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ELI Newsletter

Jan-Feb 2024

Cover: Christophe Soulard, First President of the French *Cour de cassation*

Spotlight: Jacques Ziller, *Ancien Professeur des Universités*, Paris 1 Panthéon-Sorbonne





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Contents

Cover	3
Spotlight	7
ELI Representation	11
ELI New Members	14
ELI Projects	16
Young Lawyer's Award	24
Hubs and SIGs	26

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Connect



Cover

“

We must be open to learning from each other, drawing on diverse experiences and perspectives to enrich our understanding and handling of these questions.

”

This issue's cover focusses on the importance of addressing the rights of future generations in legal proceedings. The need for a balanced approach that considers long-term impacts while upholding principles of justice and fairness are emphasised. Soulard also highlights the role of organisations like ELI in facilitating research on emerging legal challenges, such as climate justice.



Cover by
**Christophe
Soulard**

Christophe Soulard, the incumbent First President, recently concluded a distinguished tenure as the President of the French *Cour de Cassation*, spanning from 2017 to 2022. His leadership prowess was previously showcased during his role as Elder Judge of section within the same Chamber from 2015 to 2017, and prior to that as a Judge from 2012 to 2015. Noteworthy among his earlier appointments was his tenure as the First Vice-President at the *Tribunal de Grande Instance* of Metz from 2008 to 2012, where he presided over the First Civil Chamber and coordinated civil service affairs. His recent contributions to the legal sphere include his involvement in facilitating workshops on fundamental rights within the context of conferences convened by the Union of European Supreme Courts and the Council of Europe, affirming his enduring commitment to advancing legal scholarship and judicial excellence on both national and international fronts.

D

ear esteemed
colleagues
and friends

The world of law finds itself at a crossroads, confronted with challenges that demand not just our attention but our concerted effort and original legal thinking. It is with a profound sense of curiosity that I address you today, through this esteemed newsletter of the European Law Institute, on a subject close to my heart and of interest to all legal practitioners of our times: the rights of future generations.

In an era marked by rapid technological advances, environmental crises and shifting societal norms, the imperatives to modernise our justice system have never been more urgent. Our supreme courts, the bastions of legal interpretation and enforcement, are called upon to navigate these uncharted waters with wisdom and foresight. However, as we endeavour to adapt to these changes, we must not lose sight of our fundamental mission: to uphold the rule of law and ensure justice for all.

The rights of future generations, a concept once considered abstract and largely theoretical, has emerged as a pivotal issue that could demand legal form, voice and action. How do we, as a judicial community, address the rights of those who have no vote, no lobby, and no voice in our current legal frameworks? The answer lies not solely in the passing of new laws but also in the evolution of our legal reasoning and the broadening of judicial perspectives and in the challenge of delimiting the exact legal scope and ramifications of this fluid notion.

This involves a delicate balancing act: considering the long-term environmental, social and economic impacts of our decisions, while adhering to the principles of justice, equity and fairness for today's legal subjects. This equilibrium is not always intuitive; a ruling of the third civil chamber of the Cour de cassation on 30 November 2023¹ regarding the destruction of a protected species of birds by wind turbines, highlights the surprising confrontation of potentially divergent interests between climate and the environment!

This work requires us to ask ourselves difficult questions. How do we apply traditional litigation questions and criteria to these innovative disputes? I am thinking here of how elements such as standing and the principles of civil liability can be understood and utilised in cross-generational environmental proceedings. And what of these suits that could concern the liabilities of private businesses? I am convinced that we already possess the means: that many of our existing legal tools and concepts can be adapted and revisited for these explorations, just as I strongly believe that professionals from all horizons should engage with these questions.

The very notion of the rights of future generations is already a part of our legal toolbox, as it is explicitly mentioned in the French *Charte de l'Environnement*, which has constitutional value. Moreover, the idea was recently leveraged by the *Conseil constitutionnel* in a ruling regarding deep geological disposal of radioactive waste.²

Answering these various questions over the coming years will require that our approach

¹ Cour de cassation, 3ème chambre civile, 30 novembre 2023, pourvoi n° 21-16.404.

² Conseil constitutionnel, Décision n° 2023-1066 QPC du 27 octobre 2023.

The new publication of the French *Cour de cassation: the International Newsletter* is available here.



“ **How do we, as a judicial community, address the rights of those who have no vote, no lobby, and no voice in our current legal frameworks?** ”

be transversal, embracing wisdom from other cultures and legal systems, recognising that the challenges we face are not confined by borders. It is through diplomatic judicial dialogue, shared knowledge, and collaborative efforts that we can forge a path forward. We must be open to learning from each other, drawing on diverse experiences and perspectives to enrich our understanding and handling of these questions.

The European Law Institute's mission aligns perfectly with these imperatives: by conducting and facilitating research and providing guidance on the development of law, it feeds this collective questioning on new and emerging legal challenges. ELL's current project on Climate Justice is a prime example of this important work that can lead to answers and new ideas.

Let us embrace the challenge of thinking about the rights of future generations, and examine the many questions before us with humility, courage and a deep commitment to justice for all that transcends time.

With warm regards and in solidarity

Christophe Soulard
First President, French *Cour de Cassation*

A graphic consisting of a dark grey rectangle with a white horizontal line through its center. The word "spotlight" is written in white, lowercase, sans-serif font across the white line. A large black letter "S" is positioned to the left of the rectangle, with its top curve overlapping the top-left corner of the rectangle. A white horizontal line extends from the right side of the rectangle across the top of the page. Two black lines extend from the top corners of the rectangle downwards and outwards, forming a large triangle that frames the main title below.

spotlight

On the ELI Charter of Fundamental Constitutional Principles of a European Democracy

