



ELI

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# Newsletter

November – December 2019

Bringing Legal Experts Together

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## Message from Carl Lisman President of the ULC

Dear ELI Members and Friends

I am honored to be the second President of the Uniform Law Commission (ULC) to be given the opportunity to address you in the European Law Institute's (ELI) Newsletter. As one of my predecessors, Harriet Lansing, explained in her article several years ago, the ULC has been working since 1892 to harmonize the law among the jurisdictions within the United States. The ULC, which is comprised of several hundred judges, professors and lawyers in private and public practice, appointed from all 50 States, the District of Columbia, Puerto Rico, and the US Virgin Islands, has developed widely-enacted legislation in many areas of law. The Uniform Commercial Code, the Uniform Probate Code, the Uniform Trust Code, and the Uniform Electronic Transactions Act are just a few examples of the ULC's hundreds of influential uniform and model laws.

Many of the acts developed by the ULC have cross-border implications. We have had several successful projects with the Uniform Law Conference of Canada to develop laws relevant to bilateral issues, such as providing for cross-border recognition or registration of money judgments, domestic violence protection orders, and substitute decision-making documents. We have also worked with the US State Department to develop Acts that implement treaty obligations through State law; for example, the Uniform Interstate Family Support Act implements US obligations under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. More broadly, many of our Acts that primarily apply to domestic concerns also address cross-border matters, such as our Uniform Mediation Act.

The ULC's ability to develop successful Acts – including on cross-border issues – depends on not just the efforts of our commis-

sioners but also the input we receive from those outside our membership. In selecting projects, we need to know what areas of law would benefit from harmonization and, in drafting our Acts, we need to know what approaches have been attempted (successfully or otherwise) in various jurisdictions. Seeking advice on these matters from legal experts outside the ULC is a key component of our working methods. When we set up a committee to study the need for a uniform Act on a particular topic or to draft a uniform Act, the meetings of that committee (whether occurring in person or remotely) are open to anyone with an interest in the topic, and written input between meetings is always welcomed as well.

Thus, I want to take this article as an opportunity to encourage ELI members to participate in our law reform efforts. Our current projects, including work on topics such as privacy, criminal justice reform, and third-party funding of litigation, are listed on our website. We would welcome your input on these efforts.

Even more importantly, we would greatly value your suggestions regarding new topics that you think the ULC could usefully address. One significant reason to harmonize the law among US jurisdictions is to make our legal system more accessible and readily understandable by those encountering it from the outside. Thus, the perspective of non-US lawyers is important in identifying the areas of non-uniformity that cause problems for those seeking to interact with our legal system. We consider a number of factors in selecting projects – eg, whether a particular topic is properly governed by State (rather than federal) law, whether a harmonized approach would be feasible and appropriate given differences among our States, and whether State legislatures



I wish ELI continued success in its work, and I look forward to further collaboration between our two organizations.



Carl Lisman

would be likely to enact any resulting legislation. Our website lists some of the questions that we hope project proposals will address. If you have an interest in participating in one of our ongoing projects, or if you would like to propose a new project for our consideration, please contact our Executive Director, Tim Schnabel.

On behalf of the ULC, I wish ELI continued success in its work, and I look forward to further collaboration between our two organizations.



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## Season's Greetings Message from the ELI President and Vices

Dear ELI Family, Dear Friends

As we close yet another chapter of ELI's history, we can look back at the progress we have made over the past year.

We have forged relationships with new members, both individual and institutional, and strengthened our existing relationships. The finances of ELI are on a more stable basis. Some of the guidelines have been revised with the expectation that the processes will run better and practices be sounder. The Annual Conference was very well received. We were delighted at the record attendance. The projects on draft Model Rules, on Online Intermediary Platforms, on a European Approach to R&D Expenses Qualifying for the Common Corporate Tax Base Super Deduction and on the Protection of Adults in International Situations are complete and ready to be put to the vote of the Council early next year.

Apart from the completion of these projects, we anticipate two other projects being completed in the course of 2020 – the project entitled From Transnational Principles to European Rules of Civil Procedure (with the International Institute for the Unification of Private Law, UNIDROIT) and the project on Business and Human Rights: Access to Justice and Effective Remedies (with the EU Agency for Fundamental Rights, FRA). We have therefore begun looking ahead to the topics that ELI should consider embarking on over the next five years. Suggestions have come from members, from leaders of ELI's Special Interest Groups (SIGs) and from scholars that specialise in administrative, family, criminal and corporate law, who attended High Level Expert Group meetings aimed at identifying pressing legal topics in their respective fields.

Foundations are thus being put in place to enable ELI's bodies to craft a Five-Year Project Strategy that will serve ELI's primary aim of improving the quality of European law, under-

stood in the broadest sense as being, for the benefit of European citizens and legal entities. When the cornerstones are in place, it will be for ELI's newly elected Executive and Council to take this forward and to continue the contribution ELI is able to make.

None of the above would be possible without the tireless efforts of ELI's dedicated members, friends and staff, with whom it is a pleasure for us to share ELI's past year achievements. We are so privileged to be a part of this remarkable organisation.

While there is much more to be achieved in the year ahead, it is good to pause and reflect on the past year as we unite with friends and family. Let us also use this brief inter-year period to look to the future to question the legacy we individually wish to leave behind in the form of our contribution to building ELI and facilitating the causes it pursues. After all, there is no doubt that it is the people behind ELI that are its greatest strength.

On behalf of your Executive, warm wishes to you all as you celebrate this season of festivities and heartfelt thanks for your ongoing support.

Sincerely



Christiane Wendehorst  
ELI President



Lord John Thomas  
First Vice-President



Pascal Pichonnaz  
Second Vice-President

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Media Owner & Editor:  
European Law Institute (ELI)  
Schottenring 16/175  
1010 Vienna, Austria

# Fiduciary Access to Digital Assets: Striking a Balance Between Privacy Expectations and the Need for Fiduciary Access to Digital Assets

by Suzanne Brown Walsh

## I. Introduction

In the past, fiduciaries could easily identify, marshal, collect, and manage assets. Often, the biggest nuisance was convincing a recalcitrant financial institution to honor a power of attorney, and personal representatives and conservators, appointed by courts, encountered few problems. That landscape changed forever with the advent and popularity of digital assets and accounts.

