



ELI

EUROPEAN
LAW
INSTITUTE

2018

Activity Report



Contents

Message from the ELI President	2
The ELI in Brief	4
About the ELI	5
Executive Committee	5
ELI Timeline	6
Membership	7
New Institutional Observers	8
Funding	11
ELI Annual Conference 2018	13
Governing Bodies	16
ELI Projects	19
Overview of ELI Projects	20
Current Projects	21
Completed Projects	29
ELI Hubs, SIGs and Other Activities	33
Overview of ELI Hubs	34
Overview of ELI SIGs	35
ELI Representation, Events and Newsletters	38
ELI Representation	39
Spotlight on ELI Events	42
ELI Newsletters	43

Photo Credits

Pictures were provided by the contributors to the Activity Report and the University of Vienna (page 4: Alex Schuppich, page 11, 38, 42: Der Knopfdrücker, page 43: Minna Rossi), page 13: C-Latvia.travel and Martins Zilgalvis, page 36: University of Ferrara, page 40: European Law Faculties Association and Federal Ministry of the Interior, Building and Community. Special thanks to Linda Liepina from Riga for the photos from the ELI Annual Conference. Additional pictures were taken from Pexels.

Imprint

Media Owner & Editor:
European Law Institute (ELI)
Schottenring 16/175
1010 Vienna, Austria

Message from the ELI President

It has been over a year and a half since the current Executive Committee, Sjef van Erp, Anne Birgitte Gammeljord, Denis Philippe, Raffaele Sabato, Hans Schulte-Nölke, Lord John Thomas and I. I took over the mantle of leadership here at the European Law Institute (ELI) which means now is an opportune moment to take stock of developments since the last edition of the ELI's Activity Report and reflect.

As the cornerstone of the ELI and its primary medium of influence, projects are the ELI hallmark. 2018 saw an important collaborative ELI project draw to an end: that on the Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution (undertaken with the European Network of Councils for the Judiciary). The project gained traction amongst practitioners and policy makers alike so much so that calls have been echoed for a follow-up study on the theme, which is eagerly anticipated.

As projects phase out, contingencies for new projects are put in place well in advance, which eventually led to the projects on Common Constitutional Traditions, Business and Human Rights, Principles for a Data Economy (jointly with the ALI) as well as Blockchain and Smart Contracts being adopted in the course of the year. In all, the ELI now boasts nine projects, with two others in the pipeline.

The ELI is particularly fortunate to the dependable shoulders of world-renowned Project Reporters, Project Teams, Advisory Committee and Members Consultative Committees' (MCCs) members, who often commit to working on projects in their few moments of leisure. As a result of their unequivocal commitment the ELI's projects – which cover all areas of law – have gained credence and traction in influential spheres.



ELI

EUROPEAN
LAW
INSTITUTE



universität
wien



Co-funded by
the European Union

As a membership-based Institute, the endorsement of ELI projects by a broad constituency adds to the richness and authority of the Institute's substantive work. Diversity enables the import of a broad range of personalities, reflecting the richness of the legal traditions, legal disciplines and vocational frameworks found throughout Europe. It is this that stands the ELI apart. A marked increase (seven percent) in individual members and Institutional Observers, including the University of Latvia that played host to our Annual Conference and General Assembly this year, is thus a welcome development, thanks no less to the efforts of the Chair of our Membership Committee, Walter Doralt, and its members.

Acknowledgement is also due to our satellite Hubs and Special Interest Groups (SIGs), and especially to their chairs, that take the ELI's name and work to all corners of the legal community. 2018 saw the inauguration of the ELI's Hungarian Hub and significant steps have been taken to open the Romanian Hub and other Hubs and SIGs.

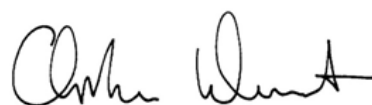
Fostering and expanding the ELI's network is a task the current Executive Committee places a huge emphasis on. It is satisfying to report that visits aimed at external relation building I undertook to key institutions are bearing fruit. 2018 saw leaders of key European institutions – such as the President of the European Parliament, the President of the European Court of Human Rights and the President of the Court of Auditors – affirm the ELI's activities in the course of their contributions on the cover of the ELI's Newsletter. Fruitful discussions took place during meetings not only with the individuals just mentioned, but also with the leaders of, inter alia, the Court of Justice, the General Court, the EU Agency for Fundamental Rights, the Council of Europe, UNCITRAL, UNIDROIT, the Hague Conference on Private International Law, the OECD, and the Permanent Court of Arbitration. I am also confident that meetings with several Ministers of Justice and Presidents of national supreme courts and professional organisations will lead to the ELI forging closer ties with these organisations in the coming months.

Importantly, 2018 saw the Executive Committee, upon a mandate received by the Council, extend the ELI's current Framework Cooperation Agreement with the University of Vienna (from 2019–2023). This cooperation has proved to be mutually rewarding since 2011 when a Europe-wide tender procedure was launched and the University of Vienna was finally chosen as the institution to host the ELI Secretariat for an initial period of four years, which has now been renewed for the third time. A parallel Framework Partnership Agreement with the Commission (from 2018–2021) also affords the ELI a needed forum to achieve its goal of improving the quality of European law.

None of the progress made in 2018 would have been possible without the enduring support of all colleagues serving on the Executive Committee, the members of the ELI Council and the members of the ELI Senate, chaired by Reinhard Zimmermann, all of whom have worked tirelessly to bring about the growth trajectory that you see before you today. And it would definitely not have been possible without our Secretariat, headed by our amazing Secretary General Vanessa Wilcox and blessed with a range of extremely committed officers, who work hard to ensure that projects develop well, that decisions are implemented, that the ELI remains financially stable and that the work of the ELI becomes deservedly known in Europe and beyond.

And to all the unnamed ELI members who silently work behind the scenes each day that inches the ELI's unique organisation towards achieving its causes, your efforts do not go unnoticed. As we close this chapter we can look back in pride at our achievements in 2018 and, in anticipation of what lies before us, in 2019. We shall move forward with a firm dedication to making 2019 an even more successful year for the ELI members both individually and collectively.

With that, I invite you to browse through our Activity Report to gain insight into our activities in the course of 2018.



Christiane Wendehorst
ELI President



The ELI in Brief



ELI

EUROPEAN
LAW
INSTITUTE



universität
wien



Co-funded by
the European Union

About the ELI

The ELI is an independent non-profit organisation established to initiate, conduct and facilitate research, make recommendations and provide practical guidance in the field of European legal development with a goal of enhancing European legal integration. The Institute was inspired by the activities of the American Law Institute (ALI), which was founded in 1923.

Among the ELI's core tasks are:

- to evaluate and stimulate the development of EU law, legal policy, and practice, and in particular make proposals for the further development of the *acquis* and for the enhancement of EU law implementation by the Member States;
- to identify and analyse legal developments in areas within the competence of Member States which are relevant at EU level;
- to study EU approaches regarding international law and enhance the role EU law could play globally, for instance in drafting international instruments or model rules;
- to conduct and facilitate pan-European research, in particular to draft, evaluate or improve principles and rules which are common to the European legal systems; and
- to provide a forum, for discussion and cooperation, of jurists irrespective of their vocation or occupation, *inter alia* academics, judges, lawyers and other legal professionals, who take an active interest in European legal development and together represent a broad range of legal traditions.



ELI

EUROPEAN
LAW
INSTITUTE

Executive Committee

The Executive Committee is the ELI's administrative body, appointed by the Council from among the Council members, consisting of the President, the Vice-President, the Treasurer, and four ordinary members.



Christiane Wendehorst

President

Professor of law at the University of Vienna



Sjef van Erp

Vice-President

Professor of civil and European private law at Maastricht University, deputy justice at the Court of Appeals in 's-Hertogenbosch



Denis Philippe

Treasurer

Professor at the University of Louvain. Managing partner of Philippe & Partners



Anne Birgitte Gammeljord

Ordinary Member

Practising Danish Supreme Court lawyer



Raffaele Sabato

Ordinary Member

Former Justice at the Italian Supreme Court of Cassation, Italian Judge to the European Court of Human Rights



Hans Schulte-Nölke

Ordinary Member

Professor of Law and Legal History at the European Legal Studies Institute at the University of Osnabrück



Lord John Thomas

Ordinary Member

Former Lord Chief Justice of England and Wales, Chairman of the UK Financial Markets Law Committee

ELI Timeline

Founding of the Association for a European Law Institute (ELIA)	March	2010	
Initiative of the Robert Schuman Centre for Advanced Studies of the European University Institute (EUI) in Florence to create a European Law Institute	April		
ELIA and EUI representatives meet in Hamburg	22–23 June	2011	Decision on founding of the European Law Institute reached in Athens 15–16 April
Joint meeting of the ELIA and EUI in Vienna	23–24 November		University of Vienna wins a tender to host the ELI's Secretariat 31 May
Publication of the ELI Statement on the Case-Overload at the European Court of Human Rights	July	2012	ELI Inaugural Congress in Paris 1 June
Publication of the ELI Statement on the Proposal for a Regulation on a Common European Sales Law	September		Opening ceremony of the ELI and its Secretariat in Vienna 17 November
ELI Annual Conference and General Assembly Brussels	28–29 September	2013	
Publication of the ELI Statement Response to the European Commission's Public Consultation on the review of the EU copyright rules	February	2014	ELI Annual Conference and General Assembly in Vienna (including the first Council elections) 4–6 September
Publication of the first Supplement to the Statement on the Proposal for a Regulation on a Common European Sales Law: Response to the EP Legislative Resolution of 26 February	September		
ELI Annual Conference and General Assembly in Zagreb	24–26 September	2015	Extension of agreement with University of Vienna until 2019 February
Publication of the ELI Statement on Collective Redress and Competition Damages Claims	December		Publication of the second Supplement to the Statement of the ELI on the Proposal for a Regulation on a Common European Sales Law July
Publication of the ELI Statement on the European Commission's proposed Directive on the Supply of Digital Content to Consumers	September	2016	ELI Annual Conference and General Assembly in Vienna (including the second Council elections) 2–4 September
ELI Annual Conference and General Assembly Ferrara	7–9 September		Publication of the ELI Statement on Collective Redress and Competition Damages Claims December
#ASK 2018 The President of the European Parliament (EP) visits Vienna	19 June	2017	ELI Conference on Digitalisation in Hull 30–31 March
Adoption of the ELI-ENCJ Statement on Courts and Alternative Dispute Resolution by the ELI Council and the ENCJ General Assembly	June		Adoption of the first ELI Instrument Draft Legislative Proposals for the prevention and resolution of conflicts of jurisdiction in criminal matters in the European Union April
ELI Annual Conference and General Assembly Riga	5–7 September	2018	ELI Annual Conference and General Assembly in Vienna (including the third Council elections) 6–8 September
Extension of the Framework Cooperation Agreement with the University of Vienna	November		Publication of the ELI Instrument on Rescue of Business in Insolvency Law September
Publication of the book 'Preventing and Resolving Conflicts of Jurisdiction in EU Criminal Law' with Oxford University Press	December		Publication of the ELI Statement on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law September

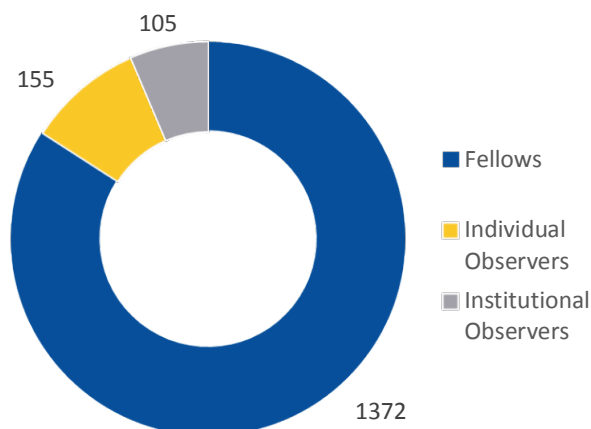
Membership

In 2018 there were over 1,500 individual members and 100 institutional members of the ELI, representing all branches of law and legal professions. The Institute has three categories of members:

- **Fellows** must be natural persons and must actively engage, by their professional, vocational or scholarly activities, in European legal development. They are internationally renowned legal professionals from academia, the judiciary, various legal professions, governments, legislatures and other sectors, who participate in the Institute's activities based on their personal and professional convictions and without regard to the interests of any clients or stakeholders.
- **Individual Observers** are natural persons who take an active interest in European legal development but cannot undertake to speak and

vote without regard to the interests of particular stakeholders.

