

Minutes of the General Assembly 2017 6 September 2017

Venue: City Hall of Vienna, Austria

Chair: Diana Wallis (ELI President)

Keepers of the minutes: Tomasz Dudek (ELI Secretariat)

Meeting commenced at 11:30.

1. Welcome and Opening

(1) Diana Wallis welcomed attendees and thanked the City of Vienna for hosting the Annual Conference General Assembly. She then gave an overview of the agenda of the 2017 General Assembly.

(2) The Agenda was approved.

(3) The President thanked all European Law Institute (ELI) members and especially members of the Executive Committee as well as the ELI Secretariat for their work and emphasised that the ELI continues to grow, prosper and make its mark.

2. Approval of the 2016 General Assembly Minutes

(4) The 2016 General Assembly minutes were unanimously approved.

3. Reports

(5) Wallis presented her final report as President. She stressed once more that the organisation continued to grow and is gaining more and more visibility. In particular, project-related work has gained momentum, with the ELI having embarked on a number of joint projects such as 'From Transnational Principles to European Rules of Civil Procedure' (undertaken with International Institute for the Unification of Private Law (UNIDROIT)) and 'The Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution' (embarked upon with the European Network of Councils for the Judiciary (ENCJ)). Wallis also mentioned a potential new project with the European Union Agency for Fundamental Rights (FRA)).

(6) She also added that the Executive Committee met with representatives of various organisations, including with the European Law Faculties Association (ELFA). That other organisations wish to work with the ELI is exactly what the ELI wished to achieve – a wider reach and connections across Europe's legal community. In this regard, Wallis also underlined the representative activities undertaken by her and other members of

the Executive Committee and thanked all for the support she received over the years. Wallis commended the report to those present to read.

- (7) In the absence of questions, Wallis passed the floor on to the Treasurer. Before doing so, however, she emphasised the ELI's fragile funding position and mentioned that contributions from the ELI's membership, the University of Vienna and the European Commission are always a balancing act. Wallis welcomed all the help that is available.
- (8) Johan Gernandt continued with the presentation of the Treasurer's Report. He called for restriction when it comes to reimbursement claims, as one of several ways to ease the ELI's financial situation and further encouraged members to continue inviting new potential members to join the ELI. Gernandt referred to the report by Grant Thornton and the ELI's auditor and concluded by saying that the ELI's current financial situation is good. However, he encouraged all those present to settle their ELI membership fees, an important part of contributions towards the ELI, and asked them to encourage others to do the same.
- (9) The General Assembly unanimously approved the reports.**

4. Overview of Projects

- (10) Christiane Wendehorst continued with the overview of ELI projects and said that everyone will be able to get a much better impression as to where the Institute is in this regard during the Annual Conference that will follow the General Assembly.
- (11) Wendehorst continued to give introductory remarks, particularly for new members, adding that the ELI currently has several completed, ongoing projects as well prospective projects and Feasibility Studies.
- (12) Wendehorst reported that the project on the 'Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law' was approved by the Council and General Assembly earlier in the year and is now in the dissemination phase. The Instrument has been published on the ELI website and discussions with Oxford University Press (OUP) are ongoing. An event at the European Parliament and a conference in Luxembourg the spring of 2018 are planned.
- (13) With regards to current projects, Wendehorst noted that two have just received positive Council votes: the Instrument on 'Rescue of Business in Insolvency Law' and the Statement on 'Detention of Asylum Seekers and Irregular Migrants and the Rule of Law'. The former will also require approval by the General Assembly before it is published. Wendehorst went on to say that negotiations with OUP to publish the Instrument are also ongoing. She underlined that the project had already inspired the European legislator which always sent observers to project meetings and that the former came out with proposals inspired by the project even before the Instrument was finalised. With regards to the 'Migration' project, she emphasised that it provides

useful checklists that would hopefully help judges find their way through the jungle of detailed case law.

