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Message from Páll Hreinsson

President of the European Free Trade Association (EFTA) Court



Dear ELI Members

It is a great pleasure to have been invited to contribute to this edition of the European Law Institute (ELI) newsletter. The study and development of European law represent two of the core endeavours of the ELI. However, progressive development of the law through its scientific scrutiny do not merely represent academic endeavours. Rather, such activities are at the core of the practice of European institutions. A good example of this is found at the EFTA Court, where the links between the two goals are readily apparent.

The Court was established in 1994 to ensure judicial oversight of the European Economic Area (EEA) Agreement vis-à-vis the now three EEA/EFTA States (Norway, Iceland and Liechtenstein). The EFTA Court's jurisdiction is in many ways similar to that of the Court of Justice of the European Union (CJEU), albeit narrower in various aspects. The Court is competent to deal with infringement actions brought by the EFTA Surveillance Authority against an EEA/EFTA State with regard to the implementation, application or interpretation of EEA law. Furthermore, it hears appeals against decisions taken by the Authority and gives advisory opinions to courts in the EEA/EFTA States on the interpretation of the EEA Agreement.

In the course of its work, the EFTA Court observes the developing case law of the CJEU, with the goal of ensuring a homogeneous Internal Market, where similar rules apply throughout, and a level playing field is guaranteed for individuals and economic operators. As such, thorough study of European law and recent CJEU judgments is essential. At the same time, the Court contributes case law on legislation stemming from the EU, as made part of the EEA Agreement.

Moreover, the EEA Agreement contains a distinct legal order of its own, an international treaty of a 'sui generis' nature. The progressive development of law, based on a reconciliation of the objective of homogeneity and the factual divergences in the two legal orders, make the task of the EFTA Court a delicate one, and one that cannot be achieved without an understanding of European law more broadly.

In this context, I commend the ELI for its achievements in improving the quality of law in Europe and look forward to its ongoing contributions to our mutual aims.

Greetings from Páll Hreinsson



I commend the ELI for its achievements in improving the quality of law in Europe and look forward to its ongoing contributions to our mutual aims.

Páll Hreinsson





ELI

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Vienna Awaits You!

Vienna once again plays host to the
ELI Annual Conference and General Assembly.
Your first time visiting the city or a frequent face?
Anyway, take your time to get inspired by Vienna,
home to the ELI Secretariat – there is so much to discover!

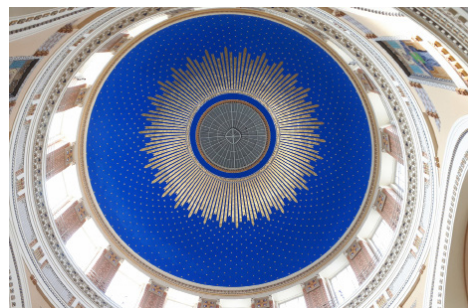
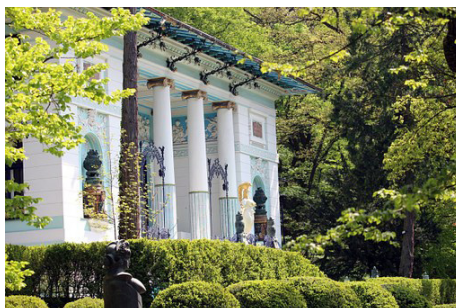
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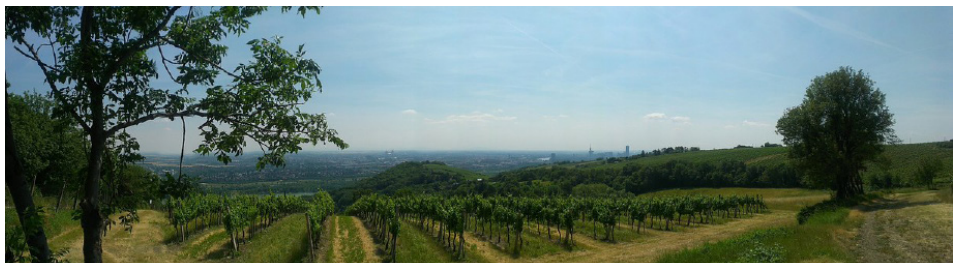
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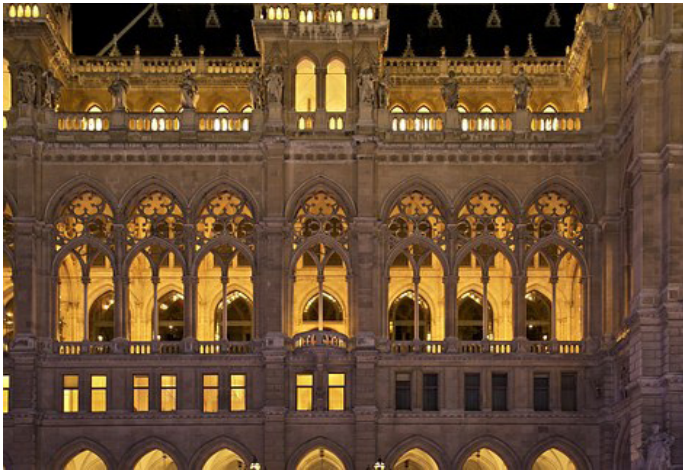
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Save the Date: 4–6 September 2019, Vienna

The ELI is delighted to host the 2019 ELI Annual Conference and General Assembly in Vienna from 4–6 September 2019. The program will be available soon on the ELI website.

