

**Council Decision CD 2015/1
of 13 February 2015
on ELI Special Interest Groups**

- (1) In accordance with Article 10(4) of the ELI Statute, the Council accepted the Executive Committee's (the EC) recommendation concerning the establishment, functioning and role of Special Interest Groups (SIGs) as set out in the 'Executive Committee Proposal regarding the structure and functioning of SIGs' (the Proposal), which was prepared by the EC on the basis of CD 2014/6 of 26 September 2014.
- (2) Having considered the EC's recommendation, set out in the Proposal, regarding the number and type of SIGs that may be established, the Council decided that the Secretariat should issue an open call to all ELI members seeking expressions of interest to establish and actively participate in SIGs. The open call should provide general guidance as to potential subject areas in which SIGs could be established.

Executive Committee Proposal regarding the structure and functioning of SIGs

(drafted by John Sorabji)

In the light of the Council's decisions in Zagreb concerning the Project Committee's abolition and the establishment of Special Interest Groups (SIGs), the Executive Committee (EC) makes the following proposals concerning their establishment, structure and functioning.

Establishment and functioning

SIGs are formally subject-specific Hubs per article 2(d) of the Guidelines on ELI Hubs. They are thus subject to both the ELI Statute and the provisions of those Guidelines. As such each SIG should, in particular:

- have a managing board constituted of, at least, one member drawn from the ELI Council. One member should act as a formal contact person for the SIG and its membership and should be responsible for co-ordinating its activities;
- have a membership drawn from a broad range of individuals and institutions. ELI Council members should be and are encouraged to take up membership of any SIG relevant to their field of expertise;
- where appropriate work with the ELI Council and/EC and national Hubs;
- provide regular reports to the Council and EC highlighting its work and drawing to their attention any important present or anticipated issues in its field; and
- be self-funding.

In order to ensure that each SIG operates as cost-effectively and efficiently as possible, the primary means of communication for each SIG should be electronic. It is anticipated however that SIGs may, if they wish and if they can secure funding or practical assistance from, for instance, local institutions, law faculties, or law firms, organise their own meetings. They may also, with the ELI Secretariat's assistance, arrange meetings at the ELI General Meeting and Projects Conference.

Number of SIGs

The EC is conscious of the need to ensure that the number of SIGs should, initially at least, be kept within reasonable bounds. This is in order to ensure that the organisational burdens they will engender are kept to a minimum for the individuals involved. The EC does however recognise a need for there to be a sufficient number of SIGs to cover a properly broad range of subject areas. It therefore proposes that SIGs be established in the following areas:

- Contract;
- Tort/Delict;
- Restitution;
- Property;
- Criminal law and procedure;
- Family law and succession;
- Public and administrative law;
- Dispute resolution;
- Insolvency.

The EC notes that, as SIGs are Hubs, individual ELI members may, subject to the EC's approval under article 2(a) Hub Guidelines, be established by any interested ELI members.

Role

SIGs are intended to play a central role in the development of the ELI, and particularly the development of future projects. Each SIG ought therefore to play the following role:

- provide an active forum for debate by ELI members in the field through which project proposals could be developed, and, where appropriate, carry out such project work;
- keep their area under on-going critical scrutiny and for considering what steps could be taken by the ELI to improve law through, for instance, simplification, increasing its coherence or, where appropriate, the promotion of deregulation;
- keep abreast of current developments and drawing to the EC's attention any issue that could properly call for a response by the ELI either via an Instrument or a Statement;
- enable the ELI to respond promptly to any EU or other relevant consultation;
- provide an effective means to review any relevant legal instruments, not least those which have a defined review date; and
- collect and disseminate to European policymakers and legislators ideas published in Europe, not least those that would not ordinarily secure such wide notice.

The extent to which any specific SIG carries out any particular aspect of its role will depend on the nature of, and other work being carried in, its subject area.
