



## Message from Antonio Tajani

President of the European Parliament

Dear ELI Members and Friends

It is a great pleasure to address you in this edition of the European Law Institute's (ELI) Newsletter.

The expansion of the European law acquis, in particular in the field of civil law, must be backed up with in-depth analysis by the legal community. This is why, as co-legislator, the European Parliament welcomes the contributions of the ELI during the legislative process – be it through publications or active participation in parliamentary hearings or workshops.

Your practical guidance builds on the input from a variety of legal experts with different legal traditions. In a sense, this is also true for the Members of the European Parliament who, through their background, enrich discussions at a European level. This wide-ranging legal and political experience will warrant the success of European legal integration.

We must now continue our success story by adapting the legal framework to technological developments. The European Parliament is at the forefront when it comes to building a Digital Single Market. During this transitional period, informed legal advice is needed more than ever. This is why the European Parliament appreciated, for instance, the ELI's statement on the proposed Directive on the supply of digital content. I hope that we will soon be able to agree with the Council on a final text which will enhance consumer protection in the digital era.



Of course, a lot more work lies ahead of us. We must, amongst others, modernise our copyright rules, a subject you have also commented on. Furthermore, we have to ensure that online platforms are not operating outside the legal framework. I am very much looking forward to the ELI's contribution to the ongoing discussions on how to best regulate those internet platforms.

A few months ago, I had the opportunity to experience a facet of your Institute's work during a visit to the University of Vienna you co-organised for a European Parliament delegation. With this visit in mind and gauging the projects ahead of us, I am convinced that the European Parliament and the ELI will continue their collaboration in the future.

Greetings from Antonio Tajani

**As co-legislator, the European Parliament welcomes the contributions of the ELI during the legislative process – be it through publications or active participation in parliamentary hearings or workshops.**

*Antonio Tajani*



# ELI

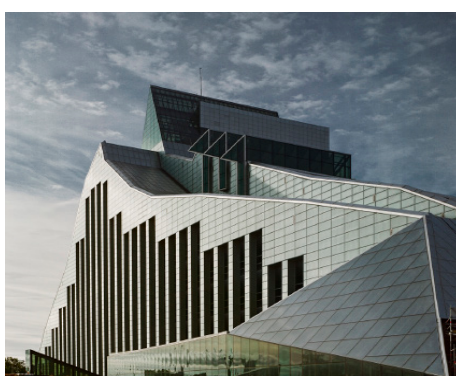
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# The ELI in Riga

The 2018 ELI Annual Conference and General Assembly took place in Riga from 5–7 September 2018. It was hosted by the Ministry of Justice, the Court Administration and the University of Latvia, with the support of the University of Vienna and the European Union. The agenda and Conference Brochure are available [here](#).

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# Shaping the ELI's Future Course: Autumn Council Meeting

**Elected by the General Assembly from among the Fellows, the ELI's Council adequately represents different legal traditions, disciplines and professions. At the 2018 ELI Annual Conference and General Assembly in Riga, the Council took important decisions on the ELI future course and on its projects.**

## Decisions on ELI Projects

Projects are the ELI's main forum in its bid to improve law in Europe. In Riga, the Council made several important decisions including the approval of Advisory Committees of the On-line Intermediary Platforms, ALI-ELI Principles for a Data Economy and Common Constitutional Traditions in Europe projects. All advisors are specialists of outstanding reputation in their respective fields and are tasked to support the work of the project team. In a further decision taken by the Council, Mario Comba was appointed as a third Reporter of the 'Common Constitutional Traditions in Europe' project.

As several ELI projects are drawing to

an end, the approval of the start of the 'Blockchains and Smart Contracts' project will ensure that the ELI is at the forefront of regulating technological development in the field. Headed by ELI Vice President Sjef van Erp and Juliette Sénéchal, the project aims at providing policymakers, legislators, but also legal practitioners with a legislative guide, a toolbox on how to approach questions in this increasingly important field. On pages 8–9 Peteris Zilgalvis from the European Commission tells us more about blockchains.

## Self-Evaluation Report

Under the ELI Statute, the association's activities, including its projects, shall be subject to a periodic self-evaluation. ELI Executive Committee

member Lord John Thomas was tasked to take the lead on evaluating the ELI. The ELI is immensely grateful for his constructive report. Among other things, Lord Thomas observes in his report that 'it is evident that [ELI Projects] have had an impact on some legislative proposals and have had an influence in the development of policy.'

## New Member of the Membership Committee

The ELI wishes to welcome [Pascal Pichonnaz](#) as the latest member of the Membership Committee. Based at the Fribourg University Institute for International Business Law, Pichonnaz will be instrumental in strengthening the ELI's footprint in Switzerland.

# The ELI Family's Annual General Meeting

In addition to the ELI Council Meeting, 5 September was dedicated to the administration of the ELI with meetings being held of the ELI Executive, Senate and General Assembly.

The ELI General Assembly is a time when the ELI family comes together to look back at the Institute's achievements over the preceding twelve months, offer direction to the association going forward and to approve its accounts and the budgets.

With around 1,500 individual members and 100 Institutional Observers, the growth of the ELI's membership over its seven-year existence is encouraging. Latvia, as the host country, significantly contributed towards expanding the ELI's outreach towards new members.



The ELI Executive Committee at the General Assembly:  
Dennis Philippe (Treasurer), Christiane Wendehorst (President), Sjef van Erp (Vice President)

# Welcoming Participants of the 2018 ELI Annual Conference

**Around 250 legal experts from Europe and beyond followed the call to Latvia to discuss current topics aimed at improving the law in Europe but also to get connected with the European legal community.**

## Annual Conference at the University of Latvia

At the University of Latvia, around 250 legal experts from Europe and beyond discussed current topics aimed at improving the law across Europe.

Following welcome addresses by the Rector of the University of Latvia Indriķis Muižnieks, President of the Constitutional Court Ineta Ziemele and ELI President Wendehorst, the Conference kicked off on 6 September with panel sessions on current and prospective ELI projects.



Ineta Ziemele, President of the Constitutional Court of Latvia, pointed out that for the last 22 years the Constitutional Court has become the center of the formation of new legal thought and for the development of a legal system that is fully consistent with the Western European tradition.

As the host of the venue, Indriķis Muižnieks, Rector of the University of Latvia, proudly emphasised that both the University of Latvia and the country have been closely connected for already 100 years.



