



# ELI

EUROPEAN  
LAW  
INSTITUTE

# ELI Updates

## Sept-Oct 2014



### **GREETINGS FROM JASNA OMEJEC, PRESIDENT OF THE CONSTITUTIONAL COURT, REPUBLIC OF CROATIA**

Dear ELI members, dear colleagues,

It is a great pleasure to have been asked to open this month's newsletter following the 2014 Projects Conference and General Assembly that was held in Zagreb. As President of the Constitutional Court of the Republic of Croatia I am glad that the event was organised in Croatia, which made it possible for us to get better insight in activities of the European Law Institute (ELI).

Let me first say that your success is remarkable, given that the ELI was founded only in 2011. I have learned about numerous projects that have contributed to the European legal development and strengthening the rule of law, like the project on the reform of the European Court of Human Rights in Strasbourg. Your organisation is truly valuable in building the common European legal area, which is extremely important given that our continent is a mixture of different law systems, cultures and languages.

As a Constitutional Court judge from the youngest EU member state, I can testify to the importance of every source or project aimed at integrating and aligning the Croatian legal system with the European one. These are enormous challenges for us, which can be much more easily accomplished with the help of ELI projects and cooperation.

As I said at the 2014 Projects Conference as a speaker on the Panel on the future of human rights litigation in Europe, Croatian citizens now live synchronously within several different legal areas, each with their own fundamental rights catalogues. In this complex surrounding the Constitutional Court has played a crucial role in transposing the European legal standards into the domestic legal order, as the judge of the ECtHR from Croatia has recently put it. I can only add that the Constitutional Court's interpretation of constitutional norms in accordance with the European legal standards has been gradually promoting general criteria and guidelines for certain governmental actions. At the same time, it has contributed to what is called the "constitutionalisation of legal mind-set". But we can always do better! To that end, I welcome every ELI project aimed at raising our capacity for building a democratic society based on the rule of law and, especially, the successful participation of the Croatian Constitutional Court in the European multi-level judicial cooperation.

I sincerely hope that Croatian legal professionals will find in the ELI an even stronger partner and I do wish you all the best in all future endeavours. As the President of the Constitutional Court of Croatia I can say that our Court is always open for new ideas and an exchange of experiences that can help us reach the European level of legal development. However, this can be a two-way street. Maybe our experience can enrich ELI's comparative knowledge, its genuine pan-European perspective and help it to further improve the quality of law in Europe. In that light we are examining the possibility of becoming an ELI Institutional Observer and encourage also other regional Constitutional Courts to follow.

Sincerely yours,

Professor Jasna Omejec

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## Projects Conference and GA 2014: A Report

On 24 September, the 2014 ELI annual event officially began with an opening ceremony at the Croatian State Archives in Zagreb. After a welcome address by ELI President Diana Wallis, Prof. Hrvoje Sikirić, Dean of the Faculty of Law of the University of Zagreb, welcomed the guests in the name of his Faculty, which co-hosted the Projects Conference and the General Assembly 2014.

Prof. Sikirić outlined the Faculty's vision to remain the leading institution for higher education and research



*Diana Wallis (centre) was joined at the opening ceremony by Dean of the University of Zagreb Law Faculty Prof. Hrvoje Sikirić (left) and Deputy Minister of Justice Sandra Artuković-Kunšt (right). © Stipo Vilić*

in the region by enhancing its presence on the international stage and fostering participation in projects related to higher education and research in the area of European law. Prof. Sikirić also highlighted the important role played by the Law Faculty in Croatia's recent accession to the European Union. Forty-five of its professors acted as members of various Croatian government teams during the accession negotiations. As a result, Prof. Sikirić considers the 2014 ELI

conference to be a recognition of the Faculty's long lasting commitment to contribute to the introduction and implementation of European law.

Following Prof. Sikirić's speech, Deputy Minister of Justice Sandra Artuković-Kunšt took the floor and highlighted the complexity of the previously mentioned negotiations between the European Union and Croatia; during the ten year alignment process, a total of 683 Croatian laws and about 1,500 bylaws were aligned with those of the EU.

