

THE EUROPEAN LAW INSTITUTE (ELI)

REVISED ELI PROJECT GUIDELINES

of 21 November 2018 (as amended by [Council Decision 2019/11](#) of 26 June 2019)

These Guidelines for the selection, management and approval of projects carried out under the auspices of the European Law Institute (the Guidelines) are issued as a Byelaw of the European Law Institute (ELI) in accordance with Article 12(5) of ELI's Articles of Association (the Statute).

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Part I: Introduction and general principles

- (1) The Guidelines apply to all ELI projects.
- (2) The Council authorises the Executive Committee:
 - a. to adapt or disapply these Guidelines for specific projects;
 - b. to agree in the case of joint projects the terms applicable to joint projects. These terms must be set out in an agreement between ELI and the other body; that agreement must cover each of the matters set out in these Guidelines where what is agreed differs in any way from these Guidelines. The agreement must include terms as to funding, the monitoring and approval process, intellectual property rights and publication rights; and
 - c. to adapt these Guidelines for projects subject to the accelerated procedure under Article 12(4) of the ELI Statute as set out in paragraphs (42), (49) and (59) below.
- (3) Although the terms ‘instruments’ and ‘statements’ are used in the Statute, ELI projects have fallen into four broad categories:
 - a. Draft legislative proposals;
 - b. Model laws, model rules, policies, statements of principles;
 - c. Checklists, other practical guidance; and
 - d. Position papers.These terms are used in these Guidelines where necessary.
- (4) ELI projects will either be financed by ELI or from independent external sources or a combination of these. Funding questions should be resolved as early as possible. ELI will only accept external funding of projects if it is provided freely and independently of any condition concerning the nature, scope, and outcome of the project.

Part II: Selection of projects

Step 1: Role of Executive Committee in identifying projects

- (5) The Executive Committee, on its own initiative or on the basis of project ideas suggested or developed by Hubs, Special Interest Groups (SIGs), ELI members or other interested parties, is responsible for identifying ELI projects according to the selection criteria set out in paragraph (6) and for submitting them as project proposals to the Council. The Executive Committee will, where appropriate, consult the Senate, experts in the field and relevant stakeholders.
- (6) ELI projects must fall within the scope of Article 3 of the Statute and:
 - a. should serve the people, companies and organisations in Europe by improving the law or facilitating its application;
 - b. be principally capable of producing results which can be of immediate practical utility, and in particular be usable directly (eg as draft rules) by legislative bodies, judiciaries, or other interested parties;
 - c. be the product of collaborative work conducted by jurists from a wide range of vocational backgrounds; and

- d. have a genuinely pan-European perspective which takes due account of Europe's various legal traditions.

Step 2: Preparing the project proposal

- (7) Before being submitted to the Council for approval as a project, a project proposal must be prepared with the assistance of the ELI Secretariat, and under the guidance of the Executive Committee. The project proposal must be prepared using the form at Annex I.
- (8) The project proposal must demonstrate how the project satisfies the selection criteria set out above. It must also specify:
 - a. what type of project is proposed using the broad categories set out in paragraph (3) above;
 - b. the project's subject matter, methodology and the actual results it seeks to achieve;
 - c. the legal background including information on the project's relationship to what already exists or is being developed and the role it could play in the European legal environment and in the legal and judicial systems of European states;
 - d. the wider social, economic and similar benefits to be derived from the project;
 - e. a detailed project budget;
 - f. a detailed proposal for funding, setting out the source of the funding obtained and in prospect;
 - g. a timeline for carrying out and completing the project; the timeline must make provision for the process of approval set out in Part IV – see paragraphs (36) and following; and
 - h. the name and a short curriculum vitae of anyone who may be asked by the Council (as set out under paragraph (13)) to contribute to the project either as a Project Reporter, other member of the Project Team, or as a member of the Advisory Committee.
- (9) All matters set out in the project proposal (including the timeline) as modified and approved by the Council will be called 'the project plan' and used as the basic document to monitor the project.

Step 3: Submission of the proposal to the Executive Committee

- (10) The project proposal must when completed be submitted to the Executive Committee which will consider each project proposal, suggest revisions (where appropriate) and submit a report to the Council on the potential feasibility, merits and quality of each project. The report of the Executive Committee should include an assessment of the broader value of the project to the law and to society and its potential impact on society at large.