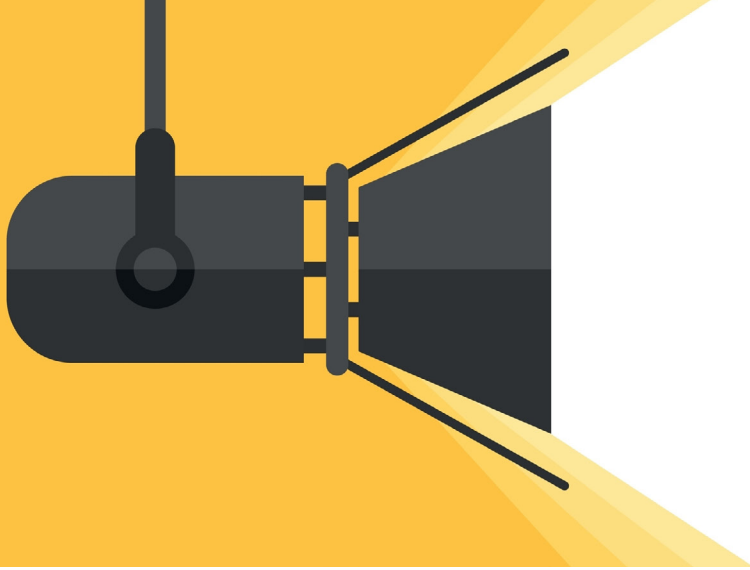
This issue's Spotlight focuses on the erosion of democratic values in Europe due to populist movements, particularly in countries like Hungary and Poland. It introduces ELI's Charter of Fundamental Constitutional Principles of a European Democracy, aimed at reaffirming liberal democratic values. The Charter addresses contemporary challenges such as environmental protection and automated decision-making, with a view to stimulating and guiding global discourse on democratic principles.

**Spotlight by
Jacques Ziller**



The author is *Professeur des Universités (Droit public) – anciennement Paris 1 Panthéon-Sorbonne, Professore ordinario Università di Pavia già titolare di Diritto dell’Unione europea*. He is also a former Professor of comparative public law and European law at the European University Institute (Florence) and former President of *Societas Iuris Publici Europaei* (SIPE). He has been a member of ELI since its beginning and coordinator of ReNEUAL, the Research Network on EU Administrative Law, which produced the ReNEUAL Model Rules on EU Administrative procedure, on which ELI collaborated. He is, among others, author of a Study for the European Parliament on the Rule of Law in the Law of the Council of Europe.

“ **Such a consensus
on the primacy and
content of democracy
and the rule of law no
longer exists.** ”



Introduction: From Democratic Consensus to Democratic Backsliding

Some thirty years ago, with the fall of the Berlin Wall and the replacement of autocratic regimes by democracies in several Latin American and African countries, there was an illusion that there was a general trend towards pluralistic democracies, particularly in Europe, culminating in the enlargement of the Council of Europe to include all the states of the former Soviet sphere of influence, except Belarus.

The rule of law has been at the heart of the Council of Europe's Statute of 1949, the European Convention on Human Rights of 1950 and many of the Council of Europe's instruments. As the preamble to the ECHR says, they are intended to be the common expression of 'European countries which are like-minded and share a common heritage of political traditions, ideals, freedom and the rule of law'.

Respect for the rule of law and democracy was a fundamental value of the European Union long before these values were explicitly enshrined and developed in the Treaties. For this reason, discussions on an Association Agreement between the European Communities and Spain under the Franco regime were not undertaken in the 1960s, and it was only after the return to a democratic regime that negotiations for the accession of Greece, Portugal and Spain were undertaken in the 1970s, leading the successful second and third enlargements of the Communities.

With the Treaty of Lisbon of 2009, Article 2 on the values of the EU, which had been drafted by the European Convention 2002–2003, was incorporated in the Treaty on European Union: 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including

the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.'

There seemed to be a political consensus on the values and content of democracy, which in Western Europe was only marginally challenged by political parties that had lost a large part of their electorate in the 1980s – for example, mainly Communist parties – or had a very small electorate since the Second World War – for example, the heirs of extreme right-wing totalitarian parties.

In Central and Eastern Europe, the former communist parties adhered to the values and principles of liberal democracy, as did most of the new political parties that emerged after the fall of communism. Such a consensus on the primacy and content of democracy and the rule of law no longer exists: it is being challenged by populist movements that denounce not only corruption and nepotism, but also the 'usurpation of power' by elites who are insensitive to the needs of 'the people' and the 'costs of democracy'. These movements and parties claim that 'the people' must decide, ie that the electoral majority of the day represents the supreme will, and that minorities have no right to counterbalance this supreme will.

In Hungary, Poland and to some extent in some other countries of Central and Eastern Europe, a sizeable proportion of the electorate has brought to power parties that claim to introduce an alternative form of democracy. The Polish Constitutional Tribunal even went so far as to agree to the government's request to declare that many provisions of the EU Treaties contravene the Polish Constitution.

In a ruling, the reasons for which were not published, the court contradicted a fundamental rule of international law, expressed in Articles 27 and 46 of the Vienna Convention on the Law of Treaties, according to which 'A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty' and 'may not invoke the fact that its consent to be bound by a treaty has

been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance'. The attempt to restore liberal democracy in Poland after 2023 is an ongoing challenge at the time of writing.

Reaffirming and Highlighting the Content of European Democracy

In the face of democratic backsliding, hollowing out of institutions and the erosion of the rule of law in several countries around the world, including Europe, the bodies of the Council of Europe – in particular the Venice Commission – and the institutions, bodies, offices and agencies of the European Union – in particular the European Commission and the European Union Agency for Fundamental Rights – have helped to define the constituent elements of a democratic regime.

Last but not least, the European Court of Human Rights (ECtHR) in Strasbourg and the Court of Justice of the European Union (CJEU) in Luxembourg, as well as the Constitutional and Supreme Courts of the EU and the Council of Member States, have contributed through their case law to refining the criteria of democracy in Europe. With its proposal for a Charter of Fundamental Constitutional Principles of a European Democracy, ELI has added an important building block to this edifice. The task set to the rapporteurs seemed daunting. As explained in the report's explanatory memorandum, its purpose is 'to identify and articulate in a Charter the constitutional principles which form the foundations of a European liberal democratic state. The underlying premise is that such a state is based on majority rule but is constrained by the obligation to respect the rule of law, including fundamental human rights.'

The report, which is intended to provide general guidance to public authorities, the courts, individuals and civil society, has first a descriptive character, namely 'to describe the fundamental constitutional principles as understood in European liberal democracies and which are expected from

any such genuine democracy properly so-called.’

Sources for the proposed Charter use the laws of European states, the ECHR, the EU Charter of Fundamental Rights, international instruments to which European states are parties, and the jurisprudence of the CJEU and the ECtHR.

