



ELI

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ELI Updates

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GREETINGS FROM GIOVANNI DE CRISTOFARO, DEAN OF THE DEPARTMENT OF LAW OF THE UNIVERSITY OF FERRARA

Dear Members and Friends of the ELI,

As the Dean of the Department of Law of the University of Ferrara, the host institution of the European Law Institute 2016 Annual Conference and General Assembly, I am honoured and proud to have the chance to address you the following greeting words.

Founded in 1391, the University of Ferrara and its Law Faculty are among the most ancient in Italy and Europe. The city was in that period turning into one of the leading centers of the Italian Renaissance, under the ruling of the Dukes of Este: the outstanding number of monuments and masterpieces that can still be found in the city are an amazing testimony to this golden era, which has induced UNESCO to include the historical centre of Ferrara in the list of World Cultural Heritage sites.

A tradition of openness marks the history – and indeed the present days – of the University and the city of Ferrara: over the last six centuries, students and scholars from all over Europe and beyond have come to Ferrara to study law and other disciplines. The great Copernicus, at the beginning of the sixteenth century, was one of them.

Nowadays many students, scholars and professors from all over Europe are involved in our University, in particular in its Department of Law, which along the years has given a European and international perspective to its teaching and research activity. The study of European Union Law and of its impact in the national legal systems is a priority of this Department, both in the graduate programme that the University offers in Italian and English and in the PhD programme devoted to research in the area of European Union Law.

Building on this tradition, and in coherence with the European and international approach for research and teaching, the Law Department of Ferrara made itself available to host the next Annual Conference and General Assembly of the ELI.

We are deeply grateful to the ELI for having accepted our candidature and we are confident that – with the support of the whole ELI staff – the 2016 Annual Conference and General Assembly will mark one further step for the growth of the ELI and the strengthening of its role in the European context.

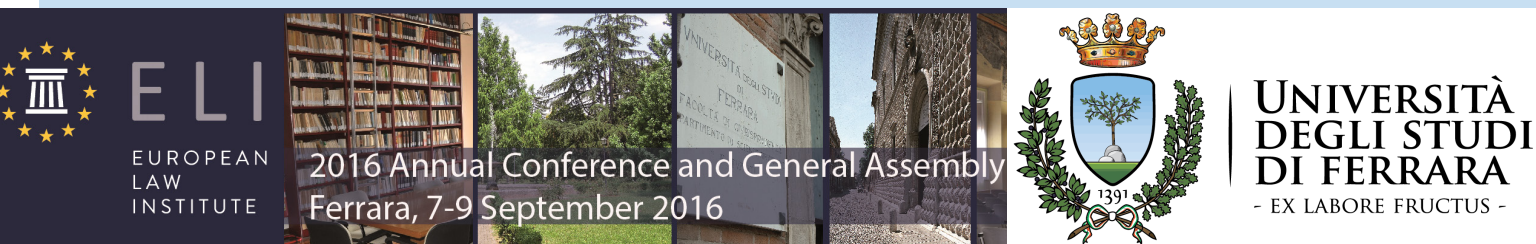
The ELI 2016 Annual Conference will give a great contribution to the development of law in Europe. Many topical issues will be discussed and the Conference will give the audience the opportunity to hear and examine in depth the results of some of the on-going ELI projects that are now facing their final phase. We hope for an extensive participation of ELI members and potential members, contributing to the progress of the projects and to the analysis of the issues that will be addressed, such as the Digital Single Market Strategy of the European Commission.

The event will also be of great relevance for Italian jurists, since Ferrara will also be the host for the launch of the ELI Italian Hub.

We look forward to welcoming all of you in Ferrara from 7 to 9 September 2016!

Prof. Giovanni de Cristofaro
Dean, University of Ferrara – Department of Law

7-9 September 2016: Annual Conference and General Assembly



The ELI 2016 Annual Conference and General Assembly will take place in Ferrara, from 7 to 9 September 2016. The Conference will be kindly hosted by the Faculty of Law of the University of Ferrara. The event will start on Wednesday 7 September. We are pleased to announce that **Koen Lenaerts**, President of the Court of Justice of the European Union, will give a keynote speech on 9 September. Other esteemed guests addressing participants will be **Dario Franceschini**, Italian Minister of Culture, **Giorgio Zauli**, Rector of the University of Ferrara and **Giovanni De Cristofaro**, Dean of the Faculty of Law of University of Ferrara.