## Opening Ceremony at the National Art Museum



Dzintars Rasnačs, Latvian Minister of Justice, Christiane Wendehorst, ELI President, Anita Rodina, Dean of the Law Faculty at the University of Latvia

The opening reception took place at the recently renovated National Art Museum. The participants also had the opportunity to visit the impressive collections of paintings from Latvian artists.

‘Because of its centenary, 2018 is an important year for Latvia – and Latvia is essential to the ELI. As a forum for a genuinely European legal community it is our aim that ELI events take place in every European country. And Latvia is a great member country with overwhelming hospitality’, ELI President Christiane Wendehorst emphasised in her opening speech in presence of the Latvian Minister of Justice Dzintars Rasnačs and the Dean of the Law Faculty at the University of Latvia Anita Rodina.



# International Keynote Speakers Call for the Defence of the Independence of Judiciary

**Much acclaimed keynote speeches were delivered by Harriet Lansing, former President of the Uniform Law Commission (ULC), and Pauliine Koskelo, Finnish Judge to the European Court of Human Rights.**

Both Lansing and Koskelo expressed their concern over Europe and a world that could lose its cohesion. As Lansing put it in her statement 'I believe, these are the areas of paramount importance where we need to stand guardian: (a) voting processes and vote counting processes; (b) the independence of the judiciary; (c) the protection of privacy; (d) the guarantee of basic human rights; (e) laws relating to money systems and the regulation of money systems; and (f) the survival of the free press.' The speech can be read in detail [here](#). Pauliine Koskelo also stated that 'Judicial independence is primordial! Judges must not only be independent institutionally but also intellectually. In judiciary there are competing forces and one cannot be independent without wanting it to be.'



Harriet Lansing, former President of the ULC, Christiane Wendehorst, ELI President, Pauliine Koskelo, Finnish Judge to the European Court of Human Rights, Sjef van Erp, ELI Vice President

## ELI Young Lawyers Award Gives Voice to the Next Generation of Legal Experts

**For the second time, the ELI Young Lawyers Award was awarded to a promising future young lawyer.**



This year's winner, Manon van Roozendaal, a Dutch graduate from Maastricht University, won the award for her paper on 'Algorithms: Teenage Troublemakers of EU Competition Law'.

Her paper looks at algorithms being used as price-fixing instruments and how such behaviour can be qualified under EU competition law. The full paper can be downloaded [here](#).

Read more about the ELI Young Lawyers Award and the Jury that selects the winner [here](#).

ELI President congratulates 2018 ELI Young Lawyers Award winner Manon van Roozendaal

# Panels in a Nutshell: Panelists' Quotes on (Prospective) ELI Projects

We have collected some quotes from panelists of selected (prospective) ELI's projects. You can read more details about the aims of each ELI project, current and prospective, [here](#). Information about each panel is also available [here](#).



Neil B Cohen, ALI Member, on the ALI-ELI cooperation

## Principles for a Data Economy

'This is the first joint project between the ELI and ALI. The ALI has been looking for a suitable project to embark on with the ELI and this was really ideal as it is a developing area of the law. People in both Europe and the United States have a very strong interest in figuring out how to address data transactions and the data economy, as existing areas of law may not fit well into the transactions involving data.'



Richard Frimston, project Reporter, speaks passionately about the project

## Protection of Adults in International Situations

'I think the UN Convention on the Rights of Persons with Disabilities is a great place to start because it does highlight the fundamental difficulty in the area of the protection of adults;

'How do you square the right to autonomy with the right to protection?'. At the one end of the spectrum if you have full autonomy, you have no protection. At the other end if you have full protection, you have no autonomy. This conundrum should always be addressed and considered in any proposed solution.'



Christoph Busch, project Reporter on Online Intermediary Platforms

## Online Intermediary Platforms

'The platforms landscape has evolved from when we first began'. 'Probably one of the major challenges ahead is the rise of digital assistance: things like Amazon Echo and Google Home, some call it voice-commerce because these are voice-enabled digital assistants or conversation as a platform. You talk with Alexa and the conversa-

tion is the platform. This raises several challenges because in the past EU consumer law mainly followed a text-based paradigm.'



Sir Jeffrey Jowell, project Reporter on Common Constitutional Traditions

## Common Constitutional Traditions

'I suppose there is a bitter irony in the fact that your two Reporters on this project come from countries whose approach to Europe could be called, if we want to be kind, ambiguous or ambivalent, divided. In the United Kingdom there are divisions within divisions but I can assure you of our commitment and the fact that these divisions in no way detract from our commitment to identifying and building upon, for this project, European common constitutional traditions.'







Dirk Staudenmayer, Head of Unit  
DG Justice

### **Principles of Liability in Digitalised Environments**

‘The Digital Single Market was one of the priorities of the Commission when Jean-Claude Juncker was voted as President. The idea behind the Digital Single Market Strategy is to incentivise the growth potential of the transition to the digital economy and to make possible the creation of a framework that accelerates and facilitates that transition in our economies. One of the fundamental aspects in order to establish that framework is to ensure legal certainty within the EU.’



Jens M Scherpe, Chair of EEF panel

### **Empowering European Families**

‘Christiane and Wendy, I must admit when I first heard you had taken on this project I thought you were mad. Absolutely barking mad. And I suspect that there were times during the project when you thought the same. But I stand corrected because you pulled it off and produced some truly amazing documents. I can only congratulate you on this achievement and I have absolutely no doubt whatsoever that your work will be an invaluable resource for couples and particularly their legal advisers.’

## **Networking & Dinner Speeches**

**The ELI not only aims at improving the law in Europe but also at building a legal community across Europe and beyond. Therefore, the social program of the ELI Annual Conference offered participants plenty of opportunities to network.**

ELI President Christiane Wendehorst invited the legal community to get connected



Lance Liebman, former Director of the ALI, gave an entertaining dinner speech at the National Library



Dzintars Rasnačs, Latvian Minister of Justice, enjoys the evening at the National Library



Egils Levits, Latvian Judge to the Court of Justice of the European Union, gave a farewell speech



# Thinking out of the Sandbox: Blockchains and their Legal Implications

**‘Sandbox’ is one of the most common words in the FinTech universe. In the financial industry, the term refers to a mechanism for developing a regulation that keeps up with the fast pace of innovation.**

The ELI team on Blockchains and smart contracts has just commenced their project with approval having been handed down from the Council in a vote in September. The ELI has invited Peteris Zilgalvis, JD, Head of Unit of Digital Innovation and Blockchain Digital Single Market Directorate, Directorate General Communications Networks, Content and Technology (DG Connect) and Co-Chair of the FinTech Task Force of the European Commission, to tell us more about this increasingly important theme.