Today, individuals may own digital assets and accounts with significant monetary value, such as cryptocurrency.<sup>1</sup> Even items of sentimental value are digital today. Executors who need to access photos, contact friends and family or sort through correspondence may find that impossible without access to email and online storage accounts. Guardians for the incapable may need to monitor social media and other online accounts for inappropriate posts and activity and prevent scam artists and cyber thieves from finding new prey.<sup>2</sup>

Despite the importance of access to digital assets, clients are often unaware that passwords and encryption can completely prevent fiduciary access to assets and data. According to a 2017 study, between 30 to 50 percent of all Bitcoin will likely be lost and out of circulation – totaling \$20 billion in value – due to private key loss.<sup>3</sup>

Absent express instructions from the account holder, online custodians routinely deny fiduciaries access to a decedent's electronic communications and data.<sup>4</sup> In this manner, custodians automatically condemn to purgatory the data of customers with the temerity



to die without expressing their privacy preferences. Savvy trusts and estates practitioners routinely warn clients to assume that their fiduciaries will encounter resistance accessing online accounts and data, and to plan accordingly. Few online account custodians offer online tools that, as an alternative to passwords, would allow customers to control the access to and disposition of digital property held in such accounts, or even access to the records associated with the accounts. This flies in the face of longstanding public policy favoring the collection and preservation of a decedent's property.

The Uniform Law Commission (ULC)'s Revised 2015 Uniform Fiduciary Access to Digital Assets Act (hereafter, 'Revised UFADAA') raised awareness of the problem, but provides only partial relief for those who fail to plan.<sup>5</sup> Across the Atlantic, ELI's [Access to Digital Assets](#) Project Team is also seeking to find solutions to various challenges that plague key stakeholders in this field. Its output is eagerly waited.

### *Impediments to Fiduciary Access to Digital Assets*

**Fiduciaries trying to access, collect, or manage digital assets face unique impediments that do not exist when deal-**

ing with traditional assets. Most online accounts are password protected, and the passwords can generally be reset only with access to the account holder's email account (if the accounts can be reset or recovered at all). Access to a computer does not automatically grant the fiduciary access to the data stored on the computer's hard drive if the passwords and the data on the computer are encrypted, or when a software feature protects the data.

Access to a decedent's emails might be important, perhaps for their sentimental value, but more likely because the decedent's email account contains the information necessary to continue a business or collect other assets. Technology companies, such as Apple, are increasingly emphasizing customer privacy and control over their data and accounts.<sup>6</sup> As a result, fiduciaries are not granted routine access to accounts, communications and other stored data, as they would have been automatically granted access to traditional assets in the past. A decedent or incapable person might have opened an online account with the expectation that the account would remain private and undiscoverable by anyone, including a fiduciary. Depending on the type of ac-

1 See <https://coinmarketcap.com>.

2 See Victims of Identity Theft, Bureau of J Statistics, 2014, [http://www.bjs.gov/content/pub/pdf/vit14\\_sum.pdf](http://www.bjs.gov/content/pub/pdf/vit14_sum.pdf) (Sept 2015)

3 Jeff John Roberts and Nicolas Rapp, Exclusive: Nearly 4 Million Bitcoins Lost Forever, New Study Says, <https://fortune.com/2017/11/25/lost-bitcoins/>, accessed December 15, 2019

4 See eg *Ajemian v Yahoo!, Inc*, 987 NE2d 604, 614 (Mass App 2013).

5 Unif L Comm'n, Uniform Fiduciary Access to Digital Assets Act, Revised (2015).

6 Evan Niu, Is Apple Hiding Behind Strong Privacy While Undermining Competition?, <https://www.nasdaq.com/articles/is-apple-hiding-behind-strong-privacy-while-undermining-competition-2019-11-28>.



count, evidence of the account holder's intent may be required to show that the user intended the account to be accessible to others and not private.

This makes it vitally important to mention the importance of passcodes to clients with data stored on encrypted devices and online accounts. Fiduciaries who need to access a decedent's or incapable person's data and do not know the owner's passcode will likely be unable to obtain it without a court order.<sup>7</sup>

### *Terms-of-Service Agreements*

Even if the fiduciary has a password, the account provider's terms-of-service agreement (TOSA) might forbid account access by anyone except the account holder<sup>8</sup> – implicitly barring a fiduciary from access. Online TOSAs are frequently silent about postmortem options and often simply prohibit postmortem access or transfer. Fiduciaries asking account providers for help accessing accounts are often completely rebuffed, or at best, forced to obtain court orders that authorize access and disclosure.<sup>9</sup>

### *Federal and State Anti-Hacking Laws*

The Federal Computer Fraud and Abuse Act (CFAA) criminalizes the unauthorized access of computer hardware and devices and the data stored thereon:

(a) Whoever— ... (2) intentionally accesses a computer without authorization or exceeds authorized access, and thereby obtains— ...  
(C) information from any protected computer ... shall be punished as provided in subsection (c) of this section.<sup>10</sup>

This criminalizes two kinds of computer trespass: accessing a computer 'without authorization' and access that 'exceeds authorized access.' The CFAA defines the term 'exceeds authorized access' as 'to access a computer with authorization and to use such access to obtain or alter information in the computer that the accessor is not entitled so to obtain or alter.'<sup>11</sup>



Unauthorized use includes 'obtain[ing] ... information' (such as by accessing emails or internet accounts) from a 'protected computer,' which is defined as any computer connected to a government or financial institution as well as one 'used in or affecting interstate or foreign commerce or communication.'<sup>12</sup> Because most internet servers are not located in the same State as a website's users, internet use almost always involves obtaining information from a protected computer and therefore implicates the CFAA.<sup>13</sup> The term 'computer' includes desktop computers, laptops, notepads, tablets, and smartphones.<sup>14</sup> Every US State has an analogous statute, which varies in coverage, but typically prohibits unauthorized access to computers.<sup>15</sup>

Even when a fiduciary is expressly or impliedly authorized by the account holder or State law to use a computer or to act on behalf of an account holder, the fiduciary is not necessarily exempt from CFAA prosecution.<sup>16</sup> There is no question that a fiduciary is authorized, in the normal sense of the word, to access an account holder's computer or system that the fiduciary lawfully possesses, controls, or owns by virtue of the proscribed authority of a fiduciary. The problem is that the account holder's digital accounts or assets are stored on the account provider's server, not the user's. If the fiduciary is violating the account provider's TOSA by accessing the account holder's digital accounts or assets online, the fiduciary may be vio-

lating the CFAA.<sup>17</sup>

Until Congress amends and clarifies the CFAA, the scope and breadth of the CFAA's reach will remain unclear, including its impact on fiduciaries trying to perform their statutory duties. That lack of clarity will continue to have a chilling effect on fiduciaries as they attempt to deal with the digital assets of account holders.

Please click [here](#) to continue reading the article on ELI website.

<sup>17</sup> Digital Assets and Fiduciaries, by Naomi Cahn, Christina L. Kunz, and Suzanne Brown Walsh (Research Handbook on Electronic Commerce Law (John A Rothchild ed, Edward Elger 2016), <http://ssrn.com/author=2394675>).

