

Minutes of the Council Meeting

7 September 2017

Venue: City Hall (*Rathaus*), Vienna (Austria)

Present

Chair: Zimmermann, Reinhard

Council Members

Alunaru, Christian

Avgerinos, Yannis

Avolio, Francesco

Bargelli, Elena

Biondi, Yuri

Bray, Robert

Busch, Christoph

Caponi, Remo

Cavalier, Georges

Clement, Marc

Comba, Mario

Cvejic Jancic, Olga

Dollani, Nada

Doralt, Walter (proxy for Gammeljord, Anne

Birgitte)

Gernandt, Johan

Gilligan, Paul

Graf von Westphalen, Friedrich

Guercio, Laura

Iamiceli, Paola

Infantino, Marta

Király, Miklós

Klip, Andre

Malberti, Corrado

Moser QC, Philip

Mozina, Damjan

Philippe, Denis

Ruda, Albert (proxy for Jimenez Muñoz, Francisco
Javier)

Sabato, Raffaele

Schulte-Nölke, Hans

Schulze, Reiner

Sorabji, John

Storme, Matthias (proxy for von Bar, Christian)

Thomas, John

Trstenjak, Verica

Van Erp, Sjef

Vervaele, John

Wallis, Diana

Wendehorst, Christiane (proxy for Azizi, Josef)

Wierzbowski, Marek

Zalar, Bostjan

Ex-Officio Council Members

Radoi, Raul - Council of the Notariats of the European Union (CNUE)

Raga, Nuria - European Land Registry Association (ELRA)

Member of the ELI Secretariat

Firus, Christiane (keeper of the minutes)

Šabanovič, Ala

Wilcox, Vanessa

The meeting commenced at 17:00.

I. Voting Procedure

- (1) In opening the meeting, Reinhard Zimmermann explained the voting procedure for the election of the new President, Vice-President and Treasurer: voting by written ballot is the rule, unless there is only one candidate for a certain office. In that case, there is a vote by a show of hands. Every Council member (ordinary and ex-officio) is entitled to vote. Proxies are possible, but there can only be one proxy per person and proxies have to be submitted in writing. Candidates to be elected into the Executive Committee have to be Council members. Zimmermann suggested that every candidate present him or herself briefly before elections begun.
- (2) Matthias Storme proposed a secret ballot in any case, even if there is only one candidate for a certain office. The proposal was voted upon by a show of hands: 12 were in favour, 20 against, 11 abstained. The proposal was therefore rejected.

II. Election of the New ELI President

- (3) Christiane Wendehorst was proposed as candidate for the presidency by the ELI Search Committee. She accepted the recommendation.
- (4) Among other things, Wendehorst is a Professor at the University of Vienna and was closely involved in setting up the ELI. She has in the past served as both Treasurer and Vice-President of the ELI. She said that she was well aware of the challenges that lie ahead and well prepared to handle them, especially when it comes to renegotiating the deal of the ELI being hosted by the University of Vienna and handling flagship projects. According to her, teamwork has always been and should continue to be the ELI's strategy. She mentioned that she had prepared 24 strategic goals in total, including reaching more professionals.
- (5) With a vote by a show of hands, **Christiane Wendehorst was elected as President of the ELI (with one abstention).**

III. Election of the New ELI Vice-President

- (6) Sjef van Erp was nominated as the sole candidate for the office of Vice-President by several Council members.
- (7) Among other things, Sjef van Erp is a Professor at the University of Maastricht and has been closely involved in the founding of the ELI from the very beginning. He said that the Institute 'goes to his heart'.
- (8) **With a vote by a show of hands, Sjef van Erp was elected as Vice-President of the ELI (with one abstaining vote).**

IV. Election of the New Treasurer

- (9) Denis Philippe was nominated by Matthias Storme as the sole candidate for the office of Treasurer. Philippe is a practitioner in Belgium. He said it was an honour to be nominated, adding that the ELI is highly valuable and that he would be honoured to take on the task of Treasurer.
- (10) **With a vote by a show of hands, Philippe was elected as Treasurer of the ELI (with one abstaining vote).**

