



# ELI

EUROPEAN  
LAW  
INSTITUTE

# ELI Updates

## May - June 2015



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### GREETINGS FROM IRMGARD GRISS

#### SPEAKER OF THE ELI SENATE AND RETURNING OFFICER

Dear ELI Members and Friends,

It is my pleasure to address you this month in my capacity as returning officer, appointed by the ELI Senate to oversee the [2015 elections](#). The internal elections reflect the ELI's self-conception as an open, democratic institution. The elections will lead to the establishment of a (partly) new [Council](#) at the [General Assembly this September](#). Half of the Council Members were elected in 2013, and half of them are to be elected this year.

I look forward to overseeing the election process, and it is my wish to see a committed and dynamic Council elected in September—a Council representing the diversity of our body of Members and sharing the ambition of the ELI to further establish itself as an influential, renowned and representative institution.

The work of the Council is vital to the ELI's success. Council Members are involved in a wide range of tasks, from approving new members to determining projects to be pursued and outcomes to be approved. Council Members are invited to join the subject-specific [Special Interest Groups \(SIGs\)](#), currently in planning. The main purpose of the SIGs will be to identify future projects and to act as permanent working groups in a particular area. Council Members also play a decisive role in establishing national Hubs and in using them as a vehicle to promote the ELI's mission. Members of the [Executive Committee](#), including the President, are elected from and by the Council.

Being a Council Member affords you direct influence on the development of the ELI; it will see you work together with prominent legal experts from all over Europe and affords you the opportunity to be actively involved with projects aimed at improving law and law-making across the continent.

Council Members typically meet twice a year, with other communication and decision-making taking place via e-mail and the MyELI platform. Reasonable expenses incurred by Council related work are reimbursed by the ELI.

The progress and activities that we report to you every month in these newsletters would not be possible without the work of the Council. As you read this newsletter, please consider, if you are a candidate, how you would like to see its pages filled in the future, and whether you could see these ideas to fruition as a Member of the next Council.

If you are a Fellow not standing for election, please take the opportunity to acquaint yourself with the [list of candidates](#) who would like to represent you in your Council. Let your voice be heard and vote at the General Assembly on 3 September in Vienna; if you cannot attend, you may vote by proxy. Detailed information about the process is available on the [ELI Website](#) and has featured in the previous newsletters.

Irmgard Griss

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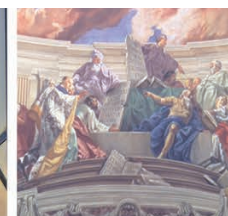
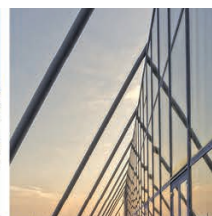
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2015 Annual Conference and General Assembly  
Vienna, 2-4 September

## Featured Keynotes and Basic Information



**Harriet Lansing**

Immediate Past President,  
U.S. Uniform Law Commission

Opening Ceremony Keynote:

University of Vienna  
Faculty of Law (Juridicum)

2 September 2015, 7:00 p.m.



**Věra Jourová**

EU Commissioner for Justice,  
Consumers and Gender Equality

Annual Conference Keynote:

Austrian Academy of Sciences  
Grand Ceremonial Hall

4 September 2015, 10:00 a.m.

### Opening Ceremony, 2 September

All conference participants welcome

### General Assembly, 3 September

ELI Members only

### Annual Conference, 3-4 September

ELI members: free of charge

Non members: 80 EUR advance fee

### Council Meeting, 3 September 2014

Council Members only

### Conference Dinner, 3 September

All conference participants welcome

### MCC meetings, 4 September

ELI Members only

Notice about hotels: negotiated rates are available only until **20 July 2015**. Please act now to reserve your room.

Register

Agenda

Hotels



TENTATIVE AGENDA, as of 18 June 2015

#### Wednesday, September 2<sup>nd</sup>

Venue: [Dachgeschoss \(4.03.010\) / Top Floor Law Faculty Building, Sobottasbastei, LG-16, 1010 Vienna](#)

19.00 – 22.00	Opening Ceremony and Reception Welcome Addresses: Diana Wallis, ELI President Heinz Föllmann, Vice-Rector of the University of Vienna Dean of the Faculty of Law Harriet Lansing, Immediate Past President of the U.S. Uniform Law Commission
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#### Thursday, September 3<sup>rd</sup>

Venue: [Austrian Academy of Sciences \(ÖAW\), Dr. Ignaz Seipel-Saal, 2, 1010 Vienna](#)

