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Newsletter

November – December 2018

Bringing Legal Experts Together

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Message from Heinz Engl Rector of the University of Vienna

Dear ELI Members and Friends

I am delighted to announce that the European Law Institute (ELI) and the University of Vienna have committed to further their cooperation for another term until the end of 2023. The agreement was signed on 8 November 2018. The University of Vienna has agreed to continue funding the ELI to the previous extent. All partners involved are looking forward to another four years of collaboration.

We are also very proud that the University of Vienna will continue to host the ELI Secretariat. Moreover, we are pleased to announce that the next ELI Annual Conference will take place in Vienna from 4–6 September 2019. The University of Vienna and, in particular, the Faculty of Law aim at further intensifying their contribution to the existing cooperation which will enable them to use the opportunities of a Europe-wide network. The intensive involvement of students and early-stage researchers in ELI projects and activities is an objective declared by the University of Vienna. Our academics are keen to contribute their expertise to the ELI and participate in the realisation of existing and new projects.

A current example is the 'Empowering European Families' project. Headed by Christiane Wendehorst of the Department of Civil Law at the University



of Vienna, President of the ELI, the ELI project aims at removing obstacles that international families face and facilitating free movement of EU citizens through increased legal certainty and predictability. Among other things this applies to the reduction of legal costs in matters of family and inheritance law as well as to the increased use of family mediation in extrajudicial settlements.

I am looking forward to a continuous fruitful cooperation and I hope to see some of you at the annual ELI conference next year.

Greetings from Heinz Engl

We are very proud that the University of Vienna will continue to host the ELI Secretariat. Moreover, we are pleased to announce that the next ELI Annual Conference will take place in Vienna from 4–6 September 2019.

Heinz Engl



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Featured News

The University of Vienna and the ELI Extend Cooperation Agreement



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On 8 November 2018 members of the ELI's Executive Committee and Irmgard Griss, a representative of the Senate, convened at the Rector's office to sign an extension of the Framework Cooperation Agreement between the ELI and the University of Vienna from 2019 until 2023.

In his capacity as Rector of the University of Vienna, Heinz Engl stated: 'We have been supporting the ELI and its aim to improve the law in Europe since it was founded in 2011. This third extension of our cooperation underlines our conviction that the European dimension has an ever-growing importance for the University of Vienna.'

Thanks to the University's steadfast support, the ELI and its Secretariat has flourished over the last seven years. The ELI is indebted to the Rector, the Dean of the Law Faculty, Paul Oberhammer, the Vice-Rector for Research and International Affairs, Jean-Robert Tyran, and all the other unnamed visionaries that had and continue to have confidence in and supported and continue to support the ELI's causes.

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ELI President Christiane Wendehorst and Rector Heinz Engl signing the cooperation agreement



ELI Vice-President Sjef van Erp (right) co-signs the cooperation agreement in the presence of Rector Heinz Engl and Vice-Rector Jean-Robert Tyran

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Collective joy at the signing ceremony at the University of Vienna: Anne Birgitte Gammeljord, Lord John Thomas, Denis Philippe, Irmgard Griss, Paul Oberhammer, Jean-Robert Tyran, Christiane Wendehorst, Heinz Engl, Sjef van Erp and Hans Schulte-Nölke

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Season's Greetings Message from the ELI President

Dear ELI family, dear friends

As the holiday season is upon us and 2018 draws to a close, my warmest greetings to you all. I am pleased to be able to report to you that the ELI again witnessed remarkable progress and growth over the last twelve months.

In 2018, the ELI embarked on four new projects: Common Constitutional Traditions, Business and Human Rights, Principles for a Data Economy (jointly with the ALI), and Blockchain and Smart Contracts and is currently running a total of nine projects. To the Project Reporters and to the members of project teams, Advisory Committees and MCCs, it is on your dedication and broad shoulders that the ELI stands, for it is our projects that are our hallmark, our voice and our ticket to gaining increasing credibility and attention on the European legal stage.

Our membership has again increased by seven percent in the last twelve months with a range of individual members and Institutional Observers, including the University of Latvia that played host to our Annual Conference and General Assembly this year, joining our ranks. The Chair of our Membership Committee, Walter Doralt, and its members have shown us their unfailing commitment and I congratulate them for their triumph in attracting the best experts and institutions for the ELI family. Acknowledgement is also due to our satellite Hub and Special Interest Groups (SIGs), and especially to their coordinators, that take the ELI's name and work to all corners of the legal community.

With growth comes the need for more robust rules and a closer look at governance structures, which is why, with the great help of the Council and Senate, the Executive initiated the establishment of Internal Guidelines for the Executive Committee and Secretariat and revised its Project Guidelines as well as its Hub and SIG Guidelines. Work on revising its Statute is currently underway, to reflect the ELI's growth and present stature.

Fostering and expanding the ELI's network is a task the current Executive places a huge emphasis on. It is satisfying to report that visits aimed at external relation building I undertook to key institutions are bearing fruit. 2018 saw leaders of key European institutions – such as the President of the European Parliament, the President of the European Court of Human Rights and the President of the Court of Auditors – affirm the ELI's activities in the course of their contributions on the cover of the ELI's Newsletter. Fruitful discussions were had in the course of meetings not only with the individuals just mentioned, but also with the leaders of, inter alia, the Court of Justice, the General Court, the EU Agency for Fundamental Rights, the Council of Europe, UNCITRAL, UNIDROIT, the Hague Conference on Private International Law, the OECD, and the Permanent Court of Arbitration. I am also confident that meetings with several Ministers of Justice and presidents of national supreme courts and profession-



al organisations will lead to the ELI forging closer ties with these organisations in the coming months.

Importantly, 2018 saw the Executive, upon a mandate received by the Council, extend the ELI's current Framework Cooperation Agreement with the University of Vienna (from 2019–2023). This cooperation has proved to be mutually rewarding since 2011 when a Europe-wide tender procedure was launched and the University of Vienna was finally chosen as the institution to host the ELI Secretariat for an initial period of four years, which has now been renewed for the third time. A parallel Framework Partnership Agreement with the Commission (from 2018–2021) also affords the ELI a needed forum to achieve its goal of improving the quality of European law.

None of the progress made in 2018 would have been possible without the enduring support of all colleagues serving on the Executive Committee, Sjef van Erp, Anne Birgitte Gammeljord, Denis Philippe, Raffaele Sabato, Hans Schulte-Nölke and Lord John Thomas, the members of the ELI Council and the members of the ELI Senate, chaired by Reinhard Zimmermann, all of whom have worked tirelessly to bring about the growth trajectory that you see before you today. And it would definitely not have been possible without our Secretariat, headed by our amazing Secretary General Vanessa Wilcox and blessed with a range of extremely committed officers, that works hard to ensure that projects develop well, that decisions are implemented, that the ELI remains financially stable and that the work of the ELI becomes deservedly known in Europe and beyond. I will also take this opportunity to thank all unnamed ELI members for the silent work done behind the scenes each day that inches our unique organisation towards achieving its causes.

I am privileged and honoured to be serving as President of such a diverse and dynamic organisation at such a prime moment of its development. The ELI has a promising future and we will all benefit from its exertions. As we open the next chapter, season's greeting to you and your loved ones and every success in achieving our individual and collective goals for 2019.

Sincerely

A handwritten signature in black ink, which appears to read 'Christiane Wendehorst'. The signature is fluid and cursive.

Christiane Wendehorst

Towards a Uniform European Civil Procedure

As the ELI-UNIDROIT (International Institute for the Unification of Private Law) project on civil procedure draws to a close, Paul Oberhammer, a Reporter of the Costs Working Group, one of ten Working Groups formed to advance the project's output, tells the ELI's Newsletter readership more about the broader topic and the challenges facing the field. Oberhammer is also the Dean of the Law Faculty of the University of Vienna, a long-term supporter of the ELI.

by Paul Oberhammer

The 'From Transnational Principles to European Rules of Civil Procedure' project is a cooperative venture of ELI and UNIDROIT. It draws upon the model of an instrument jointly developed by the American Law Institute and UNIDROIT ('Principles of Transnational Civil Procedure'), and aims, in the first place, at the regional development of such principles.

The purpose of the project, however, goes beyond the creation of such principles – it aims at creating 'rules', that is, a more specific instrument establishing a set of provisions which might serve as a significant step on the way to creating a uniform European civil procedure.

There are a number of reasons for the approximation and finally unification of the law of civil procedure in Europe today:

What is usually called 'European Civil Procedure' today is a set of mainly Regulations having their focus on international civil procedure, that is, the law governing cross-border proceedings, including, but not limited to issues such as jurisdiction and the recognition and enforcement of decisions. Courts applying these provisions are, however, often confronted



with procedural issues going beyond the content of said legislation. For example, a court facing the issue of the recognition of a judgment has to have an understanding of the *res judicata* effect of such a judgement – however, the respective Regulations do not contain express provisions on the *res judicata* effect (which is the actual subject of such a recognition), and the notions of the effects of judgments differ strongly from one jurisdiction to the other.

Moreover, the mutual recognition of judgments in Europe today is based on the principle of mutual trust – if a court has to fully recognise a foreign judgment, it must neither examine the jurisdictional basis of the decision nor the conduct of the proceedings and the accuracy of their outcome. However, practitioners and parties sometimes are under the impression that this mutual trust is rather prescribed by law today than actually justified. A main reason for that impression lies

in the fact that foreign proceedings very often seem to be not sufficiently transparent simply because the court (correctly) proceeded on the basis of procedural law, the consistency of which is hard to understand from a foreign perspective.

No uniform standard of fairness and efficiency today

Every practitioner is aware of the fact that the actual standard of fairness and efficiency of European judiciaries is not a uniform one in today's reality. Unifying civil procedure is, of course, not the only requirement for improving the situation in that respect. However, uniform law can help to make deficits much more transparent here and can improve the status quo in jurisdictions where ineffective law is the reason for procedural delay or a lack of fairness.

National differences in the field of civil procedure can also be an obstacle for the efficient enforcement of claims under EU law. For example, a consumer pursuing a claim under European consumer law today faces different risks and chances in doing so depending on the procedural tools available in a jurisdiction – there might be, for example, excellent collective redress mechanisms in one jurisdiction while this might not be the case in another one. It is as simple as this: if uniform European substantive law wishes to achieve uniform outcomes in all jurisdictions, procedure obviously matters.

Conceptual and terminological challenges

Finally, EU legislation in any field of civil procedure is always confronted with conceptual and terminological challenges. While national legislation always has traditional notions and a more or less coherent system of civil procedural law as a basis, this is not necessarily so for the European legislature, as, on the one hand, the European law of civil procedure – including the case law of the Court of Justice of the European Union (CJEU) – is only fragmentary in nature today, while, on the other hand, national terminology and concepts differ strongly in many respects.

Therefore, striving for uniform civil procedure in Europe today is major task in the process of developing an area of freedom, security and justice serving the citizen. UNIDROIT and ELI have created an excellent basis for the work on the project which involves both many subjects and a large number of specialists from practically all EU Member States who cooperate in working groups under the diligent and steady guidance of a steering group consisting of Remo Caponi, John Sorabji, Rolf Stürner, Anna Veneziano, and Diana Wallis. By doing so, the project created a platform for the exchange of procedural thought in Europe which will have an impact on future discussions on the basis of the project results and far beyond.



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The Author

Paul Oberhammer is a Professor at the Faculty of Law of the University of Vienna; after having completed his legal education in Vienna, he became a Professor at Halle- Wittenberg University (Germany) and Zurich (Switzerland); besides his position at the University of Vienna he also acts as a permanent Visiting Professor in Sankt Gallen (Switzerland). He specialises mainly in domestic and international civil procedure and enforcement, international insolvency, and arbitration. He presently serves as Dean of the Faculty of Law of Vienna University, the host institution of the ELI, and is a member of a working group of the ELI's 'From Transnational Principles to European Rules of Civil Procedure' project.



Paul Oberhammer

Taking Full Advantage of Digitalisation to Ensure Access to Justice

On 9 November 2018 a joint conference by the ELI and the European Network of the Councils for the Judiciary (ENCJ) on 'Dispute Resolution: Beyond the Courts' took place at the Academy of European Law (ERA) in Trier (Germany).

Renowned speakers and participants discussed the future of dispute resolution processes. The Conference aimed at analysing the impact of digitalisation in the delivery of justice in the 21st century. Participants also looked into the innovative models of interaction between Court-Based Dispute Resolution Processes (CBDRP) and Alternative Dispute Resolution (ADR). The starting point was the [ELI-ENCJ Statement](#) on The Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution, elaborated upon within the framework of the eponymous project, which was approved by the ELI Council and the ENCJ General Assembly in 2017.

Among other things, Sir Geoffrey Vos (former President of the ENCJ, Chancellor of the UK High Court) emphasised that justice should be easily accessible to an increasing smartphones generation. Diana Wallis (former Vice-President of the European Parliament and former President of the ELI) and Ales Zalar (President of European Centre for Dispute Resolution, ECDR) proceeded to outline the ELI-ENCJ project. Before explaining the Statement's 21 principles on standards for ADR processes and the preservation of access to justice, they praised the diversity of the project team, both geographically and vocationally. Simone Cuomo (Senior Legal Advisor, Council of Bars and Law Societies of Europe, CCBE) stressed that all dispute resolution processes should be human-centered and opined that the ELI-ENCJ Statement reflects this.

The second session focused on the impact of the UN Convention on International Settlement Agreements Resulting from Mediation (the so called Singapore Convention) with Norel Rosner (Legal and Policy Officer, DG



Justice and Consumers), the EU negotiator of the Convention, presenting the background of the negotiation process. Karl Mackie (Founding President of the Centre for Effective Dispute Resolution, CEDR) emphasised that the Convention might potentially promote mediation, while Catherine Kessedjian (Professor emerita, University Panthéon-Assas Paris II, arbitrator and mediator) pinpointed some of the shortcomings of the treaty.

The third session, on Digitalisation, Advanced Technology and Dispute Resolution, began with Christoph Decker (Team Leader, DG Justice and Consumers, European Commission) presenting an update on the implementation of the European Framework for Consumer ADR/Online Dispute Resolution (ODR). Raffaele Battaglini (Founder of the Battaglini-De Sabato Law Firm and Chief Legal Officer at Jur AG) concluded by discussing how blockchain technology can facilitate dispute settlement.

All sessions were followed by lively discussions and there was a strong sentiment by the end of the Conference on the need for a follow-up project in order to ensure that various dispute resolution processes create a coherent and effective system, make use of technological developments and allow for efficient access to justice. You can find more information about the project [here](#) and the programme of the event [here](#).



Disseminating the ELI's Detention Output Further at the European Court of Human Rights

The ELI's Detention project output was delivered at an ERA seminar in Strasbourg (France) on 6-7 December 2018.

Pamela McCormick from the Registry of the European Court of Human Rights (ECtHR), also an active member of the ELI's Detention project team, played a substantial role in raising the profile of the ELI's output at the event. The program can be downloaded [here](#).

Read more about the ELI project on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law: Checklists and European Standards [here](#).



Interim Output of the Common Constitutional Traditions Project

The ELI project on Common Constitutional Traditions in Europe held a Conference in Turin (Italy) on 14 November 2018.

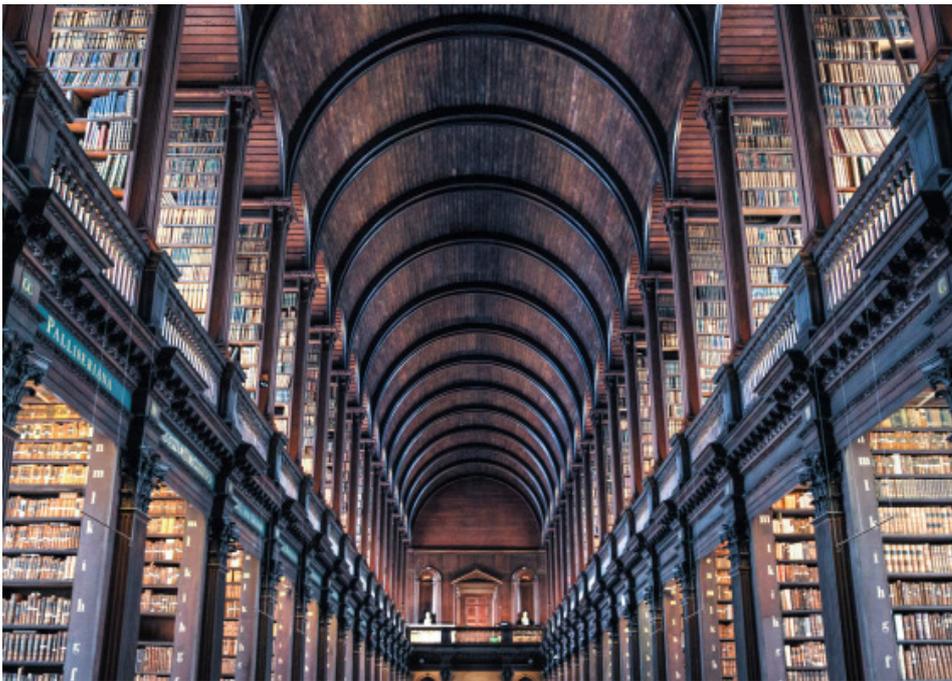
Two project team meetings – in Turin (Italy) and London (UK) – earlier this year and a panel session at the ELI Annual Conference in Riga (Latvia) in September gave the team much food for thought. The Conference thus marked an occasion for the team to present the developments achieved since the project's adoption.

The Conference opened with welcome words by Mario Comba (University of Turin, one of the project's Reporters). Among other speakers, Sir Jeffrey Jowell (University College London, UK), also one of the project's

Reporters), introduced the project's theme and methodology, while former ELI President Sir Francis Jacobs (Kings College of London, project team member), discussed the crucial issue of terminology, namely whether one should employ the notion of 'constitutional traditions' or rather of 'fundamental constitutional principles'. Other speakers provided different angles on the topic including Giovanni Pitruzzella (Advocate General at the Court of Justice of the European Union, CJEU) who questioned whether common constitutional traditions exist in Europe in the field of market

regulation and the role of national independent administrative authorities and of the CJEU.

These contributions were followed by five pilot country reports from experts from Poland, Italy, Germany, the UK and France. The reports will be used to further develop a questionnaire which will facilitate the collection of data from other European countries. The team aims to use this in turn to elaborate upon the ELI Instrument, which is expected in 2021. You can read more about this ELI project [here](#).



In total, over 50 legal experts from across Europe attended the ELI-UNIDROIT Conference at ERA. From collective redress to the challenges of modern technology and artificial intelligent, the panels and comments were wide-ranging, insightful and engaging. As the work on the structure of the rules nears completion, participants of the Conference had a chance to get a sense of the entire project.

The last joint Steering Committee meeting of the project's Co-Reporters, Advisers and Observers will take place on 25–26 February 2019. You can find more about the background of the project [here](#). The Conference programme and materials: Working Group on 'Parties' – Draft on Collective Redress can be found [here](#).

Building Robust Civil Procedure Rules

ELI and UNIDROIT, in cooperation with ERA, organised a Conference in Trier from 26–27 November 2018.

The 'From Transnational Principles to European Rules of Civil Procedure' Conference was an occasion for Europe's leading civil procedure experts to gather to present the advanced results achieved by the project's current and former working groups.

Speakers included former ELI President, Diana Wallis, Deputy Secretary-General of UNIDROIT Anna Veneziano, Dean of the University of Vienna Paul Oberhammer and member of the ELI Executive Committee Raffaele Sabato.



Engaging Justice Ministries in the Empowering European Families Project

On 29 and 30 November 2018 ELI President Christiane Wendehorst presented the draft outcome of the ELI Empowering European Families (EEF) project in The Hague (Netherlands) and in Brussels (Belgium) respectively.

ELI President Christiane Wendehorst, one of the Reporters of the ELI's project, met representatives from the Dutch Ministry of Justice to present the draft outcome of the EEF project. She did the same with Belgian Minister of Justice, Koen Geens, the following day.

On both occasions, Wendehorst explained the project's output and welcomed the insightful contribution of those present.

These exchanges are part of a series of meetings in which the project team seeks to gain the input of national ministries in advance of the Instrument being voted upon by ELI bodies.



