



ELI

EUROPEAN
LAW
INSTITUTE

ELI Updates July-August 2014

GREETINGS FROM HARRIET LANSING, PRESIDENT OF THE UNIFORM LAW COMMISSION



Dear ELI Members and Friends of the ELI:

I am very pleased to address you on behalf of the Uniform Law Commission (ULC), and to introduce you to the work of the ULC. We recognize the work of the ELI to enhance the European legal integration with due account for Europe's various legal traditions and to study and stimulate European legal development in a global context. And we salute the considerable progress that the ELI is making through projects aimed at producing results which can be of immediate practical utility. Like the ELI, the ULC aims to improve the quality of law and the coherent legal interaction of our state and federal system through extensive research on legislative issues and specific proposed legislation. Founded in 1892, the ULC is the oldest law reform institution in America. Through a participatory deliberative drafting process engaging public and private stakeholders, the ULC has drafted and presented more than 200 uniform and model acts to the states for enactment, including the Uniform Commercial Code, Uniform Probate Code, Uniform Trust Code, Uniform Trade Secrets Act, and Uniform Partnership and Limited Partnership Acts. The ULC's major asset is its commissioners – more than 350 excellent legal minds who are outstanding representatives of their profession – practicing attorneys, state and federal judges, law school deans and professors, legislators, and government practitioners. These Commissioners, who do their ULC work pro bono, are appointed from each state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

The ULC provides a forum in which legal experts can study current issues and, when appropriate, draft uniform acts for state legislatures to consider. The ULC's study and drafting committees operate through an open process that draws on the expertise of commissioners, subject-matter experts, and advisors and observers representing the views of interested organizations. Drafts of each act are then read, line-by-line, on the floor during successive annual meetings, and all of the assembled commissioners are permitted to comment and propose amendments. The ULC then seeks to have its approved uniform acts adopted in each state. In this way the ULC provides states with carefully crafted legislation that states may not have the time or financial ability to develop on their own. Through this process, the ULC also strengthens the federal system by providing state, rather than federal, legislation in areas of the law that require uniformity, but are traditionally areas of state responsibility.

The ULC has significantly strengthened state laws governing commercial law, real property, trusts and estates, family law, and unincorporated business entities. Through uniformity, businesses and individuals are assured that predictable, consistent laws will govern transactions that affect the most important aspects of their lives. Uniformity of law also facilitates business operations and family movement from state to state.

At our ULC Annual Meeting in Seattle, Washington, in July, we were particularly pleased to welcome Sjef van Erp, ELI Executive Committee Member and Chair of ELI's International Relations Committee. On Monday morning, July 14, he addressed the full conference, outlining the mission and current and past activities of the ELI. He also joined our other International representatives at a breakfast meeting and an open-discussion dinner. We look forward to an evolving cooperative relationship between the ELI and the ULC as we pursue our common interests.

Information about the ULC and our existing uniform acts, current drafting projects, and up-to-date legislative information is available at the ULC's website: www.uniformlaws.org.

On behalf of the ULC, all our best wishes for your future work and the continuing impact of ELI's projects.

Best wishes,
Harriet Lansing, President of the Uniform Law Commission

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2014 Projects Conference and General Assembly

24-26 September, Zagreb

Still undecided about attending the Conference and GA? Here are ten reasons why you should!

1) ENGAGE IN DIVERSE LEGAL TOPICS

After a successful 2013 Projects Conference, the ELI is looking forward to discussions on new and fascinating topics. The panel sessions will cover collective redress and competition damages claims, the future of human rights litigation in Europe, and finally a discussion on future projects and increased involvement of practitioners. In addition to the panel sessions, there will be progress reports on ELI projects in the areas of insolvency law, EU copyrights, civil procedure and criminal law.

2) GET INVOLVED IN ONE OF EUROPE'S BIGGEST NETWORKS OF LEGAL PROFESSIONALS



Ban Jelačić Square © Zagreb Tourist Board

Each year the General Assembly and Projects Conference attract experts from all over Europe and beyond. Renowned legal professionals will gather on 24, 25 and 26 September to discuss ways of improving the law in Europe. Join a wide network of academics, lawyers, judges, government officials, notaries, regulators, arbitrators, diplomats and many more.