Panel sessions will be devoted, among other topics,

to criminal law, insolvency law, civil procedure, the Digital Single Market, family law and migration. During the Conference, ELI project teams, especially the ones focusing on Rescue of Business in Insolvency Law, civil procedure and criminal law, are expected to present the outcome of their work to participants, hoping for fruitful discussions on concrete aspects of these areas of law. The agenda will soon be available on the [ELI website](#).

Please save the date and do not miss this opportunity to meet the European legal community in Ferrara next September! Coinciding with the ELI Annual Conference, the *Italian Hub* will be launched in Ferrara as well!



Topics covered:

- Rescue of Business in Insolvency Law
- Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law
 - From Transnational Principles to European Rules of Civil Procedure
 - Empowering European Families: Choice of Court and Choice of Law
 - Vulnerable adults and the conflict of laws
 - Digital Single Market: Post-CESL
 - Alternative Dispute Resolution
 - E-Codex
- Digital Single Market: Online platforms
- Rule of Law and Migration

SAVE THE DATE!



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ELI Conference on New Rules for Contracts in the Digital Single Market – What’s in it for Consumers and Businesses in Europe?

Nearly 100 top legal experts from Europe and beyond gathered in Vienna to discuss the three legislative proposals that the European Commission introduced under its Digital Single Market strategy on 9 December 2015 (the DSM Instruments). These proposals represent the first material steps towards a modern contract law regime for digital content and online sales across the EU.



Participants of the Conference

The Conference, organised by the European Law Institute (ELI) and the University of Vienna with the support of the EU, provided the European legal profession with the first opportunity to discuss and consider the substantial impact that these new DSM Instruments could have. **Wolfgang Brandstetter**, Austrian Federal Minister of Justice, underlined in his welcoming address that the ELI has made a great contribution in organising the event allowing for a first exchange of expert views.



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The presentations on the Conference focused on a number of the most important improvements and concerns that the proposals raise. As stated by **Lord John Thomas**, Lord Chief Justice of England and Wales, who chairs this [ELI project](#) and is a member of the ELI Council, these DSM Instruments are the first in a long time that “slip through the chains of the past”, but like any new venture, first proposals cannot be perfect. In that spirit, the speakers at the Conference provided a lot of constructive suggestions on how the proposals could better reach their aim and how gaps and overlaps in legislation could be avoided.

The first day of the Conference was devoted to the early reactions from the point of view of consumers and traders, with presentations from **Luca Castellani** from



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UNCITRAL and **Ursula Pahl** from BEUC. Luca Castellani considered the relationship between UNCITRAL and the EU, focusing especially on this field. He encouraged that when electronic contracts are being considered, B2B contracts are not left out and that it is critical to facilitate the B2B exchanges between the EU and the rest of the world. Ursula Pahl welcomed the proposal on a directive on digital content, but was critical of aspects of the proposal for a directive for online sale of goods that she felt reduced consumer protection. The last presentation of the day was given by **Dirk Staudenmayer** from the European Commission, who explained various aspects of the DSM Instruments and the reasoning behind certain policy decisions.



Dirk Staudenmayer during his presentation

The second day was devoted to in-depth considerations of a number of issues that are raised by the proposals for the DSM Instruments. **Gerald Spindler** discussed the scope of application and **Oliver Proust** considered the proposals’ from the perspective of EU data protection law. **Christian Twigg-Flesner** gave a presentation on the proposals rules on lack of conformity and the burden of proof, and **Fryderyk Zoll** considered the remedies that are available for lack of conformity with the contract. **Hans Shulte-Nölke** gave a presentation on unfair contract terms in contracts for the supply of

digital contents and **Axel Metzger** discussed some controversial issues that the proposals raise, such as resale, interoperability and portability of digital content. Finally, **Christiane Wendehorst** gave a presentation on smart devices and the Internet of Things and on how these can be difficult to categorise within the regime that the new proposals for DSM Instruments establish.



Reiner Schulze, Lord John Thomas and Christiane Wendehorst

The active discussions that followed all presentations clearly demonstrated that these legislative proposals are of great interest to the European legal community and show how necessary and timely the Conference was.