Step 4: Consideration and approval by the Council

- (11) The Council will consider the proposal and the report of the Executive Committee. It will ordinarily expect to hear a short oral presentation by the proposer and will ask questions or seek clarifications. As part of the process of consideration, it will consider the persons put forward in the project proposal for appointment as the Reporters, other members of the Project Team and the members of the Advisory Committee.

Formal approval

- (12) After consultation with the Senate, the Council will decide:
- a. whether or not to accept it as an ELI project or require it to be revised or approve it subject to conditions;
 - b. approve the project proposal (including the timeline) having made any necessary amendments and designate it as the project plan;
 - c. on the appointments set out in paragraphs (13) to (15) below; and
 - d. the timeline for monitoring reports to be submitted to the Council and the Executive Committee by the Project Team and/or the Advisory Committee and by the persons appointed under paragraph (16).

Appointment of the Reporters, Project Team and Advisory Committee

- (13) The Council itself (or, at the Council's request, the Executive Committee) must appoint:
- a. one or more Reporters who will be primarily responsible for conducting the ELI project, and who may propose additional Reporters (or, if necessary other persons) to be appointed by the Council (or Executive Committee) to form a group that will conduct the work. The Reporters and, where applicable, other members will together form the Project Team; and
 - b. a group of advisors (the Advisory Committee) to support the work of the Project Team, in consultation with the Reporter(s) and the Executive Committee.
- (14) In making the appointments, the Council and the Executive Committee must have regard to:
- a. the principles of diversity specified in Article 2 of the Statute, including general principles of diversity, including gender and age, and the substantive specialisation of the project. Diversity in terms of legal traditions, geographical considerations and vocational backgrounds is paramount; and
 - b. the necessity of ensuring that all members of the Project Team and all advisors are specialists of outstanding reputation in the relevant field and must, whether or not they are a member of ELI, adhere to the Guidelines and to the values reflected in the Statute.
- (15) Each member of the Project Team must provide a written statement in the form set out in Annex II and each member of the Advisory Committee a written statement in the form set out in Annex III signed by each confirming to ELI that they are bound by the Guidelines or any relevant agreement concluded with other institutions or bodies. The statement to be signed by members of the Project Team must include an assignment of the intellectual property rights to ELI in accordance with paragraph (56) below and a declaration in respect of conflicts of interest as referred to in paragraph (17) below.
- (16) The Council must concurrently add to the Advisory Committee two or three drawn from the Council as Assessors, who will act in the capacity of peer reviewers and auditors of quality. Their task is to:
- a. keep themselves informed on the project, closely monitor the quality of the work being carried out and supervise and contribute to the regular reports to the Council and Executive Committee on progress of the project at the times designated by the Council under paragraph d) above; and
 - b. to provide a separate report on the project to focus discussion on approval of the draft and the other results produced, as referred to in paragraph (39) below.

Conflicts of interest

- (17) All persons involved in carrying out ELI projects, including members of the Members Consultative Committee (MCC) are bound by the Conflicts of Interest rules set out in Article 15 of the Statute and any Code of Conduct issued by the Council, and should avoid all conflicts of interest. Where an actual or potential conflict of interest arises, the individual concerned must inform the Executive Committee and the Secretariat promptly. After consulting the Executive Committee, the Council will then decide whether the individual may continue working on the project.

Step 5: Members Consultative Committees

- (18) The Council will normally establish a MCC. All ELI members may be invited to join the MCC.
- (19) A chairperson and, if necessary, one deputy chairperson shall be appointed for the MCC. The MCC chairperson will, together with the Secretariat, co-ordinate the MCC's work and shall do so in consultation with the Project Reporter(s).

Application of the steps to adopted projects

- (20) ELI may partially or fully adopt projects that have originated outside ELI, on the basis of an agreement with the individuals leading the project, where:
- a. the project meets the selection criteria set out in these Guidelines;
 - b. it is guaranteed that ELI, particularly through its Council, Senate, Executive Committee, Membership, and where applicable, a MCC, can influence the project effectively; and
 - c. a written project agreement is reached between the individuals leading the project, ELI and any relevant institution or body which guarantees that, from the moment the project is adopted, the Guidelines and the procedures set out in this guidance will be complied with by those carrying out the project, with such modifications as the Executive Committee may agree. The agreement must make provision for publication and intellectual property rights. It is important that any deviations from the monitoring procedure under Part III and the approval process under Part IV are clearly identified.
- (21) A project is deemed to have originated outside ELI where it has:
- a. been fully developed without having solicited the assistance of the Secretariat; or
 - b. already commenced outside ELI.
- (22) Where a project is adopted by ELI under this procedure:
- a. the individuals leading the project will be, and remain throughout the life of the project, the Project Reporters; and
 - b. any further members of the Project Team will not be appointed without the consent of the Project Reporters.

