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Seasonal Greetings

Dear esteemed ELI Members and friends,

2020 has been a remarkable year in many respects. Our thoughts are with those for whom it has brought suffering; our hopes rest on the warm community spirit it has sparked and on the boost for innovation that it has brought with it. The holiday season brings us the gift of time – time to reflect on what is behind us and on what we may have learnt for the future.

As an organisation, we had to change drastically the way we interact with each other, the way we work together, and the way we organise our meetings and conferences from one day to another. Thanks to a marvellous and hard-working team at the ELI Secretariat, the ELI found its way through these difficulties. More importantly, it was able to change a range of them into opportunities for the future of ELI. The '[Principles for the COVID-19 Crisis](#)', which were shared with organisations worldwide and published by renowned journals in various languages, sparked a lively debate about what should guide States and Institutions in this unique situation. A series of webinars gave us the opportunity to engage with a still wider community of ELI Members and friends, as did the [Online Annual Conference](#) that

brought together experts from all over the world and attracted a record attendance by ELI Members. The ELI's success is your success. -- we want to thank you, our Members, for your continued support and hard work and look forward to building on the achievements and strengthening our activities in the next year.

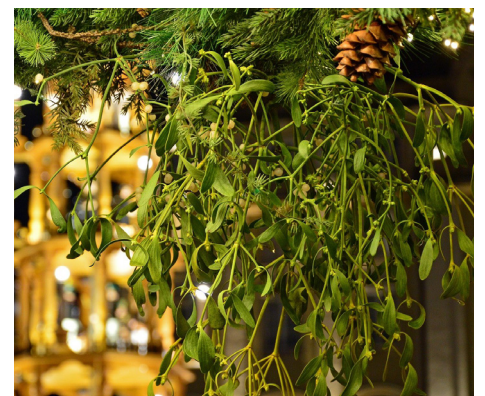
We wish you an enchanting festive season and a happy New Year filled with health, happiness, and success.

Warmest winter wishes

Christiane Wendehorst
President

Lord John Thomas
First Vice-President

Pascal Pichonnaz
Second Vice-President



The Admissibility of E-Evidence in Criminal Proceedings within the EU

by Ladislav Hamran

Criminals increasingly use modern communication technologies to hide their actions and evade justice. According to an impact assessment carried out by the European Commission, e-evidence such as texts, e-mails or messaging apps plays a role in roughly 85% of all criminal investigations. In 65% of these cases, investigators face the additional challenge of having to reach across borders to collect the e-evidence concerned.

Eurojust supports national judicial authorities who are dealing with cross-border requests for e-evidence in concrete criminal investigations. In addition to our operational support, we host the European Cybercrime Judicial Network that focuses on the exchange of best practices and legal expertise in this field. From our experience, we see that the lack of a uniform European approach to the admissibility of e-evidence results in numerous challenges for prosecutors and judges within the EU.

Collection of e-evidence

The EU has made great strides in setting up a legal framework that allows investigators and prosecutors to collect evidence, including e-evidence, in cross-border cases. For the future, the Commission's 2018 legislative proposal on a European Production and Preservation Order aims to make the collection of e-evidence for the purpose of criminal investigations and prosecutions even easier. In parallel, the EU is developing practical initiatives to enable the secure exchange of e-evidence across borders, including the e-evidence digital exchange system (eEDES), the e-CODEX system and the JITs Collaboration Platform.

Admissibility of e-evidence

When it comes to the admissibility of evidence, the situation is very different. While Article 82(2)(a) of the Treaty



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on the Functioning of the EU (TFEU) explicitly allows for the adoption of EU rules on the mutual admissibility of evidence, this has not happened yet – partly due to concerns about the principle of subsidiarity. Existing references to the admissibility of (e)-evidence in EU legislation are rare and do not provide a general solution.

This is not to say that European standards in this field are completely missing. The Council of Europe's recently revised Electronic Evidence Guide defines the general criteria of admissibility of e-evidence as *authenticity, completeness, reliability, believability and proportionality*. From this list, it becomes clear that on a high level, courts are expected to deal with e-evidence in a similar way to any other form of evidence. However, this alone is not enough to solve the practical challenges that judicial authorities face when dealing with the admissibility of e-evidence.