- **Institutional Observers** are legal entities or natural persons representing organisations, institutions or networks, which are actively involved in European legal development.



The ELI's steadily growing membership spans the globe. Members in 2018 stemmed from the following jurisdictions:

A

Albania
Argentina
Australia
Austria

B

Belgium
Bosnia and Herzegovina
Brazil
Bulgaria

C

Canada
China
Colombia
Croatia
Cuba
Cyprus
Czech Republic

D

Denmark

E

Estonia

F

Finland
France

G

Germany
Greece

H

Hungary

I

India
Iran
Ireland
Israel
Italy

J

Japan
Jordan

L

Latvia
Lithuania
Luxembourg

M

Macedonia
Malta
Mauritius
Mexico
Moldova
Monaco

N

Netherlands
New Zealand
Nigeria
Norway

P

Pakistan
Peru
Poland
Portugal

Q

Qatar

R

Romania
Russia

S

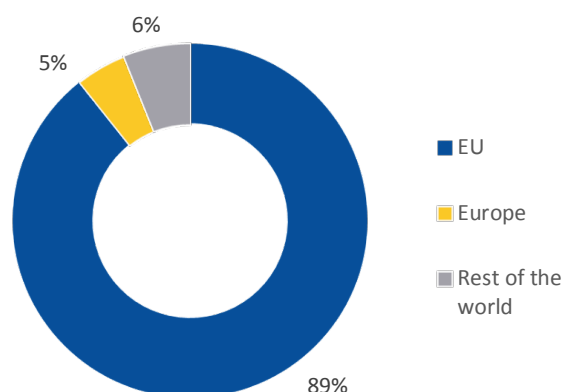
Serbia
Slovakia
Slovenia
South Africa
Spain
Sweden
Switzerland

T

Turkey

U

Ukraine
United Arab Emirates
United Kingdom
USA



New Institutional Observers in 2018

The ELI is proud to partner with several EU institutions and international organisations, courts, law firms, professional associations as well as academic and other observers. Eight new Institutional Observers joined the European Law Institute in 2018:

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.

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.

In recent years, the Court has received approximately 4,000–6,000 cases annually from all sectors of administration. The main categories of cases are aliens 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 Court also more extensively guides the application of the law by giving precedents. The Court may also give opinions and submit legislative initiatives.

Judges of the Supreme Administrative Court include the President and twenty Justices, as well as a few temporary Justices. The Court has almost fifty referendaries and more than forty other employees. They are headed by the Secretary General.

European Law Students' Association (ELSA) Austria



The European Law Students' Association
AUSTRIA

The European Law Students Association (ELSA) was founded in 1981 by five law students from Austria, Hungary, Poland and Germany. The organisation is the world's largest independent law students association, represented at nearly 350 faculties across Europe with 50,000 members. ELSA's aim is to give direct experiences with foreign legal systems and business practices.

ELSA is an international, independent, non-political and non profit-making organisation. It is entirely

run by law students and recent graduates with an interest in academic as well as personal excellence in addition to their legal studies. The association's patron since February 2013 has been Mr Thorbjorn Jagland, the Secretary General of the Council of Europe.

ELSA's vision is 'a just world in which there is respect for human dignity and cultural diversity'. ELSA seeks to achieve this vision and purpose by providing opportunities for law students and young lawyers to learn about other cultures and legal systems in a spirit of critical dialogue and scientific co-operation; by assisting law students and young lawyers to be internationally minded and professionally skilled; and finally, by encouraging law students and young lawyers to act for the good of society.

American Constitution Society (ACS)



The American Constitution Society (ACS) is the United States' leading progressive legal organisation, with over 200 student and lawyer chapters in almost every state and on most law school campuses. Originally formed as the progressive response after the Supreme Court's *Bush v Gore* decision, ACS was founded on the principle that the law should be a force to improve the lives of all people. ACS's various projects provide resources and best practices for policymakers, lawyers and advocates on key legal issues as well as engage communities across the country in promoting the Constitution.

Through its public programs (over 1,400 debates, conferences, and press briefings across America each year), publications, and active online presence, ACS generates intellectual capital for ready use by progressive allies and shapes debates on key legal and public policy issues including access to courts, voting, equality, immigration, workers' rights, and many others. ACS nurtures the next generation of progressive lawyers, judges, policy experts, legislators, and academics.

Freshfields Bruckhaus Deringer London



Freshfields Bruckhaus Deringer LLP is a global law firm. Its clients, many of the world's biggest and most significant international organisations, rely on the firm to help them make the right decisions in a rapidly-changing world. Freshfields combines the knowledge, experience and energy of its entire business to solve clients' most complex challenges, wherever and whenever they arise.

Whether it's entering new markets, defending corporate reputation or managing multi-jurisdictional regulation, everything Freshfields does helps our clients grow, strengthen and defend their business.

However businesses plan to grow they need creative problem solving and swift decision-making. Freshfields gives their clients the confidence to navigate the world's most ground-breaking transactions. They apply commercial thinking to the regulatory and risk landscape, bringing together their teams from around the world so that every base is covered.

Global businesses today also need sound advice and solid counsel to help them successfully manage their risks, and protect their corporate reputation. Freshfields' integrated global team has advised on some of the world's highest profile disputes, from multijurisdictional litigation to global investigations.

University of Latvia

The University of Latvia was founded in 1919 and currently, with more than 12,000 students, 13 faculties and 21 research institutes, it is one of the largest comprehensive and leading research universities in the Baltics. The University offers more than 140 state accredited academic and professional study programmes. The University is striving to become a renowned research university and to promote excellence in studies.



The Faculty of Law of the University of Latvia has been the cradle of legal science in Latvia ever since it was set up in 1919. Currently the Faculty of Law has more than 1,300 students in four study programmes.

The Faculty is the largest provider of higher legal education and training in Latvia, richest in tradition and achievements. Its professors, alongside academic and scientific work, also have professional careers in law – they are judges, prosecutors, attorneys, notaries and heads of various state institutions.

The University of Latvia is proud to have hosted the ELI's 2018 Annual Conference and General Assembly.

Școala Națională de Studii Politice și Administrative



Școala Națională de Studii Politice și Administrative

The Școala Națională de Studii Politice și Administrative (National School of Political and Administrative Studies, SNSPA) institutional vision consists in promoting and implementing a unique relationship between the university process and genuine change in Romania. SNSPA constantly trains Romanian elite and aims to extend this training feature to regional level. SNSPA is a university that adapts to the requirements of the Europeanisation and globalisation processes.

SNSPA activities are characterised by competence, performance, trust in the autonomy of professional decisions and pursuing one's profession, commitment to high professional standards and team solidarity.

SNSPA students are at the core of the university's educational activities. The Școala Națională de

Studii Politice și Administrative aims to become a provider of governance competences so that in the following years it can develop its capacity of having elite graduates who will contribute to the responsible governance of Romania and the European Union.



Schönherr

Schoenherr is a leading full-service law firm providing local and international companies stellar advice that is straight to the point. With 14 offices and four country desks, Schoenherr has a firm footprint in Central and Eastern Europe. Our lawyers are recognised leaders in their specialised areas and have a track record of getting deals done with a can-do, solution-oriented approach.

Quality, flexibility, innovation and practical problem-solving in complex commercial mandates are at the core of our philosophy.

Schoenherr has offices, country desks and permanent cooperation partners in Albania, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Montenegro, Moldova, Poland, Romania, Serbia, Slovakia, Slovenia, Turkey, and Ukraine. Schoenherr is in compliance with the respective local legal standards and conduct rules in all countries where it is active; therefore, the local firm name may vary from jurisdiction to jurisdiction.



ELI

EUROPEAN
LAW
INSTITUTE



Co-funded by
the European Union

Funding

The main sources of income for the ELI in 2018 were as follows:

Framework Cooperation Agreement with the University of Vienna

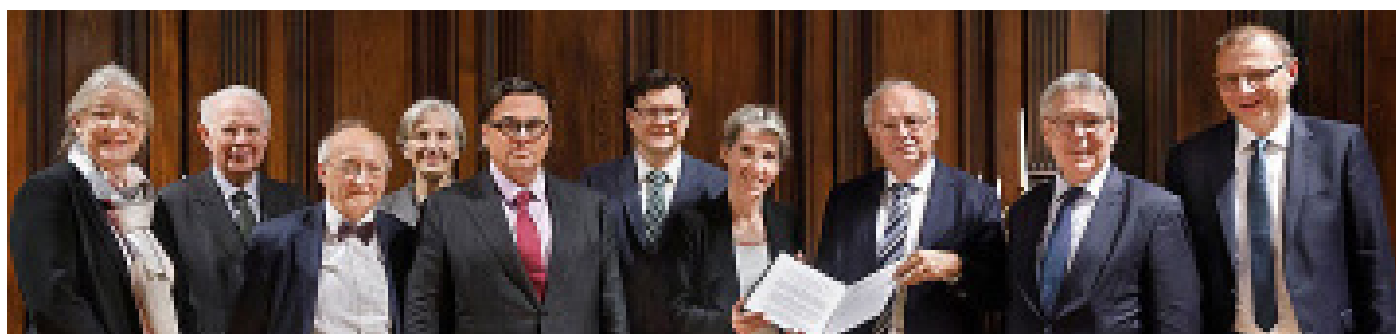
The current Framework Cooperation Agreement between the University of Vienna and the ELI, which runs from 2015 until September 2019, was extended thus guaranteeing that the ELI Secretariat will be hosted for another four-year term.

The ELI is pleased to announce that on 8 November 2018, an extension to the Framework Cooperation Agreement was signed by the ELI President Chris-

tiane Wendehorst and the Rector of the University of Vienna Heinz Engl. This was done in the presence of the ELI Executive Committee, the Deputy-speaker of the Senate, the Dean of the Law Faculty of the University of Vienna and the Vice-Rector for Research and International Affairs. With its long and rich history, the University of Vienna has developed into one of the largest universities in Europe, and also one of the most renowned.



ELI President Christiane Wendehorst and Rector Heinz Engl signing the cooperation agreement

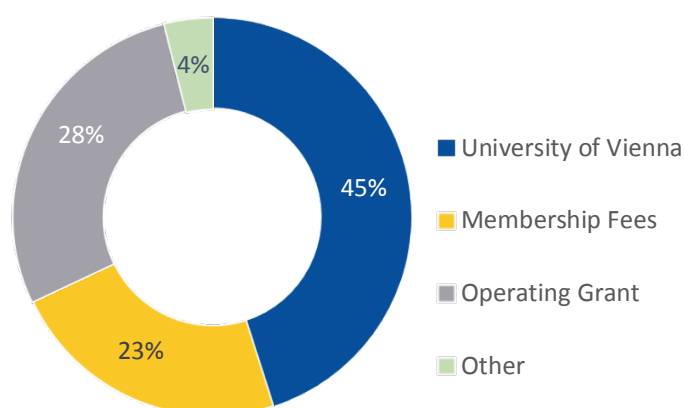


Signing ceremony of the Cooperation Agreement between the University of Vienna and the ELI

Membership Fees

Membership fees of individual and institutional members ensure that the ELI has a steady platform to run its activities independently. The introduction of the Sustaining Membership notion in 2018 saw a number of members sign-up and contribute additionally to the ELI thus giving it a dependable safety net and enabling it to embark on new initiatives that further its causes.