The proposed Charter is articulated in 36 principles that are grouped under seven headings: (1) liberal democracy; (2) the rule of law; (3) judicial independence; (4) checks and balances - accountability; (5) dignity and equality; (6) protection of fundamental rights; (7) constitutional integrity. Each principle is stated in precise wording, more or less extended.

For instance, according to Principle 1 on Values (of liberal democracy) in a wording which is more synthetic than Article 2 TEU: ‘The founding values of liberal democracy are respect for human dignity, democracy, the rule of law, equality, and fundamental rights.’

According to Principle 4 on Political parties:

1. Political parties play a pivotal role in ensuring a functional democracy. They must be able to carry on their activities freely.
2. Citizens may freely form and belong to a political party.
3. Access of political parties to public funds, the media, and public space must be determined on the basis of equitable principles.
4. Political parties must respect the values listed in Principle 1 and the fundamental constitutional principles set out in this Charter. Their internal organization must reflect those principles.
5. The finances of political parties must be transparent.
6. Political advertising must be fair and transparent.’

Each Principle is followed by a commentary which, as underlined by the Reporters, provides a more detailed explanation of the meaning and scope of the Principle, as well as brief references to its legal sources. This is a technique familiar to users of the restatements of the American Law Institute or ELI reports and principles. The proposed Charter will therefore have an important didactic value, also in higher education and professional training.

Participating in the public discourse on core constitutional values

The report also has a prescriptive character, namely ‘to be drawn on in contemporary public discourse on the design and enforcement of core constitutional values of all States that belong to the Council of Europe.’ This is particularly evident in some proposals for Principles, which are an attempt to address new challenges.

As a first example, Principle 29 on Environmental protection and sustainability provides:

1. The state must provide a high level of protection of the environment and promote sustainable development. It must take effective action to achieve and maintain sustainability, mindful of humanity’s responsibilities to future generations, and provide for effective remedies to ensure compliance with the right

to environmental protection.

2. Environmental protection requirements must be integrated into the definition and implementation of state policies and activities.
3. States must endeavour to coordinate their actions with a view to achieving common standards for sustainability and environmental protection.
4. The obligation to respect the environment and promote sustainable development is a shared responsibility to be promoted in a spirit of solidarity by both state and private parties.’

As a second example, Principle 32 on Automated decision-making provides:

1. The use of automated means to take decisions which affect the individual shall not undermine the safeguards and level of protection applicable by law to the rights or interests affected.
2. Where authorities that exercise public functions use automated means to take decisions which affect the rights of the individual, automated decision-making must be transparent and accountable.
3. The law shall lay down the categories of decisions which must be subject to human review by virtue of the fact that they affect substantially the rights of the individual.
4. Automated decision-making shall not prevent or unduly limit the exercise of the right to judicial protection of fundamental rights.’

Furthermore, the explanations of most Principles are not only of a descriptive nature but usually highlight the societal issues at stake, which the wording is trying to address.

As underlined by the Reporters ‘While the focus is on the European continent, the ambition is that, commensurate with the ELI’s mission, it will stimulate discourse in a global context on the European continent, the ambition is that, commensurate with the ELI’s mission, it will stimulate discourse in a global context’ and ‘The principles proposed here reflect the constitutional traditions of Western European democracies since the Second World War which follow the liberal democratic model. This does not mean that they are partisan. Their generality facilitates political consensus whilst allowing discretion for reaching different outcomes.’

This challenge has been met, in my view.



R

epresentation

14 Meetings and other representational activities were held in January and February 2024

January



16 January

- **ELI President Chaired the ELI Project Kick-Off Webinar on Succession of Digital Assets, Data and Other Digital Remains.**

More on the webinar and on the recently adopted project [here](#).

23 January

- **ELI First Vice-President Participated in International Legal Forum Hosted by EJTN**

ELI First Vice-President, Anne Birgitte Gammeljord, briefed those present on ELI, its work and its dedication to collaborative efforts. More [here](#).

30 January

- **ELI President Met Judges at the French *Cour de Cassation***

ELI President, Prof Dr Pascal Pichonnaz, was invited by Member of the ELI Executive Committee and former French Hub Chair Sylvaine Poillot Peruzzetto, to speak to key figures at the *Cour de cassation*. More [here](#).

31 January

- **ELI President Chaired ELI Webinar on the ELI Interim Report on EU Consumer Law and Automated Decision-Making.**

More on the webinar and on the recently approved project [here](#).

31 January

- **ELI President and Newly Appointed President of the SLC Strengthen Ties**

President Pichonnaz met François Molinié, the new President of the Société de législation comparée, to promote dialogue between French lawyers and their European counterparts. More [here](#).

31 January

- **ELI President and Deputy Director-General DG Connect Exchanged on Developments**

President Pichonnaz and DG Connect's Deputy Director-General, Renate Nikolay, met to review past collaboration, including ELI's inaugural Members' Day Webinar, and to plan future synergies. More [here](#).

February

1 February

- **ELI President Spoke at a Webinar Hosted by ELI's Fundamental Rights SIG**

More on the webinar which touched on the AI Act and fundamental rights [here](#).

5–6 February

- **ELI President Opened the ELI-UNIDROIT Model European Rules of Civil Procedure Conference**

More [here](#).

6 February

- **ELI President Met with Sylvain Mérenne, the Recently Appointed President of the Association of European Administrative Judges (AEAJ)**

President Pichonnaz discussed possible cooperation with President Mérenne. More [here](#).



8 February

- **ELI President Chaired the ALI-ELI Webinar on the Use of Automated Decision-Making and Consumer Law**

More on the transatlantic webinar and on the recently approved project [here](#).



8 February

- **ELI President Speaks at the Second Berkeley-ELI Digital Law SIG Transatlantic Webinar Series**

More on the webinar which focussed on collective redress [here](#).



9–10 February

- **ELI President Participates in the 52nd European Presidents' Conference**

President Pichonnaz introduced ELI to various participants on the occasion. More [here](#).

12 February

- **ELI President Met Recently Appointed ELSA President, Bjarki F Guðjónsson**

The meeting was an opportunity to reflect on future collaboration opportunities. More [here](#).



22 February

- **ELI President Met President of the Austrian Supreme Court**

The meeting took place on the occasion of the ELI Council meeting which was hosted by the Court. Presidents Pichonnaz and Kodek discussed possible collaboration. More [here](#).



