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# ELI Updates July-August 2013



## Message from Professor Tatjana Josipović, University of Zagreb

Dear Members and Friends of the ELI.

On 1 July 2013, the Republic of Croatia became the 28<sup>th</sup> Member State of the European Union. With its accession, the Croatian road to EU membership, which has lasted for a decade, was finally brought to an end. The whole process involved many years of reforms aimed at harmonising Croatian political, economic and legal systems with European standards.

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With Croatia's accession, the EU's realm was extended by 56,594 km<sup>2</sup> and the 4.4 million people living in Croatia were added to its population. Membership of European institutions also became larger with the appointment of Croatian representatives and Croatian was added to the list of official EU languages. With the Croatian accession to the EU, the area of application of EU law has also been extended. Since 1 July 2013, EU law has been directly applicable in the territory of the Republic of Croatia. All Croatian institutions are now bound to apply EU law fully and properly.

With the inclusion of Croatia, yet another national jurisdiction and tradition has been added to the European legal community. Strong links have been re-established between the Croatian legal system and the family of European legal systems it has always belonged to: the circle of the continental European legal orders of the German legal circle.

The Croatian legal order, as part of the European legal system, now faces new challenges. As a Member State Croatia must continue developing its national law in such a way as to contribute to the accomplishment of the Union's goals. Croatian law can no longer develop autonomously, without considering the modern legal tendencies developing in other Member States, without observing the development of European law and without participating in projects at the European level.

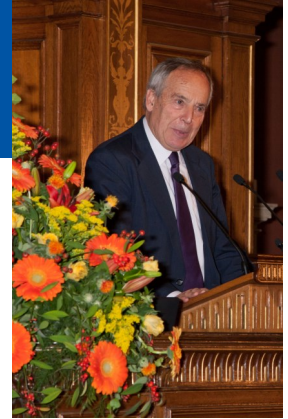
The activities carried out by the ELI are of extreme importance for the future challenges of Croatian legal reforms. The results of ELI projects have been and will be an essential means of orientation and a source of information on how Croatia can continue developing and reforming its law. ELI projects, where the active inclusion of Croatian lawyers is particularly important, can significantly contribute to the efficient integration of Croatian law within the EU. In addition, Croatia's recent experiences and achievements, especially regarding the many reforms carried out during the process of harmonisation with EU law, could contribute to future activities of the ELI; numerous features of such legal reforms may provide a special contribution to the development of comparative knowledge and the pan-European perspective of ELI projects.

Hoping that ELI's cooperation with Croatian legal professionals will continue, I wish to express my best wishes to ELI in its efforts concerning European legal development which will now be even more interesting and fruitful because of the recent addition of another Member State.

Professor Tatjana Josipović



## Projects Conference and General Assembly 4-6 September 2013, Vienna



The 2013 Projects Conference and General Assembly will be opened by ELI President **Sir Francis Jacobs** and University of Vienna rector **Heinz Engl** at an evening reception held at the University's central courtyard on 4 September. Director of the American Law Institute, **Lance Liebman**, will be a guest of honour at the reception and will give a keynote address.

The **Projects Conference** on 5 September will be opened by Vice-President **Bénédicte Fauvarque-Cosson** and Austrian justice minister **Beatrix Karl**. Words of welcome will also be provided by Commissioner **Viviane Reding** by video message. Three project sessions will then make up the majority of the day:

**Project Session I:** Statement on the Proposal for a Regulation on the Common European Sales Law

- a) The ELI Statement and its toolbox approach—a preliminary assessment, **Sir John Thomas** with **Luigi Berlinguer, Dirk Staudenmeyer and Christiane Wendehorst**
- b) Reactions to current developments—a new focus on e-commerce and digital content, **Friedrich Graf von Westphalen** with **Léon Mölenberg, Ursula Pahl and Michael Patchett-Joyce**

**Project Session II:** Statement on the European Foundation Statute

**Martin Schauer** with **Corrado Malberti, Ward Möhlmann, Evelyn Regner and Hanna Surmatz**

**Project Session III:** Towards Restatement and Best Practices Guidelines on EU Administrative Procedural Law

**Jens-Peter Schneider** with **Ian Harden, Herwig Hofmann, Maria José Martínez Iglesias, Laura Pignataro and Jaques Ziller**



The **General Assembly** on 6 September will include reports from the current Council's committees, elections for the new Council and a keynote speech by **José Angelo Estrella Faria**, Secretary-General of UNIDROIT.

