



ELI

EUROPEAN  
LAW  
INSTITUTE



# Activity Report

# 2022



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# Message from ELI Presidency



**Pascal Pichonnaz**  
**President**

Six project outputs, four responses to European Commission consultations, a Resolution on Ukraine and an Innovation Paper (see page 11). 2022 was an extremely productive year in terms of project-related output – in fact, ELI's most productive since its establishment. 2022 was also a year in which ELI's work was endorsed by an Opinion of the Advocate General at the Court of Justice of the European Union, exemplifying the practical impact the Institute is having in shaping the law in Europe.

The completion of output is of course only the beginning of its release into the public domain. It is at that point that extensive work begins to ensure that the hard work of Reporters, Team members and the whole ELI community lands on the desk of policymakers, lawmakers, stakeholders and others, with a view to contributing to improving the quality of law.



**Lord John Thomas**  
**First Vice-President**

For every project coming to an end ideas for further initiatives lie in the pipeline. Rigorous procedures are in place for the identification of topics for ELI to embark on. The process often begins with discussions with key organisations across Europe and beyond to solicit views as to potential avenues to improve the law in Europe. Over 60 such meetings were held in 2022. High Level Expert Group meetings, assembling leading jurists in a certain field are also convened to canvass insights and perspectives on topics that ELI should take on or to guide ELI in scoping the most pertinent angles to focus a project on. Seven such meetings took place in 2022. Several months down the line, the ELI Executive, Council and Senate assess proposals put forward by potential Project Team leaders and further refine them.

Last year, this resulted in the adoption of three new projects, the second of which has already come to an end: the Guiding Principles on Implementing Workers' Right to Disconnect, the ELI Draft of a Revised Product Liability Directive and Advance Choices for Future Disablement. Further, a Draft Response to the European Commission Public Consultation on Digital Fairness, which began in 2022, will be completed in early 2023. Looking ahead, some 20 other prospective projects are at various stages of development, some of which, should they stand up to scrutiny, will go on to form fully-fledged projects with outcomes of practical utility.



**Anne Birgitte  
Gammeljord**  
**Second Vice-President**

This Activity Report provides a glimpse into the combination of efforts and the commitments of several individuals in the last 12 months. We invite all ELI members to become more actively engaged in the various activities on offer and in shaping the course that the Institute should take in its second decennial.



# ELI in Numbers



**1,700**

ELI consists of nearly **1,700 Individual Members**.



**1,155**

ELI's projects have gathered **over 1,155** Project Reporters, Project Team members, Advisory Committee members, Members Consultative Committee members and Working Group members together since the Institute's establishment.



**60**

ELI's Individual Members stem from over **60 different** jurisdictions.



**180**

ELI has held over **180 project-related** meetings since the Institute's establishment.



**135**

**ELI's 135 Institutional Members** are comprised of different EU institutions and international organisations, courts, law firms, professional associations, academic institutions and others.



**22**

ELI has published **22 project** outputs in the past 11 years. In addition, it has published 12 other initiatives in its name.



**52**

ELI was founded in 2011 by **52 Individual Members** and **four Institutional Members**.



**11**

ELI has hosted **11 Annual Conferences** since its establishment in 2011. The Conferences have been held in Brussels, Ferrera, Madrid, Riga, Vienna and Zagreb.

# New Institutional Members in 2022

ELI is proud to partner with several EU institutions and international organisations, courts, law firms, professional associations as well as academic and other Members. Nineteen new Institutional Members joined ELI in 2022. The full list and profiles of our Institutional Members can be viewed [here](#).



