



# ELI

EUROPEAN  
LAW  
INSTITUTE

# ELI Updates

## Nov-Dec 2014

### **GREETINGS FROM JOSÉ ANGELO ESTRELLA FARIA, SECRETARY-GENERAL OF UNIDROIT**



Dear ELI Members, dear colleagues,

It is a great pleasure for me to introduce this month's Newsletter, which appears shortly after the Joint Session of the Steering Committee of the ELI/UNIDROIT project for the preparation of Model Rules to implement the ALI/UNIDROIT Principles of Transnational Civil Procedure in a European context and the Working Groups that were set up in May this year. This joint project falls within the framework of the institutional co-operation between UNIDROIT and the European Law Institute, which was formalised by a Memorandum of Understanding in March 2014.

UNIDROIT attaches great importance to this project, which builds upon an instrument produced jointly by the American Law Institute (ALI) and UNIDROIT in 2004, the ALI-UNIDROIT Principles of Transnational Civil Procedure, and is the first regional development of those Principles. We firmly believe that the ELI/UNIDROIT Principles once adopted will not only become of signal importance within Europe, but they will inspire similar projects in other parts of the world as well. In recent travels to Asia, Latin America and the Middle East, I have seen a great deal of interest in replicating the arrangement between the ELI and UNIDROIT, in preparing model rules for civil procedure similar to the ones now being prepared by the ELI and UNIDROIT.

The meeting in November, ably and efficiently chaired by your President, Diana Wallis, was very productive, with interesting and constructive, at times enthusiastic, discussions following the presentations of the Reporters of the operative Working Groups (on Provisional and Protective Measures, Access to Information and Evidence, and Service of Documents). In the near future two more Working Groups will start work (on Res judicata and lis pendens, and on the Obligations of Parties, Lawyers and Judges), and in spring 2015 two more will be set up. This will permit a staggered preparation and examination of the different chapters of the Principles and their consequently being given the serious consideration they require. The aim is to complete the examination of the Principles by the end of 2016.

We all look forward to the discussions that will take place at the next meeting and are confident that the end result will reflect the great expertise of the participants. This is another eloquent piece of evidence of ELI's vitality and its ability to attract the finest representatives of European legal thinking and practice.

José Angelo Estrella Faria  
Secretary-General, UNIDROIT

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## ELI-UNIDROIT Joint Project - Report from Rome

by Lena Peters, Senior Officer, UNIDROIT

On 27 and 28 November 2014, the Steering Committee of the ELI/UNIDROIT project for the preparation of European Rules on Transnational Civil Procedure and the Working Groups set up for their preparation, held a Joint Meeting in Rome, at the seat of UNIDROIT. On the Agenda was a consideration of the progress made by the three Working Groups since their setting up following the meeting of the Steering Committee and Reporters in May, 2014 (Working Groups on Access to Information and Evidence, Provisional and Protective Measures and Service of Documents – see the Report on the May meeting in this Newsletter, [May-June 2014 Issue](#). For summary reports by the Working Groups, see pages 3-4).



Members of the Steering Committee and Project Reporters © UNIDROIT



Project meeting in Rome, November 2014

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The Reporters of the Working Groups presented the conclusions of the Working Groups to participants. The participants included the members of the Working Groups as well as observers from Intergovernmental Organisations (Hague Conference on Private International Law (HCCH)), European Institutions (the European Commission, the European Parliament (JURI Committee), the Court of Justice of the European Union), Professional Associations (the Association for International Arbitration (AIA), the Council of Bars and Law Societies of Europe (CCBE), the Council of the Notariats of the European Union (CNUE), the European Network of the Councils of the

Judiciary (ENCJ), the International Bar Association (IBA), the Union Internationale des Avocats (UIA), the Union internationale des huissiers de justice (International Union of Judicial Officers) (UIHJ)), and Research Institutions (the International Association of Procedural Law and the Max-Planck Institute of Luxembourg for International, European and Regulatory Procedural Law). The American Law Institute (ALI), which prepared the ALI/UNIDROIT Principles of Transnational Civil Procedure jointly with UNIDROIT, also attended. The ALI/UNIDROIT Principles are being examined by the Working Groups as a basis on which to construct the European Rules, which would be a regional implementation of the Principles, as envisaged by the drafters of the ALI/UNIDROIT Principles. The ALI/UNIDROIT Principles are posted on the UNIDROIT website at: <http://www.unidroit.org/instruments/transnational-civil-procedure>. The documents of the joint meeting are posted at: <http://www.unidroit.org/work-in-progress-studies/current-studies/transnational-civil-procedure>, as well as on the [ELI website](#).