3) HAVE DISCUSSIONS WITH PROMINENT LEGAL EXPERTS

President Diana Wallis, Vice President Christiane Wendehorst and Council member Mark Clough will each lead one panel session. These sessions are a chance to make your voice heard and to discuss current issues with leading experts in their respective fields. Panellists will include, amongst others, representatives from the Court of Justice of the European Union, the European Court of Human Rights, several Supreme Courts and the European Commission. At the General Assembly a keynote speech will be given by Hubert Legal, Legal Adviser to the European Council and Director-General of the Council Legal Service, and closing remarks will be provided by Pavel Svoboda, Chair of the Legal Affairs Committee of the European Parliament.

4) WITNESS THE GROWING PRESENCE OF INSTITUTIONAL OBSERVERS

One of the three panel sessions will be entirely dedicated to a debate between representatives of ELI Institutional Observers: the European Network of Councils for the Judiciary, the Network of the Presidents of the Supreme Judicial Courts of the European Union, the European Land Registry Association, the Council of the Notariats of the European Union, the International Union of Judicial Officers and the Council of the Bars and Law Societies of the European Union. The focus of this panel will be twofold; its participants presenting initial ideas for future ELI projects, and also commenting on how to secure and increase the involvement of practitioners and judges in ELI endeavours.

5) CROATIAN MINISTER OF JUSTICE ORSAT MILJENIĆ TO OPEN THE EVENT

Minister of Justice Orsat Miljenić obtained his law degree from the University of Zagreb followed by an LL.M. at the Central European University in Budapest. He was appointed Minister of Justice in December 2011. Minister Miljenić will, together with Hrvoje Sikirić, the Dean of the Law Faculty of the University of Zagreb, Aleksa Bjeliš, the Rector of the University of Zagreb, and ELI President Diana Wallis, welcome the guests at the opening ceremony taking place in the evening of 24 September.

6) INFLUENCE THE FUTURE DIRECTION OF THE ELI

On 26 September, the General Assembly will provide members with the opportunity to help chart the future directions of the ELI. The meeting will discuss progress reports concerning the Institute and will deal with matters such as approving the accounts and budget as well as the future challenges of the Institute.



7) ENJOY THE STUNNING SURROUNDINGS OF THE CROATIAN STATE ARCHIVES

The venue for both the Projects Conference and General Assembly will be the Croatian State Archives, a spectacular art nouveau building in the centre of Zagreb which celebrated its centenary last year. This year's events will be hosted by the Law Faculty of the University of Zagreb, the biggest and oldest university in Southeastern Europe.

BOOK NOW!

8) ENJOY PROFESSIONAL AND SOCIAL EVENTS FREE OF CHARGE

ELI membership allows you to attend the following events free of charge:

- Opening Ceremony and Reception
- Projects Conference and Conference Dinner
- Members Consultative Committee (MCC) meetings
- General Assembly
- Launch of the Croatian Hub (in Croatian)

Non-members are welcome to attend the opening ceremony and reception, the Projects Conference and conference dinner for a fee of € 80. Information on how to become an ELI member is available [here](#).

A dinner at a traditional Croatian restaurant has been scheduled for 20:00 on 26 September. For this event a fee of € 30 applies to all attendees.

9) BENEFIT FROM EXCLUSIVE HOTEL DEALS

Exclusive deals for ELI conference participants have been arranged with four hotels in Zagreb. All of the hotels (The Westin Zagreb, Hotel International, Hotel Jadran and Hotel Panorama) are conveniently located in the city centre, within easy reach of the conference venues.

10) EXPLORE THE BEAUTY OF CROATIA!

Discover the fascinating culture, delicious food and beautiful weather of the newest EU Member State. We look forward to seeing you at the ELI 2014 Projects Conference and General Assembly!

AGENDA

CLICK TO REGISTER!