The Sustaining Membership scheme is open to natural persons only. Sustaining Members would make a donation of € 60 per year (in addition to € 60 for membership fees).



Sustaining Members

The ELI wishes to thank the following Sustaining Members for providing it with a sustainable safety net in 2018. Should you wish to join the scheme, please contact the ELI Secretariat.

Alexander Arabadjiev	Paola Iamiceli	Tsisana Shamlikashvili
Maria Lourdes Arastey	Marta Infantino	Anna Simonati
Andrej Auersperger Matić	Iryna Izarova	Vincent Smith
Josef Azizi	Francisco Javier Jiménez Muñoz	John Sorabji
Elena Bargelli	Philip Johnson	Astrid Stadler
Teresa Bielska-Sobkowicz	Tatjana Josipovic	Felix Steffek
Robert Bray	Tayfuk Kose	Ben Steinbrück
Sabino Cassese	Stefan Leible	Christine Stix-Hackl†
Christina Charalambous	Lance Liebman	Gert Straetmans
Jorge Cordero Sanchez	Piotr Machnikowski	Lord John Thomas
Andra Cotiga-Racah	Vanessa Mak	Christiaan Timmermans
Darinka Dekleva-Marguc	Corrado Malberti	Lampros Tsogkas
Walter Doralt	Dan Marcotte QC	Sjef van Erp
Joerg Fedtke	Karl-Heinz Oehler	Lajos Vekas
Tanel Feldman	Peter Oliver	Angelo Venchiarutti
John Gaffney	Tekla Papp	Steven Weise
Anne Birgitte Gammeljord	Denis Philippe	Christiane Wendehorst
Patrick Gielen	Pascal Pichonnaz	Konrad Wietrzynski
Laurence Gormley	Teresa Rodriguez de las Heras	Vanessa Wilcox
Friedrich Graf von Westphalen	Nelson Rosenthal	Eike Wolf
Irmgard Griss	Albert Ruda	Herbert Zech
Christian Hertel	Vincent Sagaert	Reinhard Zimmermann
Hana Horak	Hans Schulte-Nölke	

EU Funding

The ELI obtained funding also through the 2018 Operating Grant awarded within the three-year partnership agreement with the Directorate-General for Justice and Consumers (DG JUST) Programme for the period 2018–2021.

Alongside general ELI Secretariat activities, the following activities were co-funded through the Operating Grant:

- Projects
- Staff members
- ELI Executive Committee, Council, Senate meetings
- ELI Annual Conference
- ELI General Assembly

Other

Other sources of finance include an action grant from the European Commission for the Empowering European Families: Towards More Party Autonomy in European Family and the Succession Law project as well as a grant from the Fritz Thyssen Foundation for the Principles for a Data Economy project which the ELI conducts with the American Law Institute (ALI).



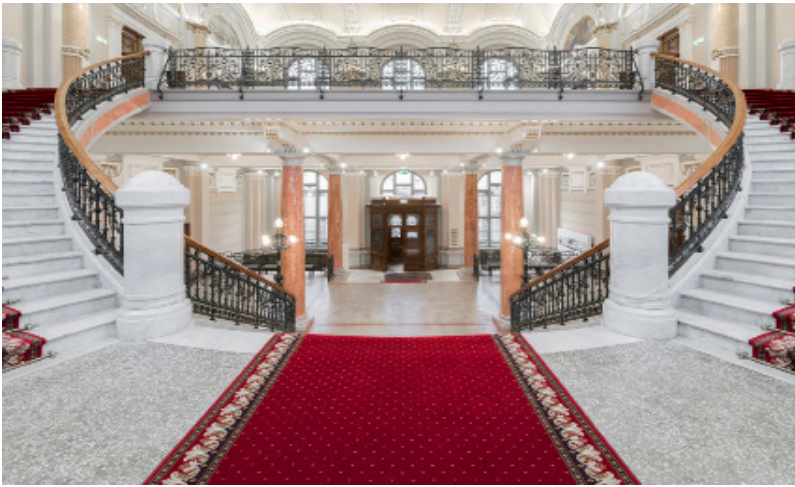
ELI

EUROPEAN
LAW
INSTITUTE



**Co-funded by
the European Union**

ELI Annual Conference 2018



Annual Conference 2018 Overview

The 2018 ELI Annual Conference took place in Riga (Latvia) on 5–7 September 2018. It was hosted by the Ministry of Justice, the Court Administration and the University of Latvia with the support of the University of Vienna and the European Union. A detailed agenda and Conference brochure can be found on the ELI [website](#).



President Wendehorst with Dzintars Rasnačs, Minister of Justice and Anita Rodiņa, Dean of the Faculty of Law of the University of Latvia

Around 250 legal experts from Europe and beyond gathered at the University of Latvia to discuss current topics related to improving the law across Europe.

Following welcome addresses by the Rector of the University of Latvia Indriķis Muižnieks, President of the Constitutional Court Ineta Ziemele and ELI President Wendehorst, the Conference kicked off on 6 September with panel sessions on current and prospective ELI projects.



Opening Ceremony at the National Art Museum

The opening reception took place at the recently renovated National Art Museum. Participants also had the opportunity to visit the impressive collections of paintings from Latvian artists.

‘Because of its centenary, 2018 is an important year for Latvia – and Latvia is essential to the ELI. As a forum for a genuinely European legal community it is our aim that ELI events take place in every European country. And Latvia is a great member country with an overwhelming hospitality’, ELI President Christiane Wendehorst emphasised in her opening speech in presence of the Latvian Minister of Justice, Dzintars Rasnačs, and the Dean of the Law Faculty at the University of Latvia, Anita Rodiņa.

International Keynote Speakers call for Defending the Independence of Judiciary

Much acclaimed keynote speeches were delivered by Harriet Lansing, former President of the Uniform Law Commission (ULC) from the United States, and Pauliine Koskelo, Finnish Judge to the European Court of Human Rights, who both expressed their concern over Europe and a world that could lose its cohesion. As Lansing put it in her statement ‘I believe, these are the areas of paramount importance where we need to stand guardian: 1. voting processes and vote counting processes; 2. the independence of the judiciary; and 3. the protection of privacy; 4. the guarantee of basic human rights; 5. laws relating to money systems and the regulation of money systems; and 6. the survival of the Free Press.’ The speeches can be read in detail on the ELI [website](#).



Panelists' Quotes on ELI Projects at the Annual Conference

More details of the panels that took place are available on the [ELI website](#).

Below are a few quotes from our many panalists:

Principles for a Data Economy



Neil Cohen, Project Co-Reporter on the ALI side

'This is the first joint project between the ELI and ALI. The ALI has been looking for a suitable project to embark on with the ELI and this was really ideal as it is a developing area of the law. People in both Europe and the United States have a very strong interest in figuring out how to address data transactions and the data economy, as existing areas of law may not fit well into the transactions involving data.'

Online Intermediary Platforms



Christoph Busch, Project Co-Reporter on Online Intermediary Platforms

'The platforms landscape has evolved from when we first began'. 'Probably one of the major challenges ahead is the rise of digital assistance: things like Amazon Echo and Google Home, some call it voice-commerce because these are voice-enabled digital assistants or conversation as a platform. You talk with Alexa and the conversation is the platform. This raises several challenges because in the past EU consumer law mainly followed a text-based paradigm.'

Common Constitutional Traditions



Sir Jeffrey Jowell, Project Co-Reporter on Common Constitutional Traditions'

'I suppose there is a bitter irony in the fact that your two Reporters on this project come from countries whose approach to Europe could be called, if we want to be kind, ambiguous or ambivalent, divided. In the UK there are divisions within divisions but I can assure you of our commitment and the fact that these divisions in no way detract from our commitment to identifying and building upon, for this project, European common constitutional traditions.'

ELI Young Lawyers Award



President Wendehorst with the winner, Manon van Roozendaal

For the second time, the ELI Young Lawyers Award was awarded to encourage the next generation of legal experts. This year's winner is Manon van Roozendaal, a Dutch graduate from Maastricht University, for her paper titled 'Algorithms: Teenage Troublemakers of EU Competition Law'. Her paper looks at algorithms being used as price-fixing instruments and how such behaviour can be qualified under EU competition law. It can be downloaded on the [ELI website](#).

The ELI wishes to extend its gratitude to Interleges for sponsoring this year's award.



Governing Bodies

The ELI is a membership-based organisation, consisting of the following bodies:

General Assembly

The General Assembly is the highest ELI body, composed of all ELI members.

The main functions of the General Assembly are to elect the members of the Council, to approve the accounts and the budget of the Institute, and to approve the results of any ELI projects carried out under the regular procedure. An ordinary meeting of the General Assembly is called every year.

The 2018 General Assembly was held in Riga on 5–7 September 2018.

Council

The Council consists of at least seven and a maximum of 60 members, elected by the General Assembly from among the Fellows in a way adequately representing different legal traditions, disciplines and professions, for a term of four years. The Council is the ELI's main governing body.

The Council may exercise all powers not attributed by law or by the ELI Articles of Association to the General Assembly or to another body of the Association. In particular, the Council is the competent body for the election of the members of the Executive Committee, including the President.

Other functions of Council members include, but are not limited to: the approval of membership applications, deciding which projects the ELI should embark on, the appointment of Reporters, members of a project team and Advisory Committee members.

Meetings of the Council

The Council meets at least twice a year but also makes decisions electronically on a regular basis. In 2018, the ELI Council met the following occasions:

- 8–9 February 2018, Vienna
- 5 September 2018, Riga

Council members with a mandate until 2021:

- Yannis Avgerinos
- Francesco Avolio
- Elena Bargelli
- Yuri Biondi
- Robert Bray
- Christoph Busch
- Georges Cavalier
- Nikolaos Chatzinikolaou
- Mark Clough
- Mario Comba
- Andra Cotiga-Racah
- Olga Cvejic Jancic
- Nada Dollani
- Anne Birgitte Gammeljord
- Athina Giannakoula
- Laura Guercio
- Paola Iamiceli
- Maria Kaiafa-Gbandi
- Ana Keglevic Steffek
- Miklós Király
- Andries Klip
- Philip Moser
- Damjan Možina
- Pascal Pichonnaz
- Reiner Schulze
- Matthias Storme
- Lord John Thomas
- Verica Trstenjak
- John Vervaele
- Friedrich Graf von Westphalen



Council members with a mandate until 2019:

- Christian Alunaru
- Josef Azizi
- Christian von Bar
- Hugh Beale
- Maja Brkan
- Remo Caponi
- Marc Clément
- Walter Doralt
- Sjef van Erp
- Johan Gernandt
- Paul Gilligan
- Jiri Hrádek
- Marta Infantino
- Francisco Javier Jiménez Munoz
- Tatjana Josipović
- Corrado Malberti
- Maarten Meijer
- Katharina Miller
- Denis Philippe
- Meliha Povlakic
- Albert Ruda
- Raffaele Sabato
- Hans Schulte-Nölke
- John Sorabji
- Harry Stamelos
- Diana Wallis
- Christiane Wendehorst
- Marek Wierzbowski
- Bostjan Zalar
- Irina Zlatescu

Ex-Officio Council Members

Up to 10 ex-officio individuals can be offered seats on the Council. In 2018, ex-officio Council members were:

- Antonin Mokry, President of the Council of Bars and Law Societies of Europe (CCBE)
- Marius Kohler, President of the Council of the Notariats of the European Union (CNUE)
- Jan Moerkerke, President of the European Land Registry Association (ELRA)
- Kees Sterk, President of the European Network of Councils for the Judiciary (ENCJ)
- Marc Schmitz, President of the International Union of Judicial Officers (UIHJ)
- Priit Pikamäe, President of the Network of the Presidents of the Supreme Judicial Courts of the European Union

Executive Committee

The Executive Committee is the ELI's administrative body, appointed by the Council from among the Council members, consisting of the President, the Vice-President, the Treasurer, and four ordinary members.

