

Draft Minutes of the ELI Council Meeting

15 December 2025

Venue: Online

Present:

Chair: Teresa Rodríguez de las Heras Ballell (ELI President)

Council Members

Anagnostopoulou, Despoina
Bachmaier Winter, Lorena
Bagińska, Ewa
Başoğlu, Başak
Beale, Hugh
Bielska-Sobkowicz, Teresa (proxy for Wiewiorowska-Domagalska, Aneta)
Calderai, Valentina
Cannarsa, Michel
Cavalier, Georges
Craig QC (Hon), Paul
Georgieva, Hristina
Giacalone, Marco
Gimeno-Ribes, Miguel (proxy for Shirvindt, Andrey)
Grasso, Gianluca (proxy for Pozzo, Barbara)
Jiménez Muñoz, Francisco Javier
Keane, Paul
Koch, Bernhard A (proxy for Machnikowski, Piotr)
Kramer, Xandra
Kubica, María Lubomira
Mader, Oliver

Maugeri, Maria Rosaria (proxy for Valle, Laura)
Mazepa, Svitlana
McGowan, Jonathan
Monot-Fouletier, Marjolaine
Neumayr, Matthias
Poillot Peruzzetto, Sylvaine
Poncibò, Cristina
Ruda, Albert
Safta, Marieta (proxy for Mazepa, Svitlana)
Santos Silva, Marta
Scherpe, Jens
Schroeter, Ulrich G
Schulte-Nölke, Hans
Skrjabina, Anna
Storme, Matthias
Toader, Camelia
Tot, Ivan (proxy for Zalar, Aleš)
Tourifán Morandeira, Maria Teresa

Ex-Officio Council Members

Rodríguez de las Heras Ballell, Teresa (President)
Vos, Sir Geoffrey (Second Vice-President)

Gammeljord, Anne Birgitte (Treasurer)
Taus, Mihai (ELRA)

Other Attendees

Harbinja, Edina
Novak, Celina
Nicholicchia, Fabio

Reiling, Dory
Webb, Philippa
Wendehorst, Christiane (ELI Scientific Director)

Members of the ELI Secretariat

Wilcox, Vanessa (Secretary General)
Dolot, Regina
Ivanova, Nia

Lages de Almeida, Marta (minute keeper)
Rebulet, Margot

The meeting commenced at 15:00 CET.

I. Welcome and Approval of the Agenda

- (1) Teresa Rodríguez de las Heras Ballell opened the meeting by welcoming those present and by providing some updates on the institutions' work.

II. Report from ELI Treasurer

- (2) Anne Birgitte Gammeljord presented the 2026 forecast, proposing a 25% increase in Membership fees and to strengthen the application of the Statute with respect to the payment of Membership dues.
- (3) **The Council approved a 25% increase in Membership fees (32 in favour, 3 against, and 12 abstentions).**
- (4) **The Council approved the strict application of the Statute with respect to the payment of Membership dues (36 in favour, 1 against, and 5 abstentions).**
- (5) **The Council conferred authority on the Executive Committee to assess how to address non-paying institutional membership fees (38 in favour, 1 abstention).**

III. Projects and Similar Activities

(a) Model Rules on Succession of Digital Assets, Data and other Digital Remains

- (6) Project Co-Reporter Edina Harbinja presented the project's latest draft, outlining changes based on feedback received from the Council, advisors and the Scientific Director.
- (7) Assessor Xandra Kramer, Scientific Director, Christiane Wendehorst, and Council members, Hugh Beale, Bernhard A Koch provided comments on the draft.
- (8) **The Council postponed the approval of the project (36 in favour, 3 against, 2 abstentions).** The Co-Reporters will be asked to revise the draft in light of the feedback received, with the support of a number of Council members, before a formal vote takes place.

(b) Corporate Criminal Liability

- (9) Co-Reporters Celina Nowak and Fabio Nicolichia presented the project and the latest draft shared with the Council.

- (10) Assessors Miguel Gimeno-Ribes and Paul Graig congratulated the team on their draft and noted the value of this initiative. Council members Albert Ruda and Camelia Toader also provided further comments on the draft.

(c) Digitalisation of Civil Justice Systems in Europe

- (11) Project Co-Reporters Dory Reiling and Xandra Kramer outlined their draft.
- (12) Assessors Sir Geoffrey Vos, Teresa Bielska-Sobkowicz and Matthias Neumayr considered the draft ready for approval at the next Council meeting, while noting that further work needs to be done in the commentaries.
- (13) Christiane Wendehorst provided comments regarding the structure of the document and identified certain redundancies to be addressed.

(d) Guiding Principles on Seizing Sanctioned Assets

- (14) Co-Reporter Philippa Webb presented the preliminary draft of the project, as well as a flowchart aimed at decision-makers.
- (15) Christiane Wendehorst commended the excellence and value of the document, having shared remarks on the structure.
- (16) Teresa Rodríguez de las Heras Ballell noted that a letter to President of the European Council António Costa was sent on this matter by her. Rodríguez de las Heras Ballell invited the Council members to express interest in becoming assessors of this project.
- (17) **The Council approved the appointment of selected members as Assessors of the project (32 in favour).**

(e) Essential Goods and Services: Towards Inclusive Access and Legal Guarantees

- (18) Prospective Reporter Marjolaine Monot-Fouletier presented the project, having underlined its multidisciplinary approach.
- (19) Christiane Wendehorst, Hans Schulte-Nölke and Teresa Rodríguez de las Heras Ballell emphasised the timeliness of the project, having made some comments of the future project.

(20) **The Council approved the adoption of the project, including the appointment of selected members as Assessors for the project (24 in favour, 2 against, and 2 abstentions).**

(f) Draft ELI-UNCITRAL Model Contractual Terms on Digital Assistants in Consumer and Business Transactions (B2C and B2B)

(21) Prospective Reporter, Teresa Rodríguez de las Heras Ballell, presented the above initiative underlining it is a continuation of the recently approved ELI Guiding Principles and Model Rules on Digital Assistants for Consumer Contracts. The project will be conducted in partnership with UNCITRAL, under the accelerated procedure.

(22) Rodríguez de las Heras Ballell invited Council members to join as Assessors to the project, to which Maria Lubomira Kubica and Maria Rosaria Maugeri signalled interest.

(23) Hugh Beale and Christiane Wendehorst raised concerns regarding the timeline, among other things.

(24) **The Council approved the adoption of the project, including the appointment of selected members as Assessors for the project (28 in favour, 2 abstentions).**

IV. Any other Business

(25) Rodríguez de las Heras Ballell shared that the audited accounts of 2024 will be sent via email for electronic voting along with the revised 2026 budget.

The Council meeting ended at 18:10.