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Bringing Legal Experts Together

Newsletter

Issue 5: September–October 2021

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Cover by Pascal Pichonnaz

On a Decade of the European Law Institute's Existence



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ELI Decennial Special

ELI celebrated its 10th anniversary on 1 June 2021. Over the course of the 2021 issues of this Newsletter, we will display ELI's history and project milestones to commemorate this occasion. In this issue, you are cordially invited to take a trip down memory lane with us to 2019 and 2020.

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Message from Pascal Pichonnaz

New ELI President: 'With energy and confidence into the next decade!'

The European Law Institute (ELI) is more active than ever. This was evidenced at the splendidly organised Annual Conference, which took place online from 6–8 September 2021. Panels were dedicated to presentations of 12 (current and prospective) ELI projects in webinar format, with over 550 people joining one or several of these. This was an incredible success; it also gives a lot of dynamism and enthusiasm to all those that worked hard on these timely and interesting projects. It shows, moreover, that ELI has managed in the first decade of its existence to create a resilient European legal community, which eagerly gathers to discuss and contribute to projects of utmost importance.

These projects are set up under three fundamental pillars: Rule of Law in the 21st Century, Law and Governance for the Digital Age, and Sustainable Life and Society. All are of top priority for ELI, but also for Europe in general. ELI is therefore extremely pleased and proud to contribute practical outcomes for a better legal environment in the 21st Century.

On 24 September 2021, ELI's Membership approved the results of the ALI-ELI Principles for a Data Economy project. This was indeed a day of great joy for both the American Law Institute (ALI), which had already



adopted the Principles earlier in May 2021, and for ELI. Great joy because this flagship project was the first run jointly with the ALI and it came to a successful conclusion. It is never easy to join forces and ensure that everything is pieced together in a

truly harmonious way. The results of the ALI-ELI Principles for a Data Economy project are excellent and will certainly be very influential in the years to come. Both Reporters, Prof Christiane Wendehorst, on ELI's side, and Prof Neil Cohen, on

ALI's side, worked constructively throughout. The Chairs of the project, Lord John Thomas, on ELI's side, and Prof Steve Weise, on ALI's side, have always sustained the endeavour with superb insight into the project and mastery of their roles. At the same time, members of both institutions could exert their rights fully and actively participate in discussions on the project. Congratulations and gratitude are due to the Reporters for their incredible work, and to all the people that enabled this project to reach this fruitful outcome. The first joint dissemination conference on the ALI-ELI Principles took place on 18–19 October 2021; it was a resounding success. External experts, including individuals from the European Commission and sister organisations, were very positive of the outcome. ELI can be proud of this outcome and will continue to foster such joint projects in future.

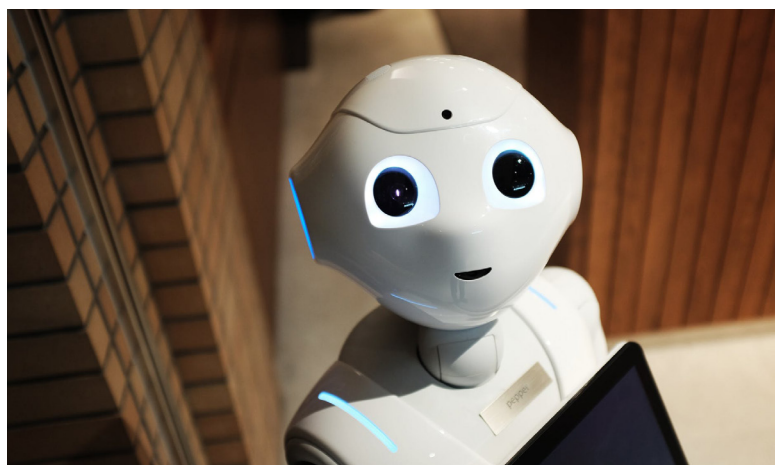
A fruitful decade of ELI is the result of a strong leadership. The last Membership meeting marked the

end of an era. Prof Dr Christiane Wendehorst had been on the ELI Executive Committee since the beginning of the Institute on 1 June 2011, and has just completed a period of four years as President of ELI. Her commitment to the Institute throughout ELI's existence, and in particular during the last four years has been outstanding. She has invested all her time and energy to ensure the steady development of the Institute, to make the Institute known and respected in Europe and beyond, and to ensure that anything done by ELI is of the highest quality. It is also thanks to her steady and tireless involvement in the Institute and her strong and foresightful leadership that ELI was able to celebrate a decade of ongoing success in June 2021.

As incoming President, I sincerely thank her for all that she has done in her capacity as President of ELI and, previously, as a member of the Executive Committee. She will continue to support ELI's development as Scientific Director

of ELI, a new position which was set up for the first time by the Executive Committee, in consultation with the Senate. I wish to also thank Prof Denis Philippe, our outgoing Treasurer, for his achievements over the last four years including ensuring that ELI can now continue on a very sound financial basis. His commitment to the financial well-being of our Institute is the reason the outgoing ELI Council decided, in its last meeting, to name a motion in his honour. Sincere gratitude is also due to Prof Frydryk Zoll for his two-year term as a member of the Executive Committee; he brought a lot of very central and insightful ideas to the Executive.

Thanks to the work of all its predecessors, the new Executive – composed for the first time of a majority of women – can look with confidence into the next decade in the hope of continuing to develop a strong European legal community around fundamental projects undertaken to improve the quality of European law for the betterment of our society.



ELI Election Results

2021 was election year at ELI. ELI's Membership elected 28 new Council members from among its Individual Fellows in a manner that adequately takes into account the general principles of diversity that underpin the Association. Its Council went on to elect three innominate members of the Executive.

ELI Council Election

ELI's Fellows elected 28 new Council Members for a four-year term. The results were revealed at the closing ceremony of ELI's Annual Conference on 8 September 2021.

ELI wishes to congratulate the following newly elected Council Members:

- Despoina Anagnostopoulou, Greece
- Susanne Augenhofer, Austria
- Lorena Bachmaier Winter, Spain
- Ewa Bagińska, Poland
- Başak Baçoğlu, Turkey
- Sarah Bechaalany, Switzerland
- Robert Bray, Belgium
- Christoph Busch, Germany
- Valentina Calderai, Italy
- Mario Comba, Italy
- Paul Craig QC (Hon), United Kingdom
- Nada Dollani, Albania
- Christiana Fountoulakis, Switzerland
- Laura Guercio, Italy
- Gianluca Grasso, Italy
- Geraint Howells, Ireland
- Francisco Javier Jiménez Muñoz, Spain
- Bernhard Koch, Austria
- Xandra Kramer, the Netherlands
- Matthias Lehmann, Austria
- Piotr Machnikowski, Poland
- Maria Rosaria Maugeri, Italy
- Francesco Paolo Patti, Italy
- Barbara Pozzo, Italy
- Marta Santos Silva, Belgium
- Tamás Szabados, Hungary
- Ivan Tot, Croatia
- Sir Geoffrey Vos, United Kingdom

A full list of ELI Council members, including continuing members, can be found [here](#).

ELI Executive Committee Elections

In February, the ELI Council already elected the incoming ELI President Prof Dr Pascal Pichonnaz (Professor at the University of Fribourg, Switzerland), First Vice-President Lord John Thomas of Cwmgiedd (former Lord Chief Justice of England and Wales, member of the House of Lord, UK), Second Vice-President Anne Birgitte Gammeljord (Supreme Court lawyer, Denmark) and Treasurer Prof Dr Pietro Sirena (Dean of Bocconi Law School, Bocconi University, Italy), who took office on 8 September 2021 for a term of two years.

At its first meeting in its new formation (on 15 September 2021), ELI Council Members elected the three innominate Members of the Executive Committee: Prof Dr Bénédicte Fauvarque-Cosson (Judge at the *Conseil d'Etat*, France), Prof Dr Teresa Rodríguez de las Heras Ballell (Associate Professor at the University Carlos III, Madrid, Spain) and Dr Aneta Wiewiórowska-Domagalska (Senior Researcher at the University of Osnabrück, Germany, but also from and active in Poland). The new Executive Committee reflects ELI's internal organisation in that there is not only diversity and inclusion among its members but also a balance between academics, practising lawyers and judges, the different legal traditions, genders and age. In fact, for the first time in its entire history, ELI has a majority of women on its Executive.

ELI wishes to congratulate the incoming Members of the Executive and is also grateful to all the candidates for running in the Executive Committee elections.



Pascal Pichonnaz



Lord John Thomas



Anne Birgitte Gammeljord



Pietro Sirena

ELI Appoints a Scientific Director for the First Time

ELI is pleased to announce the appointment of Un-Prof Dr Christiane Wendehorst as its Scientific Director. This is a new office which has been under discussion for some time. It marks a significant step for ELI which has just celebrated its 10th anniversary and its very significant achievement in its role in fostering the development of law in Europe. The appointment was made by the Executive Committee, in consultation with the ELI Senate.

Prof Christiane Wendehorst has been actively involved in ELI from its very conception through to its establishment, taking on various roles as the first ELI Treasurer (2011 to September 2013), the Vice-President (September 2013 to September 2017), President (September 2019 to September 2021) as well as Reporter, inter alia, of the project carried out jointly with ALI on Principles for a Data Economy.

She will bring to the position not only institutional knowledge, but also the expertise of a scholar who is acknowledged worldwide.

ELI is delighted that Prof Christiane Wendehorst has agreed to take on this position with immediate effect. Her work will include liaison with and guidance to those working on the many projects which ELI



Christiane Wendehorst

is undertaking under the three umbrellas of Rule of Law in the 21st Century, Law and Governance for the Digital Age and Sustainable Life and Society.

She will also be engaged in the identification of topics of future interest for consideration by ELI.



10
YEARS

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Bénédicte Fauvarque-Cosson



Teresa Rodríguez de las Heras Ballell



Aneta Wiewiórska-Domagalska

Welcome Words and the Opening

Participants of the ELI Annual Conference 2021 were welcomed by former ELI President, **Christiane Wendehorst** and the Dean of the Law Faculty of the University of Vienna, **Brigitta Zöchling-Jud**, and heard from the Federal President of the Republic of Austria, **Alexander Van der Bellen**.



In her opening speech, former ELI President **Christiane Wendehorst** observed that this is the second time the ELI community is forced to hold its Annual Conference online due to the COVID-19 pandemic. Despite challenges posed by the pandemic, ELI has found new ways of working and interacting with its internal bodies, Members and audience. A number of new online events have been introduced, and a new webinar series will follow in autumn.



Brigitta Zöchling-Jud, Dean of the Law Faculty of the University of Vienna, welcomed participants and underlined that ELI has grown to become one of the most important voices of European legal scholarship and practice.

Its independent proposals, opinions and analyses are highly regarded and respected, and networking among European lawyers has been an incomparable success.



In his video message, **Federal President Van der Bellen** stressed that since the last time he addressed ELI Members at the 2017 ELI Annual Conference, the European Union had been faced with many new challenges pertaining to its unity, climate crisis, digitalisation and most recently the COVID-19 pandemic. ELI's work represents an important contribution to tackling European and global challenges.

Keynote Speech by CoE Secretary General

ELI is honoured that Council of Europe (CoE) Secretary General **Marija Pejčinović Burić** addressed its Members and Friends in a keynote speech on challenges to human rights, democracy and the rule of law in Europe.



In her keynote speech of 6 September 2021, Secretary General Pejčinović Burić provided insight into the history and work of the Council of Europe, aimed at protecting human rights in Europe.

She pointed out the harsh reality that parts of Europe have experienced the rise of populism and extreme nationalism, which poses a direct challenge to the values and standards that underpin the Council of Europe as well as presents a threat to multilateralism.

Other challenges have continued to evolve during the COVID-19 crisis, such as the question of how to apply human rights in the digital age, the issue of hate speech, the threat posed to human rights by environmental harm and climate change, and the issue of violence against women.

The speech was followed by a stimulating Q&A session during which ELI President Christiane Wendehorst posed questions, that had been submitted by ELI Members.

Disussions on ELI Projects

Three days of the ELI Annual Conference provided ample opportunities to present and discuss progress in ELI projects as well as exchange views on potential future projects.



Malte Beyer-Katzenberger

Team Leader – EU Policies,
Directorate-General for Com-
munications Networks, Content
and Technology, European
Commission



Neil Cohen

Project Co-Reporter; Jeffrey D
Forchelli Professor of Law at
Brooklyn Law School



Christian Twigg-Flesner

Professor at Warwick University



Steven O Weise

Co-Chair; Partner in the law firm
Proskauer Rose LLP



Lord John Thomas

Co-Chair; former Lord Chief
Justice of England and Wales



Christiane Wendehorst

Project Co-Reporter; Professor of
Law at the University of Vienna

On the first day of the Conference, the final results of the flagship ALI-ELI project on the **Principles for a Data Economy: Data Rights and Transactions** were presented. The Principles and their impact, in particular in connection with the Commission's soon to be presented Data Act were explained by the above mentioned participants, which ELI has recently contributed to in the form of a [Response to a public consultation](#).

The Data Economy panel was followed by a webinar on **Access to Digital Assets: Use of Digital Assets as Security**. The webinar Chair Sjef Van Erp (Project Co-Reporter; Emeritus Professor of Civil Law and European Private Law at Maastricht University) was joined by Project Team members Phoebus Athanassiou (Senior Lead Legal Counsel at the European Central Bank; Associate Professor at the Institute of Law & Finance at Goethe University) and Teemu Juutilainen (Associate Professor of Private Law at the University of Turku), who presented the definition of digital assets and three rules elaborated upon in the final report, which is expected to be approved by the ELI Council soon. Carlo Di Nicola (Senior Legal Officer at UNIDROIT) and Louise Gullifer (Rouse Ball Professor of English Law at the University of Cambridge) presented the UNIDROIT project on digital assets and touched upon links and differences between ELI's and UNIDROIT's work. Tilman Lueder (Head of the Securities Markets Unit in Directorate General for Financial Stability, Financial Services and the Capital Markets Union, European Commission) then shared his perspective on digital assets in the context of financial markets.



Click [here](#) to download the Online ELI Annual Conference 2021 Brochure.

The recordings of the webinars are available [here](#).

The second day began with the session on **Blockchain Technology and Smart Contracts**. Sjeff van Erp (Chair; Project Co-Reporter; Emeritus Professor of Civil Law and European Private Law at Maastricht University), Martin Hanzl (Project Co-Reporter, Associate at Pelzmann Gall Größ Rechtsanwälte GmbH (EY Law)), Marina Niforos (Affiliate Professor at HEC Business School), Claudia Sandei (Associate Professor of Company Law and IT Law at the University of Padua) and Dirk Staudenmayer (Head of Unit for Contract Law of the DG Justice and Consumers at the European Commission) discussed the draft ELI Principles on the legal governance of blockchains and smart contracts.

The next webinar focused on the **Artificial Intelligence (AI) and Public Administration – Developing Impact Assessments and Public Participation for Digital Democracy** project. Paul Craig (Chair; Project Co-Reporter; Emeritus Professor of English Law at St John's College at Oxford University), Brando Benifei (Member of the European Parliament, Rapporteur for the Artificial Intelligence Act), Marc Clément (Project Co-Reporter; Presiding Judge at the Administrative Tribunal of Lyon), Jens-Peter Schneider (Project Co-Reporter; Professor of Public Law at Freiburg University) and Peggy Valcke (Vice-Chair of the Council of Europe Ad hoc Committee on Artificial Intelligence (CAHAI); Professor at KU Leuven) discussed developments regarding the use of AI in public administration in Europe.

A panel on **Admissibility of E-Evidence in Criminal Proceedings in the EU** then took place. Lorena Bachmaier Winter (Chair; Full Professor at the Complutense University in Madrid) presented the progress of the eponymous ELI project with a focus on electronic-evidence. She was followed by Farsam Salimi (Associate Professor at the University of Vienna), who spoke about general requirements of a new legislative measure in this field. Vânia Costa Ramos (defense lawyer at Carlos Pinto de Abreu e Associados, Portugal) shared her perspective on the project and spoke about challenges for defence rights in connection with the admissibility of e-evidence. Tania Schröter (Deputy Head of Unit, Procedural Criminal Law Unit (B2), DG JUST, European Commission) provided an overview of the latest developments on the E-DES (Electronic Digital Exchange System).

The Concept and the Role of Courts in Family and Succession Matters was the next ELI project presented. The Assessor of the project, Matthias Neumayr (Chair; Judge at the Austrian Supreme Court; Professor of Law at the University of Salzburg's Department of Private Law), Project Co-Reporter Elena Bargelli (Professor of Private Law and Family Law at the University of Pisa), Co-Reporter François Trémosa (Notary), Véronique Chauveau (Lawyer at the Paris Bar) and Andreas Stein (Head of Unit, Civil Justice, Directorate-General for Justice and Consumers, European Commission) addressed the recent trend of so-called 'de-judicialisation' and problematic aspects around it.



Larisa Alwin

Judge, Amsterdam Court of Appeal



Henrik Andersen

Chair; Associate Professor of International Economic Law at Copenhagen Business School



Alberto de

Franceschi

Full Professor of Private Law, Intellectual Property Right and Environmental Law at the University of Ferrara



Tim Eicke

Judge of the European Court of Human Rights



Lavanya Rajamani

Professor of International Environmental Law at the University of Oxford



Gerhard Wagner

Professor of Civil Law, Economic Law, and Economics at Humboldt University

The final webinar of the day focused on the prospective ELI project on **Climate Justice – New Challenges for Law and Judges**. Participants provided remarks on establishing a duty of care for States and corporations in climate litigation, they focused on the role of courts in international climate change law and addressed, among other things, judicial activism and the issue of unilateral action by States or corporations against climate change.



Kathleen Gutman
Référéndaire (Legal Secretary)
at the Court of Justice of the
European Union (CJEU)



Silvana Sciarra
Judge at the Italian Constitutional
Court



Sophie Turenne
Project Co-Reporter; Lecturer
in Law and Fellow in Law at the
University of Cambridge, Murray
Edwards College



Ksenija Turković
Judge and Vice-President of
the European Court of Human
Rights (ECtHR)



Fryderyk Zoll
Chair; Project Co-Reporter;
Professor at the Jagiellonian
University in Kraków and the
University of Osnabrück

The webinar on the **ELI-Mount Scopus European Standards of Judicial Independence**, emphasised that the issue of judicial independence is pivotal and is of relevance for the future of Europe. The webinar also provided reflections on the work of the ELI project considering, among other things, the need to define the notion of 'standards', possible synergies with other work in the field and recent case-law developments of the CJEU and ECtHR.

Discussions continued during the third day, which was opened with a panel on **Corporate Sustainability, Financial Accounting and Share Capital**. Corrado Malberti (Chair; Project Co-Reporter; Associate Professor of Commercial Law at the University of Trento), Yuri Biondi (Project Co-Reporter, Senior Tenured Research Fellow of the National Centre for Scientific Research of France), Hideki Kanda (Emeritus Professor at the University of Tokyo and Professor at Gakushuin University Law School), Martina Macpherson (Head of Environmental, Social & Governance (ESG) Strategy and an Executive Committee Member for ODDO BHF Asset Management & Private Equity) and Colin Haslam (Project Co-Reporter; Professor of Accounting and Finance at Queen Mary University of London) introduced the eponymous ELI project and its preliminary findings.

The next panel was devoted to an upcoming ELI project on **Ecocide**. Project Co-Reporters Robert Bray (former Head of Unit of the Secretariat of the Legal Affairs Committee) and Fausto Pocar (Professor Emeritus of International Law at the University of Milan) were joined by Jojo Mehta (Co-Founder of Stop Ecocide), Kate Mackintosh (Executive Director of Promise Institute at UCLA) and Marie Toussaint (Substitute in the Committee on the Environment, Public Health and Food Safety). The webinar featured a presentation of the work of the upcoming ELI project as well as current efforts in the European Union to make ecocide an international crime.

The current ELI project on **Fundamental Constitutional Principles** was also presented. The Chair, Lord Thomas (former Lord Chief Justice of England and Wales), opened discussions by emphasising the practical importance of the subject matter. The Project's Co-Reporters Elise Muir (Professor of EU Law at KU Leuven) and Takis Tridimas (Chair of European Law at the Dickson Poon School of Law, King's College London and Director of the Centre of European Law) elaborated on the project's aims, methodology and the draft principles. They were joined by constitutional law experts Renáta Uitz (Professor of Comparative Constitution Law at Central European University) and Adam Bodnar (Professor, former Commissioner for Human Rights of the Republic of Poland), who commented on the draft report.

The last panel of this year's ELI Annual Conference was devoted to the prospective **Concept of Corporate Criminal Liability** project. Celina Nowak (Chair; Director of the Institute of Law Studies of the Polish Academy of Sciences; Professor at Kozminski University), Fabio Nicolichia (Researcher in Criminal Procedure at the University of Ferrara; practicing criminal lawyer), Peter Csonka (Head of General Criminal Law in DG Justice, European Commission), Marc Engelhart (Adjunct Professor of Criminal Law, Faculty of Law at the Goethe University in Frankfurt am Main; Researcher at the Max Planck Institute for the Study of Crime, Security and Law in Freiburg) and Willem Geelhoed (Associate Professor of Criminal Law and Criminal Procedure, University of Groningen), discussed how to accept corporations as true subjects of criminal law.

ELI Young Lawyers Award 2021

Paolo Mazzotti was awarded the ELI Young Lawyers Award 2021 for his paper entitled 'Stepping Up the Enforcement of Trade and Sustainable Development Chapters in the European Union's Free Trade Agreements: Reconsidering the Debate on Sanctions'.

Sjef van Erp, Chair of the ELI Young Lawyers Award Jury, and John North, member of the Jury and representative of International Association of Independent Law Firms, 'Interleges', the sponsor of the Award, announced the winner on 7 September 2021 during a webinar organised within the framework of ELI's Annual Conference 2021.

Paolo Mazzotti holds a Master's degree in law from University of Trento, Italy, and is an LLM candidate at the Graduate Institute of International and Development Studies in Geneva, Switzerland. In his paper, he analyses the lack of sanctions in the 'Trade and Sustainable Development Chapters' (TDS Chapters) of the Free Trade Agreements (FTAs) which the EU con-

cludes with Third Countries and argues in favour of them with a view to ensuring enforcement and enhancing the implementation of sustainability commitments in the EU's FTAs.

The ELI Young Lawyers Award was officially launched at the 2016 Annual Conference and General Assembly. The goal of this award is to provide the young European legal community with a mechanism to propose practical suggestions for the improvement of European law. The award is supported by ELI and other participating institutions.

ELI is grateful to Interleges which sponsored the Award for a fourth time in 2021.



Sjef van Erp



John North

ELI Hub and SIG of the Year Awards

For the third time the ELI awarded prizes to an exemplary Hub and SIG in recognition of the enormity of the contributions of these groups and the impact they have made in spreading the work of ELI further afield. The winners of the 2021 awards were the Croatian Hub and the Environmental Law SIG.

The Croatian Hub is chaired by Zoran Hačić (Attorney at Law/Managing Partner, Hačić & Bošnjak Law Firm, Zagreb), Emilia Mišćenić (Associate Professor at the Chair of International and European Private Law, Faculty of Law of the University of Rijeka), Hrvoje Pauković (Managing Director of the Insurance Association of Croatia) and Ivan Tot (Assistant Professor at the University of Zagreb, Faculty of Economics and Business, Department of Law), all of whom were elected by its Members in May 2020. The Hub has

been organising a series of successful monthly webinars, targeted at the wider Croatian legal community.

The Environmental Law SIG was only established in 2020 and is co-chaired by Alberto De Franceschi (Full Professor of Private Law, Chair of Private Law, Intellectual Property Rights and Environmental Law, Department of Economics and Management, University of Ferrara) and William Boyd (Michael J Klein Chair and Professor of Law, UCLA School of

Law; Professor, UCLA Institute of the Environment & Sustainability). The SIG identified nine research topics and organised several successful online webinars which attracted a lot of attention.

ELI congratulates the winners and thanks the Chairs and members of both the Croatian Hub and the Environmental Law SIG. Gratitude is also due to other ELI Hubs and SIGs which organised several events throughout the year.



ELI at 10

ELI celebrated its 10th anniversary in 2021. Over the course of the 2021 issues of this Newsletter, we will display ELI's history and project milestones to commemorate this occasion. In this issue, you are cordially invited to take a trip down memory lane with us to 2019 and 2020.

March 2019

ELI published its report on 'Empowering European Families: : Towards More Party Autonomy in European Family and Succession Law'

27 May 2019

The ELI Belgio-Luxembourg Hub was launched.

September 2019

ELI elected a new Executive Committee: Christiane Wendehorst (re-elected ELI President), Lord John Thomas (ELI First Vice-President), Pascal Pichonnaz (ELI Second Vice-President), Denis Philippe (ELI Treasurer), Anne Birgitte Gemmelfjord (Member), Pietro Sirena (Member) and Fryderyk Zoll (Member).

January 2020

The ELI Environmental Law SIG was launched.

4–6 September 2019

The 2019 ELI Annual Conference and Meetings took place in Vienna from 4–6 September. The event, which was hosted by the City of Vienna in its City Hall (*Rathaus*) and by the Faculty of Law (*Juridicum*) of the University of Vienna, drew record numbers that year with round 400 leading judges, practitioners, lawmakers and academics, among others, attending. The Keynote Speech was delivered by Anna Joubin-Bret, Secretary of the United Nations Commission on International Trade Law (UNCITRAL).



ELI at 10

March 2020

ELI published its report on '[Model Rules on Online Platforms](#)'.

ELI published its report on the '[Protection of Adults in International Situations](#)'.

April 2020

ELI published its '[Principles for the COVID-19 Crisis](#)', as supplemented.

2020

'I consider that ELI's 15 Principles for the COVID-19 crisis will prove to be a useful tool for all actors.'
– Linos-Alexandre Sicilianos, then President of the ECtHR

August 2020

ELI published its '[Model European Rules of Civil Procedure](#)', developed jointly with UNIDROIT.

8–11 September 2020

Due to the impacts of the COVID-19 pandemic, ELI's 2020 Annual Conference and Meetings took place online from 8–11 September 2020. The Conference kicked off with the Second Ole Lando Memorial Lecture on Contract Law and Human Dignity, delivered by Prof Christian von Bar.

The Keynote Speech was delivered by the European Commissioner for Justice, Didier Reynders, who said 'ELI is an important stakeholder on which I know the European Commission can count to continue addressing the challenges in the field of justice.'

The Austrian Minister for Justice, Alma Zadić, in her speech focused on the challenges that the Coronavirus pandemic has brought to the legal system. In particular, the difficulty faced by all countries in striking the right balance between basic fundamental rights – how can freedoms be upheld and health be protected?





ELI Model Rules on Online Platforms

The Co-Reporters of the ELI Working Group on Online Platforms share their perspectives on working on this ELI project from 2017 to 2019.

/ We are delighted to see that the ELI Model Rules on Platforms are being referred to by several stakeholders in the current debate about the proposal for a Digital Services Act (DSA) and the Digital Markets Act (DMA).

How would you describe the project outcome in a couple of sentences?

The ELI Project Team drew up a set of Model Rules that are meant as a contribution to the ongoing debate on platforms regulation. The rules provide a 'visualisation' of how a balanced approach to regulating digital platforms could look like.

Why was this project relevant for the development of the European legal order? Does it remain relevant?

We are delighted to see that the ELI Model Rules on Platforms are being referred to by several stakeholders in the current debate about the proposal for a Digital Services Act (DSA) and the Digital Markets Act (DMA). Moreover, some of the amendments to the DSA proposal which were suggested by the European Parliament seem to be inspired by the ELI Model Rules. The impact of ELI's work on digital platforms goes even beyond Europe. The Model Rules have been translated into Japanese and Korean and may serve as a source of inspiration for

legislative reform in Asia.

What do you consider the direct impact of the project for citizens?

Our project underlined the need to elaborate European rules for digital platforms that create a fair and transparent environment for consumers and businesses. The Model Rules provide several innovative solutions, in particular for platform liability and reputation systems, that could help to achieve this objective.

What are your personal memories of the project?

The project brought together scholars and practicing lawyers from different legal backgrounds. Working together with such a formidable team was a great experience. Formulating the Model Rules and developing innovative approaches to platforms regulation on the basis of comparative research was hard work but also a lot of fun.

What are your recommendations for future projects in this area?

With the forthcoming DSA and DMA, the political debate about digital platforms will most certainly reach a 'regulatory plateau'. However, this will not be the end of the legal development. Further work will be necessary to ensure a smooth interplay between the new horizontal framework for platforms and sector-specific rules. ELI could provide its expertise for this task.

About the Project Reporters



Christoph Busch is Professor of Law at the University of Osnabrück and a Visiting Fellow at the Information Society Project at Yale Law School. He is a member of the ELI Council and advises the European Commission on digital policy as a member of the EU Platform Observatory.



Gerhard Dannemann is Professor of English Law, British Economy and Politics at Humboldt University, Berlin, Director of its Centre for British Studies and a Visiting Research Fellow at the Institute of European and Comparative Law at the University of Oxford.



Hans Schulte-Nölke is Professor of Law at the University of Osnabrück and Radboud University, Nijmegen. He is a former member of the ELI Executive Committee.



Aneta Wiewiórska-Domagalska is a Senior Researcher at the University of Osnabrück. She worked in Poland for the Ministry of Justice and the Civil Law Codification Commission. She is currently a member of the ELI Executive Committee.



Fryderyk Zoll is Professor of Law at the University of Osnabrück and at Jagiellonian University, Krakow. He is a former member of the ELI Executive Committee.

ALI-ELI Principles for a Data Economy Approved by ELI Membership

ELI Members approve the ALI-ELI Principles for a Data Economy: Data Transactions and Data Rights project.

This flagship project, conducted jointly by ALI and ELI, was already approved by ELI Council on 1 September 2021, and earlier by ALI's Council and Membership.

The Principles (Final Council Draft available for free download [here](#)), which have already influenced discussions internationally (including work done by the European Commission, the United Nations Commission on International Trade Law (UNCITRAL), the German Data Ethics Commission and the Data Governance Working Group of the Global Partnership on Artificial Intelligence (GPAI), among others), are intended for use in various legal systems, irrespective of the otherwise applicable legal framework and beyond the traditional divide between civil and common law.

They are designed to make existing law in the field of the data economy more coherent and to inspire further development of the law by courts and legislators worldwide. The Principles are timely, not least in light of the European Commission's upcoming Data Act, which is due to be published in the last quarter of 2021. ELI also played a role in influencing discussions on the forthcoming

Data Act by submitting a [Response](#), drawn from key aspects of the ALI-ELI Principles, to a Public Consultation on the Data Act and by discussing both the Principles and the response in a [session with the Commission](#) on 20 September 2021.

The Principles were presented and discussed at a Conference, which took place online, from 18–19 October 2021. More information, including the programme and recordings are available [here](#).

ELI wishes yet again to congratulate Project Reporters, Prof Neil Cohen and Prof Christiane Wendehorst as well as Project Chairs, Lord John Thomas and Steven O Weise for their timely work and its immense achievement. Gratitude is also due to the members of the Advisory Committee and Members Consultative Committee of both organisations, who provided comments and support to the Team throughout the lifespan of the project.

On the European side, the project is generously funded by the Fritz Thyssen Foundation, to which ELI is extremely grateful.

Other Updates on ELI Projects

Below is an overview of ELI Projects-related events that took place in September and October 2021.

Publication of Model European Rules of Civil Procedure by Oxford University Press

OUP published the ELI-UNIDROIT Model European Rules of Civil Procedure. Read more [here](#).

ELI-Mount Scopus European Standards of Judicial Independence

Project Team and Advisory Committee Meeting

The meeting took place on 22 September 2021. Read more [here](#).

AI and Public Administration

Project Team Meeting

The Project Team met remotely on 30 September 2021. Read more [here](#).

Project Team Meeting with Advisors

The above met remotely on 13 October 2021. Read more [here](#).

Project Team Meeting with Advisors

The above met again remotely on 27 October 2021. Read more [here](#).



Fritz Thyssen Stiftung
für Wissenschaftsförderung

Updates on ELI Hubs and SIGs

Below is an overview of events organised by ELI Hubs and SIGs that took place in September and October 2021.

ELI Environmental Law SIG

The SIG organised an online seminar on Business and Human Rights.

The webinar took place on 10 September 2021. Read more [here](#).

ELI Family and Succession Law SIG

The SIG organised a seminar on Will Substitutes in Comparative and EU law

The webinar took place on 13 September 2021. Read more [here](#).

ELI Croatian Hub

Sixth Webinar in Hub's Webinar Series

The webinar took place on 17 September 2021. Read more [here](#).

ELI Family and Succession Law SIG

The SIG organised a seminar on Non-Biological Children and Circulation of Birth Certificates.

The webinar took place on 20 September 2021. Read more [here](#).

ELI Environmental Law SIG

The SIG supported the webinar on Transatlantic Challenges in Environmental Law

The webinar took place on 20 September 2021. Read more [here](#).

ELI Croatian Hub

Seventh Webinar in Hub's Webinar Series

The webinar took place on 8 October 2021. Read more [here](#).

ELI German Hub

Online Seminar of the German Hub

The webinar on the Implementation of the Digital Content Directive and the Sale of Goods Directive took place on 8 October 2021. Read more [here](#).

ELI Austrian Hub

Hybrid Evening Lecture

The lecture on 'The Ultra Vires Doctrine of the German Federal Constitutional Court – Crisis or An Opportunity for Europe?' took place on 13 October 2021. Read more [here](#).

ELI Belgio-Luxembourg Hub

Multidisciplinary Discussion

The discussion on the fight against illegal online gambling took place on 20 October 2021. Read more [here](#).

ELI Spanish Hub

The ELI Spanish Hub supported the fifth Spanish-German Private Law Conference

The Conference took place from 21–22 October 2021. Read more [here](#).

ELI Croatian Hub

Eighth Webinar in Hub's Webinar Series

The webinar took place on 22 October 2021. Read more [here](#).



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Updates on ELI Representation

Below is an overview of ELI's representational activities in September and October 2021.



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ELI President Met Judges of the *Conseil d'État* and *Cour de Cassation*

13 September 2021

President Pichonnaz emphasised the rule of law as one of the priorities for ELI, alongside sustainable development and digitalization, during his meeting with Vice-President of the *Conseil d'État*, Bruno Lasserre. He also presented ELI and its role at an event at the *Cour de Cassation*. Read more [here](#).

ELI's President Attended UNIDROIT's Governing Council's 100th Session in Rome

23 September 2021

President Pichonnaz met UNIDROIT's President and Secretary-General on the above occasion. All three reflected on the excellent cooperation in projects undertaken by both organisations and how to further strengthen ties in the future. Read more [here](#).

ELI President Gave Keynote at 7th Petar Šarčević Conference in Opatija

24 September 2021

ELI's President, Prof Dr Pascal Pichonnaz, gave a keynote speech at the 7th Petar Šarčević Conference which took place from 23–25 September 2021 under the auspices of the Rijeka Faculty of Law. Read more [here](#).



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ELI President Attended UNIDROIT's Governing Council's Centennial Celebrations in Bologna

27 September 2021

ELI's President, Prof Dr Pascal Pichonnaz, joined several others in Bologna in celebrating the centenary of UNIDROIT's Governing Council. Read more [here](#).

Third Ole Lando Memorial Lecture by Prof Hector MacQueen – Closing Remarks by ELI President

29 September 2021

ELI President, Prof Pascal Pichonnaz, gave the closing remarks at the Third Ole Lando Memorial Lecture. This year's lecture was delivered by Prof Hector MacQueen of the University of Edinburgh. Read more [here](#).

ELI President Discussed Avenues to Strengthen Ties with Dean of the Law Faculty of the University of Vienna

11 October 2021

In the first in a series of planned talks with key representatives of the University of Vienna, the ELI President discussed diverse avenues aimed at keeping or strengthening existing ties between ELI and the University of Vienna with the Dean of the Law Faculty. Read more [here](#).



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ELI President Held an Online Exchange with President of the CCBE, Margarete von Galen

12 October 2021

In a meeting that took place remotely, the pair explored further possible avenues of cooperation. Read more [here](#).

Fruitful talks held with Speaker of the Recently Established Doctoral Academy of the University of Vienna, Prof Dr Franz Stefan Meissel

14 October 2021

The meeting, which was attended on ELI's side by President Pichonnaz and ELI's Scientific Director and Prof Dr Christiane Wendehorst, was the basis for exchanges of several possible platforms for cooperation. Read more [here](#).

ELI President Held Promising Discussions on the Future of ELI's Secretariat with Rector of the University of Vienna

15 October 2021

ELI's President, Scientific Director and Secretary General were warmly welcomed by the Rector of the University of Vienna in a meeting that touched, inter alia, on the future of ELI's Secretariat. Read more [here](#).



ELI President Presented ELI Projects on the Rule of Law at a Roundtable at the *Cour de cassation* in Paris

21 October 2021

ELI's President Prof Dr Pascal Pichonnaz intervened as a panellist at a roundtable on the 'Role of the Judge' at the *Cour de cassation* in Paris and gave a presentation on a number of ELI's projects under the 'the Rule of Law in the 21st Century' pillar. Read more [here](#).



ELI President and ERA Director Explore Avenues for Further Cooperation

28 October 2021

In a highly productive meeting held on Wednesday, 28 October 2021, ELI's President Prof Dr Pascal Pichonnaz discussed potential avenues for further cooperation with ERA's Director Jean-Philippe Rageade. Read more [here](#).

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ELI Welcomes its New Members

ELI is pleased to share information about its individual and institutional Members.

Sustaining Members:

The following ELI Members joined as or changed their Membership to that of Sustaining Members recently. Sustaining Members pay an additional 60 EUR to their annual Membership fee in support of ELI's work:

Magdalena Konopacka,
University of Business and
Administration in Gdynia, Poland

Alfredo Rizzo, National Institute
for Public Policies Analysis
(INAPP), Italy

New Individual Members:

Vlatka Adler, Law office ADLER,
Austria

Ivano Alogna, British Institute of
International and Comparative
Law, United Kingdom

Phoebus Athanassiou, European
Central Bank & University of
Frankfurt, Germany

Margareta Brattström, Uppsala
University, Sweden

Biljana Djuricin, University of
Montenegro, Montenegro

Josef Drexler, Max Planck Institute
for Innovation and Competition,
Germany

Francesca Episcopo, University
of Pisa, Italy

New Institutional Member: The Fide Foundation

The Fide Foundation is the leading legal-economic think-tank in Spain. A collective project born within the civil society with a clearly defined vocation: to be the place where law firms, companies, public administration and independent professionals gather to discuss the latest and most relevant regulations or issues that arise daily in the legal-business environment in Spain, Europe, and abroad, and elaborate regulatory proposals and recommendations to improve the legal system.



Giuditta Giardini, Manhattan
District Attorney's Office in New York,
Italy

Paul Gragl, Institute of European
Law, University of Graz, Austria

Niki Karagianni, European
University of Cyprus, Greece

Eva Maria Kieninger, Julius
Maximilian University of Würzburg,
Germany

Franz Merli, University of Vienna,
Austria

Christopher Odinet, University of
Iowa, United States of America

Giulia Puleio, University of Trento,
Italy

Alfredo Rizzo, National Institute for
Public Policies Analysis (INAPP), Italy

Valentyna Sloma, West Ukrainian
National University, Ukraine

Andrew Steven, University of
Edinburgh, United Kingdom

Dimitrios Tsikrikas, National and
Kapodistrian University of Athens,
Greece

Chao Yang, Beijing Normal
University, China

Events Calendar At-A-Glance

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

Nov	17 Nov	Austrian Hub: “Polexit? Ungarexit? Quo vadis EU? – Neueste Antworten des EU-Verfassungsrechts auf die Rechtsstaatsmisere” <i>Vienna</i>
	25 Nov	ELI Webinar Series on the Conference on the Future of Europe: Artificial Intelligence (AI) and Public Administration <i>Online</i>
	26 Sept	Austrian Hub: Conference on the Implementation of the Sale of Goods Directive and the Digital Content Directive <i>Online</i>
	30 Nov	ELI Webinar Series on the Conference on the Future of Europe: Business and Human Rights <i>Online</i>
	10 Dec	Austrian Hub: Third Party Litigation Funding - a Necessity or Deterrence of Justice? <i>Hybrid</i>
Dec	15 Dec	Austrian Hub: Behavioural Public Policy for Sustainable Development <i>Online</i>
	17 Dec	Croatian Hub: Is ordinary contract law really apt to solve the aftermath of the pandemic? <i>Online</i>

Conference on the Future of Europe

ELI Webinar Series

25 November 2021: Artificial Intelligence (AI) and Public Administration

30 November 2021: Business and Human Rights



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:
First Vice-President:
Second Vice-President:
Treasurer:
Other Members:

Pascal Pichonnaz
Lord John Thomas
Anne Birgitte Gammeljord
Pietro Sirena
Bénédicte Fauvarque-Cosson
Teresa Rodríguez de las Heras Ballell
Aneta Wiewiórowska-Domagalska

Conference on the Future of Europe ELI Webinar Series

25 November 2021: Artificial Intelligence (AI) and Public Administration
30 November 2021: Business and Human Rights



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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