



# ELI

EUROPEAN  
LAW  
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# ELI Updates

## March–April 2018

### **GREETINGS FROM FROM GERTRUDE BRINEK** OMBUDSWOMAN AND CHAIRPERSON OF THE AUSTRIAN OMBUDSMAN BOARD



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Dear ELI Members and Friends

I am especially pleased to contribute to the ELI's current newsletter in my capacity as Ombudswoman of the Austrian Ombudsman Board.

Founded in 1977, the Austrian Ombudsman Board (AOB) has been monitoring public administration for more than 40 years. The AOB assists citizens – irrespective of their age, nationality or their place of residence – if they believe that they have been treated unfairly by an Austrian authority. Furthermore, the AOB can examine ex-officio whether the Austrian administration is acting within the law and is complying with human rights standards. Since 1 July 2012, the AOB has additionally been entrusted with the constitutional mandate to protect and promote human rights as a 'National Prevention Mechanism' (NPM). This mandate is based on two legal instruments of the United Nations (UN), ie the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the UN Convention on the Rights of Persons with Disabilities (CRPD). The essential purpose of the NPM is to recognise and remedy risk factors for human rights infringements at an early stage. The AOB monitors facilities and programmes nationwide that are designed to serve persons with disabilities as well as institutions in which there is or can be a deprivation or restriction of personal liberty, such as prisons or nursing homes. In total, more than 4,000 public and private institutions fall within this mandate. Moreover, the AOB has been empowered to monitor and to observe the behaviour of executive bodies if direct orders are issued and coercive measures are exercised, as in the case of (forced) returns, demonstrations and police operations.

The benchmarks for the fulfilment of the responsibilities of the AOB can be provisions, norms or standards of international, European and national law and the corresponding jurisprudence. Hence, the objectives of the ELI to improve the quality of European law and to provide practical guidance in the field of European legal development are of particular relevance to the work of the AOB. The AOB is therefore very interested in closer cooperation on ELI Projects such as the one concerning 'Protection of Adults in International Situations'. The AOB has called for a revision of the national Act concerning legal guardianship of adults due to the increasing number of complaints concerning the deficiencies of the current system. I consider it a big success that the Second Protection of Adults Act (2. Erwachsenenschutz-Gesetz) has been adopted by the Austrian Parliament and will enter into force on 1 July 2018. It will extensively modernise the guardianship system for adults with incapacity in Austria. The new law is centred on autonomy, self-determination and decision-making guidance of those concerned.

I will continue to follow the implementation of this and other important ELI Projects with great interest and I look forward to future exchanges with the ELI community.

Gertrude Brinek

## 2018 Annual Conference and General Assembly Riga (Latvia) from 5–7 September



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This year, friends and members of the ELI will gather in Riga (Latvia) for the 2018 Annual Conference and General Assembly.

The event will take place from **5–7 September 2018** and between 350–400 legal professionals from Europe and beyond will participate.

The main event will take place at the **Law Faculty of the University of Latvia** and will include keynote speeches as well as numerous panel sessions on topical legal issues. We are honoured to announce that Secretary General of the Council of Europe (CoE), **Thorbjørn Jagland**, will give a keynote speech on 7 September 2018.

We would like to thank the following partners for sponsoring our Conference:



The Conference is also supported by:



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## Tentative Agenda of the ELI 2018 Annual Conference and General Assembly

### Wednesday, 5 September

Venue: University of Riga, Faculty of Law

- 09:30 – 10:55 Registration (Council and General Assembly only)
- 11:00 – 13:00 Council Meeting
- 13:00 – 13:55 Lunch
- 14:00 – 15:30 Council Meeting
- 15:30 – 15:55 Coffee Break
- 16:00 – 18:00 General Assembly including Q&A Draft Model Rules on Online Intermediary Platforms Session
- 19:00 – 22:00 Opening Ceremony and Reception  
Venue: National Art Museum

### Thursday, 6 September

Venue: University of Riga, Faculty of Law

- 08:00 – 09:00 Registration
- 09:00 – 09:30 Welcome Addresses
- 09:30 – 11:00 Draft Model Rules on Online Intermediary Platforms
- 11:00 – 11:25 Coffee Break
- 11:30 – 13:00 Principles for a Data Economy
- 13:00 – 13:55 Lunch
- 14:00 – 14:45 Keynote Speech
- 14:45 – 16:15 From Transnational Principles to European Rules of Civil Procedure
- 16:15 – 16:40 Coffee Break
- 16:45 – 18:15 Protection of Adults in International Situations
- 19:30 – 22:00 Gala Dinner  
Venue: National Library