#### ELI General Assembly (ELI members only)

Venue: <a href="#">Grosses Saal / Grand Ceremonial Chamber</a>	
08.00 – 09.00	Registration and Coffee
09.00 – 09.30	Welcome (Diana Wallis, ELI President)
	Introduction to the ELI Council elections ( <a href="#">Jörgen Göss</a> , Speaker of the ELI Senate)
09.30 – 10.30	Council Elections
10.30 – 10.45	Report by the President (Diana Wallis)
	Report by the Treasurer, Approval of 2014 accounts and of 2016 budget, appointment of auditor ( <a href="#">Johan Gemanoff</a> )
10.45 – 11.15	Membership issues ( <a href="#">Walter Drazits</a> ) Projects ( <a href="#">Christiane Wendehaust</a> ) Special Interest Groups ( <a href="#">John Scappellato</a> ) International relations ( <a href="#">Sigfrid von Eitzinger</a> )
11.15	Closing of the General Assembly



# 2015 Annual Conference: Panel Descriptions and Information

The ELI presents itself to the world at the Annual Conference. The most important issues confronting Europe take centre stage as the finest minds in law today discuss and debate ongoing ELI projects, plan future ones and contemplate the state of the Institute and its place in emerging areas of European law.

The panels for the fourth ELI Annual Conference will take place this September in the elegant setting of the Austrian Academy of Sciences, located in Vienna's historic first district. They reflect both the broad interests of ELI members and the ambition of the Institute as realised in current and potential projects. The following pages will provide detailed descriptions of panels and panellists. Any further documents or hand-outs relating to panels will be provided either on the ELI website or distributed at the Conference.

Anyone may register for the Conference, so please encourage any colleagues who may not yet be involved in the ELI to attend. Please note that a small fee does apply to non-ELI members, and that the General Assembly is open only to members.

With over 30 distinguished chairs, speakers and commentators at seven different panels, this year's ELI Annual Conference promises to be the most comprehensive and engaging yet. As you plan your stay in Vienna, feel free to browse through this year's offerings.

All panels will take place in the Austrian Academy of Sciences.

## The future EU Administrative Procedure Law: Issues of Content and Scope

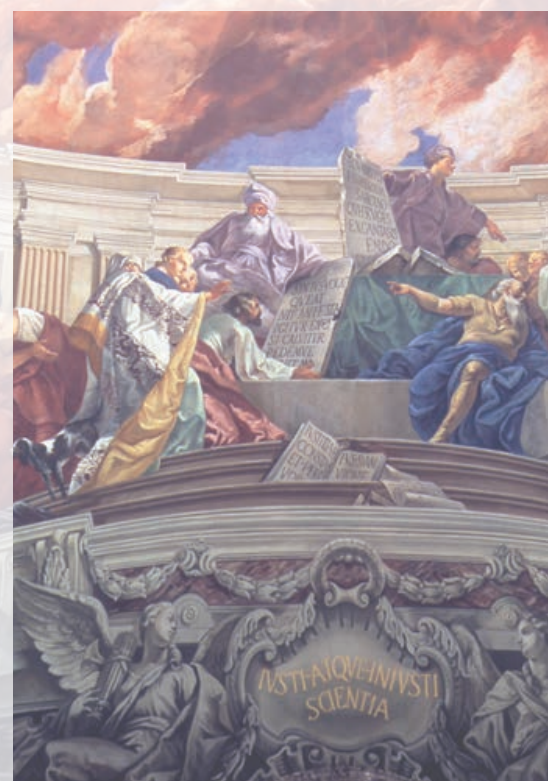
3 September, 12:15-13:45, Grand Ceremonial Chamber

- Chair: Jacques Ziller, Professor of European Union Law, University of Pavia
- Speakers: Heidi Hautala, Vice-Chair of the Group of the Greens/European Free Alliance, European Parliament  
Herwig Hofmann, Professor of European Law, University of Luxembourg, Centre for European Law
- Comments: Marc Clément, Administrative Judge at Administrative Court of Appeal of Lyon (France)  
Ian Harden, Immediate Past Secretary-General, European Ombudsman (tbc)

ReNEUAL and ELI decided in 2012 to cooperate on the development of the Model Rules on EU procedure. In the meantime the European Parliament had adopted on 15 January 2013 a Resolution with recommendations to the Commission on a Law of Administrative Procedure of the European Union. For the ELI the cooperation was an experiment with an unconventional format as ReNEUAL had already worked for several years on developing the project. Publication of the Model Rules therefore took place on 1 September 2014 without the Model Rules being put formally in the format of an „ELI instrument“, although important substantive elements of the ELI method were included. The ReNEUAL Model Rules 2014 have greatly benefited from the ELI/ReNEUAL joint efforts. Different language versions of the Model Rules are being prepared (Spanish – already published –, French, German, Italian and Polish).