Part III: Project execution and monitoring

- (23) Each ELI project shall be carried out in accordance with the project plan as set out in the project proposal as finally approved by the Council under paragraph (12).

Revisions to the approved project plan

- (24) Revisions of the project plan after the approval by the Council must be notified to the Executive Committee which may ask the Project Team to reconsider the revision. Where a deviation from the project plan (or a later revision of the project plan) fundamentally affects the nature or funding or timing of completion of the project or might otherwise raise serious issues the Executive Committee may ask the Council to reach a decision in consultation with the Senate. Where funding is provided by another institution or body the procedure should be specified in the agreement applicable to that project.

Consultation with the MCC and Advisory Committee

- (25) The Reporter(s) shall during the currency of the project regularly consult the Advisory Committee and the MCC for comments on drafts and advice.

Reports on progress to the Executive Committee and the Council

- (26) The Reporter(s) and/or Project Team and/or Advisory Committee and/or the MCC should regularly and in accordance with the timeline set by the Council under paragraph 12(d) (or whenever the Secretariat or the Executive Committee so request), inform them of the project's progress.
- (27) Reports on the progress of the project by the Assessors appointed under paragraph (16) should be submitted to the Executive Committee and the Council in accordance with the timeline set by the Council under paragraph (12(d)).
- (28) The Executive Committee and the Secretariat will regularly report to the Council on the progress of each project.

Actions that may be taken by the Council

- (29) If it becomes apparent that a project is not progressing according to the project plan or there are other reasons why the project needs to be accelerated, the Council has the right to review the project's status and modify the consultations required under the approval process.
- (30) Subject to anything to the contrary contained in a project agreement entered into between ELI and another institution or body, the Council may, as a last resort, in the case of a grave and fundamental failure to follow the approved project plan replace the Project Reporter(s), other members of the Project Team and/or Advisory Committee or may discontinue the project as an ELI project.

Consideration of emerging results by the Membership

- (31) The Reporter(s) shall present preliminary results of the work-in-progress to the Advisory Committee and the MCC at least one month in advance of each ordinary ELI Membership Meeting. Reporter(s) may at their discretion disclose more materials to, and/or consult, the Advisory Committee as compared to the MCC.

Communication on the project during the project and prior to approval by the Council/Membership

- (32) Members of the Project Team may, prior to any approval by the Council or Membership publicly communicate details of the project, including any preliminary results, in order to improve the project results or enhance the project's visibility. Such communication may, in particular, occur at conferences, in discussions with relevant institutions and stakeholders, or in law journals.
- (33) Any such communication must, in a clear and prominent manner and at the beginning of any relevant presentation, document or other form of communication:
 - a. unequivocally make clear that the work does not yet represent the position of ELI; and
 - b. duly acknowledge that the work is being conducted on behalf of ELI and that bodies and members of ELI have contributed to the work.
- (34) Paragraphs (52) and (53) (which specify rights to publication) apply accordingly to publications made prior to approval.
- (35) The Secretariat must be informed of any communication that is to be made under these provisions.

Part IV: Approval of the result of the project

Step 1: Submission to the project's Advisory Committee and the MCC

- (36) It is ordinarily expected that the Reporters will regularly submit drafts to the Advisory Committee and the MCC in accordance with paragraph (25) of these Guidelines; the Reporters may in such a case submit the completed draft to the Council as a 'Council Draft' without final consultation with the Advisory Committee and the MCC. Where it has not been possible to follow the procedure under paragraph (25) of these Guidelines, the Reporters will submit that Draft to the Advisory Committee and the MCC with a short period for final comments before it is submitted to the Council as a Council Draft.

