



# ELI

EUROPEAN  
LAW  
INSTITUTE

# ELI Updates

## March - April 2015



### GREETINGS FROM BOB WESSELS, CO-REPORTER

#### ELI PROJECT ON RESCUE OF BUSINESS IN INSOLVENCY LAW

Dear ELI Members and Friends,

Since September 2013, I have been acting as a co-reporter for an ELI project in the field of insolvency law, together with Professor Stephan Madaus (Halle-Wittenberg) and Associate Professor Kristin van Zwieten (Oxford). The ultimate aim of the project is to design (elements of) a legal framework that will enable the further development of coherent and functional rules for business rescue in Europe. For me it will be an interesting experience to compare our work, including the discussions within ELI, with the way in which the American Law Institute (ALI) functions. Together with Professor Ian Fletcher, University College London, I served as a co-reporter from 2006-2012 for a global research, the result of which has become known as the (non-binding) Global Principles for Cooperation in International Insolvency Cases. There I have experienced how projects can flourish from extensive debates with experts from various legal fields and traditions. I have great appreciation for the ambitions of ELI and foresee that, in the light of the American Law Institute's role, there lies a great future ahead.

Talking about insolvency, a legal storm has affected Europe. In November 2011, the European Parliament requested that the European Commission submit solid proposals '... relating to an EU corporate insolvency framework', including proposals to harmonise parts of national insolvency laws. The H-word (harmonisation) was out! Since then, EU policy clearly is targeted at a strong, deep and integrated Single Market which creates growth, generates jobs and offers opportunities for its European citizens and businesses. However, many Member States have found that their insolvency legislation is not 'globalisation ready'. Present architecture is insufficient or weak at best to include new European concepts, such as hybrid or pre-insolvency proceedings, proceedings driven by a debtor-in-possession, a court ordered stay, a cram-down for holding out creditors or a specific security for post-commencement finance. Consequently, there is a huge challenge lying ahead of us.

On 19-20 March, in Vienna, the first phase of the ELI Project on Rescue of Business in Insolvency Law concluded with a conference attended by experts from 14 jurisdictions. You will find a report about this conference in this Newsletter on [page 8](#). I thank the ELI for providing us with a forum for discussing the growing importance of a well-balanced business rescue system and the necessary elements of such a system. The ELI has recognised the importance of the project on Business Rescue in Insolvency Law as one of the most topical and well-advanced ELI projects and the Executive Committee has suggested devoting a panel discussion at this year's Projects Conference on 3 and 4 September 2015, again in Vienna. I hope to see you there.

Bob Wessels

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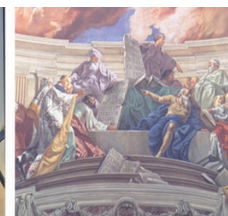
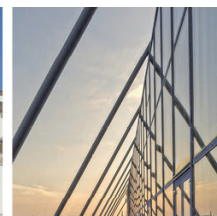
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## 2015 Annual Conference and General Assembly Vienna, 2-4 September

### GENERAL ASSEMBLY - 3 SEPTEMBER 2015

Members of the ELI are cordially invited to attend the annual General Assembly, open to all Fellows, Individual Observers and representatives of Institutional Observers. The General Assembly provides an opportunity for interaction between the bodies of the Institute, and sees all Fellows engage with members of the Council, Executive Committee and Senate to discuss a common interest: the past achievements, current challenges and future directions of the ELI.

At the General Assembly, Members are given detailed reports from the chairs of the Standing Council Committees. Likewise the President will report on the work of the Institute as a whole and the activities of the Executive Committee. Reports on the finances of the Institute as well as the state of Projects will also be presented.

Most significantly, this year's Assembly will play host to the elections for 30 open Council seats. All Fellows in attendance are entitled to vote, even those who are standing for a seat. Absent Fellows may also proxy their vote to Fellows in attendance. Election results will be announced later in the afternoon of 3 September, following the day's sessions of the Annual Conference. The newly elected Council members will join the rest of the Council for a meeting, at which a further election for Members of the Executive Committee will be held. For more about the 2015 Council Elections, please consult the relevant article later on [page 5](#) in this Newsletter.