The ELI Council gathered at the Austrian Supreme Court in Vienna from 22–23 February 2024 for a meeting that was opened by President of the Austrian Supreme Court, Georg Kodek.

The February Council meeting is an opportunity for Council members to offer valuable insights and feedback on ongoing ELI initiatives.

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Members



Institutional Members

BEUC, the European Consumer Organisation



BEUC is the umbrella group for 45 independent consumer organisations from 31 countries. Our main role is to represent them to the EU institutions and defend the interests of European consumers. Our acronym originates from our French name, 'Bureau Européen des Unions de Consommateurs'.

Our daily work involves making sure the EU takes policy decisions that improve the lives of consumers. This covers a range of topics including competition, consumer rights, digital rights, energy, redress and enforcement, financial services, food, health, safety, sustainability and trade policy.

BEUC is registered in the EU transparency register under the number 9505781573-45.

BCNL, the Bulgarian Center for Not-for-Profit Law



Sustaining Members

Merethe Eckhardt, Danish Court Administration, Denmark

Torbjörn Odlöw, University of Gothenburg, Sweden

Fabienne Schaller, Paris Court of Appeal; International Commercial Chamber ICCP-CA, France

Ignacio Tirado, International Institute for the Unification of Private Law (UNIDROIT), Italy

Wino Van Veen, Vrije Universiteit Amsterdam, Netherlands

Philip Wood, Self-employed, United Kingdom

Individual Members

Sandra Cassotta, Aalborg University, Denmark

Lilian Cecilia San Martín Neira, Universidad del Desarrollo Chile, Chile

Alexander de Daranyi, SANOFI, France

Eva Dobrovolna, Masaryk University Brno, Czech Republic

Przemysław Drapała, Kozminski University, Poland

Muhammet Emirhan Havan, Fribourg University, Switzerland

Rosa Giovanna Barresi, University of Florence, Italy

Marion Ho-Dac, University of Artois, France

Pelin Isintan, MEF University, Turkey

Valentina Jacometti, Università degli Studi dell'Insubria, Italy

Sara Johnson, RBC Family Office, Canada

Stella Kaprane, Latvijas Universitate, Latvia

Andra Kondratova, University of Vienna, Austria

Anatoliy Kostruba, University Paris 1 Pantheon - Sorbonne, France

M Natalia Mato Pacín, University Carlos III of Madrid, Spain

Nuno Nobre, Portugal

Nazar Nohas, Ukraine

Andras Pap, Hungarian Academy of Sciences Centre for Excellence (HUN-REN); Eötvös Lorand University (ELTE), Hungary

Melvin Tjon Akon, Leiden University, Luxembourg

Diana Urania Galetta, University of Milan, Italy

Elise Valcu, Politehnica University of Bucharest, Pitești University Centre, Romania

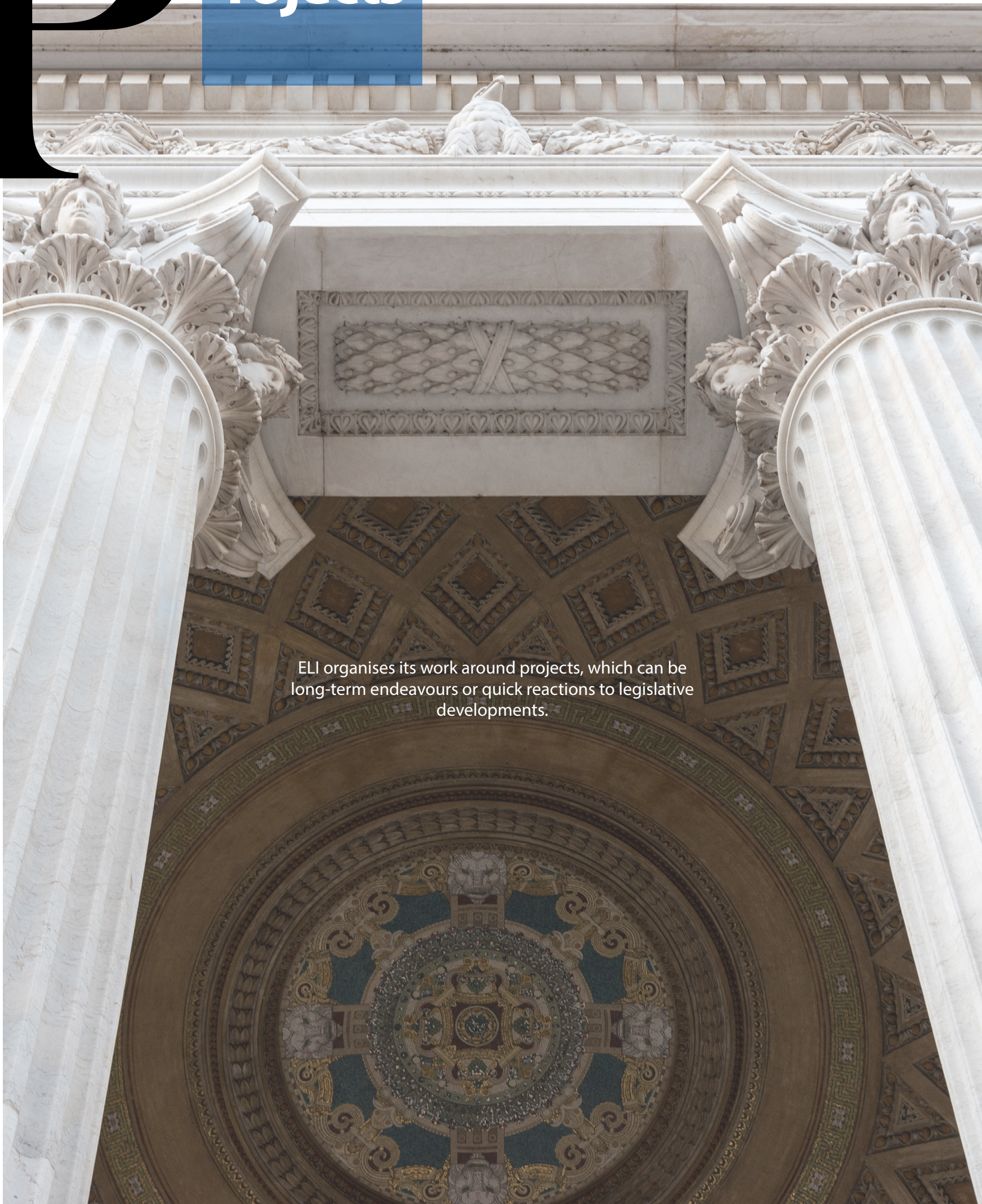
Cem Veziroğlu, Koç University, Turkey

Birgit Weitemeyer, Bucerius Law School, Germany

P

rojects

ELI organises its work around projects, which can be long-term endeavours or quick reactions to legislative developments.