Step 2: Submission of the Council Draft to the Executive Committee and consideration of that Draft

- (37) Taking into account all consultations, the Reporter(s) shall then submit the Council Draft to the Executive Committee two months before the Council meeting at which it is to be considered.
- (38) The Council Draft must be submitted with supporting signed statements, using the form at Annex IV, from each of those that formed the Project Team (other than the Reporters themselves) and the Advisory Committee and the chair of the MCC to signify that each has considered the result and either supports what is said or wishes to make a significant reservation.
- (39) The Assessors appointed under paragraph (16) should also submit a report on the project and Council Draft in the same timescale. Amongst the matters that should be included in the report will be a series of questions that the Council, Senate and Executive Committee should address when considering approval. Assessors should be free to choose the form and style of their report, but the report should, at least, cover the issues addressed in Annex V.
- (40) Following consideration of the Council Draft, the Executive Committee will, either:
 - a. forward it, the report of the Assessors appointed under paragraph (16) and other reports and comments to the Council and the Senate; or

- b. send it back to the Reporter(s) with comments specifying how it considers the draft to require amendment.
- (41) Once the Council Draft has been forwarded, any member of the Council or the Senate may submit comments and recommendations, and the Council or the Senate may hold a meeting with the Reporter(s) to discuss the draft.

Step 3: Consideration and Approval by the Council

- (42) The Council will determine at the meeting at which the draft is to be considered whether the Council Draft:
- a. should be approved by it and – except in the case of a project under the accelerated procedure – submitted to the Membership for approval by it in accordance with the procedure set out in paragraphs (45) to (48) below; or
 - b. should be remitted to the Reporters with comments made by the Council and the Senate in which case the Reporter(s) shall prepare a further draft in consultation with the Advisory Committee and the MCC as soon as practicable or within a period specified by the Council. The Reporter(s) must take into consideration any recommendations made by the Advisory Committee, the MCC, the report of the Assessors appointed under paragraph (16) or other relevant ELI bodies but are not under an obligation to adopt them. To the extent that a recommendation by members of the Council or Senate or the Assessors appointed under paragraph (16) is not being followed, the Reporter(s) shall provide an explanation. Once finalised in the light of any recommendations, the draft shall be resubmitted for final consideration and approval to the Council which will then determine whether it should be submitted to the Membership (except in the case of a project under the accelerated procedure);
 - c. The Council in determining whether to approve the draft so submitted may only approve or reject the draft. It may not give approval subject to conditions.
- (43) It is generally desirable for the whole of the Council to consider the results of the project and the report by the Assessors appointed under paragraph (16); it will be for the Council to decide, following a recommendation from the Executive Committee, on the procedure to be adopted and whether each clause, article or part of the draft should be considered separately. But if there are several projects before the Council, it might be desirable for the Council to agree that it should divide and one part consider the results of some projects and the other part consider the results of the other projects.
- (44) In a joint project with another institution or body or where funding is provided by another institution or body, any modification to this procedure should be specified in the applicable agreement with that institution or body.

Step 4: Approval by the Membership

- (45) The Membership in determining whether to approve the draft so submitted may only approve or reject the draft. It may not give approval subject to conditions.
- (46) Approval is given by a simple majority of the votes of those ELI Fellows:
- a. present at a physical meeting; or
 - b. who take part in a vote by means of a distance voting scheme.

In the case of a tied vote, the project will be deemed to have been rejected. Abstentions shall not count. Proxy voting may only take place at physical meetings of the Council.

- (47) Distance voting without a physical meeting may occur, on the Executive Committee's initiative, where approval of a project cannot be postponed until the next physical meeting of the Membership. Even where a physical Membership Meeting is held, Fellows shall be permitted to vote via a distance voting scheme.
- (48) Where a vote is taken by means of distance voting:
- a. the President shall give notice via electronic mail to all members of the relevant body, specifying the project submitted for approval;
 - b. electronic access to the materials for which approval is sought shall be provided to all members of the relevant body; and
 - c. the members shall be given not less than three weeks to vote.