EVENT WEBSITE

CHANGE TO AGENDA

Due to unforeseen circumstances President of the Republic of Croatia, Ivo Josipović, is no longer able to deliver a keynote address at the Projects Conference as announced. Instead we are pleased to welcome **Vito Turšić, Chief of Staff of the Office of the President**. Vito Turšić is a law graduate of the Faculty of Law, University of Zagreb and has held his current position since 1 February 2012.

UNABLE TO ATTEND?

If you are unable to be at the General Assembly in person you may like to nominate a **proxy** to vote on your behalf. In order to do this, it is necessary for both **you and your proxy to email the [Secretariat](#) by 17 September 2014**.

Sponsoring the Projects Conference and General Assembly 2014

This year the ELI Secretariat has been able to count on the support of the Law Faculty of the University of Zagreb in making preparations for the Projects Conference and General Assembly. Members of the Faculty, in particular Dean Hrvoje Sikirić, Vice-Dean Marko Baretić, and Professor Tatjana Josipović, are providing valuable support in organising the venues and logistics of the two-day event. The Faculty will also provide staff to help run the Conference.



Exclusive Sponsors of the Conference Dinner at Gradska Kavana:

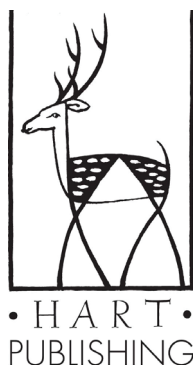


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NEW PUBLICATION: 1st Supplement to the CESL Statement approved by the Council

In its decision of 31 July 2014, the ELI Council approved the *1st Supplement to the Statement on the Proposal for a Regulation on a Common European Sales Law*.

In 2011 the ELI Council identified the European Commission's work on a proposed European contract law optional instrument as worthy of a reaction on the part of the ELI. Consequently, an ELI working group, under the chairmanship of Lord John Thomas, prepared a first Statement, which was published in September 2012. The 2012 Statement refrained from taking any position concerning the necessity or desirability of a Common European Sales Law (CESL) as such, but rather focussed on suggesting amendments that were intended to enhance the coherence and practical utility of the instrument, for the benefit of both consumers and businesses. The 2012 Statement included a full re-draft of the Commission proposal, which was, however, not to be taken as a competing draft, but rather as a 'toolbox' of potential inspirations for the European institutions and other interested parties.

Both the methodological approach taken by the ELI working group and the practical solutions suggested were received very positively by the European institutions, and Lord John Thomas, Christiane Wendehorst and John Sorabji were repeatedly invited to present and discuss their findings at the European Commission and the European Parliament. This positive reaction was underlined by the Report of the European Parliament's Committee on Legal Affairs (JURI) of 24 September 2013, which took on board many ideas suggested by the ELI, as did the final European Parliament's Legislative Resolution of 26 February 2014.

In order to take account of more recent political developments and discussions, in particular the aforementioned EP documents and preceding drafts, the working group resumed its work. The first draft results were presented in September 2013 in Vienna, where they were debated with ELI members and representatives of the European institutions. Taking account of the feedback received, as well as further comments from ELI Fellows and Council members, the members of the working group finalised their work.

The approved 1st Supplement to the CESL Statement was drafted as a reaction to the EP's Legislative Resolution of 26 February 2014 and deals largely with the suggested limitation of the CESL's scope to distance contracts and the implications following

from it, such as matters of language, means of distance communication as well as legal issues concerning cloud computing and digital content. Like the original 2012 Statement, the 2014 Supplement includes a full-redraft of the Commission proposal, which has been prepared on the basis of the re-draft attached to the 2012 Statement but takes on board suggestions received and other progress made in the meantime. The numbering of Articles differs from the numbering of the 2012 re-draft, in particular as the limitation to distance contracts implied deletion of rules specifically relating to other contracts.

The full text of the 1st Supplement can be found in the [publications section](#) of the ELI website. If you have questions concerning the document, including its relationship with the 2012 Statement, do not hesitate to contact [Christiane Wendehorst](#).



