

Minutes of the ELI Council Meeting 5 July 2022, Remote

Venue: Remotely over Zoom

Present:

Chair: Pichonnaz, Pascal (ELI President)

Council Members

Anagnostopoulou, Despoina
Anderson, Ross G (proxy for Scherpe, Jens)
Augenhofer, Susanne
Bachmaier Winter, Lorena
Bagińska, Ewa
Başoğlu, Başak (proxy for Dollani, Nada)
Bechaalany, Sarah
Bielska-Sobkiewicz, Teresa
Bray, Robert (proxy for Gilligan, Paul)
Busch, Christoph (proxy for Twigg-Flesner, Christian from 17:45)
Calderai, Valentina
Craig QC (Hon), Paul
Forschner, Julius
Gimeno-Ribes, Miguel
Grasso, Gianluca
Guercio, Laura
Howells, Geraint
Josipovic, Tatjana (proxy for Povlakic, Meliha)
Koch, Bernhard (proxy for Neumayr, Matthias)
Kramer, Xandra

Machnikowski, Piotr
Malberti, Corrado (proxy for de Pretis, Daria)
Maugeri, Maria Rosaria
Patti, Francesco Paolo
Pocar, Fausto
Pozzo, Barbara
Rodríguez de las Heras Ballell, Teresa (proxy for Jimenez Munoz, Francisco Javier)
Santos Silva, Marta (proxy for Bechaalany, Sarah from 17:30–18:00)
Shirvindt, Andrey
Szabados, Tamás
Tot, Ivan
Tremosa, François
Tuori, Klaus
Twigg-Flesner, Christian
Wiewiorowska-Domagalska, Aneta (proxy for Zoll, Fryderyk Andrzej)
Zalar, Aleš
Zlatescu, Irena

Ex-Officio Council Members

Pichonnaz, Pascal
Lord Thomas, John

Gammeljord, Anne Birgitte
Sirena, Pietro

Other Attendees

Biondi, Yuri (for the part on Corporate Sustainability, Financial Accounting and Share Capital)

Borghetti, Jean-Sebastien (for the part on Reform of the Product Liability Directive)

Cockerill, Dame Sara (for the part on Third Party Funding of Litigation)

Van Erp, Sjef (for the part on Blockchain Technology and Smart Contracts)

Hanzl, Martin (for the part on Blockchain Technology and Smart Contracts)

Lempen, Karine (for the part on Guiding Principles to Implement Workers' Right to Disconnect)

Ratti, Luca (for the part on Guiding Principles to Implement Workers' Right to Disconnect)

Rothe, Henrik (for the part on Third Party Funding of Litigation)

Wendehorst, Christiane (ELI Scientific Director)

Zimmermann, Reinhard (Speaker of the Senate)

Members of the ELI Secretariat

Dudek, Tomasz (keeper of the minutes)

Vadehra, Zuzana

Kolman, Katja

Wilcox, Vanessa

The meeting commenced at 16:00 CET.

I. Approval of the Agenda

- (1) The Agenda was approved.

II. Approval of the Minutes of the Council Meetings of 24–25 February 2022

- (2) The Minutes were approved (23 in favour).

III. Appointment of Assessors for the Reform of Product Liability Directive project.

- (3) Ewa Bagińska, Geraint Howells and Pietro Sirena were appointed retrospectively (33 in favour).

IV. Appointment of Assessors for the Guiding Principles and Model Rules on Algorithmic Contracts project

- (4) Başak Başoğlu, Pascal Pichonnaz and Marta Santos Silva were appointed (35 in favour, 1 abstention).

V. Vote on the Blockchain Technology and Smart Contracts Project

- (5) Project Co-Reporters, Sjef van Erp and Martin Hanzl, presented the outcome of their project. Their presentation was followed by the positive evaluation by the Assessors, Christoph Busch and Pietro Sirena and the Scientific Director, Christiane Wendehorst. The latter said she would be happy to have the wording of Principle 17 tweaked. Discussion with Council members followed. The ELI Council approved the Council Draft of the Blockchain Technology and Smart Contracts project (36 in favour, 4 abstentions).

VI. Vote on the Reform of the Product Liability Directive Project

- (6) Co-Reporters Bernhard A Koch, joined subsequently by Jean-Sébastien Borghetti, presented the outcome of their project. This was followed by the evaluation by the Assessors, Ewa Bagińska, Geraint Howells and Pietro Sirena, who supported the outcome. Discussion with Council members followed and it was agreed that suggestions made in the course of discussions should still be considered and included in the text. The ELI Council approved the Council Draft of the Reform of the Product Liability Directive project, subject to the Philippe Motion (35 in favour, 3 abstentions).

VII. Vote on the Third Party Funding of Litigation Project Proposal

- (7) Dame Sara Cockerill presented the project proposal and the feasibility study on behalf of the three proposers (the two others being Susanne Augenhofer and Henrik Rothe). A discussion with

Council members followed. The ELI Council adopted the Third Party Funding of Litigation project proposal, which should now proceed as an ELI project (36 in favour, 3 abstentions).

- (8) Ross Anderson, Xandra Kramer and Lord Thomas were appointed as Assessors of the above project (31 in favour, 1 abstention).

VIII. Vote on the Guiding Principles to Implement Workers' Right to Disconnect Project Proposal

- (9) Luca Rati and Karine Lempen presented their project proposal and feasibility study, indicating among other things that the University of Luxembourg and the University of Geneva will fund two senior researchers for this project. A discussion with Council members followed. The ELI Council adopted the Guiding Principles to Implement Workers' Right to Disconnect project proposal, which should now proceed as an ELI project (37 in favour).
- (10) Christoph Busch, Anne Birgitte Gammeljord and Stefano Giubboni were appointed as Assessors of the above project (32 in favour, 2 abstentions).

IX. Approval of 2021 Accounts

- (11) Pietro Sirena presented ELI's 2021 accounts and noted that the auditors' approval of the latter was available in the annex submitted to the Council. The ELI Council approved the 2021 accounts (39 in favour, 1 abstention).

The Council meeting ended at 19:00 CET.