The ELI in an EP workshop on New rules for contracts in the digital environment

On 17 February, the European Parliament's Committee on Legal Affairs (JURI) convened a workshop on "New rules for contracts in the digital environment" with the participation of EU National Parliaments.



Christiane Wendehorst



Hugh Beale

The aim of the workshop was to shed light on the two recent Commission proposals, on the [online sale of tangible goods](#) and on the [online sale of digital content](#), aimed at better protecting consumers who shop online across the European Union. The agenda centred on a number of highly topical issues relating to these newly introduced proposals.

The Commission's proposals are closely connected with earlier attempts to introduce a Common European Sales Law ('CESL'). The ELI has been actively following these efforts since 2011, continually providing critical and constructive review. This Conference demonstrated the ELI's determination and commitment to stay at the forefront of these developments. More information on the work of the ELI in this field can be found [here](#).



Hans Shulte-Nölke

The Working Group of the DSM project will meet next in Vienna in March. There, their aim will be to consider draft texts on a first part of the working groups report.

ELI Council member, Professor **Hugh Beale**, discussed the scope of application and general approach of the new rules for contracts in the digital environment and ELI Council member, Professor **Bénédicte Fauvarque-Cosson**, discussed other contractual issues for the supply of digital content:



Bénédicte Fauvarque-Cosson

modification of the contract and termination of long-term contracts. Two ELI Fellows, **Jan Smits** and **Vanessa Mak**, also participated in the event. The workshop ended with a wrap-up speech by ELI Vice-President, Professor **Christiane Wendehorst**, who summarised key points of the discussions.

Watch online

ELI Project on Family Law: Working Group met in Vienna

On 11 January, members of the project's Working Group convened at the ELI Secretariat headquarters in Vienna in order to finalise the questionnaire for Workstream 1 and discuss further steps of the first stage of the project. The meeting was chaired by **Christiane Wendehorst** and **Wendy Schrama**, Reporters of the project.



Working Group of the ELI Project on Family Law

The Working Group finalised the questionnaire, which was developed for the purposes of collecting data from national correspondents. It consists of questions divided into four parts, Choice of Court and Choice of Law, Succession, Submission to Family Mediation and General Issues. The results of the data collection in 28 EU Member States will be reviewed by the Working Group members at a meeting in early April in Utrecht. They will be the basis for the preparation of a first draft of model clauses/templates that can be used by European citizens concerning choice of court and choice of law in family matters, and possibly submission to family

mediation. Easily understandable information sheets with explanations will also be prepared.

The aim is to make citizens aware of and get access to these model clauses/templates and simple



standard information sheets, **This project is co-funded by the European Union** whenever a marriage or registered partnership is concluded, a cross-border change of residence is registered, and in other similar situations. Particularly in divorce and separation cases, the model clauses will seek to reduce complexity by offering to the parties a limited set of recommended 'one-stop shop packages'.

The project is organised into three Workstreams, which will produce one-stop shop solutions for married couples (Workstream 1), registered partners (Workstream 2) and individuals in informal relationships (Workstream 3).

This unique project, which officially started in January 2016, with the support of the EU, will end in late 2017. The expected results will contribute to improving the implementation of the applicable EU law, reducing psychological barriers against contracting in due time before a conflict arises or death occurs, and will offer to the parties simple solutions which are available at low cost.

You can find more information about the project [here](#).

Insolvency Law: Joint Conference with the Nordic-Baltic Insolvency Network

On 16-17 February, the Reporters of the ELI Project on Business Rescue in Insolvency Law held a joint Conference with the Stockholm Centre for Commercial Law and the Nordic-Baltic Insolvency Network.

The Conference was convened at Stockholm University's Centre for Commercial Law and its main aim was to discuss and consider the newly finalised Nordic-Baltic Recommendations on Insolvency Law, drafted by the Nordic-Baltic Insolvency Network. The Nordic-Baltic Recommendations are the product of an ambitious attempt at regional harmonisation of Insolvency Law. The Conference also focused on interesting business rescue issues in a larger context.