Asian Law Institute



Association of European Administrative Judges



Center for AI and Digital Policy



CENTRO DE ESTUDOS AVANÇADOS EM DIREITO Francisco Suárez



Club of Cheia Victor Dan Zlătescu



The European Law Students' Association SWITZERLAND



Bilkent University Faculty of Law



Faculty of Law Piri Reis University



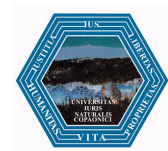
Federal Supreme Court of Switzerland



Georgian Lawyers for Independent Profession



International Association of Legal Science



Kopaonik School of Natural Law



Maynooth University School of Law and Criminology, Centre for European Law



MiKK e.V International Mediation Centre for Family Conflict and Child Abduction



Ministry of Justice of the Republic of Korea



Research Centre for Justice and Governance



School of Law and Social Justice, University of Liverpool



OLLSCOIL NA GAILLIMHE UNIVERSITY OF GALWAY

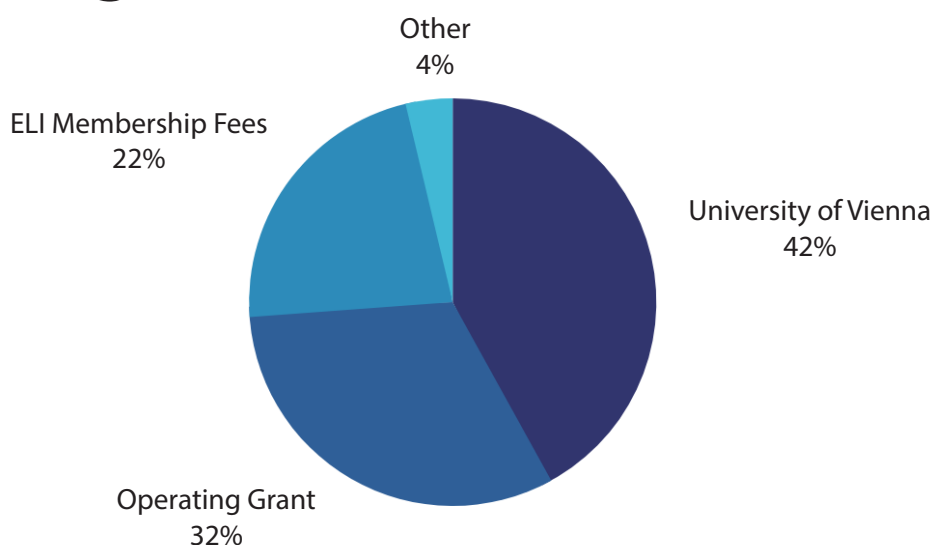
University of Galway



UNIVERSITY OF GEORGIA

University of Georgia

# Funding in 2022



## Sustaining Members

ELI wishes to thank the following Sustaining Members for being part of the scheme in 2022.

Peter H Adler	Christian Hertel	Teresa Rodríguez de las Heras Ballell
Vlatka Adler	Hana Horak	Nelson Rosenvald
Maria Lourdes Arastey Sahún	Paola Iamiceli	Marc Rotenberg
Vladimir Arlović	Marta Infantino	Jorge Sánchez Cordero
Josef Azizi	Elena Ioriatti	Cayetana Santaolalla Montoya
Chris Backes	Francisco Javier Jiménez Muñoz	Hugo Maria Schally
Johannes Barbist	Phillip Johnson	Vincent Smith
Elena Bargelli	Tatjana Josipović	Henricus Snijders
Shawn Bayern	Hideki Kanda	John Sorabji
Sarah Bechaalany	Bernhard A Koch	Astrid Stadler
Teresa Bielska-Sobkowicz	Magdalena Konopacka	Felix Steffek
Robert Bray	Velibor Korać	Ben Steinbrück
Salvatore Buscema	Pavel Koukal	Jeffrey Stempel
Tomasz Chmielewski	Lance Liebman	Franken Stijn
Ewa Katarzyna Czech	Piotr Machnikowski	Alain Strowel
Darinka Dekleva Marguč	Vanessa Mak	Olena Terekh
David Dolidze	Corrado Malberti	John Lord Thomas
Walter Doralt	Dan Marcotte QC	Christiaan Timmermans
Tanel Feldman	Jonathan McGowan	Ivan Tot
John Gaffney	Maarten Meijer	Sjef van Erp
Anne Birgitte Gammeljord	Attila Menyhárd	Lajos Vékás
Paolo Ghiringhelli	Antonio Manuel Morales Moreno	Aura Esther Vilalta Nicuesa
Patrick Gielen	Elia Morandi	Aida Sofia von Schulman
Paul Gilligan	Karl-Heinz Oehler	Mislav Vukina
Angelo Jr Golia	Ali Osman Ozdilek	Steven O Weise
Laurence Gormley	Tekla Papp	Christiane Wendehorst
Friedrich Graf von Westphalen	Bertrand Perrin	Vanessa Wilcox
Elena Gramano	Denis Philippe	Isabelle Wildhaber
Irmgard Griss	Pascal Pichonnaz	Eike Wolf
Rodger Peter Harris	Fausto Pocar	Herbert Zech
Daniel Häusermann	Cristina Poncibo'	Reinhard Zimmermann
Diarmuid Hegarty	Alfredo Rizzo	Irina Zlătescu