The European Commission has not yet indicated whether it intends to propose a Regulation on EU administrative procedures; the European Parliament's JURI Commission has appointed a new Rapporteur on the issue, MEP Heidi Hautala. On the basis of the existing fruitful cooperation between the ELI and the Research Network on European Administrative Law (ReNEUAL), this panel will discuss some of the challenges of the future of Administrative Law at the European level. The panel will address the need for simplification of EU administrative law and will examine the current opportunities and difficulties in the process towards a codification of the Law of Administrative Procedure in the EU, especially in light of the agenda of European institutions.

# 1





## 2 From CESL to the Digital Single Market

3 September, 12:15-13:45, Meeting Room

Chair: Lord John Thomas, Lord Chief Justice of England and Wales, The United Kingdom

Speakers: Axel Metzger, Professor of Civil Law, Humboldt University  
Christiane Wendehorst, Vice-President of the ELI and Professor of Law, University of Vienna

Since the publication of the ELI Statement “Proposal for a Common European Sales Law (CESL)” in 2012 and its first Supplement in 2014, lively discussions and political developments in Europe have continued.

In May 2015, the European Commission adopted a Digital Single Market Strategy, based on three pillars: (1) better access for consumers and businesses to digital goods and services across Europe; (2) creating the right conditions and a level playing field for digital networks and innovative services to flourish; (3) maximising the growth potential of the digital economy.

The ELI is working on a further supplement to its initial Statement on CESL, setting out a general approach for a new legislative proposal that will help unlock the potential of the Digital Single Market.

This panel session invites participants to discuss some of the complex issues identified as controversial or critical, such as:

- Should the term “digital single market” have a broad or narrow substantive scope?
- Should the new proposal take the form of a Directive or Regulation?
- Which measures will best foster confidence in the market place?
- How can barriers, such as unjustified geo-blocking, be tackled?

The panel debate will contribute to a longer-term project within which the ELI will develop a detailed draft legislative proposal.

## 3 From Transnational Principles to European Rules of Civil Procedure

3 September, 14:15-15:45, Grand Ceremonial Chamber

Chairs: José Angelo Estrella Faria, Secretary General of UNIDROIT  
Diana Wallis, ELI President

Panellists: Gilles Cuniberti, Professor of Comparative Law, University of Luxembourg  
Neil Andrews, Professor of Civil Justice and Private Law, University of Cambridge  
Eva Storskrubb, Senior associate, Roschier  
Michael Shotter, Head of the Civil Justice Policy Unit, Directorate General of Justice and Consumers, European Commission  
Rolf Stürner, Professor of Law, Albert-Ludwigs-Universität Freiburg

In 2004, the ALI and UNIDROIT jointly published Principles of Transnational Civil Procedure. The goal was to reduce uncertainty for parties litigating in unfamiliar surroundings and promote fairness in judicial proceedings through the development of universal civil procedure principles.

The aim of the ELI-UNIDROIT joint project is to develop those Transnational Principles to Rules of European Civil Procedure. In order to do so, the Steering Committee has appointed three “initial” working groups (Access to Information and Evidence, Provisional and Protective Measures, and Service of Documents) between May-June 2014; and two working groups (Res Judicata, and Obligations of Parties, Lawyers and Judges) in November 2014. Two additional working groups will be appointed in the course of summer 2015.

Each working group has 5-8 members, representing different legal traditions in Europe and ensuring linguistic and professional diversity, and is led by two co-reporters who are working on the development of the rules. A first set of draft rules is expected to be published by 2017.

Since the focus of the session is on a lively exchange of views among participants from all countries, one Reporter from each of the three “initial” working groups will address the group’s most controversial topics in a 10 minutes opening statement. Subsequently, a 30 minutes discussion will take place for each of the statements. In addition, a representative from the European Commission and a member of the project’s Steering Committee will give an independent view on the project.