### **The Author**

Suzanne Brown Walsh is a partner at Murtha Cullina LLP in Hartford, Connecticut. She is a member of the ULC's Joint Editorial Board for Uniform Trust and Estate Acts and previously chaired the drafting committees for the Uniform Electronic Wills Act and the Revised Uniform Fiduciary Access to Digital Assets Act (2015).



<sup>7</sup> See, eg, Matter of Coleman 2019 NY Slip Op 29067, 3/11/19, Surrogate's Court, Westchester County.

<sup>8</sup> Yahoo!, Yahoo Terms of Service, <http://info.yahoo.com/legal/us/yahoo/utos/terms> (updated Mar 16, 2012). 'Yahoo grants you a personal, non-transferable and non-exclusive right and license to use the object code of its Software on a single computer ...'

<sup>9</sup> Ajemian, 987 NE2d at 614.

<sup>10</sup> 18 USC § 1030(a)(2)(C)(2012) (emphasis added).

<sup>11</sup> Id at § 1030(e)(6).

<sup>12</sup> Id at § 1030(e)(2).

<sup>13</sup> See Shurgard Storage Ctrs, Inc v Safeguard Self Storage, Inc, 119 F Supp 2d 1121, 1127 (WD Wash 2000).

<sup>14</sup> US v Mitra, 405 F.3d 492, 495-496 (7th Cir 2005).

<sup>15</sup> Natl Conf of St Legislatures, Computer Crime Statutes, [www.ncsl.org/issues-research/telecom/computer-hacking-and-unauthorized-access-laws.aspx](http://www.ncsl.org/issues-research/telecom/computer-hacking-and-unauthorized-access-laws.aspx) (as of May 12, 2016).

<sup>16</sup> See James D Lamm et al, The Digital Death Conundrum: How Federal and State Laws Prevent Fiduciaries From Managing Digital Property, 68 U Miami L Rev 385, 399-401 (2014).

# Case Studies on Access to Digital Assets Project

Often this topic is seen as connected with succession ('your digital after-life'). However, the problems encountered are not specific to one particular legal area. Focussing on judicial enforcement, Jos Uitdehaag and Sjef van Erp, co-reporters for ELI's Access to Digital Assets project, recently wrote about attachment of digital assets (particularly: cryptocurrencies) in: Marc Schmitz and Patrick Gielen, *Avoirs Dématérialisés et Exécution Forcée, Digital Assets and Enforcement* (Bruylant, 2019) as part of an evaluation of the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) Guidelines for a better implementation of the existing recommendations on enforcement.

The ELI project is, therefore, more generally aimed at creating signposts regarding how, in the data economy, digital assets can be accessed. Retrieving or viewing of data may be necessary for various reasons. A creditor might want to seize cryptocurrencies, an entrepreneur would like to offer such currencies as collateral for a loan, heirs demand access to the deceased's social media accounts. What we see are various kinds of digital assets, to which access is required by various categories of persons in different types of situations. This is largely uncharted territory.

## Case Study 1

A creditor obtained a judicial judgment ordering a debtor to pay his debt. The creditor then approaches a judicial enforcement officer to investigate which assets could be seized. In her search the judicial enforcement officer discovers that the debtor might have cryptocurrencies stored in a so-called wallet. The wallet is



stored on the debtor's mobile phone. The judicial enforcement officer demands to know what the content of the wallet is and makes clear that she wants to seize its content.

Enforcing judgements against debtors who have various valuable digital assets, such as cryptocurrencies, seems to be a worldwide problem. Access to wallets is, for various and very valid reasons, cryptographically protected by so-called 'keys', particularly the 'private key'. If the debtor refuses to inform the judicial enforcement officer of the private key, hardly any measures are possible to gain access. The judicial enforcement officer is not involved in a criminal investigation and does not have the knowledge or legal power to break into (in other words: 'hack') the wallet. Should judicial enforcement officers be given greater legal powers? Could a solution be that the judicial enforcement officer seizes the servers on which the

cryptocurrencies are stored, but how realistic is this in the case of a public blockchain?

## Case Study 2

A start-up company issues so-called 'tokens' as part of its 'Initial Coin Offering'. The tokens are bought by various investors, as part of a crowdfunding project. One of the investors suddenly needs a loan and goes to his bank, offering the tokens as security.

Tokens are digital assets which represent a part of the economic value of a company, as is the case with shares. The difference with shares is that issuing tokens, on the basis of a 'White Paper' is still largely unregulated and takes place outside existing capital markets and capital market regulation aimed at investor protection. The tokens are, like other types of cryptocurrencies, stored in a wallet. This means that, if the tokens are for example given as non-possessory security to a bank, the bank will need the private key (see above under Case Study 1) to gain access to the pledged digital assets. What if the debtor refuses? This creates a risk which no bank will take. A solution might be





that the debtor transfers the asset to a third party, debtor and bank sign an escrow arrangement under which the third party, acting as escrow agent, after full repayment of the debt either returns the tokens to the debtor or transfers the tokens to the bank as part of an enforced sale procedure.

### Case Study 3

After the deceased passed away the heirs find a laptop. By pure luck, while looking through the deceased's papers, they find the code giving them access to the laptop. On the laptop they discover that the deceased had an Internet banking account (no printed statements were available), various social media accounts (eg an account that stores family pictures), an e-mail account and they discover

that the deceased must have a PayPal account.

All of these assets can be qualified as a record that is created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic or optical means or by any other similar means. Most of these records will have economic value, but that does not necessarily need to be the case as certain records might not be very valuable, but may have great emotional value. Heirs will want to approach the bank and also PayPal asking about the account and the balance, they may want to have (a copy of) the pictures in the social media account and access to the e-mail account. Regarding the social media accounts and the e-mail account, data protection (privacy) questions may arise and data

protection may be used as an argument by the developer of the social media account or the bank to refuse to give access. In the case of the social media account these arguments may be stronger than in the case of a bank account or PayPal. Which information should be given to heirs when they ask for access to the digital assets but not demand control of the assets themselves yet?

Most likely these questions, at least for the time being will in the first place be decided by courts, although countries are increasingly preparing legislation or have already enacted statutory provisions regarding certain aspects of what are called 'disruptive technologies' (distributed ledger technology, blockchains, smart contracts etc).

This is why the various questions raised here in the three case studies for now must primarily be answered from the perspective of the judiciary and those working in public service, such as (civil law) notaries and enforcement agents.



## Progress by the Business and Human Rights Project Team

**On 22 November 2019, the core Team met for a third time this year at ELI's premises in Vienna to discuss developments and how to proceed following the project's approval.**



Since the official approval of the [project](#) on 26 September 2019 by the ELI Council, the Team is now ready to progress.