# ELI Bodies

## Executive Committee

The Executive Committee consists of the President, two Vice-Presidents, the Treasurer, and three innominate Members. In 2022, the Executive Committee was composed of the following Members:



Pascal Pichonnaz  
**President**



Lord John Thomas  
**First Vice-President**



Anne Birgitte  
Gammeljord  
**Second Vice-President**



Pietro Sirena  
**Treasurer**



Bénédicte Fauvarque-  
Cosson  
**Member**



Teresa Rodríguez  
de las Heras Ballell  
**Member**



Aneta Wiewiórowska-  
Domagalska  
**Member**

### 2022 Executive Committee Meetings

25 January, Online  
23 February, Online  
9 June, Vienna  
14 July, Online  
5 September, Madrid  
19 September, Online  
25 October, Online  
19 December, Online

## Senate

The Senate is a body of persons, ready to give advice and, where necessary, to settle disputes. In 2022, the Senate was composed of the following Members:

Marta Cartabia  
Irmgard Griss (Deputy Speaker)  
Arthur Hartkamp  
Francis Jacobs  
Pauliine Koskelo  
Bruno Lasserre  
Lord Jonathan Mance  
Vassilios Skouris  
Lajos Vékàs  
Eddy Wymeersch  
Reinhard Zimmermann (Speaker)

Senate Meeting: 5 September 2022, Online

## Arbitral Tribunal

The Arbitral Tribunal settles disputes that may arise between ELI Members, between ELI Members and one or several bodies of ELI, or between two or several bodies of ELI. It consists of three Members of the Senate who are appointed by the Senate for a three-year term.

In 2022, the following Members presided over the Arbitral Tribunal:

Arthur Hartkamp  
Bruno Lasserre  
Lord Jonathan Mance

# ELI Bodies

## Council

The Council consists of a maximum of 56 Members elected by the Membership from among Individual Fellows in a way that adequately takes into account the general principles of the Association. It is the Institute's management body. The current ELI Council is composed of 55 Members, 28 of which were elected into office on 8 September 2021.

