)

The professional association is an advisory and supervisory committee for the ADR Register and also has an initiating, informative and promotional role.

In this document:

- Articles of association

Questions?

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- ICC Council
- Stichting ADR Register

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Incorporation Provisions

- A. The association was founded on January 1, 2022 by the Stichting ADR Register.
- B. Stichting ADR Register is the sole director for the purpose of incorporation and has been appointed as chairman.
- C. Stichting ADR Register transfers its board function to a board appointed by the general meeting of members no later than 31 December 2022.
- D. A 1st general meeting will take place no later than 1 December 2022.
- E. The contribution for the calendar year 2022 is set at € 2.50 excluding VAT per (candidate) member, without prejudice to the provisions of Article 6.2.
- F. The association is registered in the Dutch Chamber of Commerce.

1.Name, seat, jurisdiction

- 1.1. The association bears the full name:
 - International professional body for ADR Register practitioners
- 1.2. The association bears the abbreviated name:
 - IBAP
- 1.3. The association is located at the ADR Register office.
- 1.4. The Association is an informal association against Dutch law and has limited legal capacity.
- 1.5. The association cannot acquire registered property and cannot inherit anything.
- 1.6. The association is registered with the Chamber of Commerce with number: 85133787.

2.Duration

- 2.1. The association has been established for an indefinite period of time.
- 2.2. The association was founded on January 1, 2022.
- 2.3. The association's financial year runs from January 1 to December 31.
- 2.4. The association year coincides with the calendar year.

3.Goal

- 3.1. The association is not for profit.
- 3.2. The association aims to:
 - Advising and supervising the quality register ADR Register;
 - Contributing, in the broadest sense of the word, to obtaining, managing, and maintaining official directions, accreditations, certifications, recognitions, registrations, licenses, recordings, admissions in the name of ADR Register;
 - Promoting and encouraging the acceptance and positioning of ADR Register as a quality register;
 - Contributing to the establishment of an European and EU member state-oriented quality system for the Appropriate Dispute Resolution (ADR) sector of which ADR Register is part as a conformity assessment body.
- 3.3. The association strives to achieve these goals by:
 - Strongly cooperate with other professional associations;
 - Giving solicited and unsolicited advice to and actively monitoring ADR Register;
 - Providing information and educating society in general and specific target groups in particular;
 - Actively initiating and participating in projects and initiatives.

4. Membership

Types of membership

- 4.1. The association accepts natural person and legal entities as members and observers.
- 4.2. The association distinguishes:
 - 1) Members
 - 2) Candidate members
 - 3) Observers

Membership conditions

- 4.3. The (candidate) members and observers of the association are
 - 1) natural persons or legal entities who recognize the purpose of the association and participate in the activities arising from the association
 - 2) tied to
 - a) the statutes and regulations of the association
 - b) the decisions of the board and the general meeting of members

Membership qualifications

- 4.4. Only natural persons who have a valid certification with ADR Register can become a member.
- 4.5. Only legal entities that have an active accreditation-/certification agreement with ADR Register for the certification of natural persons working within or affiliated with this legal entity can become a member.

Automatic membership

- 4.6. Membership is automatically awarded based on the valid certification (paragraph 4.4.) or the active accreditation-/certification agreement (paragraph 4.5.), and is linked to this.

Application for admission as a candidate member

- 4.7. A natural person or legal entity can be admitted as a candidate member by submitting a request to the board. The condition is that the natural person has submitted a certification request to ADR Register or that the legal person and ADR Register have recorded the intention to cooperate, in anticipation of the conclusion of an accreditation/certification agreement. The board will decide about admission. If the board refuses admission, the general meeting of members can decide about the admission, whereby a candidate member can still be admitted.

Application for admission as an observer

- 4.8. A natural person or legal entity can be admitted as an observer by submitting a request to the board. The board will decide about admission. If the board refuses admission, the general meeting of members can decide about the admission, whereby a member can still be admitted.