More information about the composition of the Executive Committee can be found in page 5.

Meetings of the Executive Committee

- 8–9 February 2018, Vienna
- 17 April 2018, Vienna
- 8 June 2018, Vienna
- 5 September 2018, Riga (Joint meeting with the Senate)
- 8–9 November 2018, Vienna

Senate

The Senate is a body of persons each of whom has an outstanding reputation, ready to give advice and, where necessary, to settle disputes.

Members of the Senate:

- Sabino Cassese
- Irmgard Griss (Deputy Speaker)
- Arthur Hartkamp
- Francis Jacobs
- Lord Jonathan Mance
- Jean-Marc Sauvé
- Vassilios Skouris
- Eddy Wymeersch
- Reinhard Zimmermann (Speaker)



Reinhard Zimmermann and Irmgard Griss

Meetings of the Senate

- 5 September 2018, Riga (joint meeting with the Executive Committee)

Arbitral Tribunal

The Arbitral Tribunal settles disputes that may arise between Association members, between Association members and one or several bodies of the Association, or between two or several bodies of the Association, and which concern the question whether or not an act or omission is in conformity with the Articles of Association, Codes of Conduct or Byelaws.

It consists of three members of the Senate who are appointed by the Senate for a three-year term.

Members of the Arbitral Tribunal:

- Arthur Hartkamp
- Lord Jonathan Mance
- Jean-Marc Sauvé



ELI
EUROPEAN
LAW
INSTITUTE



universität
wien



**Co-funded by
the European Union**

The ELI Secretariat

Since 2011, the Secretariat of the ELI was hosted by the University of Vienna. The main tasks of the Secretariat are to coordinate the ELI's day-to-day projects and activities, organise events, support ELI bodies in fulfilling their tasks and liaise with the ELI's current and potential members. In 2018, the Secretariat was composed of the following:



Vanessa Wilcox

Secretary General
since May 2017



Doris Ladewig

Communications Officer
since August 2018



Jasmina Mrkonjic

Administrative Officer
since February 2018



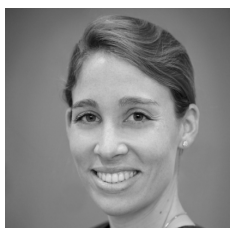
Ala Šabanović

Project Officer
since September 2015



Tomasz Dudek

Project Officer
since September 2015



Aline Carruet

Project Officer
since May 2018



Sebastian Schwamberger

IT Support
since September 2015

ELI Projects



ELI

EUROPEAN
LAW
INSTITUTE



universität
wien



Co-funded by
the European Union

Overview of ELI Projects

Projects are the cornerstone of the ELI's output. In 2018, the ELI's portfolio constituted nine current, four completed projects and two prospective projects, a number of which were funded by the EU.

Current Projects

- From Transnational Principles to European Rules of Civil Procedure (with the International Institute for the Unification of Private Law, UNIDROIT)
- Empowering European Families: Towards More Party Autonomy in European Family and Succession Law
- Draft Model Rules on Online Intermediary Platforms
- Protection of Adults in International Situations
- For a European Approach to R&D Expenses Qualifying for the Common Corporate Tax Base Super Deduction
- Principles for a Data Economy (with the American Law Institute, ALI)
- Common Constitutional Traditions in Europe
- Business and Human Rights: Access to Justice and Effective Remedies (with FRA)
- Blockchain Technology and Smart Contracts

Recently Completed Projects

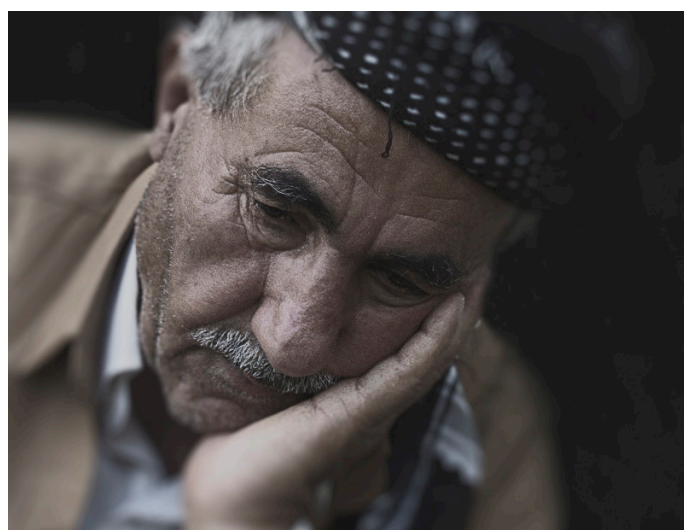
- Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law
- Rescue of Business in Insolvency Law
- Detention of Asylum Seekers and Irregular Migrants and the Rule of Law
- The Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution (ADR)

Prospective Projects

- Access to Digital Assets
- Conflict of Laws in Digitalised Environments

Other Activities

- The Tools of the Digital Age in the Service of More Accessible Justice (E-CODEX)



Current Projects

From Transnational Principles to European Rules of Civil Procedure

(with UNIDROIT)

Adoption: CD 2014/5
Project Type: Instrument
Project Procedure: Regular
Steering Committee: Remo Caponi, John Sorabji, Rolf Stürner, Anna Veneziano, Diana Wallis



Aims

In 2004, the ALI and UNIDROIT adopted and jointly published the Principles of Transnational Civil Procedure. The aim of the work was to reduce uncertainty for parties litigating in unfamiliar surroundings and to promote fairness in judicial proceedings through the development of a model universal civil procedural code.

The ELI and UNIDROIT cooperation aims at adapting the ALI-UNIDROIT Principles to a European perspective in order to develop European Rules of Civil Procedure.

To facilitate its work, the project consists of a Steering Committee and the following Working Groups: Access to Information and Evidence; Costs; Judgments; Provisional and Protective Measures; Structure; Obligations of Parties, Lawyers and Judges; Parties; Res Judicata and Lis Pendens; Service and Due Notice of Proceedings; and Appeals.

Activities

ELI-UNIDROIT Working Group on Structure Meeting in Paris

17 January 2018

ELI-UNIDROIT Working Group on Parties Meeting in Leuven

24–25 January 2018

Working Group on Judgments Meeting in Rome
2–3 February 2018

ELI-UNIDROIT Joint Meeting in Rome
9–10 April 2018

ELI-UNIDROIT Working Group on Structure Meeting in Paris
23 May 2018

ELI-UNIDROIT Working Group on Costs Meeting in Vienna
3 July 2018

Panel at the ELI Annual Conference in Riga
6 September 2018

Working Group on Structure in Paris
12 September 2018

ELI-UNIDROIT Working Group on Structure Meeting in Paris
7 November 2018

Structure Working Group Meeting with the Steering Committee and the Co-Reporters of Working Groups in Trier
26 November 2018

ELI-UNIDROIT and ERA Conference in Trier
26–27 November 2018



The gathering was an occasion for Europe's leading civil procedure experts to gather to present the advanced results achieved by the project's current and former working groups. In total, four panel sessions took place during the Conference. Each session was chaired by a member of the Steering Committee, accompanied by the Reporters and Members of the respective Working Group and independent discussants.

In total, over 50 legal experts from across Europe attended the conference. Comments were wide-ranging, insightful and properly challenging.

Empowering European Families: Towards More Party Autonomy in European Family and Succession Law

Adoption: CD 2015/8
Project Type: Instrument
Project Procedure: Regular
Project Reporters: Katharina Boele-Woelki; Wendy Schrama; Christiane Wendehorst



Aims

The project is led jointly by Katharina Boele-Woelki (Bucerius Law School and Utrecht University), Wendy Schrama (Utrecht University) and Christiane Wendehorst (University of Vienna). It is co-financed by an action grant under the Justice Programme of the European Union and conducted in cooperation with the ELI as well as with the support of the CNUE.

The project aims to reduce the obstacles faced by international families and to facilitate free movement of citizens by providing better certainty and predictability of results and reducing the costs of litigation in matters of family and succession law. It also aims at promoting the use of family mediation in the EU. In particular, the aim is to draft toolkits to be used by the legal profession for advising couples. Additionally, draft model agreements on issues such as applicable law, substantive law issues of property relations, pension rights, maintenance and the family home as well as dispute resolution and the competent courts are envisaged.

The project not only covers spouses but also expands to registered partnerships and couples in informal relationships.

Activities

Final Meeting of the Project Group on Empowering European Families in Vienna
26–27 April 2018

Panel at the ELI Annual Conference in Riga
7 September 2018

Jens M Scherpe, Chair of the panel stated: ‘Christiane and Wendy, I must admit when I first heard you had taken on this project I thought you were mad. Absolutely barking mad. And I suspect that there were times during the project when you thought the same. But I stand corrected because you pulled it off and produced some truly amazing documents. I can only congratulate you on this achievement and I have absolutely no doubt whatsoever that your work will be an invaluable resource for couples and particularly their legal advisers.’

Draft Model Rules on Online Intermediary Platforms

Adoption: CD 2016/6
Project Type: Instrument
Project Procedure: Regular
Project Reporters: Christoph Busch; Gerhard Dannemann; Hans Schulte-Nölke; Aneta Wiewiorowska-Domagalska; Fryderyk Zoll



Aims

The digital economy is increasingly shaped by online platforms serving as marketplaces where customers can buy goods or book services (eg Airbnb, Uber, Amazon). Their dynamics can be difficult to reconcile with the currently existing regulatory framework at EU level. The applicable law only regulates bilateral consumer-supplier relations. Platforms on the other hand are often triangular-based business models that require the customer and supplier not only to make an agreement between each other, but also that they each conclude an agreement with a platform operator. The result is that in many situations consumers that conclude contracts through online platforms are left without effective consumer protection. These platforms are vastly

different and any regulation will have to provide for different measures depending on whether a platform is merely a 'facilitator' or is actually the supplier, or presents itself as such.

The aim of the project is to develop model rules on online intermediary platforms that set out a balance between conflicting policy options, and demonstrate what potential regulation at EU or national level could look like. They could define the criteria for distinguishing whether a platform operator is only a 'facilitator' or the actual supplier. In addition, they could specify the duties and obligations of the platform operator, making it clear under which conditions the operator may be liable for a non-performance by the supplier. Specific regard is given to the question of what are the basic requirements for transparency and fairness of online reputation systems (eg ratings and reviews), which are a key feature of many online platforms.

The ELI Instrument on online intermediary platforms could become a European frame of reference for the law of internet platforms and thereby contribute to the formulation of a value-based European approach to platforms.

