



ELI

EUROPEAN
LAW
INSTITUTE

2019

**Activity
Report**



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3 It is a huge privilege for us to be serving this institution
4 as President and Vice-Presidents for the coming two
5 years, and we wish to thank the Council, who elected
5 us, for their trust and confidence. As the core focus of
6 ELI's mandate is the betterment of law for citizens and
7 legal entities in Europe, your current Executive has
12 placed projects as its primary focus. Several members
14 of the recently elected Executive were involved in lay-
15 ing the foundations, under the former Executive, for
17 the smoother running of projects, from revising Pro-
18 ject Guidelines to setting out strategies, among other
19 things, on the types of projects ELI should embark on
20 and the structure of output, the composition of Project
21 Teams and financial and institutional considerations.
28 These and other foundations laid have placed ELI in a
29 position to focus on the topics it should turn its atten-
29 tion to in 2020 and beyond.

Looking back, 2019 has been a momentous year for the Institute: from the finalisation of several projects that will be put before ELI bodies in early 2020 to record numbers attending ELI's Annual Conference and Meetings in Vienna. One is always humbly reminded, however, that ELI is only as successful as the shoulders upon which it stands. Profound gratitude is due as always to ELI members, including those that steer ELI's direction through involvement in various ELI bodies; appreciation is also due to Project Teams members that dedicate countless hours to shaping the legal landscape of their respective fields, Advisors, Hubs and Special Interest Groups (SIGs), our hard-working Secretariat and the many unnamed others that work tirelessly to make ELI the deservedly respected entity that it is today.

With that, we invite you to browse through our Activity Report to gain insight into the functioning of our organisation and the progress made in the course of 2019 on our current projects and other activities.

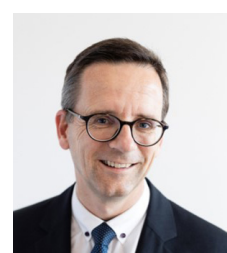
We wish you an inspiring read.



Christiane Wendehorst
ELI President



Lord John Thomas
ELI First Vice-President



Pascal Pichonnaz
ELI Second Vice-President

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ELI in Brief



Vienna's Old Stock Exchange; home to the ELI Secretariat



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universität
wien



City of
Vienna



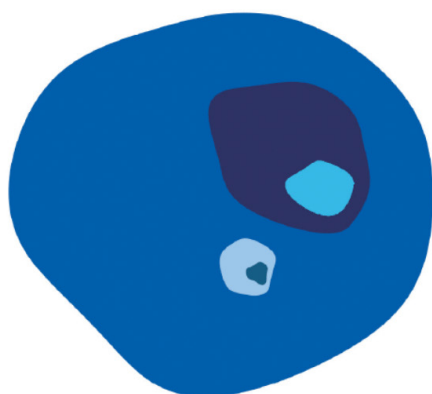
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About ELI

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 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.



- Membership**
Composed of all the Institute's Fellows and Observers
- Council**
Consists of up to 56 elected delegates and up to 10 ex-officio members in addition to the President, Vice-Presidents and Treasurer
- Executive Committee**
President, two Vice-Presidents, Treasurer and three ordinary members
- Senate**
Consists of up to 21 ELI Fellows
- Arbitral Tribunal**
Three members of the Senate appointed by the Senate

Executive Committee

The Executive Committee is ELI's administrative body, appointed by the Council from among the Council members, consisting of the President, two Vice-Presidents, the Treasurer, and three innominate members. You can find CV summaries of the present Executive Committee members on ELI's website.



Christiane Wendehorst

President



Lord John Thomas

First Vice-President



Pascal Pichonnaz

Second Vice-President



Denis Philippe

Treasurer



Anne Birgitte Gammeljord

Member



Pietro Sirena

Member



Fryderyk Zoll

Member

Membership

The highest body of the Institute is the Membership. In 2019 there were over 1,500 Individual Members and 109 Institutional Members of ELI, representing all branches of law and legal professions. The Institute has two broad categories of members:

■ **Fellows** may be either Individual or Institutional. The former 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. Institutional Fellows (and indeed Observers) must be legal entities representing organisations, institutions or networks, which are actively involved in European legal development. Like Individual Fellows, Institutional Fellows enjoy voting rights.

■ **Observers** may also be Individual or Institutional. Such members take an active interest in European legal development but cannot undertake to speak and vote without regard to the interests of particular stakeholders. As such Observers have no voting rights.

ELI's steadily growing membership spans the globe. Members in 2019 stemmed from the following jurisdictions:

A

Angola
Argentina
Australia
Austria
Azerbaijan

B

Belgium
Bosnia and Herzegovina
Brazil
Bulgaria

C

Canada
China
Colombia
Croatia
Cyprus
Czech Republic

D

Denmark

E

Egypt
Estonia

F

Finland
France

G

Germany
Greece

H

Hungary

I

India
Iran
Ireland
Israel
Italy

J

Japan

L

Latvia
Liechtenstein
Lithuania
Luxembourg

M

Malta
Mauritius
Mexico
Monaco
Montenegro

N

Netherlands
New Zealand
Nigeria
Norway

P

Pakistan
Peru
Poland
Portugal

R

Romania
Russia

S

Serbia
Slovakia
Slovenia
South Africa
Spain
Sweden
Switzerland

T

Thailand
Turkey

U

Ukraine
United Arab Emirates
United Kingdom
USA

New Institutional Members in 2019

ELI is proud to partner with several EU institutions and international organisations, courts, law firms, professional associations as well as academic and other members. Fifteen new Institutional Members joined ELI in 2019:

The Constitutional Court of the Republic of Latvia



CONSTITUTIONAL COURT
REPUBLIC OF LATVIA

The Constitutional Court of the Republic of Latvia is the highest court for constitutional matters in Latvia. Composed of seven judges, the Court mainly reviews the constitutional and conventional legality of contested laws and government regulations. The Court is competent to declare as null and void a contested norm. It does not review the facts or the judgments of other courts within the Latvian legal system. A case can be brought before the Court by any authority designated by the law of the Constitutional Court, inter alia, by any person submitting a complaint regarding a fundamental rights violation, or by a tribunal seeking to declare as null and void a legal norm.

Austrian Chamber of Civil Law Notaries



The Austrian Chamber of Civil Law Notaries is the official representation body of the profession of Austrian notaries and has its seat in Vienna. It is established by public law and is composed of six regional notarial chambers. The Austrian Chamber of Civil Law Notaries has a coordinating function and represents the profession vis-à-vis third parties in global terms at national, European and international level. It has administrative and regulatory powers as defined by public law. The Austrian Chamber of Civil Law Notaries is consulted in the legislative pro-

cess; it liaises with other national and international professional organisations.

Among others, the Austrian Chamber of Civil Law Notaries also manages the Austrian Central Register of Testaments and Wills, the Austrian Central Register of Lasting Powers of Attorney in the context of the protection of vulnerable adults and has initiated cyberDOC, the electronic documents archive and communication platform of Austrian notaries. At EU level, the Austrian Chamber of Civil Law Notaries has been a member of the Council of the Notariats of the European Union (CNUe) and, since 1997, it has a representation office in Brussels to better liaise with EU institutions. Moreover, the Austrian Chamber of Civil Law Notaries is entrusted with public functions at EU level acting as a central authority under the EU Public Documents Regulation 2016/1191. For more than 30 years, the Austrian Chamber of Civil Law Notaries has organised, on a yearly basis, the Conference of European Notaries in Salzburg, aiming at identifying and discussing major legal, economic and political European trends and developments relevant for the notarial profession.

Babeş-Bolyai University



UNIVERSITATEA
BABEŞ-BOLYAI

Babeş-Bolyai University (UBB) is by far the largest and most comprehensive higher institution in Romania, while Cluj-Napoca, its city of residence, is considered to be the most important student town in the country. Its renowned excellency in advanced academic research and higher education programs is naturally validated, among other things by the University's rich history and tradition. Its openness to multi-culturalism, multi-lingualism and its international approach to education make UBB the flagship of the Romanian higher education system, establishing national standards in teaching, research and community outreach. Currently, UBB is the larg-

est university in the country bringing together more than 42,000 undergraduate, graduate and doctoral students enrolled in 365 programmes, covering more than 120 fields of study. The studies offered currently count 88 Bachelor programs, taught in Romanian, 54 in Hungarian, 11 in German, and two in French. Approximately 50 graduate programs are offered in English, German, and French, and they develop on an annual basis. They encompass the most compressive fields of studies in Romania of a higher institution in the social sciences, humanities, hard sciences, and newer fields as promoted by the evolutions of cultural and professional needs as well as by technological advances in our globalised society.

European Law Students' Association International



The European Law Students' Association

The European Law Students' Association (ELSA) is an international, independent, non-political, non-profit making organisation run by and for students and recent graduates, who are interested in achieving academic and personal excellence in addition to their legal or law-related studies at university.

ELSA aims at providing its members a platform to develop their existing skills and acquire new ones, to interact with fellow students and experienced practitioners from different States and legal systems around Europe, and to be equipped for a professional life in an international environment, through mutual understanding, intercultural cooperation and the large variety of activities and projects the Association offers.

Interleges – The International Association of Independent Law Firms



Interleges is a well-established and closely linked alliance of independent law firms with offices across the countries of Europe, the Middle East and North

and South America. One of the first networks of its kind, Interleges was created in 1989, and now includes firms in over 20 countries as well as correspondents approved by Interleges in many other countries. Through Interleges, both business organisations and individuals have access to specialist lawyers who have experience in representing clients from different countries and legal cultures in dealing with complex legal issues.