Two of the Reporters of the ELI Project on Rescue of

Business in Insolvency Law, Professors **Bob Wessels** and **Stephan Madaus**, spoke at the Conference. On the first Conference day Professor Bob Wessels presented the ELI project, its aims and the progress that has



Bob Wessels, Johan Gernandt and Stephen Madaus

already been made. **Erik Selander** and **Torgny Håstad**, National Correspondents for the project, presented the Nordic-Baltic Insolvency Network's Recommendations, their background and reasoning. After discussion on the Recommendations regarding treatment of groups of

companies in insolvency, the first Conference day ended with some closing words from Professor Bob Wessels. On the Second Conference day Professor Bob Wessels spoke on the role and responsibilities of different actors in insolvency proceedings and Professor Stephan Madaus spoke on short-term protection of voluntary restructuring negotiations. Both presentations were followed by discussions and questions from the audience. This interesting Conference ended with concluding remarks from Professors **Jan Kleinman** and Bob Wessels.

ELI Council meeting in February 2016

The ELI Council met in Vienna on 12 January. There was a great turnout for the meeting, with 37 Council members present and a further 7 represented through proxy. This was especially important because 2016 promises to be a big year for the European Law Institute, with many large events planned and two long-term projects, the project on Business Rescue in Insolvency and the project on Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law drawing to a close.

The increased activity of the ELI is reflected in the fact that the Council voted on having two day meetings in



Members of the ELI Council during the meeting

the future, to be better able to discuss and deliberate on the many matters on its agenda.

ELI President, **Diana Wallis**, gave a report on the activities of the ELI as its President and the Chair of the Executive Committee. She was delighted and proud to note that the ELI has consolidated its position as a respected and valued contributor to the development of European law and that the Institute has strengthened its ties and cooperation with organisations such as ERA, the CCBE and the ENCJ. She also particularly noted that the SIGs have been ever more active and that the preparations of the Annual Conference in Ferrara are going well.

The Council was presented with a detailed report on

The Conference was a welcome opportunity for the Reporters to discuss their findings with a group of specialists from a number of EU countries.



This project is co-funded by the European Union

More information on the Insolvency project can be found [here](#).

the status of on-going projects. At the moment the ELI has six on-going projects: 1) Rescue of Business in Insolvency Law, 2) the joint ELI-UNIDROIT project From Transnational Principles to European Rules of Civil Procedure, 3) the project on Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law, 4) From CESL to the Digital Single Market, 5) the project Empowering European Families, and 6) a project on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law. All the projects are going well and according to schedule.



Members of the ELI Council during the meeting

A very pleasant outcome of the meeting was that the Council voted in favor of a new project being adopted, titled "The Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution". It will be a joint ELI-ENCJ project and is envisaged to run for a little over a year.

The Council also discussed many other interesting prospective developments that could heighten the profile of the ELI and further consolidate its membership and facilitate active participation of the myriad of experts that comprise the ELI.

All in all, it was a very fruitful meeting and it is clear that there are exciting times ahead.



This project is co-funded by the European Union

ELI-UNIDROIT updates

Joint meeting of the ELI-UNIDROIT Steering Committee with co-reporters in Rome

After the successful ELI-UNIDROIT Conference “Building European Rules of Civil Procedure” on 26-27 November 2015 in Trier, a meeting of the Steering Committee with the Working Groups Reporters will be held in Rome. The meeting will take place on 21-22 April and will be hosted by the International Institute for the Unification of Private Law (UNIDROIT).

The ELI and UNIDROIT are now working on the agenda of the meeting, during which the Steering Committee and

Workshop in Budapest in May

The ELI-UNIDROIT project has recently received an invitation from the Hungarian Ministry of Justice and the Hungarian Academy of Sciences to organise a joint conference on civil procedure at the end of May in Budapest.

The event will bring Hungarian and the ELI-UNIDROIT experts together to discuss some aspects of the work done by the Working Groups and parts of the new Hungarian Code of Civil Procedure. It will also be a great opportunity to receive feedback from experts in the field and to share practices and experience of both the ELI-UNIDROIT project team and the Hungarian experts on civil procedure. The exact programme and structure of the event are still being discussed. Further information

President Diana Wallis in Brussels at the European Justice Stakeholders Forum



Diana Wallis

The ELI President, **Diana Wallis**, participated in an event on “The Future of Justice in the EU: challenges & opportunities” organised by the European Justice Stakeholders Forum on 16 February. Among other speakers were **Věra Jourová**, European Commissioner for Justice, Consumers and Gender Equality, **Tiina Astola**, new Director General for DG Justice, European Commission and Lord Justice **Geoffrey Vos**, President of the ENJC, which is an ELI Institutional Observer.