Conference Venues



4 and 5 September
Rathaus (Town Hall)

6 September
Juridicum
Law Faculty of the
University of Vienna



Sponsors and Supporters

We would like to thank the following partners for sponsoring our Conference and welcome other interested sponsors to get in touch with the [ELI Secretariat](#).



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Socialising Events

Evening Reception at Palais Trautson,
Ministry of Justice



Gala Dinner at the world-famous Ho-
tel Sacher, next to the State Opera



Wining and Dining at Mayer am Pfarr-
platz, a typical Viennese 'Heuriger'



The Next Step Towards Building a Citizens' Europe: New EU Property Law Rules for Married Couples and Registered Partners

On 29 January 2019, the day of entry into application of new EU property law rules for married couples and registered partners, ELI and the Austrian Chamber of Civil Law Notaries (ÖNK) organised a joint Seminar with a strong focus on practical legal issues.

by **Stephan Matyk-d'Anjony**

Introduction

Statistics show that one out of three marriages in Austria is international, meaning with at least one partner being non-Austrian. This example from a Member State demonstrates the relevance of developing EU family law rules aimed at building bridges between the Member States' legislation. Against that background, the Notaries of Europe welcome the new property law instruments, Regulations, (EU) 2016/1103 and (EU) 2016/1104, which apply from 29 January 2019.

The first Commission proposals date from 2011, under which a difficult negotiation process among the 28 Member States ensued and which failed to achieve the unanimity requirement for adoption in the Council. Subsequently, the Regulations were adopted in 2016 under the framework of enhanced cooperation. After eight years from the first Commission proposals, these Regulations are now the relevant rules of private international law in the field of matrimonial property and property law for registered partnerships in 18 Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden.

For Austrian notaries and many civil law notaries in the EU, both new EU instruments are of very significant importance, as in many Member States drafting and issuing marriage con-



tracts combined with legal advice is part of a civil law notaries' core activities. From an Austrian perspective, the EU rules are much more comprehensive and detailed compared to the existing Austrian legislation which was in place so far. The Regulations comprehensively govern jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes and the property consequences of registered partnerships. This means that practitioners applying these new rules, in particular notaries, lawyers and courts, need to realise that from now on they have to think and advice from the perspective of a new European dimension, which might be a challenge. Therefore, a partnership with the ELI on this issue is particularly welcomed by the notarial profession, as this contributes to reaching new

horizons in implementing EU law in practice. Also, it should be noted that the EU property law regulations for married couples and registered partners usefully complement Regulation (EU) No 650/2012 on succession, facilitating the identification of the property regime of a deceased person.

Since the Regulations apply only to legal proceedings instituted, to authentic instruments formally drawn up or registered and to court settlements approved or concluded on or after 29 January 2019, for a certain time there will be a parallel regime with the 'old cases' to which only national law applies. The chapter on applicable law applies to both Regulations only for spouses or registered partners who entered into the marriage/partnership relationship on or after 29 January 2019 or who have made a choice

of law applicable to their property regime or the property consequences of their partnership.

The Regulations provide for the universal application of the applicable law, which as a consequence also applies if it is not the law of a Member State.

Choice of Law

The provisions on choice of law, expressing party autonomy are at the heart of the Regulations.

Parties can choose:

- (a) the law of the State where the spouses or future spouses, or one of them, is habitually resident at the time the agreement is concluded; or
- (b) the law of a State of nationality of either spouse or future spouse at the time the agreement is concluded.

Unless otherwise agreed by the spouses, a change in the law applicable to the matrimonial property regime made during marriage is only for the future. Claims of third parties may not be affected if the applicable law is changed.

For registered partnerships, the law of the State under which the registered partnership was established can also be chosen.

Formal Validity Requirements

The Regulations contain requirements as to the formal validity of the agreement on a choice of applicable law. Unless national law provides for stricter formal requirements, the choice of law agreement must at least be in writing, dated and signed by both spouses. If the choice of law is done for example in Austria in the framework of a marriage contract, this must be done in the form of a notarial act.

It should be noted that if the law of the Member State in which both spouses have their habitual residence at the



time of the choice of law provides for additional procedural requirements for agreements on matrimonial property regimes, those formalities must be applied.

At the Vienna Seminar, the need to look deeper into formal requirements was emphasised and as an example it was mentioned that in Finland two witnesses are required. Where both spouses have their habitual residence in Finland at the time of the choice of law, this requirement needs to be fulfilled. On the other hand, if at the time of the choice of law, the spouses have their habitual residence in different Member States and if the law of each of the two countries provides for different formal requirements for agreements on matrimonial property regimes, the agreement is valid if it satisfies the requirements of the law of one of those Member States. Against that background, making available at the European e-Justice Portal an overview of formal requirements in the Member States would be beneficial to practitioners and citizens.

If, at the time of the choice of law, only one of the spouses has his or her habitual residence in a Member State and additional formalities for matrimonial property arrangements are provided for in that State, those formalities shall apply.