### Friday, 7 September

Venue: University of Riga, Faculty of Law

- 09:15 – 10:45 Empowering European Families (Presentation of Final Results and Voting on ELI Instrument)
- 10:45 – 11:10 Coffee Break
- 11:15 – 12:45 R&D Tax Law (Presentation of Final Results and Voting on ELI Statement)
- 12:45 – 13:30 Keynote Speech: Thorbjørn Jagland
- 13:30 – 14:25 Lunch
- 14:30 – 16:00 Business & Human Rights
- 16:00 – 16:25 Coffee Break
- 16:30 – 18:00 Common Constitutional Traditions in Europe
- 19:30 – 22:00 Social Event

Blockchain  
Technology and  
Smart Contracts

Fiduciary Access to Digital Assets

Principles of Liability in Digitalised Environments: Conflict of Law and Substantive Law Issues

A platform will be open for registration on [our website](#) shortly. In the meantime to book accommodation, kindly click the button on the right.

Hotels



## ELI Co-Organises Visit of the President of the European Parliament to the University of Vienna (Austria)

On 19 June 2018, the President of the European Parliament, Antonio Tajani, and several delegates will hold a Q&A session with students at the University of Vienna. This event is co-organised by the University of Vienna, the European Parliament

Information Office in Austria and the ELI. During the Q&A session, students will get the opportunity to ask their questions to President Tajani and the delegation.

The visit is on the occasion of the 2018 Austrian EU Council Presidency.



President Antonio Tajani/ © CC BY 2.0

### #ask - Your Thoughts Count!

The EU delegation wants to answer questions that Austrian millennials routinely ask their friends, family or themselves. While the event will be held at the University of Vienna, it is open to candidates currently enrolled at any university in Austria and of any discipline.

To attend the Q&A session you simply need to register. Please note only a limited number of seats are available, so book early. You can ask a

question you feel passionate about for President Tajani and accompanying of delegates to reply to. The questions will be considered and successful candidates will either be included in a video or be asked by the candidate personally during a live Q&A session with the President on 19 June 2018.

Keep an eye on the [ELI website](#), where further details and a registration form will be published soon.

### Speakers

**Antonio TAJANI**, President of the European Parliament

**Esteban GONZÁLEZ PONS**, Vice-Chairman, Group of the European People's Party

**Udo BULLMANN**, Chair, Group of the Progressive Alliance of Socialists and Democrats in the European Parliament

**Syed KAMALL**, Co-Chair of the European Conservatives and Reformists Group

**Guy VERHOFSTADT**, Chair of the Group of the Alliance of Liberals and Democrats for Europe

**Gabriele ZIMMER**, Chair of the Confederal Group of the European United Left, Nordic Green Left

**Ska KELLER**, Co-Chair of the Group of the Greens/European Free Alliance

**Peter LUNDGREN**, Vice-Chair of the Europe of Freedom and Direct Democracy Group

**Date and Time:** 19 June 2018, 16:30–18:30 (Entry from 14:30)

**Venue:** University of Vienna

Audimax, Universitätsring 1, 1010 Vienna (Austria)

## Updates on Projects

### Online Intermediary Platforms Project Meeting in Osnabrück (Germany)

On 15 and 16 March 2018, the Working Group on Online Intermediary Platforms held a meeting at the European Legal Studies Institute in Osnabrück. The Group discussed the new version of the ELI Model Rules on Online Platforms Discussion Draft, taking into account contributions of several smaller working parties established after a meeting in Berlin in November 2017, elaborated upon by the Redaction Committee.



Project members at the European Legal Studies Institute



This project is co-funded by the European Union

The main focus of the meeting was set on the coordination of the draft and structure of liability rules alongside the scope of the instrument and the platform-supplier relations.

The Working Group aims at producing a rather comprehensive, tentative draft to be presented at the [ELI Annual Conference and General Assembly in Riga \(Latvia\)](#) in September 2018.