Publication

- (49) Completed projects, and the results thereof, may only be published as an official position of ELI after the approval of both the Council and the Membership. In the case of a project subject to the accelerated procedure Council approval is sufficient.
- (50) ELI will publish approved ELI projects, project drafts or background material produced in the course of the development of a project under its own name as editor. As far as background materials are concerned, however, the ELI and any individuals involved may agree on a different solution on the question of editorship. The Reporters and, where the Reporters and the ELI so agree, other members of the Project Team will have the status of authors. It is for the Reporters, and any other members of the Project Team that agreed to act as authors, to confirm that authorship in the copyright sense corresponds with authorship as agreed for the publication. The content and format of the publication are for the sole determination of ELI.
- (51) In the publication, ELI shall fully acknowledge all those who contributed to the ELI project as a member of the Project Team, Advisory Committee, or MCC.
- (52) No member of the Project Team, Advisory Committee or MCC may publish the ELI project, any preparatory or other work carried out as part of the project, or any work that is likely to be confused with the ELI project or with parts or revised versions thereof, under their own name or grant others the right to do so under their name without the express consent of ELI.
- (53) Where funding or co-funding is provided by another institution or body publication rights will be regulated in the applicable agreement. In all cases involvement of ELI in the project must be mentioned clearly in any publication.
- (54) Nothing in the Guidelines shall preclude a member of the Project Team, or any other person, from publishing in their own name ideas they have contributed to ELI project unless such publication could potentially undermine the rule in paragraph (52). Where such ideas have been influenced by group work conducted under the auspices of ELI due acknowledgement must be made.
- (55) It is within the discretion of ELI when it will publish a revised edition of any ELI project, if at all. ELI shall approach the Reporter(s) before doing so. If the Reporter(s) are not prepared to make any necessary revisions within the timeframe specified by ELI, ELI may entrust other individuals with this task.

Intellectual property rights

- (56) The authors shall, unless expressly agreed otherwise, assign to ELI the exclusive worldwide rights to reproduce, communicate or otherwise make available to the public, and distribute by sale or otherwise, the content

published by ELI or translations thereof, during the full term of copyright and all renewals thereof. The authors shall assign to ELI the worldwide rights for use by ELI, including the right to make translations, prepare other versions, quote from or otherwise utilise the work or material based on the work, and ELI may grant permissions and licenses to third parties to do the same. The Council will determine, after a recommendation from the Executive Committee, the terms on which the content of any ELI publications may be used by others.

- (57) Unless expressly agreed otherwise, the authors shall get no remuneration from ELI for their work. Where, however, ELI at its discretion decides to sell publications and insofar as ELI is editor in accordance with paragraph (52)0, the authors will receive half of the net proceeds.

Part V: Dispute settlement

- (58) Any disputes arising out of the selection, identification, drafting process, approval or publication of ELI projects under the Guidelines shall be settled by the Arbitral Tribunal of ELI under Article 18 of the Statute, irrespective of whether or not the persons involved are members of ELI.

Part VI: The accelerated procedure

- (59) These guidelines shall apply to the accelerated procedure with the necessary modifications to comply with Article 12(4) of the Statute: see in particular paragraphs (42) and (49) above.

Annex I: Project Proposal Form

Annex II: Confirmation by Reporters and Other Members of the Project Team of Adherence to the Guidelines and Assignment of IP Rights

Annex III: Confirmation by Members of the Advisory Committee of Adherence to the Guidelines etc

Annex IV: Evaluation of Council Draft by Project Team/Advisors/MCC

Annex V: Evaluation of Council Draft by Assessors



Annex I: Project Proposal Form

Proposal for an ELI Project on

Subject Matter (abstract, max 300 words)	
Target Outcomes (eg model law, legislative aide)	
Type of Project	Procedure under the ELI Project Guidelines
To tick a box, right click on the box, go to properties, under Default Value click checked then click ok.	
<input type="checkbox"/> Draft legislative proposal, model law/rule <input type="checkbox"/> Policy or statement of principles <input type="checkbox"/> Checklist <input type="checkbox"/> Position paper <input type="checkbox"/> Collaborative Project <input type="checkbox"/>	<input type="checkbox"/> Regular Procedure <input type="checkbox"/> Accelerated Procedure <input type="checkbox"/>
Timeframe	
Starting	Submission of final results
Funding	
<input type="checkbox"/> to be borne by the ELI directly: Euro <input type="checkbox"/> to be co-funded by the ELI and the European Commission (within the ELI Framework Partnership Agreement) Euro <input type="checkbox"/> to be secured from other sources with the support of the ELI: Euro Identity of proposed sources: <input type="checkbox"/> to be secured by the Reporters: Euro Identity of sources: <input type="checkbox"/> already secured by the Reporters: Euro Identity of sources:	

Subject Matter and Legal Background

Target Outcomes and Methodology

(In completing this section, please include how the project’s impact will be assessed, the prospective use of the outcome by and envisaged liaisons with competent authorities, key legal instruments relevant to the project (EU and/or otherwise); the existence of any pertinent developments that may affect the relevance of the proposed project and existing parallel activities to the proposed project and your relationship with them.)