Belgian Minister of Justice, Koen Geens, welcomed Christiane Wendehorst

Raising Awareness of the ELI's Rules on Rescuing Viable but Financially Distressed Businesses

The ELI and the Business and Liability Research Network (BLRN) of Leiden Law School organised a Conference on restructuring of corporate groups on 5 December 2018 in Leiden (Netherlands).

The ELI's Instrument on Rescue of Business in Insolvency Law, drafted under the leadership of Bob Wessels (Leiden University) and Stephan Madaus (Halle-Wittenberg University, Germany), was the starting point for discussions on the treatment of insolvent corporate groups. Bob Wessels and Stephan Madaus introduced the ELI Instrument and the results of this Europe-wide study on restructuring of corporate groups in Europe. Among other speakers was Reinout Vriesendorp (Leiden University) who elaborated on director's liability as businesses approach the vicinity of insolvency.

A lively discussion accompanied the speeches. This well-attended event enabled a fruitful exchange between insolvency law experts, including judges, lawyers in private practice and academics from across Europe. Click [here](#) for the full program.



About the ELI Instrument on Rescue of Business in Insolvency Law

The Instrument was unanimously adopted by the ELI bodies in 2017. Bob Wessels and Stephan Madaus acted as Reporters for this project. Based on extensive national reports, they prepared a report with some 115 recommendations on the rescue of businesses in distress. In this EU-wide study they also looked into the treatment of corporate groups across Europe.

The report is available to download for free [here](#).

The ELI Represented at the Joint EC-HCCH Conference on the Protection of Vulnerable Adults in Brussels

The ELI's Protection of Adults team deliver their position paper at the European Commission and the Hague Conference on Private International Law (HCCH) Conference in Brussels.

The purpose of the Cross-Border Protection of Vulnerable Adults Conference that took place from 5–7 December 2018 was to gather notaries, legal practitioners, judges, health and welfare experts, academics and government officials who work in

the field of the protection of vulnerable adults, in Europe and around the world, to allow them to exchange ideas and information on the Hague Convention of 13 January 2000 on the International Protection of Adults (the 2000 Adults Convention).

Pietro Franzina, one of two Reporters of the ELI's project on the theme, spoke on 'The Need for an International and Regional Legal Framework for the Cross-Border Protection of Vulnerable Adults – Point of View from Organisations with a Normative and/or Research Function' panel.



Additionally, the objective was to promote the implementation of the 2000 Adults Convention and to identify possible ways to supplement or strengthen the operation of the Convention and increase the protection of vulnerable adults within Europe and at the global level.

The ELI project team also took the opportunity to deliver a position paper, which can be downloaded [here](#), on this topic and to discuss further steps to be taken to finalise their Instrument.

Do We Need Substantial Consolidations in the (European) Toolbox?

On the occasion of the 54th Session of the United Nations Commission on International Trade Law (UNCITRAL) Insolvency Law Working Group, the ELI organised a panel discussion and an evening reception at the Austrian Ministry of Justice on 11 December 2018.

Over 50 participants gathered to discuss one of the most pressing issues in the field of insolvency proceedings, namely the way to handle the insolvency of an integrated corporate group. This was one of several recommendations in the ELI's Rescue of Business in Insolvency Law [Instrument](#) and could be done by a substantive consolidation of all the estates of group companies in order to create one common estate. However, the European Insolvency Regulation explicitly prohibits such an approach on a cross-border level.

Edward Janger (Brooklyn Law School, USA) and Irit Mevorach (University of Nottingham, UK) analysed the issue from various angles, including from the perspective of the European Insolvency Regulation, of the UNCITRAL Legislative Guide, and the case law of the USA. Mevorach congratulated the ELI for the choice of topic, which she considered timely.

city Press in May 2019. For a summary of the Project and its background, click [here](#).



The presentations were followed by a lively discussion. It was agreed that substantive consolidation is not a one size fits all approach and that its use depends on the specific circumstances of each insolvent entity.

Prominent experts, including Stephan Madaus (Martin Luther University of Halle-Wittenberg, Germany, the Co-Reporter of the ELI Instrument), Florian Bruder (DLA Piper, Germany),

The ELI Instrument as well as the background materials leading to it will be published with Oxford Univer-



Building Forums for Stimulating European Legal Development



ELI-FRA Business & Human Rights Project Team Meeting in Vienna

Members of the ELI-FRA (EU Agency for Fundamental Rights) joint project on Business and Human Rights: Access to Justice and Effective Remedies convened on 16 November 2018 in Vienna. Initial results of the mapping exercise, conducted by the Agency earlier this year, were reviewed. Also preliminary reports on available remedies in 28 EU Member States, were analysed. The team discussed the methodology as well as obstacles and possible practices in relation to access to remedies for victims of business-related human rights abuses.



R&D Tax Incentives Project Team Meeting in Nice

After having elaborated a draft Statement, the R&D Tax Incentives project team met on 23 November 2018 in Nice (France) to finalise their output.

Participants discussed what the harmonised definition of Research and Development ('R&D') for tax purposes should be and their discussions led to an update of some of the recommendations to be included in the ELI Statement.

You can find more information about this project [here](#).