The Ordre Français du Barreau de Bruxelles



The French Brussels Bar ('Ordre Francophone du Barreau de Bruxelles') is the official public representative body of lawyers holding the title of 'avocat'. Registration to the Brussels Bar is mandatory to practise law in Belgium and abroad under that title. The Bar is responsible for ensuring respect and enforcement of professional rules by lawyers, defending their interests at national, European and international level and preserving our values and ethics throughout the Kingdom and abroad.

The French Brussels Bar, thanks to the presence of the European institutions and a long-standing policy of openness towards foreign lawyers, currently comprises more than 5,000 members, including 541 lawyers from 22 European countries and 98 lawyers of other countries worldwide.

European lawyers registered under the E-List can exercise their profession as lawyers under the title of their Member State of origin whilst non-European lawyers, registered under the B-List, can be admitted as an 'associated member of the Brussels Bar'.

The existence of two lists is explained by the difference in powers to represent and defend clients before Belgian courts. B-List lawyers are not allowed to represent and defend their clients before such courts. They can, however, choose to qualify as a Belgian lawyer, provided they meet certain conditions.

Iura Vasconiae



The Foundation for the Study of Historical and Regional Law of Vasconia (Iura Vasconiae), based in Donostia-San Sebastián, is an independent research centre devoted to the study of historical public and private law of the Basque Country, which brings together academics and cultural agents interested in researching the past and present of the public and private law of the Basque territories.

Its main activity consists in the organisation of annual symposia devoted to monographic issues, which are published in the homologous academic journal of the centre, Iura Vasconiae. As well as the Revue, the Foundation publishes several monographic series on the sources of historical law of the traditional institutions and self-government of the Basque territories. In its fifteen-year history, Iura Vasconiae has held 15 symposia and has published 45 monographic works. The Foundation is actually working on the Historiographic Dictionary of Vasconia, Notitia Vasconiae, which is meant to be the main international reference for Basque historiography. Thanks to the collaboration with public entities of Vasconia, the Foundation also offers a service of scientific infrastructure consisting of a specialised library and an open database that brings its full production and publications of relevant authors related to historical and regional laws of the Basque Country.

Constitutional Court of Hungary



The Constitutional Court of Hungary is the principal organ for the protection of fundamental law. Its tasks are to protect the democratic State governed by the rule of law, the constitutional order and the rights guaranteed by fundamental law; to safeguard the inner coherence of the legal system and to fos-

ter the principle of the division of powers. The basic rules concerning the function of the Court are set in the fundamental law, and the main regulations on structure and procedure are determined by the Act on the Constitutional Court (ACC). The detailed regulations are set by the Constitutional Court in the Rules of Procedure. The Court itself regulated the detailed provisions on the rules of procedure in a plenary decision.

The 15 members of the Court are elected by the Parliament by a qualified majority (the vote of two-thirds of all representatives) for a term of 12 years. The President of the Court is elected by the Parliament. The judges elect the Vice-President from among themselves.

The President's activity of coordination and representation does not affect the independence of the judges. The Court adopts its decisions in plenary session, in five-member-panels or as a single judge. According to the Rules of Procedure of the Court it is possible to create three-member panels as well. The plenary session decides on the constitutionality of statutes and in all other cases if the ACC provides so.

The Office of the Constitutional Court helps the Court in performing its functions. It is in charge of managing the Constitutional Court's administrative tasks, it handles organisational-operational tasks, case administration and tasks relating to the preparation of decisions.

General Council of the Bar of England and Wales (The Bar Council)



The Bar Council represents over 16,000 barristers in England and Wales. It promotes the Bar's high-quality specialist advocacy and advisory services; fair access to justice for all; the highest standards of ethics, equality and diversity across the profession; and the development of business opportunities for barristers at home and abroad. A strong and independent Bar exists to serve the public and is crucial to the administration

of justice. As specialist, independent advocates, barristers enable people to uphold their legal rights and duties, often acting on behalf of the most vulnerable members of society.

The Bar makes a vital contribution to the efficient operation of criminal and civil courts. It provides a pool of talented men and women from increasingly diverse backgrounds from which a significant proportion of the judiciary is drawn, on whose independence the rule of law and our democratic way of life depend. The Bar Council is the Approved Regulator for the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board. The Bar Council's main office is in central London. It also has a representative office in Brussels, providing an important interface on matters EU.

National University of Public Service



The National University of Public Service (NUPS), which was established through the merger of three separate higher educational institutions, namely the Zrínyi Miklós National Defence University, the Police College and the Faculty of Public Administration of Corvinus University of Budapest, started a new faculty in 2015 on international and European studies and later in 2017 it integrated the water science education of the Eötvös József College of Baja, thus creating the Faculty of Water Sciences.

Our University has five Faculties, four Doctoral Schools and one of Hungary's most modern and prettiest university campuses.

In the area of public administration, diplomacy, law enforcement, national defense and national security, as well as in water science, NUPS offers the BA, MA and PhD programmes and research opportunities. The vision and the objective for the institutional development of the National University of Public Service is to become the 'university of cooperation', the model of efficient collaboration between societal requirements, national-strategic governmental objectives and university-level autonomy.

SHMP Schwartz Huber-Medek Pallitsch Rechtsanwälte GmbH



SHMP Schwartz Huber-Medek Pallitsch Rechtsanwälte GmbH was founded in 2004 as a specialised law firm in public commercial law and has meanwhile increased to 24 employees.

As a continuously growing law firm, SHMP focuses on all areas of public commercial law, in particular in the field of environmental law, public procurement law, construction and construction contract law as well as gambling law. Furthermore, SHMP's emphasis lies in all kinds of procedural issues. SHMP represents its clients successfully before the Federal and State administrative courts (BVwG, BFG, LVwG) as well as the Constitutional Court, the Higher Administrative Court and the European courts (CJEU, ECHR) in addition to civil courts. SHMP places a strong emphasis on the specialisation of its law firm, and ranks amongst the best law firms in Austria.

Schiefer Rechtsanwälte GmbH



Schiefer Rechtsanwälte are specialists in public procurement law throughout Austria. 14 legal experts in our five branches in Vienna, Salzburg, Graz, Klagenfurt and St Pölten are rethinking public procurement law, providing advice concerning procedures, guiding through processes and conveying special knowledge.

Our subsidiaries throughout Austria allow us to rely on regionality. We can offer our clients the benefit of comprehensive consulting by local lawyers who are familiar with local authorities, courts and decision-makers. Schiefer Rechtsanwälte are your reliable partner for reforms and innovation in the following areas: digitalisation, data protection, cybersecurity, health, infrastructure, construction and business law. Comprehensive knowledge, profes-

sional expertise and innovative approaches lead to sustainable, successful solutions. This also reflects the team of Schiefer Rechtsanwälte.

Our law firm is characterised by the diversity of our employees and a strong social commitment. Thanks to the wide range of our expertise and our long experience, we can boast extensive know-how within the relevant market.

Kenya Union of Judiciary Workers

All Correspondence to the Secretary General



The Kenya Union of Judiciary Workers is a workers' organisation established under the Labour Relations Act 2007, composed of and serving employees of the Kenyan Judicial Commission.

The Union is a non-profit, non-partisan organisation that has been representing the rights of workers and engaging in collective bargaining agreements to improve the conditions of work of its members for the last eight years. The Union's activities became possible after the entry into force of the new Constitution of Kenya in 2010, which significantly improved the legal situation of judicial employees. Previously, they were considered civil servants and were not allowed to join any trade unions.

The main objectives of the Union are: to regulate and improve relations between employer and employees; to promote gender equity and equal opportunities without discrimination on any grounds including sex, race, religion, place of residence, ethnic, social, political, economic affiliations or beliefs; to provide an instrument of cooperation among the judiciary's employees, labour unionisation, aggregation and articulation of their collective views, interests, opinions and decisions upon matters affecting dispensation of justice; to participate in all matters aimed at improving delivery of justice in Kenya; to secure strategic and effective representation of judiciary workers in the government, public, and private organisations where such representation may be relevant and imperative; and to secure and maintain harmonised membership employment and service for all members.

Baker McKenzie

Baker McKenzie.

Long before the term 'global player' became fashionable, our firm's founders had already realised the vision of a globally operating commercial law firm.

Founded in 1949, Baker McKenzie is one of the world's largest and most effective law firms with more than a 12,000 headcount in 77 offices. As the original global law firm, we bring the right talent to every client issue, regardless of where the client is. We partner with our clients to deliver solutions in the world's largest economies as well as newly opening markets. In an increasingly complex world, one asset is of particular importance: intelligent legal ideas. We at Baker McKenzie Vienna are committed to this aspiration. With a young, energetic team on spot and a strong network behind us. We exchange knowledge and ideas – within our office and worldwide – and keep a close eye on developments. For what happens in London, New York or Beijing means gaining expertise and being ahead of the curve for the benefit of all our clients in Austria and around the world. As one of Austria's leading law firms, we advise national and international companies and institutions in all areas of commercial and tax law. Let us prove what we mean by to be one idea smarter.