## The Challenges and Opportunities of the Decentralised Digital Technologies for the Law by Peteris Zilgalvis

We are in the process of moving from digitalisation dominated by platforms and concentrated silos of data to a digitalisation based on decentralised technologies, which holds great promise for the European economy and society. This is both a challenge and opportunity for policymakers and the development of legal frameworks at the national, EU and international levels.

Decentralisation will manifest itself through blockchains and distributed ledger technologies, the Internet of Things, Virtual Reality, 3D printing, Big Data, investment in decentralized systems that are not private companies and may even be ownerless, and in the implementation of artificial intelligence and machine learning, including the linkage of machine learning and blockchain to build collective super intelligence.

### Legislation from the Pre-Digitalisation Era

Much legislation in the EU has been adopted in the pre-digitalisation era or in the era of data or platforms controlled by a single body. How can these legal frameworks be applied to the decentralised technologies? In order to adopt and shape such new technologies in line with EU law and European values, regulatory sandboxes may be a useful tool. Regulatory



sandboxes featured in both the FinTech Action Plan and the Start-ups to Scale-ups Communication as an approach incorporating regulator/innovator collaboration in testing a new technology or business model that is not foreseen (but not prohibited) in existing regulation. The question that follows is whether new targeted legislation is needed for these decentralised technologies: it is worth looking into them in more detail.

It is expected that blockchains and smart contracts can make a new automated and decentralised Internet infrastructure possible, concurrent-

ly strengthening the decentralised economy and its related business models. Blockchain is a technology that promotes user trust and makes it possible to share on-line information, agree on and record transactions in a verifiable, secure and permanent way.

In October 2017, the European Council asked the European Commission to present a European approach to blockchain and invited the Commission to put forward initiatives for strengthening the framework conditions that enable the EU to explore new markets and to reaffirm the leading role of its industry. The European



Commission formally underlined its commitment to blockchain in the FinTech Action Plan, which was adopted by the College of Commissioners on 8 March 2018 (FinTech Action plan: For a more competitive and innovative European financial sector, COM(2018) 109).

### European Blockchain Partnership

This presaged European Digital Day 2018: where on 10 April, 21 Member States (now 26) and Norway signed a Declaration creating the European Blockchain Partnership (EBP) and committing to cooperate to establish the European Blockchain Services Infrastructure (EBSI), supporting the delivery of cross-border digital public services with the highest security and privacy standards. The EBP has finalised the choice of the first use cases that will be launched in 2019 on the EBSI, and will confirm the functional specifications and governance by the end of the year. These first use cases will centre around RegTech, notarisation and certification of documents. More use cases would be introduced in following years and it is anticipated that a number of them could make use of smart contracts on the blockchain.

### Smart Contracts

A smart contract is a piece of software that is stored and executed by the entire network in a decentralised way. The anatomy of a smart contract is a number of variables that store data; a constructor, which initialises the data at the time that the smart contract is created, and a number of functions that allow third parties to modify the data and/or get a response following specified business logic rules.

A smart contract makes it possible to perform a transaction automatically online, once the program establishes that certain conditions, set out be-

forehand in the code, have been fulfilled. In the current situation, a smart contract may have legal significance but not necessarily.

In terms of legal issues concerning smart contracts, enforceability nationally and across borders, fairness, revocability, transparency, determining intention, jurisdiction, liability, resiliency, cybersecurity and the possibility to appeal to an automated oracle and to a human decision maker are among those that have been raised.

Inputs are being received from the Working Groups of the EU Blockchain Observatory and Forum, the European Blockchain Partnership (EU Member States and Norway), ad hoc meetings of legal experts and from other stakeholders (startups, industry, civil society) to contribute to this legal reflection on smart contracts. Is there a need for steps ensuring their enforceability, fairness, cybersecurity and resiliency, transparency and possibility of revocation across borders in the EU? An important concern is preventing fragmentation of the EU's Digital Single Market in order to reap the benefits of smart contracts and blockchains across borders and throughout the EU.

### Tokenisation and ICOs

Another upcoming area of legal interest in the decentralised economy is that of tokenisation and Initial Coin Offerings (ICOs). ICOs are a new fundraising or consumption tool using tokenisation on a blockchain. Tokens (coins) can be divided into settlement tokens, currency and other assets; investment tokens, equity or debt; utility tokens, for enabling or consumer use; and donation tokens. Utility tokens are used to enable the use of services in a system. The FinTech Action Plan concluded that an assessment of the suitability of the current EU reg-

ulatory framework with regard to Initial Coin Offerings and crypto-assets more generally is necessary.

The European Securities and Markets Authority (ESMA) and the EU Member State securities authorities are currently addressing in a Task Force those tokens that would be classified as securities. In view of enabling the use of utility tokens to ease the use of blockchain-based platforms and to introduce more transparency and good governance into Initial Coin Offerings, the Commission is collecting and analysing evidence and inputs on utility tokens.



### The Author

Peteris Zilgalvis, JD, is Head of Unit of Digital Innovation and Blockchain Digital Single Market Directorate, Directorate General Communications Networks, Content and Technology (DG Connect) and Co-Chair of the FinTech Task Force of the European Commission.



Peteris Zilgalvis

# ELI Instrument Presented to Refugee Law Judges

**On 12–14 September 2018, ELI Reporter Boštjan Zalar spoke in Catania (Sicily) – one of the regions worst hit by the migration crises – about ELI's output.**

A joint International Association of Refugee and Migration Judges (IARMJ)–Europe and Scuola Superiore Delia Magistratura (SSM) Conference in Catania marked a further occasion for the ELI's Detention of Asylum Seekers and Irregular Migrants and the Rule of Law: [Checklists and European Standards](#) to be disseminated.

In the course of his talk on the challenges ahead for the International Association of Refugee Law Judges (IARLJ)-Europe: Present and Future Activities, Boštjan Zalar, the project's Reporter highlighted various aspects of the Checklists and European Standards.