The annual General Assembly is when all ELI Members are invited to meet and discuss the work of the Institute as a whole. It is the chance for Fellows and Observers to meet with the Executive Committee and other leading Members of the Institute and communicate any comments or queries to them directly.

The new Council, the first fully elected Council of the ELI, will hold its first meeting directly after the General Assembly and will, amongst other duties, elect members of the next Executive Committee including **President, Vice-President** and **Treasurer**.

## Programme:

The final programme is now available on the website:



## At a glance:

### Wednesday 4 September:

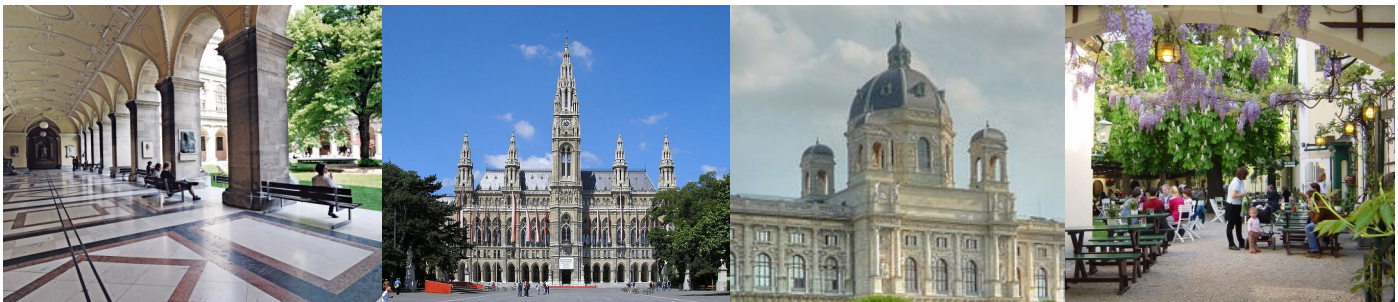
- 16:30–18:30 **Austrian Hub Launch** (\*in German)  
*Haus der Europäischen Union*
- 19:00–22:00 **Opening ceremony**  
*Arkadenhof, University of Vienna*

### Thursday 5 September:

- 08:00–09:00 **Registration**
- 09:00–18:00 **Projects Conference** (80 EUR for non-Members)  
*Vienna City Hall*
- 19:00–22:00 **Conference Dinner** (\*sponsored by KSW)  
*Kunsthistorisches Museum*

### Friday 6 September:

- 08:00–09:00 **Registration**
- 09:00–15:00 **General Assembly** (Members only)  
*Vienna City Hall*
- 15:00–19:00 **Meeting of New Council**  
*Vienna City Hall*
- 20:00–22:00 **Evening at a Viennese Heurigen** (35 EUR per person)  
*Heuriger Maly*



## Last chance to register!

It is possible to **register online** for the Projects Conference and General Assembly until **30 August 2013**. It is also still possible to make use of the accomodation offer which is available at **Hotel Regina**.



[Register](#)



[Hotels](#)



[GA Website](#)



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## ELI Austrian Hub to be launched in Vienna on 4 September 2013



Eröffnung des European Law Institute  
"Austrian Hub"  
4. September 2013



Der ELI Austrian Hub ist Teil einer Initiative, die das ELI in den verschiedenen Staaten stärker verankern soll. Ziel des Austrian Hub ist es, die Vernetzung österreichischer Juristen – Praktiker wie Wissenschaftler – mit dem ELI zu fördern.