Refusal, termination, cancellation, suspension, expulsion

- 4.9. The certificate holder at ADR Register has the right to refuse membership. A refusal must be reported to ADR Register and the board.
- 4.10. Membership ends upon termination, or cancellation of the valid certification (paragraph 4.4.) or the active accreditation-/certification agreement (paragraph 4.5.).
- 4.11. Candidate membership ends by conversion to membership or by rejection of the certification request (paragraph 4.7.).
- 4.12. If the certification or accreditation-/certification agreement is (temporarily) suspended, the membership will remain intact.
- 4.13. Observer ship ends upon termination by the Board or cancellation by the Observer. The board is authorized to terminate unilaterally. No appeal is possible against 1-sided termination.
- 4.14. Without prejudice to the provisions of Articles 4.9 – 4.13, the board is unilaterally authorized to suspend or expel the (candidate) member or deputy if:
- Membership obligations are being violated
 - The interests of the association become seriously violated
- 4.15. A suspension as referred to in Article 4.14. can be imposed for a maximum of 12 calendar months.
- 4.16. Against a decision to suspend or expel as referred to in Article 4.14. is open to appeal to the general meeting of members. No further appeal is possible against the decision of the general meeting of members. The decision and the appeal have no effect on the certification with ADR Register of the (candidate) member or observer.

Transferable

- 4.17. Membership and observer ship are non-transferable.

5.Global Network Group – ADR Register

- 5.1. Global Network Group is a non-profit conformity assessment body.
- 5.2. ADR Register is a subsidiary of Global Network Group.
- 5.3. For the purpose of the relationship between the association, Global Network Group and ADR Register, the association and its departments are equated with a (sub)committee as appointed in the quality management system of Global Network Group.
- 5.4. The document GNG.PD.002 regulations committees applies. From this follows:
 - All association members are committee members;
 - The general meeting is the committee meeting;
 - The association- and department boards are the committee boards.
- 5.5. Contrary to and supplement to document GNG.PD.002, the following applies:

Management

- Natural persons and legal entities can be chairman and board member, and do not have to be a member.
- The number of board members is determined by the general meeting of members. The board consists of at least 1 natural person or legal entity.
- The board is appointed by the general members' meetings. Interim appointments, other than the appointment of the chairman, can be made by the chairman and are submitted for approval to the 1st next general meeting of members.
- The chairman can be dismissed or suspended by the general meeting of members. This requires a two-thirds majority of valid votes cast. The directors may resign with due observance of a notice period of 1 month.
- The board is authorized to enter into agreements after approval of the general meeting of members. The board is exclusively authorized to determine the daily policy of the association.
- The board determines the agenda of the general members' meeting and chairs it.

Representation

- The board represents the association, insofar as nothing else ensues from the law. In the event of the absence of the chairman, secretary and treasurer, the board is authorized to grant a power of attorney to a member as a replacement representative.
- A legally permitted or prescribed limitation or condition of the power of representation can only be invoked by the association.

General membership meeting

- The general meeting of members within the association is vested with all powers that are not assigned to other bodies by law or the statutes.
- A general meeting of members is held no later than six months after the end of the financial year. Extraordinary general members' meetings are held as often as the board deems desirable.
- In the event of a change of management or a request for an amendment to the articles of association, a general meeting of members is also held.
- Every (candidate) member and every observer has access to the annual general meeting.
- Suspended (candidate) members have no speaking and voting rights.
- Candidate members and observers have no voting rights.
- Each voting member has one vote. In addition, this applies that
 - if the voting member is a legal entity, it has the number of votes corresponding to the number of persons with valid certification representing the legal person.
 - the person is both an independent member and is affiliated with a legal entity, this person can only cast 1 vote, either personally or through the legal entity.
- Each member is entitled to cast his vote by authorizing another. This must be approved in writing by the board. The authorized representative cannot cast more than two votes in total.
- The right to vote in the case of decisions whereby the association grants rights or no longer needs to fulfill obligations to certain persons, other than in their capacity as members, is denied to those persons and to their spouse and relatives in the direct line.
- Valid decisions can only be taken if at least 200 members (two hundred) have voted.
- If fewer than 200 members (two hundred) have cast a valid vote and if no simple majority has been obtained, a second meeting may be convened and held on another date within four weeks, in which the proposal, as discussed in the previous meeting, may be the order has been made, irrespective of the number of members present or represented, a decision can be taken, provided that a majority of at least two-thirds of the valid votes cast.