### ELI-UNIDROIT Joint Meeting in Rome (Italy)

On 9–10 April 2018, a joint ELI-UNIDROIT (International Institute for the Unification of Private Law) meeting on the From Transnational Principles to European Rules of Civil Procedure Project took place in Rome.

The two-day event is a traditional gathering of Reporters and members of the Project's Working Groups, the Steering Committee, Advisors and Observers of the Project, who are invited to share feedback and ideas on the current and prospective work of the Project.



Participants in Rome (Italy)



Participants at the joint meeting in Rome (Italy)

The meeting constitutes the first joint event by the ELI and UNIDROIT this year and will be followed by at least two more public Project-related events in 2018. It comes after a Parties Working Group meeting in Leuven (Belgium) on 24–25 January this year.

On 5–7 September 2018, a panel on this Project will speak during the ELI Annual Conference in Riga (Latvia) and a [public Conference](#) will be held in Trier (Germany) in cooperation with the [Academy of European Law \(ERA\)](#) on 26–27 November.



This project is co-funded by the European Union



## Common Constitutional Traditions in Europe Project Meeting in Rome (Italy)

Following the approval of the Project proposal by the ELI Council in February 2018, members of the ELI Project on the Common Constitutional Traditions in Europe convened their first meeting on 18 April 2018.

This organisational meeting, held in Rome (Italy), aimed at discussing the preliminary stages of the research Project and evaluated the drafting of a questionnaire, which will be used to collect country-specific information. Discussions also touched on commissioning a few pilot reports by national experts and planning future meetings, including a kick-off meeting that will be held in Turin (Italy) in September 2018. The Common Constitutional Traditions in Europe Project seeks to identify the source of these traditions, their content, their relationship with national identity, whether they are an autonomous source of European law and the way



Members of the Project during the meeting

in which they emerge as common to Member States and are expressed as such. The Project will go beyond the existing ECtHR's *acquis* on the subject and will explore the idea that – eg under the EU's general principles or under the principles highlighted in the two Venice Commission documents on the rule of law – there arguably exist European if not even global values that have broader implications than those presently affirmed by the jurisprudence of the European courts.

## Final Meeting of the Project Group on Empowering European Families in Vienna (Austria)

The Working Group and Advisory Committee of the ELI Project on Empowering European Families: Towards More Party Autonomy in European Family and Succession Law held their final meeting on 26–27 April 2018 in Vienna at the premises of the ELI Secretariat. The meeting aimed at summarising the results achieved by the Group since January 2016, when the Project began. After having over ten successful Working Group meetings and following numerous presentations of the interim output of the Project at several public workshops and conferences, including the 2016 and 2017 ELI Annual Conferences, the Group convened once more to discuss the current state of affairs of their Project, analyse its final output as well as discuss dissemination strategies and possibilities of a follow-up Project. Taking comments the Team received from stakeholders into consideration, they managed to reduce the previous seven different templates to just three: one for married couples, one for registered partners and one for informal relationships. As such, the Project hopes to help international couples with moving around the EU.

Among other dissemination events, select members of the Team will present the Project's output at the ELI's upcoming Annual Conference in Riga (Latvia). Find out more about this Project [here](#).



Members of the Project during the meeting at the ELI Secretariat



Co-funded by the Justice Programme of the European Union

## ELI Representation

### ELI Vice-President Sjef van Erp at an Award Ceremony in London (United Kingdom)

As a post script to our last Newsletter, on 27 February 2018, Vice-President Sjef van Erp was present at an award ceremony in the House of Lords, honouring Lord Woolf. On the occasion Lord Woolf received an excellence award by the International Institute for Justice Excellence (IIJE), an institute aimed at improving court administration. Sjef van Erp is a member of the Board of Directors at the IIJE. Lord Woolf, former Lord Chief of Justice of England and Wales, who was also responsible for a fundamental reform of the English justice system in 1999, was recognised by the IIJE for his unique contributions to the global improvement of the administration of justice.

### ELI Vice-President at a European Land Registry Association (ELRA) Conference in Brussels (Belgium)

From 28 February–1 March 2018, ELI Vice-President Sjef van Erp attended the Interoperability Model for Land Registers (IMOLA) II Kick-Off Conference and Training Sessions in Brussels. This event was devoted to a project on cross-border access to land registry information, a project under the responsibility of the ELRA. ELRA is one of the four Founding Institutional Observers of the ELI.