## Fiduciary Access to Digital Assets

3 September, 15:45-17:00, Grand Ceremonial Chamber

Chair: Harriet Lansing, Immediate Past President of the U.S. Uniform Law Commission  
 Panellists: Sjef van Erp, Professor of Civil Law and European Private Law at University of Maastricht  
 Radim Polčák, Head of the Institute of Law and Technology at the Faculty of Law, Masaryk University  
 Jos Uitdehaag, First Secretary, Union Internationale des Huissiers de Justice

The digital age has fundamentally changed the way in which we conceptualize, create, capture, and transfer value and define property. In July of 2014, the Uniform Law Commission, in response to these shifts, approved an act to assure that account holders could retain control of their digital property and plan for its ultimate disposition on death.

The Uniform Fiduciary Access to Digital Assets Act (UFADAA) expands the fiduciary's traditional duties and powers to provide that the same trusted fiduciary appointed to inventory the estate, gather assets, and oversee their distribution to heirs will have the authority to administer the deceased account holder's digital assets, except for accounts designated by the account holder as private.

The ELI and the ULC are conducting a feasibility study considering whether UFADAA is a successful blend of law, technology, and social practice, and if so, also assess whether and how that information could be useful to the ELI.

This assessment will take into account public policy issues that affect digital privacy and the conflict between traditional property rights and the terms-of-service governing online accounts. These considerations will be evaluated within the larger context of the implications for the harmonization of law across international borders-its potential benefits and challenges.

## Empowering European Families: Towards more Party Autonomy in European Family and Succession Law

4 September, 11:00-12:30, Grand Ceremonial Chamber

Chair: Katharina Boele-Woelki, Professor of Law, University of Utrecht and President of the Commission on European Family Law and of the International Academy of Comparative Law  
 Panellists: Kerstin Bartsch, Senior Legal Officer, Hague Conference on Private International Law  
 Mark Harper, Partner, Hughes Fowler Carruthers  
 Michael Shotter, Head of the Civil Justice Policy Unit, Directorate General of Justice and Consumers, European Commission  
 Christiane Wendehorst, Vice-President of the ELI and Professor of Law, University of Vienna

There are currently more than 10 million international couples in the EU, i.e. couples where at least one of the partners lives in a country other than his or her country of origin. Despite the fact that EU legislation has achieved far-reaching unification of the rules concerning applicable law, jurisdiction, recognition and enforcement in family and succession law international couples are still facing a number of problems. These problems have their roots in habitual residence as the dominant connecting factor, but also in the fact that existing EU conflict rules tend to encourage forum shopping and a 'rush to court'. More notably still, there is often a patchwork of two or three forums and applicable laws even in standard cross-border divorce or separation cases, and the approaches taken by the various laws involved are often incompatible with each other.

To a large extent, these problems could be avoided by way of early choice of court and applicable law under existing EU instruments, and by agreements on substantive law issues, as far as these are enforceable in the forum state. However, experience shows that only a minor number of international couples make use of the options afforded to them under existing instruments. The panel will discuss strategies how to help reduce obstacles faced by international families and facilitate free movement of citizens by enhancing party autonomy in matters of family and succession law.





## 6 Rescue of Business in Insolvency Law

4 September, 13:30-14:45, Grand Ceremonial Chamber

Chair: Bob Wessels, Professor of international insolvency law, University of Leiden  
 Panellists: Stephan Madaus, Professor of civil law, civil procedure and insolvency law, Martin Luther University Halle-Wittenberg  
 Paul Oberhammer, Dean and Professor, Faculty of Law, University of Vienna  
 Stephen Taylor, Partner, Isonomy  
 Kristin van Zwieten, Clifford Chance Associate Professor of Law and Finance, University of Oxford

Since the global financial crisis, insolvency law has been at the forefront of law reform initiatives in Europe and beyond. The specific topic of business rescue appears to rank top on the (insolvency) law reform agenda of EU institutions. It is a topical field of study in which various fields of law come together, and fits therefore very well within the European Law Institute's mission to promote better law-making in Europe and the enhancement of European legal integration.

This panel will discuss selected law reform issues arising in pursuit of the policy of facilitating the rescue of financially distressed businesses. The discussion will draw on developments taking place within but also outside the EU, e.g. regarding studies on the reform of the U.S. Bankruptcy Code's Chapter 11 reorganisation proceeding. How should such developments serve as a source of inspiration in an EU context? Furthermore, there are at least two key actors involved in the rescue of distressed businesses: insolvency practitioners and judges. What should be their role and responsibilities in facilitating a rescue?