Form of Agreement on the Matrimonial Property Regime

The rules are the same as the form of choice of law, but it should be noted that, if the law applicable to the matrimonial property regime provides for additional formalities, these formalities must be applied.

Applicable Law Without Choice of Law

In the absence of choice of law, priority is given to the application of the law of the State of first common habitual residence of the spouses, and in the case of registered partners, to the law under which the registered partnership was established. The aim of this scheme is stability and predictability.

Scope of the Applicable Law

The applicable law includes, inter alia

- (a) the classification of property of either or both spouses into different categories during and after marriage;
- (b) the transfer of property from one category to the other one;
- (c) the responsibility of one spouse for liabilities and debts of the other spouse;
- (d) the powers, rights and obligations of either or both spouses with regard to property;

(e) the dissolution of the matrimonial property regime and the partition, distribution or liquidation of the property;

(f) the effects of the matrimonial property regime on a legal relationship between a spouse and third parties; and

(g) the material validity of a matrimonial property agreement.

The Regulations also contain important jurisdictional rules, as well as rules on the acceptance and enforcement of authentic documents and on the recognition and enforcement of decisions. Attention should also be paid to the adaptation of rights in rem but also to overriding mandatory provisions. The Vienna Seminar showed that in particular the latter could be a source of uncertainty and lack of clarity. Transparent information on what should be understood as overriding mandatory provisions under national law and what precisely this rule entails should be made available in the framework of the European Judicial Network in civil and commercial matters at the European e-Justice Portal.

Supporting Instruments

Experience shows that information on both Regulations will be crucial during the next months to enable these new EU instruments to apply efficiently in daily legal practice.

Further reflections on how to develop information sheets on national law and procedures further as well as the notifications of the 18 participating Member States should be embarked upon by EU institutions. The European e-Justice Portal, through the European Judicial Network in civil and commercial matters, is without any doubt the crucial instrument for making this happen.

The Council of the Notariats of the European Union (CNUE) has for some years already provided the very successful and useful homepage with information on the material property law of the Member States in 22 languages. This site was developed by

CNUE, an ELI Institutional Observer, in cooperation with the University of Graz (Austria), with the benefit of EU funding.

More recently, the ELI has developed toolkits for legal advisers within the framework of the Empowering European Families project. This project aims at bringing additional added value to legal practitioners in their advisory role, as it provides a schema of legal elements to be considered by notaries and lawyers before drafting contractual arrangements in the matrimonial property field.

Finally, at the last annual meeting of the European Judicial Network in civil and commercial matters on 31 January 2019 in Brussels, some Member States' representatives suggested holding a first meeting dedicated to both new EU Regulations in 2019, thereby allowing all involved European Judicial Network members to exchange their first experience.

Conclusion

To conclude, both Regulations open new horizons in European family law – at least for the 18 participating Member States. Efforts should be continued and even amplified to ensure an efficient application of these instruments by practitioners and courts in Member States. High quality training will be crucial in that context. Projects such as the ELI's Empowering European Families initiative and seminars such as the Vienna seminar organised by ELI and the Austrian Chamber of Civil Law Notaries contribute to that end. Cooperation between ELI and professional associations can deliver very useful results which contribute in building-up the European area of Justice and a citizens' Europe. This should be accompanied by further expanding the information made available to practitioners and citizens at the European e-Justice Portal and through the European Judicial Network in civil and commercial matters, be it by developing a users/practitioners guide or information factsheets on specific topics of the Regulations.



Stephan Matyk-d'Anjony

The Author

Stephan Matyk-d'Anjony is responsible for international affairs at the Austrian Chamber of Civil Law Notaries in Vienna.

He previously worked for 17 years in Brussels, of which he was 12 years the Director of the Austrian Notaries Chamber Brussels EU-Liaison Office. From 2012 until 2017, he was seconded to the Civil Justice Unit of DG Justice and Consumers at the European Commission where he was the Secretary of the European Judicial Network in civil and commercial matters and worked in the Commission's team developing EU legislation, such as Regulation (EU) 2016/1191 on public documents.

In 2007, Stephan was the initiator and first coordinator of the European Notarial Network (ENN) until 2012 and he coordinated some of EU co-financed projects, such as the successions-europe.eu and couplesineurope.eu websites, for CNUE. He is the author of numerous articles, mainly relating to the notarial profession and EU matters.



Practical Implications of the New EU Regulations on Property Regimes

On 29 January 2019, the ELI and the Austrian Chamber of Civil Law Notaries held a seminar with experts from across Europe on the 'Practical Implications of the New EU Regulations on Property Regimes' in Vienna.

The event took place at the Austrian Chamber of Civil Notaries (ÖNK) and accommodated around 80 participants. It was both an important and timely event in light of the entry into force of the two new EU Regulations on Matrimonial Property Regimes and the Property Consequences of Registered Partnerships on 29 January 2019.

The seminar, held in English and German, was opened by Ludwig Bittner, President of the Austrian Chamber of Civil Law Notaries, who hailed the day as a new chapter for EU law. Having highlighted the fact that 30% of Austrian marriages have an international element to them, Bittner added that Austria had always supported the Regulations, which would now be filled with life.