Wider Social and Economic Benefit to be Derived from the Project

Detailed Timeline (to Include Timetable for Approval)

Measure	Scheduled Start	Scheduled Finish

Budget and Expenditure

(A detailed budget must be set out.)

Proposed Project Team

(Short CVs should be submitted. The proposed team must be diverse including in terms of vocation and legal traditions and gender.)

Name	Nationality and Place of Residence	Vocation and Current Place of Employment	Consented to Participate (Yes/No)
a) Reporters			



b) Further Members of the Project Team			

Suggestions for Members of Advisory Committee

(Short CVs should also be submitted. The proposed Committee must be diverse including in terms of vocation and legal traditions and gender.)

Name	Nationality and Place of Residence	Vocation and Current Place of Employment	Consented to Participate (Yes/No)

Annex II: Declaration of Adherence to the Guidelines and Assignment of IP Rights by Reporters and Other Members of the Project Team

I ... have read the project Guidelines made on 21 November 2018 (as amended). I declare that in accordance with paragraph (15) of the Guidelines that I will adhere to the Guidelines and to the values reflected in the ELI statute.

I declare in accordance with paragraph (17) of the Guidelines that I have no conflicts of interest other than, as I now declare, ...

I acknowledge that the rights to publication are those of ELI as set out in paragraphs (52) and (53) and that during the course of the project communication concerning the project will have to comply with the conditions set out in paragraphs (32) to (35).

I acknowledge that the following individuals will be the individuals listed as authors on the final ELI publication in accordance with paragraph 50:

I acknowledge that the following individuals will be the individuals listed as editors on the final ELI publication in accordance with paragraph 50:

I _____ confirm that authorship in the copyright sense corresponds with authorship as agreed for the publication. Insofar as I am an author, I assign, in accordance with paragraph (56) of the Guidelines, all and in every aspect comprehensive rights in all and any content provided to ELI whatever their legal nature may be according to the present or future state of the law, in particular all property and intellectual property rights. If and insofar as an assignment (full transfer of rights) is not possible, the authors shall grant ELI a comprehensive, unlimited right of use and exploitation of such content. This assignment/grant is exclusive, thus excluding any third party (even the authors). Therefore, ELI has in particular the irrevocable, exclusive and as to time, content and territory (worldwide) unrestricted rights to exploit all property and intellectual property rights in the content by any means, in particular the right to entire and/or partial exploitation, publication, reproduction, dissemination, processing, translation, modification, sending, intangible reproduction, making available to the public directly and/or indirectly and all other uses possible now or in the future (irrespective whether known today), for example in the internet or any other new media, during the full term of copyright and all renewals thereof. ELI is in particular also entitled to entirely or partly assign these rights to third parties and grant sublicenses respectively exclusive and non-exclusive rights to exploitation. The authors shall ensure that the content they provide does not infringe any copyrights, neighbouring rights or any other rights of third parties and shall hold ELI harmless in case that it does.

Unless expressly agreed otherwise, I agree as an author that the authors shall get no remuneration from ELI for their work or the assignment under paragraph (56). Where, however, ELI at its discretion decides to sell publications, the authors will receive half of the net proceeds insofar as ELI is editor in accordance with paragraph 50.

Annex III: Declaration of Adherence to the Guidelines by Members of the Advisory Committee

I ... have read the project Guidelines made on 21 November 2018 (as amended). I declare that in accordance with paragraph (18) of the Guidelines that I will adhere to the Guidelines and to the values reflected in the ELI statute.

I declare in accordance with paragraphs (17) and (15) and of the Guidelines that I have no conflicts of interest other than, as I now declare,

I acknowledge that the rights to publication are those of ELI as set out in paragraphs (52) and (53) and that during the course of the project communication concerning the project will have to comply with the conditions set out in paragraphs (32) to (35).

Furthermore, I hereby declare that:

- As an Advisor, I will assist the ELI in achieving the best results possible. I will read and consider materials submitted to me, including the Council Draft, and submit a signed evaluation report on the Council Draft in accordance with paragraph 38 of these Guidelines, using the form at Annex IV to the Guidelines.
- I will not cite directly from or circulate internal drafts or background materials that have been made available to me in my capacity as member of the Advisory Committee unless with the permission of the Reporters;
- I will make due reference to any ideas I have taken from drafts or any background materials made available to me in my capacity as member of the Advisory Committee in accordance with the principles of good scientific/academic practice; and
- I will not deliberately withhold criticism of the project or its results. I will only publish such criticism after I have previously submitted this criticism to the Reporters in writing (with a copy to the Executive Committee) and given them a fair opportunity to take the criticism on board.



