

Minutes of the ELI Membership Meeting

6 and 8 September 2021, Remote

Chair: Christiane Wendehorst (ELI President)

Keeper of the minutes: Katja Kolman (ELI Secretariat)

The meeting commenced on 6 September at 10:00 (CET).

I. Welcome and Opening Address

- (1) Christiane Wendehorst opened the meeting by welcoming those Members that were present. She emphasised that it was a huge privilege for her to have served as ELI President for two consecutive terms and to have been entrusted with the task. She took the opportunity to thank ELI Members, Council Members and everyone that had contributed to the work of ELI in different roles.
- (2) She thanked her colleagues in the Executive Committee, without whose expertise and support it would not have been possible to lead the organisation in the manner she did in the last four years. She observed with delight that the ELI Council had entrusted a number of members of the current Executive with important offices going forward, which made her confident that ELI will prosper and grow and that it is in the best hands possible.

II. Approval of the Minutes of the 2020 Membership Meeting

- (3) **The 2020 Membership Meeting minutes were approved.**

III. Information on ELI Council Elections

- (4) Pascal Pichonnaz explained the voting procedure for the 2021 ELI Council elections. He added that the Institute is very fortunate to have 54 candidates for 28 vacant positions. ELI Fellows received further information on the candidates running for Council. He explained that Fellows can cast their votes shortly after the end of the Membership meeting and that Fellows would receive voting instructions via email. The Membership meeting will resume on 8 September 2021 for the announcement of the results. The newly composed Council will meet (remotely) for the first time on 15 September 2021 to elect the three innominate Members of the Executive Committee.

IV. Report from the President and Executive Committee

- (5) Wendehorst briefly presented the above report, which highlights some of the major developments since the last report in September 2020. She said that ELI was able to finalise a range of ongoing projects as well as embark on a range of new projects dealing with fascinating topics. She added that further steps were taken to streamline ELI project procedures, by removing

red tape on the one hand and enhancing quality control on the other. She referred to High Level Expert Groups, which guide the Executive on different topics for future ELI projects, as well as on their potential scope.

- (6) She said that the Institute had also broadened the range of its output. While projects remain at the heart of ELI's work, there is a need for ELI to react more quickly to ongoing developments. ELI therefore not only published the ELI Principles for the COVID-19 Crisis in March 2020, followed by a Supplement in April 2021, but also introduced ELI Innovation Papers, prepared under the guidance of the ELI Membership and Council. Wendehorst expressed ELI's gratitude to Christian Twigg-Flesner for drafting the first Innovation Paper on 'Guiding Principles for Updating the Product Liability Directive for the Digital Age'. She was also pleased to announce that Teresa Rodríguez de las Heras Ballell was mandated to prepare the second Innovation Paper on 'Principles for Algorithmic Decision-Making in the EU'.
- (7) Wendehorst added that ELI also replied to public consultations of the European Commission more regularly and found new ways to engage with the public and our Membership by organising several webinar series, including one contributing to the Conference on the Future of Europe. The Institute enhanced relationships with many institutions in Europe and worldwide, despite travel restrictions imposed as a result of the pandemic.
- (8) Wendehorst expressed her hopes that ELI Members will soon be able to meet again, also physically, among other things, at the 2022 ELI Annual Conference in Madrid. She continued that ELI is also in the process of establishing a new Membership software that will hopefully revolutionise the way ELI Members and groups engage with each other.
- (9) She added that the Institute celebrated its 10th anniversary in a splendid online Decennial celebration on 1 June 2021.

V. Brief Report from the Treasurer

- (10) Denis Philippe reported about the finances. He explained that ELI has three main sources of funding. They are provided by the University of Vienna, the European Commission and ELI Members, to whom he expressed his gratitude. He presented the accounts and added that savings were made last year in light of the COVID-19 pandemic and the absence of travel and accommodation costs. ELI therefore also decided to invest its resources into a Membership software.
- (11) The main setback remains, he said, outstanding Membership fees and the Secretariat and Membership Committee are doing a great job in addressing this. He added that the final forecast

for next year is generally optimistic, provided that ELI secures another Framework Partnership Agreement from the European Commission.

- (12) Philippe thanked Pietro Sirena, who accepted to assume the role of ELI Treasurer for the next two years. He also thanked the Executive Committee, Council and all ELI Members for their trust.
- (13) Wendehorst thanked Philippe on behalf of the Executive Committee for all the work he had done for ELI.

VI. Presentation of MyELI – New Membership Software

- (14) Participants watched a presentation of ELI’s new Membership software – MyELI. Wendehorst thanked Zuzana Fačková, in particular, who invested time and efforts into this initiative. She added that the launch of the system will be done on a step-by-step basis, and that ELI Members will be informed by the ELI leadership once it is available to them.
- (15) Fačková provided further information on the system. She explained that the ELI Secretariat needs a modern and accessible database due to an increasing number of activities and Members. The Secretariat therefore identified several companies that could provide the solutions needed, and the winning offer was submitted by Ninox Software GmbH and Nioxus. The membership system will cover four main modules: event management, document management, finances and office management.

