

Minutes of the ELI Council Meeting 5 January 2023

Venue: Remote via Zoom

Present:

Chair: Pichonnaz, Pascal (ELI President)

Council Members

Anagnostopoulou, Despoina	Malberti, Corrado (Proxy for De Pretis, Daria)
Augenhofer, Susanne	Maugeri, Maria Rosaria (Proxy for Grasso, Gianluca)
Bachmeier Winter, Lorena (Proxy for Rodríguez de las Heras Ballell, Teresa)	McKechnie, William M
Bagińska, Ewa	Neumayr, Matthias
Baçoğlu, Başak	Patti, Francesco Paolo (Proxy for Sherpe, Jens)
Bielska-Sobkowicz, Teresa	Pocar, Fausto
Bray, Robert	Povlakic, Meliha
Calderai, Valentina (Proxy for Giubboni, Stefano)	Pozzo, Barbara
Comba, Mario	Pretelli, Ilaria
Craig QC (Hon), Paul	Santos Silva, Marta (from 10.50) (Proxy for Machnikowski, Piotr from 11.02)
Dollani, Nada	Shirvindt, Andrey
Fountoulakis, Christiana	Szabados, Tamás (Proxy for Gimeno-Ribes, Miguel from 12.15)
Gillan, Paul	Tot, Ivan
Gimeno-Ribes, Miguel	Twigg-Flesner, Christian
Guercio, Laura	Vos, Sir Geoffrey
Jiménez Muñoz, Francisco Javier	Wiewiórowska-Domagalska, Aneta
Josipovic, Tatjana (Proxy for Zalar, Aleš)	Zlatescu, Irina
Koch, Bernhard (Proxy for Twigg-Flesner, Christian, from 12.08)	Zoll, Fryderyk (Proxy for Busch, Christoph)
Kramer, Xandra (Proxy for Lehmann, Matthias)	
Machnikowski, Piotr	

Ex-Officio Council Members

Gammeljord, Anne Birgitte (Proxy for Anderson, Ross)	Pichonnaz, Pascal
Lord Thomas, John	Sirena, Pietro

Other Attendees

Avolio, Francesco (Project Assessor)

Wendehorst, Christiane (ELI Scientific Director)

Members of the ELI Secretariat

Dudek, Tomasz (keeper of the minutes)

Kolman, Katja

Papasodaro, Laura

Wilcox, Vanessa

The meeting commenced at 10:00 CET.

I. Approval of the Agenda

- (1) After welcome words by the President and an outline of the agenda, the agenda was approved.

II. Vote on approval of the final output of the ELI Project on Ecocide

- (2) Pascal Pichonnaz explained that the current extraordinary Council meeting was organised at the request of the Co-Reporters of the above project, Fausto Pocar and Robert Bray. At the previous Council meeting of 1 December 2022, the Council was positive about the project as such but, given that the text still required some work, it decided that the project was not ready for approval.
- (3) The Reporters were asked to finalise the draft in accordance with the points raised and re-submit it to the Executive Committee, with a view to putting it up for approval at the February 2023 Council meeting or earlier if needed.
- (4) The Reporters submitted a revised version on 7 December 2022 and the Assessors were asked to provide their views as to whether the changes made satisfied the Council's concerns. Pascal Pichonnaz expressed his gratitude to the Reporters and to the Assessors for completing the above tasks during the holiday season. In light of the feedback received from the Assessors, the Reporters submitted further revisions on 2 January 2023.
- (5) Robert Bray and Fausto Pocar thanked the ELI President for convening this extraordinary Council meeting. They also thanked the ELI Scientific Director, Project Team and ELI Secretariat for their support. They went on to explain the revisions made to the Report which, in their views, addressed the Council concerns, in particular with regard to *mens rea* and authorisations.
- (6) ELI President gave the floor to the project's Assessors, William McKechnie, Francesco Avolio and Aneta Wiewiórska-Domagalska, who orally presented their written feedback.
- (7) A discussion ensued, following which the revised report was put to a vote.
- (8) The Council was very appreciative of the work put into the revisions. In light of the remaining concerns, it decided however **not to approve the project as such** (14 in favour, 20 against, seven abstentions).
- (9) The Council also voted on a proposal **to set up a Committee of three, composed of the ELI Scientific Director, Christiane Wendehorst, ELI Council member Paul Gilligan, and a third ELI Council member to be agreed between the Reporters and the two members of the Committee, which will then be formally appointed by the Executive Committee, by delegation of powers given to it by the Council. The Committee was tasked to work with the Reporters in finalising**

the wording on the remaining contentious issues. If an agreement is reached between the five, the day on which the final report is submitted to the Executive Committee will constitute the day on which the text was deemed to be formally approved by the Council. If no consensus is reached, the matter will return to the Council in February 2023 to deliberate on how to proceed (40 were in favour of the proposal, none were against it and 2 abstained).

III. Any other business

- (10) The ELI President thanked everyone for participating in this extraordinary Council meeting, in the middle of the holidays for many of the members. He thanked the members of the Executive Committee, the Scientific Director, the Secretary General and the other members of the Secretariat for their important work, before ending the meeting.

The Council meeting ended at 12:30 CET.