- (14) Wendehorst concluded by encouraging participants to attend various panels and contribute constructive criticism, as this broad participation distinguishes the ELI from other organisations.

5. Report on SIGs and Hubs

- (15) John Sorabji presented the report on Special Interest Groups (SIGs) and Hubs. He emphasised that the last year was very positive for SIGs. He explained that the role of SIGs is to be a grassroots movement, from which project ideas grow. Currently there are 10 SIGs that cover a very broad scope of topics (which is not to say that the ELI has exhausted the field). Sorabji therefore invited those present to come forward with suggestions for further SIGs. He praised a number of SIGs, including the Administrative Law SIG, Business and Financial Law SIG and the Digital Law SIG but raised concerns about the Civil Law SIG and the European Law SIG (possibly because their subject matters are covered by other SIGs). He encouraged all ELI members to contribute to reinvigorating them. Should that fail, SIG members will need to consider dispersing and joining other SIGs.
- (16) Sorabji went on to discuss Hubs (currently 11 exist). He reported that there is interest in establishing a Ukrainian Hub, among others. Sorabji disclosed that the Italian and Spanish Hubs are particularly active and exemplary.

6. Report of the Membership Committee

- (17) Walter Doralt, chair of the above Committee, thanked its members as well as the members of the Executive Committee, in particular Wallis, Senate and the Secretariat, in particular, Ines Foidl, for their impact and support. Doralt reported that the ELI currently has 1,372 individual members and over 100 Institutional Observers.
- (18) Doralt also discussed the problem of members who do not pay their fees. He explained that a decision was made to terminate a number of such members.
- (19) With regard to diversity, Doralt reported that the ELI's members represent a wide range of nationalities (currently 57, but work on balancing this still needs to be done) and vocational backgrounds. He emphasised the need to attract more members in particular from France and Poland. Doralt expressed his hope that Hubs would contribute towards attracting more members to ensure geographical diversity and that SIGs further ensure vocational diversity. In particular, additional efforts need to be made to attract practitioners.
- (20) He encouraged all members to invite colleagues to become Fellows and to promote the ELI as the only organisation of its kind in Europe. Doralt asked those present to share any ideas they may have on how to improve things with him.

- (21) That gender could be balanced better, especially amongst the more mature generation, was acknowledged.
- (22) It was suggested that gaps in core areas of law within the ELI could be overcome by cooperating with organisations that are specialist in the field.

7. Announcement of the Winner of the European Young Lawyer Award and Presentation

- (23) Wallis explained the idea behind establishing the Award and thanked Robert Bray, along with the University of Kent in Brussels, for supporting it.
- (24) Bray, as a chair of the Jury of the Award, reported that the Jury had the difficult task of deciding to whom the Award should go. The ELI covers travel expenses of the winner as well as provides them with a chance to meet top legal experts at the Annual Conference and to publish their article on the ELI website. Additionally, the ELI also offers a two-year fellowship. He further encouraged members to promote the Award, before announcing the winner: Evgenia Ralli.
- (25) Ralli thanked the ELI for the opportunity to present her work and expressed her opinion that the Award provides a great opportunity for young lawyers to express their views and suggest means to improve European law. She proceeded to present her paper entitled: 'The Principle of Mutual Recognition Based on Mutual Trust and the Respect for Fundamental Rights: The Case of the Framework Decision on the European Arrest Warrant'.
- (26) Wallis congratulated and thanked Ralli.

8. Opening of Voting on Council Elections and on the Rescue of Business in Insolvency Law Instrument

- (27) Wallis explained the rules of voting and encouraged members to vote both in the Council elections and with respect to the 'Rescue of Business in Insolvency Law' Instrument.
- (28) As the last meeting as President, Wallis concluded by saying that it had been an immense pleasure to serve as President and thanked all once more for their support.

Meeting concluded at 12:30.

- (29) The results of the vote were presented on the following day. Newly elected members of the Council held their first meeting on 7 September 2017. The Instrument on the 'Rescue of Business in Insolvency Law' was approved.