Constitutional Court of the Kingdom of Thailand



The Constitutional Court of Thailand is a significant mechanism in performing the duty of legal interpretation in order to comply and be consistent with the Constitution. Consequently, the Court fulfils an important role concerning the protection of the Constitution, safeguarding the rights and liberties of the people, the assurance of public interest, and maintenance of the

democratic regime of government with the King as Head of State. In order to sustain the supremacy of the Constitution, the performance of political organs and institutions shall be controlled in line with it. In connection with Thai society's aspirations, the Court's powers and duties do not concern only the protection of the Constitution, but also the security of democratic regime of government with the King as Head of State.

The Constitutional Court of the Kingdom of Thailand was established for the first time in Thailand by the Constitution of 1997. It is a specialised court following the idea of Hans Kelsen to safeguard the supremacy of the Constitution, with the Constitutional Court of the Republic of Austria in 1920 and the Constitutional Court of the Federal Republic of Germany in 1949 serving as the models for the Thai Constitutional Court. The Constitutional Court of the Kingdom of Thailand now exercises its jurisdiction on the provision of the 2017 Constitution and consists of the President and eight justices approved by the Senate and appointed by the King.

Funding

The main sources of income for ELI in 2019 were as follows:

Framework Cooperation Agreement with the University of Vienna

The current Framework Cooperation Agreement between the University of Vienna and ELI runs from 2019 until 2023, thus marking the third such extension since the University of Vienna began hosting the ELI Secretariat in 2011. This welcome agreement therefore guarantees that the ELI Secretariat will be hosted in Vienna for another four-year term.



universität
wien

EU Funding

ELI also obtained funding through the 2019 Operating Grant awarded within the four-year Framework Partnership Agreement with the Directorate-General for Justice and Consumers (DG JUST) Programme for the period 2018–2021. Alongside general ELI activities, such as projects, some ELI Secretariat staff mem-

bers, ELI Executive Committee, Council, Senate and High Level Expert Group (HLEG) meetings as well as the ELI Annual Conference and Meetings were co-funded through the Operating Grant.

As regards projects in particular, funding extended to the following: From Transnational Principles to European Rules of Civil Procedure (with the International Institute for the Unification of Private Law, UNIDROIT), Model Rules on Online Platforms, the Protection of Adults in International Situations, For a European Approach to R&D Expenses Qualifying for the Common Corporate Tax Base Super Deduction, Business and Human Rights: Access to Justice and Effective Remedies (with input from the EU Agency for Fundamental Rights, FRA), Blockchain Technology and Smart Contracts and Access to Digital Assets.



Co-funded by
the European Union

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 ELI conducts with the ALI.

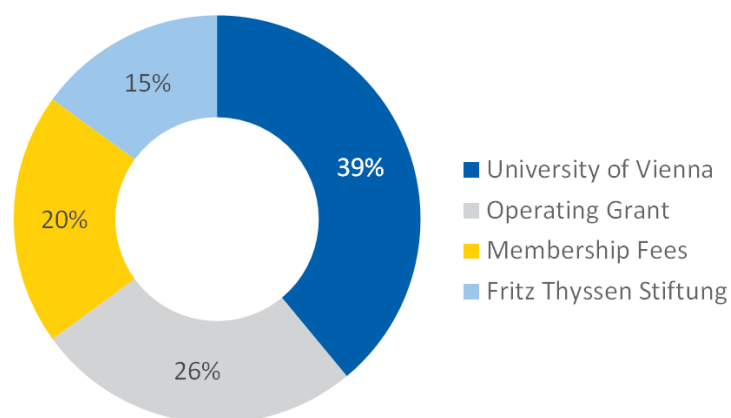
ELI is also grateful to the City of Vienna for its generous auspices.



Membership and Sustaining Membership Fees

Fees paid by Individual and Institutional members ensure that 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 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 make a donation of EUR 60 per year (in addition to EUR 60 for membership fees).



Sustaining Members

ELI wishes to thank the following Sustaining Members for joining the scheme in 2019. Should you wish to join, please contact the ELI Secretariat.

Maria Lourdes Arastey Sahún
Andrej Auersperger Matić
William Lawrence Aylmer
Josef Azizi
Elena Bargelli
Sarah Bechaalany
Teresa Bielska-Sobkowicz
Robert Bray
Sabino Cassese
Andra Cotiga
Darinka Dekleva Marguč
Larry DiMatteo
Walter Doralt
John Gaffney
Anne Birgitte Gammeljord
Paolo Ghiringhelli
Paul Gilligan
Laurence Gormley
Friedrich Graf von Westphalen
Irmgard Griss
Rodger Peter Harris
Daniel M Häusermann
Diarmuid Hegarty
Christian Hertel
Hana Horak
Paola Iamiceli
Marta Infantino
Elena Ioriatti
Francisco Javier Jiménez Muñoz
Phillip Johnson
Tatjana Josipovic
Bernhard A Koch
Velibor Korać

Lance Liebman
Vanessa Mak
Corrado Malberti
Dan Marcotte QC
Luz Maria Martínez Velencoso
Attila Menyhárd
Antonio Manuel Morales Moreno
Eliana Morandi
Frank Gerard O'Reilly
Karl-Heinz Oehler
Denis Philippe
Pascal Pichonnaz
Fausto Pocar
Teresa Rodriguez de las Heras
Ballell
Nelson Rosenvald
Albert Ruda
Jorge Sánchez Cordero
Hans Schulte-Nölke
Tsisana Shamlikashvili
Anna Simonati
Vincent Smith
Henricus (Henk) J Snijders
John Sorabji
Astrid Stadler
Felix Steffek
Ben Steinbrück
Jeffrey Stempel
Gert Straetmans
Lord John Thomas
Christiaan Timmermans
Ivan Tot
Sjef van Erp

Lajos Vekas
Aura Esther Vilalta Nicuesa
Steven O Weise
Christiane Wendehorst
Vanessa Wilcox
Eike Wolf
Herbert Zech
Reinhard Zimmermann
Irina Zlătescu

ELI Annual Conference 2019



ELI

EUROPEAN
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INTERLEGES

the international association of independent law firms



Supported by
the European Union



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City of
Vienna

Fritz Thyssen Stiftung
für Wissenschaftsförderung




C.H. BECK


HART
PUBLISHING

Overview

The 2019 ELI Annual Conference and Meetings took place in Vienna from 4–6 September. The event, which was hosted by the City of Vienna in its City Hall (*Rathaus*) and by the Faculty of Law (*Juridicum*) of the University of Vienna, drew record numbers this year with round 400 leading judges, practitioners, lawmakers and academics, among others, attending. 91 panellists sat on 15 panels ranging from current to prospective ELI projects as well as panels dedicated to ELI Hubs and SIGs. Feel free to view the comprehensive Conference Brochure available on the Conference page of ELI's website.



Welcome by ELI President

The event was opened by ELI President, Christiane Wendehorst, who among other things highlighted ELI's decisive impact on legal development in Europe. This, she said, is visible from legislative changes that bear ELI's influence.



Welcome by Vice-Rector of the University of Vienna

President Wendehorst's opening speech was followed by that of Vice-Rector Jean-Robert Tyran's. As host of ELI's Secretariat since 2011, it was an honor to have both him and the Dean of the Law Faculty, Paul Oberhammer present. The Vice-Rector branded ELI's mission of building bridges between scholarship and practice and its emphasis on practical output in its quest to improve the law and facilitate its application 'noble ones'. Moreover, he was optimistic, given ELI's growth and the attention it increasingly draws, that the University of Vienna would continue to support the Institute.



Welcome by Dean of the University of Vienna

Referring to the recent extension of the ELI-University of Vienna Framework Cooperation Agreement, Dean Oberhammer thanked Vice-Rector Tyran for his confidence in and support of ELI and he also thanked ELI President Wendehorst for all she has done.



 Federal Ministry
Republic of Austria
Europe, Integration
and Foreign Affairs

4 September Panels

Day 1 of the Conference kicked off with panel sessions from several current and prospective ELI projects, namely on Principles for a Data Economy, European Rules of Civil Procedure and Artificial Intelligence and EU Administration.

Evening Reception

Participants enjoyed an Evening Reception at the Austrian Ministry of Justice where Austrian Vice-Chancellor and Minister of Justice Clemens Jabloner cordially welcomed them. 'Many economic and social areas can no longer be regulated on a national level alone and require cross-border solutions and ELI has taken over this task and has put highly important subjects on its agenda.' For this, and the quality of its output, the Vice-Chancellor labelled ELI 'exemplary'.

Recognising Key Pillars

In 2019, ELI once again held elections for key bodies. The evening reception therefore also served as the occasion to thank members of the outgoing Executive Committee, ELI Vice-President Sjef van Erp, Raffaele Sabato and Hans Schulte-Nölke and present them with an award. President Wendehorst was grateful to all the outgoing members of ELI's Council and drew particular attention to one Council member, Walter Doralt, who also served as Chair of ELI's Membership Committee, referring to him as a 'pillar'. Doralt was also handed an award.

Young Lawyers Shaping the Future of Law

ELI's third YLA was given to Luigi Buonanno who delivered a speed on 'Civil Liability in the Era of New Technology: The Influence of Blockchain, Blockchain as the Backbone of a New Technology-Based Civil Liability Regime.'

Both ELI Vice-President Sjef van Erp, who is Chair of the Award and a Co-Reporter on ELI's Blockchain Technology and Smart Contracts project, and John North, President of InterLeges that sponsored the Award, praised Buonanno, a doctoral candidate at Bocconi University, for his insightful contribution.