#### Opening Ceremony, 2 September

All conference participants welcome

#### General Assembly, 3 September

ELI Members only

#### Annual Conference, 3-4 September

ELI members: free of charge

Non members: 80 EUR advance fee

#### Council Meeting, 3 September 2014

Council Members only

#### Conference Dinner, 3 September

All conference participants welcome

#### MCC meetings, 4 September

ELI Members only

### Agenda

### Register



#### TENTATIVE AGENDA, as of 30 April 2015

##### Wednesday, September 2<sup>nd</sup>

Venue: Dachgeschoss Institutum / Top Floor Law Faculty Building, Schottenbastei 10-16, 1010 Vienna

19.00 – 22.00

#### Opening Ceremony and Reception

##### Welcome Addresses

*Diana Wallis*, ELI President  
*Heinz Fajfrmann*, Vice-Rector of the University of Vienna  
*Paul Oberhammer*, Dean of the Faculty of Law

##### Keynote Lecture:

*Russel Lansing*, Immediate Past President of the U.S. Uniform Law Commission

##### Thursday, September 3<sup>rd</sup>

Venue: Austrian Academy of Sciences (ÖAW), Dr. Ignaz Seipel-Platz 2, 1010 Vienna

#### ELI General Assembly (ELI members only)

Größer Festsaal / Grand Ceremonial Chamber

08.00 – 09.00

#### Registration and Coffee

09.00 – 09.30

#### Welcome (*Diana Wallis*, ELI President)

Introduction to the ELI Council elections (*Imgrid Griss*, Speaker of the ELI Senate)

09.30 – 10.30

#### Council Elections

Report by the President (*Diana Wallis*)  
Report by the Treasurer: Approval of 2014 accounts and of 2016 budget, appointment of auditor (*Johan Gerhardt*)

10.45 – 11.15

#### Membership issues (*Walter Dora*)

Projects (*Christiane Wendehorst*)  
Special Interest Groups (*John Sorabji*)  
International relations (*Sjef van Erp*)

11.15

#### Closing of the General Assembly

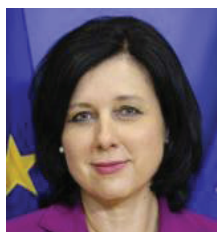
## ANNUAL CONFERENCE, 2-4 SEPTEMBER 2015

The Annual Conference gives the ELI an opportunity to present its work to the world. Here, we discuss and debate ongoing projects, plan future ones and discuss the state of the Institute and its place in the landscape of European law, all on an international stage with some of the finest minds in law today.

The ELI's fourth Annual Conference will take place this September in the elegant setting of the Austrian Academy of Sciences, located in Vienna's historic first district.

The ELI is delighted to welcome many esteemed guests to Vienna. **Harriet Lansing**, the Immediate Past President of the U.S. Uniform Law Commission will give a keynote lecture at the Opening Ceremony at the Faculty of Law at the University of Vienna on 2 September. The following day, **Věra Jourová**, the EU Commissioner for Justice, Consumers and Gender Equality, will deliver a keynote lecture on the premises of the Academy of Sciences. Other recognised authorities in their fields of law will also be in attendance as panellists and session chairs.

Members of the ELI may attend the conference free of charge. For external attendees, a conference fee of EUR 80 will apply.

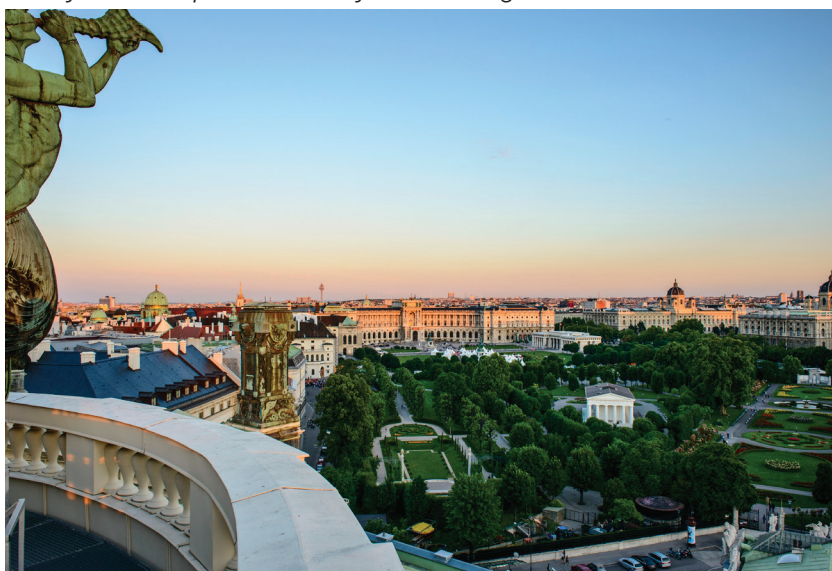


Commissioner Jourová

### PANEL SESSIONS

The panel sessions will include representatives of ELI working groups and experts from the European institutions and networks, and will address the substantive work of the ELI, present and future.