Team members discussed the various steps to be taken leading to the final vote on the project. Other points on the agenda included examining the recent policy developments at EU and global levels in the

area of Business and Human Rights, the revised project timeline, upcoming events, the distribution of tasks among Team members and the structure of the final output.

Participants had submitted substantive input ahead of the meeting, which served as a basis for fruitful discussions and paved the way forward.

The next meeting in this project, conducted with the input of the EU Agency for Fundamental Rights (FRA), is envisaged by April 2020.

## ELI at Finnish Presidency's Business and Human Rights Conference

**On 2 December 2019, two Business and Human Rights Project Team members spoke at a Conference under the Finnish EU Presidency in Brussels.**

Team members of the project on Business and Human Rights: Access to Justice and Effective Remedies, Filip Gregor and Patrycja Pogodzinska, briefly presented the project at the 'Business and Human Rights: Towards a Common Agenda for Action' Conference of the Finnish Presidency of the EU Council in Brussels on 2 December this year.

Gregor's presentation focused on the issue of mandatory human rights due diligence, which is one of the key focal points of the ELI project. He mentioned ELI's project and

advised participants to anticipate its results in 2020.

More information about the event is available in the [agenda](#).



## Discussing Constitutional Traditions Common to the Member States

**On 28–29 November 2019, ELI Project Team members showcased their output at a Conference that took place at Bocconi University in Milan.**

Several members of ELI's Common Constitutional Traditions project spoke alongside other leading experts in the field at the event and met to discuss the first preliminary output of the [ELI project](#).

During the [Conference](#) the project, as well as its methodology, were presented by one of the Project's Reporter, Judge Emeritus Sabino Cassese. As the Team has already collected and analysed the first 21 national reports which deal with freedom of speech, freedom of movement and judicial independence, initial findings were also discussed.

A closed Project Team meeting followed, during which the Team decided to focus the Project on two pillars, one dedicated to further analysis of fundamental rights and the other to broader constitutional principles. The next Project Team meeting, focusing on the first pillar, will take place on 30–31 January 2020 at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg.

# Former ELI Vice-President Disseminates Preliminary Results of ELI Projects

**On 5–7 December 2019, Sjef vsan Erp spoke at a Conference in Trento.**

During the first day of the 25th Annual Common Core of European Private Law Conference that took place at University of Trento, Sjef Van Erp presented a tribute to the work of ELI member Ole Lando who sadly passed on this year. Van Erp described Lando's working method and showed how Lando's approach to legal unification is still very much of relevance today.

He also informed those present of the current state of the output of the two ELI projects he heads, namely on Ac-

cess to Digital Assets and [Blockchain Technology](#) and Smart Contracts. Those present showed considerable interest in ELI's projects.

In addition, informal discussions about possible future cooperation between ELI and the Common Core of European Private Law Project were held with Ugo Mattei and Mauro Busani, the Common Core project's general editors.

Please click [here](#) to view the agenda of the event.



# ELI Draws Tax Law Experts Together

**On 6–7 December 2019, a Conference on R&D Tax Incentives: Contribution to the Emergence of a Tax Concept took place at the University Jean Moulin Lyon 3 in Lyon.**

The Conference aimed at presenting and discussing some of the findings of the ELI project on For a European Approach to Research and Development (R&D) Expenses Qualifying for the Common Corporate Tax Base Super Deduction.

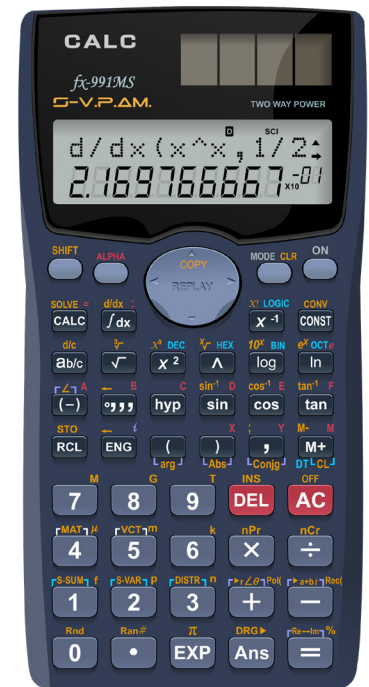
During the Conference, Georges Cavallier, Reporter of ELI's [project](#), presented draft Statements that were elaborated upon within the framework of the project and which aim at proposing a definition of R&D costs eligible for tax incentives, so as to stimulate investment in the area of R&D in the EU.

His presentation was followed by some insights from representative of the ELI Advisory Committee of the project, Jean-Luc Pierre. Other members of the Project Team and Advisory Committee also delivered papers on the occasion. Participants discussed various theoretical and practical as-

pects of the notion of R&D, for instance whether a commercial objective should be included in the (tax) concept or how the novelty requirement should be interpreted, among many others. You can find the agenda of the event [here](#).

This two-day event gathered together several Project Team members, representatives of the ELI Advisory Committee as well as other experts and those interested in the topic, and allowed for in-depth discussions on practicalities relating to R&D tax incentives, a measure that could potentially stimulate economic growth in the EU.

On the occasion, ELI Vice-President, and Chair of ELI's Membership Committee Pascal Pichonnaz, presented the work of ELI to those present and encouraged them to join the organisation and actively work towards the betterment of European law.





# Seeking the Expertise of Leading Criminal Lawyers

**On 10 December 2019, ELI Secretariat hosted a third High Level Expert Group (HLEG) meeting in the field of Criminal Law.**

The experts, namely Lorena Bachmaier Winter (Professor at Complutense University), Dick Heimans (Deputy Head of Unit, General Criminal Law, and Judicial Training, DG JUSTICE, European Commission), Ester Herlin-Karnell (Senior lecturer at the University of Gothenburg), Robert Kert (Professor at WU Vienna), André Klip (Professor at Maastricht University), Katalin Ligeti (Professor and Dean of the Faculty of Law, Economics and Finance at the University of Luxembourg), Michiel Luchtman (Professor at the Willem Pompe Institute for Criminal Law and Criminology and the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE)), Valsamis Mitsilegas (Professor and Deputy Dean for Global Engagement (Europe), Queen Mary University of London), Andrea Venegoni (Italian Supreme Court) and John Vervaele (Professor at Utrecht Law School and at the College of



Europe in Bruges) discussed topics they identified in the field of criminal law that deserve attention by ELI.

They shortlisted a handful of themes that ELI could embark on in future. The HLEG was joined by ELI President Christiane Wendehorst, ELI Secretary

General Vanessa Wilcox and ELI Project Officer Katja Kolman. ELI is immensely grateful for the experts' invaluable contributions, which will be examined by ELI Executive Committee and Council. The next ELI Council meeting is from 20–21 February 2020.