## 7 Migration and the Rule of Law

4 September, 13:30-14:45, Meeting Room

Chair: Boštjan Zalar, High Court judge of the Administrative Court of the Republic of Slovenia, ad hoc judge of the European Court of Human Rights  
 Panellists: Killien O'Brien, Training Officer, Centre for Training, Quality and Expertise of the European Asylum Support Office  
 Hugo Storey, President, European Chapter of the International Association of Refugee Law Judges  
 Adriano Silvestri, Head of Asylum and Migration Sector, Freedoms and Justice Department, European Union Agency for Fundamental Rights

The European Agenda on Migration launched in May 2015 by the European Commission sets several policy tools for immediate actions in order to protect those in need, especially given the mass influx of asylum seekers and immigrants trying to cross the Mediterranean. The ELI interest in respect of due process and material conditions for detention is not a counterpart to those immediate EU policy measures, but rather a complementary aspect in building the rule of law and mutual trust between Member States in order to avoid fragmentation of the EU asylum system. EU law regulating detention of asylum seekers and third country nationals illegally staying in the territory of the EU is already in force, the ECHR and the CJEU have already produced case law in this field, and the deadline for the transposition of the Recast Reception Directive is set for 20 July 2015. Nevertheless, reports, evaluations, and judgments of the ECtHR show that enhancement of the strict implementation of EU law and case-law of the ECtHR by the Member States is needed in this field. This panel invites participants to focus on:

- a scope, a goal and an envisaged output of the proposal for an ELI project in this field, that will be presented to the audience,
- differentia specifica of the ELI's project proposal in comparison to other recent academic projects or researches in this field,
- information on the factual situation concerning detention of asylum seekers and illegal immigrants in the Member States,
- contributions that the European Chapter of the International Association of Refugee Law Judges, the Fundamental Rights Agency, the Councils of Bar and Law Societies of Europe and individual experts from other relevant institutions, such as the European Asylum Support Office, the ECtHR, the CJEU, could provide to this project in order to bring all due process standards and minimum conditions for detention that derive from the case-law of the ECtHR and CJEU closer to judges and practitioners.



# 2015 Council Elections

ELI's second Council elections will be held on 3 September 2015 as part of the General Assembly. The elections are prepared and administrated by the ELI Secretariat and overseen by Dr. Irmgard Griss, Returning Officer and Speaker of the Senate.

The Council consists of 60 members elected at the General Assembly in Vienna in 2013. In accordance with the ELI [Election Byelaw](#), 30 vacant seats were identified by voluntary resignations and the drawing of lots at the last Council meeting on 13 February 2015.

The nomination and endorsement phase for the vacant seats was finalised on 20 May 2015. In total, 37 nominees have been successfully endorsed, who will now stand as candidates for the 30 available Council seats.

## VOTING BY PROXY

If you cannot attend the General Assembly, you may still vote by proxy. Absent Fellows who wish to do so must issue their proxies with the Secretariat in writing no later than **20 August 2015**.

For details, please consult the [Election Byelaw](#).

Every ELI Fellow present at the General Assembly is entitled to a maximum of 30 votes. Only one vote may be cast for each candidate. If two or more candidates receive an equal number of votes for the final seat, lots will be drawn to determine who will proceed to the Council. If a Fellow is not present at the elections, voting by proxy is permitted, provided that proper notification is filed in writing with the Secretariat no later than two weeks before the elections take place, that is, 20 August 2015.

The elected candidates will become members of the Council, and thus have the opportunity to add a significant and active contribution to the further development of the ELI. The first duty of the new Council will be to elect an Executive Committee on the afternoon of 3 September.

## We are proud to announce the following endorsed candidates for the 2015 elections:

Christian Alunaru, Romania	Paul Gilligan, Ireland	Albert Ruda, Spain
Francesco Avolio, Italy	Albert Henke, Italy/Germany	Raffaele Sabato, Italy
Francisco José Aziz, Spain	Jiří Hrádek, Czech Republic	Hans Schulte-Nölke, Germany
Josef Azizi, Austria	Marta Infantino, Italy	John Sorabji, UK
Christian von Bar, Germany	Francisco Javier Jiménez Muñoz, Spain	Harry Stamelos, Greece
Hugh Beale, UK	Tatjana Josipović, Croatia	Diana Wallis, UK
Maja Brkan, Slovenia	Corrado Malberti, Italy	Petra Weingerl, Slovenia
Remo Caponi, Italy	Maarten Meijer, The Netherlands	Christiane Wendehorst, Austria
Georges Cavalier, France	Povlakić Meliha, Bosnia and Herzegovina	Marek Wierzbowski, Poland
Marc Clément, France	Katharina Miller, Germany	Boštjan Zalar, Slovenia
Walter Doralt, Germany	Martin Nettesheim, Germany	Irina Zlatescu, Romania
Sjef van Erp, The Netherlands	Laurent Pech, France	
Johan Gernandt, Sweden	Denis Philippe, Belgium	



## Note from President Diana Wallis

In the last two weeks of June I've been attending several highly productive and informative meetings, as well as some interesting discussion events. As President it is my constant aim to get ELI on the map at various gatherings of jurists and European institutions. I thought our members may enjoy an insight into my activities, so below are some notes from some recent highlights.