The Croatian accession to the EU marked the completion of one difficult process, but paved the way for another; the implementation of EU law in Croatia. This represents a continuous process and one which will require an exchange of knowledge and expertise amongst the entire legal community in Croatia and its counterpart in other EU states. In this respect Ms Artuković-Kunšt highlighted the



*The opening ceremony and conference were held in the historic Croatian State Archives. © Stipo Vilić*

value of the ELI and its diverse membership. She believes that ELI projects will stimulate the development of European law and help both the national states and the European Institutions to improve the current law and shape future legislation.

The opening ceremony's thought-provoking speeches and reception provided a fitting start to the two-day event which not only played host to many in-depth discussions but also gave participants an opportunity

to get to know each other in more informal settings. As well as the conference, participants were also treated to a gala dinner at the historic Gradska Kavana restaurant, kindly sponsored by three local law firms, Borić i Partneri, Glinska & Mišković and Zurić i Partneri. Moreover, attendees were given the opportunity to enjoy a traditional Croatian dinner complete with local musicians on the final evening of the Conference and General Assembly.

Progress was also made on current projects at the MCC (Membership Consultative Committee) meetings, at which individual ELI members and representatives from our network of Institutional Observers were able to give feedback to the project reporters for the projects on administrative procedural law, criminal law and insolvency.

Detailed reports on the Conference's panel sessions and content of discussions at the General Assembly can be found on the following pages along with a selection of pictures of the event. Transcripts of some of the speeches and presentations are available on the [ELI website](#).



## *1<sup>st</sup> Panel Session: Collective Redress*

After months of hard work, the Project Team on Collective Redress issued an analysis - an ELI draft Statement - of the most controversial aspects of the Recommendation on collective redress and the Directive on competition damages claims. At this year's Projects Conference a panel session provided an opportunity for the Project Team and other experts to describe and justify their initial analysis. Mark Clough QC, chair of the panel and the ELI Project Team, provided more details on the Statement. Referring to the Recommendation, he emphasised that it is not just an instrument about competition law but an instrument that enables collective actions to be brought to national courts by those who are harmed by any infringement of EU tort law. He referred to many concrete aspects of the Recommendation and of the Directive, such as collective alternative dispute resolution, opt-in and opt-out, and cross border collective redress cases. In this regard, the ELI Project Team supports the position of the European Commission, stating that Member States should be encouraged to recognise a representative body that has been authorised in one Member State in another. Yannis Avgerinos, a member of the ELI Project Team, focusing on the parts of the ELI draft



*From left to right: Yannis Avgerinos, Nicholas Forwood, Mark Clough, Georg Kodek, Filip Kubik. © Stipo Vilić*

Statement which relate to the Directive, referred to disclosure of evidence, the effect of national decisions, passing on defence and funding. As regards funding, the ELI Project Team welcomes the existing funding programmes for training EU competition law for judges and it advises the Commission to consider the establishment of new funding programmes in EU competition law, which would be focused and specialised on this Directive. Mr Avgerinos stated that this would be extremely useful both for judges and also for other players of competition law.

The floor was then given to Filip Kubík (DG Justice) who was involved in the process of drafting the recently approved Directive on competition damages claims. According to him, the Directive has two goals: to remove the obstacles to effective damages actions and to optimise the interplay between the damages actions and the public enforcement.

He highlighted the difficulties faced by judges in estimating harm, and he reminded the participants that the Directive does not necessarily aim at creating more litigation, if compensation can be achieved through out of court mechanisms.



*After the panelists presented their findings they responded to audience questions and comments. © Stipo Vilić*

Passing on of

overcharges and joint and several liability were, inter alia, some of the aspects covered in his speech. In reference to the implementation of the Directive by Member States, he highlighted that this is still work in progress and that time will tell which Member States manage to evolve the best approaches.

Judges Nicholas Forwood and Georg Kodek gave insight into the European and national judicial perspective. Reflections on why the process of establishing this framework took so long were made by Judge Forwood, who thanked the ELI for embarking in this challenging project. After giving an overview of the most relevant cases and challenges faced by his court, Judge Forwood reflected on what is expected from national courts in relation to making difficult economic assessments in the context of competition cases with an optimistic tone. Judge Kodek focused on opt-in and opt-out, one of the crucial aspects of collective redress, describing the positive and negative aspects of each approach. He highlighted the positive contribution of the opt-out procedure to the efficiency of proceedings. However, he confirmed the constitutional and human rights concerns against opt-out in many European legal systems. In this context, Judge Kodek raised the question whether an intermediate way between opt-in and opt-out could be possible.