### Meeting between ELI President and the Secretary General of the Organization for Economic Co-operation and Development (OECD) in Paris (France)



Christiane Wendehorst OECD representatives. ©OECD/Hervé Cortinat

On 16 March 2018, Christiane Wendehorst, President of the ELI, met Angel Gurría, Secretary General of the OECD, at the OECD headquarters in Paris. Wendehorst gave an overview of the work of the ELI including ELI Projects on themes that align themselves with the interests of the OECD such as the recently completed ELI Project on the Detention

of Asylum Seekers and Irregular Migrants and the Rule of Law. The two also spoke, among other topics, about digitalisation, notably platforms and liability issues and on the ELI's Project on tax law. (For a list of [current](#) and [prospective](#) ELI Projects, please click the relevant subject fields.)

In addition, President Wendehorst and Secretary General Gurría discussed the prospect of a future partnerships between the ELI and the OECD. You can find out more about the work of the OECD [here](#).

### ELI Vice-President at the Annual World Bank Conference on Land and Poverty in Washington DC (USA)

From 19–23 March 2018, ELI Vice-President Sjef van Erp attended the Annual World Bank Conference on Land and Poverty in Washington DC, where he gave a presentation on Blockchains and Smart Contracts on 19 March, a topic that is the theme of an upcoming [ELI Project](#). The Conference provided a platform for discussions on the latest research and practice on the diversity of reforms, interventions and innovations in the land sector around the world. The theme of the 2018 Conference was 'Land Governance in an Interconnected World'. The event attracted over 1,300 participants from governments, academics, civil society and the private sector. On 21 March, van Erp chaired a session on 'Blockchain and Privatisation: Who Owns the Data?'

### ELI President at a Symposium on Artificial Intelligence in Hannover (Germany)

On 23 March 2018, Christiane Wendehorst attended the first Artificial Intelligence, Robotics and Law Symposium, organised by the Robotics and Artificial Intelligence Law Society (RAILS). RAILS is the legal response to the increasing digitalisation of our modern society and is committed to the responsible development of intelligent systems. During the symposium, Christiane Wendehorst gave a presentation on machine-to-machine contracting, a theme closely related to an [upcoming ELI Project](#).

### Meeting between ELI President and Council of Europe (CoE) Secretary General in Strasbourg (France)

On 20 March 2018, ELI President, Christiane Wendehorst was welcomed by Secretary General of



ELI President Wendehorst with Secretary General of the CoE Jagland

the CoE, Thorbjørn Jagland, at the CoE in Strasbourg. Founded in 1949, the CoE is an international organisation whose stated goals are to uphold human rights, democracy and rule of law in Europe and to promote European culture. You can read more about the CoE [here](#).

Given the overlap in the interests of both the CoE and the ELI, the meeting provided an opportunity for President Wendehorst and Secretary General Jagland to discuss recent developments. Among other things, reference was made by Wendehorst to the recently adopted ELI Projects on Business and Human Rights: Access to Justice and Effective Remedies (undertaken in cooperation with the EU Agency for Fundamental Rights, FRA) and on Common Constitutional Traditions in Europe. You can find out more about these Projects [here](#). President Wendehorst and Secretary General Jagland also exchanged ideas on possible cooperation in the future. The ELI is proud to have Secretary General Jagland as a keynote speaker at the upcoming [ELI Annual Conference and General Assembly](#).

### **Meeting between ELI President and the European Court of Human Rights (ECHR) in Strasbourg (France)**

Following her meeting with Thorbjørn Jagland, ELI President Christiane Wendehorst was received by the President of the ECHR, Guido Raimondi, at the ECHR in Strasbourg on 20 March 2018. The two discussed the ELI's approach and working methods and, among other things, a number of ELI publications such as the 2012 [Statement on Case Overload at the European Court of Human Rights](#) and its impact. Also high on the agenda was the ELI's recent publication on the [Detention of Asylum Seekers and Irregular Migrants and the Rule of Law](#). President Raimondi and Wendehorst also discussed avenues for more enhanced cooperation between the ECHR and the ELI.

### **ELI Vice-President at a Round Table Conference in Osnabrück (Germany)**

From 12–13 April 2018, the 'A Fresh Impulse for Research in European Private Law' Conference took place in Osnabrück and was hosted by the European Legal Studies Institute (ELSI). The Conference was organised by member of the ELI Executive Committee Hans Schulte-Nölke and ELI Fellow Aneta Wiewiórowska-Domagalska. On the first day of the Conference, ELI Vice-President Sjef van Erp discussed European property law, together with Christian von Bar, who is one of the ELI Founding Members and is a Professor at the University of Osnabrück.