## Towards Groundbreaking Principles on Access to Digital Assets

**The Team of the ELI project on Access to Digital Assets convened again on 16 December 2019 at the Maastricht University Campus Brussels.**

Project Team members met recently to discuss various developments in the field of access to digital assets as well as to categorise various assets.

The Team continued working on the pre-draft of the restatement of principles, with a special focus on applicable law, and decided to split into further working groups, each tasked with drafting individual chapters of the output. The Project Team hopes to meet again in February 2020.



## Leading Company Law Experts Convene at ELI

**On 17 December 2019, the fourth and final HLEG meeting was held at the ELI Secretariat in Vienna.**

Several experts in the field of company law were invited to the ELI Secretariat to advise ELI on pressing topics worthy of ELI's attention in the field.



Among the experts were Walter Doralt (Professor, Institute of Civil Law, University of Graz), Rolf Dotevall (Professor at the University of Gothenburg/Lund; Served as Adjunct Judge at the Court of Appeal in Gothenburg), Horst Eidenmüller (Professor at the University of Oxford, Arbitrator, Mediator), Georg Kodek (Professor at WU Vienna, Judge, Austrian Supreme Court), Katja Langenbacher (Professor at the University of Frankfurt am Main; Member of the Takeover Panel of 'BaFin' (German Securities Markets Oversight)), Jessica Schmidt (Professor, Bayreuth

University), Matthias Siems (Professor at EUI Florence, Research Associate at the Centre for Business Research, University of Cambridge; Research Associate at the London Centre for Corporate Governance and Ethics, Birkbeck, University of London, Invited Fellow at the Maastricht and ELI), Chris Thomale (Professor, University of Vienna), Marc-Philippe Weller (Professor, University of Heidelberg, Vice-Rector for Interna-

tional Affairs). They were joined by ELI President Christiane Wendehorst and Secretary General Vanessa Wilcox. Tomasz Dudek, Senior Project Officer at ELI organised the event.

ELI is extremely grateful to the experts for taking time off to provide invaluable input and guidance. The Institute looks forward to commencing projects in the field of company law momentarily.

## Translating ELI-UNIDROIT's Civil Procedure Rules

**On 18 December 2019, the group preparing the French version of the Rules convened in Paris.**

In a bid to offer the results of its work to an ever-broader audience, the ELI supports its partner, International Institute for the Unification of Private Law (UNIDROIT), in translating the results of the project into French.



Professors Loïc Cadiet, Frédérique Ferrand and Emmanuel Jeuland met on 18 December in Paris in order to check and validate the French translation of the European Rules of Civil Procedure.



Both English and French versions, after approval by ELI and UNIDROIT bodies, will be available on the [ELI website](#).

### Have you recently published a book? Let us know.

The ELI newsletter, which is published every two months, reaches an audience of around 2,500 registrants and provides an excellent channel to showcase your latest publications. We would like to invite all ELI members that have published books shortly before each issue of our Newsletter to inform the [ELI Secretariat](#) so we can showcase this to the ELI Newsletter readership.

### Stay in touch with ELI!

We are doing our best to bring up-to-date news about ELI, project developments, representations and upcoming events to ELI members and friends through our Newsletter and social media channels. It is important to all of us at ELI that we stay connected with you. Should your contact details change, please be so kind as to inform the ELI Secretariat. We also wish to invite those of you that are yet to do so to follow us on our Twitter and Facebook pages and to add us to your LinkedIn network.





## ELI Awarded EU Operating Grant for 2020

We are proud to announce that ELI has been awarded an EU Operating Grant for 2020 under a four-year Framework Partnership Agreement from 2018–2021.

Thanks to the grant, ELI will continue to contribute to the improvement of European law and the formation of a more vigorous legal community through projects and other activities. The latter will increase the capacity of

national practitioners and authorities to address issues relating to judicial co-operation in civil and criminal matters, increase awareness of policy makers in various fields and improve knowledge on legislation and administrative practices, among others. ELI has been a beneficiary of EU Operating Grants each year since 2015.

Other sources of finance include funds from a cooperation agreement with



Supported by  
the European Union

the University of Vienna, membership fees and a project grant from the Fritz Thyssen Foundation. You can read more about ELI's various sources of funding [here](#).



## ELI Forges Closer Ties with the Asian Legal Community

**On 5 November 2019, a delegation from the Constitutional Court of the Kingdom of Thailand visited the ELI Secretariat in Vienna.**

The delegation included Punya Udchachon (Judge of the Constitutional Court), Kanokwan Chamachoti (Director of the Division of Constitutional Research and Development) and Boonserm Nagasara (Constitutional Officer). ELI President, Christiane Wendehorst, and Secretary General, Vanessa Wilcox, informed the delegation about the Institute, its aims, structure, projects (in particular the project on Common Constitutional Traditions in Europe) and research processes. Participants held fruitful discussions on possible further cooperative avenues.

ELI is pleased to observe a growing interest in the Institute's work from other regions of the world and looks forward to knowledge exchange with stakeholders from different legal traditions.

## Increasing Interest in ELI from Jurists in Asia

**On 13 November 2019, a delegation from the People's Procuratorate of Beijing Municipality visited the ELI Secretariat in Vienna.**

The delegation from the People's Procuratorate of Beijing Municipality included Gao Baojing (Deputy Procurator General), Liu Hui (Director of Office), Li Xinyu (Director), Wang Yanpeng (Prosecutor) and Fu Xiaoyu (Deputy Procurator General).

ELI Secretary General Vanessa Wilcox gave a broad overview of ELI, its aims and activities, in particular its projects.

She also emphasised how the latter has been effective in inspiring national governments and EU bodies in the drafting of legislation and have received the endorsement of key national and European bodies, including the European Parliament, among many others.

## Budapest Opens Doors for the Upcoming ELI Conference

**On 15 November 2019, ELI Secretary General visited Budapest to discuss the organisation of ELI's 2020 Annual Conference.**

In preparation for next year's ELI Annual Conference and Meetings, ELI Secretary General Vanessa Wilcox met Péter Darák (President of the Hungarian Supreme Court), Tamás Sulyok (President of the Hungarian Constitutional Court), Pál Sonnevend (Dean of the Faculty of Law of Eötvös Loránd University), Rozsnyai Krisztina (Vice-Dean for International Affairs), Miklós Király (ELI's Hungarian Hub Chair) and Tamás Szabados (Secretary General of the Organising Committee) to discuss organisational matters and to visit planned venues for the upcoming event.

ELI is honoured by the invitation to host the event in Hungary and is grateful for the generosity of the above institutions and individuals that made this event possible.