Boštjan Zalar



## Business and Human Rights: Access to Justice and Effective Remedies

**Follow-up meeting of the ELI-FRA (European Union Agency for Fundamental Rights) Business and Human Rights Project Team in Vienna on 24 September 2018.**

Very constructive ideas were collected at the workshop



Diana Wallis and Jonas Grimheden, the Co-Reporters of the ELI-FRA joint project on Business and Human Rights: Access to Justice and Effective Remedies, held a follow-up project meeting on 24 September 2018 in Vienna (Austria) on occasion of the FRA Forum 2018. The Co-Reporters were able to review the first results of the mapping exercise conducted by the FRANET – the Agency's multidisciplinary research network.

## Trans-Atlantic Alignment on Principles for a Data Economy

**The members of the joint ALI-ELI project on Principles for a Data Economy met in Riga and Philadelphia (USA) on 8 September 2018.**

The project team, the ELI Advisory Committee and ELI Members Consultative Committee (MCC) of the American Law Institute (ALI)-ELI joint Instrument on the Principles for a Data Economy met in Riga on occasion of the ELI Annual Conference and General Assembly. The very successful meeting on 8 September created scope for discussions that allowed the project team to make substantial progress. Among other changes, the talks resulted in a redraft of some of

the principles (eg the Principle on Unauthorised Access or Operations and the Principle on Security Interests in Data) and the revision of the structure of Chapter I (on Purpose, Definitions and Scope) as well as a redraft of Chapter IV (on Data Transactions).

Another project meeting took place on 26 October 2018 in Philadelphia. A corresponding meeting in Philadelphia with the ALI Advisors and Members Consultative Group (MCG)

provided an opportunity for them to consider largely the same version of the draft that was updated by the Reporters after the meeting in Riga. The next meeting will take place on 21–22 February 2019 in New York (USA).







Calls to action to counter the pressing human rights threats facing Europe were captured during Vienna's Fundamental Rights Forum 2018, a year which marks the 70th anniversary of the Universal Declaration of Human Rights. Over 700 leading experts from around the world participated in the FRA's event which took place 25–27 September 2018 in Vienna.

The FRA is one of the ELI's esteemed Institutional Observers and is currently conducting a joint project with the ELI on Business and Human Rights:

Access to Justice and Effective Remedies.

Boštjan Zalar, project Reporter on the ELI's Detention of Asylum Seekers and Irregular Migrants and the Rule of Law: Checklists and European Standards, was nominated in his capacity of advisor of the Common Constitutional Traditions (CCT) in Europe's project to attend two panels at the FRA Forum on the project team's behalf: 'Protecting the Rule of Law by Promoting Understanding of and Respect for Judicial Independence and

Accountability' and 'The Charter of Fundamental Rights: How to Make it a Better Known, Understood and Used Instrument'.

Among the aims of the CCT project is to seek to identify the source of Common Constitutional Traditions in Europe; their content; their relationship with national identity; whether they are an autonomous source of European law and the way in which they emerge as common to Member States and are expressed as such.

## Sharing Perspectives with e-CODEX

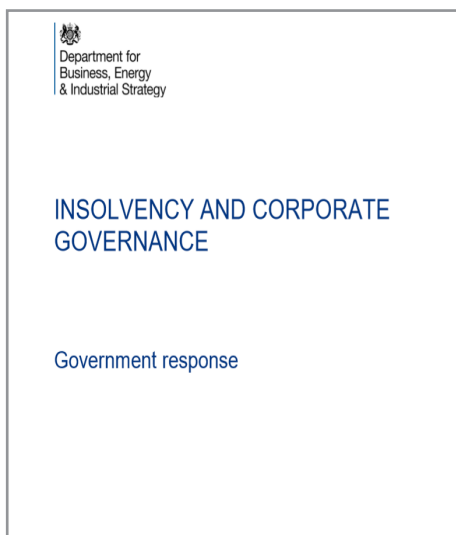
### The ELI on the Me-Codex II Advisory Board

The ELI, along with representatives of the Ministry of Justice of Estonia, Italy, Portugal and Spain, the European Judicial Network (EJC), both civil and criminal, the European Network of Councils of Judiciary (ENCJ), the Hague Conference for Private International Law (HCCH), the Council of Bars and Law Societies of Europe (CCBE), the European Union of Judicial Officers (UEHJ) and the Council of the Notariats of the European Union (CNUE), has been asked to sit on the Me-CODEX II (Maintenance of e-CODEX) project's board.

You can read more about e-Codex, which enables cross border judicial cooperation by facilitating the digital exchange of case related data, [here](#). To access a joint interview by ELI Secretary General Vanessa Wilcox and a Business Interoperability consultant at Justid please click [here](#).

## ELI Instrument Impacts the European Legal Community

**ELI's aim to improve laws in Europe through its projects has shown a significant impact lately.**



The ELI Instrument on the 'Rescue of Business in Insolvency Law' is significantly influencing key policy makers. In the last week of August 2018, the UK Government announced new legislative tools that will improve rescue opportunities for financially distressed companies. We were delighted to see that this report refers explicitly to the ELI Instrument on the Rescue of Business in Insolvency Law. In particular, the report mentions the discussion about the so-called 'absolute priority rule' versus 'relative priority rule', elaborated on in the ELI Instrument, and is yet another example that ELI outputs are of immediate practical utility. The ELI instrument can be downloaded for free [here](#).



# The ELI Engages with the Commission

## ELI Blockchains and Smart Contracts

**project Reporters meet with key Commission staff on 5 September 2018.**

On 5 September 2018, the ELI Council voted in favour of the ELI embarking on the Blockchains and Smart project. The project will be headed by ELI Vice President Sjef van Erp and expert on the subject, Juliette Sénéchal.

On 22 October 2018, van Erp and Sénéchal met with Head of Unit of Contract Law at the Directorate-General for Justice and Consumers, Dirk Staudenmayer, and his team in Brussels to discuss the topic. The meeting was mutually informative and will see the ELI coordinating research efforts with the Commission.



## ELI-UNIDROIT Structure Working Group Met in Paris (France)

**International Institute for the Unification of Private Law (UNIDROIT)-ELI Structure Working Group meeting in Paris on 12 September 2018.**

The focus of the working group's third meeting in 2018 was on the general provisions as drafted, revised and commented. Members of the work-



Loïc Cadiet, John Sorabji,  
Rolf Stürner, Xandra Kramer

ing group, Loïc Cadiet, Xandra Kramer, John Sorabji and Rolf Stürner, discussed the following issues among other things: the revision of specific rules in order to create a uniform and cohesive style, the approach to be taken towards the comments in the final Consolidated Draft of the European Rules of Civil Procedure, how the rules that are still to be included will be appropriately incorporated and the overall way forward. The meeting resulted in a refined and improved draft of the General Part of the Draft and a clear vision for the upcoming months.