### *Monday 15th June, Brussels*

I was invited to the hearing in the European Parliament's JURI Committee on 'The Case for European Minimum Standards for Civil Procedure'. Two of the rapporteurs on our ELI / UNIDROIT project, Eva Storskrubb and Burkhardt Hess gave short presentations followed by interventions from myself and Michael Shotter from DG Justice of the Commission. There followed an interesting debate and good level of engagement from the MEPs present.

The European Parliament Research Service has also compiled a civil procedure paper to inform an upcoming EP legislative initiative in this area; taking direct inspiration from our project with UNIDROIT. The paper includes a high degree of positive mention for the work of the ELI.

### *Tuesday 16th June, Brussels*

During the week I had several meetings with officials and others about mediation also touching on the issue of whether or not mediation has a role to play in ISDS. These encounters reinforced my view that there is plenty of scope to get our new dispute resolution SIG in motion on a project.

I had a number of meetings in my role as a member of the Law Society's EU Committee. It was wonderful to be present for the celebration of 25 years of the Society's Brussels office; which has always done a wonderful job in keeping the profession well informed on all things EU related. The evening event included a panel on Rule of Law in which Sir Francis Jacobs QC, our Former ELI President, participated. The networking continued through the evening, as always I found a great deal of interest and good will towards ELI being expressed.

### *Wednesday 17th June, Brussels*

As part of my Law Society role I participated in their new working group on the EU Transparency Register; chaired by our ELI Fellow Mark Clough. There is of course an on-going debate about when a lawyer is a lawyer, and when a lobbyist. In my eyes, this rather misses the point, lawyers have so much to contribute within the public policy making process that this should not be something we shy away from. I have always said politicians and others cannot make policy and law in a void, they need our input. This is at the heart of ELI's mission.

### *Thursday 18th June, London*

Great to chair the main morning session of the BIICL (British Institute of International and Comparative Law) Rule of Law event. ELI Fellow and Middlesex University Professor Laurent Pech ran this incredibly successfully, it was jointly hosted by Middlesex University and the Bingham Centre taking place at Ashurst's solicitors offices. The day's discussions covered a huge amount of ground looking at rule of law as viewed from inside the EU and importantly also a perspective as to how we are seen from elsewhere in the world. There was an impressive cast of academics, officials from the institutions and Member State governments and NGO's. I am hopeful that a new project proposal may emerge from these contacts.



Chairing a panel on a Rule of Law event sponsored by the BIICL



*Friday 19 June, Brussels*

I was invited to attend the first stakeholder meeting of the European Council E-justice Working Group. When in the Parliament I was the rapporteur on this, and am pleased this has led to our inclusion as ELI. This was a full Council Working Group with all Member States represented. Excellent to see that ELI had a place at the top table alongside the CCBE, CNUE and others, demonstrating that ELI are regarded as a key stakeholder. ELI's presence was also specifically mentioned in the opening remarks. Useful discussion ensued and I believe we should watch this area for any potential for collaborative new projects.

*Friday 26 June, Brussels*

The CCBE were one of ELI's first Institutional Observers it is therefore to be welcomed that there now seems to be an interest in making our relationship more active. It was good in this connection to meet with representatives of their Foundation to discuss the possibility of joint projects. Also wonderful to be given the chance to address their plenary meeting to help reinforce what we do as ELI and how deeper mutual working might be beneficial to both of our organisations. I repeated that the input of lawyers is desperately needed to work on many of Europe's current challenges.



At the Council E-Justice event

## Recent Meetings of the Senate and Executive Committee in Vienna

On 30 April, the ELI Secretariat headquarters in Vienna welcomed some members of the Executive Committee and the Senate for a joint meeting, giving both bodies a chance to discuss the general functioning of the ELI, the strategy on projects and international relations, and other relevant aspects of the organisation.