- **From Transnational Principles to European Rules of Civil Procedure (joint project with UNIDROIT)**  
*Chaired by José Angelo Estrella-Faria, Secretary-General of UNIDROIT, and Diana Wallis, ELI President*
- **The Future EU Administrative Procedure Law: Issues of Content and Scope**  
*Chaired by Jacques Ziller, Professor of European Union Law, University of Pavia*
- **From CESL to the Digital Single Market**  
*Chaired by Lord John Thomas, Lord Chief Justice of England and Wales*
- **Fiduciary Access to Digital Assets (feasibility study with ULC)** *Chaired by Harriet Lansing, Immediate Past President of the U.S. Uniform Law Commission*
- **Empowering European Families: Towards More Party Autonomy in European Family and Succession Law** *Chaired by Katharina Boele-Woelki, President of the Commission on European Family Law and of the International Academy of Comparative Law; and Christiane Wendehorst, ELI Vice-President*
- **Rescue of Business in Insolvency Law**  
*Chaired by Bob Wessels, Professor of International Insolvency Law, University of Leiden*
- **Rule of Law and Migration**  
*Chaired by Boštjan Zalar, High Court Judge of the Administrative Court of the Republic of Slovenia, ad hoc Judge of the European Court of Human Rights*



Heldenplatz and Museums. © WienTourismus / Christian Stemper

Register

## MEMBERS CONSULTATIVE COMMITTEE MEETINGS – 4 SEPTEMBER 2015

FROM TRANSNATIONAL PRINCIPLES  
TO EUROPEAN RULES OF  
CIVIL PROCEDURE  
CHAIR: MATTHIAS STORME

CONFLICTS OF JURISDICTION IN  
CRIMINAL LAW  
CHAIR: ANDRÉ KLIP

RESCUE OF BUSINESS IN  
INSOLVENCY LAW  
CHAIR: BOB WESSELS

Three Members Consultative Committees (MCCs) will hold physical meetings on 4 September. All meetings will be attended by one of the project reporters, giving a chance for the MCC members to receive first-hand answers to any questions they may have. All three meetings will take place simultaneously. A detailed agenda for each meeting will be available in due course. If you have not yet contacted the Secretariat about joining an MCC, please do so at [secretariat@europeanlawinstitute.eu](mailto:secretariat@europeanlawinstitute.eu).

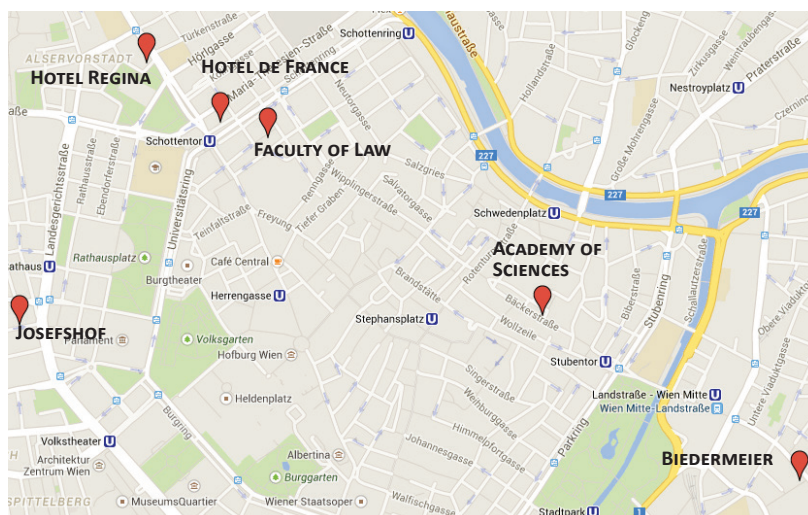
### ABOUT MCCs

*MCCs are tasked with commenting on the draft work of ELI project teams, and are open to any member of the Institute, regardless of expertise in the project's field of law. The aim of MCCs is to allow fresh perspectives to be cast on the content of the projects, so a variety of professional and national backgrounds is encouraged. The contribution of such Committees is essential in order to ensure the quality and value of ELI publications, which are intended to have taken a broad range of opinions and experiences into consideration. They are charged with conducting a physical meeting at least once a year on the occasion of the General Assembly.*

### ACCOMMODATION

Exclusive deals for ELI conference participants have been arranged with four hotels in Vienna. All of the hotels are conveniently located in the city centre, within easy reach of the conference venues by public transportation or by foot. In order to take advantage of these special rates, please make your booking **before 20 July**.