President Wallis spoke during the first session, which focused on the “Impact of technology on the future of EU justice”. This panel, where the European Commission

the Project Reporters will discuss the project’s ongoing activities and further events planned for 2016. The Reporters will also present to the Steering Committee their revised tentative draft rules, enriched with the feedback received at the November Conference in Trier.

As announced in the [previous issue](#), three new working groups - *Costs*, *Judgments* and *Structure* - will be established in 2016, while their Reporters will be invited to join the meeting in Rome.

about this and other events related to the ELI-UNIDROIT project “From Transnational Principles to European Rules of Civil Procedure” will be published on ELI [website](#).

The ELI-UNIDROIT project “From Transnational Principles to European Rules of Civil Procedure” aims at developing Principles of Transnational Civil Procedure, which were published by the ALI (American Law Institute) and UNIDROIT, and produce model European Rules of Civil Procedure. The project was initiated in 2014, with five topics being the initial focus of the project, *Service and Due Notice of Proceedings*, *Provisional and Protective Measures*, *Access to Information and Evidence*, *Obligations of the Parties, Lawyers and Judges* and *Res Judicata and Lis Pendens*.

was represented by **Jurgen Tiedje** (Head of Unit of DG Grow E1), analysed the impact of the use of technology on the legal sector, facilitating access to justice but at the same time raising significant questions over the future regulation of the legal sector.



Diana Wallis speaking at the Forum

The event also covered two other topics: the rising role of International Courts in law making, and another topical issues on which the ELI is currently running a new project, “Migration and the Rule of Law”. You can find more information about this project [here](#).

President Wallis and ELI representatives in Brussels at ERA seminar on EU rules for digital contracts

The ELI President, **Diana Wallis**, participated in a seminar on the new EU rules for digital contracts, organised by the Academy of European Law (ERA, one of the ELI Institutional Observers) on 18 February in Brussels. Among the speakers and chairpersons of the seminar were also ELI Council members **Hugh Beale**, **Matthias Storme** and **Friedrich Graf von Westphalen**.

At the end of the seminar, ELI President Diana Wallis headed a round table, where the views of consumers, traders, platforms and the European Commission were all presented. In her concluding remarks, she noted that in a sense, this was the third attempt to harmonise contract rules within Europe and as such the aspiration was 'third

SIGs developments

Report from the Digital Law SIG

As reported in a previous issue of this Newsletter, on 2 October 2015, the first meeting of the Digital Law SIG was held in Münster, Germany. It set the foundations for the future work to be undertaken by the SIG and highlighted topics within key areas of interest, in particular the free flow of data, robotics, Internet of Things, and online platforms. Following an introduction to each topic and the legal challenges they present, the participants formed small Working Groups, the aim of which is to conduct research on the chosen topic and to determine whether further action by the ELI is recommended.



Participants of the Vienna Digital Law SIG meeting

The results of this initial research were summarised in short papers and were presented at the second meeting of the Digital Law SIG, held on 21 January in Vienna. Attendance at the meeting was high, with many new participants showing an active interest in the work undertaken by the Digital Law SIG and in joining the debate on current legal challenges. Chaired by **Alberto De Franceschi** and **Reiner Schulze**, the meeting began with a short reminder of the SIG's role and contribution to the future legal development. **Sjef van Erp** and **Michael Lehmann** proceeded to emphasise the considerable legal challenges and fundamental economic importance

time lucky!' She said that she took it as a positive signal that a majority of speakers referred to 'drafting issues' rather than questioning fundamentally the general approach. It seems that it is no longer a question of whether an instrument should be introduced, but rather what the exact content should be, which she saw as a positive role for the work of ELI.



Panellists of the seminar

posed by digital content in general and therefore solidifying the important role to be played by the SIG in the current discourse.



Participants of the Vienna Digital Law SIG meeting

The contributions by the sub-groups were presented by **Christoph Busch**, **Hans Schulte-Nölke**, **Aneta Wiewiórowska**, **Erica Palmerini** and **Andrea Bertolini** and provided highly informative insights into the far-reaching complexities of each research topic. It soon became apparent that the scope of the implications of digital content requires clear legal solutions that may not only mark a deviation from traditional approaches but will also require further action by the ELI to coordinate analyses of various national solutions. In one simple sentence, Sjef van Erp summarised the important role the ELI can play: Digital content is by its nature cross-border.