Keynote by Anna Joubin-Bret, UNCITRAL

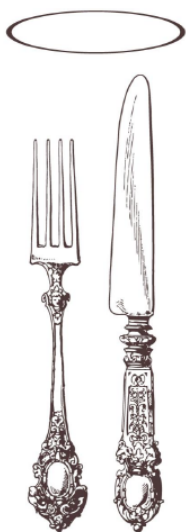
Day 2 of the Conference entailed panels on The Protection of Adults in International Situations, R&D Tax Incentives, Blockchain Technology and Smart Contracts, Common Constitutional Traditions in Europe, and a plenary session on Model Rules on Online Platforms, which sandwiched a keynote speech by Anna Joubin-Bret, Secretary of the United Nations Commission on International Trade Law's (UNCITRAL).

Joubin-Bret emphasised the longstanding working relationship between UNCITRAL and ELI and put this down not only to UNCITRAL's high regard for ELI's processes and products but also because many of ELI's current projects speak directly to UNCITRAL's mandate to 'promot[e] the progressive harmonization and unification of the law of international trade'. The overlap between UNCITRAL's and ELI's current and prospective work programmes are also evident in the digital sphere, which Secretary Joubin-Bret said UNCITRAL would follow closely. Day 2 closed with an evening reception at the Sacher Hotel.

Third Day Dedicated to Hubs and SIGs

The final day of the Conference marked a new initiative in which ELI Hubs and SIGs – some of which had been recognised the day before with the first Hub and SIG of the Year Awards in recognition of the enormity of the contributions of these groups and the impact they have made in spreading the work of ELI further afield – which were given a platform to present and discuss their work. In total five panels on topics ranging from company law by the Business and Financial Law SIG to the impact of new technologies on law by the Italian Hub and from algorithmic regulation by the Digital Law SIG to new challenges facing family and succession law by the eponymously named SIG took place. A full-day session on remedies was also organised by the Intellectual Property Law SIG. ELI wishes to thank all the Hubs and SIGs that participated and in particular their Chairs for taking on the momentous task for organising such informative panel sessions.

Conference guests concluded the evening with a meal at Pfarrwirt.



PFARRWIRT

ELI Council

This year's ELI Annual Conference and Meetings was especially notable in light of the ELI's Council and Executive Committee elections.

Voting commenced on 4 and ran until 5 September. Elections were overseen by ELI's Returning Officer, Irmgard Griss, who is also Deputy Speaker of ELI's Senate, and Speaker of ELI's Senate, Reinhard Zimmermann. Special thanks are owed to them both. ELI is pleased to announce the election of the following 28 new candidates to its Council and is grateful for their preparedness to advise and support their peers in ELI's Executive in working towards developing ELI and its output further:

- Ross Gilbert Anderson
- Teresa Amalia Bielska-Sobkowicz
- Bénédicte Fauvarque-Cosson
- Julius Forschner
- Paul Gilligan
- Miguel Gimeno-Ribes
- Stefano Giubboni
- Tatjana Josipović
- Thomas Kadner Graziano
- Corrado Malberti
- William Martin McKechnie
- Matthias Simon Neumayr
- Fausto Pocar
- Meliha Povlakić
- Ilaria Pretelli
- Daria de Pretis
- Teresa Rodríguez de las Heras Ballell
- Jens Martin Scherpe
- Ulrich Gerd Schroeter
- Andrey Mikhailovitch Shirvindt
- Pietro Sirena
- François Maurice Tremosa
- Kaius Tapani Tuori
- Christian Willm Twigg-Flesner
- Aneta Dżenny Wiewiórowska-Domagalska
- Aleš Zalar
- Irina Zlătescu
- Fryderyk Andrzej Zoll

Continuing Council Members

The following are Continuing 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 Cvejić Jančić
- Nada Dollani
- Anne Birgitte Gammeljord
- Athina Giannakoula
- Friedrich Graf von Westphalen
- Laura Guercio
- Paola Iamiceli
- Maria Kaiafa-Gbandi
- Ana Keglević Steffek
- Miklós Király
- André Klip
- Philip Moser QC
- Damjan Možina
- Reiner Schulze
- Matthias Storme
- Verica Trstenjak
- John Vervaele

Meetings of the Council

- 28 February 2019–1 March 2019
- 4 September 2019 (Council in old formation)
- 5 September 2019 (Council in new formation)

Ex-Officio Council Members

In addition to the elected Council members, the President, the two Vice-Presidents and the Treasurer become ex-officio members of the Council from the moment they take office.

- Christiane Wendehorst (President)
- Lord John Thomas (First Vice-President)
- Pascal Pichonnaz (Second Vice-President)
- Denis Philippe (Treasurer)

Further, up to 10 persons can be offered ex-officio seats on the Council:

- President of the Council of Bars and Law Societies of Europe (CCBE), José de Freitas
- President of the Council of the Notariats of the European Union (CNUE), Pierre-Luc Vogel
- President of the European Land Registry Association (ELRA)

- President of the European Network of Councils for the Judiciary (ENCJ), Kees Sterk
- President of the International Union of Judicial Officers (UIHJ), Marc Schmitz
- President of the Network of the Presidents of the Supreme Judicial Courts of the European Union, Jean-Claude Wiwinius

Meetings of the Executive Committee

- 27 February 2019
- 13 June 2019
- 4 September (joint meeting with the Senate)
- 12 November

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
- Pauliine Koskelo
- Bruno Lasserre
- Lord Jonathan Mance
- Vassilios Skouris
- Lajos Vékás
- Eddy Wymeersch
- Reinhard Zimmermann (Speaker)



Reinhard Zimmermann and Irmgard Griss

Meeting of the Senate

- 4 September (joint meeting with the Executive Committee)

Arbitral Tribunal

The Arbitral Tribunal settles disputes that may arise 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
- Bruno Lasserre

ELI Secretariat

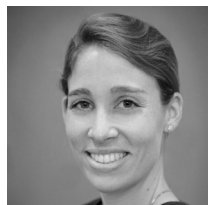
Since 2011, the Secretariat of ELI has been hosted by the University of Vienna. The main tasks of the Secretariat are to coordinate ELI's day-to-day projects and activities, organise events, support ELI bodies in fulfilling their tasks and liaise with ELI's current and potential members. In 2019, the Secretariat was composed of the following:



Vanessa Wilcox
Secretary General



Tomasz Dudek
Senior Project Officer



Aline Carruet
Project Officer



Katja Kolman
Project Officer



Zuzana Fačková
Administrative Officer



Sebastian Schwamberger
IT Support

ELI Projects



ELI
EUROPEAN
LAW
INSTITUTE



universität
wien



City of
Vienna



Supported by
the European Union

Overview of ELI Projects

Projects are the cornerstone of ELI's output. In 2019, ELI's portfolio constituted nine current, three completed and one prospective project, a number of which were funded by the EU.

The selection, management and approval of projects carried out under the auspices of the ELI are regulated by the ELI Project Guidelines which are available for download on the project section of ELI's website.

Current Projects

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



Recently Completed Project

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



Prospective Projects

- Legislative Proposals on Liability in Digitalised Environments: Conflict of Law and Substantive Law Issues

Other Activities

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



Current Projects

From Transnational Principles to European Rules of Civil Procedure

(with the International Institute for the Unification of Private Law, UNIDROIT)



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

Background

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.

Aim

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; Judgements; 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

8 January 2019

ELI-UNIDROIT Working Group on Structure Meeting in Paris

6 February 2019

Joint ELI-UNIDROIT Steering Committee Meeting with Co-Reporters of the Working Groups, Advisors and Observers in Rome

25–26 February 2019

Panel at the ELI Annual Conference in Vienna

4 September 2019

Meeting of the Group Preparing the French Version

18 December 2019

Model Rules on Online Platforms

Background



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

The digital economy is increasingly shaped by online platforms serving as marketplaces where customers can buy goods or services (eg Airbnb, Uber, Amazon). Their dynamics can be difficult to reconcile with the currently existing regulatory framework at EU level. 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

tive 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 a supplier or presents itself as such.

Aim

The aim of the project is to develop model rules on on-line platforms that set out a balance between conflicting policy options and demonstrate what potential regulation at EU or national level could look like. The model rules aim to define the criteria for distinguishing whether a platform operator is only a ‘facilitator’ or the actual supplier, specify the duties and obligations of the platform operator as well as basic requirements for transparency and fairness of online reputation systems (eg ratings and reviews).

Activities

Project Team Meeting in Brussels

14–15 March 2019

Joint Project Team, Advisory Committee and MCC Meeting in Brussels

27–28 June 2019

Panel at the Annual Conference in Vienna

5 September 2019

Protection of Adults in International Situations



Adoption: CD 2017/5

Project Type: An Aide for Legislators and Those Drafting or Preparing Private Mandates

Procedure: Regular Project

Project Reporters: Pietro Franzina; Richard Frimston

Background

The ‘adults’ to which this project refers are persons aged 18 or more who are not in a position to protect

their interests due to an impairment or insufficiency of their personal faculties. During the time in which they experience this condition, they may need support to exercise their legal capacity.

Aim

The project aims to encourage the European Union to consider both external action and the enactment of legislation in the field of protection of adults. The resulting outcome would be brought to the attention of European institutions, the institutions of Member States (and selected third countries) and relevant stakeholders.