## ELI's First Vice-President Informs the European Union Databases User Group (EUDUG) About ELI

**On 21 November 2019, ELI's First Vice-President Lord John Thomas spoke at an event organised by the EUDUG.**

On this occasion, Lord Thomas elaborated on the Institute's goals and structure and explained the progress ELI has made in the eight years since its foundation in 2011.

Lord Thomas focused his speech on ELI's work in the area of data and other aspects of the digital revolution, informing those present, in particular, about the Principles for a Data Economy [project](#), which ELI embarked upon with its American counterpart, the

American Law Institute (ALI), in 2018.

The presentation, which took place at the Institute of Advanced Legal Studies, University of London, was well-received and interest for closer cooperation in the ventures of ELI's UK Hub was expressed. To learn more about ELI's First Vice-President, Lord John Thomas of Cwmgiedd, his role in ELI and in the ALI-ELI joint project, please feel free to read a recent interview on him in the latest edition of the [ALI Reporter](#).



## Instilling ELI's Ethos in Students

**On 28 November 2019, ELI's Secretary General welcomed 20 students to the ELI Secretariat in Vienna.**

ELI Secretary General Vanessa Wilcox welcomed a group of students studying Comparative Imperial History at the University of Vienna to the ELI Secretariat.

Having outlined the role of EU and national law-makers, mainly, in a legally pluralistic Europe, she went on to reflect on the circumstances that made the founding of ELI a necessity.

Secretary General Wilcox proceeded to outline ELI's goals, structure and work, focusing on its projects and the output of its Hub and SIGs, before moving on to informing those present about incentives for young lawyers.



## The ALI-ELI Principles for a Data Economy at UNCITRAL and the German Federal Ministry of Justice and Consumer Protection

**ELI President and Project Reporter Christiane Wendehorst presented the Principles for a Data Economy at UNCITRAL on 28 November 2019.**



**United Nations  
UNCITRAL**

At the 59th session of the UNCITRAL Working Group VI in Vienna Christiane Wendehorst was invited to present the ALI-ELI approach to the Principles for a Data Economy.

The Principles were also the focus of attention on several occasions at the German Consumer Rights Days 2019 at the German Federal Ministry of Justice and Consumer Protection with presentations by ELI President Christiane Wendehorst,

ELI members Axel Metzger and Michael Grünberger, and Policy Officer at the European Commission, Malte Beyer-Katzenberger. In particular, the 'co-generated data' approach was discussed as a possible first step for general principles on data access rights. Several parts of the Principles with regard to 'data transactions' and 'data rights' have already been submitted to the ALI Council, which will discuss the draft Principles on 17 January 2020.



## Strengthening Ties with the Austrian Chamber for Civil Notaries

On 5 December 2019, ELI's President and Secretary General met representatives of Austrian Chamber for Civil Notaries.

To discuss the further dissemination of the results of two ELI outputs, namely the completed [project](#) on Empowering European Families and the [project](#) on the Protection of Adults in International Situations, a meeting was held on 5 December at the ELI Secretariat with the representatives of the Austrian Chamber for Civil Notaries. As the problems tackled by the above projects are of high practical importance for EU citizens, ELI will team with its member, the Austrian Chamber for Civil Notaries in provid-

ing a platform to discuss cross-border implications of issues relevant in family law and with respect to vulnerable of adults who, due to an impairment or insufficiency of their personal faculties, could benefit from such protection. ELI President Christiane Wendehorst, ELI Secretary General Vanessa Wilcox, as well as Project Officers Katja Kolman and Tomasz Dudek met with the representatives of the Austrian Chamber for Civil Notaries, Stephan Matyk-d'Anjony, Mateja Tapia, Katharina Leithner and to discuss the organ-

isation of a workshop and a conference concerning both projects. More information will be provided in due course.



## ELI Secretary General Speaks to Europe's Future Lawyers at ELSA Austria's 64th National Council Meeting

On 6 December 2019, ELI's Secretary General spoke at the meeting held at the WU University in Vienna.

On the occasion, the ELI Secretary General Vanessa Wilcox informed those present about ELI (its ambitions and unique traits as well its projects and other activities).

She spoke about the various incentives open to law students/graduates, highlighting ELI's Young Lawyers Award as an opportunity for young lawyers to get involved in ELI's quest to improve law-making in Europe.

The Secretary General observed that Europe's future lies in the hands of the young generation, and said that ELI was pleased with the manner in which the cooperation between it and ELSA had developed.

She welcomed more opportunities to uncap the creativity of younger lawyers and to facilitate the intergenerational exchange of views and ideas.



The European Law Students' Association  
AUSTRIA

## Join an MCC and Contribute to ELI's Work

**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 MCC comment on any preliminary project results that have been submitted. Any ELI member who is interested in actively contributing to the development of a project is invited to join its MCC, irrespective of the member's status as an individual or institutional member. There is no limit to the number of members who can participate, and MCC members need not be experts in the relevant field. MCC members come from various legal professions and specialise in different areas of law. It is exactly this

diversity which enriches the debating potential of the MCC and makes its contribution so valuable. MCC members' input is normally electronic. Nevertheless, physical meetings may be held, eg on the occasion of the Membership meeting, subject to finances.

If you are interested in closely following one of the projects, receiving regular updates and participating in discussions with Project Reporters and Project Teams to shape the project's output, you are welcome to send an [e-mail](#) to the ELI

Secretariat expressing your interest in joining one of the above MCCs. ELI welcomes you to apply as a member of the following MCCs:

- [Common Constitutional Traditions in Europe](#)
- [Blockchain Technology and Smart Contracts](#)
- [Access to Digital Assets](#)
- [Business & Human Rights](#)

## ELI Welcomes its New Members

ELI is pleased to welcome the following, whose membership applications were approved by the ELI Council recently.

### New Individual Members

- Masha Antokolskaia
- Sandra Arsic
- Piotr Bogdanowicz
- Maria Inês Viana de Oliveira Martins
- Daniela Maria Frenda
- Paolo Ghiringhelli
- Olavi-Jüri Luik
- Chiara Macchi
- Fabio Maniori
- Maria Manoy
- Emilia Miscenic
- Leigh Sagar
- Silvia Scalzini
- Zvonimir Slakoper
- Evangelia Spyropoulou
- Maciej Taborowski
- Punya Udchachon
- Emanuela Vitello

### New Sustaining Members

ELI is grateful to its Sustaining Members who make a donation of EUR 60 per year (in addition to EUR 60 for membership fees), enabling ELI to embark on new initiatives that further its causes. This term, ELI is delighted to welcome the following new Sustaining Members:

- Paolo Ghiringhelli
- Peter Harris Rodger
- Velibor Korać
- Attila Menyhárd
- Eliana Morandi

### New Institutional Member

# Baker McKenzie.

Long before the term 'global player' became fashionable, our Firm's founders had already realised the vision of a globally operating commercial law firm.