Bei der Eröffnungsveranstaltung wird Herr Dr. Franz Fischler, Präsident des Europäischen Forums Alpbach und ehemaliger EU Kommissar, den Festvortrag halten. Im Anschluss daran sind eine Podiumsdiskussion mit namhaften Vertreterinnen und Vertretern der österreichischen Rechtspraxis, der Standesvertretungen und Rechtswissenschaft und eine Publikumsdiskussion vorgesehen.

**Thema:** „Stand und weitere Entwicklung der europäischen Integration - aus dem Blickwinkel verschiedener Rechtsgebiete“

**Termin:** Mittwoch, der 4. September 2013

**Zeit:** 16:30 – 18:30 Uhr

**Ort:** Haus der Europäischen Union,  
Wipplingerstraße 35, 1010 Wien

The ELI Austrian Hub is part of an initiative devised to help strengthen the ELI's presence in different countries. The aim of the Austrian Hub is to help form a network between the ELI and legal professionals in Austria, be they practitioners or academics.

Dr Franz Fischler, President of the European Forum Alpbach and former EU Commissioner, will give the main address at the opening event. This will be followed by a panel discussion between renowned representatives from the fields of legal practice, professional associations and academia in Austria.

**Topic:** "Current status and further development of European integration— perspectives from various areas of law"

**Date:** Wednesday 4 September 2013

**Time:** 16:30 – 18:30

**Place:** Haus der Europäischen Union,  
Wipplingerstraße 35, 1010 Vienna



Haus der Europäischen Union (source: europarl.at)



Programm  
Agenda



Hier anmelden  
Register here

*NB: This event will take place in German, however members of the audience are welcome to pose questions in English.*

## 11 June 2013: Meeting with SEELS representatives

On 11 June Head of the ELI Secretariat, Selma Povlakić met with Dr Thomas Meyer, Project Manager Western Balkan at the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and member of the Management Board of the South Eastern European Law Schools Network (SEELS) at the Secretariat in Vienna. Among other things they discussed current and future projects of both the ELI and SEELS and in particular the use of their respective networks and resources to mutual benefit. The ELI is keen to maintain links with SEELS and increase representation from South Eastern Europe amongst its membership. Two Members of the current Council are on the SEELS Advisory Board, and we will be pleased to see some SEELS representatives at the Projects Conference in September. It is also hoped that SEELS will become an Institutional Observer to the ELI in the near future.

## 21 June 2013: Projects Committee Meeting

On 21 June 2013 Projects Committee Chair Hans Schulte-Nölke was joined at the ELI Secretariat in Vienna by Hugh Beale, Remo Caponi, Marc Clément, Matthias Storme, Diana Wallis, Christiane Wendehorst and Boštjan Zalar for the last meeting of the Projects Committee before the General Assembly in September. The day's discussions resulted in several decisions being taken which should serve to drive progress forward on many upcoming projects. The arrangements for a project on Insolvency law have largely been made, and once final approval by the Council has been given, work can begin.

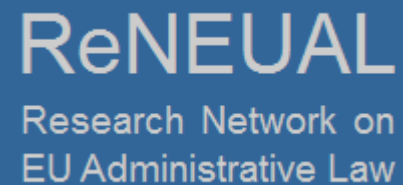
The Committee was also pleased to receive a report on the good progress being made on the joint UNIDROIT-ELI project *From Transnational Principles to European Rules of Civil Procedure*, whose scope will be discussed at a workshop in October which will feature both a public conference and a private seminar.

## 28-29 June 2013: ELI at ReNEUAL Conference

The ELI was represented at a conference held by the Research Network on EU Administrative Law (ReNEUAL) at the University of Luxembourg at the end of June. The goal of the conference was to present the first tentative drafts for model rules in the field of European administrative procedural law and receive constructive criticism on the work so far.

The programme included plenary sessions as well as parallel working group meetings on the separate books prepared by the ReNEUAL Steering Committee, ensuring an in-depth discussion of the proposed rules. The conference brought together experts on administrative law from all over Europe including representatives from the Court of Justice of the EU, the European Commission, the European Ombudsman, and the European Data Protection Supervisor.