After welcoming participants, Christiane Wendehorst reflected on how five years ago the ELI and ÖNK pondered on how they could join forces on a project to assist European citizens. It did not take long before they settled on the ELI's 'Empowering European Families: Towards More Party Autonomy in European Family Law and Succession Law' (EEF) project, one relevant to the Seminar's theme. She thanked the ÖNK for its warm reception, CNUE for spreading news about the event and the EU for its support and wished those present a fruitful start.

Among the speakers was Hrvoje Grubisic who, on behalf of the European Commission, mentioned that the Regulations complete a cycle on European family law and affect 70% of the EU's population. Grubisic gave a



Matthias Neumayr (Vice-President of the Austrian Supreme Court), Hrvoje Grubisic (European Commission), Christiane Wendehorst (ELI President), Rudolf Kaindl (Vice-President of ÖNK), Stephan Matyk-d'Anjony (ÖNK International Affairs)

comprehensive overview on various EU family law regimes and their interplay and concluded by saying that there is still a lot to be done. Other presentations were given by Matthias Neumayr, Vice-President of the Austrian Supreme Court, Orsolya Szeibert, Professor at Eötvös Loránd University, and Johannes Weber, Director of the German Notaries Institute.

President Wendehorst presented a number of practical case studies pertaining to the application of the two new EU Regulations. This was followed by an interactive and lively panel discussion among speakers and participants. The event was successfully brought to an end by a final closing statement delivered by Rudolf Kaindl, Vice-President of the Austrian Chamber of Civil Law Notaries.

More information about the Empowering European Families project can be found [here](#).



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ELI Work in Progress and Drawing to Conclusion

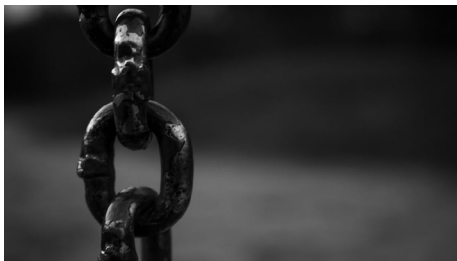


ELI-UNIDROIT Project Moves Towards Finalisation

The teams of the ELI-UNIDROIT project From Transnational Principles to European Rules of Civil Procedure held several meetings to move the project towards final approval.

The working group on Structure met in Paris on 8 January and 6 February 2019. The Team continued its work on the consolidated draft of the Instrument. Among various points discussed were the feedback received at the Trier Conference (26–27 November 2018, Trier, Germany), the drafts submitted by respective working groups as well as the progress made with respect to several parts of the Rules and the overall status of work.

On 25–26 February 2019 the Steering Committee met with Co-Reporters of several Working Groups in Rome to discuss the progress achieved and to plan ahead. In particular, the working group on Structure, responsible for preparing the consolidated draft of the output of the project, presented its current work. Further, the Reporters of the working groups on 'Costs', 'Judgments' and 'Appeals' discussed their ongoing work. With these Working Groups finalising their drafts, the participants discussed the approach to be taken with a view to submitting the final output in advance of the ELI General Assembly in September 2019. Read about the project [here](#).



Blockchain Technology and Smart Contracts

The ELI Blockchain Technology and Smart Contracts Project Team Met on 23 January 2019 in Paris.

At the kick-off meeting on 17 December 2018 in Paris it was decided that the best approach to continue with the project would be to establish several sub-groups.

Each sub-group will focus on a specific issue, and the first sub-group was tasked with analysing the impact of the (off chain or/and on chain) governance of blockchains on smart contracts.

A meeting of this sub-group took place on 23 January 2019 at the University Paris I Panthéon-Sorbonne in Paris.

The group extremely benefits from the participation of IT experts, explaining the technical background of what distributed ledger technology is and how smart contracts function.

You can read more about this project [here](#).



ELI-FRA Business and Human Rights Project Team Meeting

On 11 February 2019, the ELI-FRA Business and Human Rights Project Team convened for a meeting at the premises of the ELI Secretariat in Vienna.

The two Reporters, Diana Wallis and Jonas Grimheden, gave a brief overview and update on the status of the project and outlined the preliminary findings of the first mapping analysis on 'Access to Remedies in the Area of Business and Human Rights in the EU Member States', conducted by the FRA in 28 Member States.

Moreover, those present shared information regarding the recent policy developments on EU and global levels, which are of relevance to the project.

The Team also discussed the next steps to be taken in the coming months leading to the approval of the final product by early 2020. Members already agreed on a next meeting, which will be held on 3 June 2019 in Vienna.

You can read more about this project [here](#).



Principles for a Data Economy Project Meeting in Philadelphia

The Reporters of the ALI-ELI Principles for a Data Economy project met with some of the members of the Advisory Committees (ACs) and Members Consultative Committees (MCCs) of both organisations on 22 February 2019 in Philadelphia (USA).

The meeting focused on the Preliminary Draft No 2. After the guidance received at the ELI Annual Conference in Riga in September 2018 and at a meeting in the US in October 2018, Christiane Wendehorst and Neil Cohen as Reporters had produced a fully revised 'Preliminary Draft No. 2', which was presented to a critical audience from both the ALI and the ELI at the ALI premises in Philadelphia.