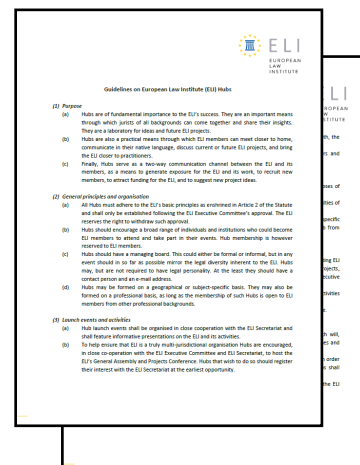
The CESL project is discussed during two panel sessions at the 2013 Projects Conference in Vienna © Natali Glisic

ELI Hub Guidelines in Place

The Guidelines on ELI hubs were adopted on 18 July 2014, in accordance with Article 3 of the Statute. These Guidelines provide a detailed account outlining the purpose of hubs, their general principles and information on how to establish an ELI hub.

The Guidelines highlight that hubs may be formed on a geographical, subject-specific or professional basis, as long as the membership of such hubs is open to ELI members from other professional backgrounds. The Guidelines further stress that there should be frequent communication between hubs and the ELI Secretariat, in order to ensure hubs are properly integrated into the ELI.

The fact that hubs are an important means through which jurists of all backgrounds can come together and share ideas is a key focus of the Guidelines and is one of the main reasons why the ELI would like to encourage the creation of new hubs. If you are interested in setting up a hub in your country, please do not hesitate to contact the [ELI Secretariat](#).



Irish Hub Event

The Irish Society for European Law (ISEL) and the ELI Irish Hub hosted a seminar at European Union House in Dublin on 3 July 2014. The event focused on recent legal developments in Private Enforcement of Competition Law and was chaired by ELI Council member the Hon. Mr. Justice Paul Gilligan. The event also featured two prominent experts in the field: Mark Clough QC, specialist EU and competition lawyer and member of the ELI Council, and Helena Penovski, from the European Commission, DG Competition.

During the seminar, the two experts analysed the new developments incorporated by the Directive on competition damages claims and those aspects of the new legal framework that could be revised in the near future. Mark Clough, who chairs the ELI project on Collective Redress and Competition Damages Claims, reported to the audience on the ELI Statement on Collective Redress and Competition Damages Claims, which is now in its final stages and will be submitted to the ELI bodies for approval in the near future.

Mark Clough completed his Irish tour with another event devoted to the same topic at the Sutherland School of Law, University College Dublin. After participating in both events he expressed his satisfaction with the result of the meetings: "I congratulate the ELI Irish Hub, the Irish Society for European law as well as the Sutherland School of Law at UCD on organising two successful events in Dublin where such interesting discussions took place on ELI's work on competition law damages and collective redress".



Mark Clough, Paul Gilligan, Helena Penovski

Croatian Hub Launch

The Croatian Hub will be launched on 26 September 2014, the last day of the ELI's Projects Conference and General Assembly meeting in Zagreb. The event will be hosted at the local European Commission Representation building where the guests will be welcomed by Branko Baričević, Head of the European Commission Representation in the Republic of Croatia.

Mr. Baričević's welcome address will be followed by a presentation about the ELI delivered by President Diana Wallis. This presentation will focus on "The importance of the ELI for the development of European law".

Subsequently, a panel discussion on "The Croatian legal system and judiciary one year after accession to the EU" will take place. The discussion (in Croatian) will be moderated by Tatjana Josipović, professor at the Faculty of Law of the University of Zagreb and First Lady of Croatia. Some of Croatia's most known and most influential lawyers are invited as panellists:

- Jasna Omejec, President of the Constitutional Court of the Republic of Croatia
- Branko Hrvatín, LLB, President of the Supreme Court of the Republic of Croatia
- Jakša Barbić, Vice-President of the Croatian Academy of Sciences and Art and President of the Croatian Alliance of Societies of Corporate lawyers
- Robert Travaš, President of the Croatian Bar Association
- Denis Krajcar, President of the Committee for International Cooperation of the Croatian Notaries Chamber

The event will provide a chance to review and consider Croatia's relationship with the EU and the future role of the ELI within the Croatian (legal) community. Since the event will be attended by professors, judges, attorneys and notaries, it will contribute to the achievement one of the ELI's central aims: bringing together lawyers with different backgrounds in order to discuss and contribute to the development of European law. And that is exactly the future goal of the Croatian Hub, bringing together different legal participants in order to be more effective in influencing EU law developments both at home and in Brussels and Luxembourg.