The project 'Towards Restatement and Best Practices Guidelines in EU Administrative Procedural Law' is a cooperative venture between ReNEUAL and the ELI, and various members and Council members of the ELI were among the speakers and participants in the Luxembourg conference. The project will also be presented during a panel session at this year's ELI Project Conference in Vienna on 5 September.



ReNEUAL  
Research Network on  
EU Administrative Law

# Findings of CESL Working Party presented at Interparliamentary Committee Meeting



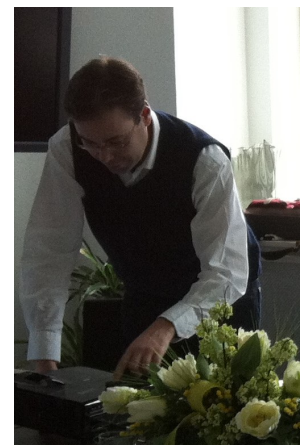
During a workshop organised by the Committee on Legal Affairs (JURI) on 10 July, Chair of the Working Party for the Statement on the Common European Sales Law, Sir John Thomas, and member of the Working Party's redaction committee Christiane Wendehorst, presented their preliminary findings concerning the further development of the CESL after the draft report of JURI. The Interparliamentary Committee Meeting provided an opportunity for representatives of national parliaments to join experts in giving direct input on the way forward for the CESL proposal. The meeting was opened by Klaus-Heiner Lehne, Chair of the JURI Committee, and closing remarks were given by ELI Council member and former Vice-President of the European Parliament, Diana Wallis.



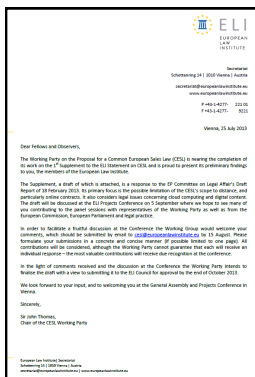
Diana Wallis and Sir John Thomas

# Reminder: submit your Comments on the Draft 1st Supplement to the CESL Statement!

At the end of July the draft 1<sup>st</sup> Supplement to the ELI Statement on CESL was sent to ELI Members by Sir John Thomas, Chair of the Working Party on the Proposal for a Common European Sales Law (CESL). These preliminary findings were shared with ELI Members with the aim of receiving feedback about its content, and to allow those Members coming to the Projects Conference in September to prepare questions or comments for the relevant panel sessions. Click on the graphics below to view Sir John's letter, and the draft Supplement. Please submit any comments by email to the ELI Secretariat by 15 August 2013.



Some members of the CESL Working Party, March 2013.



## Series of Meetings to finalise the *Statement on the European Foundation Statute*

The Project Team for the *ELI Statement on the European Foundation Statute* has held a series of follow-up meetings aimed at improving and finalising their Statement. Project leader Martin Schauer was joined at the Secretariat in Vienna by members of the Project Team on 26 June, 15 July and 8 August. During these meetings the group focused on producing concrete proposals to back up their comments and suggested changes to the Commission's proposal which was first published in February 2012. Once revisions to the first draft of the Statement are complete, it will be reviewed by the ELI Executive Committee and submitted to the Council and Senate for approval. There will be a panel at the ELI Projects Conference in Vienna on 5 September where Professor Schauer will be joined by Corrado Malberti, a member of the working group, Hanna Surmatz from the project's advisory group, Ward Möhlmann from the European Commission and Evelyn Regner from the European Parliament to discuss the project and respond to any questions raised by ELI Members present at the conference. More information about the panellists can be found in the Projects Conference Programme, and biographies of the Project team were featured in the April newsletter.



From left to right: Corrado Malberti, Martin Schauer, Katerina Ronovska, Thomas von Hippel.



Members of the Project Team and their assistants at the ELI Secretariat in Vienna, 8 August 2013.