The floor was then open for discussion with the audience. The need for clarification on the definition given to “public enforcement” in this context was stressed by Leo Netten, President of the International Union of Judicial Officers, while Professor Christian von Bar (University of Osnabrück) questioned the role of causation as a necessary element of liability. Filip Kubík clarified that causality has a role to play and that the Directive did not move away from that. Questions and reflections about access to documents, the role of judges in the calculation of damages and some concerns about legislative coherence were also raised by the public during a fruitful discussion that gave a fitting conclusion to the first panel session of the 2014 Projects Conference in Zagreb.

## 2<sup>nd</sup> Panel Session: Human Rights Litigation

Featuring four eminent judges from across Europe and chaired by Diana Wallis, the Conference's second panel session provided a platform to discuss the future of human rights litigation in Europe.

Paul Mahoney, a Judge at the European Court of Human Rights (ECHR), was the first to take the floor, and began by referring to the ELI's 2012 "Statement on Case Overload at the ECHR", a project which he led. He informed the audience of the measures recommended by the Statement which the court is implementing (e.g. a single judge procedure for clearly inadmissible applications, priority policy) showing how effective and tangible an ELI project in the field of human rights can be. In terms of the future of litigation in this field, Judge Mahoney predicted that the European Union's process of accession to the European Convention on Human Rights will be completed within five or six years, and that this process will reduce the risk of diverging jurisprudence on human rights. The ECHR and the Court of Justice of the European Union (CJEU) must continue to hold a dialogue and compare their mutual case law issues, ensuring practical cooperation which will maintain the effectiveness and coherence of human rights protection in Europe. As to the situation on a national level, Judge Mahoney underlined the key role of national authorities and national courts as the main protectors of human rights, and commented that the ultimate success of the Convention system will depend on the quality of the cooperation between the courts in the member countries and the ECHR.

Picking up on Judge Mahoney's comments on the role of national courts, Jasna Omejec, President of the Constitutional Court of the Republic of Croatia, offered her perspective on the situation and reported that the European Convention on Human Rights and the ECHR case law have become a main tool in the hands of the Croatian Constitutional Court for the transposition of the European legal standards in the domestic legal order. She called for cooperation between the three legal areas which apply to Croatia on human rights: national legislation, the European Convention on Human Rights and the Charter of Fundamental Rights. Only with such cooperation, and a willingness for national lawyers and judges to actively contribute to this cooperation and three-way conversation, can effective tools for multi-level judicial cooperation in Europe be developed.

Pauliine Koskelo, President of the Supreme Court of Finland, was next to present her views to the audience and she too commented on the role of national judges. The problem this group faces results from the multiplicity of sources of fundamental rights, and uncertainty about which should be applied. President Koskelo analysed different possible approaches (separation by scope of application; separation by reference to the hierarchy of norms; separation by reference to the classification of certain norms as minimum norms) and concluded that substantive coordination must be the primary method or approach to deal with these multiple sources of fundamental



From top to bottom: Diana Wallis, Paul Mahoney, Jasna Omejec, Pauliine Koskelo, Marko Ilešič. © Stipo Vilić



*The panelists welcomed comments and questions from the audience*

© Stipo Vilić

rights. In her closing comments she recognised that inherent difficulties exist because of the potential for disagreement, and that there will be a genuine need for tolerance of divergences, albeit a tolerance which must be earned by proven competence.

The final panelist to contribute to the session was Marko Ilešič, a Judge at the Court of Justice of the European Union and President of its Third Chamber. Picking up on Judge Mahoney's comments at the start of the session he noted that the Luxembourg and Strasbourg courts will co-exist and there will certainly be scenarios in which decisions will differ; it is the nature of courts to rely on a judge's interpretation and conclusions which are occasionally discrepant are a normal consequence of the collegiate way of deciding. He also commented on the evolution of human rights in Europe and gave some remarks on the extent to which the Court of Justice of the European Union deals with human rights.

Concluding the session Diana Wallis summarised that the coming years will be decisive for human rights litigation in Europe, and heeding the words of the panelists to establish and maintain cooperation and communication across all levels, while fostering mutual respect and tolerance of deviation will help ensure progress is made.