### **ELI President at the Foreign Policy and United Nations Association of Austria (UNA-Austria)**



Participants during the presentation

On 18 April 2018, ELI President Christiane Wendehorst spoke at the UNA-Austria in Vienna about the history, structure, activities and aims of the ELI and was welcomed by the President of the UNA-Austria and former Austrian Chancellor, Wolfgang Schüssel. Her presentation was followed by a panel discussion, which was chaired by the Austrian Diplomat, Gregor Woschnagg. Topics included European and international aspects in today's legal education and the possibilities of implementation of the work of the ELI and the EU law's ability to react to societal change. During the lively discussion, Wendehorst emphasised that the various legal traditions amongst ELI members are not much of an impediment, but that – quite the contrary – there is a lot more common ground than one might actually think. The presentation was part of the 'International Club', where around 70 representatives of various institutions, including representatives of the Austrian Ministry of Foreign Affairs, international organisations such as the UN Refugee Agency, former and current members of the Austrian Parliament and Government, international and national researchers and various others are invited to present their respective institutions.



## ELI Vice-President at the European Law Faculties Association (ELFA) Annual General Meeting and Conference in Barcelona (Spain)

On 26 and 27 April 2018, Vice-President Sjef van Erp took part in the annual meeting of the ELFA, held at the Autonomous University of Barcelona. He was a member of the panel on international research agreements and the effects of Brexit on research. He also joined the round table on joint teaching and international legal education. Ahead of the annual meeting, representatives from organisations of law schools from Australia, China, Europe and the US met to discuss future institutional cooperation. They founded the 'Global Legal Education Associations Consortium'. The ELI was invited to contribute to the discussion in light of its cooperation with ELFA. Amongst the participants was ELI Council member and co-coordinator of the Spanish Hub, Albert Ruda.

Sjef van Erp also participated in the Conference on legal education in the 21st century and contributed



Vice-President Sjef van Erp in Barcelona

to the panel discussion, also held that same week at the Autonomous University of Barcelona.

## Lecture at the ELI for Students of the University of Leiden (the Netherlands) at the ELI Secretariat

On 27 April 2018, students and scholars of the Department of Constitutional and Administrative Law of Leiden University were welcomed to the premises of the ELI Secretariat in Vienna (Austria). ELI Secretary General, Dr Vanessa Wilcox, introduced the students to the history, aims and key Projects embarked upon by the ELI. She was followed by ELI Council member and former judge, Josef Azizi, who focused on administrative law during his presentation. The title of his presentation was 'Some Reflections on the Principles of Legal Certainty and Legitimate Expectations'. During his illuminating presentation, Azizi gave many examples from his time as a judge at the General Court of the European Union.



ELI Council member Josef Azizi during the lecture at the ELI Secretariat

## Other ELI Events

### 9th Trans Europe Experts (TEE) Forum in Paris (France)

For the 9th time, the TEE Forum gathered academics and legal professionals from all over Europe at the Institute of Comparative Law in Paris. The theme of the event was: 'What Kind of Europe for Tomorrow?' This event was co-organised with the ELI and took place on 16 March 2018. The presentations were focused on topics such as international mobility, European taxation, European company and insolvency law, digital law and European citizenship. Several ELI Fellows and Project Team members including ELI President Christiane Wendehorst, ELI Treasurer Denis Philippe, Reporter on the ELI's the Protection of Adults in International Situations Project, Pietro Franzina, Reporter of the ELI's For a European Approach to R&D Expenses Qualifying for the Common Corporate Tax Base Super Deduction Project, Georges Cavalier, Project Reporter Christoph Busch, and other members of the Draft Model Rules

on Online Intermediary Platforms Project Teams, Juliette Sénéchal and Célia Zolynski, as well as Walter Doralt, Chair of the ELI Membership Committee, delivered speeches on various topics. The TEE was founded in 2009 by five French academics, one of them being former ELI Vice-President Bénédicte Fauvarque-Cosson, who wanted to improve the participation of lawyers in the development of European law. The Forum brings together academics and legal professionals from various disciplines.



