



ELI  
EUROPEAN  
LAW  
INSTITUTE

Issue 3: May–June 2023

# Newsletter

Bringing Legal Experts Together



## Inside this Issue

- 2 Cover Letter by David Levi and Diane Wood
- 3 Spotlight by Holger Matt
- 5 2023 ELI Council Elections
- 6 Projects and Hub and SIG Activities
- 12 ELI Representation
- 13 Other Updates

## Connect



A Cover Letter by David Levi and Diane Wood, President and Director, respectively, of the American Law Institute



Spotlight contribution by Prof Dr Holger Matt, defence practitioner, counsel and independent expert in the field of criminal law and criminal procedural law

## Photo Credits

Pictures were provided by contributors to the ELI Newsletter. Other sources of images: Shutterstock.

## Imprint

Media Owner & Editor: ELI  
Schottenring 16/175, 1010 Vienna, Austria

# On ELI ALI Cooperation

By David Levi and Diane Wood

We are grateful for this opportunity to thank the European Law Institute (ELI) and its members for your support and shared celebration with The American Law Institute (ALI) on the occasion of the ALI's 100th Anniversary. It was our great pleasure to have ELI President Pascal Pichonnaz, Lord Thomas of Cwmgiedd, and Scientific Director Christiane Wendehorst join our 100th Anniversary Celebration and Annual Meeting in Washington, DC, in May.

The ALI is, first and foremost, a rule-of-law organization. Comprising leaders from across the legal profession – judges, academics, and practicing lawyers – the ALI produces scholarly work to clarify, modernize, and otherwise improve the law. The Institute has done its work carefully, painstakingly, and with a sense of purpose, and it has accomplished much in its first century. The classic Restatements of Torts and Contracts; the Uniform Commercial Code and Model Penal Code; and a recent project on the Principles of the Law, Policing are just a few examples of the Institute's significant contributions to American law.

The ALI's present and future are equally promising. We are still going strong, even

despite the significant changes since 1923 in the substantive law, the place of the common law, the administration of the legal system, and how we think about law. Our membership hails from all fifty states, the District of Columbia, all US territories, and 25 countries outside of the United States. Our deliberative process, based on reasoned debate and discussion, remains as strong as ever, and our work product continues to guide and assist courts, legislatures, lawyers, scholars, and citizens everywhere who have an interest in the law.

The ALI's work extends beyond our American borders to projects that are international in scope. Our first foray into international law was in the Restatement Second of the Foreign Relations Law, published in 1965. Since then, our international work has expanded and become more frequent, and now includes projects on Transnational Civil Procedure, the US Law of International Commercial and Investor-State Arbitration, and Transnational Insolvency, among others.

Since 2011, the ALI's partnership with ELI has been an important component of ALI's international work. Our recently

completed joint project on the Principles for a Data Economy has established a template for substantive collaboration between our organizations, and we look forward to further transatlantic projects in the future.

In June 2021, ELI celebrated its 10-year anniversary. In February 2023, ALI celebrated its centennial. Institutions like ours only become worthy and influential through the efforts and inspiration of those who are dedicated to them. All of us are privileged and fortunate to be involved in the caretaking of these amazing institutions that make such a positive contribution to the legal system.

As ELI begins its second decade and ALI moves into our second century, we look forward to extending and deepening our collaboration and working together toward our common goals of providing practical guidance and bringing clarity to the law. Cheers and congratulations to us all!

With our sincerest appreciation and admiration,

David Levi and Diane Wood

## The Authors

**David F Levi** is the President of The American Law Institute and the James B Duke and Benjamin N Duke Dean emeritus of Duke Law School. Prior to his appointment as dean, he was the Chief United States District Judge for the Eastern District of California with chambers in Sacramento.

**Diane P Wood** is the Director of The American Law Institute. She has been on the US Court of Appeals, Seventh Circuit since 1995, assuming senior status on September 7, 2022. She served as Chief Judge from 2013 to 2020. She also is a Senior Lecturer in Law at the University of Chicago Law School, where she teaches in the areas of federal civil procedure, antitrust law, and international trade and business.





Will this ELI Proposal, if implemented make prosecution of transnational crime more difficult?

## On ELI's Proposal on Admissibility of Evidence and E-Evidence in Criminal Proceedings

By Prof Dr Holger Matt

Since it was agreed in the Tampere EU Council Conclusions of 1999, there have been several attempts to provide rules on admissibility of evidence at European level for criminal proceedings. All efforts so far have faced strong resistance by many of the Member States opposing European rules determining how their own systems should deal with criminal evidence obtained abroad. Although such efforts have not reached any pre-legislative proposal, mainly because the Member States always consider there are other priorities and that there is no momentum to address this issue, the issue is not unimportant and the recent Encrochat case has clearly shown that the uncertainty around the admissibility of evidence obtained in another Member State can have severe consequences for the effective fight of the most serious criminality, in particular, transnational organised crime.

With the Treaty of Lisbon of 2007/09, the EU made the Charter of Fundamental Rights (CFR) part of its primary law. Human rights under the Euro-

pean Convention (ECHR) apply, as it were, as minimum standards within the EU anyway (cf Art 6 para 3 Treaty of the European Union (TEU) and Art 52 para 3, 53 CFR). As a consequence, both the European institutions (such as the European Public Prosecutor's Office (EPPO) (cf Arts 5 and 41 of Regulation [EU] 2017/1939, which has been operational since June 2021), and the Member States – when implementing EU law – are bound by the Charter. Equally, since the Lisbon Treaty, the legal principle of mutual recognition of judicial decisions has been definitively enshrined in Arts 67 and 82 Treaty on the Functioning of the European Union (TFEU).

It is now a truism that the legal principle of mutual recognition can only function on the basis of mutual trust between the Member States and their citizens and that minimum standards especially regarding evidence in criminal proceedings are particularly crucial for that (there is growing awareness on this since Tampere 1999). In that context, it has to be recalled that the principle of mutual recognition,

which shall be applied in the context of judicial cooperation in criminal proceedings, needs to be understood from both perspectives: to facilitate the recognition of judicial decisions and acts coming from another Member State, but also to equalise the rights of defendants regardless of where the evidence has been obtained. Therefore, the issue is not so much whether the principle of mutual recognition should ensure the free circulation of criminal evidence across the borders and legal systems within the EU, but to what extent this is creating severe obstacles for the defence to challenge the means of evidence presented against the defendant. As a practicing lawyer I have to highlight that victims and harmed parties also have, in principal, the same interest to question the quality of evidence. The European Area of Freedom, Security and Justice cannot be understood only as a one-way system, but as a unity that facilitates cooperation for both actors in the criminal procedure: state prosecution and citizens' participation through the defence or through representation of victims. As

long as Arts 37, 41 and 45 (as examples) Regulation (EU) 2017/1939 do not establish explicit common standards for EPPO proceedings, except for reference to the Charter and the minimum standards set by the procedural rights' Directives adopted on the basis of Art 82 TFEU, the EPPO should have the same political and legal goal as European lawyers practising in transnational cases, namely to establish more minimum procedural standards all over the EU.<sup>1</sup>

This being said, the ELI has recently presented the output of a project whose aim is to present a Proposal for a Directive on Admissibility of Evidence, including rules on electronic evidence, that precisely tries to balance those competing interests.

What does this represent for the defence? Does the Proposal introduce new exclusionary rules of evidence? Is this Proposal for a Directive interfering with the criminal procedure models of the national criminal justice systems? Will this ELI Proposal, if implemented make prosecution of transnational crime more difficult?

As a practicing lawyer, I will try to give a short overview on these questions, since this is not the place for entering into a detailed analysis of the Proposal. I identify several important improvements such as, for example, overcoming the principle of non-inquiry --blind acceptance of the evidence obtained abroad, without checking its lawfulness – but provid-

ing mechanisms to ensure that both the defence and the trial court can control the lawfulness of the evidence sent from abroad. Of course, the same applies when lawyers represent victim's interests.

In addition, the Proposal recalls the need to comply with the evidentiary prohibitions that have already been recognised by the ECHR, and despite its case law being binding, there are still many infringements at national level. Thus, the Proposal bans the admissibility of evidence obtained in breach of Art 4 of the Charter of Fundamental Rights (prohibition of torture and inhuman or degrading treatment), in breach of the right against self-incrimination and evidence obtained by entrapment.

But the Proposal goes further as it establishes higher guarantees for suspects during police interrogations – ensuring full compliance with the Salduz doctrine – and providing for the inadmissibility of evidence obtained in breach of the right to lawyer-client confidentiality.

And finally, preventing illegally obtained evidence from being circulated to other countries and ensuring that the defence has access to an expert to check the lawfulness of evidence obtained under a different legal system, are measures that lawyers have been demanding for a long time.

By increasing the protection for suspects/defendants' rights however,

the Proposal neither alters the criminal procedural principles applicable in each Member State, nor does it introduce new exclusionary rules of evidence. This remains generally unchanged, since the goal of the Proposal is mainly to seek adequate implementation of the existing rules, within mechanism to control lawfulness. In an Area of Freedom, Security and Justice, providing rules that seek to ensure the lawfulness of the criminal evidence, wherever it has been obtained, can only be seen as a step forward in promoting respect for the rule of law.

And finally, what seems to be an achievement of this Proposal is that while taking this stance in favour of strengthening compliance with fundamental rights, it also promotes an environment in which there are no unnecessary national obstacles in the free circulation – admissibility – of cross-border evidence or that the evidence obtained in administrative proceedings are declared inadmissible only for the reason that it has been gathered under a different set of rules.

This Proposal is to be welcomed, and it is only to be expected that the EU Commission attempts to regulate this issue, highly demanded in the digital cross-border setting, and with EPPO acting already in a single area against fraud and tax crimes.

## The Author

Holger Matt works exclusively as a defence practitioner for individuals and, as counsel and an independent expert in the field of criminal law and criminal procedural law, for corporate clients throughout Europe, Canada and US. In 2006 he was appointed as an Honorary Professor of the Johann Wolfgang Goethe-University of Frankfurt am Main. Holger Matt teaches criminal law and criminal procedural law. Since 1999 he has been a member of the Criminal Law Committee of the German Federal Bar ([www.brak.de](http://www.brak.de)). Since 2004 he has been a constant guest of the Criminal Law Committee of the CCBE ([www.ccbe.eu](http://www.ccbe.eu)). 2003–2008 Vice-Chairman, 2008–2018 Chairman of the European Criminal Bar Association ([www.ecba.org](http://www.ecba.org)), 2016–2018 Vice-Chairman of the European Fraud and Compliance Lawyers ([www.efcl.eu](http://www.efcl.eu)). He was called as an expert witness for the German Constitutional Court and at many expert hearings in matters of national and international criminal law and criminal procedural law in Germany (Deutscher Bundestag – German Federal Parliament, Ministry of Justice) and in Europe (eg the European Parliament, European Commission). 2009–2011: Advisor of the European Commission in Brussels for criminal law and criminal procedural law. Since 2011 Consultation Partner in relation to the European Parliament or Members of the European Parliament. 2012–2019: member of the ERA Board of Trustees (Academy of European Law: [www.era.int](http://www.era.int)). Since 2018 appointed as Member of European Commission's Expert Group on EU Criminal Law Policy. Since 1989 many publications and lectures in the field of criminal law, criminal procedural law, philosophy of law, policy of law and legal education.

<sup>1</sup> In 2017/18 the European Criminal Bar Association (ECBA) with the support of the Council of Bars and Law Societies (CCBE) developed and published the 'Agenda 2020' initiative for a new roadmap to establish further minimum standards: <[http://www.ecba.org/extdocserv/20180424\\_ECBA\\_Agenda2020\\_NewRoadMap.pdf](http://www.ecba.org/extdocserv/20180424_ECBA_Agenda2020_NewRoadMap.pdf)>.



## 2023 ELI Council Elections

**On 6 and 7 September 2023, in the course of the ELI Annual Conference in Vienna, ELI Fellows will elect 28 new Council Members. ELI is pleased to invite interested Individual Fellows to stand for election.**

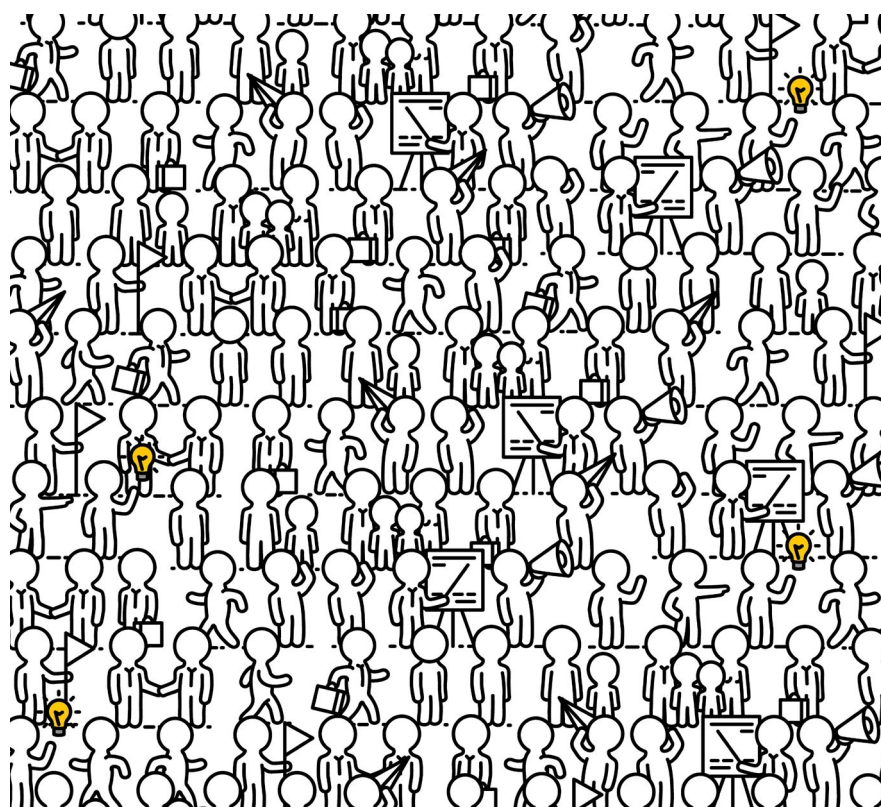
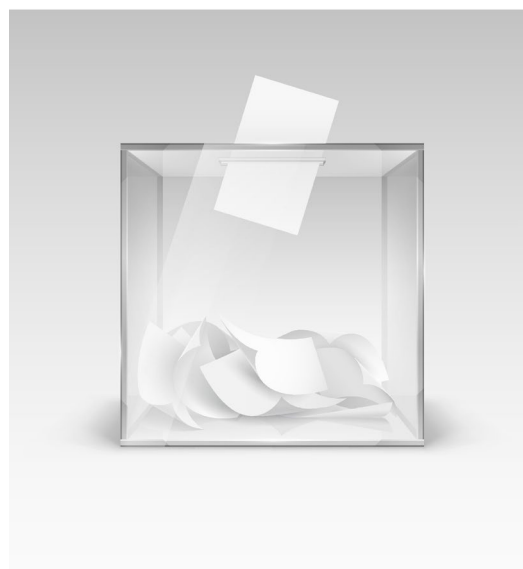
Council Members will be elected from among ELI Individual Fellows. The Institute’s general principles, which include the paramountcy of diversity in terms of genders, nationality/state of residence, academics, practising