Dissemination
Conference

ELI-UNIDROIT Model European Rules of Civil Procedure Conference



5–6 February 2024

ELI and UNIDROIT hosted a Dissemination Conference at the Austrian Academy of Sciences. The event gathered close to 80 experts from Europe and beyond and reignited discussions on the importance and impact of the Model Rules.

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The Conference was opened by Prof Dr Manuela Baccarini (Vice-Rector for Research and International Affairs, University of Vienna), Prof Dr Pascal Pichonnaz (ELI President, University of Fribourg) and Prof Dr Ignacio Tirado (Professor, UNIDROIT Secretary-General), who stressed the importance of the

ELI-UNIDROIT Model European Rules for Civil Procedure in promoting common standards and trust across legal systems.

Panel discussions covered various aspects of the Model Rules. Among others, Director of the American Law Institute, Diane P Wood, compared the Model Rules with the American civil procedure system, pointing out both similarities and differences. The ELI-UNIDROIT Model Rules adapted the ALI-UNIDROIT ones, which were published in 2004.

Prof Dr Georg Kodek (President of the Austrian Supreme Court) spoke about the practical effects the Model Rules have on the current debate in the field of civil procedure.

Other speakers included Diana Wallis (Solicitor, Mediator, MICArb, Senior Fellow;

Co-Chair of the Steering Committee of the ELI-UNIDROIT project on behalf of ELI), Prof Dr Anna Veneziano (Professor, Deputy Secretary-General of UNIDROIT; Co-Chair of the Steering Committee of the ELI-UNIDROIT project on behalf of UNIDROIT), Prof Dr Alan Uzelac (Professor, Zagreb University; Co-Reporter of the 'Procedural Obligations' Working Group of the ELI-UNIDROIT project), Prof Dr Stefaan Voet (Professor, University of Leuven; Member of the 'Parties and Collective Redress' Working Group), Prof Dr Remo Caponi (Judge, Italian Supreme Court; member of the Steering Committee of the ELI-UNIDROIT project on behalf of ELI), Prof Dr Emmanuel Jeuland (Professor, Paris 1 Panthéon-Sorbonne University; Member of the group translating the Model Rules into French) and Dr Norel Rosner (Legal and Policy Officer, Directorate-General for Justice and Consumers, European Commission).

Panel I

The ELI-UNIDROIT Model Rules:
An Overview

Panel II

Enhancing Convergence:
The Approach of the Model
Rules to Case Management
and Cooperation, and
Access to Information and
Evidence

Panel III

Treading New Ground: The
Approach of the Model Rules
to Collective Redress, Costs, Res
Iudicata

Panel IV

New Technologies in Civil
Procedure and Enforcement

Panel V

The ELI-UNIDROIT Model Rules
and Current or Prospective
Reforms of Civil Procedure

Panel VI

The Relevance of the Translations
of the Model Rules



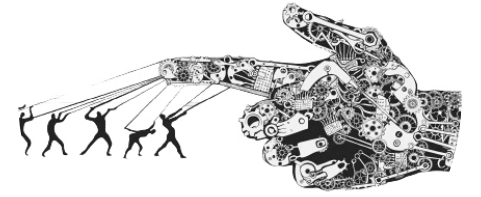
From an American perspective, it is fascinating to see how much convergence in procedural systems has occurred, in such areas as the role of pleadings, judicial management of the litigation process, methods of obtaining relevant information, and collective proceedings, to name only a few. It is clear, from the presentations at the Conference, that the Model European Rules are already influencing the ongoing development of civil procedure in Europe and beyond.



Diane P Wood
American Law Institute
Director

Article on ELI Project

Article on ELI Business and Human Rights: Access to Justice and Effective Remedies



26 February 2024

An article on Responsible Business Conduct and Human Rights was published by Project Team Member, Ilaria Pretelli.

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The article was published in a renowned Swiss law journal (Revue suisse de jurisprudence) and compares legislative trends in socio-environmental damage in the field of corporate social responsibility regarding.

ELI Project Workshop

ELI Enterprise Foundations Project Workshop



21 February 2024

ELI Enterprise Foundations Project workshop focused on current Hungarian legislation in the field.

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The Reporters of the ELI project on Enterprise Foundations in Europe invited Prof István Sándor, ELTE Faculty of Law in Hungary to give a lecture on the topic.

ELI Project Translation

ELI-UNIDROIT Model European Rules of Civil Procedure Available in Portuguese



8 February 2024

The translation, which is available on the ELI Website, joins the existing French and Spanish versions.

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ELI is very grateful to Prof Dr Paula Costa e Silva, Prof Dr Edilson Vitorelli and Prof Dr João Marques Martins for translating the Rules into Portuguese and, through that, enabling further in-depth discussions on the Rules in Portuguese speaking regions.

ALI-ELI Webinar

Use of Automated Decision-Making and Consumer Law Webinar



8 February 2024

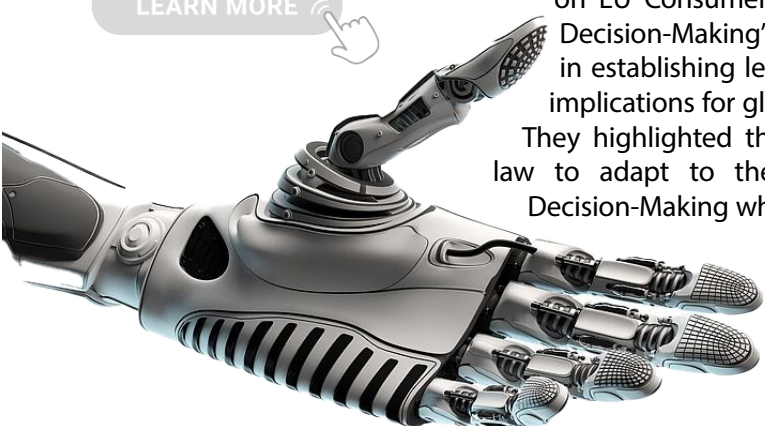
The webinar provided a stimulating forum for a transatlantic exchange

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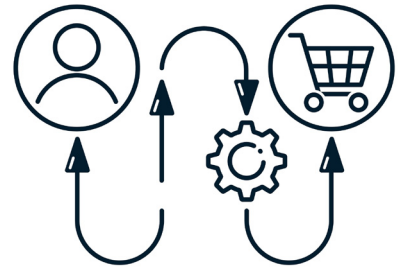
Speakers emphasised the ELI Interim Report on EU Consumer Law and Automated Decision-Making's proactive approach in establishing legal obligations and its implications for global legal frameworks. They highlighted the need for consumer law to adapt to the rise of Automated Decision-Making while maintaining robust

consumer protection. Discussions also touched on how the report's principles could align with laws in the US and Australia.



ELI Project
Webinar

ELI Interim Report on EU Consumer Law and Automated Decision- Making Webinar

**31 January 2024**

The ELI Interim Report was the focus of the webinar. Panelists discussed gaps in consumer law, proposed solutions and heard from the European Commission on its plans for the field.

[LEARN MORE](#)

The Interim Report is part of a wider project on Guiding Principles and Model Rules on Algorithmic Contracts and that the team plans to revisit the Report prior to the completion of the broader project. This may result in modifications to the Report. The ELI President, Christian Twigg-Flesner (Project Co-Reporter;

Professor, University of Warwick), Léon Mölenberg (Senior Policy Advisor, Ecommerce Europe), Kasper Drazewski (BEUC Senior Legal Officer) and Dirk Staudenmayer (Head of Unit, DG Justice and Consumers, European Commission) spoke on the occasion.

Project
Meeting

Access to Digital Assets Meeting

The broad Access to Digital Assets Team met online to discuss the current draft.

**17 January 2024**[LEARN MORE](#)

The Reporters presented the current draft and put forward questions for discussion. Participants expressed their views on the various issues presented and confirmed the need for guidelines in the field. The Principles are expected to be finalised by July 2024.

Project
Kick-Off
Webinar

Succession of Digital Assets, Data and Other Digital Remains Webinar



16 January 2024

The webinar, led by ELI President Pascal Pichonnaz, convened experts to discuss the newly adopted ELI project focusing on digital inheritance, access and data protection.

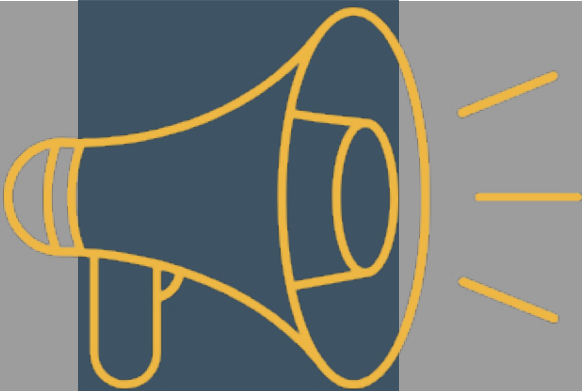
LEARN MORE



On the occasion, Project Co-Reporters, Co-Reporters Antoine Eigenmann (Attorney-at-law; Professor, University of Fribourg) and Edina Harbinja (Reader, Aston Law School), presented the aims of the project and discussed practical examples and legal disciplines involved. Other speakers included

the President Pichonnaz, Sergio Cámara Lapuente (Professor, University of Rioja), Leigh Sagar (Barrister of England and Wales), who praised the merits of the ELI project and Xandra Kramer (MCC Chair; Professor, Erasmus School of Law). Among other things, the complexities of defining digital assets was raised.

Call For Interest – MCCs

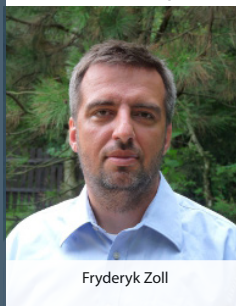


ELI Members are invited to support ELI Reporters by joining one or more Members Consultative Committees (MCCs) of the projects below. Projects MCC members comment on drafts at various stages of the project's lifecycle. Typically, the Project Reporters below will submit drafts to the MCC

at least twice per year, ahead of the ELI Council meeting in February and September, and invite comments. It goes without saying that MCC members will be fully acknowledged in the final ELI publication. You can register your interest to join one or more MCCs by sending an email to the [ELI Secretariat](#).

Rule of Law and the Convergence of Legal Systems in the 21st Century

ELI-Mount Scopus European Standards of Judicial Independence



Fryderyk Zoll



Leah Wortham



Sophie Turenne



Shimon Shetreet

ELI Principles on the Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters



Elena Bargelli



Anatol Dutta



François Trémosa

Third Party Funding of Litigation

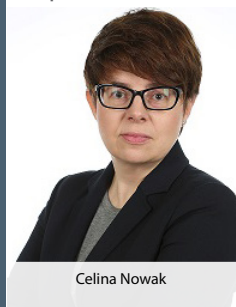


Dame Sara Cockerill



Susanne Augenhofer

Corporate Criminal Liability in the European Union



Celina Nowak



Fabio Nicolichia

Law and Governance for the Digital Age

Access to Digital Assets



Jos Uitdehaag



Teresa Rodríguez de las Heras Ballelland

Guiding Principles and Model Rules on Algorithmic Contracts



Christian Twigg-Flesner



Marie Jull Sorensen,



Teresa Rodríguez de las Heras Ballelland



Christoph Busch

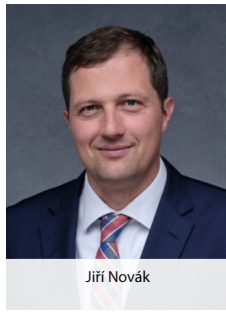
Digitalisation of Civil Justice Systems in Europe