### Hotels



#### Hotel de France \*\*\*\*\*

PER NIGHT:  
SINGLE ROOM 127 EUR  
DOUBLE ROOM 141 EUR



#### Hotel Biedermeier\*\*\*\*

PER NIGHT:  
SINGLE ROOM 152 EUR



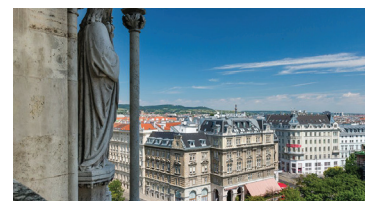
#### Hotel Josefshof\*\*\*\*

PER NIGHT:  
SINGLE ROOM 119 EUR  
DOUBLE ROOM 136 EUR



#### Hotel Regina\*\*\*

PER NIGHT:  
SINGLE ROOM 115 EUR  
DOUBLE ROOM 140 EUR



# Council Elections 2015

**Submit your nomination and endorsements no later than 20 May!**

As was already announced in the January-February issue of this Newsletter, the ELI's second Council elections will be held at the General Assembly in Vienna on 3 September 2015. If you would like to serve on the Council, the first step is to submit your nomination form and to be endorsed by 5 ELI fellows. Nomination and endorsements can only be submitted until **20 May**. In order to give other Fellows adequate time to endorse you, you are kindly requested to submit your nomination as soon as possible.

All ELI Fellows are eligible to stand for Council elections. In order to stand you must submit a completed nomination form together with a portrait photograph. The form can be downloaded [here](#). You can submit the nomination form either by uploading it to [MyELI](#) or by sending it together with a portrait photograph to the ELI Secretariat at: [elections@europeanlawinstitute.eu](mailto:elections@europeanlawinstitute.eu), where staff will upload the information onto the MyELI platform.

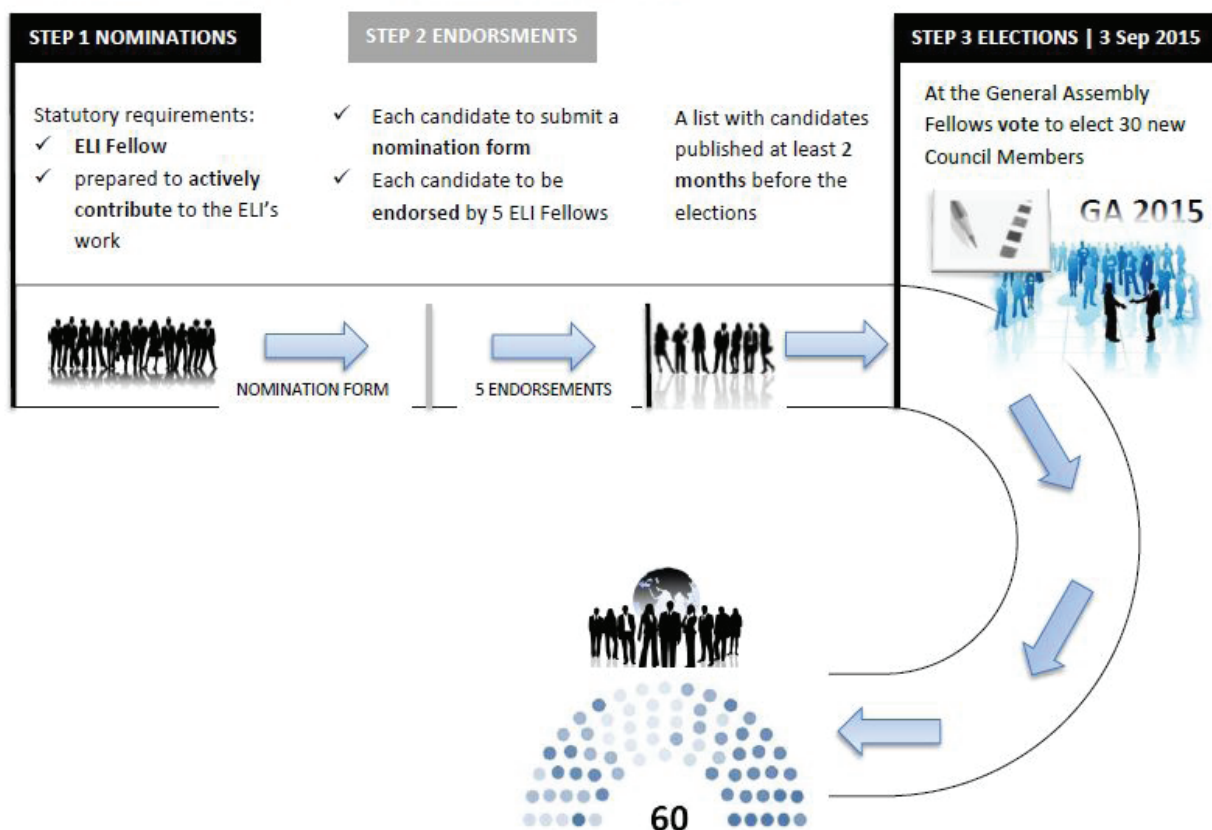
Endorsements can be given electronically via MyELI before **20 May** and by filling in an [endorsement form](#) and sending it to the ELI Secretariat by post or e-mail. Each ELI Fellow may endorse an unlimited number of candidates. Fellows who have nominated themselves can also collect five endorsements and send them to the ELI Secretariat.