Panel during the Trans Europe Experts event

## SIG Updates

### Digital Law SIG Conference in Treviso (Italy)

From 19–20 April 2018, the Digital Revolution: Data Protection, Artificial Intelligence, Smart Products, Blockchain Technology and Virtual Currencies – Challenges for Law in Practice Conference took place in Treviso. This event was organised by the ELI Digital Law SIG. Among the speakers were ELI President Christiane Wendehorst, Vice-President Sjef van Erp, ELI Executive Committee member Hans Schulte-Nölke and many ELI Fellows. The ELI President welcomed guests on behalf of the ELI SIG and presented a paper on the Principles for a Data Economy Project (a joint Project with the American Law Institute, ALI). The Conference was devoted to the impact of digital technology on the law and brought together leading experts from Europe and beyond. The focus of the event was on, among others, the role of personal and non-personal data, the protection of users' and businesses' rights in contracts for the supply of digital contents, the



Participants of the Conference

EU General Data Protection Regulation, digital inheritance, artificial intelligence and the regulation of algorithms, 3D printing, online platforms and blockchain technology.

In a following SIG meeting, ELI Council member Christoph Busch was elected new co-coordinator of the SIG. The SIG members also discussed, among other topics, a possible ELI Digital Law Yearbook. You can find out more about this SIG [here](#).

## New ELI Institutional Observers

### Organization for Security and Co-operation in Europe (OSCE)



The Organization for Security and Co-operation in Europe (OSCE) has a comprehensive approach to security that encompasses politico-military, economic and environmental, and human aspects. It therefore addresses a wide range of security-related concerns, including arms control, confidence- and security-building measures, human rights, national minorities, democratisation, policing strategies, counter-terrorism and economic and environmental activities.

All 57 participating States enjoy equal status, and decisions are taken by consensus on a politically, but not legally binding basis.

The OSCE works for stability, peace and democracy for more than a billion people, through political dialogue about shared values and through practical work that contributes to sustainable progress. The

OSCE's comprehensive concept of security covers the politico-military; the economic and environmental; and the human dimensions.

#### Politico-Military Dimension

Within the politico-military dimension, the OSCE seeks to create greater openness, transparency and co-operation and has developed the world's most advanced regime of arms control and confidence-building measures. Areas of work include reforms in the security sector and the safe storage and destruction of small arms, light weapons and conventional ammunition.

#### Economic and Environmental Dimension

Economic and environmental factors can pose threats and challenges to security and stability. Within the economic and environmental dimension, the OSCE supports its participating States in promoting good governance and environmental awareness, tackling corruption, sharing natural resources and in the sound management of environmental waste.

## Human Dimension

All OSCE participating States agree that lasting security cannot be achieved without respect for human rights and functioning democratic institutions. The OSCE helps its participating States strengthen democratic institutions; hold genuine and transparent democratic elections; promote gender equality; ensure respect for human rights, media freedom, the rights of persons belonging to national minorities and the rule of law; and promote tolerance and non-discrimination.

## Supreme Administrative Court of Finland



Korkein hallinto-oikeus  
Högsta förvaltningsdomstolen  
Supreme Administrative Court of Finland

The Supreme Administrative Court of Finland (*Korkein hallinto-oikeus*) is the highest court in the Finnish [administrative court system](#), parallel to the [Supreme Court of Finland](#). Under the Constitution of Finland, the Supreme Administrative Court is the court of last resort in administrative cases. In criminal and civil cases, the highest judicial powers are vested in the Supreme Court. Both courts were established in 1918.

The Constitution requires that any use of public powers be based on law. Anyone who is dissatisfied with an administrative decision pertaining to his or her rights or obligations may challenge the lawfulness of the decision before an administrative court. The right of appeal in such cases is mainly covered by the provisions of the Administrative Judicial Procedure Act.

Many categories of cases handled by the Supreme Administrative Court are not subject to the requirement of leave to appeal. As a rule, therefore, the parties have a right to appeal and the Supreme Administrative Court issues a decision on merits. However, legislation is currently shifting towards more extensive requirements of leave to appeal.

## Cross-Dimensional

The OSCE addresses security challenges that pose a threat across borders, such as climate change, terrorism, radicalization and violent extremism, organized crime, cybercrime and trafficking in drugs, arms and human beings. The organization promotes stronger ties and co-operation between states, creating partnerships between the private and public sectors, and engaging civil society.