## *3rd Panel Session: Involvement of Practitioners*

The third and final panel session of the 2014 Projects Conference focused on ways to improve the involvement of practitioners in the ELI's work and gathered representatives from six eminent organisations. The panel was chaired by ELI Vice-President Christiane Wendehorst and featured Alasdair Lewis, President of the European Land Registry Association, Maria Ślęzak, Vice-President of the Council of Bars and Law Societies of Europe, André Michielsens, President of the Council of the Notariats of the European Union, Branko Hrvatin, President of the Croatian Supreme Court and representing the Network of the Presidents of the Supreme Judicial Courts of the Member States of the European Union, Leo Netten, President of the International Union of Judicial Officers, and Paul Gilligan, President of the European Network of Councils for the Judiciary.



*From left to right: Paul Gilligan, Branko Hrvatin, Alasdair Lewis, Christiane Wendehorst, André Michielsens, Maria Ślęzak and Leo Netten. © Stipo Vilić*

First to speak was Alasdair Lewis, who underlined the challenge facing the ELI of balancing the demographics of academics, practitioners and legislatures. Although challenging, the achievement of such a balance is essential, and Mr Lewis pointed out the added-value that practitioners will bring to ELI projects. After initial efforts are made to include practitioners in the ELI's work, the cycle should continue

itself; future ELI projects, all the better for their strong involvement of practitioners, will go on to attract heightened attention and interest amongst this group.

Maria Ślęzak contributed many salient points to the debate, including the suggestion that attending ELI events could be part of the Continuing Legal Education (CLE) programme which is required of practicing lawyers. Furthermore she proposed that ELI events are organised in as many places as possible, so as to make the Institute and its events accessible to a diverse group. Commenting on the best way to communicate with practitioners, Ślęzak underlined the necessity of keeping messages brief and clear.

Next to address the audience was André Michielsens, who focused on the kinds of projects which would be of real relevance to practitioners. He suggested a long-term plan on legal instruments which could encompass proposals for new instruments and assessments of existing instruments which are not being implemented to their full potential.

Panellists Branko Hrvatin and Leo Netten also paid attention to some specific projects which might interest practitioners, namely the concept of proportionality in European case law and the development of a global code of enforcement.

Paul Gilligan was the final panelist to present his views, which focused on obstacles to the involvement of judges in the ELI. Judges are at the front line of interpreting civil, common and EU law, making their involvement in ELI activities all the more crucial. However, issues of time, incentive and finances pose serious challenges to the readiness and ability of judges to become significantly involved in the ELI's work; a difficulty which the ENCJ and ALI also suffer from. In order to best address and solve this problem, Mr Gilligan suggested establishing a small committee within the ELI to tackle the problem directly and mentioned that he has personally been exploring the possibility of organising an ELI event specifically for judges. In terms of a concrete project which would attract judges' interest, Gilligan mentioned Alternative Dispute Resolution (ADR), suggesting that the ELI might consider producing guidelines on the use of ADR across the EU.

Comments from the audience at the end of the session showed that the panelists' remarks were understood and welcomed. Amongst those present who offered further insight on the topic were Walter Doralt, Chair of the ELI Membership Committee, who appealed to all ELI members to actively approach practitioners amongst their own contacts, informing them about the ELI's work and suggesting they might apply for membership. Gert-Jan Boon, a researcher who is assisting project leader Bob Wessels on the Insolvency Project, pointed out the project's policy of appointing one academic and one practitioner to act as national inventory reporters; an encouraging example of how the deliberate and determined inclusion of practicing legal professionals can ensure partnership between the worlds of academia and practice.



*Walter Doralt (left) and Gert-Jan Boon (right) are amongst the participants to offer comments. © Stipo Vilić*

## Project Reports

The 2014 Projects Conference also included project reports on four of the Institute's current projects. Project Reporter Bob Wessels informed participants about the latest developments in the project on Business Rescue in Insolvency Law, Radim Polčák, Advisory Committee member for the Statement on EU Copyright Rules provided an update on this project, Project Reporter John Vervaele reported on the current status of the project entitled "Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law" and finally John Sorabji provided an update on the Civil Procedure project, being carried out in conjunction with UNIDROIT.