The full list of endorsed candidates will be published no later than two months before the elections. Every ELI Fellow present at the meeting of the General Assembly on 3 September is entitled to vote. The election procedure is governed by the [ELI Election Byelaw](#) adopted in Council Decision 2013/5 of 2 April 2013. The elections are prepared and administered by the ELI Secretariat and overseen by the Returning Officer, Irmgard Griss (Speaker of the Senate).

2015 Council Elections | HOW TO BECOME

## a Member of the ELI Council

2015 Council Elections



The 30 newly elected members join the existing 30 members to form the Council

## Special Interest Groups: Join us in Scrutinising the European Legal Landscape!

As announced in the previous issue of this Newsletter, on 13 February 2015 the ELI Council decided to launch a Call for Interest for ELI members in Special Interest Groups (SIGs). These are subject-specific ELI Hubs. They are intended to play a central role in the ELI's development, and particularly the development of future projects. Each SIG will devote itself to scrutinising the latest, cutting-edge developments in a specific field of law, and to identifying ideas for potential ELI future projects. More details on the structure and functioning of SIGs can be found in [Council Decision 2015/1 of 13 February 2015](#), and also on the ELI website.

The Call for Interest has had an excellent response. Many ELI Fellows and Observers have already expressed their interest in establishing and/or actively participating in SIGs. It is very encouraging to have received such an enthusiastic response from Members, which is a clear sign of the ELI membership's strong commitment to developing European law. Members' willingness to contribute with their knowledge and experience to the scrutiny and analysis of the latest and more important challenges of the different fields of law in Europe is an asset that the ELI Council and Executive Committee greatly appreciates. It will undoubtedly have a great impact in the achievement of the Institute's goals.

Some of the fields that have attracted more support so far are:

- Digital law
- Dispute resolution
- European Union law
- Fundamental rights law
- Intellectual property law
- Contract, tort and property law
- Family and succession law
- Administrative law
- Competition law

ELI Fellows and Observers have also expressed their interest in areas such as property law, criminal law and procedure, European consumer law, private international law, comparative law, tax law and different aspects of business, economic and financial law.

Additionally, there have been proposals relating to more specific fields or topics, such as, judicial cooperation in civil and commercial matters, better regulation, asylum law, environmental law, food law, sports law, cross border mental capacity issues, comparative law, the European framework of private international law, anti-corruption law or the problems arising from applying European law in up to 24 European languages.

The ELI Executive Committee expresses its gratitude to Fellows and Observers for their warm and enthusiastic response. In order to secure the greatest possible success of this initiative it calls for those ELI Members who have not yet expressed their interest to contact the ELI Secretariat and/or a member of the Executive Committee. All ELI Fellows and Observers, whether they are judges, notaries, lawyers, policy makers, academics, or other legal professionals, are welcome to engage in this innovative and inclusive initiative that aims at becoming a core element of the ELI structure. Expressions of interest in the above mentioned fields as well as in any other fields of law are welcome.