The Digital Law SIG encourages ELI members to become actively involved in its work in order to bring Europe closer together. The next meeting of the Digital Law SIG will be in Ferrara on 7 September 2016. The Digital Law SIG particularly seeks involvement from criminal and public lawyers in order to broaden its perspectives and provide comprehensive solutions to this core area of modern law.

Meeting of the Dispute Resolution SIG

The Dispute Resolution Special Interest Group (SIG) held its first face-to-face meeting on 19-20 February in Wiesbaden (Germany). The event was hosted by the EBS Law School – University Wiesbaden and received special support of an ELI Member and the EBS Law School Professor **Matthias Weller**.

The two-day event focused on recent legal developments in Investor-State Dispute Settlement (ISDS), particularly in the context of the Transatlantic Trade and Investment Partnership (TTIP). The meeting was chaired by one of the SIG's temporary coordinators, Professor Thomas Pfeiffer and the organiser of the event, Professor Matthias Weller. It also featured other prominent experts in the field: **Alan Uzelac** (Professor, Zagreb University), **Elizabeth S. Stong** (Honorable Judge, U.S. Bankruptcy Court), **Valentin Réternaz** (Assitant Professor, Galatasaray University in Istanbul), **Dulce Lopes** (Lecturer, University of Coimbra), **Rui Dias** (Assistant Professor, University of Coimbra), **Marta Morvillo** (Post-doctoral Researcher, University of Bologna), **Jan K. Schaefer** (Partner in the Frankfurt office of King & Spalding) and **Patricia Nacimiento** (Partner in



Participants of the Wiesbaden Dispute Resolution SIG meeting

the Norton Rose Fulbright LLP; Member of the World Bank's ICSID Panel of Arbitrators).

The fruitful discussions resulted in the SIG's decision to further develop the Group's first endeavour in the area of ISDS and in the agreement on holding regular SIG meetings on the biannual basis. During the event, members also chose coordinators for the SIG. Professor **Thomas Pfeiffer** and Professor **Stefaan Voet** were elected and accepted the task of coordinating the efforts of the group.

Meeting of the SIG on Business and Financial Law

The SIG on Business and Financial Law met in Vienna on 12 February. The meeting was convened at the premises of the ELI Secretariat. Participants discussed how to organise the work of the SIG and how to further proceed in preparing interesting topics for further consideration of the members. They also discussed how the SIG could assist and support the work of the ELI. The meeting discussed many issues that are currently of interest for the European institutions and for EU business and financial law in general. The SIG decided to focus on five topics and to prepare short scoping papers on these to circulate to all the members of the SIG:

- cross-border mobility of companies within the EU (including transfer of seats and tax evasion),
- the codification and implementation of EU Company Law rules,
- groups of companies – liability and responsibility,
- transparency, company disclosure and non-financial reporting,
- the role of shareholders in the European corporate governance debate.

The next meeting of the SIG will be in Ferrara in September, during the Annual Conference.

Meeting of the SIG on Contract, Tort and Property Law

The SIG on Contract, Tort and Property Law also took the opportunity and met for the first time on the margins of the Council Meeting in Vienna on 12 February. During this first physical meeting, discussions focused on the possible paths that this SIG could take. Members of the SIG were invited to write short focus papers (2 pages max) within the next 6-8 weeks to help direct future endeavours ahead of the next meeting in Ferrara, Italy, during the ELI Annual Conference from 7-9 September.