Administrative courts apply the Administrative Judicial Procedure Act. The Act contains a provision placing administrative courts under an obligation to ensure proper examination of cases. Thus, the parties to proceedings are usually able to pursue their cases without professional legal help, which facilitates the lodging of appeal and access to legal remedies.

In recent years, the Supreme Administrative Court has received approximately 4,000–6,000 cases annually from all sectors of administration. The main categories of cases are alien's affairs, taxes and social welfare and health care. Cases are mainly dealt with in writing. The decisions of the Court are final.

The mission of the Supreme Administrative Court is to grant judicial protection. Nowadays the Supreme Administrative Court also guides the application of the law more extensively by setting precedents. The Court may also give opinions and submit legislative initiatives.

The judges of the Supreme Administrative Court include the President and 20 Justices, as well as a few temporary Justices. The court has almost 50 referendaries and more than 40 other employees. The Secretary General heads them.



## Overview of Upcoming Events: SAVE THE DATE!

**4–5 May 2018**

[Impact of Technology on International Contract Law: Smart Contracts and Blockchain Technologies in Lyon \(France\)](#)



**9 May 2018**

[3rd Annual Meeting of the Spanish Hub in Madrid \(Spain\)](#)



**9 May 2018**

[Italian Hub Event in Torino \(Italy\)](#)



**31 May 2018**

[The Preventing and Resolving Conflicts Jurisdiction in EU Criminal Law Final Conference in Luxembourg \(Luxembourg\)](#)



**6–7 June 2018**

[Administrative Law SIG Conference in Budapest \(Hungary\)](#)



**7 June 2018**

[Workshop on the Present and the Future of European Family and Succession Law in Pisa \(Italy\)](#)



**19 June 2018**

[Lecture by the President of the European Parliament at the University of Vienna \(Austria\)](#)



**5–7 September 2018**

[ELI Annual Conference and General Assembly in Riga \(Latvia\)](#)



**12–14 September 2018**

[Presentation of the ELI Statement on Migration Statement on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law in Catania \(Sicily\)](#)



**14 September 2018**

[Launch of the Hungarian Hub in Budapest \(Hungary\)](#)



**9 November 2018**

[Alternative Dispute Resolution Conference in Trier \(Germany\)](#)



**26–27 November 2018**

[ELI-UNIDROIT Conference at the Academy of European Law \(ERA\) in Trier \(Germany\)](#)



## Criminal Law Final Conference in Luxembourg (Luxembourg)

We are delighted to invite you to the Preventing and Resolving Conflicts of Jurisdiction in EU Criminal Law Final Conference, which will take place on 31 May 2018 in Luxembourg (Luxembourg). This event

is co-organised by the University of Luxembourg and the ELI.



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Morning	
09:00-09:15	Welcome and Introductory Remarks Christiane Wendehorst (ELI President)
9:15-10:00	<b>Instrument of the ELI</b> <i>Draft Legislative Proposals for the Prevention and Resolution of Conflicts of Jurisdiction in Criminal Matters in the European Union</i> Chair: Christiane Wendehorst (ELI President) Katalin Ligeti (University of Luxembourg) John Vervaele (Utrecht University) André Klip (Maastricht University)
10:00-11:00	<b>Roundtable: Views from Policy, Practice and Civil Procedure</b> <i>Chair: Frank Meyer (Universität Zürich)</i> <i>Tania Schroeter (European Commission, Directorate-General for Justice and Consumers)</i> Jesper Hjortenberg (National Member of Eurojust, Denmark) Holger Matt (European Criminal Bar Association) Burkhard Hess (Max Planck Institute Luxembourg)
11:00-11:15	Coffee Break
11:15-13:00	<b>Panel One: Area of Freedom, Security and Justice</b> <i>Chair: Jeannot Nies (Procureur général d'Etat adjoint, Luxembourg)</i> The Concept of a Conflict and Multiple Proceedings André Klip (Maastricht University) The Legal Basis for Preventing and Solving Conflicts of Criminal Jurisdiction in the TFEU Martin Wasmeier (European Commission, Legal Service) EU Citizenship and Forum Choice Michiel Luchtman (Utrecht University) Victims and Conflicts of Jurisdiction Michele Simonato (Utrecht University)