Founded in 1949, Baker McKenzie is one of the world's largest and most effective law firms with more than a 12,000 headcount in 77 offices.

As the original global law firm, we bring the right talent to every client issue, regardless of where

the client is. We partner with our clients to deliver solutions in the world's largest economies as well as newly opening markets.

In an increasingly complex world, one asset is of particular importance: intelligent legal ideas. We at Baker McKenzie Vienna are committed to this aspiration. With a young, energetic team on spot and a strong network behind us. We exchange knowledge and ideas – within our office and worldwide. And keep a close eye on develop-

ments. For what happens in London, New York or Beijing means gaining expertise and being ahead of the curve for the benefit of all our clients – in Austria and all over the world.

As one of Austria's leading law firms, we advise national and international companies and institutions in all areas of commercial and tax law.

Let us prove what we mean by to be one idea smarter.



## Italian Hub Symposium



UNIVERSITY OF TRENTO

### Symposium on EU Citizenship 25 Years On: Civil and Economic Rights in Action in Trento

12–13 December 2019

Participants were welcomed by Luisa Antonioli (Professor, Vice-Dean of the University of Trento), Elena Ioriatti (Professor, University of Trento) and Daria de Pretis (Judge, Constitutional Court of Italy). Catherine Barnard (Professor, Cambridge University) delivered a keynote speech in which she argued that current problems with the EU identity might result from the fact that not all EU citizens can benefit from rights conferred upon them by the Treaties, and there are many who are left behind.

Two sessions then followed, first on Economic Rights and EU citizenship, during which Paolo Guarda (Professor, University of Trento), Elisabeta Pulice (Researcher, University of Trento), Vassilis Hazopoulos (Professor, University of Athens) and Elena Ioriatti presented their research output, and the second on Civil Rights and EU citizenship, with presentations by Henri de Waele (Professor, University of Antwerp and Radboud University), Hanneke van Eijken (Assistant Professor, University of Utrecht) and Tomasz Dudek (Senior Project Officer, ELI).

The Symposium came to an end with closing remarks by the bEUcitizen General Coordinator, Sybe de Vries (Professor, University of Utrecht) in which he signaled further challenges to the enjoyment of fundamental rights resulting from the technological developments and climate change.

Please find the agenda [here](#).

## Global Private Law SIG Conference



### International Conference on the Law of Obligations and SIG Meeting in Zagreb

12 December 2019

Organised by the Department of Law at the University of Zagreb, Faculty of Economics and Business, in cooperation with the Global Private Law SIG, and in the framework of the celebrations of the United Nations Commission on International Trade Law (UNCITRAL) Secretariat for the fortieth anniversary of the United Nations Convention on Contracts for the International Sale of Goods (CISG), the first Zagreb International Conference on the Law of Obligations was held on 12–13 December 2019 at the University of Zagreb, Faculty of Economics and Business.

The Conference gathered more than 80 speakers, among them several ELI Fellows, who presented 71 papers in 13 sessions dealing with topics such as new codifications of the law of obligations in Central and Southeast Europe, developments in EU contract law, and contemporary challenges to the law of obligations such as artificial intelligence and blockchain technology, while a separate session was devoted to the CISG turning 40 next year.

At the closing of the Conference, Ivan Tot announced the second Zagreb International Conference on the Law of Obligations which will be held on 15–17 December 2021 at the University of Zagreb, Faculty of Economics and Business. More information on the follow-up Conference is available at the Conference [website](#).

Read the full report on the [ELI website](#).

## Digital Law SIG Conference



Università Bocconi

SCHOOL OF LAW

### Conference on 'Contracts for the Supply of Digital Content and Digital Services' in Milan

13 December 2019

Winner of the ELI 2019 SIG of the Year, the ELI Digital Law SIG organised a Conference on Contracts for the Supply of Digital Content and Digital Services at the Bocconi University in Milan recently.

This two days event gathered experts to discuss the implications of the EU Directive 2019/770 on the Supply of Digital Content and Digital Services.

Organised around six sessions, the Conference provided a forum for in-depth discussions on the subject, including on the notions of digital content and digital services, personal data, portability of digital content and digital services, the problem of non-conformity and termination, certain aspects of intellectual property rights and on an the assessment of the Digital Content Directive in light of the EU Charter of Fundamental Rights, among many other topics.

The Conference also provided a platform for this year's winner of the ELI Young Lawyers Award, Luigi Buonanno, to present his winning paper and discuss it with experts.

At the end of the event, members of the Digital Law SIG held a [meeting](#), during which they planned the SIG's work for 2020.

You can find the [agenda](#) of the event here. More information about the ELI Young Lawyers Award [here](#).

## Call for Interest: EU Law SIG

ELI is pleased to inform its members about a proposed initiative to re-launch the EU Law SIG.



The proposers have been encouraged by the decision to set up the Belgio-Luxembourg Hub, since they consider that many of the activities of the new SIG are likely to take place in association with that Hub in Brussels and Luxembourg.

The relevance of such a SIG is self-evident given that the ELI's Statute refers to evaluating and stimulating the development of EU law, legal policy, and practice, and in particular making proposals for the further development of the *acquis*. An EU Law SIG could make a real contribution to European integration and the harmonisation of national

laws by nurturing new ELI projects for consideration by EU institutions. The new legislature and the undertaking by the President of the Commission to give serious consideration to legislative proposals from the European Parliament afford a real opportunity for ELI and more than justify reviving the EU Law SIG.

The subjects potentially covered by the SIG are extremely varied, but it is suggested that the development of EU constitutional law and possible Treaty change might constitute an area of considerable interest with scope for research into how the nexus between the EU normative system and the Charter of Fundamental Rights and the European Convention on Human Rights is handled by the courts in the various Member States. Other areas of obvious interest are competition law and State aid.

The SIG would also afford an opportunity for ELI to get closer to the day-to-day work of EU institutions. Finally, the new SIG should work on general themes in EU law not covered by other SIGs, such as European citizenship and freedom of movement and commerce. Candidates for Chairs of the SIG include Professor Laurence Gormley, Professor Fausto Pocar and Professor Giuseppe Tesauro. Candidates for Advisory Board are: Francesco Avolio, Robert Bray, Mark Clough, Fabio Ferraro, Rita Giannini and Laura Guercio.

The initiators would also suggest that Denis Philippe, Matthias Storme and Gregory Minne, as Chairs of the Belgio-Luxembourg Hub, should be closely involved with the running of the SIG.

Please contact the [ELI Secretariat](#) if you are interested in participating in this SIG.

## Call for Interest: Environmental Law SIG

Wish to join ELI members that are passionate about addressing environmental law issues?