Despoina Anagnostopoulou	Miguel Gimeno-Ribes	Meliha Povlakić
Ross G Anderson	Stefano Giubboni	Barbara Pozzo
Susanne Augenhöfer	Gianluca Grasso	Ilaria Pretelli
Lorena Bachmaier Winter	Laura Guercio	Teresa Rodríguez de las Heras Ballell
Ewa Bagińska	Geraint Howells	Marta Santos Silva
Başak Başıoğlu	Francisco Javier Jiménez Muñoz	Jens Scherpe
Sarah Bechaalany	Tatjana Josipović	Ulrich Schroeter
Teresa Bielska-Sobkiewicz	Thomas Kander Graziano	Andrey Shirvindt
Robert Bray	Bernhard A Koch	Tamás Szabados
Christoph Busch	Xandra Kramer	Ivan Tot
Valentina Calderai	Matthias Lehmann	François Trémosa
Mario Comba	Piotr Machnikowski	Kaius Tuori
Paul Craig QC (Hon)	Corrado Malberti	Christian Twigg-Flesner
Daria de Pretis	Maria Rosaria Maugeri	Sir Geoffrey Vos
Nada Dollani	William Martin McKechnie	Aneta Wiewiórowska-Domagalska
Bénédicte Fauvarque-Cosson	Matthias Neumayr	Aleš Zalar
Julius Forschner	Francesco Paolo Patti	Irina Zlătescu
Christiana Fountoulakis	Fausto Pocar	Fryderyk Zoll
Paul Gilligan		

## Ex-Officio Council Members

Apart from the maximum of 56 elected members, the President, the two Vice-Presidents and the Treasurer become ex-officio members of the Council from the moment they take office. Ex-officio membership has also been granted to six organisations.

Pascal Pichonnaz (President)  
 Lord John Thomas (First Vice-President)  
 Anne Birgitte Gammeljord (Second Vice-President)  
 Pietro Sirena (Treasurer)  
 President of the Council of Bars and Law Societies of Europe (CCBE)  
 President of the Council of the Notariats of the European Union (CNUE)  
 President of the European Land Registry Association (ELRA)  
 President of the European Network of Councils for the Judiciary (ENCJ)  
 President of the International Union of Judicial Officers (UIHJ)  
 President of the Network of the Presidents of the Supreme Judicial Courts of the European Union

## 2022 Council Meetings

24–25 February, Online  
 5 July, Online  
 6 September, Madrid  
 1 December, Online



# ELI Secretariat

Since 2011, the ELI Secretariat has been hosted by the University of Vienna. The main tasks of the Secretariat are to coordinate ELI's day-to-day projects and activities, organise events, support ELI bodies in fulfilling their tasks and liaise with ELI's current and potential Members. In 2022, the Secretariat was composed of the following:



Vanessa Wilcox  
**Secretary General**



Tomasz Dudek  
**Senior Project Officer**



Katja Kolman  
**Senior Project Officer**



Laura Papasodaro  
**Project Officer**



Zuzana Vadehra  
**Senior Finance and Membership Officer**



Viktoriia Ivanova  
**Finance and Event Officer**



Lucija Duzel  
**Public Relations Officer**



Matthias Klonner  
**IT Support**

## Former Secretariat Staff



Artemisia Karachristou  
**Finance and Events Officer**  
November 2021–October 2022



Sebastian Schwamberger  
**IT Support**  
July 2017–September 2022



University of Vienna, Host of the ELI Secretariat

# 2022 ELI Annual Conference

The 2022 ELI Annual Conference and Meetings took place from 5–8 September and was hosted by University Carlos III of Madrid (Spain). The Conference featured an Ole Lando Memorial Lecture, a Welcome Address, Keynote, ELI Young Lawyers Award as well as the ELI Hub and SIG of the Year Awards. A series of panels on current ELI projects, which span a number of areas of law, took center stage.



On 5 September 2022, the Fourth Ole Lando Memorial Lecture took place. Professor Christina Ramberg (University of Stockholm) delivered a speech on 'The Interaction Between Soft Law and Case Law – How Precedents Fulfill Ole Lando's Ambitions to Harmonise European Contract Law'.



In her keynote speech of 6 September, Valerie Masson-Delmotte provided insights into the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), the United Nations body that assesses the science relating to climate change.