Preliminary Draft No 2

The new draft features as many as eight Chapters, which appear in an entirely new order, with the Chapter on transactions taking the lead. There is a much clearer focus on the transactional aspects and issues arising in data value chains as well as in the context of data marketplaces. The shift of focus, and the new arrangement of topics, had been suggested by the project Chairs, Lord Thomas of Cwmieidd and Steve Weise.

The most innovative part of Preliminary Draft No 2 is Chapter V on rights with regard to 'co-generated data', which was very favourably received by representatives of both organisations. This Chapter identifies, analyses and collates existing and potential future rules on access and porting rights, as well as of other data rights, taking into account that more than one party has

usually contributed to the generation and accumulation of data. The fact that a party had a share in the generation of certain data – such as by being the object of the information coded in the data, or owning the device by which data has been generated, or having designed the device with the help of which data is generated – may, together with other factors, give rise to a special relationship between that party and any controller of the data.

For example, an important part of the data economy is the supply of goods, digital content, and services to customers where, through the use of these commodities by the customers or other users, data is generated, and

transmitted to and ultimately processed by the supplier or producer of the commodity or any other third party chosen by the supplier or producer.

The Principles analyse, inter alia, the situation of customers with regard to user-generated data, addressing intricate legal issues such as a customer's access and porting rights, or how to ensure the customer's right to re-sell the commodity or to switch the supplier, as well as other typical constellations in data value chains.

To find more information about the ALI-ELI Principles for a Data Economy project click [here](#).



Call for Papers: 2019 ELI Young Lawyers Award

For the third time the ELI Young Lawyers Award will be awarded to a promising representative of the next generation of legal professionals. Deadline for entries is 30 April 2019.



The Jury for 2019/2020

The following jury members were selected by the ELI Executive Committee to review the entries of the 2019 and 2020 ELI Young Lawyers Award:

- **Sjef van Erp**
ELI Vice-President, Professor of civil law and European private law at Maastricht University
- **Filipe Machado**
President of ELSA International
- **John North**
President of Interleges
- **Walter Doralt**
Chair of the ELI Membership Committee, Professor at Freie Universität Berlin
- **Reinhard Zimmermann**
Speaker of the ELI Senate, Professor and Director of the Max Planck Institute for Comparative and International Private Law

The goal of this award is to provide the young European legal community with a mechanism to propose practical suggestions for the improvement of European law, as a way of giving voice to the future European legal experts and to help the ELI in fulfilling its core mission of improving the quality of European law.

And the Winner is . . .

The winner of the ELI Young Lawyers Award will be invited to present his/her paper at the 2019 ELI Annual Conference and General Assembly in Vienna and be awarded a number of

prizes including a cash prize of EUR 500.

Candidates must submit a unique and original paper which was not previously published and which deals with a European legal issue that could be improved.

Call for Papers – Spread the Word

If you know promising future legal experts, please feel free to encourage them to apply for the 2019 ELI Young Lawyers Award. Papers have to be submitted by 30 April 2019, 8 pm CET. All details can be found [here](#).

We wish to thank the outgoing Jury, Robert Bray (former Head of Unit, Committee on Legal Affairs of the European Parliament), Sabino Cassese (former Italian Constitutional Court Judge and Professor of Administrative Law), Katharina Miller (3C Compliance, Founding Partner, and President of the European Woman Lawyers Association), Diana Wallis (former ELI President) and Reinhard Zimmermann (Speaker of the ELI Senate), who will be continuing his role, for their dedication to giving voice to young European lawyers in the course of their two-year tenure.

Three New Members Appointed to the Senate

In addition, Bruno Lasserre succeeds Jean-Marc Sauvé as a member of the Arbitral Committee.



Pauliine Koskelo

Pauliine Koskelo is a Judge at the European Court of Human Rights. She was member (2000–2005) and President (2006–2015) of the Supreme Court of Finland.

Earlier in her career she served the Finnish Ministry of Justice as Senior Adviser in Legislative Affairs (1985–1995) and the European Investment Bank in senior positions at the Directorate of Legal Affairs (1995–2000). She chaired the Judicial Appointments Board of Finland (2006–2012) and was a Member of the Treaty on the Functioning of the European Union (TFEU) Article 255 panel (2014–2018).



Bruno Lasserre

Bruno Lasserre is the Head of the French Conseil d'État where he started his career in 1978. Between 1989 and 1997, he served as Director for Regulatory Affairs, and Director General for Post and Telecommunications. He returned to the Conseil d'État in 1998 before becoming Deputy-President for all litigation activities. After serving as Member of the board of the Conseil de la concurrence, he was appointed President in July 2004. He chaired the Autorité until 2016. At that time, Bruno Lasserre came back to the Conseil d'État to head the department for Home Affairs. In 2018 he was appointed Vice-President of the Conseil d'État.



Lajos Vékás

Lajos Vékás is a member and Vice-President (since 2014) of the Hungarian Academy of Sciences as well as a member of the Academia Europaea. He is professor emeritus and former Director (1979–1999) of the Institute of Civil Law and former Rector (1990–1993) of the Eötvös Loránd University in Budapest. He was the founding Rector of the Collegium Budapest Institute of Advanced Study (1992–1997). He is a member in the Editorial Board of several European legal journals. His main scientific interests are the historical development of the contractual system, the codification of private law and the general problems of private international law.

ELI Council Meeting in Vienna

On 28 February and 1 March 2019, Members of the ELI Council convened in Vienna.

Hosted by the Austrian Ministry of Justice, the meeting took place at the Palais Trautson. In preparation of the upcoming ELI General Assembly, the Council discussed a series of proposed amendments of the ELI Statute and Election Byelaws in the light of the upcoming ELI elec-



tions and changes to Belgian law. In addition, President Wendehorst presented first ideas for a general ELI Project Strategy which were critically assessed and discussed.

With regard to ELI projects, the Council approved the ELI Instrument on Empowering European Families. As a next step, the Instrument will be voted upon by the General Assembly. Several other ELI projects may be put to vote at the next Council meeting in September. Therefore, in-depth discussions on various ELI projects dominated the meeting, with project Reporters presenting the progress made to date. In all cases, the Council gave guidance and directions. Importantly, the prospective ELI project on Access to Digital Asset was presented by Vice-President Sjef van Erp and approved by the Council, subject to conditions. More information can be found [here](#).

Disruptive Technologies for Notaries: Blockchain & More

ELI Vice-President Sjef van Erp participated in a symposium of the Dutch Association of Notarial Law Students.



On 7 February 2019, ELI Vice-President Sjef van Erp spoke at the symposium about blockchain and notaries organised by the Dutch Association of Notarial Law Students in Gronigenen (Netherlands). Among other things, he discussed the issue of disruptive technologies – especially blockchain – and the notarial profession. The blockchain theme is one of several ELI projects and is currently lead by van Erp and Juliette Sénéchal. To read more about the project click [here](#).



Data Passports for Land Registrations

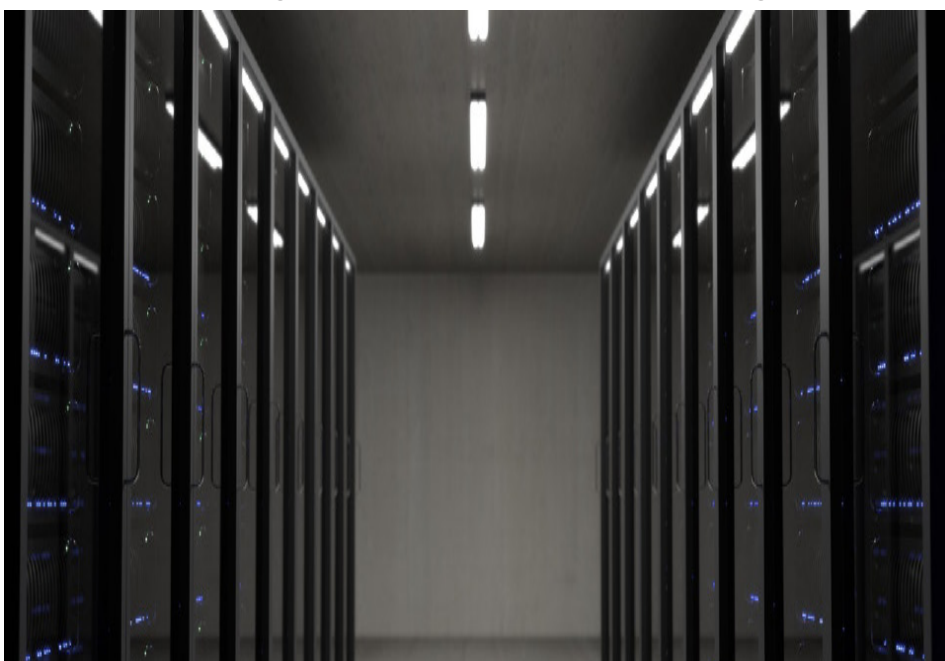
ELI Vice-President Sjef van Erp spoke at a meeting of the European Land Registry Association (ELRA).

At an ELRA meeting on 8 February 2019 in Dublin (Ireland), Sjef van Erp addressed the question whether registration of land should be supplemented with the registration of a 'data passport', eg containing quality information about agricultural land to facilitate precision farming.

Data Economy and Data Ethics in the USA, Europe & Germany

Reporter of Data Economy Principles actively contributes to expert advisory committees for digitalisation before the German government.

The ELI is keen on sharing knowledge and information on the current state of its projects with as many stakeholders as possible. It also encourages its Reporters to engage in the exchange with other bodies and organisations. In 2018, ELI President Christiane Wendehorst, who is also a Reporter of the project on Principles for a Data Economy, was appointed as co-spokesperson of the German Data Ethics Commission, a body developing policy options in the field of data ethics and data law for the German government. On 23 January 2019 Wendehorst was also invited to a meeting of the German Digital Council (Digitalrat) to share her insights. More info on the ELI-ALI project can be found [here](#).





Wendehorst at the EC Expert Group on Liability and New Technologies

Christiane Wendehorst participated in the European Commission's Expert Group meetings in Brussels on 15–16 January and 13–14 February 2019.

The aim of the Expert Group is 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). Furthermore it assists 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).

At the first of the above meetings the EU Cybersecurity Framework was presented by a representative from DG CNECT, following which draft reports on insurance and on cyber security were discussed, among other things. At the second meeting, those present deliberated on draft reports on the right of redress and on damages.

More information you can find [here](#).



Meeting with Experts from the Austrian Ministry of Justice

On 19 February 2019 ELI President Christiane Wendehorst presented the draft outcome of the Empowering European Families project at the Austrian Ministry of Justice.

In the light of the recent EU regulations on property law and registered partnerships which entered into force on 29 January 2019, the meeting of ELI President Christiane Wendehorst and experts from the Austrian Ministry of Justice was timely.

As one of the project's Co-Reporters, Wendehorst, presented the draft outcome of the ELI project on 'Empowering European Families', which touches on the Regulations as well as other aspects of the field. Her summary of the project's output, sparked great interest and insightful contributions from those present. Additionally, possible further steps on the dissemination of the project's outcome to various judicial target groups, translation and further customisation to national legal requirements were discussed.

More information about the EEF project you can find [here](#).



Lecture at the ELI Secretariat in Vienna

On 19 February 2019, the ELI's Secretary General welcomed 25 law students from Austria, Israel, Russia and the USA.

ELI Secretary General Vanessa Wilcox gave a speech on 'European Legal Pluralism and the European Law Institute' as part of a Joint Historical Jewish Law Moot Court and Ius Commune Moot Court. After discussing a number of approaches one can take to defining the notion of 'legal pluralism', Wilcox emphasised that various organisations within Europe have different competences, which may lead to a patchwork of legal standards. This situation calls for the legal community to react, and ELI provides such a platform. Wilcox continued by discussing the goals and principles of the Institute, its structure and ever-growing membership, as well as its various activities, including projects. She referred to the case on inheritance which students had to discuss in their Court and pointed that that case exemplifies the legal problems the ELI tries to solve through its prospective project on Access to Digital Assets. The project recognises the increasing amassment of 'digital' assets and seeks to close a gaping lacuna in the law by elaborating upon rules that govern access to such in the event of death or incapacity. She concluded by referring to incentives offered by the ELI to young lawyers. The presentation sparked much debate and interest among the students.

The ELI Welcomes its New Institutional Observers

With over 100 Institutional observers including EU institutions and international organisations, courts, law firms, professional associations, academic and other observers, the ELI continues to grow its membership base at an institutional level. We are happy to welcome the following esteemed organisations as new Institutional Observers of the ELI:

The Constitutional Court of the Republic of Latvia

The Constitutional Court of the Republic of Latvia is the highest court for constitutional matters in Latvia.

Composed of seven judges, the Court mainly reviews the constitutional and conventional legality of contested laws and government regulations.

The Court is competent to declare as null and void a contested norm. It does not review the facts or the judgments of other courts within the Latvian legal system.

A case can be brought before the Court by any authority designated by the law of the constitutional Court, inter alia by any person submitting a complaint regarding a fundamental rights violation, or by a tribunal seeking to declare as null and void a legal norm.



CONSTITUTIONAL COURT
REPUBLIC OF LATVIA

Schönherr

Schönherr is a leading full-service law firm providing local and international companies stellar advice that is straight to the point. With 14 offices and four country desks, Schönherr has a firm footprint in Central and Eastern Europe. Our lawyers are recognised leaders in their specialised areas and have a track record of getting deals done with a can-do, solution-oriented approach. Quality, flexibility, innovation and practical problem-solving in complex commercial mandates are at the core of our philosophy.

Schönherr has offices, country desks and permanent cooperation partners in Albania, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Montenegro, Moldova, Poland, Romania, Serbia, Slovakia, Slovenia, Turkey, and Ukraine.

Schönherr is in compliance with the respective local legal standards and conduct rules in all countries where it is active; therefore, the local firm name may vary from jurisdiction to jurisdiction.



Austrian Chamber of Civil Law Notaries

The Austrian Chamber of Civil Law Notaries is the official representation body of the profession of Austrian notaries and has its seat in Vienna. It is established by public law and is composed of the six regional notarial chambers. The Austrian Chamber of Civil Law Notaries has a coordinating function and represents the profession vis-à-vis third parties in global terms at national, European and international level. It has administrative and regulatory powers as defined by public law.

The Austrian Chamber of Civil Law Notaries is consulted in the legislative process; it liaises with other national and international professional organisations. Among others, the Austrian Chamber of Civil Law Notaries also manages the Austrian Central Register of Testaments and Wills, the Austrian Central Register of Lasting Powers of Attorney in the context of the protection of vulnerable adults and has initiated cyberDOC, the electronic documents archive and communication platform of Austrian notaries.

At EU level, the Austrian Chamber of Civil Law Notaries the Austrian Chamber of Civil Law Notaries has been a member of the CNUE and, since 1997, it has a representation office in Brussels to better liaise with EU institutions. Moreover, the Austrian Chamber of Civil Law Notaries is entrusted with public functions at EU level acting as central authority under the EU Public Documents Regulation 2016/1191. For more than 30 years, the Austrian Chamber of Civil Law Notaries has organised on a yearly basis the [Conference of European Notaries](#) in Salzburg aiming at identifying and discussing major legal, economic and political European trends and developments relevant for the notarial profession.



Babeş-Bolyai University

Babeş-Bolyai University (UBB) is by far the largest and most comprehensive higher institution in Romania, while Cluj-Napoca, its city of residence, is considered to be the most important student town in the country.

Its renowned excellency in advanced academic research and higher education programs is naturally validated, not only by the University's rich history and tradition.