I feel that my/the AC's/the MCC's contributions were dealt with in an appropriate manner.

I feel that my/the AC's/the MCC's contributions should have been dealt with differently:
(Please explain)

II. Evaluation of Council Draft

I have read the Council Draft in its entirety and thoroughly considered all its content and results.

I have read the core results of the Council Draft (eg Executive Summary and blackletter of rules/recommendations) and have thoroughly considered them.
(Please specify the parts you have evaluated and give reasons why you have restricted yourself to those parts.)

I have not read and/or considered the Council Draft.

(Please give reasons, eg long and enduring sickness. Note that, by accepting to be a member of the Project Team, Advisor or MCC Chair, you confirm that you are prepared to read and evaluate the project's outcomes.)

As far as I have read and considered the Council Draft (see my statement above)

(Please be as specific as possible. If necessary attach a separate document.)

I fully support what is said and recommend that the relevant ELI bodies approve the outcome.

I support what is said, and recommend that the relevant ELI bodies approve the outcome, but would like to submit the following recommendations:

I support in principle what has been achieved so far, but do not recommend that the relevant ELI bodies approve the outcome as final yet. Rather, it should be remitted to the Reporters with the following requests:

I have serious reservations about what has been done so far, and recommend that the relevant ELI bodies reconsider the whole project or its design, for the following reasons:



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LAW
INSTITUTE

Annex V: Evaluation of Council Draft by Assessors

Note: The use of this form by Assessors appointed under paragraph 16 of the Project Guidelines is optional, but the Assessors' report should, at least, cover the issues addressed in this form. Assessors will ordinarily be expected to explain their Report at a Council meeting. The report will be submitted to the Executive Committee and the Council and may be forwarded in anonymised form, eg after deleting the information in the box below, to the Project Reporters. If you would like the report to be treated as strictly confidential please contact the ELI Secretariat for options.

ELI project: Council Draft dated

Name of Assessor: Appointed (MM/YY):

Council Draft submitted to me on by

I herewith confirm that I have read the Council Draft in its entirety and thoroughly considered all its content and results.

I herewith confirm that the information provided by me in this report is, to the best of my knowledge, true and correct.

..... ,
(Place) (Date)

.....
(Signature)

I. Involvement of the ELI Council in General and of the Assessor

Since the project was adopted as an ELI project, the ELI Council has been involved as follows:

(Please provide details as to the dates, form and results of involvement, eg 'submission of written progress report/full draft comprising ... on ... and resulting in'. Try to be as specific as possible.)

In my capacity as Assessor, I have taken the following steps to monitor and/or support the progress of the project:

(Please provide details as to the dates, form and results of your activities, eg 'oral discussion with the Reporters on concerning and resulting in'. Try to be as specific as possible.)

I feel that the Reporters cooperated with me/the Council in an appropriate manner.

I feel that the Reporters could have cooperated better/differently: *(Please explain)*

II. Evaluation of Council Draft

Comparing the Council Draft with existing flagship ELI work, as well as with the work of leading institutions and organisations worldwide, I would rate the Council Draft as follows:

	Top 5 %	Top 20 %	Top 50%	below average
Originality and quality of project design				
Persuasiveness of project results				
Innovative strength/originality of project results				
Compliance with art 3 of the ELI Statute				
Added value for Europe and globally				
Technical quality/quality of execution				
Excellence of individuals/organisations involved				

Remarks:

In my capacity as Assessor, I give the following recommendation to the relevant ELI bodies:

(Please be as specific as possible. If necessary attach a separate document.)

- I recommend that the relevant ELI bodies approve the outcome as submitted.
- I recommend that the relevant ELI bodies approve the outcome, but would like to submit the following recommendations/suggest that the ELI bodies consider the following questions:
- I do not recommend that the relevant ELI bodies approve the outcome as final yet, but suggest that it should be remitted to the Reporters with the following requests/that the ELI bodies address the following questions:
- I recommend that the relevant ELI bodies reconsider the whole project or its design, for the following reasons: