THE EUROPEAN LAW INSTITUTE (ELI)

ELI PROJECT STRATEGY

of 4 September 2019

I. Project Types

According to the ELI Project Guidelines projects have fallen into four broad categories:

(a) Draft legislative proposals;

(b) Model rules, laws or conventions, draft agreements, policies, statements of principles;

(c) Checklists, other practical guidance; and

(d) Position papers.

ELI should make sure ELI projects normally result in output that can be subsumed under **one of these categories**.

The **'operative part'**, which is the legislative proposal, model law, set of principles, checklist etc. itself, should occupy centre stage. It should be accompanied by an **introduction, comments and/or notes**. These should, in relation to the 'operative part', be of ancillary nature, ie be: (a) as short and concise as is consistent with explaining fully the underlying reasoning and policy choices made; (b) drafted with a view to facilitating the understanding and/or use of the operative part; and (c) in plain and intelligible language that is immediately understandable to the average lawyer in the relevant field.

As far as **background materials** that do not fulfil these requirements (such as country reports, conference papers or in-depth doctrinal analysis) are concerned these may, with the ELI's consent, be published in the ELI book series under the Reporters' own names, but they are not part of what is submitted for approval to the ELI's Council and Membership.

ELI should not embark on projects where the production of such background materials and scholarly analysis is the primary focus, even where such analysis may result in concrete proposals.

II. Project Relevance

In deciding whether the ELI should embark on a particular project the ELI bodies may wish to ask themselves, in particular, the following questions:

(a) Will the output be a **major reference text** in the relevant field, which everyone dealing with the issues at stake has to take into account?

(b) Is it possible to explain in simple language, understandable by a general audience, why the output would make a **material difference for the benefit** of citizens, companies or professionals in Europe?

(c) Is the issue so topical and central for the development of society and law in Europe that ELI is rightly expected to raise its voice, and will the output be a contribution to the debate that will receive **material public attention**?

Generally speaking, at least two of the questions (a) to (c) should be answered in the affirmative. If not, ELI should rather refrain from embarking on a project, given that every project is likely to absorb resources and that, if projects of medium or low relevance are published alongside projects of high relevance, this is likely to diminish visibility of the latter.

III. Project Setup

Apart from the criteria of **excellence** and **diversity** enshrined in the ELI Statute and Project Guidelines, every project setup must satisfy, inter alia, the following criteria:

(a) There must be (at least one) **'person with the file'** (PWF) who is able, in a position, and prepared to invest hundreds of working hours into high quality drafting, making sure visions and collective expertise translate into consistent written output. This person can be a Reporter or another member of the team.

(b) The team must be familiar and **sufficiently well connected** with relevant developments and related initiatives in the field (eg academic research groups, similar work carried out by other organisations, legislation in the pipeline).

(c) The team must be **sufficiently familiar with and committed to ELI procedures** and make sure the work will be conducted in accordance with the ELI Statute and Project Guidelines and in the overall spirit of the ELI.

(d) **Timelines**, proposed working **methods** as well as budgets and sources of **funding** must be concrete, realistic and credible.

IV. Project Funding

ELI's resources are very limited, and ELI is definitely not a research funding organisation. It follows, inter alia, that:

(a) ELI may reimburse reasonable expenses, but **cannot pay a remuneration** for project work, and **cannot normally pay for staff** employed by the project team (such as a research assistant or post doc researcher).

(b) Protagonists carrying out project work should see the main benefit not in the ELI's financial support but in the **critical input** received by an extremely broad and diverse constituency and in the **enhanced impact and visibility** that come with work being conducted as an ELI project.

V. Institutional Considerations

There is a range of other considerations that the ELI bodies may wish to take into account when deciding about a project, including the desire to:

(a) have a good balance in terms of **areas of the law**;

(b) have a **sufficient but manageable number** of current projects at any one point in time, usually not lower than 5 and not higher than 10;

(c) ensure continuity and **avoid disruptive breaks**, ie make sure current projects do not start and/or reach their final stage all at the same time;

(d) ensure a good relationship with **other organisations**, ie encourage joint projects and avoid projects competing with other initiatives; and

(e) ensure a good balance in terms of **nationalities and professions** as well as in terms of **individuals inside and outside the ELI bodies** as far as project proposers and protagonists conducting the project are concerned.