From left to right: Bob Wessels, Radim Polčák, John Vervaele, John Sorabji. © Stipo Vilić

## MCC Meetings

Meetings of three Members Consultative Committees took place in Zagreb, on the morning of 26 September. The MCC on Criminal Law, chaired by Joseph Davids, and the MCC on Administrative Procedure, chaired by Marc Clément, held their second meetings, having convened for the first time at the 2013 Projects Conference in Vienna. The MCC on Insolvency met for the first time, and elected Tatjana Josipović, Professor at the University of Zagreb Law Faculty, as its chair.



MCCs allow ordinary members to directly provide project teams with feedback on their work. © Stipo Vilić

## 26 September 2014: General Assembly

The 2014 General Assembly (GA) opened with an address by Hubert Legal, Legal Adviser to the European Council and Director-General of the Council Legal Service. The topic of his speech was the rule of law, and the full text can be read [here](#).

Following Mr Legal's address, the GA fulfilled its formal duties such as approving the minutes of last year's

meeting and the financial reports. Attendees heard from the chairs of standing committees and the Executive Committee informed the gathered members of some proposed changes to the structure of the Institute, namely

replacing the current Projects Committee with a series of Subject Specific Interest Groups. More on this proposal can be read in the Council Meeting report on page [ten](#).

The first committee report was delivered by Treasurer and Fundraising Committee Chair Johan Gernandt, who presented an optimistic outlook on the upcoming years, despite reporting that the difficult financial climate in Europe has largely rendered the Fundraising Committee's attempts to source extra income for the ELI unsuccessful. On a more positive note, he reported that the funding agreement with the University of Vienna, which covers the running costs of the Secretariat, is to be continued until 2019.

Commenting on progress made in the field of projects, Diana Wallis expressed her satisfaction at the progress made so far this year on projects, specifically mentioning the short-term reactive work in the form of the ongoing Collective Redress project

and the response to a Commission consultation prepared by members of the ELI Copyrights project team and published back in February.

Walter Doralt, chair of the Membership Committee took to the floor next, and was pleased to report very positive results in terms of membership. The ELI can now boast more than 1,000 individual

members and has also gained many new eminent institutional members bringing the total to more than 70. Closing his report he once more urged members to be proactive in suggesting ELI membership to suitable



*Hubert Legal opens the 2014 General Assembly with a keynote speech on the Rule of Law. © Stipo Vilić*

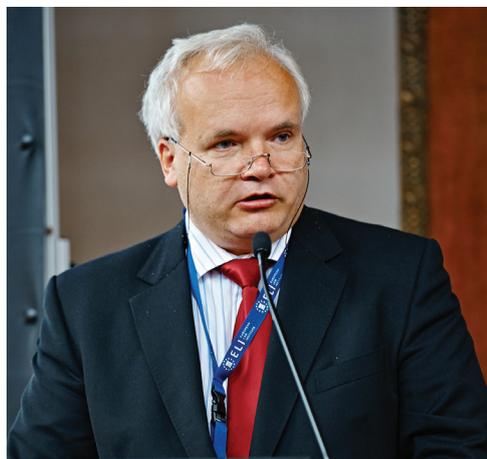
colleagues and acquaintances.

Chair of the International Relations Committee Sjef van Erp delivered the last report, mainly focusing on the trans-Atlantic ties which he and his Committee have been fostering. The ALI continues to follow the ELI's progress with interest and discussions are underway with the American Bar Association as to future cooperation. Sjef van Erp also reported on attending the general meeting of the United States Uniform Law Commission (ULC), and informed the GA that, together with the Executive Committee, he would lead negotiations with the ULC on possible future collaboration.

The 2014 GA was concluded by Pavel Svoboda, chair of the Legal Affairs Committee of the European Parliament, whose kind words instilled confidence and motivation in the ELI's leaders and members alike. Recognising the essential role that international forums and initiatives will play in the success of the "European project", Mr

Svoboda expressed his view that the ELI is a highly encouraging example, noting that the Institute has created itself from nothing within a short space of time and its publications have already won attention and respect. He confirmed that it is extremely useful for the legislature to be provided with objective advice, such as that offered by the ELI. Mr Svoboda

ensured that the established links between the ELI and the European Parliament would continue to be fostered, and he invited representatives of the ELI to come to the European Parliament in order to explain the Institute's objectives to the Legal Affairs Committee, and the Committee on Civil Liberties, Justice and Home Affairs.