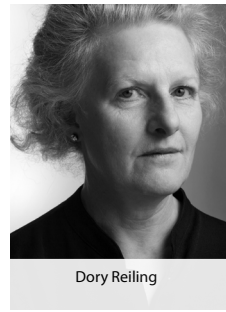
Masood Ahmed



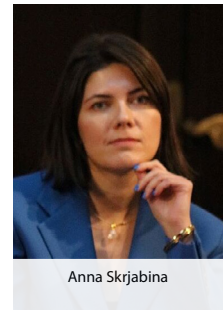
Xandra Kramer



Jiří Novák



Dory Reiling



Anna Skrjabina

Model Rules on Succession of Digital Assets Data and other Digital Remains



Antoine Eigenmann



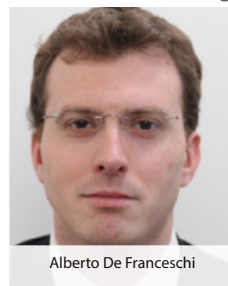
Edina Harbinja

Sustainable Life and Society

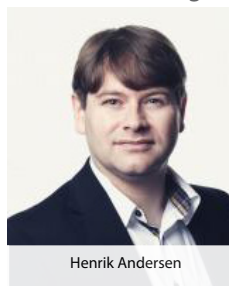
Climate Justice – New Challenges for Law and Judges



Matthias Keller



Alberto De Franceschi



Henrik Andersen

Advance Choices for Future Disablement



Adrian D Ward



Christiana Fountoulakis

Applications
are open!

Y
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ELI's Young Lawyers Award aims at providing the young legal community in Europe with a mechanism to propose practical suggestions for the improvement of European law, as a way of giving voice to future European legal experts and to helping ELI in fulfilling its core mission of improving the quality of European law.



Applicants must be currently undertaking a university law degree, whether undergraduate or postgraduate or be within five years of being awarded a law degree at the date by which entries must be submitted.



Candidates must submit a unique and original paper which was not previously published and deals with a European legal issue that could be improved. The contribution must be submitted in English.



Papers for ELI's Young Lawyers Award have to be submitted by **30 April** each year.

Giving a voice to Young Lawyers



- Extract of paper published in ELI Newsletter and website
- Best efforts to publish paper in UNIDROIT's Uniform Law Review, an Oxford University Press Journal
- Presentation of the paper at the ELI Annual Conference (expenses covered)
- EUR 750 cash
- 5-year ELI membership
- Up to 3 months paid internship at a law firm affiliated with Interleges



The Jury of the ELI Young Lawyers Award is drawn from ELI and other participating institutions. It is selected by the ELI Executive Committee every two years.



HS

Hub & SIG Activities



17

Hub and SIG Meetings and other activities were held throughout January and February 2024.

Hubs and SIGs are a practical means through which ELI Members can meet closer to home, communicate in their native language, discuss current or upcoming projects, and generate ideas for future ELI activities. As such, Hubs and SIGs are of fundamental importance to ELI's success.

Hubs and SIGs are country- and topic-specific groups respectively.



Austrian Hub

8 January 2024

Online and
University of Innsbruck

■ **Austrian Hub Supports Seminar Series on Current Issues of Private Business Law**

The 166th seminar in the Current Issues in Business Private Law series provided in-depth insights into commercial litigation funding. More [here](#).

18 January 2024

Graz

■ **Austrian Hub Hosts Event Exploring International Dispute Resolution**

The Forum focused on International Commercial Contracts and Dispute Resolution, part of the Forum ICCDR series. It provided practical insights from legal experts. More [here](#).

19 January 2024

Online

■ **Austrian Hub Hosts Webinar on Updates to the European Evidence Regulation**

The 8th Münster Colloquium, in cooperation with the ELI Digital Law SIG, focused on the interaction between private law and the Data Act, addressing harmonized rules on fair data access and use. More [here](#).

Belgio-Luxembourg Hub

6 February 2024

Cercle Munster

■ **ELI Belgio-Luxembourg Hub Analyses Luxembourg's Transposition of Directive 2019/1023**

The Conference focused on a law which came into effect on 1 November 2023, modernising Luxembourg's insolvency law by providing for a judicial reorganisation with three different objectives. More [here](#).

Croatian Hub

23 January 2024

Online

■ **ELI Croatian Hub Hosts 31st Webinar in its Webinar Series**

The Hub hosted a discussion on the Servicing and the Purchase of Creditor's Rights. The lecture is part of a series intended to gather the wider Croatian legal community together. More [here](#).

6 February 2024

Online

■ **ELI Croatian Hub Hosts 32nd Webinar in its Webinar Series**

The webinar featured the winner of ELI's Young Lawyer Award, Yulia Sergeeva (Junior Legal Advisor at Ocean Grazer), who delved into her paper on The Green Transition Puzzle: Energy Communities as a Missing Piece. More [here](#).

20 February 2024

Online

■ **ELI Croatian Hub Hosts 33rd Webinar in its Webinar Series**

The webinar explored how legal liability associated with defects can arise from violations of intellectual property rights. More [here](#).

Nordic Hub

28 February 2024

Online

■ **ELI Nordic Hub Hosts ADM Event: When Your Fridge Does Your Shopping**

The Hub's event centered on ELI's Interim Report on EU Consumer Law and Automated Decision-Making: Is EU Consumer Law Ready for ADM? More [here](#).

Portuguese Hub

19 February 2024

Online

■ **ELI Portuguese Hub Hosts 2024 Brown Bag Lunch Webinar Series**

The inaugural webinar focused on ELI's Interim Report on EU Consumer Law and Automated Decision-Making: Is EU Consumer Law Ready for ADM? More [here](#).

As of February 2024

■ **ELI Portuguese Launches First Issue of its Newsletter.**

More [here](#).

Spanish Hub

Ongoing

Call

■ **ELI Spanish Hub Calls for Papers**

On the occasion of the 9th Annual Meeting on European Jurisprudence of the ELI Spanish Hub, the Hub is inviting submissions for papers that analyse CJEU or ECtHR doctrine and its impact on domestic law. More [here](#).

26 February 2024

Online

■ **ELI Spanish Hub Hosts 2nd Webinar in Hub's Series**

The webinar explored the relationship between different compensation mechanisms currently in place, in particular between classic civil liability, insurance as well as other damage compensation systems. More [here](#).

Turkish Hub

23 January

Online

■ **ELI's Turkish Hub Hosts Webinar on the ELI Report on Empowering European Families**

ELI's Turkish Hub hosted this webinar as part of a series dedicated to introducing ELI projects to Turkish legal practitioners and discussing their potential influence on Turkish Law. More [here](#).

27 February

Online

■ **ELI's Turkish Hub Hosts Webinar on ELI Guidance on Company Capital and Financial Accounting for Corporate Sustainability**

More [here](#).