As stated at the ELI Council meeting in February, the ELI finds itself in a very promising moment as an organisation which has consolidated its position in the European legal environment and is permanently working to establish fruitful cooperation with many European and international institutions and organisations, such as the American Bar Association, UNCITRAL and the Academy of European Law (ERA). This encourages the ELI Executive Committee and all the ELI bodies in their commitment to achieve the main goals of the Institute together and in close cooperation. The joint meeting of the Executive Committee and the Senate was a great opportunity for the Executive Committee to hear the recommendations of the Senate and discuss with it the present and future perspectives of the ELI.

Additionally to that meeting at the end of April, an Executive Committee meeting was held in Vienna on 3 June. In this occasion, the Senate was represented at the meeting by one of its members, Professor Reinhard Zimmermann, in an attempt to strengthen even more the communication and cooperation between the two bodies.

The Executive Committee and Professor Zimmermann as the representative of the Senate discussed during the meeting the different ongoing projects, such as the ELI Project on "Rescue of Business in Insolvency Law" or the ELI-UNIDROIT joint project "From Transnational Principles to European Rules of Civil Procedure", and also focused their attention in some project proposals received from ELI members, giving them due consideration.

During the meeting, international relations were also discussed and attention was given to Special Interest Groups (SIGs). You can read more details about the decision on SIGs on page 10 of this newsletter. The upcoming Annual Conference and General Assembly was also a topic of deliberation, and the Committee was pleased to hear positive reports from the Secretariat regarding the ongoing preparations.



## ELI Special Interest Groups Established!

As announced in the previous issue of this Newsletter, the ELI Council launched a Call for Interest for ELI members in Special Interest Groups (SIGs) .

The ELI Executive Committee has considered the expressions of interest received from ELI Fellows and Observers and welcomes the fact that there has been such a positive response to the call for membership of SIGs, with an equally welcome number of areas suggested for potential SIGs. This is clear evidence of both the enthusiasm of the ELI membership for such bodies, and for a real grass roots desire to engage in collaborative work in a number of areas: both the ELI and European law making cannot but benefit as a consequence.

The following groups demonstrated a critical mass justifying their establishment as SIGs:

- Digital law
- European Union law
- Contract, tort and property law
- Dispute resolution
- Fundamental rights law
- Administrative law
- Intellectual Property law
- Civil law (general)
- Family law and succession law
- Business and financial law (general)
- Competition law

SPECIAL  
INTEREST  
GROUPS

SHAPING THE FUTURE  
OF THE ELI TODAY

### How do SIGs get started?

The ELI Secretariat is contacting those who expressed their interest in the respective groups with more details about their establishment. Each SIG should appoint at least two coordinators responsible for organizing the SIG's work, according to the [Work and Reporting Guidelines](#) drafted to assist SIGs that are available on our website.

The ELI Secretariat will also set up a dedicated MyELI webspace for each SIG, as a tool for members of SIGs to communicate internally, share and discuss ideas, and coordinate their activities.

#### Convening your SIG for the first time

The Executive Committee invites these SIGs to have a first meeting during the ELI Annual Conference, which will take place in Vienna from 2 to 4 September. More information on the established SIGs, such as their members and coordinators, will be available on the ELI website shortly.

The ELI Executive Committee expresses its gratitude to Members and Observers for their warm and enthusiastic response and takes this opportunity to wish each SIG all the best in its work. Since their structure is flexible, SIGs remain open at all times to any ELI member. All ELI Fellows and Observers, whether they are judges, notaries, lawyers, policy makers, academics, or other legal professionals, are welcome to engage in this innovative and inclusive initiative that aims at becoming a core element of the ELI structure.



## More SIGs to come in the future

ELI Fellows and Observers have also expressed their interest in other subject areas that did not gather enough support to justify the creation of an SIG at the present time:

- Criminal law and procedure
- European consumer law
- Private international law
- Comparative law
- Tax law
- Specific aspects of business and financial law
- Other specific fields and topics, such as judicial cooperation in civil and commercial matters, better regulation, asylum law, environmental law, food law, sports law, cross border mental capacity issues, the European framework of private international law, anti-corruption law or the problems arising from applying European law in up to 24 European languages.

The **ELI Executive Committee encourages** members to [contact the Secretariat](#) if they are interested in creating such groups. If and when there is sufficient support for such an area steps would then be taken to set up the group as a SIG.