ELI Fellows and Observers are encouraged to express their interest in SIGs at any time, since their structure is flexible and once a SIG is established it will be open to new members. However, in order to set up a first group of SIGs, Members are kindly asked to express their interest in SIGs **by 25 May 2015**. The ELI Executive Committee will give due consideration to the expressions of interest received by then in its June meeting, with the first SIGs to be formally established thereafter.

SPECIAL  
INTEREST  
GROUPS

SHAPING THE FUTURE  
OF THE ELI TODAY

**The ELI Council and Executive Committee call for all ELI Members who are interested in establishing and/or actively participating in one or more SIGs to contact the ELI Secretariat.**

## Austrian Hub Organises Event on Secured Transactions with UNCITRAL and BWG

The Austrian Hub hosted an event, “Secured Transactions in the Work of UNCITRAL”, at the Faculty of Law of the University of Vienna on March 6. The gathering featured workshops and a lunch time seminar conducted by experts in the subject. Representatives from co-hosting organisations UNCITRAL (United Nations Commission on International Trade Law) and the Österreichische Bankwissenschaftliche Gesellschaft (or BWG, the only independent research association in Austria devoted to banking) made substantial contributions to the programme. Christiane Wendehorst, Professor of Law at the University of Vienna and Vice-President of the ELI, Otto Lucius, Past President of the BWG, along with the BWG, organised the event and provided crucial financial support to make it possible.



Spyridon Bazinas, Sjef van Erp and Bea Verschraegen lead a discussion on the top floor of the Faculty of Law

The Vice-Dean of the Faculty of Law, August Reinisch, welcomed the participants to the top floor of the Juridicum of the University of Vienna and introduced Spyridon Bazinas, Senior Legal Officer at UNCITRAL,



Spyridon Bazinas, Senior Legal Officer, UNCITRAL, delivers his presentation

who opened the proceedings with a presentation, “Key trends and characteristics of modern and efficient secured transactions laws”. This provided much of the background for the draft model law from UNCITRAL, which would come under discussion later in the day. Bazinas concentrated on the objectives of secured transactions law, which generally aims to promote the availability and the lowering of the cost of credit by reducing the risk of debtor default and insolvency. A summary of current international legal thought on secured transactions, efficient registration systems and enforcement mechanisms concluded the discussion.

Bea Verschraegen, Professor of Law at the University of Vienna, then held a presentation entitled “Questions concerning the conflict of laws in secured transactions”. Sjef van Erp, ELI Executive Committee member and Professor of Law at the University of Maastricht, continued with, “The reception of the draft model law on secured transactions in European property law”. These talks all led to lively discussion among the attendees.



**United Nations**  
**UNCITRAL**

Otto Lucius of the BWG introduced the lunch time seminar delivered by Spyridon Bazinas, posing the question, “Secured transactions in the work of UNCITRAL: a modern model for the world?” He elaborated on the history of the UNCITRAL project on secured transactions and the pivotal role that the organisation plays in this field internationally. The amount of work that went into the draft law is vast; working groups in areas such as electronic business transactions, insolvency law and securities all made substantial contributions. His talk concluded with an outline of the structure of the law and a request for feedback from the attendees. Raimund Bollenberger of the Vienna University of Economics and Business moderated the seminar and the ensuing discussion. A lunch reception concluded the day’s events.

**BWG**



**universität**  
**wien**

## Successful Conference on the ELI Project on Business Rescue in Insolvency Law in Vienna

On 19 and 20 March, the Faculty of Law of the University of Vienna hosted a conference on the ELI Project on the Rescue of Business in Insolvency Law, chaired by the reporters of the project, Prof. Bob Wessels, Prof. Stephan Madaus and Associate Prof. Kristin van Zwieten. The two-day event was opened by the Dean of the Faculty of Law, Professor Paul Oberhammer, who is also a member of the Advisory Committee to the project.



Project Reporters Kristin van Zwieten, Bob Wessels and Stephan Madaus look on as Paul Oberhammer, Dean of the Faculty of Law at the University of Vienna, opens the conference

Professor Wessels then took the floor to welcome the participants and to thank the European Law Institute for its support for this project. He then summarised the current state of play of business rescue in Europe, highlighting the main legal developments that took place in the EU since the EU Insolvency Regulation was adopted. Special emphasis was given to the Commission's "Recommendation on a new approach to business failure and insolvency" (March 2014). He then presented an overview of the background and objectives of the project and then introduced the experts involved in the project: Project Reporters, National Correspondents (NCs), the Advisory

Committee and the Members Consultative Committee. He also expressed his gratitude to Dr. Mihaela Carpus-Carcea for her role as an observer on behalf of the European Commission.