In particular, the outcome will provide an analysis and, where appropriate, proposals regarding further issues surrounding the application of the Hague Convention of 13 January 2000 on the International Protection of Adults or otherwise relevant to the protection of adults in international situations. Such analysis and proposals would be put forward in preparation for the Special Commission on the Convention that the Hague Conference on Private International Law plans to convene in 2022. The report will also include a checklist intended for practitioners, to encourage the development of private mandates within the ambit of the substantive laws of the Member States.

Activities

Seminar in Milan

22 March 2019

The event hosted around 60 participants and was structured around four main panels, the first of which was devoted to the political and institutional aspects of the topic relevant to the project and involved representatives from all the main political and institutional actors in this area. The second panel was dedicated to the notion of ‘Measure of Protection and the Relationship between the Law of Adults’ Protection and Neighbouring Fields of Law’. The third, further elaborated on topics including the choice of court by the adult concerned; the rules applicable to private mandates and the practical use of powers of representation. The last panel of the day was devoted to insights into current practices.

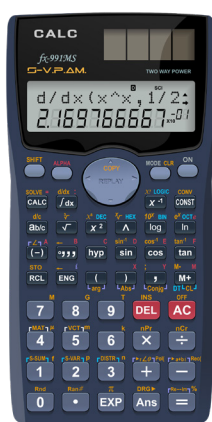
Speakers included Pietro Franzina, the Project Reporter, ELI’s President Christiane Wendehorst, representatives of the European Parliament (Joelle Bergeron, member of the European Parliament), the European Commission (Patricia De Luca, Directorate General for

Justice and Consumers), the Council of the European Union (Alain Pilette, Deputy Director DG JAI Justice and Home Affairs) and the Permanent Bureau of the Hague Conference (Philippe Lortie, First Secretary of the Hague Conference on Private International Law).

Presentation of Draft Final Project Output at the Annual Conference in Vienna

5 September 2019

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



Adoption: CD 17/6
Project Type: Statement
Project Procedure: Accelerated
Project Reporter: Georges Cavalier

Background

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 invested 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 ini-

tiative 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 qualify for a reduction.

Aim

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

Project Team Meeting in Lyon

26 April 2019

Panel at the ELI Annual Conference in Vienna

5 September 2019

Project Team Meeting in Vienna

6 September 2019

Conference in Lyon

6–7 December 2019

The Conference on European R&D Tax Incentives: Contribution to the Emergence of a Tax Concept took place at the University Jean Moulin Lyon 3. It aimed at presenting and discussing some of the findings of the ELI tax law project. During the Conference, Georges Cavalier, Project Reporter, presented draft statements that were elaborated upon within the framework of the project, and which aim at proposing a definition of R&D costs eligible for tax incentives, so as to stimulate investment in the area of R&D in the EU. His presentation was followed by that of many others, including members of the project. Participants discussed various theoretical and practical aspects of the notion of R&D, for instance whether a commercial objective should be included in the (tax) concept or how the novelty requirement should be interpreted, among many others.

ELI Vice-President and Chair of the Membership Committee, Pascal Pichonnaz was also present. He encouraged participants to join ELI.

Principles for a Data Economy

(with the ALI)



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

Background

The project, which was approved by the ELI Council in its February 2018 meeting, 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 transactions in data and has resulted in lawmakers and the courts grappling with these issues.

This project, conducted as a joint project of ELI and ALI, studies, identifies and collates 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.

Aims

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 project (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 Philadelphia

21–22 February 2019

Project Team Meeting in Vienna

3 September 2019

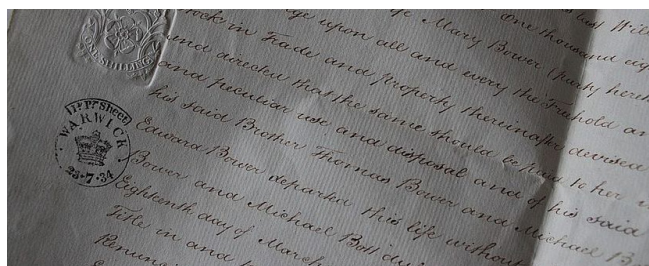
Panel at the ELI Annual Conference in Vienna

4 September 2019

Project Team Meeting in Philadelphia

31 October 2019

Common Constitutional Traditions in Europe



Adoption: CD 2018/2
Project Type: Restatement and Checklist
Project Procedure: Regular
Project Reporters: Sabino Cassese, Mario Comba; Sir Jeffrey Jowell QC

Background

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 ELI and EU institutions. Up to now the Court of 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.

Aims

This project seeks to identify the sources 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 ultimate aim is a project being of practical utility for EU institutions (and in particular for the CJEU in deciding future cases) and EU citizens. The output is:

- 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 CCT on top of the ones identified from the CJEU; and
- a checklist for the implementation of CCT (like the Venice Commission’s checklist for the rule of law, which could be employed, eg when a country seeks to enter the EU, or in relation to sanctions, etc).

Activities

Project Team Meeting in Aix-en-Provence

21 May 2019

Panel at the ELI Annual Conference in Vienna

5 September 2019

Seminar on Constitutional Traditions Common to the Member States in Milan

28–29 November 2019

During the seminar, the project as well as its methodology were presented by one of the project’s reporter, Judge Emeritus Sabino Cassese. As the Team has already collected and analysed the first 21 national reports which deal with freedom of speech, freedom of movement and judicial independence, initial findings were also discussed.

Business and Human Rights: Access to Justice and Effective Remedies

(with input from FRA)



Adoption: CD 2018/2

Project Type: Draft Legislative Proposal, Model Law/Rule; Collaborative Project

Procedure: Accelerated

Project Reporters: Jonas Grimheden; Diana Wallis

Background

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. The rights at the centre of the project's focus are those set out in the European Convention on Human Rights (ECHR) and the EU Charter of Fundamental Rights as far as they translate into actionable rights under applicable law or are otherwise recognised to take (in)direct horizontal effect.

Aim

This project, conducted with input from FRA, aims 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.

Whereas it is not at present the intention to make proposals as to human rights due diligence, the starting point will be the interaction between mandatory human rights due diligence and tort (civil) liability for harm from the point of view of access to justice, starting out from a list of provisions of the ECHR and the Charter which might potentially constitute the basis for civil proceedings. This will also involve an exploration of the question of liability of parent companies for their subsidiaries, which could form the basis of a possible subsequent extension of this project.

Consideration will be given to the implications (if any) for the rules of private international law (in particular the Brussels Ibis and Rome II Regulations), having regard to the developing case law and the idea of providing for a forum necessitatis, originally contained in the Commission's proposal for the Brussels Ibis Regulation, but not taken up in the final regulation. This may culminate in a possible proposal for model provisions.

A second area which is considered promising is collective redress. The Team intends to draw on the model provided in ELI/UNIDROIT work on civil procedure and lessons learned from the consumer area. Here, too, the outcome could be a model law.

Thirdly, consideration will be given to making use of existing monitoring and enforcement mechanisms (such as ombudsmen) and assessing whether these could be combined with innovative solutions so as to improve access to justice in this sphere, such as by the development of 'follow-on' actions in busi-

ness and human rights cases (inspired by practice in the competition law sphere), or a regulatory model coupled with a compensatory element. This could be based on an adaptation of the Danish Consumer Ombudsman model with the potential outcome a proposal for a EU Directive.

The outcome is likely to take the form of a Commission White Paper with proposals for model provisions/laws. It is also envisaged that the final paper will contain proposals for further work, for instance in the field of liability of parent companies for subsidiaries.

Activities

Project Team Meeting in Vienna

11 February 2019

Project Team Meeting in Vienna

3 June 2019

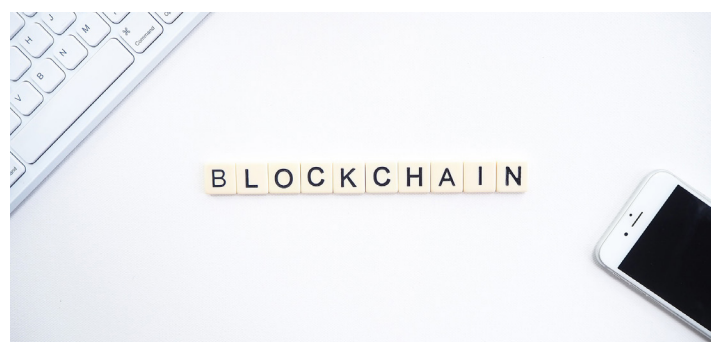
Project Team Meeting in Vienna

22 November 2019

Presentation at the Finnish Presidency's Conference on 'Business and Human Rights: Towards a Common Agenda for Action'

2 December 2019

Blockchain Technology and Smart Contracts



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

Aim

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

Project Team Meeting in Paris

23 January 2019

Project Team Meeting in Paris

12 March 2019

Project Team Meeting in Lille

27 May 2019

Project Team Meeting in Paris

4 June 2019

Panel at the ELI Annual Conference in Vienna

5 September 2019

Project Team meeting in Vienna

6 September 2019

Access to Digital Assets



Adoption: CD 2019/2

Project Type: Principles

Project Procedure: Regular

Project Reporters: Sjef van Erp; Jos Uitdehaag

Background

This project follows on from the 'Fiduciary Access to Digital Assets Feasibility Study', which analysed whether the model law in this area, drafted by the US Uniform Law Commission (and taken over by the Uniform Law Conference of Canada), could be used as a starting point for a model law in the EU. After some discussion, a conclusion was drawn that this rapidly developing area, by its nature cross-border, would not be served well by a model law. Some EU Member States might alter the model law and some Member States might not even enact it, thus making cross-border problems even more problematic instead of less.