## Digital Law SIG: Getting Started

ELI members have reacted very enthusiastically to the call for interest in SIGs and display a real eagerness to get started. There is no better example of this than the Digital Law SIG, which will convene for an informal meeting during the Annual Conference and General Assembly in September in Vienna following the panel on Digital Law. The Digital Law SIG will also hold its first working session a month later at the University of Münster on 2 October 2015.

ELI Council Member Reiner Schulze and ELI Vice-President Christiane Wendehorst are organising the meeting, which is open to all ELI members who wish to participate.

The meeting will be preceded by a conference titled “Digital Revolution: Challenges for Contract Law in Practice”, hosted by Reiner Schulze and Dirk Staudenmayer of the European Commission. From the event [brochure](#):

*“The ‘digital revolution’ is having a profound effect on modern society and opens a world of new possibilities but also challenges for the European Union. The creation of a connected Digital Single Market as one of the top priorities for the European Commission is therefore not surprising. However, creating a Digital Single Market is riddled not only with technical issues – such as uniform standards – but also considerable legal challenges. This conference intends to provide a forum for high-ranking representatives from politics, the European institutions, governments, e.g. the German Ministry of Justice and Consumer Protection, the IT industry as well as renowned scholars to discuss the effects of the ‘digital revolution’ on contract law.”*



Reiner Schulze



Christiane Wendehorst

To register for the conference and the SIG meeting, please contact Reiner Schulze’s office at [ls.schulze@uni-muenster.de](mailto:ls.schulze@uni-muenster.de).



## The Academy of European Law (ERA) Becomes an Institutional Observer, Announces Collaboration with the ELI

Last week, ELI President Diana Wallis met with the Director of the ERA Wolfgang Heusel to reaffirm their organisations' shared objectives and desire to collaborate. In a highly positive exchange, ERA and the ELI agreed to work together to bring forward public and professional understanding of EU law, and to enhance ease of implementation and application of European law in all member states.

The ELI aims to improve the quality of European law and to stimulate European legal development in a global context. ERA makes for a highly fitting collaborator in the ELI's development, which coincides with the ELI officially welcoming ERA as an Institutional Observer. It is with pride that the ELI announces this exciting advancement.

The Academy of European Law was formed shortly after the Maastricht Treaty of 1992, in response to the need for a training platform for those in the legal industry to remain fully informed and up-to-date on developments in the field of EU law. It has a considerable share of the legal training industry, with hundreds of lawyers benefitting from the courses provided both in person over the summer months, and the extensive range of online courses and resources. This has no doubt delivered substantial support and benefit to the profession, increasing efficiency and promoting best practice.

The ELI aims to stimulate the development of EU law and enhance its implementation. It consists of a broad range of members from all European states, and all levels of legal practitioners; from part-time paralegals to judges of the highest seniority. This unique membership allows the ELI to access the widest scope of legal opinion and perspective. Members lead the discussion on which projects the ELI should take forward, and contribute to the fruition of project objectives. The ELI provides a platform for jurists to discuss debate and present ideas and suggestions for reform and progression, which informs the ELI, and can lead to the development of new projects or the formation of Special Interest Groups.

The ELI and ERA bring unique strengths, abilities and perspectives together, and will form a highly effective alliance to the benefit of legal practitioners, members, and those who they serve. Both organisations anticipate a progressive future together, as each complements the work of the other, strengthening and enhancing the global presence and utility of each.



## New Institutional Observers

The ELI is delighted to welcome two additional Institutional Observers.



[Lyon Catholic University](#) was founded in 1875. It welcomes a diverse range of students from every nationality with a variety of philosophical and religious beliefs, and respects freedom of conscience and secularism.



Istituto Universitario  
di Studi Europei

The [University Institute of European Studies](#) (Istituto Universitario di Studi Europei – IUSE) is a non-profit organisation for education, research and public debate relating to Europe, also aiming to prepare experts and executives for European and international careers.

## Important Reminder to Members

- Membership fees: if you have not yet paid your membership fees for 2015, you may do so by bank transfer or [PayPal](#). Please contact the [Secretariat](#) with any questions.
- Hotels for Annual Conference and General Assembly must be booked by 20 July. Please visit the [ELI website](#) for more information.
- Proxy voting for Council Elections: please notify the Secretariat by e-mail or by post no later than 20 August 2015 if you wish to proxy your vote to a Fellow who will be in attendance at the General Assembly. Please include the name of the Fellow who will take your proxy. Fellows in attendance are only permitted one proxy vote. The Secretariat will publish the list of proxies one week before elections take place.



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*Building on the wealth of diverse legal traditions, the European Law Institute's 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.*