6.Means of income

- 6.1. The association's means of income are:
 - 1) contributions
 - 2) turnover
 - 3) donations
 - 4) sponsorship
- 6.2. Annually, or as often as necessary, the membership fee and envelopes to be paid by each member are determined by the general meeting of members.
- 6.3. If the member is a legal entity, it applies that the legal person pays the contribution for the number of persons with a valid certification that the legal entity represents, and that these persons do not pay the contribution for their own account.
- 6.4. If the member is a legal entity, the legal entity pays the contribution for all persons
- 6.5. Donors and sponsors are those who have declared themselves willing to support the association financially and materially with an amount, service or delivery to be determined by the general meeting of members.
- 6.6. Donors and sponsors have no rights and obligations other than those granted and imposed on them by virtue of these articles of association.

7.Amendment of the Articles of Association

- 7.1. Amendments to the articles of association can only be implemented after the decision of the general meeting of members in which it is announced that the amendments to the articles of association have been accepted.
- 7.2. The proposed change will be sent digitally to all members at least fourteen days before the meeting.
- 7.3. Those who have received the convocation to the general meeting of members to deal with a proposal to amend the articles of association must receive a copy verbatim containing the proposed amendment at least five days before the meeting, or this copy must be available for inspection at a suitable place for the members. until the end of the day on which the meeting is held.
- 7.4. Amendments to the Articles of Association can only be adopted by a general meeting of members if at least 500 members (five hundred) have voted and if at least two-thirds of valid votes cast approve the amendments.

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- 7.5. If fewer than 500 members (five hundred) have cast a valid vote and if no two-thirds majority has been obtained, a second meeting will be convened and held within four weeks on a different date, in which the proposal discussed in the previous meeting will be discussed. Irrespective of the number of members present or represented, a decision can be taken, provided that a majority of at least two-thirds of the valid votes cast.

8. Dissolution and liquidation

- 8.1. When convening the general meetings of members referred to in this article, it must be stated that it will be proposed at the meeting to dissolve the association. The association is dissolved by a resolution to that effect of the general meeting of members, taken by at least two-thirds of the number of votes cast in a meeting in which at least 200 members (two hundred) are present or represented.
- 8.2. If no 200 members (two hundred) are present or represented, a second meeting will be convened and held within four weeks on a different date, in which the proposal discussed in the previous meeting will be discussed, regardless of the number present or represented. members, a decision can be taken, provided that a majority of at least two-thirds of the valid votes cast.
- 8.3. After it has been decided to dissolve the association, the general meeting of members is authorized to dismiss sitting board members with the simultaneous appointment of one or more liquidators.
- 8.4. If no liquidators are appointed by a resolution to dissolve, the board will be liquidated in accordance with the law. In the documents and announcements issued by the association, the names of the members of the board must be added.
- 8.5. After the association is dissolved, it is necessary to liquidate its assets. In the event of a decision to dissolve, the destination of any positive balance is determined, while the general meeting of members also appoints one or more custodians.
- 8.6. After the association has been dissolved, the books and records must be kept by the custodian(s) for 7 years after the liquidation.