# Counting Down to 29 January 2019

**ELI President Christiane Wendehorst is Key Speaker at CNUE-EC Conference on 23 October in Brussels (Belgium).**



29 January 2019 marks the date when new rules on property regimes for international couples will enter into force. In anticipation of that date ELI Institutional Observer, the CNUE organised a joint conference with the European Commission in Brussels on 23 October 2018.

Speaking about the new rules, which only apply to 18 countries so far, President Wendehorst said she was 'happy to see these regulations', and branded them an 'achievement' that will usher in 'great benefits' to international couples in Europe. President Wendehorst is one of the Co-Reporters on the ELI's joint project on the same theme: [Empowering European Families: Towards More Party Autonomy in European Family and Succession Law](#).



# Towards a Curriculum for the Education of 'European Jurists'

**In a meeting on 21 September 2018, the European Law Faculties Association (ELFA) invited the ELI to contribute to their initiative.**

ELFA, one of the ELI's esteemed Institutional Observers, invited the ELI to contribute to their initiative to develop a curriculum on the education of European jurists with the aim of preparing the next generation of lawyers to be fit for a common and genuinely European legal culture.

ELI Vice-President Sjef van Erp participated in a preliminary ELFA working group meeting on 21 September 2018 in Paris (France). In the very fruitful and interesting meeting, it was agreed that undergraduate and postgraduate education would be looked into separately.

In addition to the ELI, two members of the French Cour de Cassation were present at the meeting. Both it and the French School for the Judiciary are interested in the ELFA initiative. It is hoped that a grant application will be successful to move things to the next phase. The next meeting will take place end of January 2019.



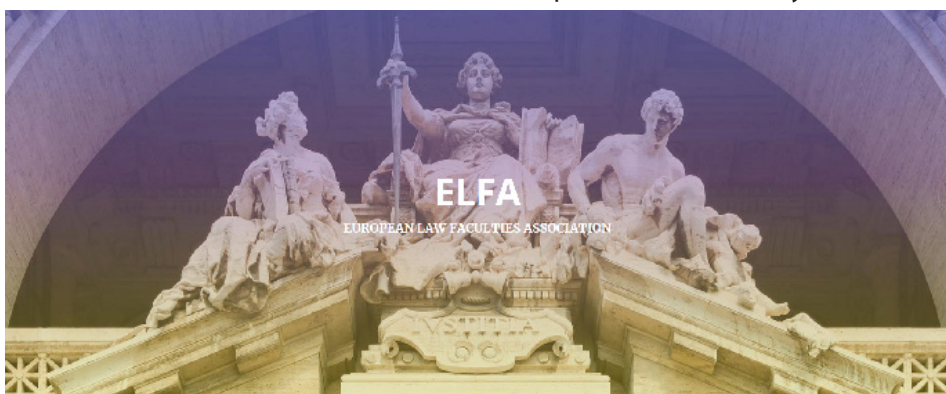
## The SNSPA Welcomes the ELI President in Bucharest (Romania)

On 13 September 2018 ELI President Christiane Wendehorst visited the National University of Political Studies and Public Administration (SNSPA) in Bucharest (Romania). She was heartily welcomed by the Rector of SNSPA, Remus Pricopie, a former Minister of Education, and the Dean of the Faculty of Public Administration Diana Iancu. The fruitful meeting focused on the aims of the ELI and the prospects of a possible cooperation. The meeting was kindly arranged by Irina Zlătescu, member of the ELI Council, and Head of Doctoral Studies in Administrative Sciences at SNSPA.

The ELI welcomes the SNSPA which has recently joined it as a member. More information about the SNSPA can be found on page 16.



Irina Zlătescu, Christiane Wendehorst, Remus Pricopie, Diana Iancu



## Broadening Relations with the Hungarian Legal Community

**ELI President Christiane Wendehorst visits Budapest (Hungary) on 14 September 2018.**



On the occasion of her visit to the opening of the ELI Hungarian Hub in Budapest, ELI President Christiane Wendehorst met the President of the Constitutional Court and representatives of the Hungarian Bar Association to raise the profile of the ELI.

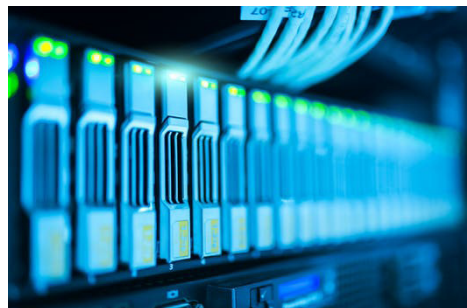
In her meeting with Tamasz Sulyok, President of the Constitutional Court of Hungary, Christiane Wendehorst

presented the ELI and focused on topics of common interest, such as the ELI project on Common Constitutional Traditions in Europe and the Administrative Law Special Interest Group (SIG) which has held several events in Hungary. They also discussed the role of the judiciary in Hungary and across Europe. On behalf of the Constitutional Court of Hungary, Sulyok expressed his keen interest to support and contribute to the aims of the ELI and its activities.

The ELI President also met representatives of the Hungarian Bar Association, Vice-President Andras Szecskay and Eva Sandor, who expressed their great interest in the ELI and its activities. Also, future options for co-operation were discussed.

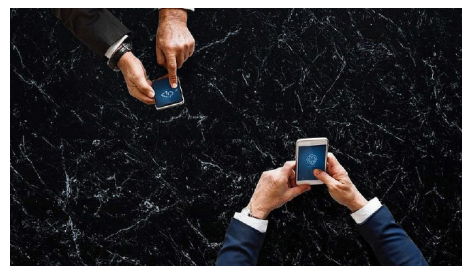
## ELI President Participates as Panelist at Big Data Conference in Brussels

ERA organises a Conference on 'Big Data: Consolidating the EU Legal Framework in the Digital Economy' in Brussels on 27–28 September 2018.



The ever-growing accumulation and use of digital data raises legal challenges for private and public entities as regards data ownership and the cross-border use and the protection of such data.

The Conference, organised by the Academy of European Law (ERA), looked at the EU legal framework and its loopholes, and offered a platform for discussion on how to adapt the existing framework on the European data economy. ELI President Wendehorst chaired the first day of the Conference and spoke on the topic of 'Encouraging Access to, Fair Use and Sharing of Big Data'.



## The ELI Takes Part in European Commission's Dialogue on the Data Economy

ELI President Christiane Wendehorst participated in a meeting organised by the European Commission on the data economy theme on Monday, 22 October 2018 in Brussels (Belgium). The meeting was an opportunity for her to speak about the project which the ELI has embarked upon with its American counterpart, the ALI, on the [Principles for a Data Economy](#). President Wendehorst is a Co-Reporter on the project with the ALI's Neil Cohen.

## Meeting with the European Land Registry Association (ELRA)

On 27–28 September 2018, ELI Vice President Sjef van Erp met representatives of ELRA, an ex officio Council member of the ELI, in Warsaw (Poland).

The primary purpose of the ELRA is the development and understanding of the role of land registration in real property and capital markets. ELRA seeks to underline the significance of Land Registries in Europe as juridical institutions and the scope of the effects of registration pronouncements as a fundamental tool for progress and change in the rule of law in the field of property and rights on immovables.

In Warsaw, the progress of ELRA's Interoperability Model for Land Registers (IMOLA) was discussed. Sjef van Erp gave a presentation on the relevance of data acquired through the Internet of Things (including land and houses) for land registration. In their meeting, representatives of ELRA and the ELI discussed topics of common interests in a bid to further intensify



their cooperation. In particular, the prospective Access to Digital Assets ELI project was discussed and ELRA revealed its interests in getting involved in it.

More details about this project, which

aims on elaborating a draft European legislative instrument, enabling the tracing and gaining of access to digital assets within the European Union in the interests of European private citizens and European businesses can be found [here](#).



# Smart Homes, Smart Cars, Crypto Currencies and Blockchains

**Drafting laws for the modern age and for tomorrow.**

ELI President Christiane Wendehorst attended a meeting of the Expert Group on Liabilities and New Technologies: New Technologies Formation which took place from 23–24 October 2018 in Brussels.

The Group was established to provide the Commission with expertise on the applicability of the Product Liability Directive to traditional products, new technologies and new societal challenges (Product Liability Directive formation) and assist the Commission in developing principles that can serve as guidelines for possible adaptations of applicable laws at EU and national level relating to new technologies (New Technologies formation).



The European Law Students' Association

## The ELI Valuing Young Lawyers

**ELI and ELSA International Presidents exchange ideas.**



The European Law Students Association (ELSA) is the largest independent law students association, representing 50,000 students and covering 375 law faculties by 44 national groups across Europe.

On 23 October 2018, ELI President Christiane Wendehorst had a fruitful meeting with the new ELSA International President Filipe Machado in Brussels. The pair discussed possible ways through which the ELI could involve the younger generation in its activities. With ELSA International now increasingly focusing on human rights and with it being keen to focus more on digitalisation in future, this opened the opportunity for President Wendehorst to detail various ELI projects on the above themes.

# The ELI Welcomes three new Institutional Observers

The ELI is proud to broaden its membership base at an institutional level. We are happy to welcome the following esteemed entities as new Institutional Observers of the ELI:

## Freshfields Bruckhaus Deringer

[Freshfields Bruckhaus Deringer](#) LLP is a global law firm with a long-standing track record of successfully supporting the world's leading national and multinational corporations, financial institutions and governments on ground-breaking and business-critical mandates. 2,800 plus lawyers working across more than 150 countries deliver results worldwide.

Freshfields combines the knowledge, experience and energy of its entire business to solve clients' most complex challenges, wherever and whenever they arise, helping clients to make the right decisions in a rapidly-changing world.

Whether it's entering new markets, defending corporate reputation or managing multi-jurisdictional regulation, everything Freshfields does helps their clients grow, strengthen and defend their business.



# Freshfields

## University of Latvia (UL)

The [University of Latvia](#) was founded in 1919 and currently, with more than 12 000 students, 13 faculties and 21 research institutes, it is one of the largest comprehensive and leading research universities in the Baltics. The University offers more than 140 state accredited academic and professional study programmes. UL is striving to become a renowned research university and to promote excellence in studies.

The Faculty of Law of the University of Latvia has been the cradle of legal science in Latvia ever since it was set up in 1919. Currently the Faculty of Law has more than 1300 students in four study programmes. The Faculty is the largest provider of higher legal education and training in Latvia, richest in tradition and achievements. Its professors, alongside academic and scientific work, also have professional careers in law – they are judges, prosecutors, attorneys, notaries and heads of various state institutions.



UNIVERSITY OF LATVIA

FACULTY OF LAW

## SNSPA

## Școala Națională de Studii Politice și Administrative

The [SNSPA](#) institutional vision consists in promoting and implementing a unique relationship between the university process and genuine change in Romania. SNSPA constantly trains Romanian elite and aims to extend this training feature to regional level. SNSPA is a university that adapts to the requirements of the Europeanisation and globalisation processes.

SNSPA activities are characterised by: competence, performance, trust in the autonomy of professional decisions and pursuing one's profession, commitment to high professional standards, team solidarity. The SNSPA students are at the core of the university's educational activities. SNSPA aims to become a provider of governance competences so that in the following years it can develop its capacity of having elite graduates who will contribute to the responsible governance of Romania and the European Union.



Școala Națională de Studii Politice și Administrative



# ELI Launches Hungarian Hub with an Inaugural Conference on Brexit

**The 11th ELI Hub was inaugurated on 14 September 2018 in Budapest.**

With immense commitment, Miklós Király, Professor at the Department of International Private Law and European Economic Law at Eötvös Loránd University (ELTE) Faculty of Law, initiated the launch of the ELI Hungarian Hub and its Inaugural Conference on 14 September 2018 in Budapest.

In her opening speech, ELI President Christiane Wendehorst stated: 'On behalf of the ELI, I heartily welcome our Hungarian members and I am happy that we now have formally established the ELI Hungarian Hub. This will allow us to better integrate the Hungarian perspective into topical projects to improve the law across Europe.'