Challenges

The absence of binding European rules means that for the most part, the admissibility of (e)-evidence is still

governed by national rules that vary greatly or sometimes have not even been adopted yet. For example, not all Member States allow their judicial authorities to issue a domestic production order towards Online Service Providers (OSP) located abroad but offering services within their borders. Similarly, several Member States have not regulated the admissibility of e-evidence voluntarily disclosed by foreign OSPs, but this often falls into the 'not prohibited' category.

While technology changes fast, national legal frameworks are frequently lagging behind. As a result, courts have to decide on the admissibility on a case-by-case basis and have started to develop innovative jurisprudence when e-evidence was collected in ways not foreseen by the legislator.

Questions of admissibility arise, for example, when the police successfully crack the password for an email account based on legally intercepted communication, when biometric data is used against the defendant's will to unlock a phone, or when an online investigation is conducted on a server

Spotlight on Admissibility of E-Evidence

abroad without the knowledge of the authorities of the affected Member State.

Our experience has also taught us that legislation alone is not enough: when it comes to the admissibility of e-evidence, it is crucial that judicial authorities possess sufficient technical knowledge. While it is often possible to rely on experts to understand the intricacies of a certain technology, a basic level of understanding will always be required. After all, if a judge does not comprehend the evidence that is presented, it is impossible to correctly decide about its admissibility. This becomes even more apparent when complex encryption technologies are involved.

Way forward

In light of the above, Eurojust believes that it is crucial to develop both a more uniform approach to the admissibility of e-evidence across the EU and increase the general level of

technical knowledge of the European judicial community. We therefore strongly welcome the European Law Institute's efforts to launch a project with the aim to provide an analysis of the current situation and possibly propose a harmonised model. Initiatives like this can greatly contribute to a better understanding of e-evidence related challenges and increase our chances of successfully holding criminals responsible for their actions.



The Author



Mr Ladislav Hamran is the President of Eurojust, the European Agency for Criminal Justice Cooperation, as well as National Member for the Slovak Republic at Eurojust. He is a public prosecutor with over twenty years of experience, particularly in cases involving economic crime, corruption and asset recovery.



AI and Public Administration Project Team Progresses Further

The AI and Public Administration Project Team held several meetings during the last two months and moved forward with the drafting of the Model Rules.

During a meeting on 16 November 2020, the Project Team discussed the European Parliament's proposed framework of ethical aspects of artificial intelligence, robotics, and related technologies as this framework relates to the work of the project.

On 24 November 2020, a meeting with the project's Members Consultative Committee (MCC) followed. Building upon the discussion with the project's Advisory Committee, the focus laid on the revised draft Model Rules. This meeting was opened by the project's Assessor Philip Moser QC, who provided an insight into the challenges for AI and public administration, underlining the timeliness of the ELI Model Rules that are being developed alongside other initia-

tives for the regulation of AI. Project Co-Reporter Jens-Peter Schneider and Team members Jonathan Dollinger and Katarzyna Ziółkowska then briefly presented the project and its progress.

During the discussion, MCC members provided valuable feedback on the draft Model Rules. Issues of the nature of the impact assessment, its compatibility with other impact assessments and relationship with rules of administrative procedure were raised among other topics. Participants highlighted the importance of public participation in the assessment process and inquired about the remedies against the impact assessment and its consequences for other (judicial) proceedings. They also discussed rel-

evant developments in the field of AI at the EU level.

On 9 December 2020, the Team conferred the revisions of specific Articles, focusing, among other things, on the screening procedure for automated decision systems that should be subjected to an impact assessment and the content of an impact assessment report. The revisions tried also to address the comments submitted by the project's Advisory Committee and Members Consultative Committee earlier this year.

To follow up on this, the Team plans to meet again at the end of January 2021.

Access to Digital Assets Project Team Holds Meeting

The Access to Digital Assets Project Team convened remotely on 4 November 2020 and 18 December 2020.

Participants discussed recent EU initiatives in the field of innovative technologies as well as provided feedback on a new draft Chapter dealing with judicial enforcement of digital assets. The Chapter aims to provide guidance to practitioners, as issues with accessing digital assets by force of law are arising in practice.

Project Team members were joined by Observers Silvino Navarro (Spanish Land Registrars), Maria Vilar Badia and Veronica Williams (European Commission) as well as the project's Assessor Christiane Wendehorst.

During the meeting in December, the Team decided, in line with the sug-

gestions of the ELI Council, to split the final output in two parts, with the first report focusing on voluntary transfers of digital assets/security rights.

The small working group developing the relevant Chapter as well as the broader Project Team will meet again in January 2021 to discuss the revised drafts.



ELI Awarded Operating Grant for 2021

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

The Operating Grant will enable ELI to intensify its efforts to contribute to the improvement of European law and the formation of a more vigorous legal community, mainly through various ELI projects and key events, such as the ELI Annual Conference and Membership Meeting.

ELI's ambitious plan for the next year, which includes various activities focusing on topical legal issues such as the rule of law and digitalisation, among many others, will increase

the capacity of practitioners and authorities to address issues relating to judicial cooperation in civil and criminal matters, increase the awareness of policy makers in various fields and improve knowledge on legislation and administrative practices, among others.

ELI has been the beneficiary of the EU Operating Grants since 2015.

Other sources of funding include funds from a cooperation agreement



**Supported by
the European Union**

with the University of Vienna, membership fees and a project grant from the Fritz Thyssen Foundation. You can find out more about it [here](#).

ELI Reporter Presents the ALI-ELI Principles at the Legal Committee of the BDI

On 4 December 2020, Christiane Wendehorst presented the ALI-ELI project 'Principles for a Data Economy' at the 142nd session of the Legal Committee of the Federal Association of German Industries.

Following the invitation of the Federal Association of German Industries (BDI), Project Reporter Christiane Wendehorst presented the Principles for a Data Economy carried out by the American Law Institute (ALI) and ELI, and generously founded by the Fritz Thyssen Foundation. The current draft of the Principles was last discussed at the ELI Annual Conference in September 2020. In the course of her presentation, Christiane Wendehorst provided the Legal Committee with an overview of the Principles, which deal with different types of contracts and rights of different actors in regard to data in the data economy.

The following discussion with the members of the Legal Committee revolved, among other aspects, around the different ways to provide data (eg, complete transfer of data or mere access to data in a protected environment). The second part of the Principles formulates five types of

contracts to cover the various ways data can be provided (eg, 'contracts for the transfer of data', 'contracts for access to data'). Furthermore, the importance of data trustees was once again emphasised in the discussion. Data trustees can make a significant contribution to better management of and added value from data, and in particular give individuals more control over their personal data (eg, via so-called Personal Information Management Systems).

Regular feedback from stakeholders is immensely important for the project to make sure it addresses the right questions. The members of the BDI Legal Committee provided the Reporter with valuable insight into some legal and practical issues faced by industries when sharing data, such as under data pooling arrangements. It is in particular the rights and obligations arising upon the dissolution of such arrangements that often prove

to be problematic. The discussions greatly informed, in particular, the further development of Principle 11 on contracts for data pooling.

The second Council Draft will be presented at the ALI Council Meeting in 2021.

**Fritz Thyssen Stiftung**
für Wissenschaftsförderung

**BDI**
The Voice of
German Industry

Calling Members to Join an MCC

Interested Members are invited to join the newly established Members Consultative Committees (MCC) of two ELI projects: Admissibility of E-Evidence in Criminal Proceedings in the EU and the Concept and Role of Courts in Family and Succession Matters.

By joining the MCC, Members can help to shape a project's outcome. MCC members will be invited for comments at various stages of the project, overall offering guidance and insight. The level of involvement in the MCC is not predetermined and, thus, it is for each MCC member to decide how much time to devote to a project. More information about MCCs is available [here](#). You can notify your interest to join the MCC by sending a message to the [ELI Secretariat](#).

Admissibility of E-Evidence in Criminal Proceedings in the EU

The [project](#) will address the long-standing issue of the admissibility of evidence gathered in cross-border criminal proceedings in the EU, on which no uniform practice among EU Member States exists to date. The aim is to develop a legislative proposal on admissibility and exclusionary rules of (e-)evidence in criminal proceedings. The legislative proposal will be accompanied by a background study.

The Concept and Role of Courts in Family and Succession Matters

This [project](#) aims to develop an outline for a harmonised European concept of courts, including, inter alia, notaries and other actors traditionally not qualified as courts, building on the approach of the Court of Justice of the EU in its recent case law, to ensure a harmonised application of EU instruments in the Member States by detecting and developing best practices and minimum standards to be fulfilled.



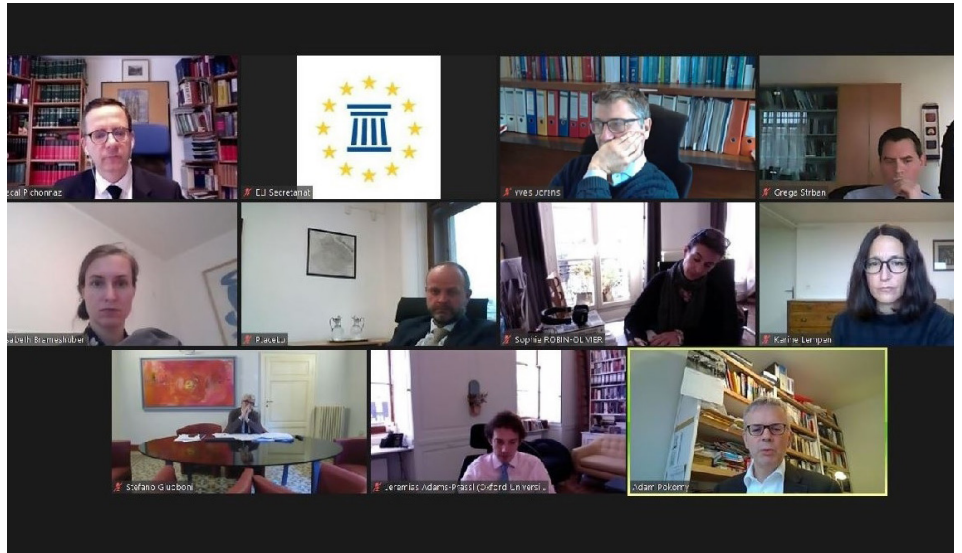
Bringing Together Legal Expertise at High-Level Expert Group Meetings

In November and December ELI organised four remote HLEG meetings on Financial Law, Labour Law, Corporate Liability, and Data Law, gathering leading experts in the field to discuss ideas for potential new ELI Projects.

ELI started with a series of HLEG meetings in 2019 with a view to expand and balance its project portfolio. Despite the difficulties posed by the current COVID-19 pandemic, which is causing disruption and unrest around the globe, the Institute decided to continue with this important initiative also this year. The Institute is organising a series of HLEG meetings online in the field of Labour Law, Financial Law, Corporate Criminal Liability, and Data Law.

HLEG Meeting on Financial Law

Kern Alexander (Professor, University of Zurich), Yuri Biondi (Tenured Senior Research Fellow of the CNRS (National Centre for Scientific Research of France); ELI Council member), Miguel Gimeno Ribes (Professor, University of Valencia; ELI Council member), Daniela Hohenwarter (Professor, University of Vienna), Sabine Kirschmayr-Schliesselberger (Professor, University of Vienna), Esko Antero Kivisaari (Deputy Managing Director, Finance Finland), Katja Langenbucher (Professor, Goethe University Frank-



HLEG Labour Law

furt am Main), Thomas Papadopoulos (Professor, University of Cyprus) and Philip Wood CBE QC [Hon] (Yorke Distinguished Visiting Fellow at the University of Cambridge) discussed various topics that concerned broader issues such as sustainability, supervision, harmonisation and digitalisation with regard to financial law. Anne Birgitte Gammeljord, member of the ELI Executive Committee, also joined the meeting.

HLEG Meetings on Labour Law

Jeremias Adams-Prassl (Professor, Oxford University), Elisabeth Bramehuber (Professor, University of Vienna), Stefano Giubboni (Chair; Professor, University of Perugia; ELI Council member), Yves Jorens (Professor, University of Ghent), Karine Lempfen (Professor, University of Geneva), Adam Pokorny (Head of Unit, Working Conditions (EMPL.B.2), DG EMPL, European Commission), Lubomír Ptáček



HLEG Financial Law

Updates on ELI Activities



HLEG Corporate Criminal Liability

(Judge, Supreme Court of the Czech Republic; President of the European Association of Labour Court Judges), Sophie Robin Olivier (Professor, University of Sorbonne) and Grega Strban (Dean and Professor, University of Ljubljana) discussed pre-identified topics in the area of labour and social security law that would deserve the attention of the European legal community, dealing among other things with digitalisation and the challenges brought by the COVID-19 pandemic. The HLEG was joined by ELI Second Vice-President Pascal Pichonnaz.

HLEG Meeting on Corporate Criminal Liability

Robert Bray (Chair; former Head of

Unit of the Secretariat of the Legal Affairs Committee, European Parliament; ELI Council member), William Julié (lawyer, William Julié law firm), André Klip (Professor, Maastricht University; ELI Council member), Celina Nowak (Director of the Institute of Law Studies of the Polish Academy of Sciences; criminal law researcher and consultant), David Ormerod (Professor, University College London), Bertrand Perrin (Professor, University of Fribourg), Fausto Pocar (Professor Emeritus, University of Milan; ELI Council member) and Jürgen Wessing (Partner, Wessing & Partner; Professor, University of Düsseldorf) convened to discuss project ideas prepared by them prior to the meeting, with a

view to develop them further. They identified pressing issues that ELI should address in the future, dealing among other things with the concept of corporate criminal liability as well as liability of corporations for specific crimes, such as environmental crimes. ELI President Christiane Wendehorst joined the fruitful discussion.

HLEG Meeting on Data Law

Malte Beyer-Katzenberger (Policy Officer, European Commission), Anna Buchta (Head of the Policy & Consultation Unit, European Data Protection Supervisor), Lee A Bygrave (Professor, University of Oslo), Gloria González Fuster (Professor, Vrije Universiteit Brussel), Wolfgang Kerber (Professor, Philipps-Universität Marburg), Orla Lynskey (Professor, London School of Economics), Lilian Mitrou (Professor, University of the Aegean-Greece), Louisa Specht-Riemenschneider (Chair; Professor, University of Bonn), Alain Strowel (Professor, Saint-Louis University) and Jacques de Werra (Professor, University Geneva) met to discuss the topics they submitted in advance of the meeting and to identify potential project ideas that ELI could embark on in the future. These included broader themes of data access, data governance, data sovereignty, transparency obligations and digital dominance. ELI President, Christiane Wendehorst, joined the meeting.



HLEG Data Law

ELI Second Vice-President Holds Lecture at the Tech Law Clinics Webinar

ELI Second Vice-President, Pascal Pichonnaz, participated in the Tech Law Clinics Dissemination Event on 'How to Address AI Challenges in the Current Legal Framework?' on 6 November.

Pascal Pichonnaz enriched the webinar with a presentation entitled 'Between technological understanding and legal mastery: don't throw the baby out with the bath water'. ELI Second Vice-President drew attention to the usefulness of technology for legal professionals when it is understood and incorporated properly. However, technology cannot replace legal mastery and understanding. The same conclusions were drawn by Marc Clément from the ELI Project on [Artificial Intelligence \(AI\) and Public Administration](#).

As emphasised by Vice-President Pichonnaz, the [ALI-ELI Principles for a Data Economy](#) demonstrate how effective principles might look like. Building on an understanding of the technological background of data processing and the knowledge of al-

ready existing principles from other legal areas, the Principles are easily recognisable and useable. Put differently, by building upon existing principles and not eliminating something good in error, they don't throw the

baby out with the bath water.

To watch the full webinar please click [here](#). The input from ELI Second Vice-President Pascal Pichonnaz can be viewed from minute 38:30.



ELI Welcomes its New Members

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

New Individual Members:

- Letizia Coppo
- Corina Florenta Popescu
- Paweł Grzegorzczak
- Natalia Kaida
- Michal Kianička
- Lineke Minkjan
- Nasir Muftic
- Elena Alina Ontanu
- Marlena Pecyna
- Pedro Pernas
- Julia Told
- Bert van Schaick
- Femke Wijdekop

Sustaining Members:

The following members have joined as, or changed their membership to that of Sustaining Members, who pay an additional 60 EUR per year to support ELI's work:

- Daniele Busani
- Pavel Koukal

Blockchain Education Network

Since 2014, BlockchainEdu Association (Blockchain Education Network Italy) has been a non-profit Italian association that promotes the study and use of Blockchain technology through conferences, courses, and projects. BlockchainEdu is oriented towards a university environment and collects applications from students, teachers, and researchers while collaborating with companies and Public Administrations. The mission of the Association is the dissemination of science and technology education at the base of Bitcoin and other cryptocurrencies.



Have you published recently? Let us know.

ELI's 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 our 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.



Environmental Law SIG Holds Online Conference

The Online Conference on “Environmental Sustainability and ‘The European Green Deal’: Values, Innovation and Regulation” was held on 12 and 13 November. Over the course of these two days, an audience of over 100 participants and fourteen presenters from Europe, America, and Africa shared their thoughts and developed new ideas on the topic.

The Conference aimed to critically assess and rethink in an interdisciplinary policy-oriented perspective: values and current policies for environmental sustainability; rights on waste and regulation for a circular economy; legal instruments for enhancing environmental sustainability, both from a public and private law perspective. Multiple panels provided valuable input and insights into these areas and allowed for a proper assessment. After welcome addresses by Laura Ramaciotti, Dean of the Department of Economics and Management at the University of Ferrara, and Christiane Wendehorst, President of the ELI, the first panel focused on ‘Policies for a Sustainable Environment: The Global Challenge’. The second panel dealt with ‘New Challenges for Sustainable Environment: An Economic Perspective’ while the third and fourth



panel provided an in-depth analysis of ‘Legal Instruments for Enhancing Environmental Sustainability’. Each session was followed by a lively discussion.

Please click [here](#) to watch the Online Conference part one and [here](#) to watch part two.

Hungarian Hub Organises Webinar

On November 27, the ELI Hungarian Hub held its webinar on ‘The European Union and COVID-19 Crisis’.

The Co-Chair of the Hub, Professor Miklós Király (Eötvös Loránd University (ELTE)) welcomed the participants.

Lord John Thomas (ELI First Vice-President) held the first presentation of the webinar under the title ‘ELI Principles for the COVID-19 Crisis’. He elaborated on the issue of the nature and challenges of the principle of the rule of law, and he provided details about the Principles that ELI had adopted in respect to the COVID-19 crisis. He talked about how the pandemic has changed many fields of our lives, including the judiciary system. Some courts switched easily and quickly to hold online hearings, and in his opinion this practice will likely stay in the

future in some jurisdictions. Regarding the ELI Principles, he added that the Principles were drafted in the hope of the crisis ending soon. After the crisis, according to Lord Thomas, there will be a new ‘normal’.

The second speaker, Professor Éva Gellénné Lukács (Eötvös Loránd University), spoke about COVID-19 and the free movement of persons in the EU. She presented the consequences of the crisis on the free movement of the people in the single market.

The third lecture was delivered by Gábor Zupkó (Head of Representation of European Commission Hungary), focusing on the EU Coronavirus re-

sponse. Gabor Zupkó introduced the audience to the divergent actions the EU has taken in order to alleviate the effects of the crisis and to protect the health of EU citizens.

The last lecturer, Professor Antonio Estella (Carlos III University, Madrid), talked about the EU’s economic response to the COVID-19 crisis. He presented in detail the measures and plans adopted by the EU.

Re-Launch of Austrian Hub

On 27 November 2020, the Austrian Hub held a re-launch Conference on ‘The Implementation of the Directive Concerning Contracts for the Sale of Goods and the Digital Content and Digital Services Directive’, in cooperation with the Leopold-Franzens-University (LFU) in Innsbruck.

The Austrian Hub was re-launched under the initiative of Professor Susanne Augenhofer, Professor Walter Doralt and Professor Christian Koller. Participants discussed the Directive concerning contracts for the sale of goods (Sale of Goods Directive) and the digital content and digital services Directive (Digital Content Directive), which are requiring the legislator to push for reforms in the field of Consumer Law.

Participants were welcomed by the president of LFU Innsbruck, Professor Tilmann Märk, as well as Professor Doralt and ELI President Christiane Wendehorst on behalf of ELI.

Professor Johannes Stabentheiner from the Austrian Federal Ministry of Justice started the Conference by introducing the Austrian draft for the

implementation of the Digital Content Directive, followed by Dr Benjamin Görs from the German Federal Ministry of Justice and Consumer Protection who presented the German draft as well as the legislative process.