Aim

The project not only hopes to facilitate the position of those entitled to digital assets (and in doing so the Project Team will focus on private individuals), but also intends to facilitate the position of those who increasingly have to deal with digital assets in their daily legal practice: particularly judges, notaries and bailiffs. In order to offer an effective approach to solving these problems guiding principles will be drafted, which will propose a firm basis for harmonising the laws of the Member States in such a way: (a) that these laws are based on a common understanding of what is meant by 'digital assets', 'access to digital assets', etc; (b) which give basic rights to those entitled to such assets; and (c) facilitate the work of legal practitioners when they are confronted with problems surrounding digital assets.

First a thorough analysis will be made of the various types and modes of 'digital assets'. The Team's focus will be on digital wealth: (a) inherited by heirs; (b) to be managed by a trusted person in the case of its 'owner's' incapacity; (c) the seizure of digital wealth in the interest of creditors; and (d) the use of digital wealth as security for a loan. This will be followed by the actual drafting of guiding principles which would clarify both the position of European citizens holding such assets and facilitate the work of legal practitioners such as judges, notaries and bailiffs, who are more and more confronted with digital assets.

Activities

Project Team Meeting in Paris 13 March 2019

Project Team Meeting in Paris 3 June 2019

Project Team Meeting in Brussels 16 December 2019

Recently Completed Project

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



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

Background

Despite the fact that EU legislation has achieved far-reaching unification of the rules concerning applicable law, jurisdiction, recognition and enforcement in family and succession law, international

couples are still facing a number of problems. These problems have their roots in habitual residence as the dominant connecting factor, but also in the fact that existing EU conflict rules tend to encourage forum shopping and a 'rush to court'. More notably still, there is often a patchwork of two or three forums and applicable laws even in standard cross-border divorce or separation cases, and the approaches taken by the various laws involved are often incompatible with each other. These problems could be avoided by way of early choice of court and applicable law under existing EU instruments, and by agreements on substantive law issues, as far as these are enforceable in the forum State. The project aimed at facilitating and encouraging such solutions.

Aims

This project aimed at reducing obstacles faced by international families, at facilitating free movement of citizens by providing better certainty and predictability of results, and at reducing the costs of litigation in matters of family and succession law. It also aimed at promoting the use of family mediation in the EU.

Outcome

The outcome is an ELI Instrument consisting of three different toolkits for legal advisers (for married couples, registered partners and couples in informal relationships) with a view of assisting legal professions in advising international couples within the EU. Additionally, an information sheet was designed for couples themselves highlighting the implications of cross-border relationships and containing practical advice on how to prepare for the first meeting with a lawyer.

Activities

Seminar on Practical Implications of the new EU Regulations on Property Regimes 29 January 2019

ELI and its Institutional Member the Austrian Chamber of Civil Law Notaries held a seminar on the 'Practical Implications of the New EU Regulations on Property Regimes'. The event took place at the ÖNK and drew around 80 participants.

The event, which was both important and timely in light of the entry into force of two new EU Regulations, was opened by ELI President Wendehorst.

Visit of ELI President to the Ministry of Justice in Vienna

19 February 2019

ELI President meets Slovenian State Secretary Gregor Strojín at Ministry of Justice in Ljubljana

25 March 2019

Approval of the Empowering European Families Instrument by ELI Membership

8 May 2019

Visit of ELI President to the Ministry of Justice in Prague

30 September 2019

Meeting with the Slovenian Bar Association and the Chamber of Notaries in Ljubljana

4 October 2019

ELI President Disseminated EEF Output with Danish Ministry of Social Affairs and the Interior in Copenhagen

24 October 2019

Prospective Project

Legislative Proposals on Liability in Digitalised Environments: Conflict of Law and Substantive Law Issues

In a world where the location of data is no longer in a physical jurisdiction but in clouds which may change rapidly, where damage may be caused by autonomous agents acting according to patterns derived from deep learning, or by decentralised autonomous organisations, the proposers of the Liability in Digitalised Environments: Conflict of Law and Substantive Law Aspects project will seek to build on the work of the Commission's Expert Group on Liability and New Technologies in developing specific proposals in the field. More details will be available in due course.

Other Activities

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

Aims

ELI started cooperating in the E-CODEX project, which is aimed at improving the cross-border access of cit-

izens and businesses to legal services and the interoperability between legal authorities within the EU. ELI is an associate partner in the second phase of this project, the so called Me-Codex. This project aims to address some of the main challenges that the use of technology brings to justice, which are of particular relevance to civil and commercial as well as criminal legal practice. Specific regard is given, inter alia, to questions such as the impact of IT processes on the law and how digital solutions can create trust.

HLEG Meetings

ELI was in the very fortunate position of having been granted funding by the EU to organise a series of high level expert meetings in 2019 with a view to exploring topics for possible projects in which there are imbalances in its project portfolio. Four meetings in total were held at the ELI Secretariat in the areas of administrative law, family law, criminal law and company law.

Activities

HLEG Meeting on Administrative Law

1–2 August 2019

Participants: Marc Clément, Paul Craig, Jens-Peter Schneider, Marek Wierzbowski and Katarzyna Ziółkowska. They were joined by ELI President Christiane Wendehorst, Secretary General Vanessa Wilcox and Project Officer Katja Kolman.

HLEG Meeting on Family Law

15 October 2019

Participants: Tim Amos QC, Elena Bargelli, Margareta Brattström, Anatol Dutta, Stephan Matyk d'Anjony, Wendy Schrama. Christiane Wendehorst, Vanessa Wilcox and Katja Kolman were also present.

HLEG Meeting on Criminal Law

10 December 2019

Participants: Lorena Bachmaier Winter, Dick Heimans, Ester Herlin-Karnell, Robert Kert, André Klip, Katalin Ligeti, Michiel Luchtman, Valsamis Mitsilegas, Andrea Venegoni and John Vervaele. They were joined by Christiane Wendehorst, Vanessa Wilcox and Katja Kolman.

HLEG Meeting on Company Law

17 December 2019

Participants: Walter Doralt, Rolf Dotevall, Ingo Drescher, Horst Eidenmüller, Georg Kodek, Katja Langenbucher, Jessica Schmidt, Mathias Siems, Chris Thomale, and Marc-Philippe Weller. Christiane Wendehorst, Vanessa Wilcox and Senior Project Officer Tomasz Dudek were also present.

ELI Hubs and SIGs



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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. At present, 12 ELI Hubs have been established.

ELI Hubs

- Austrian Hub
- Belgio-Luxembourg Hub
- Croatian Hub
- French Hub
- German Hub
- Hungarian Hub
- Irish Hub
- Italian Hub
- Polish Hub
- Slovenian Hub
- Spanish Hub
- United Kingdom Hub

By joining ELI, one automatically become a Member of the Hub, where one exists, of one's country of residence or seat.

2019 saw numerous events, organised or supported by ELI Hubs:

Belgio-Luxembourg Hub

Inaugural Conference on Access to Justice in Brussels

27 May 2019

The ELI Belgio-Luxembourg Hub was successfully launched on 27 May 2019 in Brussels under the initiative of Robert Bray, Grégory Minne, Denis Philippe, and Matthias Storme.

All except Bray are now Hub Chairs. Nearly 100 legal experts gathered to discuss the topic of access to justice at the Hub's launch. Paul Nihoul, Judge at the General Court in Luxembourg and Professor at the Catholic University of Louvain, delivered the keynote speech. The event was a great success and there was enthusiasm for the Hub's next event.

German Hub

Meeting at the 2019 ELI Annual Conference in Vienna

6 September 2019

Colloquium on the Protection of Legitimate Expectations in the Digital Age in Frankfurt am Main

11 October 2019

The German Hub of ELI, the Ernst von Caemmerer Foundation, the Institute for Law and Finance (ILF), and the Goethe University Frankfurt am Main co-hosted the above Conference on the Protection of Legitimate Expectations in the Digital Age ('Vertrauensschutz im digitalen Zeitalter'). The event brought together speakers from Germany and Switzerland and about 50 participants.

Hungarian Hub

Conference on Hungarian Cases before the Court of Justice of the European Union in Budapest

7 June 2019

50 participants discussed various topics on Hungarian cases before the CJEU. The opening lecture on Hungarian preliminary ruling procedures between 2004–2019, including in the field of administrative law, presented a horizontal overview of issues relevant for Hungary. The next session addressed tax cases before the CJEU, followed by a lecture on Member State's procedural autonomy. Moreover, instances in which the CJEU refers cases back to Hungarian courts, with 33–40% such cases observed between 2008–2018, and the subsequent decisions by national courts were examined. Several other lectures were held.

Irish Hub

New Directions for the Irish Legal System After Brexit in Dublin

6 May 2019

Around 150 legal experts convened in Dublin at an event organised by the ELI Irish Hub. The meeting at the UCD Dublin was chaired by Paul Gilligan, member of the ELI Council and Chair of the Irish Hub. Professor Imelda Maher, Dean of the UCD Sutherland School of Law, a valued ELI Institutional Member, welcomed the around 150 participants. On behalf of the ELI

Executive Committee, Denis Philippe presented the aims and achievements of ELI. This was followed by a thorough analysis of possible new directions for the Irish legal system after Brexit by William McKechnie, a Supreme Court judge in Ireland (and also one of the Hub's Chairs) and Lord Thomas, former Lord Chief Justice of England and Wales and member of the ELI Executive Committee.