Afternoon	
12:30-13:00	Discussion
13:00-14:00	Lunch
14:00-15:30	<b>Panel Two: Parallel Enforcement Regimes</b> <i>Chair: Miguel Carmona Ruano (Spanish Liaison Magistrate to the United Kingdom)</i> <i>Ne bis in idem</i> and the Concept of a Criminal Charge Judge Paulo Pinto de Albuquerque (European Court of Human Rights) Mutual Trust and Forum Choice Judge Lars Bay Larsen (European Court of Justice) Multi-Jurisdictional and Inter-Agency Enforcement: A Solution for Conflicts of Jurisdiction? John Vervaele (Utrecht University)
15:30-15:45	Discussion
15:45-17:15	Coffee Break
16:45-17:15	<b>Panel Three: Challenges on the Horizon</b> <i>Chair: Aukje van Hoek (University of Amsterdam)</i> From Conflicts of Jurisdiction to Forum Choice Angelo Marletta (University of Luxembourg) Forum Choice and Cyberspace Gavin Robinson (University of Luxembourg) Forum Choice and the European Public Prosecutor's Office Hans-Holger Herrfeld (German Federal Ministry of Justice and Consumer Protection)
16:45-17:15	Discussion
17:15-17:30	Closing Remarks: Katalin Ligeti

**Venue:** Weicker Building, Room B001  
Rue Alphonse Weicker 4, Luxembourg-Kirchberg.  
**Registration & information:** Gavin Robinson  
gavin.robinson@uni.lu

## Administrative Law SIG Conference in Budapest (Hungary)



ELI

EUROPEAN  
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ADMINISTRATIVE LAW SIG



ELTE LAW  
EÖTVÖS LORÁND UNIVERSITY

THE CONSTITUTIONAL COURT  
OF HUNGARY



ANDRÁSSY  
UNIVERSITÄT  
BUDAPEST

This event will take place in Budapest on 6–7 June 2018. It is co-organised by Andrassy University, ELTE University, the Constitutional Court of Hungary and the ELI Administrative Law SIG.

During the Conference, members of the ELI Administrative Law SIG and external participants will give presentations on different aspects of administrative law.

The keynote speeches will be given by Rainer Münz (Adviser on Migration and Demography, European Political Strategy Centre of the European Commission) and Anton Pelinka (Professor at the Central European University in Budapest).

For further information, kindly read the agenda [here](#).

## Workshop on the Present and the Future of European Family and Succession Law in Pisa (Italy)

This workshop is organised by the ELI SIG on Family and Succession Law and will consist of presentations by members of this SIG and other family and succession law experts. The workshop will take place on 7 June 2018.

Kindly click [here](#) to read the agenda of this workshop.

### Date and Time:

7 June 2018, 09:00–17:15.

### Venue:

Auditorium Le Benedettine – Lungarno Sidney Sonnino, 18, Pisa (Italy).

### Registration:

In order to participate in this workshop, please register by sending an email to Giulia Donadio: [julia.donadio@gmail.com](mailto:julia.donadio@gmail.com).

With regard to accommodation, the organisers suggest the Guest House of the University, Residence Le Benedettine, which can be contacted here: [info@residence.unipi.it](mailto:info@residence.unipi.it)

To view the agenda of this workshop, please click [here](#).



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## Launch of the Hungarian Hub and Call for Papers in Budapest (Hungary)

On 14 September 2018, the Hungarian Hub will have its inauguration event. This event is hosted by the Faculty of Law of the Eötvös Loránd University, Budapest.

### Call for Papers

Together with the Jean Monnet Centre of Excellence, this upcoming ELI Hub invites you to submit a paper for the 1st International Forum of the Hungarian Hub. The Organising Committee invites both junior and senior scholars – including PhD students – to participate.

Abstracts shall not exceed 300 words and should be sent to: [hungarian.eli.hub@ajk.elte.hu](mailto:hungarian.eli.hub@ajk.elte.hu). The deadline for submission is 20 May 2018.

### Publication of the Papers

Selected papers will be published in both hard copy and in ebook format of the ELTE Law Journal in its 2018/2019 volumes.

Kindly click [here](#) to find out more about this event and the call for papers.



**2018 Annual Conference  
and General Assembly  
Riga (Latvia) from 5-7 September**



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### The ELI Mission

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.

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