The meeting decided to set up two more Working Groups (Res judicata and lis pendens and Obligations of parties, lawyers and judges) that will start to work early in 2015. A further two will be set up after the next meeting, due to be held in April 2015. The progress made and the drafts prepared will be examined progressively, with a view to the final approval of the entire text by the end of 2016.

## Reports from the co-reporters



**Gilles Cuniberti** is Professor of Private International law and Comparative law at the University of Luxembourg. A graduate from Paris I Panthéon Sorbonne and Yale

Law School, he has written extensively on international civil procedure, including two books on protective measures. He was a member of the Expert Group established by the European Commission to produce the first draft of the European Account Preservation Order Regulation.



**Neil Andrews** is Professor of Civil Justice and Private law, University of Cambridge. He researches in the fields of dispute resolution and contract law. His recent publications are: *ANDREWS ON CIVIL PROCESSES* (Intersentia, Cambridge, 2013)

(2 volumes) and *CONTRACT LAW* (2nd edn, Cambridge University Press, 2015, forthcoming). He was the English representative on the working party responsible for the American Law Institute/UNIDROIT's *PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE* (Cambridge University Press, 2006). He is a barrister, Bencher of Middle Temple (London) and consultant with Slaughter and May (London).

by Gilles Cuniberti

**The Working Group on Provisional and Protective Measures** is composed of Neil Andrews (Cambridge, Co-reporter), Gilles Cuniberti (Luxembourg, Co-reporter), Torbjörn Andersson (Uppsala), Xandra Kramer (Rotterdam), Fernando de la Mata (Barcelona) and Alan Uzelac (Zagreb). The goal of the Working Group will be to offer two sets of norms: (1) overarching norms applicable to all provisional and protective measures (as in the spirit of Principle 8, ALI/UNIDROIT Principles of Transnational Civil Procedure) and (2) general rules applicable to certain particular measures. Most of the debate within the Working Group and during the discussion at the Rome meeting focused on the identification of the particular measures for which special rules will be designed. In this respect, several decisions were made: (i) the Working Group will concentrate its efforts on a limited number of measures which are regularly used within European court systems and lie clearly within the core meaning of “protective or provisional measures”; (ii) the Group will not adopt any national model (or taxonomy) but rather use a functional approach based on the purpose served by provisional measures in the European different legal systems.



**Fernando Gascón Inchausti** is Professor of Procedural

Law at the Complutense University of Madrid. He is a Fellow of the ELI and a member of the Council of the International Association of Procedural Law. He is specialised in Civil Procedure and in European Civil Procedure. He is the author of several books, chapters and essays in these legal fields and he has spoken on these topics at many conferences, congresses and seminars.

by Fernando Gascón Inchausti

**“Access to Information and Evidence”** is the subject-matter of one of the three first Working Groups established to implement the general project of drafting European Rules on Civil Procedure. The Group reporters are Professors Neil Andrews (Clare College, Cambridge) and Fernando Gascón (Complutense University, Madrid). The other members of the Group are Professors Frédérique Ferrand (Jean Moulin University, Lyon), Laura Ervo (Örebro University), Viktória Harsági (Pázmány Péter Catholic University, Budapest) and Michael Stürner (Konstanz University).

The Working Group has started its tasks by identifying the ALI/UNIDROIT Principles of Transnational Civil Procedure, as well as the associated Rules, dealing specifically with evidence and access to information, but also those that can be considered to be related to this topic: there is quite an important amount of them, considering that evidence is in the very core of any procedural regulation.

The ALI/UNIDROIT Principles reflect a consensus, a compromise between different legal cultures that has already been achieved and it would not be clever to depart from that basis. But within the European Union the distances are, in many ways, shorter. And this will probably allow the Working Group to go further than the Principles did, in order to propose more detailed rules.