V. Election of New Members of the Executive Committee

a) Nominations

- (11) Following elections for President, Vice-President and Treasurer, Zimmermann called for nominations for the new members of the ELI Executive Committee. The following persons were nominated:
- (12) **Anne Brigitte Gammeljord** was absent, but was introduced by Matthias Storme. He described her as a well-known lawyer in insolvency and tax law in Denmark and Sweden and as a loyal and good representative for Nordic countries. She has been involved with the ELI from very early on and previously served in the Disciplinary Board of the Danish Bar and Law Society and as President of the Council of Bars and Law Societies of Europe (CCBE). As a practising lawyer, she would add diversity to the Executive Committee.
- (13) **Hans Schulte-Nölke** has been involved in the ELI, even before it was founded, having participated in its 'pre-committee'. What he values most about the ELI are its various projects. He expressed that the ELI has done very well in the last six years and is now on the edge of the 'big jump'. His vision for the Institute is for it to become as important as the American Law Institute (ALI).
- (14) **Rafaele Sabato** has been a Council member for two years. He has worked as a judge for 27 years and is a member of the Supreme Court of his country, Italy. He also gathered experience while working for the Council of Europe and serving as a board member for Italy's school for the judiciary.
- (15) **Lord John Thomas** has been Lord Chief Justice of England and Wales for four years. He is a founding member of the ELI and values the Institute for bringing together lawyers, academics and judges. As he ceases his office at the end of beginning of October 2017, he will, in his own words, have 'time to do something'. He is involved in the subject of digital law, which he described as very close to his heart. His vision for the ELI is to get more practitioners and judges to join. He was originally a civil lawyer and then became a criminal and constitutional law judge.
- (16) **Marek Wierzbowski** is a practising lawyer from Poland and worked for several years as a partner with Linklaters before founding his own law firm. He has served on the board of the Warsaw stock exchange for 22 years and can offer his contacts in the field of capital markets. He also teaches administrative procedure and business law at the University of Warsaw.
- (17) **Verica Trstenjak** is from Slovenia and works as a professor at the University of Vienna. She is a founding member of the ELI and was an Advocate General at the Court of Justice of the European Union in Luxembourg and is therefore able to connect theory and practice in different areas of law. Trstenjak said she would also bring more diversity to the Executive Committee as she is from Eastern Europe.
- (18) **Robert Bray** has worked at the European Parliament for 20 years and is currently Head of Unit at the Secretariat of the Committee on Legal Affairs. He was formally a legal translator at the Court of Justice. Bray is well-connected in EU institutions and regards himself as a European citizen.

b) Voting Procedure

- (19) Zimmermann explained the voting procedure for the new members of the Executive Committee. Each Council member entitled to vote can write up to four names of nominees on the voting paper. If there are more than four names on the ballot it will be invalid. If there is a draw between two candidates, there will be another ballot. No objections were raised.

c) Election Results

- (20) The following candidates were elected by written ballot:**

Lord Thomas (34 votes)
Hans Schulte-Nölke (27 votes)
Rafaele Sabato (26 votes)
Anne Brigitte Gammeljord (25 votes)

- (21) Zimmermann congratulated the elected candidates and thanked Diana Wallis and the other members leaving the Executive Committee for their work over the past two years.
- (22) He also remarked that the ELI had grown tremendously in the past six years with a lot of projects, but that there were also problems, namely the lack of diversity of professions, the lack of geographical diversity and financial concerns. On the latter, he called upon every member to find new sources of funding given the reluctance of the Council to raise membership fees.

VII. Standing Council Committees

- (23) Wendehorst thanked her colleagues for their trust in her as new President of the ELI.
- (24) She explained that according to the byelaws new members have to be appointed to the Council Standing Committees after the Council elections, in particular the Membership Committee and the Fundraising Committee. Absent Council members can write an e-mail to the Secretariat up to one week after the meeting to express their interest. The members of the Standing Committees will then elect the chairs of the Committees. She said that she had been informed that the current chairs would be prepared to stay on in their positions. Wendehorst then asked for expressions of interest for the two standing Committees.
- (25) The following members expressed an interest to serve on the Membership Committee:
- Paula Iamiceli
 - Miklos Kyraly
 - Elena Bargelli
 - Reiner Schulze
 - Mario Comba
 - Paul Gilligan
 - Georges Cavalier
 - Olga Cvejić Jančić

- (26) The following members expressed an interest to serve on the Fundraising Committee:

- Yannis Avgerinos
- Francesco Avolio
- Georges Cavalier
- Marek Wierzbowski
- Robert Bray

VIII. Closing Remarks/Next Council Meeting

(27) Wendehorst thanked the Senate for taking on the burden of overseeing the elections and for everything else they do for the ELI.

(28) She explained that traditionally, Council meeting take place in Vienna on the Friday before the Lawyers' Ball. As there was no opposition to this suggestion, it was agreed that the next Council meeting would take place on 9 February 2018 in Vienna.

Meeting ended at 19:00.