Climate and environmental-related challenges have become crucial tasks. The atmosphere is warming and the climate is changing with each passing year. One million out of the eight million species on the planet are at risk of being lost. Essential resources for humans are being polluted and destroyed.

As a response to these challenges, on 11 December 2019 the EU Commission released The European Green Deal, representing an integral part of the Commission's strategy to implement the United Nation's 2030 Agenda and the sustainable development goals. It is a new growth strategy that aims at transforming the EU into a fair and prosperous so-

ciety, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases by 2050 and where economic growth is decoupled from resource use, improving the quality of life of current and future generations.

ELI can and shall play a crucial role in supporting this transformation process. The proposed Environmental Law SIG aims to bring together experts from Europe and beyond, reshaping existing legal instruments and creating new ones so as to achieve environmental sustainability and a circular economy thus making Europe a standard setter in this field.

For this purpose, the SIG aims to implement new strategies for regulation and standardisation, enhancing dialogue with social partners and international cooperation. The SIG would rethink in particular: (a) production and sales law; (b) legislation on waste and circular materials; (c) instruments for enhancing smart mobility and the sharing econ-

omy; (d) the introduction of rules on green finance and investment; (e) policies for clean energy supply; (f) rules on large-scale infrastructure and construction; and (g) taxation and social benefits. In particular, the SIG aims at addressing and enhancing the synergy between the green and the digital transformation, by exploring measures to ensure that digital technologies such as artificial intelligence, 5G, cloud and edge computing and the internet of things can accelerate and maximise the impact of policies to deal with climate change and protect the environment.

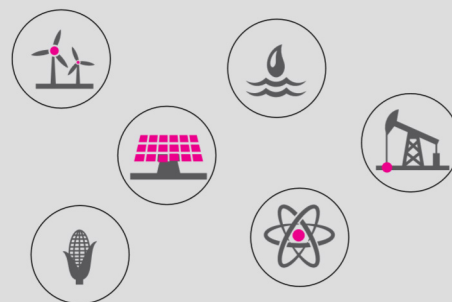
Should you be interested in participating in this proposed SIG with Alberto De Franceschi, who has put himself forward as a Chair, please contact the [ELI Secretariat](#). Feel free to also read the tentative [agenda](#) of an upcoming Conference on the theme. The event will take place on 28 February 2020 in Rome: 'Environmental Sustainability and the European Green Deal: Values, Innovation and Regulation'.

Tuesday, 14 January 2020 | 5:00 pm

# Energy Communities 2020+

## Legal, Regulatory and Corporate Framework

A Conference Hosted by  
Schoenherr | ELI | Bernard Energy | Philippe & Partners



The recent 'Clean Energy for All Europeans' package (Clean Energy Package, CEP) formally introduces the concept of 'energy communities', which can be described as local communities that use the technical opportunities of decentralised energy and new technological developments in the energy industry, to create a local autonomous electricity system.

Apart from the possibilities that come with the wide range of future developments and innovations, there are naturally also legal and regulatory requirements that need to be adapted and put into place in order to deal with such new circumstances. Local energy communities will have the potential to switch to virtual communities, and members of certain groups could team up to share all, or part of their energy resources. The question is what corporate legal framework, as well as regulatory framework is needed for energy communities to be able to develop to their full potential?

The Conference is aimed at presenting and examining the concept of energy communities and at outlining potential adjustments to the legal and regulatory framework which are likely needed to implement energy communities in practice. The Conference will also address the question as to which corporate framework appears to be the best for energy communities.

We therefore invite you to join us and leading experts in discussing various implementation issues related to energy communities.

The presentations will be held in German and English.

Location: Schoenherr Vienna | Schottenring 19, 1010 Vienna  
Date: Tuesday, 14 January 2020  
Time: 5:00 pm welcome reception  
5:30 pm start of the conference  
Participation Fee: EUR 50  
All proceeds will be donated to the [TU Wien Foundation](#).

Please register via [this link](#).

### Agenda

- **Welcome**  
Bernd Rajal (Partner, Schoenherr) and Christiane Wendehorst (ELI President)
- **The Energy Communities in the CEP: Policy Objectives of the European Commission**  
Marion Malafosse (Policy Officer, DG ENER)
- **Energy Communities: A New Opportunity for Citizens and Businesses**  
Denis Philippe (Partner, Philippe&Partners) and Pierre Bernard (Managing Partner, BEA)
- **Regulatory Aspects of Energy Communities from an Austrian Perspective**  
Wolfgang Urbantschitsch (Executive Director, E-Control)
- **Which Corporate Framework for Energy Communities?**  
Bernd Rajal (Partner, Schoenherr)



schoenherr

Bernard Energy



# Meetings and Events Calendar At-A-Glance

Below is a list of upcoming ELI meetings and events. Please save the dates and stay updated by following our [website](#) or social media channels for more details.

## January 2020

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- 14 January  
**Conference on Energy Communities (jointly organised with ELI's member, Schönherr)**  
Location TBC
- 17 January  
**ALI Council Meeting and presentation of ALI/ELI Principles of a Data Economy project**  
Philadelphia
- 21–22 January  
**Protection of Adults in International Situations Project Team Meeting and Conference with Belgio-Luxembourg Hub and Parliamentarians**  
Brussels
- 30–31 January  
**Common Constitutional Traditions in Europe Project Project Team Meeting and Conference**  
Heidelberg

## February 2020

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- 19 February  
**ELI Executive Committee meeting**  
Vienna
- 20–21 February  
**ELI Council meeting**  
Vienna
- 22 February  
**Conference on Blockchains and Law Technology (organised by Global Private Law SIG)**  
Canberra

## March 2020

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- 6 March  
**Crossborder Operations of Companies within the EU: Mobility Mechanisms, Regulatory Arbitrage and Stakeholders Protection (organised by Business and Financial Law SIG)**  
Location TBC

## April 2020

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- 2–3 April  
**Digital Law SIG Meeting and Conference entitled 'The Future of Digital Technologies Law Clinics'**  
Lyon

## November 2020

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- 5–6 November  
**Fifth Spanish-German Meeting on Private Law**  
Location TBC



**May the holiday season be filled with peaceful moments and joyous cheer.**

**The ELI Secretariat sends you season's greetings and wishes you a prosperous New Year!**

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

## Executive Committee

President:	Christiane Wendehorst
First Vice-President:	Lord John Thomas
Second Vice-President:	Pascal Pichonnaz
Treasurer:	Denis Philippe
Other Members:	Anne Birgitte Gammeljord Pietro Sirena Fryderyk Zoll

## 2020 ELI Conference

The 2020 ELI Annual Conference will take place from **9–11 September** in **Budapest**. Please take note of this date.

We look forward to seeing you there!

## ELI in Vienna

The Secretariat of 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

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