Professor Bernhard Koch from the University of Innsbruck and Professor Stephan Lorenz from the Ludwig Maximilian University of Munich focused on the implementation of the Sale of Goods Directive.

Professor Stephan Lorenz focused on the Directive’s consequences for maintaining an adequate level of private autonomy for B2B transactions in German Law.

In the following part of the Conference, the Austrian and German drafts for the implementation of the Digital

Content Directive were presented. Professor Wendehorst from the University of Vienna presented some core features of the current working draft prepared by the Austrian Ministry of Justice.

Seeing the need of a regulation of digital content and digital services, Professor Alexander Metzger from the Humboldt University Berlin praised the German draft.

Afterwards, Professor Augenhofer from the University of Innsbruck compared the Austrian and German drafts.

The Conference was concluded by a panel discussion.

Business and Financial Law SIG at the 4th International Conference on European Company Law and Corporate Governance

On 27 November 2020, during the 4th International Conference on European Company Law and Corporate Governance organised by the Zagreb University in cooperation with the ELI Business and Financial Law SIG and PricewaterhouseCoopers (PwC), the SIG held a panel on its on-going feasibility study on ‘Corporate Sustainability, Company Law and Financial Accounting’.

On behalf of the project proposers, Dr Yuri Biondi (Centre national de la recherche scientifique (CNRS) and project proposer) summarised the project’s aims, structure, and preliminary findings on both corporate practice and the EU law and regulation concerning corporate sustainability. Professor Clemence Garcia (Gakushuin University and Team member of the proposed project) addressed the accounting dimension of corporate

sustainability and financial capital maintenance regimes. Professor Sinša Petrović (University of Zagreb and Advisor of the proposed project) discussed corporate sustainability from a company law and corporate governance perspective.

The speakers and Professor Corrado Malberti (Trento University and project proposer) further discussed complementary and alternative regimes

for share capital maintenance in EU law and related implications for company management and governance.

More information is available on the event’s [website](#).

Digital Law SIG Hosts Debate on Digital Services Act

On 17 December 2020, only two days after the European Commission unveiled its highly anticipated Digital Services Act Package, the Digital Law SIG organised a debate on 'The ELI Model Rules on Online Platforms and the Digital Services Act: Which Rules for the Platform Economy?' to provide a first assessment.

The Digital Services Act Package, as part of the European Digital Strategy, intends to modernise the legal framework for digital services. In particular, the Digital Services Act will update the rules on platform liability.

Earlier this year, ELI has already published its [Model Rules on Online Platforms](#). This publication aims to contribute to the current debate on platform regulation and could serve as a source of inspiration for a balanced approach to platform regulation.

Against this background, ELI speakers and Project Team members Christoph Busch (University of Osnabrück and Yale Information Society Project,

Gerhard Dannemann (Humboldt University of Berlin and Oxford), Hans Schulte-Nölke (University of Osnabrück and Nijmegen), Aneta Wiewiorowska-Domagalska (University of Osnabrück), and Fryderyk Zoll (University of Osnabrück and Krakow) as well as guest speakers Stefan Naumann (Head of Commercial Law at Zalando SE) and Ursula Pachl (Deputy Director General at the European Consumer Organisation) provided a first assessment of the Digital Services Act Package.

Speakers discussed various aspects and illustrated how the Digital Services Act could benefit from the work of ELI.



By way of background, the Digital Law SIG brings together experts from Europe and beyond, analysing the impact of digital technology on the law. It is currently chaired by Alberto De Franceschi and Christoph Busch. More information about the SIG and its activities can be found [here](#). All interested ELI Members can join it by sending an email to the [Secretariat](#).



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 2021

- 14 January - **Blockchain Technology and Smart Contracts Project Team Meeting**
(Online)
- 21 January - **Business and Human Rights Project Team Meeting**
(Online)
- 26 January - **AI and Public Administration Project Team Meeting**
(Online)

February 2021

- 10 February - **ELI Executive Committee Meeting**
(Online)
- 11 - 12 February - **ELI Council Meeting**
(Online)

March 2021

- 19 March - **Concept and Role of Courts in Family and Succession Matters Workshop with Advisory Committee**
(Pisa tbc)



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

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.



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