*Pavel Svoboda provides closing remarks to the 2014 GA. © Stipo Vilić*



*At the GA, Fellows and Observers of the Institute can pose questions or comments to the leading members of the Institute. © Stipo Vilić*



## *26 September 2014: Council Meeting*

The members of the Council met following the General Assembly on 26 September. The debate focused on the forthcoming ELI projects and the development of an ultimate projects strategy. In that context, the Council endorsed the proposal of the Executive Committee (EC) to centralise the executive part of the project management to members of the EC, but at the same time to decentralise the process



*The Council meets after the 2014 General Assembly in the Assembly Room of the Law Faculty of the University of Zagreb. © Stipo Vilić*

of identifying new projects and involve more ELI members in the substantive project work. The EC's proposal was a reaction to the suggestions made by the Senate in February. The idea of creating expert interests groups was put forward by members of the Committee, who see it as a forum for

generating ideas for projects and preparing concrete proposals thereof. Such interest groups would provide ELI members with the opportunity to articulate any obstacles and issues which they encounter in their daily professional lives and to bring forward solutions around which ELI projects could be based. The decision made at the Council meeting means that the tasks of the Projects Committee will be delegated to the EC

for the next 12 months, during which time the EC will develop a proposal for a new, long-term strategy.

At the meeting Council members made numerous suggestions with respect to future projects. Walter Doralt suggested the ELI concentrate its efforts on the revision of existing laws, contribution to improvement of EU legislation and, where appropriate, to further harmonisation or deregulation. He underlined that this sort of contribution cannot be expected of any existing institutions and it could be of immediate practical utility to the European legislator. Insofar future projects are concerned, numerous Council members referred to the project ideas put forward by Paul Mahoney during the panel session on a potential project in the field of human rights and migration, which seems to have sparked much interest. A more detailed account of that panel session can be found on page [five](#).

## **MEMBERS CONSULTATIVE COMMITTEE ESTABLISHED FOR CIVIL PROCEDURE PROJECT**

*At its meeting in Zagreb, the Council decided to establish the Members Consultative Committee for the project From Transnational Principles to European Rules of Civil Procedure. If you are interested in joining the MCC please send an email to [secretariat@europeanlawinstitute.eu](mailto:secretariat@europeanlawinstitute.eu). You can read more about the project on the ELI website; more information on the recent developments in the project will be featured in the December issue of the newsletter.*

*As a member of the MCC you will be given a chance to comment on the project plan, preliminary results and other relevant documents. You will be informed of project related meetings and events. The members of the Committee conduct their work on MyELI or via email and, whereas a physical meeting is organised once a year on the occasion of the annual conference. If you have any questions, do not hesitate to contact the Secretariat.*

## **Successful Launch of the Croatian Hub**



*The event began with an address from Branko Baričević and a presentation on the ELI by Diana Wallis. © Stipo Vilić*

The Croatian Hub launch on 26 September 2014 was hosted by the European Commission Representation in the Republic of Croatia, and a welcome was provided by its head, Branko Baričević. The event's attendees ranged from well-known professors and judges to attorneys and law students. Mr Baričević expressed his gratitude that Croatia's legal community will now have a meeting point to discuss and perhaps influence the development of law in Europe. Furthermore, he offered to host the hub's upcoming events not only in Zagreb but also in other Croatian cities.

The welcome address was followed by an ELI presentation delivered by President Diana Wallis. The presentation focused on the importance of the ELI for the

development of European law and outlined the challenges of the upcoming legislative period 2014 – 2019 at a European level. As she pointed out, the European legislature will need help and the ELI has already demonstrated that it can and will help to shape new laws.

President Wallis' speech was followed by a panel discussion on "The Croatian legal system and judiciary one year after accession to the EU". The panel included some of Croatia's most influential lawyers and was moderated by Tatjana Josipović, professor at the Faculty of Law of the University of Zagreb and one of the main organisers of the Croatian hub.

Jasna Omejec, President of the Constitutional Court, and Branko Hrvatin, President of the Supreme Court, focused on the changes that EU accession has brought to the judicial system in Croatia. President Omejec and President Hrvatin both emphasised that the large number of new laws and regulations presents a challenge to the judicial system; a challenge which can only be overcome by extensive training of judges at all levels.