Panels on following projects took place:

- Climate Justice – New Challenges for Law and Judges
- Ecocide
- ELI-Mount Scopus European Standards of Judicial Independence
- Admissibility of E-Evidence in Criminal Proceedings in the EU
- Access to Digital Assets
- Blockchain Technology and Smart Contracts
- Guiding Principles and Model Rules on Algorithmic Contracts
- Fundamental Constitutional Principles
- Guidance on Company Capital and Financial Accounting for Corporate Sustainability
- Third Party Funding of Litigation

## 2022 ELI Hub and SIG of the Year Awards

For the fourth time since the launch of the above awards, prizes were given in recognition of the contributions Hubs and SIGs make to ELI. The winners of the 2022 awards were the **Austrian Hub**, the **Croatian Hub** and the **Environmental Law SIG**.

## 2022 ELI Young Lawyers Awards

Congratulations to **Tea Mustač** for winning the 2022 ELI Young Lawyers Award for her paper on 'The Lost Philosophy of Copyright'. In the paper, Mustač argues that although the environment in which artistic works circulate has shifted into the online world, an associated shift in our philosophy has not taken place. In her full paper, which is available [here](#), she suggests how better reform in this field can be achieved.



# ELI Projects and Other Activities

Projects are the cornerstone of ELI's activities. In 2022 ELI's portfolio constituted 17 projects, a number of which were funded by the EU. The selection, management and approval of ELI projects are regulated by the [ELI Project Guidelines](#). Several individuals work together to shape and administer projects. From Reporters to MCC Members, from the Scientific Director to various members within the ELI Secretariat.

# 11

## Current Projects

- Admissibility of E-Evidence in Criminal Proceedings in the EU
- ELI-Mount Scopus European Standards of Judicial Independence
- Fundamental Constitutional Principles
- ELI Principles on the Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters
- Third Party Funding of Litigation
- Access to Digital Assets
- Guiding Principles and Model Rules on Algorithmic Contracts
- Guiding Principles on Implementing Workers' Right to Disconnect
- Guidance on Company Capital and Financial Accounting for Corporate Sustainability
- Climate Justice – New Challenges for Law and Judges
- Ecocide
- Advance Choices for Future Disablement



Christiane Wenderhorst  
**Scientific Director**

Appointed in 2021, Prof Wenderhorst's work includes close liaison with and guidance to those working on the many projects and other initiatives which ELI is undertaking. She also engages in the identification of topics of future interest for consideration by ELI.

# 6

## Projects Completed in 2022

- ELI Report on Freedom of Expression as a Common Constitutional Tradition in Europe
- ELI Principles on Blockchain Technology, Smart Contracts and Consumer Protection
- ELI Draft of a Revised Product Liability Directive
- ELI Principles on the Use of Digital Assets as Security
- ELI Model Rules on Impact Assessment of Algorithmic Decision-Making Systems Used by Public Administration
- ELI Report on Business and Human Rights: Access to Justice and Effective Remedies

# 4

## Responses to Public Consultations Submitted in 2022

- on the European Commission's Proposal for a Revised Product Liability Directive
- on Sustainable Consumption of Goods – Promoting Repair and Reuse
- on the Initiative on the Cross-Border Protection of Vulnerable Adults
- on Civil Liability: Adapting Liability Rules to the Digital Age and Artificial Intelligence

# 2

## Other Initiatives Completed in 2022

- ELI Innovation Paper on Guiding Principles for Automated Decision-Making in the EU
- Council Resolution on Ukraine