ELI-UNIDROIT Steering Committee, Co-Reporters and 'Structure' Working Group Meeting in Trier

On 26 November 2018 the ELI-UNIDROIT Steering Committee convened in Trier to discuss the civil procedure project further and to plan next year's activities with the Co-Reporters of the working groups and members of the structure group.

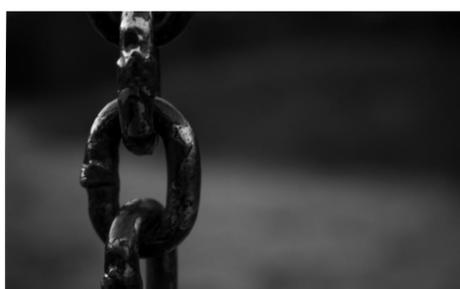
The teams are working towards submitting the final draft for ELI bodies to vote upon in September 2019.

The UNIDROIT vote will follow in 2020.



Online Intermediary Platforms Project Team Meeting in Aalborg

On 29–30 November 2018, the project team convened in Aalborg (Denmark) for a successful meeting to further develop the Model Rules on Online Intermediary Platforms. In-depth discussions were made on the different articles of the Rules, including the scope, definitions, the duties of the platform operator towards the customer and liability of the platform operator. ELI bodies will be given the chance to vote on the final outcome at the 2019 ELI General Assembly.



Kick-Off Meeting of ELI Project on Blockchains and Smart Contracts

On 17 December 2018, the ELI project group on Blockchains and Smart Contracts met for its kick-off meeting in Paris (France).

The project is headed by ELI Vice-President Sjef van Erp and Juliette Sénéchal. During the meeting, various legal aspects on blockchains and smart contracts were discussed. A number of case studies have been identified for further research by the project group.



Preparatory Meeting on Prospective Project Access to Digital Assets

On 18 December 2018, the project group on Access to Digital Assets met at the secretariat of the International Union of Judicial Enforcement Officers (UIHJ) in Paris. Headed by ELI Vice-President Sjef van Erp and UIHJ Dutch Secretary Jos Uitdehaag, the project group discussed a number of issues related to the access to digital assets and explored various approaches to tackle these issues, setting the course for further elaborating on the project and its proposal.

UNCITRAL and the ELI Intensify their Cooperation

On 15 November 2018, ELI President Christiane Wendehorst met with Anna Joubin-Bret, the recently appointed Secretary of UNCITRAL in Vienna (Austria).

UNCITRAL is the core legal body of the United Nations system in the field of international trade law and an esteemed Institutional Observer of the ELI.



The UNCITRAL Secretariat, seated at the United Nations in Vienna, recently welcomed Anna Joubin-Bret as its Secretary.

In the meeting with Christiane Wendehorst, Anna Joubin-Bret expressed her appreciation for the work of the ELI. She also voiced a specific interest in the ELI-ALI's Data Economy project, which Wendehorst co-heads.



Increasing Interest from Asia in the Work of the ELI

On 21 November 2018, a delegation of six procurators from the Jiangsu Province (China) visited the ELI Secretariat in Vienna.

ELI Secretary General Vanessa Wilcox welcomed the Chinese delegation. She elaborated on the Institute's goals and structure and explained the progress it has made in the seven years since its foundation. In outlining its past and current projects, Wilcox emphasised the importance of vocational and geographical diversity in the formation of project teams and the need for all ELI output to be of practical application and significance. The members of the delegation were particularly impressed by the ELI's ambitious role in contributing towards the advancement of laws of such varied nations within Europe.

The Permanent Court of Arbitration Welcomes the ELI President to The Hague

On 29 November 2018, ELI President Christiane Wendehorst was welcomed by Hugo Siblesz, Secretary General of the Permanent Court of Arbitration to The Hague (Netherlands).

The meeting was an opportunity for ELI President Christiane Wendehorst to hand over the ELI-ENCJ recently completed Statement on ADR. Wendehorst also took the opportunity to present the ELI's vision and aspirations. The meeting was conducive to an exchange of common themes.



Secretary General Hugo Siblesz welcomes Christiane Wendehorst to The Hague



The ELI at the Forefront of the Digital Revolution

On 6 December 2018, ELI Vice-President Sjef van Erp participated in a seminar on Legal Consequences of the Technological Revolution, organised by the Legal Service of the European Parliament in Brussels.



Sjef van Erp, Co-Reporter of the ELI's recently launched project on Blockchain Technology and Smart Contracts, took part in a session on Artificial Intelligence and spoke on 'The Internet of Things: Who is the Data Subject, What is the Data Object and to Whom Belong the Data?'

Among other topics discussed during this event were intellectual property, blockchains and crypto currencies, data protection and ownership as well as cybercrime and online misinformation. The seminar provided a forum of exchange between academics, lawyers, decision-makers and industry experts therefore facilitating a better understanding of the challenges and opportunities relating to the technological revolution. You can find the programme of the event [here](#).

The ELI is proud to be at the forefront of the research on the legal consequences of digitalisation with its projects on [Principles for a Data Economy](#) on [Blockchain Technology and Smart Contracts](#) and a prospective project on [Access to Digital Assets](#).