In fact, the main purpose of the Group is drafting a complete and autonomous set of provisions on access to information and evidence, which could be used by national courts in both domestic and cross-border cases. In order to do so, the Group proposes using a tentative five pillar structure:

- I. Scope of Dispute, Relevance and Admissibility
- II. Claimant's and Defendant's Responsibilities and Rights Concerning Evidence and Information
- III. Powers and Responsibilities of the Court Concerning Evidence
- IV. Equal Access to Information and to Evidence
- V. Types and Subject-matter of Evidence

This structure reflects a functional approach, founded on the roles and powers of the parties and the judges, before addressing the two fundamental issues: access to information and evidence, on the one hand; and the types and forms of evidence, on the other (giving special attention to the relationship between evidence and new information technologies).

The Working Group intends to gather additional information (relevant domestic and Luxembourg case law of the European Court of Justice on the European Evidence Regulation; relevant domestic case law on The Hague Evidence Convention; relevant Strasbourg case law on evidence). Special attention will also be given to the 2010 IBA Rules on the Taking of Evidence in International Arbitration.

*by co-reporters Eva Storskrubb & Astrid Stadler*



*Prof. Dr. Astrid Stadler holds a chair of civil law, civil procedure law, private international law and comparative law at the*

*University of Konstanz, Germany and a part-time chair in comparative mass litigation at Erasmus University, Rotterdam. Her main field of research is German, European and international civil procedure law with a special focus on mass litigation. She is vice-president of the German Association of Civil Procedural Law, vice-president of the Association of German Jurists (Deutscher Juristentag) and co-editor of the German "Juristenzeitung" (JZ).*



*Dr. Eva Storskrubb has a background in practising law with a focus on cross-border commercial disputes. She is currently Marie Curie fellow*

*at Uppsala University and her main research interests focus on EU civil justice. She holds a PhD from the European University Institute in Florence and her award winning thesis "Civil Procedure and EU Law - A Policy Area Uncovered" was published with OUP.*

**The Working Group on Service of Documents and Due Information of Proceedings** started its work over the summer and held its first meeting at the University of Konstanz in October 2014. The co-reporters are Prof. Dr. Astrid Stadler and Dr. Eva Storskrubb. The group in addition includes Prof. Dr. Marco de Cristofaro, Prof. Dr. Emmanuel Jeuland, Prof. Dr. Wendy Kennett and Prof. Dr. Dimitrios Tsikrikas. The work of the group is in an investigative phase, focussing on collecting information, in order to progress with drafting in 2015. The group is in the process of gathering information regarding three levels of rules on service: (i) the supranational EU level including the *acquis* on service; (ii) the multi-national level including the Hague Service Convention and other international projects; and (iii) the domestic level. In addition to the various levels of service rules, the group considers that it is important to understand the practical context of service, including how different means of service work today and what the tools currently being developed are, e.g. in relation to electronic service. The group has identified a set of sub-issues in relation to service. Some of these issues are dealt with in the ALI/UNIDROIT Principles of Transnational Civil Procedure. Based on an initial analysis, the group has found that many of the solutions chosen in the Principles are sound, albeit that they can potentially be developed in some respects in further detail for a European setting. However, some issues are not dealt with in the Principles and one task of the group will be to consider to what extent it is feasible to address these in the current project at the European level.

## Conflicts of Jurisdiction in Criminal Law

On 4-5 November 2014, the University of Luxembourg hosted the first meeting of the Working Group on the project “Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law”, led by ELI project reporter Prof. Katalin Ligeti (University of Luxembourg). The project is primarily funded by the *Fonds National de la Recherche Luxembourg*, whereas the ELI financially supports the meetings of the Working Group.

The Working Group consists of renowned academics and practitioners and aims at elaborating an innovative legal framework for the prevention and settlement of conflicts of criminal jurisdiction in the Area of Freedom, Security and Justice (AFSJ). The project has a strong multidisciplinary and comparative dimension drawing on private international law and involves cooperation with the Max Planck Institute Luxembourg. The meeting was divided into four working sessions: Session I outlined the objectives, methodology, working plan and the background study; Session II debated the practical dimension of conflicts of jurisdiction; Session III focused on research questions; whereas during Session IV a comparison was made with conflicts of jurisdiction in the area of private international law.