# 44

Reporters worked  
on 17 Projects



# 60

Project-related  
meetings held



# 216

Advisory Committee  
Members worked  
on ELI projects



# 277

Members Consultative  
Committee Members  
brought together

# ELI Hubs and SIGs

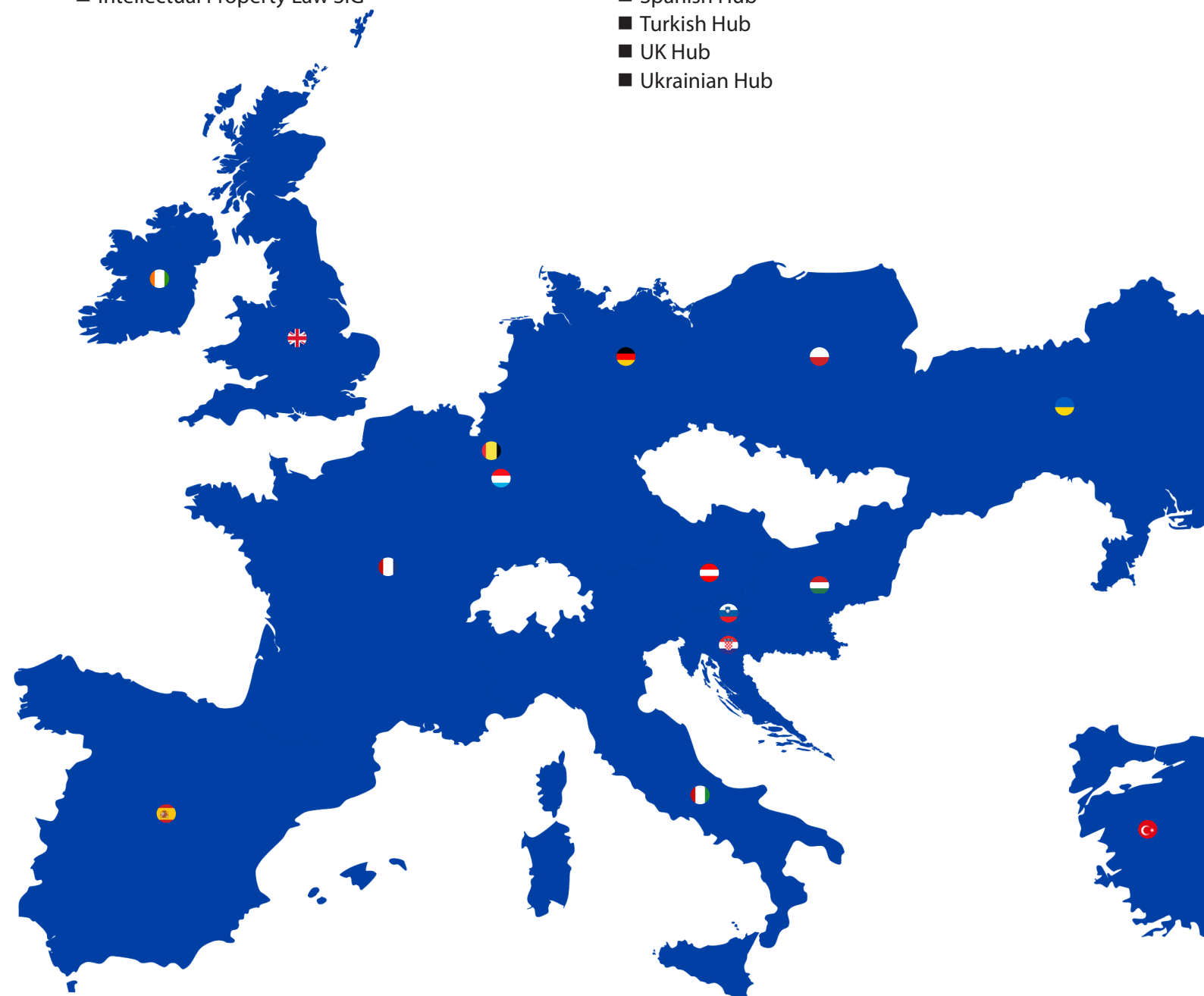
ELI consists of 11 SIGs and 14 Hubs. The Turkish and Ukrainian Hubs are the two newest additions in 2022. ELI SIGs held 38 events in 2022; ELI Hubs held 47 events.

## ELI SIGs

- Administrative Law SIG
- Business and Financial Law SIG
- Competition Law SIG
- Digital Law SIG
- Dispute Resolution SIG
- Environmental Law SIG
- Family and Succession Law SIG
- Fundamental Rights Law SIG
- Global Private Law SIG
- Insurance Law SIG
- Intellectual Property Law SIG

## ELI Hubs

- Austrian Hub
- Belgio-Luxembourg Hub
- Croatian Hub
- French Hub
- German Hub
- Hungarian Hub
- Irish Hub
- Italian Hub
- Polish Hub
- Slovenian Hub
- Spanish Hub
- Turkish Hub
- UK Hub
- Ukrainian Hub





# ELI Representation

Over 60 meetings and other representational activities were held throughout 2022. A selection of the organisations with which meetings were held can be found below. More information on the meetings is available on the News & Events section of the ELI [website](#).



Association of European Administrative Judges



American Law Institute



Asian Law Institute



Bar European Groups



Centre for Access to Justice and Inclusion



Center for AI and Digital Policy



Chinese Academy of Social Sciences



Court of Justice of the European Union



European Commission



European Court of Human Rights



European Legal Practice Integrated Studies



European Parliament



European Union Agency for Fundamental Rights



Georgian Lawyers for Independent Profession



Hague Conference on Private International Law



Institute for European and Comparative Law



International Chamber of Commerce



International Institute for the Unification of Private Law



Korea Legislation Research Institute



Permanent Court of Arbitration



Swiss Supreme Court



The European Law Student's Association



The Regulation of AI, Internet & Data Digital Conference



Trans European Experts



Uniform Law Conference of Canada



United Nations Commission on International Trade Law



University of Salzburg



University of Vienna

# ELI Newsletter

In 2022, the following personalities contributed to the covers of ELI's Newsletter. ELI's Newsletter goes out to more than 2,500 readers. To sign up, please send an e-mail to the [ELI Secretariat](#). The 2022 as well as previous editions of the Newsletter are available to download on the News & Events section of the ELI [website](#).



January–February

**Ana Gallego**

Director-General for the  
European Commission DG  
JUST



March–April

**Robert Spano**

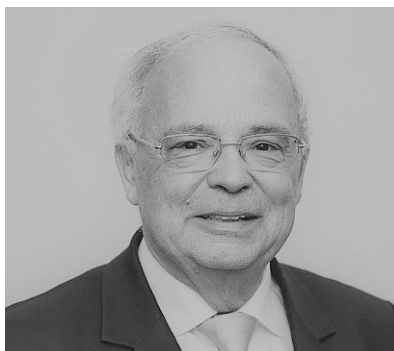
President of the European  
Court of Human Rights



May–June

**Roberta Metsola**

President of the European  
Parliament



July–August

**Heinz W Engl**

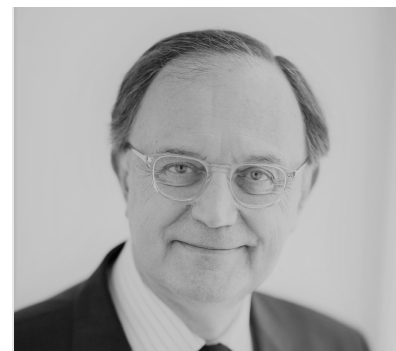
Outgoing Rector of the  
University of Vienna



September–October

**Sir Geoffrey Vos**

Master of the Rolls  
England and Wales



November–December

**Patrick de Cambourg**

Chair of European Financial  
Reporting Advisory Group  
(EFRAG) Sustainability  
Reporting Board

# ELI Timeline



# 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:	Pascal Pichonnaz
First Vice-President:	Lord John Thomas
Second Vice-President:	Anne Birgitte Gammeljord
Treasurer:	Pietro Sirena
Other Members:	Bénédicte Fauvarque-Cosson Teresa Rodríguez de las Heras Ballell Aneta Wiewiórowska-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.



### ELI Secretariat

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