Activities

Project Team Meeting in Osnabrück

15–16 March 2018

Panel at the ELI Annual Conference in Riga 6 September 2018

Joint Project Team, Advisory Committee and MCC Meeting in Riga

7 September 2018

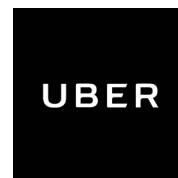
Project Team Meeting in Aalborg

29–30 November 2018

The Project Team convened on 29–30 November in Aalborg for a successful meeting to further develop the Draft Model Rules on Online Intermediary Platforms. A special thanks goes to Marie Jull Sorensen for hosting the event.

In-depth discussions and clarifications were made among the 11 present participants on the different articles of the Rules, including the scope, definitions, the duties of the platform operator towards the customer and the liability of the platform operator. ELI bodies will be given the chance to vote

on the final outcome of the project at the next ELI General Assembly in September 2019.



amazon marketplace

Protection of Adults in International Situations

Adoption: CD 2017/5

Project Type: Instrument

Project Procedure: Regular

Project Reporters: Pietro Franzina; Richard Frimston



Aims

Today, due to the increasing mobility of vulnerable individuals (and their assets), the protection of adults in international situations is increasingly an issue. The problem is especially augmented in international settings as the need arises to identify the State whose authorities have jurisdiction over the matter. The law is applicable to the substance of the protection and the conditions subject to which the measures and other instruments issued in one State to protect the person and property of an adult may effectively be relied upon in another.

The Project Team aims, inter alia, to elaborate on the European Parliament resolution's 'principles and aims' with a view to laying down the text of a possible measure on the protection of adults in international situations to be adopted at EU level.

Activities

Protection of Adults Project Meeting in Vienna

28 February 2018

Panel at the ELI Annual Conference in Riga

6 September 2018

Joint EC-HCC Conference

5–7 December 2018

Approximately 130 experts from more than 35 States representing all continents gathered to discuss 'Cross-border Protection of Vulnerable Adults'. Discussions included current needs of vulnerable adults in cross-border situations, States' responses and experiences in this regard, and possible future work in this area of the law.

The conference offered an unique forum to discuss cross-border protection of vulnerable adults from the perspectives of intergovernmental organisations such as the UN, the HCCH, the EU, and the Council of Europe, as well as professional organisations such as the European Law Institute.

The Conclusions and Recommendations that were adopted by consensus at the end of the joint conference are available [online](#).

For a European Approach to R&D Expenses Qualifying for the Common Corporate Tax Base Super Deduction

Adoption: CD 2017/6
Project Type: Statement
Project Procedure: Accelerated
Project Reporters: Georges Cavalier; Mehdy Ben Brahim; Jean-Kassim Ouedraogo; Lukasz Stankiewicz

Aims

The drop in economic activity following the financial crisis of 2008 has highlighted the need to find new sources of economic growth. Innovation is one such source, which many believe is underutilised in Europe. It is widely agreed that technological change is an important contributor to long-term growth, but research and development of new technologies is risky. In the end the benefits of the labour investment could go to a competitor.

That is precisely why governments try to incentivise research and development (R&D) and reward companies that invest in new technology. R&D is one of the main objectives of the European Union and has recently been emphasised even more heavily.

At the end of 2016 the European Commission proposed a Common Consolidated Corporate Tax Base (CCCTB) as a solution to the above challenges. The aim of this initiative is to consolidate the tax calculation of EU Member States which should improve the Single Market for businesses by reducing administrative burdens, compliance costs and tax obstacles for companies operating in multiple EU Member States. In particular, with regard to R&D tax incentives, the CCCTB provides a definition of this activity, but does not explain which expenses will qualify for a reduction.



The aim of the project is to elaborate a harmonised list of eligible expenses and an explanatory memorandum. The task at hand requires substantial research into the current schemes of the different Member States and would have to take into account different definition options.

Activities

Panel at the ELI Annual Conference in Riga

7 September 2018

Project Team Meeting in Nice

23 November 2018

After having elaborated a draft Statement, the team met to finalise their output. Participants focused on the question of what the harmonised definition of Research and Development (R&D) for tax purposes should be and their discussions led to an update of some of the recommendations to be included in the ELI Statement. Some of the issues raised concerned

the possible interpretation of the 'novelty requirement', the material scope of the definition of R&D as well as the list of expenditures that should be eligible for R&D tax incentives.

Principles for a Data Economy

(with the American Law Institute, ALI)

Adoption: CD 2018/2
Project Type: Instrument
Project Procedure: Regular
Project Reporters: Neil Cohen; Christiane Wendehorst



Aims

The start of the project was approved by the ELI Council in its February 2018 meeting. It takes as its starting point the facts that the law governing trades in commerce has historically focused on assets, and on trade in items, that are either real property, or goods, or rights (including shares, contract rights, intellectual property rights, licenses, etc). With the emergence of the data economy, however, tradeable items often cannot readily be classified as goods or rights, and they are arguably not services. They are often simply 'data', which may be considered as any piece of information recorded in any form or medium.

Both in the US and in Europe, the data economy is beginning to trouble stakeholders, such as consumers, data-driven industries, and start-ups, because there is uncertainty as to the applicable legal rules and doctrines. Concerns range from manifest uncertainty of the law, potentially inhibiting innovation and growth, to a loss of control by governments, legislatures and judiciaries, to serious issues of consumer protection and fundamental rights. More fundamentally, there is already uncertainty about what rights parties 'own' and can trade in, eg, who 'owns' the data generated by an activity such as driving a connected car, what are the attributes of that data and rights related to it, and who might have to pay compensation to whom for exploiting the data's economic potential. This uncertainty undermines the predictability necessary for transac-

tions in data and has resulted in lawmakers and the courts grappling with these issues.

This project, conducted as a joint project of the ELI and the American Law Institute, will study, identify, and collate the existing and potential legal rules applicable to transactions in data as an asset and as a tradeable item and assess the suitability of those rules with these transactions.

The project aims to produce a set of transnational Principles that can facilitate the drafting of model agreements or provisions to be used on a voluntary basis by parties in the data economy. They can also be used as a source for inspiration and guidance for courts and legislators worldwide. Because data does not have a 'location', the goal would be to have a common set of Principles that would apply wherever the parties happen to be.

While the exact issues to be addressed by the Principles for a Data Economy (and the order in which they are addressed) would need to be defined after more preparatory work has been conducted, it is to be expected that the Principles could, by way of example, include the following parts: (a) General Provisions; (b) Entitlements with Regard to Data; (c) Lawfulness of Control and Processing; (d) Transactions in Data; (e) Security Interests in Data; and (f) User-Generated Data.

Activities

Project Team Meeting in New York

15–16 February 2018

Project Team Meeting in Washington DC

19–20 May 2018

Panel at the ELI Annual Conference in Riga

6 September 2018



Ministry of Justice of the Republic of Latvia



Court Administration
Republic of Latvia



**LATVIJAS
UNIVERSITĀTE**

ANNO 1919

UNIVERSITY OF LATVIA



Justice has not engaged in an in-depth investigation of national jurisdictions for verifying whether a constitutional tradition is common to Member States, mostly referring to the Charter of Fundamental Rights or to the European Convention on Human Rights (ECHR). This approach has resulted in a welcomed strengthening of the judicial dialogue between the two highest judicial institutions in Europe, the CJEU and the European Court of Human Rights (ECtHR). However, it has produced a 'top-down' approach, whereas a 'bottom up' approach would yield results perhaps more compatible with the intent of Art 6.3 TEU.

This project seeks to identify the source of Common Constitutional Traditions in Europe; their content; their relationship with national identity; whether they are an autonomous source of European law and the way in which they emerge as common to Member States and are expressed as such.

The team aims for an output which is broader than some of the classical comparative academic research, with the aim of being of practical utility for EU institutions (and in particular for the CJEU in deciding future cases) and for EU citizens, eg:

- a methodological proposal to be followed for the research of CCT;
- a restatement of specific national constitutional traditions and the extent to which they do or do not form part of the CCT; this is meant as a forward-looking effort, aimed at identifying further CCTs on top of the ones identified from the CJEU; and
- a checklist for the implementation of CCT (like the Venice Commission checklist for the rule of law, which could be employed eg when a country seeks to enter the EU, or in relations to sanctions, etc).

Activities

First Project Team Meeting in Turin

18 April 2018

Seminar in Turin

9 May 2018

Project Team Meeting in London

12 June 2018

Panel at the ELI Annual Conference in Riga

6 September 2018

Joint Project Team, Advisory Committee and MCC Meeting in Riga

8 September 2018

Project Team Meeting in Philadelphia

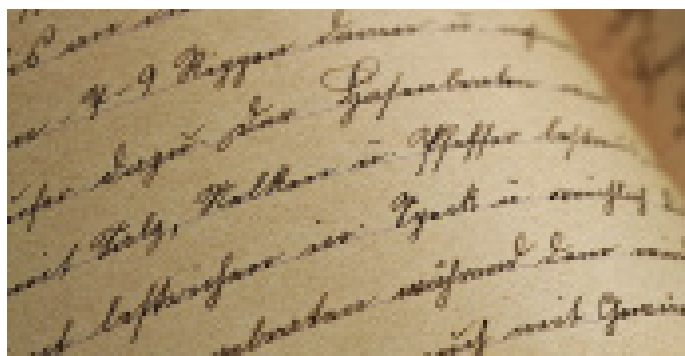
26 October 2018

Common Constitutional Traditions in Europe

Adoption: CD 2018/2
Project Type: Instrument
Project Procedure: Regular
Project Reporters: Sabino Cassese; Mario Comba; Jeffrey Jowell

Aims

The start of the project was approved by the ELI Council in its February 2018 meeting. The phrase 'constitutional traditions common to the Member States' (CCT) has been formulated by the Court of Justice of the European Union (CJEU) and has found its way into the Treaty of the European Union (TEU) and the Charter of Fundamental Rights of the European Union (CFR).



The research on constitutional traditions common to Member States (Art 6.3 TEU and Art 52.4 CFR) is presently a highly topical question, needing a practical approach and involving collaboration between the ELI and EU institutions. Up to now the Court of

Project Team Meeting in Turin

14 November 2018

Kick-Off Conference in Turin

14 November 2018

The Conference marked an occasion for the team to present the developments achieved since the project's adoption. It opened with welcome words by Mario Comba. Among other speakers, Sir Jeffrey Jowell introduced the project's theme and methodology, while former ELI President Sir Francis Jacobs (member of the Project Team) discussed the crucial issue of terminology, namely whether one should employ the notion of 'constitutional traditions' or rather of 'fundamental constitutional principles'.



Project Co-Reporter Sabino Cassese during the Conference

Other speakers provided different angles on the topic they discussed whether common constitutional traditions exist in Europe in the field of market regulation and what the role of national independent administrative authorities and of the CJEU in that regard is. The ELI would like to thank Istituto Universitario di Studi Europei and Collegio Carlo Alberto for organising this Conference.

Lecture on Unconstitutional Constitutional Amendments in Turin

3 December 2018



ELI

EUROPEAN
LAW
INSTITUTE
CENTRO
ITALIANO



Istituto Universitario
di Studi Europei

Collegio Carlo Alberto

UNIVERSITÀ DEGLI STUDI DI TORINO

Business and Human Rights: Access to Justice and Effective Remedies

(with the Fundamental Rights Agency, FRA)

Adoption: CD 2018/2

Project Reporters: Jonas Grimheden; Diana Wallis



Aims

The ELI-FRA project on Business and Human Rights: Access to Justice and Effective Remedies was approved by the ELI Council in 9 February 2018. Given its unique nature, whether it will proceed in the form of an Instrument or Statement will be decided by the Council after the preliminary mapping analysis, elaborated on below, is carried out by the project team. The mapping exercise itself is conducted under the auspices of the FRA.