HCCH Secretary General Welcomes the ELI President to The Hague

On 29 November 2018 ELI President Christiane Wendehorst was welcomed by Christophe Bernasconi, Secretary General of the HCCH in The Hague.

On the occasion, the ELI project on the Protection of Adults in International Situations was the major theme, with the HCCH Secretary General providing important input on the topic. In fact, the HCCH hosted a joint conference on the Cross-Border Protection of Vulnerable Adults with the European Commission from 5–7 December 2018 in Brussels. The event saw Pietro Franzina, one of the project's Reporters, represent the ELI.

The ELI-UNIDROIT project on the development of Transnational European Rules of Civil Procedure was briefly touched upon.

At the end of the meeting, Secretary General Bernasconi expressed his sympathy for strengthening the co-operation between the HCCH and the ELI.



HCCH Secretary General
Christophe Bernasconi

The ELI Engages with Tomorrow's Future Leaders

Fortifying Relations with UNIDROIT

The ELI welcomed the recently appointed Secretary General of UNIDROIT at the ELI Secretariat on 10 December 2018.

The ELI President Christiane Wendehorst and Secretary General Vanessa Wilcox had the pleasure of welcoming the new UNIDROIT Secretary General Ignacio Tirado to the ELI Secretariat in Vienna on 10 November 2018. The three reflected on the fruitful relations that characterised the ELI-UNIDROIT cooperation over the past five years and discussed various avenues to further intensify their partnership. The ELI wishes Secretary General Tirado the very best during his term in office.



ELI President Christiane Wendehorst welcomed UNIDROIT Secretary General Ignacio Tirado at the ELI Secretariat in Vienna



ELI Young Lawyers Award

For the third time the ELI Young Lawyers Award will be awarded to a member of the next generation of legal professionals. Deadline for entries is 30 April 2019.

The goal of this award is to provide the young European legal community with a mechanism to propose practical suggestions for the improvement of European law, as a way of giving voice to the future European legal experts and to help the ELI in fulfilling its core mission of improving the quality of European law.

Candidates must submit a unique and original paper which was not previously published and which deals with a European legal issue that could be improved. A jury comprised of the ELI and other institutions determines the winner. The successful candidate will be invited to present his/her paper at the 2019 ELI Annual Conference in Vienna and be awarded a number of prizes. The papers must be submitted by 30 April 2019, 20:00 CET, to the following address: award@europeanlawinstitute.eu. More detailed instructions you can find [here](#).

ELI Secretary General at the ELSA Austria Council meeting

The ELI is proud to count the European Law Students Association (ELSA) Austria as one of its Institutional Observers. On 6 December 2018, the ELI Secretary General Vanessa Wilcox attended the ELSA Austria National Council Meeting in Graz (Austria).

Wilcox was given a platform to inform those present about the ELI – its history, output and ambitions – as well as the opportunities available to young lawyers under the ELI's schemes, not least its recently launched Young Lawyers Award. Wilcox would like to express her sincere gratitude to ELSA Austria President Arsen Hovakimyan for his steadfast commitment to cooperating with the ELI. She also had the opportunity to meet ELSA International President Filipe Machado who confirmed the organisation's wish to cooperate with the ELI.



The European Law Students' Association
AUSTRIA

The ELI Partners with the Austrian EU Presidency on a Seminar on Legal Aspects of the Digital Economy in Cluj

ELI President Christiane Wendehorst speaks at a Conference on 21 November 2018 in Cluj (Romania) that precedes the launch of the ELI Romanian Hub.

In the context of the Austrian EU Presidency, the Austrian Federal Ministry of Europe, Integration and Foreign Affairs, the Austrian Ambassador in

Romania, Isabel Rauscher, and the Rector of the Babeş-Bolyai University, Ioan Aurel Pop, hosted a seminar on Legal Aspects of the Digital Economy in Cluj. Around 50 participants attended the conference that took place at the Babeş-Bolyai University in Cluj.

As the ELI is further expanding its outreach in Central Eastern Europe, the Conference is a preliminary step for the launch of the future Romanian Hub.



ELI President Christiane Wendehorst was invited to speak about 'Principles for a Data Economy: A Joint Project of the ELI and the ALI' and chaired one of the sessions (see program [here](#)).

ELI Hubs are a practical means through which ELI members can meet closer to home, communicate in their native language, discuss current or upcoming projects, and generate ideas for future ELI activities. At present, the ELI has 11 Hubs across Europe.

Digital Law SIG co-organises Interdisciplinary Conference

In the digital society, the relationship between technological innovation and regulation is increasingly complex. On the one hand, technological innovations such as self-driving cars may require an adjustment of the existing regulatory framework. On the other hand, emerging technologies provide new opportunities for powerful regulatory instruments and innovative regulatory techniques.

These topics were discussed on 6 December 2018 at an interdisciplinary Conference co-organised by Christoph Busch, Osnabrück (Germany) and Alberto De Franceschi, Ferrara (Italy) on behalf of the ELI Digital Law SIG and the new interdisciplinary research hub 'Digital Society – Innovation – Regulation' at the University of Osnabrück. The Conference brought together leading experts from different fields including law, economics and cognitive science. The Conference featured three panels on algorithmic regulation, digital platforms and smart contracts and also provided participants with an update on the latest developments regarding ELI projects on digital platforms and blockchains.

Join the New Insurance Law SIG!

The ELI is pleased to announce the launch of a new Special Interest Group (SIG).



The ELI is pleased to announce the launch of a new Special Interest Group: The Insurance Law SIG will be coordinated by Christoph Brömmelmeyer, Professor for civil law and European economic law at the Europa University Viadrina in Frankfurt/Oder (Germany), and Helmut Heiss, Professor for private law at the University of Zurich (Switzerland).

The tasks of the Insurance Law SIG will include providing an active forum for discussion and cooperation, reviewing relevant legal developments, conducting and facilitating research,

making recommendations and providing practical guidance in the field. To this end, the Insurance Law SIG will hold biennial conferences on current issues concerning European insurance law. The first conference will deal with the topic of 'Outsourcing by Insurance Companies' and shall take place in Vienna on 10 October 2019. Furthermore, interested SIG members will author publications on existing European insurance law and submit responses to current legislative projects. If you are interested in participating in the Insurance Law SIG, just send an e-mail to the [ELI Secretariat](#).

Empowering European Families: Dissemination Conference in Vienna

29 January 2019 marks the date when new EU rules on property regimes for international couples will enter into force. On that date too, the outcome of the ELI project will be launched at a dissemination Conference in Vienna.



The ELI project on Empowering European Families is soon coming to an end. Its completion is timely, in light of the entry into force of two new Regulations on matrimonial property regimes and the property consequences of registered partnerships on 29 January 2019.

The ELI and the Austrian Notaries Chamber will be organising a public event on 29 January 2019 at the Notariatskammer in Vienna to disseminate the outcome of the ELI project and raise awareness about the two new EU Regulations. The agenda can be downloaded [here](#).



2019 Annual Conference: Vienna awaits you!

Save the date: 4–6 September 2019



The ELI is delighted to announce that the 2019 ELI Annual Conference and General Assembly will take place in Vienna from 4–6 September 2019.

The Conference, which will be co-organised by the City of Vienna, will take place at several venues including the palatial Vienna City Hall (Rathaus).

More information will be available on our website soon.

We would like to thank the following partners for sponsoring our Conference and welcome other interested sponsors to get in touch with the [ELI Secretariat](#).



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This project is co-funded by
the European Union



Save the Date:

Upcoming ELI Events

A full list of upcoming ELI events and working group meetings you can find on the [ELI webpage](#).

29 January 2019

Empowering European Families Project:
Dissemination Conference in Vienna (Austria)

22 March 2019

Protection of Adults in International
Situations: Workshop in Milan (Italy)

4–6 September 2019

ELI Annual Conference and General Assembly
in Vienna (Austria)

10 October 2019

Insurance Law SIG: Conference on
'Outsourcing by Insurance Companies'
in Vienna (Austria)

The ELI Proudly Presents Its First Book Published with Oxford University Press

The ELI and Oxford University Press (OUP) have joined forces to publish a book on criminal law. Take advantage of the 70% reduction secured by the ELI for its members.



This edited volume is based on the 'The Prevention and Resolution of Conflicts of Exercise of Jurisdiction in Criminal Law' research project, co-ordinated under the auspices of the ELI and the Luxembourg National Research Fund (FNR). The study sought to explore options for a coherent regulatory mechanism for the prevention and settlement of conflicts of jurisdiction in criminal law.

Currently, there is no binding instrument establishing a mechanism to resolve conflicts of (exercising) jurisdiction in criminal matters in the EU, although such a mechanism is essential for the effective functioning of a

European criminal justice area based on mutual recognition. Building on empirical research and a comparison with civil law solutions to the problem of conflicts of jurisdiction, this volume seeks to impact the EU policy debate by proposing three fully-formed models for legislative action, coupled with extensive analysis of related themes.

70% off for ELI members

ELI members are offered a reduction of 70% of the UK recommended retail price when ordering the [book](#) for personal use. In order to obtain such a discount, please order it directly from OUP by sending an e-mail to Imogen.Hill@oup.com.

The ELI Secretariat wishes you a bright New Year!

**May the holiday season be filled with
peaceful moments and joyous cheer.**



European Law Institute

- Pan-European, democratic, membership-based organisation
- Uniting prominent jurists of all legal professions
- Aiming to improve the law in Europe
- Carrying out projects with immediate practical application

Members of the ELI can contribute to its projects and gain access to an international network of jurists. Apart from other activities, the ELI organises its Annual Conference and General Assembly, bringing together Europe's leading experts in diverse fields of law.

Executive Committee

President:	Christiane Wendehorst
Vice-President:	Sjef van Erp
Treasurer:	Denis Philippe
Members:	Anne Birgitte Gammeljord Raffaele Sabato Hans Schulte-Nölke Lord John Thomas

2019 ELI Conference

The 2019 ELI Annual Conference will take place from **4–6 September in Vienna (Austria)**. Please take note of this date.

We look forward to seeing you there!

ELI in Vienna

The Secretariat of the ELI, which is hosted by the University of Vienna, is located in the heart of the Austrian capital, close to the main building of the University, the representation of the European Commission in Austria as well as the information office of the European Parliament.

We cordially invite you to visit us whenever you are in Vienna.



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