Italian Hub

In 2019, ELI instituted Hub and SIG of the Year Awards. The first award went to the Hub with the largest constituents of ELI members, the Italian Hub, chaired by Mario Comba and Riccardo de Caria. Keep it up!

New Conference on Training Course on Human Rights in Naples

24 January 2019

Seminar on the International Protection of Adults in the European Union in Milan

22 March 2019

Symposium on Judicial Control over Arbitral Awards: Scope, Vacation and Public Policy in Lyon

26–27 April 2019

Conference on Addressing Tax Avoidance Beyond the Base Erosion and Profit Shifting (BEPS)

24 May 2019

Conference on Circular Economy and the Law: Innovation, Policies and Regulation for a Sustainable Environment in Ferrara

6–8 June 2019

Panel on New Technologies and the Law: The Impact on Rules of Torts, Contracts and the Insurance Market at the 2019 ELI Annual Conference in Vienna

6 September 2019

Conference on Class Action: the Italian Reform and European Perspectives in Florence

17 October 2019

Symposium on EU Citizenship 25 Years On: Civil and Economic Rights in Action in Trento

13 December 2019

Participants were welcomed by Paolo Collini (Rector of Trento University), Luisa Antonioli (Professor, Trento University, who spoke on behalf of the Dean of the Law Faculty) and Elena Ioriatti (Professor, Trento University and Advisory Board member of the Hub) Daria de Pretis (Judge, Constitutional Court of Italy). Catherine Barnard (Professor, Cambridge University) delivered a keynote speech in which she argued that current problems with the EU identity might result from the fact that not all EU citizens can benefit from rights conferred upon them by the Treaties, and there are many who are left behind. Two sessions then followed, first on Economic Rights and EU citizenship and then on Civil Rights and EU citizenship.

Closing remarks were delivered by Sybe de Vries (Professor, Utrecht University).

Slovenian Hub

Meeting in Ljubljana

8 May 2019

Spanish Hub

4th Annual Meeting in Elche

9 May 2019

ELI's very active Spanish Hub, chaired by Carmen Jerez Delgado and Albert Ruda, was also recognised with an award. Many congratulations.

Overview of ELI SIGs and SIG Activities

SIGs are subject-specific hubs where ELI members work together to scrutinise the latest legal developments, generate ideas for projects and identify those aspects of the law that could benefit from an ELI contribution. There were ten SIGs in 2019. Membership is open to all ELI members. 2019 saw the following activities being organised by ELI SIGs:

Business & Financial Law SIG

Workshop on EU Company Law in Lille

25 January 2019

Panel on Company Law, Prudent Management and Corporate Sustainability at the 2019 ELI Annual Conference in Vienna

6 September 2019

ELI SIGs

- 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
- Insurance Law SIG
- Intellectual Property Law SIG

Meeting at the 2019 ELI Annual Conference in Vienna

6 September 2019

Competition Law SIG

Meeting at the 2019 ELI Annual Conference in Vienna

6 September 2019

Digital Law SIG

The SIG of the Year Award went to the Digital Law SIG, chaired by Alberto De Franceschi and Christoph Busch. We wish the SIG continued success.

Panel on Algorithmic Regulation and Legal Services at the 2019 ELI Annual Conference in Vienna

6 September 2019

Meeting at the 2019 ELI Annual Conference in Vienna

6 September 2019

Conference on Contracts for the Supply of Digital Content and Digital Services in Milan

12–13 December 2019

This Conference gathered experts to discuss the implications of the EU Directive 2019/770 on the Supply of Digital Content and Digital Services.

The Conference also allowed this year's winner of the ELI Young Lawyers Award, Luigi Buonanno, to present his award winning paper with experts in the field.

Meeting in Milan

13 December 2019

Family and Succession Law SIG

Panel on New Challenges of European Family and Succession Law at the 2019 ELI Annual Conference in Vienna

6 September 2019

Meeting at the 2019 ELI Annual Conference in Vienna

6 September 2019

Global Private Law SIG

Meeting at the 2019 ELI Annual Conference in Vienna

6 September 2019

SIG Meeting and International Conference on the Law of Obligations in Zagreb

12–13 December 2019

Insurance Law SIG

Meeting at the 2019 ELI Annual Conference in Vienna

5 September 2019

Inaugural Conference on Systems of Governance in the European Insurance Industry in Vienna

10 October 2019

The SIG was successfully launched in the presence of ELI President Christiane Wendehorst in an event that drew over 70 participants.

Intellectual Property Law SIG

Meeting in Tilburg

14 May 2019

European Copyright Roundtable I: How To Implement Article 17 DSMD? in Brussels

13 June 2019

The SIG co-organised a workshop on Implementing the recent Digital Single Market Directive. The event aimed at shedding light on the most important questions that made the Directive so controversial, in particular with regard to its Article 17.

Panel on Remedies in Intellectual Property Law: Do We Need Common European Principles? at the 2019 ELI Annual Conference in Vienna

6 September 2019

ELI Representation and Newsletters



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ELI Vice-President speaks at Conference in Hong Kong

7–8 January 2019

ELI Vice-President Sjef van Erp spoke on 'Challenges of Big Data to the Law: The European and Asian Experience and Perspectives' at a Conference on 'Confronting Modernity's Challenges to Law and Regulation', jointly organised by City University of Hong Kong, School of Law, and Singapore Management University, School of Law.



ELI Vice-President speaks at Conference in Groningen

7 February 2019

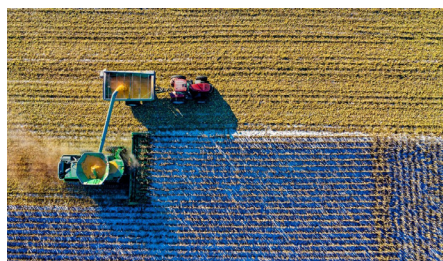
ELI Vice-President van Erp spoke on 'European Developments Regarding Blockchains, Smart Contracts and Internet of Things' at the annual meeting of the Netherlands' National Association of Students Notarial Law at the University of Groningen.



ELI President joins Expert Group meeting in Brussels

15–16 January 2019

President Wendehorst attended a meeting of the European Commission's Expert Group on Liabilities and New Technologies: New Technologies Formation of the European Commission in Brussels. The EU Cybersecurity Framework was presented, following which draft reports on insurance and on cyber security were discussed, among other things.



ELI Vice-President speaks at ELRA Conference in Dublin

8 February 2019

ELI Vice-President van Erp spoke on the 'Registration of Land Data Passports' at an ELRA Conference in Dublin. Among other things, he addressed the question whether registration of land should be supplemented with the registration of a 'data passport'.



Die
Bundesregierung

ELI President presents paper to the *Digitalrat* in Berlin

23 January 2019

President Wendehorst gave a presentation at the *Digitalrat* (a body advising the German government) in Berlin on the topic of 'Data Ownership and Access to Data'.

She also elaborated on the ALL-ELI Principles for a Data Economy project which she Co-Reports with Neil B Cohen of the ALL.



Bundesministerium
der Justiz und
für Verbraucherschutz

ELI President Presents Principles to Commission in Berlin

8 February 2019

ELI President Wendehorst explained some features of the ALL-ELI Principles for a Data Economy project to the Commission on Data Ethics (a body developing policy options in the field of data ethics and data law for the German government) in Berlin.



ELI President at Expert Group meeting in Brussels

13–14 March 2019

ELI President Wendehorst participated in the European Commission's Expert Group on Liability and New Technologies meeting in Brussels on 13–14 March 2019, where she contributed to the Group's output. The Group was formed, inter alia, to provide the Commission with expertise on the applicability of the Product Liability Directive to traditional products and new technologies.



ELI President and Vice Present projects at UNCITRAL in Paris

15 March 2019

ELI President Wendehorst gave an overview on the current status of the joint ELI-ALI project on Principles for a Data Economy at a UNCITRAL expert meeting on digitalisation and trade law. Vice-President van Erp presented the recently embarked upon ELI project on Access to Digital Assets with a special focus on ownership of data, particularly digital assets.



ELI Vice-President and Treasurer at Conference in Trier

21–22 March 2019

ELI's Vice-President van Erp moderated the first panel and participated in the second with a contribution on 'Smart Contracts and Property Law Issues' at a joint ELI-Academy of European Law (ERA) Conference on Smart Contracts & Assignment of Claims. In addition, Denis Philippe, ELI's Treasurer, delivered a speech on 'What is the Position in Respect of Factoring?'



ELI President meets ESA President in Vienna

8 April 2019

ELI President Wendehorst and Secretary General Wilcox met EFTA Surveillance Authority (ESA) President Angell-Hansen. The meeting presented an opportunity for discussions on possible avenues to strengthen mutual aims. Discussions centred on the independence of the judiciary and access to justice. ELI also invited ESA to join its project on Common Constitutional Traditions.



ELI President and Vice participate in Conference in Münster

17 May 2019

President Wendehorst and Vice-President van Erp participated in a forum (organised inter alia by Council member Reiner Schulze) entitled 'Data as Counter-Performance – Contract Law 2.0?' at the University of Münster.

They delivered papers relating to the joint ALI-ELI project on the Data Economy and ELI's project on digital assets.



ELI President participates at Conference in Vienna

12 June 2019

ELI President Wendehorst participated in a Conference entitled 'The New Warranty Rights for Goods, Digital Content and Digital Services', a topic on which ELI had issued a Statement. The event, dedicated to a comprehensive analysis of newly adopted EU rules, was organised by the Austrian Ministry of Justice and the Institute for Civil Law of the University of Vienna.