9. Personal data

(Candidate) Members

9.1. The regulations of Global Network Group and ADR Register apply to (candidate) members.

Observers, donors and sponsors

9.2. The following applies to observers, donors, and sponsors:

Right of access

1) He/she has the right to inspect his/her personal data, the association will let him/her know:

- whether the personal data is used
- what is the purpose of the association when using the data
- to whom else these data are/will be provided
- the origin of the data (if the origin is known)

Right to correct and remove

2) He/she may request a change of his/her personal data if:

- which are factually incorrect
- that are incomplete or irrelevant to the purpose for which they were collected
- which are used in any way to contrary to the law

Right to be deleted

3) He/she has the right to demand that the association communicate the deletion to all organizations that have received this data from the association. The association must then also be able to prove to him/her that this data has been deleted.

Right to access of data

4) He/she has the right to request his/her personal data in a standard format.

10. House rules, other rules, regulations and instructions

- 10.1. In the general meeting of members, bylaws, other regulations, regulations, and instructions can be established and amended. These documents must not conflict with the law or with the Articles of Association and must not contain provisions that should be regulated by Articles of Association.
- 10.2. The documents referred to in the previous paragraph can only be adopted and amended by a general meeting of members if at least 200 members (two hundred) have voted and if at least two-thirds of valid votes cast approve the determination or the changes.
- 10.3. If fewer than 200 members (two hundred) have cast a valid vote and if no two-thirds majority has been obtained, a second meeting will be convened and held on another date within four weeks, at which the proposal discussed in the previous meeting will be discussed. Irrespective of the number of members present or represented, a decision can be taken, provided that a majority of at least two-thirds of the valid votes cast.

11. Final Provisions

- 11.1. Only Dutch law applies to these articles of association.
- 11.2. In case of multilingualism, the Dutch language is preferred.
- 11.3. Insofar as the articles of association contradict or deviate from the document GNG.PD.002, the articles of association prefer.
- 11.4. Insofar as the articles of association, the internal regulations, other regulations, regulations, or instructions of the association do not regulate something, or do not regulate them sufficiently or incorrectly, or which are not provided for by law, or lead to a dispute, the board is authorized to.
- 11.5. In the event of a dispute arising from or related to these minutes, the parties are obliged in 1st instance to try to resolve the dispute amicably under their own management or through mediation under the supervision of (a) qualified mediator(s), without prejudice to the possibility of to submit the dispute to the competent court or to draft a jointly supported solution to arbitration.
- 11.6. If these articles of association are signed online, the signatories hereby declare that these articles of association are the original version and that the articles of association legally bind the association and the members. The signatories will receive an email as soon as all signatories have signed this contract, which is proof that these statutes have been legally created.

GLOBAL NETWORK GROUP

ADR PLATFORM – NOTIFIED BODY EMCI REGISTER

Rules for committees

All references in this document are made against the approved (valid) version of the applicable document.

All public documents are published on our websites.

Questions? Contact us!

Complete the question-webform on our website or call:

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- AP.PD.002.INT
- EMCI.PD.003.INT

Approved by:

- ICC Council
- Board ADR Platform
- Board Notified Body EMCI Register

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GENERAL CLAUSES

The following applies to this document GNG.PD.002.INT:

1. Document GNG.RD.001.INT List of terms and definitions
2. Document DE.RD.004.INT EMCI Register List of terms and definitions
3. Document GNG.RD.002.INT General terms and definitions
4. Document GNG.RD.003.INT General clauses for all documents

The before mentioned documents are published on our websites and hereby to be considered as repeated and inserted.

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1.AUTHORITY GLOBAL NETWORK GROUP

- 1.1. Global Network Group, or its representative, is authorized, in agreement with the articles of association and the management system as laid down in document GNG.MS.001.INT General statute Global Network Group.
- 1.2. Global Network Group, or its representative, is authorized to handle a request to challenge to exemption.
- 1.3. Global Network Group, or its representative, has access to the sessions and meetings of all committees with the right to prior consultation.
- 1.4. Global Network Group is authorized to disregard a committee decision.
- 1.5. If this right as mentioned under the article herebefore has been used twice for the same subject matter, Global Network Group is obliged to seek advice from the ICC Council.
- 1.6. If the right effects a decision of the ICC Council itself, Global Network Group and the ICC Council consult a mediator to search for an amicable solution and to evaluate the issue & its process.
- 1.7. Every committee member, even if he/she has a fixed-term appointment, can be dismissed or suspended by Global Network Group or ICC Council at any time, even if the ICC Council is not consulted or without contacting ICC Council. Every suspension which will not be followed by a dismissal within twelve calendar months ends by the lapse of the said period.

2.AUTHORITY COMMITTEES AND COMMITTEE MEMBERS

- 2.1. A committee and its members will be granted powers as provided in these rules.
- 2.2. A committee and/or a committee member are not authorized on behalf of Global Network Group.
- 2.3. A committee or a representative has access without the right to vote to the Global Network Group board meeting if a committee related subject is placed on the agenda and an amicable consultation has had no results.

3.REPRESENTATION

- 4.1. A committee member cannot be represented by another person.
- 4.2. If a committee member represents a professional or branch organization such will need to be evidenced by an original declaration of mandate and representation, issued and legally drawn up by this organization.

4.CONVOCATION

- 4.1. The committee meeting will be convened by the committee's secretary or Global Network Group.
- 4.2. The convening notice must be in writing, sent by letter, fax, email, SMS, WhatsApp, LinkedIn private message or FaceBook private message, or in urgent matters per phone followed by a written confirmation, to the addresses of the committee members.
- 4.3. The term for convening the meeting will be at least seven days (1 week).
- 4.4. The convening notice must state the subjects to be discussed and the necessary documents must be attached.

5.DECISION-MAKING PROCESS

- 5.1. The chairman's ruling pronounced at the committee's meeting, that a decision has been taken, is decisive. The same will apply to the contents of a decision which has been passed, insofar as voting was on a motion which had not been set out in writing.
- 5.2. However, if the decision, as referred to in the preceding paragraph, is challenged immediately after it has been pronounced, a new vote will be taken if the majority of the meeting so desires, or, if the original vote was not taken by roll call or ballot, a committee member so desires.
- 5.3. All decisions of the committee will be passed by an absolute majority votes cast based on the valid votes of the committee members present during the voting process. Committee members who cannot be present at the committee meeting may give another member a written proxy to cast her/his vote.
- 5.4. Blank votes and invalid votes will be considered as not having been cast.
- 5.5. No quorum requirements apply.
- 5.6. If no one has obtained the absolute majority in an election of persons, a second vote will take place. In case of a binding nomination, a second vote between the nominated candidates will take place. If an absolute majority has again not been obtained by anybody, repeated voting will take place until either one person has obtained the absolute majority or a vote between two persons has taken place and there is a tie. In said repeated voting, excluding the second vote, the vote will be between all the persons voted for in the preceding vote, except for the person obtaining the fewest votes in the preceding vote. If there is a tie in voting between two persons, the matter will be decided by drawing lots.

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- 5.7. If the votes are tied over a motion, not concerning the election of persons, it is rejected.
 - 5.8. All voting will be online or by voice, unless the chairman or the majority of the persons with voting rights requests a vote by ballot. Voting in writing will take place by means of sealed and signed ballots.
 - 5.9. Decisions may be adopted by acclamation unless one of the persons with voting rights requests voting by roll-call.
 - 5.10. A unanimous decision of all committee members, whether or not all have attended the meeting, will have the same force as a decision of the committee meeting, provided that it is passed with the prior knowledge of the committee.
 - 5.11. A committee meeting can be organized and held:
 - 1) at a physical address
 - 2) per phone (group call)
 - 3) per video-conference-call (group call)
 - 4) as full or partially automated (online) process, including (online) document sharing and (online) voting
 - 5) any other way to the discretion of Global Network Group