VII. Overview of Projects

- (16) Lord John Thomas briefly presented a report on the progress of ELI projects. He explained that this last year was one in which a consolidation of the progress made on projects took place. He paid tribute to the President for her outstanding leadership on this because projects are at the heart of ELI. Among other things, ELI has a system under which projects are subsumed, for now, under three umbrella areas: Rule of Law in the 21st Century, Law and Governance for the Digital Age and Sustainable Life and Society, which has been a great success and brings focus. Progress has been made in projects and procedures have been improved. He also thanked the ELI Senior Project Officers, Tomasz Dudek and Katja Kolman, for their work and referred to the fact that the post of a Scientific Director would very soon be established, again to ensure focus. As regards focus for the future, HLEGs are now functioning well and above all, ELI has the funds to do things thanks to Philippe. It is on a firm position for the future. The remaining outstanding tasks relating to projects is their increased dissemination. He also invited Members to look at projects up for approval shortly and cast their votes.

VIII. Report on Hubs and Special Interest Groups (SIGs)

- (17) Pichonnaz presented developments on ELI Hubs and SIGs. He explained that ELI now has 12 Hubs, which organised several events, and further are in the pipeline. The Institute also has 11 SIGs, the latest having been established on the topic of environmental law.
- (18) Pichonnaz added that the ELI Guidelines foresee the need for an evaluation of every group every three years. This year, only the Insurance Law SIG and the Hungarian Hub were up for evaluation, and the Council, on the recommendation of the Executive Committee, welcomed their continuation. He also invited Members to join the award ceremony of this year's ELI Hub and SIG of the Year Award. He closed by thanking Hub and SIG Chairs and Members, on behalf of the Executive Committee, for their important work in improving law-making in Europe and promoting ELI and its work.

IX. Report of the Membership Committee

- (19) Pichonnaz continued presenting the report of the Membership Committee. He expressed his gratitude to all Committee members, as well as to Zuzana Fačková, for their work. He explained that the number of Members has remained more or less stable since last year with 1,698 Individual and Institutional Members from 63 jurisdictions. He referred to the fact that pursuant to the ELI Statute the Membership of 98 individuals was terminated in 2020, in cooperation with the Membership Committee, but despite this, the ELI Membership grew a bit. He encouraged Members to invite their colleagues to join ELI, especially if they are from underrepresented geographical areas (such as the Baltics, Central and Eastern Europe, France, Ireland and Scandinavia), areas of expertise (such as public law) as well as professional backgrounds (such as lawyers and government officials).
- (20) He added that efforts have been made to encourage ELI Members to set up SEPA mandates to avoid the accrual of unpaid Membership fees. It is anticipated that the new Membership software will also facilitate the payment process.

X. Closing Remarks and any Other Business

- (21) Wendehorst thanked everyone for their work, in particular the Membership Committee and Pascal Pichonnaz, who worked tirelessly not only on the Executive Committee, but also as chair of the Membership Committee. Congratulations to the ELI leadership and Secretariat were also voiced by several ELI Members in the Q&A.
- (22) Wendehorst invited Members to submit any further questions they might have to the ELI Secretariat. She reminded Members that the meeting would resume on 8 September 2021 for the

announcement of the ELI Council election results and for the handover of the Presidency. She thanked the ELI Secretariat for their tireless work.

The meeting ended at 11:00 (CET).

The meeting resumed on 8 September at 18:30 (CET).

I. Welcome

- (1) President Wendehorst welcomed the participants back.

II. Announcement of ELI Council Elections Results

- (23) Returning Officer Reinhard Zimmermann announced the results of the ELI Council elections. He congratulated the newly elected Council Members and informed them that one of their first tasks will be to elect the three innominate Members of the Executive Committee on 15 September 2021. He explained the procedure of the elections further.
- (24) Wendehorst congratulated all the newly elected Council Members and encouraged all the excellent candidates that were not elected to stand again at the next elections.

III. Closing Remarks by Outgoing ELI President Christiane Wendehorst

- (25) Wendehorst briefly recapped with those present the various initiatives as well as her own efforts leading to the establishment of ELI, her active involvement in ELI, taking various roles as the first ELI Treasurer (2011 to September 2013), Vice-President (September 2013 to September 2017), President (September 2017 to September 2021) as well as Reporter of various ELI projects. She also highlighted ELI's achievements over the past decade. Wendehorst wholeheartedly thanked all ELI Members and, in particular, colleagues on the ELI Council, ELI Senate and Executive Committee for their support and for shaping the direction of ELI's work over the years.
- (26) She was particularly grateful for the role played by ELI's former Treasurer, Denis Philippe, for the stability he brought to ELI's finances and made mention of the motion that was named after him in the ELI Council, in recognition of this fact: the 'Philippe Motion'. The latter is inspired by the American Law Institute's 'Boskey Motion'.

IV. Closing Remarks by Incoming ELI President Pascal Pichonnaz

- (27) Pichonnaz expressed his strong commitment to building on the achievements of the past decade and his devotion to ELI's mission. He said he was grateful to Wendehorst, as well as his colleagues on the Executive Committee, the ELI Council, the Search Committee, and everyone that stood in

ELI's Council elections. He also encouraged ELI Members to become active in the Institute through the different channels available to them.

The meeting ended at 19:55 (CET).