

Minutes of the General Assembly 2015

3 September 2015

Austrian Academy of Sciences, Vienna

Chair: Diana Wallis, ELI President

Keepers of the minutes: Rosana Garciandía, Ala Šabanovič (ELI Secretariat)

Meeting commenced at 09:05 am

1. Welcome and Opening

- (1) Diana Wallis welcomed the attendees and briefly presented the Agenda of the 2015 General Assembly. The President thanked all ELI members and especially members of the Executive Committee for their work and contribution to the growth of the European Law Institute ('ELI', 'Institute').

2. Introduction to the ELI Council elections

- (2) Irmgard Griss, speaker of the Senate and Returning Officer for Council elections, announced the elections and invited members to vote for the 30 open seats at the Council. She presented the format of the ballot and informed members about the possibility to vote in a private area.

Voting concluded at 10:08

3. The 2014 General Assembly minutes were approved unanimously.

4. Reports

a) Report from the President and Executive Committee

- (3) Diana Wallis presented the report from the President and the Executive Committee. As the President, she highlighted that the main focus of her activity in the last two years has been both on the external representation of the Institute and on executive work, including project-related work. The ELI-UNIDROIT joint project "From Transnational Principles to European Rules of Civil Procedure" was featured. The conference that the ELI and UNIDROIT are organising in cooperation with the Academy of European Law (ERA) was presented as a good example of the developments of this successful project. It will take place in Trier, Germany, on 26 and 27 November 2015. Diana Wallis also welcomed the latest developments with regard to national hubs, especially the Polish Hub, and Special Interest Groups, which are progressing and are already organising meetings.
- (4) Concerning finances, the President reported that the ELI was awarded a three year framework partnership agreement with the European Commission, which entitles the Institute to apply for funds every year in the period 2015-2017. The ELI signed this framework partnership agreement in June 2015.

- (5) The President also reported on the recent changes in the ELI Secretariat, with a new and enthusiastic team being coordinated since July by Rosana Garciandia, the new ELI Secretary General.
- (6) **The General Assembly unanimously approved the report.**
- b) Report from the Treasurer
- (7) Johan Gernandt presented the Treasurer’s report and emphasised that, as the fundraising experience reveals, raising funds is not easy for a young European organisation. He expressed confidence in the ELI’s financial situation and assured that the ELI’s current assets would allow the Institute to cover the costs budgeted at least until April 2016. He explained that the Grant Thornton reports assure that the accounts are accurate. He highlighted that the ELI finds itself in a significantly better financial situation than in previous years. Reference was also made to the European Commission operating grant.
- (8) **The General Assembly unanimously approved the 2014 accounts, the 2015 accounts as of 30 June, and the forecast for 2016.**
- c) Overview on projects
- (9) The Vice-President, Christiane Wendehorst, referred to Annex V to the Agenda for details on the different on-going projects and briefly mentioned the two project proposals that would be presented to the Council at its meeting that afternoon.
- (10) Christiane Wendehorst stated that there are three areas where the ELI is developing a particular strength.
- i) The first area is **procedure**, and includes the ELI-UNIDROIT joint project “From Transnational Principles to European Rules of Civil Procedure”, the ELI project on “Rescue of Business in Insolvency Law”, the ELI project on “Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law”, and the cooperation with ReNEUAL on EU Administrative Procedural Law.
- ii) The second area where the ELI has strengthened its reputation is **digitalisation**. The work of the ELI on the Digital Single Market Strategy and the feasibility study that the ELI is performing with the U.S. Uniform Law Commission on Fiduciary Access to Digital Assets would fall within this category.
- iii) The third area of expertise where the ELI has established itself as a reference concerns **movement of persons, goods, services and capital**. The potential ELI projects on family law and migration, as well as other potential future developments in fields such as tax law, would fall within this category.
- (11) The Vice-President of the ELI explained that presenting existing ELI projects within those three areas where the ELI’s strengths are acknowledged would make institutions and experts identify the ELI as a leading institution in these specific areas.
- (12) Diana Wallis clarified that this list of particular strengths would not be exclusive and would not preclude the ELI to work on any other areas. Members of the ELI present at the meeting welcomed the idea and made remarks on the ELI’s strategy on projects and funding. The Treasurer highlighted how important it is that ELI members act as the ambassadors of the ELI.

d) Report on Special Interest Groups (SIGs)

- (13) John Sorabji explained that SIGs were created following the suggestions of the Senate and the Council that the ELI should establish groups focused on specific subjects and areas of law. The rationale was to increase the engagement of and with ELI members, and to offer the entire membership more possibilities to contribute to the substantive work of the Institute.
- (14) In February 2015, the Council approved the proposal of the Executive Committee to establish SIGs, which are subject-specific ELI hubs. SIGs were established after opening a call for expressions of interest and receiving a very positive response from members. SIGs were established in the following fields: administrative law, business and financial law, civil law, competition law, contract, tort and property law, digital law, dispute resolution, EU law, family and succession law, fundamental rights, and intellectual property law. Coordinators have been appointed for most of the SIGs, and their members have the MyELI platform at their disposal for discussions. Some of them have already organised their first meetings.
- (15) SIGs should consider how the ELI could contribute to the improvement of law in their area. They should also draw developments to the attention of the ELI bodies and provide an active forum for debate on the formulation of potential ELI projects. John Sorabji anticipated that coordinators of the SIGs should work closely with the reporters of the particular ELI projects in their field and with the ELI Secretariat, in order to ensure that there is no duplication of work. He hoped that SIGs would be able to present their work at the 2016 General Assembly, and he encouraged members to join SIGs of their interest.

e) Report of the Membership Committee

- (16) The Chair of the Membership Committee (MC), Walter Doralt, thanked the ELI Secretariat and the Membership Committee for their work on ELI membership. He stated that the aim of the MC is to build the most diverse and representative membership in Europe and beyond. He highlighted that this should not be done by increasing numbers alone, but rather by focusing on attracting outstanding legal experts and institutions. He reported on the success in achieving this in the last 12 months.
- (17) Walter Doralt presented the report contained in Annex VI to the Agenda and stressed the positive trend in the number of individual as well as institutional members that joined the ELI in the last year, which includes many high profile institutions. At the moment, 53 nationalities are represented at the ELI and the MC will continue working to attract new nationalities. Regarding new Institutional Observers, a significant growth was noted in academic institutions and institutions straddling the line between academia and practice, such as ERA, which joined the ELI in June 2015 and is actively cooperating with the Institute. The MC will also continue working to actively attract members from all fields of law, and strengthen those that are underrepresented, such as criminal law, labour law and tax law. Walter Doralt encouraged those present to approach colleagues in these areas about joining the ELI. Different aspects of the membership strategy, such as gender balance, age groups and ideas to attract new members were discussed.

f) Report on International Relations

Due to time restrictions, Sjef van Erp did not present the report on international relations attached to the Agenda (Annex VII). He encouraged members to address him with any questions on the report.

Meeting concluded at 11:15 am