

## Minutes of the General Assembly 2014

26 September 2014

Croatian State Archives, Zagreb

**Chair:** Diana Wallis, ELI President

**Keeper of the minutes:** Mary Penman, ELI Secretariat

**Meeting commenced at 10:20 am**

### 1. Welcome and Opening

Diana Wallis welcomed the attendees and thanked all participants of the previous day's Projects Conference. A special welcome was extended to Hubert Legal and Pavel Svoboda and other senior representatives of the European legislature.

### 2. Keynote Speech

A speech on the Rule of Law was delivered by Hubert Legal, who expressed his gratitude to Diana Wallis and the rest of the Executive Committee for the invitation. The text of his speech can be read [here](#).

### 3. The 2013 General Assembly minutes were approved unanimously.

### 4. Reports

#### a) President

Diana Wallis expressed her thanks to the talented team of individuals on the Executive Committee for their excellent team work and support. As President she has spent the first year with two goals in mind: getting to know the inner workings of the Institute, and improving publicity about the ELI and its current projects.

#### b) Treasurer

Johan Gernandt summarised the documents distributed, a report on 2013, an account of the current situation in 2014 and a forecast for expenses and income in 2015. He reported that an agreement with the University of Vienna to extend the funding of the Secretariat for another four years was near conclusion. He expressed confidence in the ELI's financial situation up until the end of 2015.

#### c) Fundraising Committee

As chair of the Fundraising Committee Johan Gernandt addressed the General Assembly once more. The Committee has approached funding institutions and law firms although

without success. He reported several obstacles to the securing of funds, namely the current economic climate in Europe, the fact that the ELI is relatively unknown and the preference to give funds to national bodies rather than international ones. He assured the General Assembly that the Fundraising Committee would continue its work and hope for better results in the future. **The GA unanimously approved the 2013 financial report and the 2015 budget forecast.**

d) Executive Committee and Projects Committee

Diana Wallis reported that the Executive Committee has considered feedback from the Senate regarding the ELI's structure. The ELI needs to be able to react quickly and must eliminate cumbersome procedures while ensuring widespread participation and legitimacy. She observed that a suggestion has been made to dissolve the Projects Committee and attribute its functions to the Executive Committee; this proposal has been understood and accepted in principle by the existing Projects Committee. John Sorabji has prepared a paper on the reorganisation of the Projects Committee which has been distributed to the General Assembly, where he explained that the impetus for change has come from both individuals and bodies within the ELI. As well as rearranging the Projects Committee into several, subject focused Special Interest Groups, the plan also envisages dissolving the International Relations Committee. Diana concluded that the ELI has seen much progress made in terms of projects over this last year. She has been pleased to see the success of quick, reactive projects such as the Collective Redress Statement, and progress has also been made on the long-term projects on Administrative Law, Civil Procedure, Insolvency and Criminal Law.

e) Membership Committee

Walter Doralt was pleased to report good progress in terms of membership and also expressed his thanks to Mary Penman, Selma Tirić and other members of the Secretariat for their work in terms of membership. His thanks also went to Diana Wallis and the rest of the Council for their efforts to gain members for the Institute. Walter Doralt encouraged those present to approach suitable colleagues, especially those from underrepresented countries or specialties (e.g. criminal law). Walter Doralt announced that the ELI now has over 1,000 individual members and a total of 73 institutional members, among them 18 Supreme Courts. He reported that the Membership Committee will now focus on attracting more academic bodies to the institute. He thanked Johan Gernandt and Carmen Jerez Delgado in particular for managing to recruit three new law firms to join this year.

f) International Relations Committee

Sjef van Erp reported on positive relations with the ALI and shared the news that ELI members can now access ALI documents. The ELI also remains present at some World Bank events, although participation is limited. Discussions are underway with the American Bar Association as to future cooperation, although nothing has been finalised. Sjef van Erp also reported on attending the general meeting of the Uniform Law Commission, which is

interested in the work of the ELI and has suggested running a joint project in the future. The Executive Committee will continue to explore this possibility.

## **5. Annual Conference and General Assembly 2015**

Vice-President Christiane Wendehorst announced that the 2015 annual Conference and General Assembly would take place on 3-4 September in Vienna, Austria. The venue will be the Austrian Academy of Sciences. Any comments from the General Assembly about how to improve the annual events would be gladly received.

Walter Doralt commented that a keynote speech, something which has traditionally been a feature of the General Assembly could be included in the Projects Conference, so as to allow deeper exploration of one of the legal issues being debated. This would give the conference a theme, and it would be a good way to attract particular professional groups.

## **6. Closing remarks**

Pavel Svoboda, chair of the Legal Affairs Committee of the European Parliament took the floor to deliver closing remarks. He expressed his thanks for the invitation and feeling of being amongst friends at the ELI. Pavel Svoboda talked about his intentions as the new head of the Legal Affairs Committee, namely to continue the momentum and great achievements of the Committee, carrying out impact assessments and interacting with citizens on what needs to be done, and the positive and negative effects of recent changes. The Committee will continue to rely on academic studies, carried out by bodies such as the MPI and ERA, and will continue to value the contributions of the ELI. The Committee's aim is to present the European Parliament with considered proposals for legislation only where an obvious need is there, and substantial benefits in sight.

Pavel Svoboda expressed his confidence in the ultimate success of the European project, but noted that improvements need to be made and messages of hope and optimism spread. More European initiatives and forums need to be established, with collaboration ultimately bringing about a better established Europe, based on the rule of law. The ELI is an encouraging example in this context; it has created itself from nothing within a short space of time and its publications have won attention and respect. It is extremely useful for the legislature to be provided with objective advice. The European Parliament has formalised its links with the ELI by becoming an Institutional Observer and it is well represented at ELI events and in ELI projects. Pavel Svoboda invited representatives of the ELI to come to the European Parliament in order to explain its objectives to the Legal Affairs Committee, and the Committee on Civil Liberties, Justice and Home Affairs. It is important that the ELI exchanges ideas with law makers.

## **7. Any other business**

Diana Wallis thanked Pavel Svoboda for his speech and gladly accepted his invitation. She thanked those present for their participation and closed the 2014 General Assembly.

**Meeting concluded at 12:40 pm**