Members of the SIG on Contract, Tort and Property Law

ELI Special Interest Groups (SIGs) – Update – Call for Members and Call for new SIGs

SIGs were established following the 2015 Annual Conference as subject-specific hubs where ELI members scrutinise on a regular basis the latest developments in diverse fields of law, in order to identify whether the European legal landscape could benefit from a contribution of the ELI in a particular topic and moment. The SIGs keep their area under on-going critical scrutiny, noting and discussing current developments and, where relevant, drawing the attention of the ELI Executive Committee to any issue that could properly call for a response by the ELI. There are currently 11 SIGs:

1. *Digital law*
2. *Dispute resolution*
3. *Business and financial law (general)*
4. *Contract, tort and property law*
5. *Civil law (general)*
6. *Competition law*
7. *Administrative law*
8. *European Union law*
9. *Family law and succession law*
10. *Fundamental rights law*
11. *Intellectual property law*

While they may have only been in existence for a short period of time, updates to the February 2016 Council Meeting were extremely promising. A number of SIGs have already held meetings, both virtual and actual, and identified in which specific areas they intend to start their initial work. Most significantly, a number of SIGs have already started their substantive work.

Call for Members

ELI members who have not, as yet, joined a SIG may do so at any time. There are no time limits on joining, nor are there limits on the number of individuals who may be a member of a SIG. Equally, there are no limits on how many SIGs an ELI member can join. If you are interested in participating in any of the SIGs or in simply finding out more about their work, please [contact the Secretariat](#).

Call for New SIGs

The Executive Committee is keen for ELI members to form new SIGs, and to thereby extend the work of the ELI and increase the positive contribution that both it and its members can make to the development of European law. If you are interested in establishing a new SIG please [contact the ELI Secretariat](#) in the first instance.

At the present time ELI members have expressed their interest in establishing SIGs in the following areas:

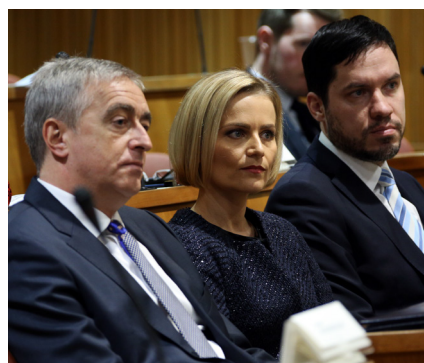
1. *Criminal Law*
2. *Corporate compliance*

The Executive Committee considers that the proposed SIGs would provide stimulating fora for debate and for the ELI to make a positive contribution to two very important areas of law and legal development. Any members who have an interest in these areas are very much encouraged to [contact the ELI Secretariat](#), who will be able to put them in touch with the SIGs' proposers.

Members should note that communication within the SIGs is mainly (but not exclusively) electronic, to enable participation from geographically diverse Members, thus providing an active forum for debate and project development. SIG members are encouraged to use their exclusive section of the [MyELI platform](#) to post comments, drafts and suggestions and to interact with each other.

ELI Slovenian Hub event in Ljubljana: Out-of-court resolution of disputes stimulates the economy and protects the consumers

The ELI Slovenian Hub, in cooperation with the National Council of the Republic of Slovenia and the European Centre for Dispute Resolution, organised a conference on out-of-court resolution of consumer disputes. The event took place in Ljubljana on 10 February and aimed at discussing the implementation of the recently adopted Directive on alternative dispute resolution for consumer disputes. Among many distinguished speakers was **Diana Wallis**, the President of the ELI.



Aleš Zalar, president of ECDR, Katarina Kresal, president of ECDR and Uroš Petohleb, managing director of ECDR. © Milan Skledar

The EU consumers' legislation is new, therefore all the EU Member States are facing challenges concerning this issue. This is also the case of Slovenia, where the respective Law, the Act on Out-of-Court Resolution of

Consumer Disputes, entered into force in November 2015. The Act regulates disputes arising out of sale contracts or contracts for the supply of services, concluded between companies established in the EU and consumers residing in the EU.

President of the ELI, Diana Wallis, underlined that the conference was very timely, as all EU Member States

Upcoming events

4 March 2016: German Hub event, Frankfurt am Main

As was already announced in previous issues of this Newsletter, members are also invited to join the German ELI Hub event that will take place on 4 March, in Frankfurt am Main. The event will consist of a colloquium organised by the German Hub together with the Ernst von Caemmer Foundation and the Goethe University Frankfurt am Main. It will focus on the harmonisation