In Session I, Prof. Katalin Ligeti and Dr. Angelo Marletta presented the Working Group with an overview of the project and the background study. During the discussion a number of suggestions was made, such as to extend the historical background of the analysis and to tackle the issue of negative conflicts of jurisdiction, as well as to identify, from a theoretical standpoint, the procedural moment “when” a conflict of jurisdiction actually arises.

During the next session, Mr Jeannot Nies (Premier Avocat General in Luxembourg), Mr Miguel Carmona Ruano (Spanish liaison magistrate in the UK), Ms Andrea Kenez (Judge at the Metropolitan Court of Budapest) and Dr. Martin Wasmeier (European Commission) offered insights into their

practical experience with conflicts of jurisdictions, which revealed the predominance of informal practices of settlements based on direct contacts between prosecution services and governed by a pragmatic approach; the existence of regional networks dealing with conflicts of jurisdiction between neighbouring countries (Benelux, Nordic countries); and the marginal, in fact, almost non-existent, role played by the defence and the victims as well as the courts.



*Meeting of the Working Group in Luxembourg. In the picture: Angelo Marletta, Martin Böse, Gilles Cuniberti, Katalin Ligeti, Andre Klip, Iain Cameron, Martin Wasmeier, Pietro Ortolani, John Vervaele, Andrea Kenez and Michele Simonato*

Prof. Martin Böse (University of Bonn) joined the meeting during its third Session and presented the findings of his recent research on the topic. The actual impact of restriction of the extraterritorial jurisdiction of the Member States and the role of transfer of proceedings were extensively debated by the group. Subsequently, Prof. Katalin Ligeti introduced the project’s research questions.

During the final Session, Dr. Pietro Ortolani (Max Planck Institute Luxembourg) and Prof. Gilles Cuniberti (University of Luxembourg) outlined different approaches to conflicts of jurisdiction followed by civil and common law countries in the field of private international law. They provided a brief analysis of the *lis alibi pendens* mechanism, *forum non conveniens* doctrine and of the so called

“anti-suit injunctions”. Particular interest was raised by the factors governing the application of *forum non conveniens* in the UK and US practice.

Next meetings of the group are scheduled for March and September 2015 and will take place in Luxembourg and Vienna respectively.

If you are an ELI member and are interested in the project, you can get actively involved by joining the Members Consultative Committee (MCC). More information about the MCC is available [here](#). For further details please contact the ELI Secretariat at [secretariat@europeanlawinstitute.eu](mailto:secretariat@europeanlawinstitute.eu).

## Statement on Collective Redress and Competition Damages Claims approved by the Council



*The 2014 Projects Conference devoted one of its panels to the project © Stipo Vilić*

In its decision of 12 December 2014, the ELI Council approved the Statement on Collective Redress and Competition Damages Claims. This Statement is the outcome of a project initiated under the auspices of the ELI on the basis of a project proposal approved by the Council on 3 September 2013, in Vienna. Since June 2013, when the European Commission launched its Recommendation on common principles for injunctive and compensatory collective redress mechanisms in the

Member States concerning violations of rights granted under Union Law (2013/396/EU) and its proposal for a Directive on Certain Rules Governing Actions for Damages under National Law for Infringements of the Competition Law Provisions of the Member States and of the European Union, the legal community has been following its main developments. On 5 December 2014 the Directive, approved by the European Parliament on 17 April 2014 and by the Council on 10 November 2014, was published in the Official Journal of the European Union.

The ELI Project Team on collective redress and competition damages claims followed this process with expectancy and worked on the texts presented in June 2013 by the European Commission in order to produce a Statement assessing both legal instruments, which identified their implications for Member States and suggested practical improvements for the purpose of a coherent implementation.

Mark Clough QC chaired the Project Team consisting of Yannis Avgerinos, Erdem Büyüksagis, Duncan Fairgrieve, Fernando Gascón Inchausti, Ulrich Magnus, Ken Oliphant, Tommy Petterson, Denis Philippe, Anne-Lise Sibony, Astrid Stadler, Ianika Tzankova, Gerhard Wagner and Diana Wallis. Herman Cousy, Andrea Giussani, Assimakis Komninos, Koen Lenaerts, Henrik Øe, Henrique Sousa Antunes, Walter Stoffel and Nils Wahl were appointed as members of the Advisory Committee.