Associate Prof. Kristin van Zwieten opened the first session of presentations from NCs and devoted a few words to the work done by NCs, expressing the Reporters' gratitude for their excellent inventory and normative reports on national insolvency laws. NCs from Belgium, England and Wales, Greece and Italy presented their reports during the first session. The floor was given to the audience after each presentation, an occasion that provided experts with a useful forum for discussing some key aspects of the presentations and the particular features of each jurisdiction. The same pattern was repeated in the second session of presentations, chaired by Prof. Stephan Madaus, where NCs from the Netherlands, Germany, Poland and Sweden gave their reports. The discussions emphasised, among other issues, the importance of flexible insolvency laws that incorporate reorganisation proceedings and liquidation proceedings, which are supervised by specialised insolvency courts and allow for a stay during (parts of) the proceedings. The participants also discussed the presence of confidential proceedings and incentives for early recourse in national insolvency laws.

On the second day of the conference, some specific issues for a legal enabling framework for business rescue in Europe were discussed more closely in four subject-specific workshops. In the first workshop, participants discussed restructuring under formal procedures, especially the European Commission's Recommendation and its emphasis in providing early recourse to distressed businesses. Effective access and confidentiality were identified as relevant elements in this regard. The second workshop focused on restructuring outside formal procedures and the third one on the pre-pack deals, with specific emphasis to business valuations and the issue of insider deals. During the last workshop, participants discussed the convenience of issuing a legislative guide on business rescue or of other (stronger) solutions.

The Project Reporters concluded the two-day conference by summarizing the vivid discussions and giving a brief overview of the next steps to be taken in this ELI project. More information about the project can be found on the [ELI website](#), and in the [project brochure](#). ELI members interested in the project are welcome to join the project's Members Consultative Committee. Please register via: [businessrescue@europeanlawinstitute.eu](mailto:businessrescue@europeanlawinstitute.eu).



Project Reporters and National Correspondents hold workshops on the second day of the conference in the Faculty of Law at the University of Vienna.



## ELI-UNIDROIT Joint Meeting and JURI Committee Presentation

On 16 April, the European Law Institute (ELI) hosted an ELI-UNIDROIT Joint Meeting in Brussels in which the Steering Committee and the Reporters discussed the progress of the project: “From Transnational Principles to European Rules of Civil Procedure”. Following the Joint Meeting, an ELI-UNIDROIT delegation presented the project to the Committee on Legal Affairs (JURI) at the European Parliament.

### ELI-UNIDROIT Joint Project

The ELI-UNIDROIT cooperation builds upon the Transnational Principles on Civil Procedure, established by the American Law Institute (ALI) and UNIDROIT. The aim of the joint project is to develop those principles to Rules of European Civil Procedure. In order to do so, the Working Groups take into consideration binding EU law and the common traditions of European countries as well as other pertinent European sources.

### Joint Meeting in Brussels

The meeting was opened by Diana Wallis, President of the ELI, and Anna Veneziano, Deputy Secretary-General of UNIDROIT. In addition, two further members of the Steering Committee, John Sorabji and Rolf Stürner, as well as two representatives of the European Commission attended the meeting and made crucial contributions to the discussion.

The Reporters of the three “initial” Working Groups, Neil Andrews and Fernando Gascón Inchausti (Access to Information and Evidence), Neil Andrews and Gilles Cuniberti (Provisional and Protective Measures), and Astrid Stadler and Eva Storskrubb (Service and Due Notice of Proceedings), focused on the progress made by their groups since the last Joint Meeting organized by UNIDROIT in Rome at the end of November 2014. In the interim, the groups had already drafted their first draft rules which were circulated for discussion among the Working Group members. The next step is to prepare the final draft rules by November 2015 which will then be exchanged with all other Working Groups.

The Reporters of the two “new” Working Groups, Frédérique Ferrand and Burkhard Hess (Res Judicata and Lis Pendens), C.H. (Remco) van Rhee and Alan Uzelac (Obligations of Parties and Lawyers), presented their first progress reports. The presentation included preliminary views on the working methodology as well as the scope and the main issues of their work. These two groups plan to circulate their first draft rules with the other Working Groups in autumn 2015.