The detailed agenda for the event is available [here](#). All presentations, except the ELI presentation held by Diana Wallis, will be held in Croatian. If you wish to attend the Croatian Hub launch, please register by sending an email to: secretariat@europeanlawinstitute.eu.

The launch of the Croatian Hub in September will bring the current total of ELI hubs to seven. We hope that ELI Members will be inspired by the activities of hubs in Austria, France, Germany, Ireland, Slovenia, the UK and soon Croatia and consider starting such initiatives in their own regions. A page on hubs has been added to the ELI website, so please check it regularly to see what is happening in your region!



ELI Present at IACL Conference in Vienna

Attended by legal experts from around the world, the International Congress of Comparative Law (IACL) was held at the Faculty of Law of the University of Vienna from 20-26 July 2014. Many prominent ELI Fellows and Council members played an active role in the proceedings either as chairs of sessions, speakers or national reporters.

ELI Vice-President Christiane Wendehorst, Executive Committee member Sjef Van Erp and Council members Bénédicte Fauvarque-Cosson and Miklós Király all chaired sessions as part of the conference. In addition, ELI Council members Verica Trstenjak, George Bermann and Olga Cvejić Jančić spoke at the event. Other ELI Fellows also participated as speakers, such as Axel Metzger, reporter of the ELI Statement on EU Copyright Rules, who talked about “License contracts, free software and creative commons”.

On the final day of the conference, Christiane Wendehorst and Sjef van Erp jointly delivered a presentation which outlined the mission and activities of the ELI. The presentation provided a great opportunity to highlight the added value of ELI projects through the validation of project results by a diversified body of legal experts and to inform the audience about the impact that ELI projects have had so far.

Representatives of the ELI Secretariat were also present to answer questions from the highly interested participants regarding membership, projects, general ELI activities and the upcoming Projects Conference and General Assembly.



New Institutional Observers

The ELI continues to attract the attention of eminent organisations, academic bodies and law firms, many of whom seek to become Institutional Observers. This summer the ELI is delighted to announce its first Institutional Observer from Turkey, the Faculty of Law of Izmir University of Economics. More information about the Faculty, as well as details of all the ELI’s Institutional Observers can be found on the ELI [website](#). We are pleased that representatives from many Institutional Observers will be coming to Zagreb.



İZMİR UNIVERSITY OF ECONOMICS
FACULTY OF LAW

Izmir University of Economics aims to equip students with leadership attributes, entrepreneurial capabilities, critical thinking skills and the ability to contribute valuable research in a variety of sciences. To achieve this goal, the institution stresses four principles: participation, innovation, social responsibility and perfectionism. The University also values international cooperation and has a total of 127 Erasmus agreements with universities abroad.

EU Cross-Border Insolvency Court-to-Court Cooperation Principles and Guidelines

The JudgeCo Project, although not an ELI project, is likely to attract ELI Members who are involved or interested in the [ELI Business Rescue project](#), in particular judges. The project evaluated some of the issues which are currently being assessed by ELI National Correspondents within the ELI Business Rescue project, i.e. the governance and supervision of a rescue. It is run by Professors Paul Omar (Nottingham) and Bob Wessels (Leiden), who is also one of the reporters for the ELI project, assisted by a group of some forty insolvency experts.

The aim of the JudgeCo project was to develop non-binding Principles and Guidelines for cross-border communication and cooperation in insolvency cases between courts in the EU. In July, the Final Public Draft of the Principles and Guidelines was published and is now open for consultation. More information and documents are available [here](#). Comments are welcome by **15 October 2014** and should be sent to: judgeco@law.leidenuniv.nl.

