



ELI  
EUROPEAN  
LAW  
INSTITUTE



# 2013 ELI Projects Conference

5 September 2013, Vienna City Hall (1010 Vienna, Austria)

[Register](#)

[Website](#)

**8:00–9:00**

Registration (for non-members of the ELI a fee of 80 € applies)

**9:00–10:00**

Opening addresses:

**Bénédicte Fauvarque-Cosson**, Vice-President of the ELI

**Beatrix Karl**, Minister of Justice of the Republic of Austria

**Viviane Reding**, Vice-President of the European Commission,

EU Commissioner for Justice, Fundamental Rights and Citizenship [video message]

**10:00–13:00**

*Project session I*

*Statement on the Proposal for a Regulation on a  
Common European Sales Law*

**Chair: Sir John Thomas**

Chair of the ELI CESL Working Group,  
President of the Queen's Bench Division of the  
High Court of Justice of England and Wales

**Luigi Berlinguer**

Member of the European Parliament, Co-rapporteur  
to the European Parliament Legal Affairs Committee  
on the Common European Sales Law

**Dirk Staudenmayer**

Head of Unit A2 – Contract Law, DG Justice,  
European Commission

**Christiane Wendehorst**

Member of the ELI CESL Working Group,  
Professor of law, University of Vienna

**11:15–11:45**

**Coffee break**

**Chair: Friedrich Graf von Westphalen**

Member of the ELI CESL Advisory Committee,  
Attorney, Honorary Professor of law,  
University of Bielefeld

**Léon Mölenberg**

Senior Policy Consultant - Counsellor at  
Thuiswinkel Organisation, NL

**Ursula Pachtl**

Deputy Director General,  
The European Consumer Organisation (BEUC)

**Michael Patchett-Joyce**

Barrister, International commercial arbitrator,  
Mediator, UK

**13:00–14:00**

**Lunch buffet**

**Part I: The ELI Statement and its 'Toolbox Approach'  
– a preliminary assessment**

In 2012, the ELI adopted and published a Statement examining the Proposal for a Common European Sales Law (CESL), COM(2011) 635 final, in the light of the European Commission's policy objectives. The ELI Working Group has refrained from commenting on the major political choices made and accepted them as given. It critically examined the CESL and made a number of practical recommendations with the intention of maximising the Instrument's practical utility. The Statement also set out concrete proposals for amendments and arranged them in a comprehensive format as a full redraft of the CESL in order to demonstrate how the proposals might work in context. The redraft is, however, not intended to be an alternative, competing, text to the CESL, but rather a range of options for revision that any interested party might wish to draw on. The panel, featuring representatives of the European Commission, the European Parliament and the members of the ELI Working Group, will focus on the approach taken by the ELI in this Statement.

**Part II: Reactions to current developments  
– a new focus on e-commerce and digital content**

Since the publication of the ELI Statement on the CESL Proposal in September 2012, lively discussions on this topic have continued throughout Europe. It has become clear that the scope of the proposal might be restricted to distance contracts, in particular those concluded online. Consequently, the issues of digital content and cloud computing should receive more attention. This panel debate with stakeholder representatives will highlight some of the ELI Working Group's key findings concerning the CESL's application to online transactions and will invite participants to share their views on some of the complex issues that have emerged in this respect. What will be necessary in order to make this an Instrument specifically designed and truly attractive for e-commerce? How should the scope of a sales laws instrument be defined if it is to play a major role for the marketing of digital products? Where should the dividing line between sales and services be drawn? What rights should be included in the notion of 'digital ownership'?

14:00–15:30

## *Project session II* *Statement on the European Foundation Statute*

**Chair: Martin Schauer**

ELI Project Leader,  
Professor of law, University of Vienna

**Corrado Malberti**

Member of the ELI Project Team, Associate  
Professor of law, University of Luxembourg,  
Notary in Milan, IT

**Ward Möhlmann**

DG Internal Market and Services,  
European Commission

**Evelyn Regner**

Member of the European Parliament, Rapporteur  
to the European Parliament Legal Affairs  
Committee on the European Foundation Statute

**Hanna Surmatz**

Member of the ELI Advisory Committee,  
Legal Counsel, European Foundations Centre

In 2012, the ELI set up a Working Group for a Statement on the Commission's Proposal for a Council Regulation on the Statute for a European Foundation (FE), COM(2012) 35 final. If adopted, this instrument will create the first supranational legal form for the non-profit sector. The ELI Working Group has been assessing the Proposal and making suggestions for its further development and improvement. Such suggestions, many of which take the form of concrete draft amendments, mainly aim to increase the level of legal certainty and to enhance the instrument's practical utility. The work has been carried out under pressing time constraints and has not yet been finalised. This panel session poses an opportunity to discuss the preliminary results submitted by the Working Group with members of the project team and advisory committee, as well as with representatives of the European Commission and European Parliament who are involved in the work on the FE Proposal at a political level.

15:30–15:45

**Coffee break**

15:45–17:15

## *Project session III* *Towards Restatement and Best Practices Guidelines on EU Administrative Procedural Law*

**Chair: Jens-Peter Schneider**

ELI Project Reporter,  
Professor of law, University of Freiburg

**Ian Harden**

Secretary-General of the European Ombudsman

**Herwig Hofmann**

ELI Project Reporter, Professor of law,  
University of Luxembourg

**María José Martínez Iglesias**

Adviser, Office of the President of the European  
Parliament, Bureau/Conference of Presidents,  
Legal and Institutional Affairs

**Laura Pignataro**

Legal Adviser in the European Commission's  
Legal Service

**Jacques Ziller**

ELI Project Reporter, Professor of law,  
University of Pavia

**Joint project with ReNEUAL**

The aim of the project is to produce draft model rules in the field of European administrative procedural law. Such rules are not only intended to restate and simplify the current patchwork of legislation and case law but also to propose best practices or even innovative solutions for unsolved problems of EU administrative law. These problems result especially from the increasingly integrated procedural structures for the implementation of Union law – often described as shared implementation through composite procedures in contrast to the traditional model of clearly separated modes of either direct implementation by EU bodies or of indirect implementation by national authorities. The panel session will focus on the tentative drafts which are already available, paying particular attention to the general provisions and scope of application, rule-making, single case decision-making, and contracts. The project reporters will debate the drafts with the audience as well as representatives from the European Commission, the European Parliament and the European Ombudsman. This project is a cooperative venture between the ELI and the Research Network on EU Administrative Law (ReNEUAL).



**ELI Secretariat**  
Schottenring 14, 1010 Vienna, Austria  
T +43-1-4277 221 01  
F +43-1-4277 922 1  
[www.europeanlawinstitute.eu](http://www.europeanlawinstitute.eu)  
[secretariat@europeanlawinstitute.eu](mailto:secretariat@europeanlawinstitute.eu)