Digital Law SIG

11 January 2024

University of Münster

■ **ELI Digital Law SIG Supports the Münster Colloquium on EU Law and the Digital Economy**

The ELI Digital Law SIG supported the 8th Münster Colloquium, which focused on Private Law and the Data Act. More [here](#).

8 February 2024

Online

■ **ELI Digital Law SIG/UC Berkeley Host Webinar of the Transatlantic Dialogues Series**

The second Berkeley-ELI Digital Law SIG Transatlantic webinar series focused on collective redress. More [here](#).

Fundamental Rights SIG

1 February 2024

Online

■ **ELI Fundamental Rights SIG Hosts Webinar Examining the Impact of AI on Fundamental Rights**

In addition to the SIG's Chairs, Prof Dr Maria-Teresa Gil-Bazo and Judge Boštjan Zalar, Judge Maja Brkan of the General Court of the CJEU and President Pichonnaz shed light on the above topic. More [here](#).

Call For Interest – Gender Equality SIG



We are pleased to announce a call for the expressions of interest for the establishment of the above SIG. Members that would like to see the SIG established should register their interest with the [ELI Secretariat](#). Should the call garner sufficient interest, ELI will proceed to launch the SIG.

Proposer, Prof Dr.Barbara Pozzo is a Full Professor on Private Comparative Law, the UNESCO Chair on Gender Equality and Women's Rights in the Multicultural Society, Rector's Delegate for Equal Opportunities and Gender Equality, the President the Italian Society for Comparative Law Research (SIRD) and the Director of the Research Center on Sustainable Fashion, among others.

The focus and objectives of the Gender Equality SIG is to delve into the effectiveness of gender mainstreaming in EU policies, particularly within the realms of environmental sustainability and artificial intelligence. It will underscore the importance of addressing the intersectionality of gender with environmental concerns and AI advancements.

The SIG also aims to explore connections between gender and these areas, conduct discussions with experts, identify best practices, collaborate with other institutions and formulate policy recommendations to promote gender equality within these crucial domains.

LEARN MORE



Upcoming events



15 April 2024

Online

■ **ALI-ELI Webinar on Third Party Funding of Litigation**

LEARN MORE

The webinar is part of a joint series showcasing ongoing and completed works from both institutes. See previous webinars in the series [here](#).

3 June 2024

Online

■ **ELI Members' Day: The future of Money**

More soon.

20–21 June 2024

Online &
Copenhagen

■ **ELI Enterprise Foundations Project Workshop**

Participants in the ELI project on Enterprise Foundations in Europe will meet to discuss country reports prepared in the framework of the project. More soon.

LEARN MORE

3 June 2024

Online

■ **ELI Members' Day: The future of Money**

More soon.

9–11 October 2024

Dublin

■ **2024 ELI Annual Conference**

More details to follow.

LEARN MORE

2–3 December 2024

Copenhagen

■ **Conference on Enterprise Foundations in Europe**

The ELI project on Enterprise Foundations in Europe will hold a conference. More soon.

LEARN MORE

ELI Activities

Hub and SIG Events

For further updates and information, please refer to the [ELI Website](#).

Austrian Hub

- 168th Monday Seminar Series Event 'Aktuelle Probleme des Wirtschaftsprivatrechts'. More soon.
- 169th Monday Seminar Series Event 'Aktuelle Probleme des Wirtschaftsprivatrechts.' More soon.
- 3 Tagung Nachhaltigkeit im Unternehmensrecht 2024: Greenwashing. More soon.

18 March 2024
University of
Innsbruck & Online

22 April 2024
University of
Innsbruck & Online

25 April 2024
University of
Innsbruck & Online

Croatian Hub

- 34th Webinar – Principle of Proportionality and Private Law Relations. More [here](#).
- 35th Webinar – Family Business Challenges: How Can Lawyers Be of Assistance?'. More [here](#).
- 36th Webinar – Fair and Equitable Treatment and the Rule of Law. More [here](#).

5 March 2024
Online

19 March 2024
Online

23 April 2024
Online

Italian Hub

- The Application of European Law by the National judge: A Comparative Study – Seminar with Streaming. More soon.

19 April 2024
Rome and Online

Nordic Hub

- Fundamental Constitutional Principles in Europe. More [here](#).

12 March 2024
University of Helsinki

- Online Meet and Greet: Climate, Energy, and Environmental Law. More [here](#).

21 March 2024
Online

Polish Hub

- The Polish-Swiss Private Law Forum. More [here](#).

26 March 2024
University of Gdańsk

Spanish Hub

- The ELI Spanish Hub invites papers analysing European Court doctrine's impact on domestic law. More [here](#).

31 March 2024
Deadline

Turkish Hub

- Turkish Hub Members' Meeting & Workshop on Digital Assets. More [here](#).

14 March 2024
Piri Reis University

- Introducing the ELI Model Rules on Impact Assessment of Algorithmic Decision-Making Systems Used by Public Administration. More [here](#).

26 March 2024
Online

- Introducing the ELI Report on Ecocide. More soon.

April 2024
Online

Administrative Law SIG

- The webinar will delve into the relevance of the substantial and procedural principles of Administrative Law. More [here](#).

13 March 2024
Online

Insurance Law SIG

- ATILA Lecture 9 on Insurance and Climate Change. More [here](#).

14 March 2024
Online

European Law Institute

- Pan-European, democratic, membership-based organisation
- Uniting prominent jurists of all legal professions
- Aiming to improve the law in Europe
- Carrying out projects with immediate practical application

Members of ELI can contribute to its projects and gain access to an international network of jurists. Apart from other activities, ELI organises its Annual Conference and Meetings, bringing together Europe's leading experts in diverse fields of law.

Executive Committee

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

Pascal Pichonnaz
Anne Birgitte Gammeljord
Sir Geoffrey Vos
Pietro Sirena
Sylvaine Poillot-Peruzzetto
Teresa Rodríguez de las Heras Ballell
Aneta Wiewiórska-Domagalska

ELI in Vienna

The Secretariat of ELI, which is hosted by the University of Vienna, is located in the heart of the Austrian capital, close to the main building of the University, the representation of the European Commission in Austria as well as the information office of the European Parliament.

We cordially invite you to visit us whenever you are in Vienna.



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