9 May 2016 – the Spanish ELI Hub launch

As announced in the previous issue of this Newsletter (November-December 2015), the ELI Hubs family is growing – the Spanish ELI Hub will be launched on 9 May 2016, coinciding with Europe Day. The event will take place at the Spanish Centre of Political and Constitutional

have to implement the Directive on alternative dispute resolution for consumer disputes and the on-line platform for out-of-court dispute resolution will be launched by the European Commission. Diana Wallis emphasised that *"the implementation of the directive aims towards encouraging consumer confidence in cross-border purchases, but also represents a stimulus to the European economy. However, it is extremely important especially to protect consumers during on-line shopping. It is necessary to promote the awareness that in the event of disputes consumers do not need to pay huge amounts of money for judicial processes and complex legal systems. This regulation provides a significantly easier process for both the consumer and the provider, who sit on the opposite side of the conflict."*



Diana Wallis. © Milan Skledar

As the effects of the new law are not yet shown in practice, it will be necessary to wait and monitor its implementation. *"We will have to wait and see how all this takes place in practice, but I should stress again that the implementation of this directive is very stimulating and important to consumers and the European economy,"* said President Wallis.

of sales law from the European, international and comparative perspectives ("Einheitliches Kaufrecht und Vereinheitlichung der Rechtsanwendung"). The agenda of the event is available [here](#). Please send an e-mail to this [address](#) if you would like to register.

Studies, which belongs to the Spanish Ministry of Presidency and which kindly offered its support to this event. You will find the agenda of the event soon on the ELI [website](#).

13-14 June 2016: ELI Conference on Empowering European Families: Choice of Court, Choice of Law and Submission of Family Mediation, Vienna

A Conference on “Empowering European Families: Choice of Court and Choice of Law and Submission to Family Mediation” will take place on 13-14 June in Vienna. The ELI invites you to take part in a public workshop, during

which the results of Workstream 1 will be presented and discussed. More information will be published on the [ELI website](#).

20-21 June 2016: ELI Conference on Digitalisation and Law: From the Tangible to the Digital World, Vienna

In June, the Working Group of the ELI project on sales and contract law in the Digital Single Market will organise a Conference in Vienna. The Conference will be titled „Digitalisation and Law: From the Tangible to the Digital World.“ The Conference will focus on the Commission’s proposals for directives on the [supply of digital content](#)

and the [online and other distance sales of goods](#), but also address other topical and pressing matters in the field of digital law. The Conference will provide the perfect opportunity to consider and reflect on the proposals of the Working Group. More information will be published on the [ELI website](#).

Focus on Membership

The ELI membership has grown significantly every year since its creation in 2011. Having started with 53 founding Members, the Institute has overcome the milestone of reaching more than 1,000 Members in 2014. Currently 53 nationalities are represented, marking the wide reach beyond Europe and EU Member States. More than 80 Institutional Observers have joined the ELI, including a number of Supreme Courts, law faculties, supranational organisations and law firms. Maintaining diversity with regards to areas of expertise, nationalities and different professional backgrounds will be essential to keep the ELI a vibrant community of legal professionals, a unique meeting point for its Members and to add legitimacy of projects approved by this broad constituency.

Law and Labour Law.”

Doralt notes: *“This requires active help from our members: Our Members, in their professional environment, know who has particular expertise in these areas of the law and could be interested in joining the ELI. Suitable colleagues should therefore be encouraged to apply for membership.”*

All other applications of excellent lawyers are, as always, highly desirable too, irrespective of this current focus. Membership applications are made online, directly through the [ELI website](#). Detailed information on what the ELI currently does and stands for can be found on the [website](#) as well.

If you are going to be attending a legal conference, kindly let the [Secretariat](#) know and we would be pleased to send you or the organisers some more information on the ELI and membership opportunities.

Membership fee: if you have not yet paid your membership fee for 2015, please do so by bank transfer or [PayPal](#). Please contact the [Secretariat](#) with any questions arising in this context.

The ELI is pleased to announce that there will be an additional option of payment available to its members. More information will be provided with the send-out of the ELI invoices for 2016.

Current Membership Focus:

- **Criminal Law**
- **Tax Law**
- **Labour Law**

*“Where imbalances in our membership are perceived to arise, we will target them, a few at a time, ensuring diversity geographically, with regards to the areas of expertise of our Members and professional backgrounds”, explained **Walter Doralt**, Chair of the Membership Committee. “We want to address imbalances early on and our focus will change about every six months. At this time, we hope to attract more lawyers with expertise in Criminal Law, Tax*

Become a member

Coming up in 2016...



The ELI mission

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.

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