The Working Group held meetings in Vienna and Brussels in October and November 2013. The second meeting was attended by representatives of the European Commission, who provided insight on the rationale behind the Commission’s proposals as well as on the status of the legislative process. Another meeting took place in January 2014 in Vienna, after which a first draft of the ELI Statement on Collective Redress and Competition Damages Claims was reviewed by the Advisory Committee.

The Statement on Collective Redress and Competition Damages Claims is structured in two sections. Section I is an assessment of the Recommendation. Section II contains an assessment of the European Commission's Proposal for a Directive in the light of its practical implications for damages claims in national courts and for the effectiveness of competition damages. This section of the Statement includes concrete suggestions which the ELI communicated to European Institutions during the legislative process. Its aim is to improve the effectiveness of competition damages claims in national courts in the light of the Directive and to maximise its practical utility, while also endorsing the Communication on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union.



*Mark Clough QC led the fourteen-strong Project Team © Stipo Vilić*

The draft Statement was also subject to discussion at one of the panel sessions at the ELI 2014 Projects Conference in Zagreb. The leader of the project, Mark Clough QC, and Yannis Avgerinos, a member of the Project Team, presented the preliminary outcomes of the work to the conference participants and discussed the latest developments together with other prominent experts in the field.

The [full text](#) of the Statement can be found in the [publication section](#) of the ELI website.

## Diana Wallis represents the ELI in Münster and Brussels

Diana Wallis was welcomed to Münster University on Monday 10 November to give a lunchtime talk about the work of the ELI, and to deliver an evening lecture entitled: "Celebrating an unwritten Constitution? 800 years since Magna Carta 1215-2015".

The event was well attended and provided an excellent opportunity for the work of the ELI to be presented to some prospective members and interested parties at close quarters.



**10 NOVEMBER, MÜNSTER UNIVERSITY**

Diana Wallis was a speaker at a conference entitled "The EU's Business? Ensuring remedy for corporate human rights abuses" held at the European Parliament on 12 November 2014. The event aimed at gaining an understanding of the legal and institutional frameworks pertaining to civil justice in business and human rights, as well as in the environmental, competition, and consumer fields in Europe. During the event, a high-level debate on potential solutions to support the adequate implementation of the third pillar of the UN Guiding Principles on Business and Human Rights (i.e. access to remedy) in the EU area of civil justice also took place. Particular attention was paid to the respective roles of the



**12 NOVEMBER, EUROPEAN PARLIAMENT**

EU Institutions and Member States in ensuring effective judicial remedy in Europe. The event brought together stakeholders from academia, legal profession, business, civil society, and policy makers.

## Executive Committee Meeting in Vienna

On 5 December the Executive Committee met for the last meeting of this year at the ELI Secretariat in Vienna. The members of the Committee gathered for a further round of fruitful discussions following their last meeting in Zagreb in September. Various topics ranging from financial matters and bookkeeping, to the negotiations of a detailed co-operation agreement with the University of Vienna in relation to the hosting of the Secretariat were discussed at this full day meeting.



One of the main subjects of discussion was the preparation of the upcoming Council meeting on 13 February 2015 in Vienna. As discussed at the last Council meeting in Zagreb, the Executive Committee was tasked with devising a strategy for subject specific interest groups, the so-called SIGs, which should be presented to the Council in February. The Executive Committee also plans to present a response to the Senate's report, which was submitted to the Council at the February 2014 meeting.

In addition, the Executive Committee made arrangements for the 2015 elections, which will be once more overseen by Irmgard Griss as the Returning Officer. According to the Election Byelaw, 30 seats of the Council will be put to elections at the General Assembly in 2015. More details on the procedure will be shared shortly with the Council and the membership. In relation to projects, members of the Committee reported on the progress of various projects. Diana Wallis and John Sorabji for example reported on the ELI/UNIDROIT joint project and the latest successful meeting in Rome (for more on that topic, see pages 2-4). Ideas for potential projects in the area of human rights, mediation and family law were examined and will be presented in February to the Council. Further preparations were made with regard to the 2015 Annual Conference and General Assembly taking place in Vienna from 2-4 September 2015.

With the holiday season approaching, the Executive Committee would like to extend their very best holiday wishes to ELI members and friends and is looking forward to a further successful cooperation in the New Year.