Human rights are traditionally viewed as an exclusive bond between a State as the duty bearer and an individual as the rights owner, but lately this view has been changing. As multinational corporations continue to gain economic and social influence that rivals that of nation States, it is necessary to also review their impact on human rights. Their actions touch upon civil, political, economic, social and cultural rights of individuals and thus the very core of human, and in an EU or constitutional context, fundamental rights. Where this impact amounts to violations of human rights, effective remedies should be made available to the victims of such infringements to avoid rendering the most basic rights meaningless. In turn, EU citizens, consumers and corporate entities have a right to expect that those corporate entities active and competing within the EU Internal Market adhere to human rights standards in relation to their global activities.

Presently, access to justice, in ensuring maintenance of such standards, is often hindered by a number of factors, partly inherent in the imbalance of power between the victims of human rights abuse and international businesses. It is therefore essential

to find ways to alleviate the burden on individual claimants and facilitate redress of their grievances. This project, conducted as a joint project of the ELI and the European Union Agency for Fundamental Rights, will aim at identifying a range of possible draft EU regulatory and/or soft law options intended to increase access to remedies and ensure corporate human rights compliance and thus greater corporate social responsibility. Such draft regulatory option would also include where appropriate explanatory notes and background papers.

The Project Team will formulate the list of the exact issues it will analyse within this project. By way of example, the following issues considered as obstacles in access to justice and effective remedies may be considered: funding, appropriate legal procedural rules, access to information, and private international law jurisdictional rules and applicable law regimes.

Activities

Project Team Meeting in Vienna

15 June 2018

Panel at the ELI Annual Conference in Riga

7 September 2018

Follow-Up Meeting of the ELI-FRA Business and Human Rights Project Team in Vienna

24 September 2018

Project Team Meeting in Vienna

16 November 2018

The FRA hosted the above meeting which provided an opportunity to review the first results of the mapping exercise conducted by the Agency earlier this year.

Participants of the meeting analysed preliminary results of the reports on available remedies in 28 EU Member States, which will form the basis for the ELI-FRA joint project.

The team discussed the methodology of the project and important issues that it will address, such as obstacles and possible practices in relation to access to remedies for victims of business-related human rights abuses. They also discussed the policy developments in the field, next steps and upcoming project-related events.

Blockchain Technology and Smart Contracts

Adoption: CD 2018/9
Project Type: Instrument
Project Procedure: Regular
Project Reporters: Sjef van Erp; Juliette S  n  chal



Aims

The start of the project was approved by the ELI Council in its September 2018 meeting. Distributed Ledger (or 'blockchain') Technology (DLT) and smart contracts are technologies that have a huge potential to fundamentally change many areas of private law transactions. Holding existing EU instruments in the areas of cross-border enforcement of claims, procedural law and application of foreign law against the light of these IT developments needs to be done urgently to understand the – both positive and negative – consequences of DLT and smart contracts, also to see if the implementation of these instruments in legal practice can be further facilitated by using new technologies. It is to be expected that legal practitioners, more particularly judges, will be the first to be confronted with legal questions.

The project aims at providing policymakers, legislators, but also legal practitioners, with a legislative guide, a toolbox on how to approach the questions mentioned above.

The legislative guide will contain two parts: a general and a more specific part. The general part will start with an introduction as to what DLT and smart contracts are, the link that can be established between smart contracts and the Internet of Things, followed by an overview of more general legal questions which may arise. The more specific part will focus on three 'layers' of the blockchain technology that have an impact on certain areas of law. The Project Team will engage with competent authorities, both at EU

and Member State level, and will seek to collaborate with the latter throughout the project. The Project Team will also engage with authorities in countries like Sweden where the land registry is already being transformed into a DLT and a smart contracts based system, and with those Member States where initiatives to introduce blockchain technology in various economic (especially financial services) sectors are underway.

Activities

Panel at the ELI Annual Conference in Riga

7 September 2018



Dirk Staudenmayer (DG JUST) speaks at the panel

Project Team Meeting in Paris

17–18 December 2018

On 17 December 2018, the ELI project group on Blockchain and Smart Contracts met for its kick-off meeting in Paris.

The project is headed by ELI Vice-President Sjef van Erp and Juliette Sénéchal. During the meeting, various legal aspects on blockchain and smart contracts were discussed. A number of case studies have been identified for further research by the Project Team.

The meeting was held in partnership with the Master of E-commerce Law (Master II Droit du commerce électronique et de l'économie numérique, Ecole de droit de la Sorbonne), with the Research Department DReDIS (Département de recherche en droit de l'immatériel de la Sorbonne) of the laboratory IRJS of the University Paris I – Panthéon Sorbonne and with the Trans Europe Experts network.

Completed Projects

Rescue of Business in Insolvency Law

Adoption: CD 2013/8

Project Type: Instrument

Project Procedure: Normal

Project Reporters: Bob Wessels; Stephan Madaus; Gert-Jan Boon

Aims

The aim of the ELI project on Rescue of Business in Insolvency Law was to design (elements of) an appropriate legal enabling framework, which included certain statutory procedures that encourage parties to negotiate solutions in a situation of business distress. In addition, such a framework would include rules to determine in which procedures and under which conditions an enforceable solution can be imposed upon creditors (including equity holders, etc) despite their lack of consent.

The project's reporters finalised their work in 2017 and the Instrument was approved by the ELI Council and the ELI General Assembly on 6 September 2017. The Instrument, which identifies a number of topics that are ripe for further approximation or harmonisation across Europe, includes 115 recommendations and is designed to assist those involved in a process of law reform and those setting standards for soft law in the business rescue context. The output will be published by Oxford University Press in May 2019.

The Instrument can be downloaded on our [website](#).

The Rescue of Business in Insolvency Law Instrument is already significantly influencing key policy makers. In the last week of August of 2018, the Government of the United Kingdom announced new legislative tools that will improve rescue opportunities for financially distressed companies.

The report refers explicitly to the Instrument, in particular it mentions the discussion about the so-called 'absolute priority rule' versus 'relative priority rule', elaborated on in the ELI Instrument, and is yet another example that ELI outputs are of immediate practical utility.

Activities

Best Practices in European Restructuring: Presentation of ELI project findings at CODIRE Workshop in Brussels

5 July 2018

Conference on Rescue of Business in Insolvency Law in Leiden

5 December 2018

Panel Discussion ‘Do We Need Substantial Consolidations in the (European) Toolbox?’ at the Austrian Ministry of Justice in Vienna

11 December 2018



On the occasion of the 54th Session of the United Nations Commission on International Trade Law (UNCITRAL) Insolvency Law Working Group, the ELI organised a panel discussion and an evening reception at the Austrian Ministry of Justice. Over 50 participants gathered to discuss one of the most pertaining issues in the field of insolvency proceedings, namely the way to handle the insolvency of an integrated corporate group, which was one of several recommendations in the ELI's Instrument.

After the welcome address by the ELI Secretary General, Dr Vanessa Wilcox, the presentations followed. The starting point of the discussion was the Instrument, which recommends consolidation on a national level, but not on a cross-border level. Prominent experts, including Stephan Madaus (Martin Luther University, the Co-Reporter of the Instrument), Florian Bruder (DLA Piper Germany),

Edward Janger (Brooklyn Law School) and Irit Mevorach (University of Nottingham) analysed the issue from various perspectives. The presentations were followed by a lively discussion, during which participants exchanged views on the advantages and disadvantages of each of the presented approaches. An evening reception followed suit.

Detention of Asylum Seekers and Irregular Migrants and the Rule of Law

Adoption: CD 2015/11
Project Type: Statement
Project Procedure: Accelerated
Project Reporter: Boštjan Zalar

Aims

The ELI's project aimed at identifying due process standards and material law including conditions for detention, designed to enhance the implementation of existing EU law in this field.

The 'Statement on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law' was voted upon by the ELI Council on 6 September 2017 and approved by an overwhelming majority.

The Statement can be downloaded on the ELI [web-site](#).

Activities

Meeting with Representatives of the ICMPD in Vienna

18 January 2018

Seminar Case Law of the European Court of Human Rights on Detention in 2017–2018 in Strasbourg

6–7 December 2018

A training event organised by the Academy of European Law (ERA), 'Case Law of the ECtHR on Deten-

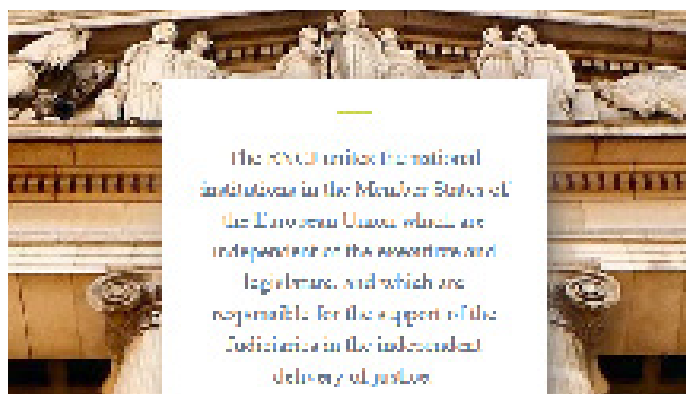


tion in 2017–2018' took place from 6–7 December 2018 in Strasbourg. Pamela McCormick from the Registry of the Strasbourg Court, who was very active member of the ELI's Detention Project Team, played a substantial role in raising the profile of the ELI's output at the event.

The Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution (ADR)

(with the ENCJ)

Adoption: CD 2016/1
Project Type: Statement
Procedure: Accelerated
Project Reporters: Diana Wallis, Geoffrey Vos



Aims

The Project Team aimed at analysing whether ADR schemes are voluntary, sufficiently visible and transparent, of sufficient quality in procedure and dispute resolution, and whether they develop throughout EU Member States consistently with a proper and principled approach to access to the courts. Based on national reports and the research conducted by the members of the Project Team, an ELI Statement was prepared which assesses whether concrete steps should be taken in this regard. Furthermore, the project team also considered:

- the potential for developing a draft legislative instrument for the EU aimed at harmonising ADR across the EU; and
- the role that internet technology can properly play in the development of online courts and online dispute resolution, consistent with the principles identified in the first phase of the project.

The Statement, approved by the ELI Council on 8 February 2018, deals with how courts and judges should act in considering or referring cases to ADR and consists of two main parts: a Statement of European Best Practice in relation to the approach that courts and judges should adopt in interacting with all types of ADR processes, and Recommendations as to the best European models that can be developed and applied for coherent access to dispute resolution processes (DRPs) in respect of different types of dispute, and towards which Member States may wish to progress.

The Statement can be downloaded on our [website](#).

Activities

ELI-ENCJ Statement on Alternative Dispute Resolution Approved by ELI Council

8 February 2018

ELI-ENCJ Statement on Alternative Dispute Resolution Approved by ENCJ General Assembly

1 June 2018

Presentation of the ELI-ENCJ Statement on Alternative Dispute Resolution (ADR) in Liverpool

27–28 June 2018

Dispute Resolution: Beyond the Courts Conference in Trier

9 November 2018

The ELI–ENCJ Dispute Resolution: Beyond the Courts Conference took place at the Academy of European Law (ERA) in Trier (Germany) on 9 November 2018. Renowned speakers and participants discussed the future of dispute resolution processes.

The Conference aimed at analysing the impact of digitalisation in the delivery of justice in the 21st century. Participants also looked into the innovative models of interaction between Court-Based Dispute



Resolution Processes (CBDRP) and Alternative Dispute Resolution (ADR). The starting point was the ELI–ENCJ Statement on The Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution, elaborated upon within the framework of the eponymous project, which was approved by the ELI Council and the ENCJ General Assembly in 2017.