ELI President speaks at 52nd UNCITRAL Session in Vienna

8 July 2019

ELI President Wendehorst was invited to address the Commission and explain key features of the joint ELI-ALI project on Principles for a Data Economy at the 52nd UNCITRAL Session which took place from 8–19 July 2019. The importance of the above project was emphasised as was the need for studies on the effective control of data and the obligations of parties to data transactions.



ELI President presents Principles project in Beijing

21 September 2019

On 21 September, ELI President Christiane Wendehorst was a member of the opening panel of the '2nd International Forum on Computational Law' at Tsinghua University in Beijing. Her presentation, focused on the notion of data ethics, on data governance principles, on the theory of 'co-generated data' and the related model of data rights developed within the ALI-ELI project.



ELI Vice-President meets ULC representatives in Alaska

12–18 July 2019

ELI Vice-President van Erp met the outgoing and incoming Uniform Law Commission (ULC) Presidents Anita Ramasastry and Carl Lismann respectively as well as the new ULC Executive Director Tim Schnabel.

Van Erp also gave a brief presentation of ELI's projects to the full meeting of commissioners on the occasion.



ELI Executive engages with Danish legal organisations

24 September 2019

ELI President Wendehorst joined by Anne Birgitte Gammeljord, ELI Executive Committee member, met different representatives from the Danish Bar and Law Society (an ELI Institutional Member) and the Association of Danish Law Firms at the premises of the Danish Bar and Law Society in Copenhagen with a view to strengthening and exploring co-operative avenues.



A Dialogue with ELI Institutional Members

3 September 2019

ELI President Wendehorst, Vice-President van Erp, other members of the ELI Executive, Lord Thomas and Hans Schulte-Nölke, as well as Chairs of ELI's Membership Committee, Walter Doralt and Pascal Pichonnaz, met representatives of 18 ELI Institutional Members to discuss their cooperation and other important matters at the dinner hosted by ELI.



Visit from a Chinese Delegation to the ELI Secretariat in Vienna

26 September 2019

A Jiangxi delegation, which included various directors, were welcomed to the ELI Secretariat by ELI Secretary General Vanessa Wilcox who gave a presentation on ELI. Members of the delegation were particularly impressed by ELI's endorsement of the value of comparative knowledge and ELI's drive to bring jurists from various legal vocations and geographical quarters together.



ELI President presents Principles project in Luxembourg

26 September 2019

ELI President Wendehorst presented selected findings of the ALI-ELI 'Principles for a Data Economy' project, which also inspired the work of the German Data Ethics Commission, at a workshop of the European Commission in Luxembourg. The Commission, an advisory body to the German government, went on to present its findings on 23 October in Berlin.



ELI President welcomes Ambassador Lennkh to ELI Secretariat

8 October 2019

On 8 October Ambassador Rudolf Lennkh, Head of the Council of Europe Office in Vienna, visited ELI Secretariat at the proposal of former Council of Europe (CoE) Secretary General, Thorbjørn Jagland. He was welcomed by ELI President Wendehorst and Secretary General Wilcox. Among other things, the three spoke on possible avenues to strengthen mutual aims.



ELI Members attend Conference in memory of Lando

25 October 2019

At ELI's Annual Conference 2019, a minute of silence was held for ELI members that passed away recently, including Ole Lando. A Conference in memory of Lando, who died on 5 April 2019 aged 96, took place at Copenhagen Business School. It was attended by several ELI members including ELI President Wendehorst and Executive member Anne Birgitte Gammeljord.



Visit from a Constitutional Court of the Kingdom of Thailand

5 November 2019

A delegation from the Constitutional Court of the Kingdom of Thailand was welcomed to the ELI Secretariat in Vienna by the ELI President and Secretary General. They were informed about the Institute, its aims, structure, projects and research processes. As regards projects, ELI's Common Constitutional Traditions in Europe project raised particular interest among those present.



Visit from People's Procuratorate of Beijing Municipality

13 November 2019

A delegation from the People's Procuratorate of Beijing Municipality was welcomed to the ELI Secretariat in Vienna by the Secretary General. Those present included the Deputy Procurator General Gao Baojing, two directors, as prosecutor and Deputy Procurator General.

They were informed of ELI's aims and activities.



Organisational Meeting for ELI's 2020 Conference in Budapest

15 November

ELI Secretary General Vanessa Wilcox visited Budapest to meet representatives of the institutions involved in the organisation of ELI's 2020 Annual Conference and Meetings that will take place in Budapest from 9–11 September. ELI is honoured by the invitation to host the event in Hungary and is grateful for the generosity of the institutions and individuals making this event possible.



ELI First Vice-President speaks EUDUG in London

21 November 2019

ELI's First Vice-President Lord John Thomas spoke at an event organised by the European Union Databases User Group (EUDUG).

Lord Thomas focused his speech on ELI's work in the area of data and other aspects of the digital revolution, informing those present, in particular, about the joint Principles project ELI is conducting with ALI.



The European Law Students' Association
AUSTRIA

ELI Secretary General speaks to future lawyers in Vienna

6 December 2019

ELI Secretary General Vanessa Wilcox attended ELSA Austria's National Council meeting at the University of Economics and Business and presented ELI's ambitions, projects and activities. She spoke about the various incentives open to law students/graduates, highlighting ELI's Lawyers Award and the opportunity for those present to impact future legislation through their contributions.



ELI President presents Principles at UNCITRAL in Vienna

28 November 2019

ELI President and Project Reporter Wendehorst was invited to present the Principles for a Data Economy at the 59th session of UNCITRAL Working Group VI in Vienna.

The presentation was followed by subsequent discussions among those present, including with Japanese and Korean experts whose feedback was welcomed.



ELI President at the German Consumer Rights days 2019

28 November 2019

ELI President Wendehorst presented selected findings of the Principles for a Data Economy project, which also inspired the work of the German Data Ethics Commission, at a workshop of the European Commission in Luxembourg. In particular, the 'co-generated data' approach was discussed as a possible first step for general principles on data access rights.

ELI Newsletters

In 2019, the following personalities contributed to the covers of our Newsletter. ELI's Newsletter goes out to more than 2,500 readers. To sign up please register by sending an e-mail to secretariat@europeanlawinstitute.eu. Previous editions of the Newsletter are available to download on the Newsletter section of the ELI website.



January–February

Páll Hreinsson

President of the European Free Trade Association (EFTA) Court



March–April

Marc Jaeger

Then President of the General Court of the European Union



May–June

Bente Angell-Hansen

President of the ESA



July–August

Anna Joubin-Bret

UNCITRAL Secretary



September–October

Christiane Wendehorst

Newly Re-Elected ELI President



November–December

Carl Lisman

President of the ULC



ELI Timeline

31 May 2011

The University of Vienna wins tender to host ELI Secretariat



1 June 2011

Inaugural Congress of ELI in Paris



17 November 2011

Opening of ELI Secretariat in Vienna by Viviane Reding



July 2012

Publication of the first ELI Statement: Case-Overload at the European Court of Human Rights

September 2012

Publication of ELI Statement on the Proposal for a Regulation on a Common European Sales Law, with subsequent supplements



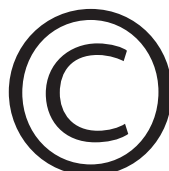
28–29 September 2012

First ELI Annual Conference and General Assembly, Brussels



4–6 September 2013

ELI Annual Conference and General Assembly, Vienna



February 2014

Publication of ELI Statement Response to the European Commission's Public Consultation on the Review of the EU Copyright Rules

24–26 September 2014

ELI Annual Conference and General Assembly, Zagreb



December 2014

Publication of ELI Statement on Collective Redress and Competition Damages Claims



February 2015

Extension of agreement by the University of Vienna until 2019



2–4 September 2015

ELI Annual Conference and General Assembly, Vienna

September 2016

Publication of ELI Statement on the European Commission's proposed Directive on the Supply of Digital Content to Consumers

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7–9 September 2016

ELI Annual Conference and General Assembly, Ferrara

**April 2017**

Publication of the first ELI Instrument: Draft Legislative Proposals for the Prevention and Resolution of Conflicts of Jurisdiction in Criminal Matters in the European Union

**6–8 September 2017**

ELI Annual Conference and General Assembly, Vienna

September 2017

Publication of ELI Instrument on Rescue of Business in Insolvency Law

**September 2017**

Publication of ELI Statement on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law

**June 2018**

Publication of ELI Statement on the Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution

**5–7 September 2018**

ELI Annual Conference and General Assembly, Riga

November 2018

Extension of agreement by the University of Vienna until 2023

**September 2019**

Publication of ELI Instrument on Empowering European Families: Towards More Party Autonomy in European Family and Succession Law

**4–6 September 2019**

ELI Annual Conference and General Assembly, Vienna

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

Executive Committee

President:	Christiane Wendehorst
First Vice-President:	Lord John Thomas
Second Vice-President:	Pascal Pichonnaz
Treasurer:	Denis Philippe
Other Members:	Anne Birgitte Gammeljord
	Pietro Sirena
	Fryderyk Zoll

2020 ELI Conference

The 2020 ELI Annual Conference will take place from **9–11 September** in **Budapest**. Please take note of this date.

We look forward to seeing you there!

ELI in Vienna

The Secretariat of 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.



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