Jakša Barbić, Vice-President of the Croatian Academy of Sciences, underlined the issue of imprecise translation of European provisions into Croatian. This is in part due to the use of English versions of the new provisions as the source texts for

translation. In his view this was the wrong approach; the German legal system and its concepts are much more similar to the Croatian legal system and therefore translations from German into Croatian would have been more suitable. To illustrate the point, Mr. Barbić mentioned the case where an interpreter translated "supreme court" as "vrhunsko igralište", a phrase which in Croatian can only be understood as "great playing field" and not as the country's highest court.

Zoran Vukić, Vice-President of the Bar Association, and Denis Krajcar, President of the Committee for International Cooperation of the Notaries Chamber, contributed to the discussion with an analysis of the EU's free movement rights of professionals. These free movement rights are tremendously interesting for Croatia's legal community as they enable foreign lawyers to practice law in Croatia, something which has never before been possible.

The event provided a rare chance to review and consider the challenges that Croatia's legal system is facing after EU accession, and it is hoped that future events of the Croatian Hub will continue to provide a platform for such discussions.

[Tatjana Josipović](#) will act as the contact person for the Croatian Hub and can be contacted on matters relating to the Hub's activities. Commenting on the significance and aims of the newest ELI hub she said: "The main goal of the panel discussion at the Croatian Hub launch was to reconsider from different perspectives the actual relationship between Croatian and EU law. The discussion on the development of the Croatian legal system and judiciary after EU accession, experiences in application and interpretation of EU law and different attitudes towards the position of legal professionals in the EU confirmed that the Croatian Hub can play an important role in the further development of ELI activities in Croatia and the whole region."



*The eminent panelists and topical discussion attracted a large audience. © Stipo Vilić*

## Membership Milestone reached: over 1,000 Individual Members!

The ELI now has over 1,000 individual members, a milestone which was reached just prior to the 2014 General Assembly. Fostering a large and diverse membership is of key importance to the ELI. The expertise and value of the Institute rests entirely on the collective wisdom of its body of members, and their willingness to contribute to the Institute's work. In order for the results of ELI projects to be heeded, it is essential that they are the product of a group of legal experts which is diverse in terms of nationality and profession. Having a community of more than 1,000 such individuals is a wonderful asset, nevertheless, the Membership Committee has identified some areas where more members are expressly sought: "I would like to see a higher representation of judges and notaries and even more practicing lawyers than we already have. Also, more experts in the field of criminal law in the ELI's body of members would be desirable. I encourage all existing Fellows to invite suitable candidates to apply" says Walter Doralt, Chair of the Membership Committee.

### New Institutional Observers



UCD Sutherland  
School of Law

Established in 1911, the **University College Dublin Sutherland School of Law** is the largest and most diverse law school in Ireland. Inspired by the ideals of originality, cooperation, integrity and ambition, the School of Law is committed to teaching a critical understanding of law and to enhancing the legal and interdisciplinary knowledge of its students.

The **Eötvös Loránd University** is the oldest and largest university in Hungary, founded in 1667. Today the Faculty includes 19 departments, the Institute of Political Sciences and the department of foreign languages.



ELTE  LAW  
EÖTVÖS LORÁND UNIVERSITY



Established in 2002, the **Austrian Federal Competition Authority** is responsible for maintaining and securing competition in Austria. ELI Members in or near to Vienna

may be interested in the following events organised by the BWB: Workshop "The New Directive on Private Enforcement on EU Competition Law", Nov 6 2014, 17:00 - 19:30, House of the European Union in Vienna (contact: [comptalk@bwb.gv.at](mailto:comptalk@bwb.gv.at)); Competition Conference on "best practices in investigations" 11 -12 December 2014 (contact: [conference@bwb.gv.at](mailto:conference@bwb.gv.at)).

The **Maastricht University Faculty of Law** consists of approximately 2,500 students and 250 staff members. The education offered by the faculty is truly international: considerable attention is devoted to European and International law and comparative law in all BA and MA degree programmes.



Maastricht University

Faculty of Law

BUNDESKANZLERAMT  ÖSTERREICH

INSTITUTE FOR STATE ORGANISATION  
AND ADMINISTRATIVE REFORM

The **Bundeskanzleramt Austria - Institute for State Organisation and Administrative Reform** is a small research institute founded in 2012 and focusing on fundamental issues of state organisation (e.g. democracy or multi-level-governance, including the perspective of the European Union) as well as on items of a more practical character (e.g. e-government).