The Conference further focused on enhancing cross-border trust in ADR, by discussing the implications of the UN Convention on International Settlement Agreements Resulting from Mediation, as well as on the impact of digitalisation and technology advancement on dispute resolution.

All sessions were followed by lively discussions and there was a strong sentiment by the end of the Conference on the need for a follow-up project in order to ensure that various dispute resolution processes create a coherent and effective system, make use of technological developments and allow for efficient access to justice.

Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law

Adoption: CD 2018/9
Project Type: Instrument
Project Procedure: Regular
Project Reporters: Sjef van Erp; Juliette Sénéchal

Aims

The ELI project on Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law has come to an end with the adoption of its results by the ELI Council and the ELI General Assembly on 31 March 2017. This represents a milestone for the Institute as the first Instrument to be adopted. Initially, the project aimed at elaborating a new legal framework for the prevention and resolution of conflicts of jurisdiction in criminal matters in the Area of Freedom, Security and Justice within Europe. The Project Team went above and beyond their initial aims and produced not one, but three complete legal frameworks.

In the words of one of the reporters, Professor John Vervaele: 'We came up with three different policy options and related legal frameworks, each with

many different implementation options. By doing this we have ensured that whatever policy option is chosen by the legislator, our project provides sound legal advice. In the end, each of our proposals will substantially improve European justice.'

The ELI Instrument on the Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law was published by Oxford University Press (OUP) in December 2018.

OXFORD
UNIVERSITY PRESS

The Instrument can be downloaded on our [website](#).

Activities

Preventing and Resolving Conflicts of Jurisdiction in EU Criminal Law Conference and Book Launch in Luxembourg

31 May 2018



This Conference was co-organised by the ELI and the University of Luxembourg. During this event, the Project Reporters presented the outcome of the ELI Project on the Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law.

Participants were welcomed by ELI President Christiane Wendehorst, who chaired the first session of the day – a presentation of the ELI Instrument on Criminal Law by the Project Reporters Katalin Ligeti, John Vervaele and André Klip. This session was followed by a roundtable, which was devoted to views from policy, practice and civil procedure and a panel on the 'Area of Freedom, Security and Justice'.

In the afternoon, the Conference continued with two panels on parallel enforcement regimes and challenges on the horizon.

ELI Hubs, SIGs and Other Activities



ELI

EUROPEAN
LAW
INSTITUTE



universität
wien



**Co-funded by
the European Union**

Overview of ELI Hubs and Hub Activities

ELI Hubs are a practical means through which ELI members can meet closer to home, communicate in their native language, discuss current or upcoming projects, and generate ideas for future ELI activities.

The number of ELI Hubs is steadily growing. 2018 saw numerous events, organised or supported namely by the impressively active Spanish, French, Italian and German Hubs. At present, 11 ELI Hubs have been established.

ELI Hubs 2018

- Austria
- Croatia
- France
- Germany
- Hungary
- Ireland
- Italy
- Poland
- Slovenia
- Spain
- United Kingdom

Activities of the French Hub

Trans Europe Experts (TEE) 9th annual Forum: 'Quelle Europe pour demain?'

16 March 2018

Conference 'Impact of Technology on International Contract Law: Smart Contracts and Blockchain Technologies' by the French and Italian Hub

4–5 May 2018

On 4–5 May 2018 the Faculty of Law of the Lyon Catholic University, the University of Florida and the University of Turin as well as with the ELI French and Italian Hubs, organised a conference on the Impact of Technology on International Contract Law: Smart Contracts and Blockchain Technologies.

Among esteemed speakers were Diana Wallis (former President of the ELI and lecturer at the University of Hull), ELI Vice-President Sjef van Erp and Marc

Clement (former member of the ELI Executive Committee and judge at the Lyon Administrative Appeal Court, France).

The purpose of this conference was to investigate the intersection between contract law and technology in an international and comparative perspective. The focus was on a number of areas that are still being debated as they relate to the law of contracts: smart contracts and blockchain technology, network contracts, the contractual status of electronic platforms, IP and privacy issues, as well as contract drafting.

Activities of the Hungarian Hub

ELI Launches Hungarian Hub with an Inaugural Conference on Brexit in Budapest

14 September 2018

With immense commitment, Miklós Király, Professor at the Department of International Private Law and European Economic Law at Eötvös Loránd University (ELTE) Faculty of Law, initiated the launch of the ELI Hungarian Hub and its Inaugural Conference on 14 September 2018 in Budapest.

In her opening speech, ELI President Christiane Wendehorst stated: 'On behalf of the ELI I heartily welcome our Hungarian members and I am happy that we now have formally established the ELI Hungarian Hub. This will allow us to better integrate the Hungarian perspective into topical projects to improve the law across Europe.'

The conference, organised by the Faculty of Law at the ELTE University, with the support of the Hungarian Ministry of Justice, focused on the future relationship between the United Kingdom and the European Union after Brexit. The keynote speech was



delivered by Steven Peers, Professor at the School of Law, University of Essex (United Kingdom) and was followed by presentations from experts from the ELTE Law Faculty and other international universities. More than 100 participants attended the presentations on various legal issues such as judicial cooperation in criminal matters, free movement of people and international economic aspects like the World Trade Organisation's (WTO) importance, as well as on challenges related to Brexit which sparked much debate.

Wendehorst, who was accompanied by Chair of the ELI Membership Committee Walter Doralt, also had interesting discussions on the currently difficult legal situation in Hungary with János Bóka, State Secretary of the Ministry of Justice of Hungary, and Zoltán Nemessányi, Deputy State Secretary for International Judicial Cooperation.

Activities of the Italian Hub

Italian Hub Conference New Regulation (EU) 2016/679: Privacy Rights, Obligations and Procedures for Correct Application in Turin

31 January 2018

Conference on Profession within the European Union in Turin

16 April 2018

Conference 'Impact of Technology on International Contract Law: Smart Contracts and Blockchain Technologies' by the Italian and French Hub

4–5 May 2018

Seminar on Comparative Law in the Case Law of the Court of Justice of the European Union and the Role of the Research and Documentation Directorate, co-organised by the Ferdinando Rossi School of Advanced Studies (University of Turin)

9 May 2018

Seminar on Judicial Dialogue and Networks for Cost Awareness in Court Actions

24–25 May 2018

Conference on European law for Italian lawyers together with the Lawyers' Association of Naples

8–10 June 2018

Overview of ELI SIGs and SIG Activities

SIGs (Special Interest Groups) are subject-specific hubs where ELI members who are experts in a specific field work together to scrutinise the latest legal developments, generate ideas for projects and identify those aspects of the law that could benefit from a contribution of the ELI.

The ELI is glad to see that the size of SIGs is growing steadily. There were nine SIGs in 2018.

SIGs membership is open to all ELI members. If you are interested in participating, please contact the Secretariat. If you do not find a SIG in the field of law that interests you, please notify us. SIGs should reflect the interests of the ELI membership, so as soon as there is a strong interest in any given area, a new group can be set up.

ELI SIGs 2018

- Administrative Law SIG
- Business and Financial Law SIG
- Competition Law SIG
- Digital Law SIG
- Dispute Resolution SIG
- Family and Succession Law SIG
- Fundamental Rights Law SIG
- Global Private Law SIG
- Intellectual Property Law SIG



ELI

EUROPEAN
LAW
INSTITUTE

Administrative Law SIG

The ELI would like to welcome Marek Wierzbowski as new chair along side current chair Marc Clement. Professor Wierzbowski took over from Alexander Balthasar on 10 August 2018.

Administrative Law SIG Conference in Budapest 6–7 June 2018



Fifteen speakers gave presentations in their respective fields of interest on different topics concerning administrative law, with a specific focus on the implication of the European Commission's White Paper on the Future of Europe. The keynote speeches and panels dealt more particularly with the current political background, pre-conditions for the further development of administrative law, the role of local and regional entities in the EU and executive rule-making, among others.

Business and Financial Law SIG

Meeting at the ELI Annual Conference and General Assembly in Riga 6 September 2018

3rd International Conference on European Company Law and Corporate Governance in Zagreb 6–7 December 2018



Green Paper on 'The Current Challenges for EU Company and Financial Law and Regulation'

The publication is available for free download [online](#).

Competition Law SIG

Following Julia Suderow's desire to step down, the group members of the SIG voted for two additional chairs, Giorgio Afferni and Florian Schuhmacher. They have been appointed on 19 November 2018 to take over the role as chairs alongside current chair Harry Stamelos.

Digital Law SIG

The ELI would like to welcome Christoph Busch as a new coordinator of the SIG. He took over from Reinier Schultze in May 2018.

Digital Law SIG Conference in Treviso 19–20 April 2018

The title of the conference was 'Digital Revolution: Data Protection, Artificial Intelligence, Smart Products, Blockchain Technology and Virtual Currencies. Challenges for Law in Practice'. This event was organised by the Digital Law SIG and brought together leading experts from Europe and beyond, addressing the impact of digital technology on the law in light of the latest legislative developments.

Different topics touched upon during the conference included the role of personal and non-personal data; the protection of users' and businesses' rights in contracts for the supply of digital contents; the EU General Data Protection Regulation; the increasing interplay between data trade and data protection; digital inheritance; online platforms and the issues of blockchain technology, smart contracts, digital jurisdictions, bitcoins and other virtual currencies.

Digital Law SIG Meeting in Treviso 20 April 2018

European and Asian Perspectives on the Digital Economy: Interdisciplinary Conference in Ferrara 5–6 July 2018



Meeting at the ELI Annual Conference and General Assembly in Riga

7 September 2018

Dispute Resolution SIG

Meeting at the ELI Annual Conference and General Assembly in Riga

7 September 2018

Family Law SIG

Family and Succession Law SIG Workshop in Pisa

7 June 2018



Meeting at the ELI Annual Conference and General Assembly in Riga

7 September 2018

Fundamental Rights SIG

The ELI would like to welcome Sabino Cassese and Jeffrey Jowell as new chairs. They took over from Professor Spaventa in July 2018.

Global Private Law SIG

Meeting at the ELI Annual Conference and General Assembly in Riga

7 September 2018

Intellectual Property Law SIG

Seminar Data Access in the European Digital Single Market in Brussels

24 May 2018

Launch of the Insurance Law SIG

After the interest shown by ELI members a new SIG has been launched. The tasks of the Insurance Law SIG will include providing an active forum for discussion and cooperation, reviewing relevant legal developments, conducting and facilitating research, making recommendations and providing practical guidance in the field. To this end, the Insurance Law SIG will hold biennial conferences on current issues concerning European insurance law. The first conference will deal with the topic of 'Outsourcing by insurance companies' and shall take place in Vienna on 10 October 2019. Furthermore, interested SIG members will author publications on existing European insurance law and submit responses to current legislative projects.

The Coordinators will be Christoph Brömmelmeyer, Professor for civil law and European economic law at the Europa University Viadrina in Frankfurt/Oder (Germany), and Helmut Heiss, Professor for private law at the University of Zurich (Switzerland). If you are interested in participating, please send an e-mail to the ELI Secretariat.

For more information on the ELI SIGs, please visit our [website](#).