Judicial Training Sessions

As of October 2014 two-day training sessions will be taking place in several cities across Europe (amongst others in Amsterdam and Warsaw), open to judges deciding on matters of insolvency. These training sessions will enable judges to test the EU Cross-Border Insolvency Court-to-Court Cooperation Principles and Guidelines and provide comments as to their usefulness in practice.

The travel and accommodation costs of accepted participants will be covered by the project. More information is available [here](#). To express your interest send an email to judgeco@law.leidenuniv.nl.

Institute for European Tort Law seeks new Director


The Austrian Academy of Sciences (ÖAW) is seeking to fill the vacant position of Director of the Institute for European Tort Law.

The Institute for European Tort Law (ETL) conducts comparative legal research in the field of tort law in Europe also with regard to other legal systems. This research programme aims to contribute to the enhancement and harmonisation of tort law in Europe through the framework provided by the Principles of European Tort Law (PETL) and related research, and in particular to provide a principled basis for rationalisation and innovation on national and EU level.

More information about the position can be found [here](#).

Closing date for applications is **1 October 2014**.

Any questions related to this position should be directed to Dr. Alexander Nagler by phone +43 1 51581 1272 or email: alexander.nagler@oeaw.ac.at.



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DIRECTOR OF THE INSTITUTE FOR EUROPEAN TORT LAW (ETL)

The Institute for European Tort Law (ETL) conducts comparative legal research in the field of tort law in Europe also with regard to other legal systems. This research programme aims to contribute to the enhancement and harmonisation of tort law in Europe through the framework provided by the Principles of European Tort Law (PETL) and related research, and in particular to provide a principled basis for rationalisation and innovation on national and EU level.

The director's responsibilities include:

- leading and coordinating the scientific and administrative duties related to the research projects undertaken within the Institute
- supervising and editing the publications of the Institute
- conducting original comparative legal research in the Institute's sphere of activity
- attending national and international conferences

The profile of this position requires:

- background in academic research activities with internationally demonstrated research profile (habilitation or equivalent qualification)
- research focus on tort law and comparative legal research with relevant publications in these fields
- integration in national and international research networks
- experience in cooperation and management of international projects and experience in raising third-party funds
- commitment to teamwork
- excellent knowledge of the English language

This position is initially limited for a period of five years but can be extended after positive scientific evaluation. Place of employment is Vienna. In an attempt to increase the share of women in academic leadership positions, the ÖAW especially invites female candidates to apply for the present position.

A competitive salary is offered for this position.

Candidates are requested to send a cover letter including the standard documents such as CV, list of publications with reprints of the five key publications, short description of the current and/or future research activities, as well as an outlook on the potential scientific development of the Institute to the following address:

Vice President
 Doz. Dr. Michael ALRAM
 Dr. Ignaz Seipel-Platz 2
 1010 Vienna
 AUSTRIA
vicepraesident@oeaw.ac.at

Closing date for applications is October 1, 2014.

Any questions related to this position should be directed to Dr. Alexander Nagler by phone +43/1/51581/1272 or mail: alexander.nagler@oeaw.ac.at.

Diana Wallis to lecture in Vannes, France

President Diana Wallis will be giving a short series of lectures at the University of South Brittany, Vannes, from 8-12 September 2014. The event is taking place as part of an academic exchange between the University of Hull and the University of South Brittany. Diana is a Senior Fellow of the University of Hull, which is an Institutional Observer of the ELI. The lecture series will provide an opportunity to introduce the ELI to the local audience.

Conference Brochure now available!

The brochure for the upcoming conference and General Assembly is [now online](#). It features full descriptions of the panel sessions as well as information about all the speakers, reporters and panellists at the conference. A provisional agenda for the General Assembly is also included. Please fee free pass on the brochure to your colleagues and acquaintances.




2014 Projects Conference and General Assembly
24-26 September 2014



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Building on the wealth of diverse legal traditions, the European Law Institute's mission is the quest for better law-making in Europe and the enhancement of European legal integration. By its endeavours, the ELI seeks to contribute to the formation of a more vigorous European legal community, integrating the achievements of the various legal cultures, endorsing the value of comparative knowledge, and taking a genuinely pan-European perspective.