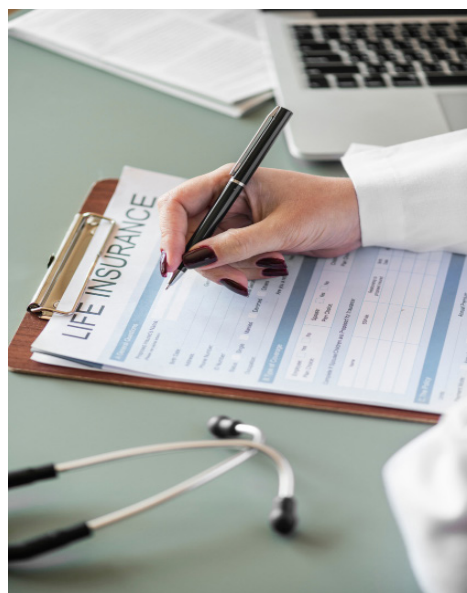
The Conference, organised by the Faculty of Law at the ELTE University, with the support of the Hungarian Ministry of Justice, focused on the future relationship between the UK and the EU following Brexit. The keynote speech was delivered by Steven Peers, Professor at the School of Law, University of Essex (UK) and was followed by pres-



entations from experts from the ELTE Law Faculty and other international universities. More than 100 participants followed the presentations on various legal issues such as judicial cooperation in criminal matters, free movement of people and international economic aspects like the World Trade Organisation's (WTO) importance, as well as on challenges related to Brexit which sparked much debate.

Wendehorst, who was accompanied by Chair of the ELI Membership Committee Walter Doralt, also had interesting discussions on the currently difficult legal situation in Hungary with János Bóka, State Secretary of the Ministry of Justice of Hungary and Zoltán Nemessányi, Deputy State Secretary for International Judicial Cooperation.

## Call for Interest: Insurance Law SIG



The ELI is looking to solicit the level of interest in the establishment of an Insurance Law SIG. The Coordinators will be Christoph Brömmelmeyer, Professor for civil law and European economic law at the Europa University Viadrina in Frankfurt/Oder (Germany), and Helmut Heiss, Professor for private law at the University of Zurich (Switzerland). If you are interested in participating, please send an [e-mail](#) to the ELI Secretariat.

The tasks of the Insurance Law SIG will include providing an active forum for discussion and cooperation, reviewing relevant legal developments,

conducting and facilitating research, making recommendations and providing practical guidance in the field. To this end, the Insurance Law SIG will hold biennial conferences on current issues concerning European insurance law. The first conference will deal with the topic of 'Outsourcing by insurance companies' and shall take place in Vienna on 10 October 2019. Furthermore, interested SIG members will author publications on existing European insurance law and submit responses to current legislative projects. For more information on the ELI SIGs, please click [here](#).

# Austrian EU Presidency Initiates Seminar on Legal Aspects of the Digital Economy

**ELI President Christiane Wendehorst is invited to speak about 'Principles for a Data Economy – A Joint Project of the ELI and the ALI' on 21 November 2018 in Cluj (Romania).**



In the context of the Austrian EU Presidency, the Austrian Federal Ministry of Europe, Integration and Foreign Affairs, together with the Austrian Ambassador in Romania Isabel Rauscher, and the Rector of the Babeş-Bolyai University Ioan Aurel Pop, will host a seminar on Legal Aspects of the Digital Economy on 21 November 2018 in Cluj (Romania).

ELI President Christiane Wendehorst is invited to speak about 'Principles for a Data Economy: A Joint Project of the ELI and the ALI' and to chair one of the sessions.

The draft program can be found [here](#).

The event is open to all and free of charge. To register please click [here](#).

## ELI-UNIDROIT & ERA Conference in Trier (Germany): Register Today!

**Save the date and register now: 26–27 November 2018, Trier.**

A Conference will be organised by the ELI and UNIDROIT in cooperation with ERA on the ELI-UNIDROIT's civil procedure project. For those following the project's developments closely and interested in hearing first-hand reports about the work produced by the working groups so far, the ELI and UNIDROIT are delighted to announce this event which will take place in Trier. The event will be held at ERA. As the work on the structure of the rules nears completion, this public Conference aims at presenting the advanced results achieved by the project's current and former working groups.

Participants of the Conference will have a chance to get a sense of the whole project as the work is drawing to an end. Members of the project as well as other esteemed experts in the field of civil procedure will present the achievements and challenges of the work of the respective working groups and stimulate a discussion on



selected pressing legal issues in the area of civil procedure.

You can read more about the background of the project [here](#). The programme of the Conference can be

found [here](#). Please note that a Conference attendance fee of €190 applies (coffee, dinner on 26 November and lunch on 27 November are complimentary). To register, please click [here](#).



# Two Events on Rescue of Business in Insolvency Law in Leiden and Vienna

The ELI is proud to announce two conferences on the theme of its recently adopted Instrument on Rescue of Business in Insolvency Law. The Instrument as well as accompanying national reports and an Inventory Report on International Recommendations from Standard-Setting Organisations will soon be published with Oxford University Press.

## Leiden: ELI-BLRN Conference Register Today!

**The ELI Instrument on Rescue of Business in Insolvency Law will be presented on 5 December 2018 in Leiden (Netherlands).**

The ELI and Business and Liability Research Network (BLRN) of the Leiden Law School will organise a Conference on restructuring of corporate groups in the afternoon of 5 December 2018. The ELI's Instrument on Rescue of Business in Insolvency Law, drafted under the leadership of Bob Wessels and Stephan Madaus, is the starting point for discussions on the treatment of insolvent corporate groups. Bob Wessels (Leiden University, The Netherlands), Stephan Madaus (Halle-Wittenberg University, Ger-

many), Joeri Vananroye (KU Leuven, Belgium) and Reinout Vriesendorp (Leiden University, The Netherlands) rank among those who will be giving searches on the occasion.

The Conference will take place on Wednesday 5 December 2018, from 14:00 until 17:30 in the Academieggebouw of the Leiden University (Rapenburg 73, Leiden, The Netherlands). Entrance is free of charge. For the agenda and to register, please click [here](#).

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*Business and Liability  
Research Network*



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## Vienna: Do We Need Substantial Consolidations in the (European) Toolbox? Register Today!

**Perspectives from the ELI Business Rescue Report, European Insolvency Regulation, and the UNCITRAL Legislative Guide in a panel discussion to be held on 11 December 2018 in Vienna.**

On the occasion of the 54th Session of the United Nations Commission on International Trade Law (UNCITRAL) Insolvency Law Working Group, the ELI cordially invites you to a panel discussion and an evening reception at the Austrian Ministry of Justice on 11 December 2018 in Vienna.

Speakers include Stephan Madaus, Irit Mevorach (University of Nottingham,

UK), Florian Bruder (Counsel at DLA Piper, Germany) and Edward Janger (Brooklyn Law School, USA).