## Changes at the ELI Secretariat

Alina Lengyel, who arrived at the Secretariat as Alina Waloszczyk back in March 2012, will be leaving the ELI at the end of the year. During her time at the ELI, Alina has been a leading member of the Secretariat. As Projects Officer she has worked closely with ELI bodies as well as project reporters and project teams to ensure that designated milestones are reached, and the large amount of behind-the-scenes work essential to every project, is completed. Alina's competence and hard work have been major contributing factors to the fruition of early ELI projects and she has set a wonderful example for future ELI project officers.



Project coordination will in future be the task of new staff member Adi Bikić. Adi was born in Bosnia, partially raised in Germany and is now living in Vienna. During his legal studies Adi gained valuable working experience with various international law firms and international organisations, such as CMS Cameron McKenna LLP, the European Law Students' Association (ELSA), Freshfields Bruckhaus Deringer LLP, Wolf Theiss, and the Vienna International Arbitral Centre (VIAC).





## A Look Back at 2014...

being discussed by the Council and Executive Committee, existing project teams worked efficiently throughout the year to yield excellent results. The ELI's third publication, its ["Response to the European Commission's Public Consultation on the review of the EU copyright rules"](#), was approved in February 2014, after being prepared at short notice by a group of experts led by Axel Metzger and Reto Hilty, reporters for the ELI Instrument on Principles of European Copyright Law.

Also working hard in January and February was the Collective Redress Project Team, led by Mark Clough QC, as they prepared to send their first draft to the project's Advisory Committee for comments. The draft was later discussed at the Projects Conference in Zagreb, and was approved by the Council as an [ELI Statement](#) in December 2014 (see pages 6-7).



*The Collective Redress Project Team works on its draft Statement*

Another addition to the list of achievements in 2014 is the publication of the ["First Supplement to the CESL Statement"](#). This addition to the 2012 Statement comes as a reaction to the September 2013 Report of the JURI Committee and the subsequent European Parliament's Legislative Resolution of 26 February 2014. It deals largely with the possible limitation of the CESL's scope to distance contracts as well as legal issues concerning cloud computing and digital content.

Experts working on the Civil Procedure project were also kept busy in 2014 with several meetings of the Working Groups and Steering Committee. After early meetings and an exploratory workshop

As the ELI comes to the end of its third full year of existence, the Institute can look back on a year of change and progress. Meetings of the Senate, Council and several Standing Committees in February marked the first main event of the year, and saw an ambitious agenda set out for the months ahead. In accordance with suggestions from the Senate to streamline the ELI's administrative processes, the Council Composition and International Relations Committees were abolished, their responsibilities delegated to the Executive Committee and the Council at large. The Projects Committee was also dissolved, with the Executive Committee assuming its responsibilities until the planned subject specific interest groups are established.



*Meetings of the Council, Senate and Standing Committees set an agenda for the year ahead*

While changes to the structures for the establishment and monitoring of projects were

on the topic were held in Vienna in 2013, meetings this year have mainly taken place in Rome at the headquarters of UNIDROIT, the ELI's partner institution in this venture.



*The project on Business Rescue in Insolvency law was discussed at the 2014 Projects Conference © Stipo Vilić*

The project on *Rescue of Business in Insolvency Law*, a longer term endeavour which will result in the publication of an ELI Instrument, has also made great progress in 2014. The project reporters, Stephan Madaus, Bob Wessels, Kristin van Zwieten have been collecting inventory reports from National Correspondents in 14 European countries, and after their assessment will present the first results at a conference in Vienna in March 2015.

Most recently, the Working Group on the project "Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law", led by Prof. Katalin Ligeti (University of Luxembourg), has held its first meeting. More details can be found on page 5.

As well as expanding its portfolio of projects, the ELI has also grown significantly in terms of membership. 173 new Fellows and Observers brings the total to well over 1,000 individual members, while the number of Institutional Observers has grown to 80. Amongst the 24 new Institutional Observers are international law firms Mannheimer Swartling, Vinge and Garrigues, several university law faculties, national supreme courts such as the Supreme Court of Spain and the Constitutional Court of Belgium, and international bodies including the European Parliament. Encouraging and maintaining diversity amongst members has been a key aim of the

Membership Committee this year, and the efforts of Chair Walter Doralt and his colleagues have paid off. 2014 has seen the ELI's first Institutional Observers from Turkey (Izmir University of Economics Faculty of Law) and Ireland (University College Dublin Sutherland School of Law) and a flurry of interest from South East Europe, aided by the hosting of the 2014 Projects Conference in Zagreb, Croatia. Joining the Law Faculty of the University of Sarajevo and the Supreme Court of the Republic of Croatia, Institutional Observers since 2013, are the South East European Law Schools Network, the University of Zagreb Law Faculty, the Social Sciences Research Center of the International Burch University Sarajevo, and the European Centre for Dispute Resolution in Slovenia. The representation of individual members from this region has also increased during the past months.