Its openness to multi-culturalism, multi-lingualism and international approach of education make UBB play a leading role, to be considered as the flagship of the Romanian higher education system, establishing national standards in teaching, research and community outreach.

Currently, UBB is the largest university in the country bringing together more than 42.000 undergraduate, graduate and doctoral students enrolled in 365 programmes, covering more than 120 fields of study.

The study offer currently counts 88 Bachelor programs, taught in Romanian, 54 in Hungarian, 11 in German, and two in French.

Approximately 50 graduate programs are offered in English, German, ad French, and they develop on an yearly basis. They encompass the most compressive fields of studies of a higher institution in Romania, for social sciences, humanities, hard sciences, and newer fields as promoted by the evolutions of the cultural and professional needs, as well as by the technologic advance in a globalised society.



**UNIVERSITATEA
BABEŞ-BOLYAI**

Not an ELI Member yet?

Join the European Legal Community now!

**Check out the ELI website or contact us
at secretariat@europeanlawinstitute.eu.**

European Law Students' Association International (ELSA) International

The European Law Students' Association (ELSA) is an international, independent, non-political, non-profit making organisation run by and for students and recent graduates, who are interested in achieving academic and personal excellence in addition to their legal or law-related studies at university.

ELSA aims at providing its members a platform to develop their existing skills and acquire new ones, to interact with fellow students and experienced practitioners from different States and legal systems around Europe, and to be equipped for a professional life in an international environment, through mutual understanding, intercultural cooperation and the large variety of activities and projects the Association offers.

Interleges – The International Association of Independent Law Firms

Interleges is a well-established and closely linked alliance of independent law firms with offices across the countries of Europe, the Middle East and North and South America.

One of the first networks of its kind, Interleges was created in 1989, and now includes firms in over 20 countries as well as correspondents approved by Interleges in many other countries.

Through Interleges, both business organisations and individuals have access to specialist lawyers who have experience in representing clients from different countries and legal cultures in dealing with complex legal issues.

elsa

The European Law Students' Association

INTERLEGES

the international association of independent law firms

Current Perspectives on EU Company and Financial Law

The European Commission published its Company Law Package on 25 April 2018 and the proposals relating to sustainable finance followed. The ELI Business and Financial Law SIG organised a workshop devoted to this topical issue on 25 January 2019 in Lille (France).



This well attended event was divided into two parts, one on the EU Company Law Package of 25 April 2018 and the other on the Recent Developments Relating to Corporate Governance and Financial Aspects.

Professors and researchers from all over Europe, including from Belgium, France, Germany, Italy and the UK discussed the Directive Proposal Relating to the Use of Digital Tools and Processes in Company Law, the Harmonisation of the Private International Law of companies within the EU and the Corporate Governance and Sustainable Investment, among many other topics pertaining to the EU company and financial law.

The ELI is grateful to the organisers, chairs of the ELI Business and Financial Law SIG, Yuri Biondi, Andra Cotiga-Racah and Corrado Malberti, for organising this event. You can read more about the SIG [here](#). If you would like to join the SIG, please contact the [ELI Secretariat](#).

Upcoming Event: Spanish Hub holds its 4th Annual Conference

On 9 May 2019 the members of the Spanish Hub will get together in Elche (Spain).

More details will be provided on the ELI website in due course.



Save the Date: Upcoming ELI Events

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

21–22 March 2019

Smart Contracts & Assignment of Claims
ERA & ELI Seminar in Trier (Germany)

22 March 2019

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

9 May 2019

4th Annual Meeting of the Spanish Hub
in Elche (Spain)

4–6 September 2019

ELI Annual Conference and General Assembly
in Vienna (Austria)

10 October 2019

Insurance Law SIG: Conference on
'Outsourcing by Insurance Companies'
in Vienna (Austria)

The ELI Proudly Presents Its First Book Published with Oxford University Press

The ELI and OUP have joined forces to publish a book on criminal law. Take advantage of the concession to purchase the book at 70% of the UK recommended retail price.



This edited volume is based on the 'The Prevention and Resolution of Conflicts of Exercise of Jurisdiction in Criminal Law' research project, co-ordinated under the auspices of the ELI and the Luxembourg National Research Fund (FNR). The study sought to explore options for a coherent regulatory mechanism for the prevention and settlement of conflicts of jurisdiction in criminal law.

Currently, there is no binding instrument establishing a mechanism to resolve conflicts of (exercising) jurisdiction in criminal matters in the EU, although such a mechanism is essential for the effective functioning of a

European criminal justice area based on mutual recognition. Building on empirical research and a comparison with civil law solutions to the problem of conflicts of jurisdiction, this volume seeks to impact the EU policy debate by proposing three fully-formed models for legislative action, coupled with extensive analysis of related themes.

ELI members are offered the concession to purchase the book at 70% of the UK recommended retail price when ordering the [book](#) for personal use. In order to obtain such a discount, please order it directly from OUP by sending an e-mail to: Imogen.Hill@oup.com.

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.



ELI Secretariat

Schottenring 16, Top 175

1010, Vienna, Austria

T +43-1-4277 221 01

F +43-1-4277 922 1

www.europeanlawinstitute.eu

secretariat@europeanlawinstitute.eu



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