The event will take place on Tuesday, 11 December 2018, from 18:30 until 21:30 at the Austrian Ministry of Justice (Museumsstrasse 7, 1070 Wien). Entrance is free of charge. For the agenda and to register, please click [here](#).



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# Dispute Resolution: Beyond the Courts Conference in Trier

## Conference to present the outcome of the ELI project on 9 November 2018 in Trier

Following the approval of the ELI and ENCJ Statement on Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution by the ELI Council on 8 February 2018 the ELI and ENCJ are pleased to announce a



Conference on 'Dispute Resolution: Beyond the Courts' that will take place at ERA on 9 November 2018. ENCJ members voted upon the Statement on 1 June, which was unanimously approved.

The Conference seeks to disseminate the output of the project by setting directions in which the discussion about dispute resolution processes should go in the future. The starting point will therefore be the presentation of the final results of the joint ELI-ENCJ project. Given the recent developments at UN level, as well as the progress in the field of digitisa-

tion, the potential impact of the Convention on International Settlement Agreements resulting from mediation on the relationship between courts and ADR as well as on the opportunities and challenges for digital dispute resolution will also be discussed.

You can read more about the background of the project [here](#). Access to the tentative agenda of the Conference can be found [here](#). Please note that a Conference attendance fee of €100 applies (coffee and lunch are complimentary).

To register, please click [here](#).

## Join an MCC and Contribute Directly to the Work of the ELI

### Closely Follow and Contribute Towards ELI Projects

Members Consultative Committees (MCC) are established to give all ELI members the opportunity to directly have a say in the development of ELI projects. The ELI is happy to inform members of the possibility to join the following MCCs:

- Common Constitutional Traditions in Europe
- Principles for a Data Economy (with the American Law Institute)

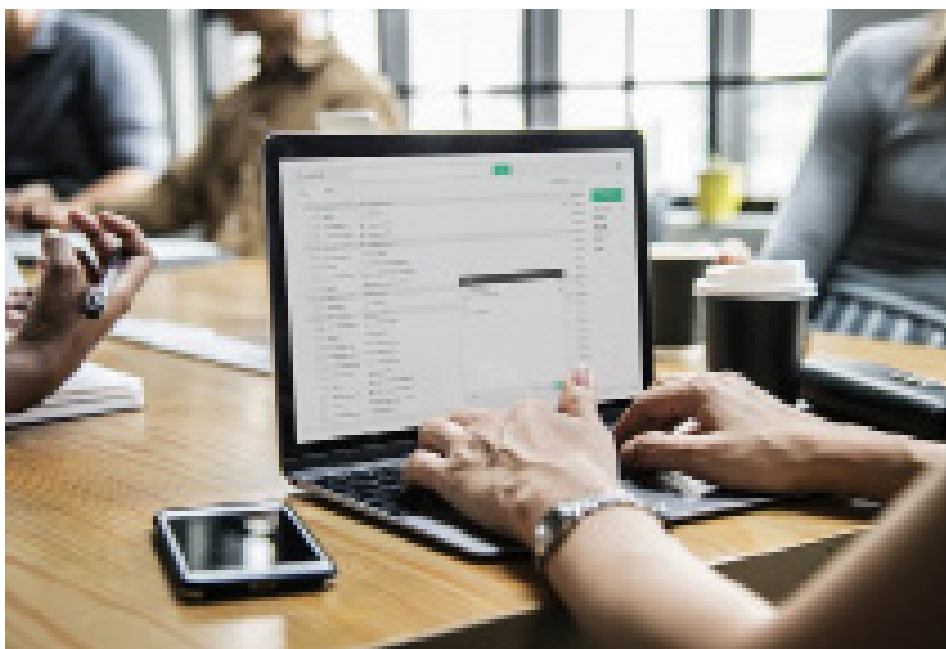
Any ELI member who is interested in actively contributing to the development of a project can join an MCC, irrespective of their status as a Fellow, Individual Observer or Institutional Observer.

There is no limit to the number and MCC members need not be experts in the relevant field. It is desirable that MCC members come from various legal professions and specialise in different areas of law. It is precisely this

diversity that enriches the debating potential of the MCC and makes its contribution so valuable.

If you are interested in closely following one of the above-mentioned pro-

jects, receiving regular updates and participating in discussions with project Reporters and project teams, you are welcome to send an [e-mail](#) to the ELI Secretariat expressing your interest in joining one of the above MCCs.





# Save the Date:

## Upcoming ELI Events

A full list of upcoming ELI events and working group meetings you can find on the ELI [webpage](#).

9 November 2018

Dispute Resolution: Beyond the Courts Conference  
in Trier (Germany)

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14 November 2018

Common Constitutional Traditions in Europe:  
Kick-Off Conference in Turin (Italy)

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21 November 2018

Pre-Launch Event of Romanian Hub: Austrian EU Presidency Initiates Seminar on Legal Aspects of the Digital Economy in Cluj (Romania)

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26–27 November 2018

ELI-UNIDROIT & ERA Conference in Trier  
(Germany)

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5 December 2018

Rescue of Business in Insolvency Law:  
Conference in Leiden (Netherlands)

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11 December 2018

'Do We Need Substantial Consolidations in  
the (European) Toolbox?': Panel Discussion in  
Vienna (Austria)

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29 January 2019 (date and location to be confirmed)

Empowering European Families: Dissemination Event

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22 March 2019

Protection of Adults in International Situations: Workshop in Milan (Italy)

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# European Law Institute

- Pan-European, democratic, membership-based organisation
- Uniting prominent jurists of all legal professions
- Aiming to improve the law in Europe
- Carrying out projects with immediate practical application

Members of the ELI can contribute to its projects and gain access to an international network of jurists. Apart from other activities, the ELI organises its Annual Conference and General Assembly, bringing together Europe's leading experts in diverse fields of law.

## Executive Committee

President:	Christiane Wendehorst
Vice-President:	Sjef van Erp
Treasurer:	Denis Philippe
Members:	Anne Birgitte Gammeljord
	Raffaele Sabato
	Hans Schulte-Nölke
	Lord John Thomas

## 2019 ELI Conference

The 2019 ELI Annual Conference will take place from  
**4–6 September in Vienna (Austria).**  
Please take note of this date.

We look forward to seeing you there!

## ELI in Vienna

The Secretariat of the ELI, which is hosted by the University of Vienna, is located in the heart of the Austrian capital, close to the main building of the University, the representation of the European Commission in Austria as well as the information office of the European Parliament.

We cordially invite you to visit us whenever you are in Vienna.



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