### Project Presentation at the European Parliament

Following the Joint Meeting, an ELI-UNIDROIT delegation presented the project at a hearing of the Committee on Legal Affairs (JURI) at the European Parliament, which due to access restrictions was attended only by Wallis, Gascón Inchausti, Cuniberti, Storskrubb and Veneziano. President Wallis introduced the joint project on behalf of the ELI, followed by detailed presentations on the progress of the Working Groups by each of the three Co-Reporters of the “initial” Working Groups; the presentation was concluded by Deputy Secretary-General Veneziano on behalf of UNIDROIT.

A more detailed report of the Joint Meeting and the content of its discussions will soon be sent to the Observers of the project.



ELI President Diana Wallis, Eva Storskrubb, UNIDROIT Deputy Secretary General Anna Veneziano, Gilles Cuniberti and Fernando Gascón Inchausti at the JURI Committee

## Towards a Digital Single Market – Post-CESL Developments

In December 2014 the European Commission issued its [2015 Work Programme](#), within which it withdrew its previous Proposal for a Common European Sales Law (CESL). It identified that, as part of its intention to ‘do different things and to do things differently’ it intended to develop a modified proposal to replace it; one that would ‘fully unleash the potential of e-commerce in the Digital Single Market’. Aware of these developments Lord Thomas sought a fresh mandate from the ELI Council for the ELI CESL Working Party to resume its work in this area. That mandate was granted at the Council’s meeting in Vienna in February 2015.

The Working Party held its first meeting in London on 30 March 2015. It decided for a two stage approach to developing the ELI’s response to the Commission’s aims. It did so in order to ensure that prior to the anticipated publication of the Commission’s views in the early summer it would have been able to provide constructive input into the on-going debate. Initially then, a short Statement should be prepared setting out the Working Party’s views, at a general level, on the optimum approach that could be taken to developing a new European instrument and one focused on unlocking the single, digital market. The Working Party would and is subsequently going to develop a detailed proposal.

The Working Party completed its initial work by the end of April. This is set out in a draft ELI Statement entitled ‘Unlocking the Digital Single Market – An Instrument for 21st Century Europe’. It has been submitted in draft form to both the Commission and the Legal Affairs Committee of the European Parliament. Following consideration by the Working Party’s advisory committee it will be finalised and submitted for Council approval over the summer.



## New Institutional Observers

We are happy to announce two new Institutional Observers:



The [EEEI](#) is a thinktank established in 2006 to contribute to the convergence on core principles of the EU’s national systems of judicial expertise, and to guarantee the legal certainty of court rulings across the European judicial area by ensuring the high quality of court-ordered expert examinations. It brings together from each member state of

the European Union contributors from high courts, bar associations, expert organizations, and universities, and other professionals with a stake in these issues.

The [Maritime and Commercial High Court](#) is one of Denmark’s common courts, however it is the only court in the country which is a specialised court, and therefore only deals with certain types of cases. The President of the Court is Henrik Rothe. Ever since the Court was established in 1862, it has dealt with cases related to business matters. In 1872 the Maritime and Commercial Court’s Probate department was established to deal with the merchants’, the manufacturers’ and the ship owners’ insolvent estates. Today the Court is divided into two divisions, the Civil Division and the Bankruptcy Division. The Civil Division deals with cases related to business matters. The Bankruptcy Division deals with all of Greater Copenhagen’s cases that involve: bankruptcy, debt restructuring, compulsory dissolution of shares and private limited liability companies and reconstruction.



## Changes at the ELI Secretariat

After two years as Head of the Secretariat, Selma Tirić is moving on. Her tireless dedication and professionalism were indispensable during a period of great change and growth for the Institute. She has left her mark in every aspect of the ELI, especially in the organisation of the Annual Conference and General Assembly, Council meetings and other events, the management of projects and finances, and the execution of publicity efforts. She leaves the ELI to return to practice in a private law firm. We in the Secretariat team will miss her and wish her all the best.



We welcome Virginia Gallo Cobián to the ELI Secretariat, who joins us as Office Manager. Having formerly conducted research at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg and at the European Union Agency for Fundamental Rights in Vienna, she holds a Ph.D. in Public International Law from the Complutense University of Madrid. We all look forward to working with Virginia.



### Secretariat of the ELI

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*Building on the wealth of diverse legal traditions, the European Law Institute's mission is the quest for better law-making in Europe and the enhancement of European legal integration. By its endeavours, the ELI seeks to contribute to the formation of a more vigorous European legal community, integrating the achievements of the various legal cultures, endorsing the value of comparative knowledge, and taking a genuinely pan-European perspective.*