## Preparatory Meeting for an ELI Project on Insolvency Law

On 7 August an expert meeting took place at the ELI Secretariat with a view to finalising a proposal for an ELI project on Rescue of Business in Insolvency law. Three highly renowned insolvency law experts with a background in different legal traditions as well as member of the Executive Committee Christiane Wendehorst and member of the Projects Committee Matthias Storme were present at the meeting, during which a tentative draft proposal was carefully scrutinised not only in terms of the content and scope of the potential project, but also its funding, time frame, and possible contributors. The finalised proposal will be subject to approval by the ELI Council. More news on this project is expected to be announced soon.

## ELI-UNIDROIT Project: From Transnational Principles to European Rules of Civil Procedure

### Background information

In 2004, the ALI (American Law Institute) and UNIDROIT (the International Institute for the Unification of Private Law) adopted and jointly published 'Principles of Transnational Civil Procedure'. The aim of their work was to reduce uncertainty for parties litigating in

unfamiliar surroundings and to promote fairness in judicial proceedings through the development of a model universal civil procedural code. The Principles, developed from a universal perspective, were accompanied by a set of Rules of Transnational Civil Procedure, which were not formally adopted by either UNIDROIT or the ALI, but constituted the Reporters' model implementation of the Principles, providing greater detail and illustrating how they might be developed.



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In 2013, the ELI and UNIDROIT agreed to work together in order to adapt the Principles from a European perspective and develop European Rules of Civil Procedure. This project will take the 2004 Principles as its starting point and will develop them in light of: i) the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union; ii) the wider *acquis* of binding EU law; iii) the common traditions in European countries; iv) the Storme Commission's work; and v) other pertinent European sources.



Palace of Justice, Vienna

### The 1<sup>st</sup> exploratory workshop in Vienna

The 1<sup>st</sup> exploratory workshop, to be held in Vienna on 18 and 19 October 2013, aims at an initial analysis of a series of different topics, ranging from due notice of proceedings to enforcement, with a view to identifying the most promising issues and the most appropriate methodological approach for the project. The event will be divided into a public conference, scheduled for 18 October, and an in-depth workshop for invited participants following the public discussion, which should lay the foundations for the elaboration of the ultimate project design by the ELI and UNIDROIT.

The workshop will bring together leading experts from academia and legal practice in the field of civil procedural law. It is anticipated that it will both produce an inspiring debate and mark an important first step towards establishing a working group that can carry the project to a successful conclusion. The ELI and UNIDROIT are particularly pleased that the ALI will be represented by its former Director Geoffrey Hazard and Antonio Gidi, both of whom played a leading role in drafting the 2004 Principles.



## Programme: Public Conference, Friday 18 October 2013

Chair: **Loïc Cadiet**

(*University Paris 1, President of the International Association of Procedural Law*)

Venue: Palace of Justice, Schmerlingplatz 11, Vienna, Austria.

10:30-11:00	Opening and Welcome by the Secretary-General of UNIDROIT and the President of the ELI
11:00-12:00	The 2004 ALI/UNIDROIT Principles <b>Geoffrey C. Hazard</b> and <b>Antonio Gidi</b> ( <i>American Law Institute</i> )
12:00-12:30	General Discussion
12:30-13:30	Lunch break
13:30-14:00	The European Acquis of Civil Procedure: Constitutional Aspects <b>Alexandra (Sacha) Prechal</b> ( <i>Court of Justice of the European Union</i> )
14:00-14:30	European Acquis of Civil Procedure: The Existing Body of Rules <b>Burkhard Hess</b> ( <i>Max Planck Institute Luxembourg</i> )
14:30-14:45	Procedure: The Agenda of the European Commission <b>Paraskevi Michou</b> ( <i>European Commission</i> )
14:45-15:15	General Discussion

Beginning at 15:30 on Friday 18 October, and continuing on the morning of 19 October from 09:00 to 14:00 there will be a closed expert seminar. Friday's session will be chaired by Thomas Pfeiffer from Heidelberg University, and will focus on the following topics: *Structure of the Proceedings, Provisional and Protective Measures and Access to Information and Evidence*. Marcel Storme will chair the session on Saturday morning and oversee discussions on: *Due Notice of Proceedings, Obligation of the Parties and Lawyers and Multiple Claims and Parties*. This part of the event may be attended by invitation only, but any ELI Fellows who are interested in this field should register their interest with the Secretariat, who will pass this information on to the organisers.