ELI

EUROPEAN
LAW
INSTITUTE

ELI Representation, Key Events and Newsletters



Antonio Tajani, President of the European Parliament talks to students at the Univeristy of Vienna in an event co-organised by the ELI



ELI

EUROPEAN
LAW
INSTITUTE



European Parliament



universität
wien



Co-funded by
the European Union

ELI Representation



The President of the Court of Justice of the EU Koen Lenaerts met ELI President Wendehorst in Vienna

8 January 2018

Among other things they spoke about the recent ELI publications such as the ELI Instrument on the Rescue of Business in Insolvency Law as well as the ELI Statement on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law. They also discussed a prospective project on Common Constitutional Traditions (CCT) in Europe, which has since been approved by the ELI Council.



Meeting between ELI President Christiane Wendehorst and the Secretary General of the OECD, José Ángel Gurría Treviño

16 March 2018

President Christiane Wendehorst and the Secretary General of the Organisation for Economic Co-operation and Development (OECD) discussed common areas of interest, including the recently completed ELI project on the Detention of Asylum Seekers and Irregular Migrants and the Rule of Law. In addition, the two discussed the possibility of a future partnership between the ELI and the OECD.



Meeting between Representatives of the ELI and the EU Agency for Fundamental Rights (FRA)

12 February 2018

ELI President Christiane Wendehorst and ELI Secretary General Vanessa Wilcox held a meeting with representatives of the FRA.

Discussions centered on ongoing and future cooperation between the ELI and FRA, such as the project on Business & Human Rights, which will be jointly conducted by the ELI and FRA.



9th Forum of Trans Europe Experts in Paris

16 March 2018

President Christiane Wendehorst, Treasurer Denis Philippe, and several ELI Fellows and project members including Pietro Franzina (Reporter on the the Protection of Adults project), Georges Cavalier (Reporter of the For a European Approach to R&D Expenses project), Christoph Busch, Juliette Sénéchal and Céilia Zolynski (members of the Online Platforms team) as well as Walter Doralt (Chair of the ELI Membership Committee) took part.



How Digital Transformation Drives European Integration Conference in London, co-hosted by the ELI and Freshfields Bruckhaus Deringer

27 February 2018

The Conference was chaired by ELI Executive Committee member, Lord Thomas. ELI President Christiane Wendehorst also attended and spoke about the ELI-ALI (American Law Institute) Principles for a Data Economy project. Vice-President Sjef van Erp, spoke on Blockchain Technology and Smart Contracts.



ELI President Christiane Wendehorst and ECHR President Guido Raimondi met in Strasbourg

20 March 2018

The two discussed the ELI's approach and working methods and, among others, 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 Basic European Standards for the Judicial Control or Adjudication on Detention of Asylum Seekers and Irregular Migrants.



Meeting between ELI President and CoE Secretary General Thorbjørn Jagland in Strasbourg

20 March 2018

Among other things, reference was made by Wendehorst to the recently adopted ELI projects on Business and Human Rights: and on Common Constitutional Traditions in Europe. President Wendehorst and Secretary General Jagland also exchanged ideas on possible cooperation in the future between these two institutions, and on the Secretary General speaking at a key ELI event.



ELI President and the President of the European Court of Auditors met in Luxembourg

30 May and 11 June 2018

The first meeting dealt with the special role of the ECA and its shift of focus from compliance to performance, the importance of impact assessment and performance-related auditing for any kind of law making as well as forms of cooperation that would be compatible with the special position of the ECA and potential topics for future ELI activities.

Part of the brief meeting held in June was dedicated to current and prospective ELI projects in the area of digitalisation.



The European Law Faculties Association (ELFA) Annual General Meeting and Conference in Barcelona

26 April 2018

ELI Vice-President Sjef van Erp took part in the European Law Faculties Association's annual meeting and was a member of the panel on international research agreements and the effects of the United Kingdom's exit from the European Union on research. He also joined the round table on joint teaching and international legal education.



ELI President met with the Bulgarian Constitutional Court and the Bulgarian Jurists Union

3 July 2018

On 3 July, ELI President Christiane Wendehorst travelled to Sofia, where she met with Boris Velchev, Chairman of the Bulgarian Constitutional Court and with Vladislav Slavov, President of the Union of Bulgarian Jurists.

Topics discussed during the fruitful meetings included current ELI projects and potential future cooperation between the institutions.



Meeting between the President of the ELI and the President of the General Court

30 May 2018

The main topics discussed were how to ensure the better involvement of the Asian continent in the work of the ELI. Additionally, Presidents Wendehorst and Jaeger elaborated on the role the ELI could play in enhancing communication between EU policymakers and legislators on the one hand and European citizens on the other, such as by formulating basic principles that would be more understandable to European citizens.



Opening Session of the German Data Ethics Commission in Berlin

4 September 2018

President Wendehorst co-chaired the opening session of the newly established German Data Ethics Commission.

The Commission is composed of 16 experts from the fields of medicine, law, computer science, statistics, economics, theology, ethics and journalism. As co-chair of the Commission President Wendehorst will work on issues covered by the ALI-ELI project on Principles for a Data Economy and the prospective ELI project on Liability in Digitalised Environments.



ELI President meets Romanian Minister of Justice and the President of the Constitutional Court

13 September 2018

On her visit to Bucharest, President Wendehorst met the Romanian Minister of Justice, and the State Secretary of the Ministry of Justice. Wendehorst also met the President of the Constitutional Court of Romania and the President of the National Association of Romanian Bars.



The Permanent Court of Arbitration Welcomes ELI President to the Hague

30 November 2018

On 29 November 2018 ELI President Christiane Wendehorst was welcomed by Hugo Siblesz, Secretary General of the Permanent Court of Arbitration in the Hague.

In the meeting, ELI President Christiane Wendehorst presented the vision and aspiration of the ELI and how its projects aim at improving the law across Europe. The meeting was characterised by a very friendly atmosphere and an exchange of common themes.



President Wendehorst and Vice-President van Erp participate in meetings in Brussels

22 October 2018

President Wendehorst participated in a meeting organised by the European Commission on the data economy theme. The meeting was an opportunity for her to speak about the ELI-ALI Data Economy project. Vice-President van Erp met Head of Unit of Contract Law at the DG for Justice, Dirk Staudenmayer to discuss the topic and determine how the ELI can coordinate research efforts with the Commission.



ELI President Engages with Belgian Minister of Justice on the EEF Project

3 December 2018

President Wendehorst, one of the reporters of the ELI project on Empowering European Families met the Belgian Minister of Justice, Mr Koen Geens, to present the draft outcome of the EEF project. This is part of a series of meetings in which the project team seeks to gain the input of national ministries in advance of the Instrument being voted upon by ELI bodies. On the occasion, Wendehorst explained the project's output and welcomed the insightful contribution of Minister Geens.



UNCITRAL and the ELI Move towards a closer cooperation

16 November 2018

President Wendehorst met with Anna Joubin-Bret, the recently appointed Secretary of UNCITRAL (United Nations Commission on International Trade and Law) in Vienna. Joubin-Bret expressed her appreciation for the work of the ELI and also voiced a specific interest in the Data Economy project. An even closer cooperation between UNCITRAL and the ELI was discussed and will be followed upon soon.



The ELI welcomed the recently appointed Secretary General of UNIDROIT, Ignacio Tirado

10 December 2018

The ELI President Christiane Wendehorst and Secretary General Vanessa Wilcox had the pleasure of welcoming the new International Institute for the Unification of Private Law (UNIDROIT) Secretary General to the ELI Secretariat in Vienna on 10 December 2018. The three reflected on the fruitful relations that characterised their cooperation over the past five years and discussed various avenues to further intensify their partnership. The ELI wishes Secretary General Tirado the very best during his term in office.

Spotlight on ELI Events



The European Parliament (EP) in Vienna (Austria) 19 June 2018

A delegation of the European Parliament, headed by President Antonio Tajani, visited the University of Vienna and held a Q&A session with students from across Austria.

This event was co-organised by the University of Vienna, the European Parliament Information Office in Austria and the ELI.

Students were welcomed by the Rector of the University of Vienna, Heinz W. Engl, President of the University Council, Eva Nowotny, and EP President Antonio Tajani. President Tajani particularly welcomed the opportunity to engage with students directly. He called reducing the distance between EU citizens and their representatives in the EP one of the main objectives of his Presidency.

The discussion was divided into three thematic sessions. In its first part, the discussion revolved around social injustice and youth unemployment, issues that were seen as a great threat by all panellists. While some emphasised the role of the industry and strengthening companies in general, others called for an overall approach and the implementation of better minimum wage measures.

The second session was on migration, strengthening of European borders and free movement of

persons. Tajani emphasised the importance of secure external borders and called for more solidarity with southern European countries, while Josef Weidenholzer, Vice-President of the S&D (Group of the Progressive Alliance of Social Democrats), strongly criticised EU institutions for not acting fast enough. Ska Keller, Co-President of the Group of the Greens/European Free Alliance, spoke in favour of legal and secure routes for refugees, fair distribution and legal paths of migration. Peter Lundgren, Vice-Chair of the EFDD (Europe of Freedom and Direct Democracy Group), saw external borders as a cornerstone for the freedom of persons.

Lastly, the discussion centred on Austria's imminent Presidency of the Council of the EU, data protection, climate change and human rights. EP President Tajani closed the event by thanking the students for their lively participation and emphasised, once more, the importance of the protection of human rights for the EP.



ELI Newsletters

In 2018, the following personalities contributed to the covers of our newsletter. The ELI's newsletter goes out to more than 2,000 readers. To sign up please register by sending an e-mail to secretariat@european-lawinstitute.eu. Previous editions are available to download on the Newsletter section of our [website](#).

January–February



Anita Rodiņa

Dean of the Faculty of Law
(University of Latvia)

'From the moment the ELI was established, it has been linking various dimensions of legal expertise together.'

March–April



Gertrude Brinek

Austrian Ombudswoman

'The objectives of the ELI to improve the quality of European law are of particular relevance to the work of the AOB.'

May–June



Klaus-Heiner Lehne

President of the European Court of Auditors

'It is a pleasure to be able to wish the European Law Institute a happy seventh birthday.'

July–August



Guido Raimondi

President of the European Court of Human Rights

'As a member of the ELI, you are part of a unique European legal community.'

September–October



Antonio Tajani

President of the European Parliament

'The European Parliament welcomes the contributions of the ELI during the legislative process.'

November–December



Heinz Engl

Rector of the University of Vienna

'Our academics are keen to contribute their expertise to the ELI and participate in the realisation of existing and new projects.'

European Law Institute

- Pan-European, democratic, membership-based organisation
- Uniting prominent jurists of all legal professions
- Aiming to improve the law in Europe
- Carrying out projects with immediate practical application

Members of the ELI can contribute to its projects and gain access to an international network of jurists. Apart from other activities, the ELI organises its Annual Conference and General Assembly, bringing together Europe's leading experts in diverse fields of law.

Executive Committee

President:	Christiane Wendehorst
Vice-President:	Sjef van Erp
Treasurer:	Philippe Denis
Members:	Anne Birgitte Gammeljord Raffaele Sabato Hans Schulte-Nölke Lord John Thomas

2019 ELI Conference

The 2019 ELI Annual Conference will take place from
4–6 September in Vienna (Austria).
Please take note of this date.

We look forward to seeing you there!

ELI in Vienna

The Secretariat of the ELI, which is hosted by the University of Vienna, is located in the heart of the Austrian capital, close to the main building of the University, the representation of the European Commission in Austria as well as the information office of the European Parliament.

We cordially invite you to visit us whenever you are in Vienna.



ELI Secretariat

Schottenring 16, Top 175
1010, Vienna, Austria
T +43-1-4277 221 01
F +43-1-4277 922 1
www.europeanlawinstitute.eu
secretariat@europeanlawinstitute.eu



ELI
EUROPEAN
LAW
INSTITUTE



universität
wien



Co-funded by
the European Union