*The launch of the Slovenian Hub in Ljubljana*

Partly to thank for the growing membership and increased dissemination of information about the Institute across the continent are the activities of national hubs. ELI hubs were launched this year in Slovenia and Croatia, and existing hubs, for example those in Germany, Austria, Ireland and the UK, have continued their work, hosting seminars and talks for local audiences.

For further details of the events and milestones of the past twelve months, you can access the previous ELI newsletters on [this page](#) of the website.

## Welcoming two new Institutional Observers

The **Bundesnotarkammer** is a body established and governed by federal law representing the German civil law notaries as a whole in the process of political decision-making at the national level. The Bundesnotarkammer also coordinates the activities of the regional chambers. It is led by a seven-man steering committee and officially represented by its president, elected for a term of four years. Members of the Bundesnotarkammer are the 21 regional chambers of civil law notaries which usually operate on a state-wide basis. The regional chambers represent their respective members and ensure the compliance with professional ethics. In addition, they advise their members on disciplinary matters and ensure continuing education. Furthermore, they cooperate closely with the respective state government (Department of Justice and competent courts as supervisory authorities) regarding the appointment and the supervision of notaries. The Deutsches Notarinstitut (German Notaries' Institute), based in Würzburg, is a highly recognised legal think tank founded by the Bundesnotarkammer in 1993. All German notaries can rely on its support in more complex cases.

**Social Sciences Research Center of the International Burch University** was established in 2013 with the aim of providing assistance and aid to scientific research in the field of social sciences with special focus in law. In addition, the goals of the Center are to affirm the center as a place of meeting and cooperation between scientists and experts in Bosnia and Herzegovina as well as the region. The activities of the Center are conducted through research, the organisation of conferences, seminars, symposiums and discussions, and results are presented in many forms, such as journal publications and papers.



## Have you paid your 2014 fees?

*As the year draws to a close, please make sure that your membership fees for 2014 have been paid. If you are unsure as to whether or not your fees are still outstanding, please contact the [Secretariat](#). The easiest way to pay your fees is via the [PayPal function](#) on the [ELI website](#). Many thanks!*

## Coming up in 2015...

- FEB

Council Meeting 13 February 2015, Vienna

The Executive Committee, Council and some of its standing committees will meet in Vienna in mid-February. One of the tasks facing the Council will be to discuss and begin the mid-term elections to take place at the GA in September.
- MAR

Business Rescue in Insolvency Law Conference 19-20 March 2015, Vienna

Those involved in the project will meet in March for a two-day conference, at which the national inventory reports will be presented and discussed.
- SEPT

Annual Conference 2-4 September 2015, Vienna

The Annual Conference will return to Vienna in 2015 and will take place at the Austrian Academy of Sciences. The agenda will include many sessions on current projects, as well as addresses from prominent keynote speakers and the annual General Assembly, this year including Council elections.

## Season's Greetings!

Dear ELI Members and Friends,

On behalf of the whole Executive Committee and myself, I would like to express my great thanks for your ongoing support of the ELI. The relevance of the Institute and its work was clear to see at the 2014 Annual Conference in Zagreb, which played host to fantastic debates from some of the continent's leading jurists. This event, along with the many other meetings of project teams and committees, would not have been possible without the input, both material and intellectual, of ELI Members.

Along with my gratitude for your support throughout 2014, may I wish you and your loved ones my very best greetings of the season, and a happy and prosperous start to the New Year.

Diana Wallis



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*Building on the wealth of diverse legal traditions, the European Law Institute's mission is the quest for better law-making in Europe and the enhancement of European legal integration. By its endeavours, the ELI seeks to contribute to the formation of a more vigorous European legal community, integrating the achievements of the various legal cultures, endorsing the value of comparative knowledge, and taking a genuinely pan-European perspective.*