6. QUALIFICATION, NOMINATION & APPOINTING

- 6.1. A committee member only qualifies if he/she will at least meet the following criteria:
 - 1) to be in possession of a valid passport or identity card issued by a national government
 - 2) to be, if requested, if reasons exist to require, in possession of a police clearance (a certificate of good behaviour), issued by a national government, confirming that there is no cause for objection to membership of one or more committees
 - 3) not to be in a state of bankruptcy or suspension of payment
 - 4) to be reliable, professional and honest in the opinion of Global Network Group and the committee in question, if of importance for the intended function.
- 6.2. If a committee member no longer meets the criteria for the said qualifications before the end of the fixed term, he/she can be suspended from membership.
- 6.3. A committee member will be nominated by Global Network Group or the committee in question or mutual.
- 6.4. Global Network Group appoints committee members.
- 6.5. In case of a dispute about nomination, qualification, suspension, and/or appointment between Global Network Group and the committee in question, Global Network Group will decide.
- 6.6. All Notified Body EMCI Register committee members must sign the code of conduct.

7.TERM

- 7.1. A term will exist of three consecutive calendar years and will start at the date of appointment.

8.TERMINATION

- 8.1. The membership of a committee can be terminated by:
- 1) Refusal
 - 2) completion of three terms
 - 3) termination, suspension or revocation by Global Network Group
 - 4) death

9.FINANCIAL

- 9.1. If a committee and its members maintain financial means, this will take place under the responsibility of Global Network Group as well as on the basis of a budget granted by Global Network Group.
- 9.2. The committee is obliged to keep a proper accounting system and records as well as submitting both the accounting system and records to Global Network Group at its first request.

10.CONFIDENTIALITY – INDEPENDENCY - IMPARTIALITY

- 10.1. A committee member is obliged to sign a secrecy statement and – if available – the code of conduct
- 10.2. If the intended statement and the code of conduct are not signed, the committee member in question can be denied access to a committee or management meeting.
- 10.3. The secrecy statement will exclusively concern details and information about persons, companies, organizations, and other privacy-related details and information, and is limited to the task, role, and authority of the committee and the committee members.
- 10.4. Committees and committee members shall be free from any commercial, financial, and other pressures that might influence decisions.
- 10.5. Committees and committee members are committed to the principles of independency and impartiality as ruled by Global Network Group.

11.EXEMPTION

- 11.1. Global Network Group, a committee or committee member is obliged to exempt itself/himself/herself if:
- 1) an involvement in a decision or evaluation arises concerning a certificate holder with whom there is a first or second degree blood or family tie;
 - 2) an involvement in a decision or evaluation arises concerning a certificate holder with whom an employer/employee relation is maintained;
 - 3) an involvement in a decision or evaluation arises concerning a certificate holder with whom inseparable business and/or contractual relationships are maintained;
 - 4) an involvement in a decision or evaluation arises concerning a certificate holder as a result of which an advantage or preferential treatment is created;
 - 5) at the discretion of Global Network Group if other situations arise.
- 11.2. In situations where exemption is not implemented by Global Network Group, the committee or the committee member, the person concerned may lodge a challenge with Global Network Group, or with ICC Council if the challenge concerns Global Network Group itself.

12.DOCUMENTATION AND REGISTRATION

- 12.1. Global Network Group and committees are obliged to keep proper records of duties and decisions.
- 12.2. The documentation can either take place in writing, digitally or as a combination of both.
- 12.3. The documentation needs to be archived in accordance with the Dutch legal provisions, but at least for a period of seven consecutive calendar years.
- 12.4. After said period, the documentation may be destroyed or kept for further archiving.

13.SPECIAL CLAUSES

- 13.1. If approved by Global Network Group, deviations to these rules are allowed.
- 13.2. All deviations must be documented.
- 13.3. Stichting ADR Platform and Stichting EMCI Register are part of Global Network Group.
- 13.4. These rules apply to committees operated under the jurisdiction of Stichting ADR Platform or stichting EMCI Register.