## ELI Presented at UNCITRAL- New York State Bar Association Event

Vice-President Christiane Wendehorst attended the 2014 Seasonal Meeting of the New York State Bar Association's (NYSBA) International Section held in Vienna this October. During a panel session in the afternoon of 16 October she spoke on the role lawyers play within the ELI as well as on the interaction of the ELI with Intergovernmental Organisations and EU Institutions. The panel session was entitled "The Lawyer as a Lobbyist before International Organizations". This day of the three-day event was hosted by UNCITRAL (an Institutional Observer of the ELI, and to which the ELI is also an Observer) at the Vienna International Centre and focused on exploring topics of interest to both UNCITRAL and the NYSBA, predominantly commercial law issues. Members of the NYSBA's International Section are typically lawyers who work on a global scale but have a special connection to New York State, having perhaps worked or studied there. Introducing the work of the ELI to such a demographic is of great importance to ensuring that the Institute continues to gain diverse and expert members who can bring unique perspectives to the ELI's projects and forums.



Rebuilding the Transatlantic Marketplace:  
Austria and Central Europe as Catalysts for  
Entrepreneurship and Innovation

October 15-17, 2014  
Kempinski Hotel  
Vienna, Austria



After the event Christiane Wendehorst commented: "It was an extremely stimulating event, which illustrated the unique position ELI has within the European legal landscape: on the one hand, ELI is an NGO that is dealing with EU Institutions and Intergovernmental Organisations; a sort of mouthpiece for the European legal community and, clearly distinct from the political actors, it seeks to support and influence in the quest for better law-making. On the other hand ELI itself has structures not unlike those of some Intergovernmental Organisations and is dealing with a range of member NGOs that may be representing particular stakeholder interests and are enriching ELI work with their wealth of experience."

## 2015 ELI Annual Conference (2-4 September, Vienna)



*The 2015 Annual Conference will take place in  
the Austrian Academy of Sciences © ÖAW*

The 2015 Annual Conference of the ELI, comprising an opening ceremony, several sessions on projects and the General Assembly will take place in **Vienna on 2-4 September 2015**. The Executive Committee is very pleased to announce that **Harriet Lansing, President of the Uniform Law Commission** (United States) will be a guest of honour at the conference and will deliver a keynote address at the opening ceremony. The project sessions are hoped to include reports from the project teams currently working on insolvency, civil procedure, copyrights and criminal law, followed by indepth discussions on their findings. During these sessions, project team members will

listen to contributions from the audience and respond to questions. As part of the 2015 GA there will be Council elections, at which half of the current Council seats will be contested. The new Council will then go on to elect members of the new Executive Committee, including the positions of President, Vice-President and Treasurer. Needless to say, it is of vital importance that as many ELI members as possible attend the 2015 GA and make their voices heard both by voting and contributing to discussions.

## Diana Wallis speaks at Humboldt University, Berlin

On 20 October Diana Wallis was a panelist at the “Future of Consumer Law” Conference held at the Humboldt University in Berlin. The event began with a lecture by Professor Oren Bar-Gill (Harvard Law School) and featured a panel discussion between Ursula Pacht, Deputy Director General of the European Consumer Organisation, Prof. Roland Strausz from the Institute of Economic Theory at Humboldt University Berlin and Diana Wallis, ELI President.



## ELI represented at World Bank LJD Week

This year the ELI has continued its involvement in the Law, Justice and Development week of the World Bank, held in Washington on 20-24 October 2014. Sjef van Erp, member of the Executive Committee and Chair of the International Relations Committee, attended the event in order to maintain and foster ties with the World Bank and ensure that the ELI’s international presence and relevance is recognised.



*Diana Wallis will give a lecture at the Wilhelms Universität Münster on 10 November. The lecture, entitled ‘Celebrating’ an unwritten Constitution?; 800 years since Magna Carta 1215-2015 will take place at 18:15 in the Festsaal. A lunch time event at 13:00 on the same day has also been arranged. This will provide an opportunity to hear about the aims and work of the ELI from the President herself. The event will be held in the law faculty (room JUR 3). [Click here to contact the organisers.](#)*



*Diana Wallis will participate as a panellist at the Access to Justice Conference in Brussels on 12 November. The conference aims at highlighting the current legal and policy challenges to the implementation of the third pillar of the UN Guiding Principles on Business and Human Rights in the EU. [For more information please click here.](#)*



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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.*