### Attendance and Accommodation

If you are interested in attending the public conference and/or expert seminar or would like any further information about the event please inform the ELI Secretariat by email.

[Register with the Secretariat](#)

If you plan to travel to Vienna for the workshop and need overnight accommodation, the ELI Secretariat has been allocated a number of rooms at Hotel Regina. These rooms are available at a reduced rate for ELI guests. In order to take advantage of this offer you must make a booking at Hotel Regina by 16 September 2013, and mention the ELI when you do so.

Rates: Standard single room 90 EUR  
Standard double room 110 EUR (single occupancy)  
Standard double room 130 EUR (double occupancy)



[Hotel Regina Website](#)

[Email Hotel Regina](#)

## German Hub to launch in Marburg in September



Im Rahmen der **34. Tagung für Rechtsvergleichung vom 12.-14. September 2013** in Marburg findet die Eröffnung des German Hubs des European Law Institute (ELI) statt. Zahlreiche ELI-Mitglieder werden zu dieser Tagung erwartet, welche hoffentlich auch die Gelegenheit nutzen werden, bei der Eröffnung des German Hubs anwesend zu sein. Selbstverständlich sind auch Nicht-Mitglieder herzlich eingeladen, der Eröffnung des bereits vierten nationalen Hubs, nach Gründungen in Frankreich, dem Vereinigten Königreich und Österreich, beizuwohnen. Hubs sind informelle Netzwerke, welche als Schnittstellen zwischen dem ELI und seinen Mitgliedern in den jeweiligen Rechtsordnungen dienen. Das Ziel ist es, für ELI Mitglieder aus den jeweiligen Ländern einen Rahmen zu schaffen, worin sich die Mitglieder leichter untereinander vernetzen und in der Tätigkeit des Institutes engagieren können.

Bei der Eröffnung des German Hubs am **Freitag, den 13. September 2013 ab 14 Uhr im Landgrafenhaus (Universitätsstraße 7, Marburg)** werden unter anderem die Organisation des Hubs und potentielle zukünftige Aktivitäten besprochen.

A German Hub of the ELI will be launched in Marburg as part of the **34th “Tagung für Rechtsvergleichung”** which will take place from 12 to 14 September 2013. A large contingent of ELI members is expected at the conference, and it is hoped that many will take this opportunity to be present at the launch of the German Hub, which will become the fourth ELI national hub to be created, following the examples of France, the UK and Austria. Certainly, non-members are cordially invited to join this event. National hubs are informal arrangements which serve as stepping stones between the ELI and its members in particular jurisdictions. The aim is that national hubs provide a framework within which ELI members from particular countries can more easily come together to engage in the work of the Institute.

The launch of the German Hub will include a discussion on how the Hub could best be organised, and the activities which it could undertake. The event will take place on **Friday 13 September at 14:00 in the Landgrafenhaus (Universitätsstraße 7, Marburg)**.

## More Institutions join the ELI

Institutions and organisations from all over Europe continue to join the ranks of the ELI. Most recently the Supreme Court of Albania, the *Société de Législation Comparée*, the *Società Italiana per la Ricerca nel Diritto Comparato* (SIRD), the Society of Trust and Estate Practitioners (STEP) and Austrian law firm Kunz Schima Wallentin (KSW) have all become Institutional Observers. We look forward to welcoming representatives from many of our Institutional Observers to the Projects Conference and General Assembly in September.



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The 2013 Projects Conference and General Assembly is sponsored by:



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*Building on the wealth of diverse legal traditions, the European Law Institute's (ELI) mission is the quest for better law-making in Europe and the enhancement of European legal integration. By its endeavours, the ELI seeks to contribute to the formation of a more vigorous European legal community, integrating the achievements of the various legal cultures, endorsing the value of comparative knowledge, and taking a genuinely pan-European perspective.*

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