lawyers and judges and legal specialization (the latter extends to the fields of administrative law and criminal law), will be at the forefront of the minds of those running for elections, endorsing candidates and electing them.

Newly elected Council Members will have the opportunity to help make important decisions about the governance and activities of ELI and stand a chance to run for

the innominate positions within the Executive Committee. At its first meeting, the newly composed Council will also elect the Executive Committee’s three innominate members as well as appoint members of the Membership Committee and Fundraising Committee. Active ELI Members are encouraged to run for Council. The nomination and endorsement period is open until 18 July 2023. More information about the elections is available [here](#).

2023 Elections Brochure available below:



# Updates on ELI Projects

The following events took place in May and June 2023.

## ELI Provides Feedback on Commission's Proposed Repair of Goods Directive

**On 25 May 2023, ELI submitted its Feedback on the newly proposed Directive on common rules promoting the repair of goods.**

Following the submission by ELI of its [Response on Sustainable Consumption of Goods – Promoting Repair and Reuse](#), the Commission sought Feedback on its [Proposal for a Directive on Common Rules Promoting the Repair of Goods](#).

The [ELI Feedback](#) was prepared by a Drafting Committee, consisting of the Chair, Council Member Prof Dr Susanne Augenhofer, and Members, Prof Dr Yeşim M Atamer and Dr Katarzyna Południak Gierz, with the support of Ms Rebecca Küter. Advisory Committee members, Prof Dr Alberto De Franceschi, Ms Patrycja Gautier, Prof Dr Marie Jull Sørensen, Prof Dr Hans Micklitz and Prof Dr Aaron Perzanowski as well as ELI's Scientific Director, Prof Dr Christiane Wendehorst, provided feedback on the above. ELI is extremely grateful to the above for their input.

The link to the webinar on ELI's earlier Response is available [here](#).



## Recent EU Legislative Proposals Refer to ELI's Work on the Protection of Adults

**ELI is pleased to observe the impact that its work on the protection of adults in international situations has had, including specific reference to it in the European Commission's recent work on the topic.**

On 31 May 2023, the European Commission proposed [new rules](#) aimed at better guaranteeing the rights of adults in need of protection or support in cross-border situations. In particular, the Commission issued a Proposal for a Regulation on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults and a Proposal for a Council decision authorising Member States to become or remain parties, in the interest of the European Union, to the Convention of 13 January 2000 on the International Protection of Adults to this end.

ELI is pleased to see that the European Commission's Proposals to a large extent reflect the suggestions made in the 2020 ELI Report on the Protection of Adults in International Situations, available [here](#).

ELI is committed to contributing to the discourse in this field, including in the framework of ELI's new project on [Advance Choices for Future Disablement](#) and its [Response to the European Commission's Public Consultation on the Initiative on the Cross-Border Protection of Vulnerable Adults](#).



# Updates on ELI Projects

The following events took place in May and June 2023.

## Kick-Off Webinar: Advance Choices for Future Disablement

The webinar on ELI's recently approved project on Advance Choices for Future Disablement took place on 15 May 2023. The speakers of the webinar were Pascal Pichonnaz (Chair; ELI President; Professor, University of Fribourg), Christiana Fountoulakis (Professor, University of Fribourg) and Adrian D Ward (lawyer (Scottish solicitor), Ilaria Pretelli (legal counsel and expert in private international law, Swiss Institute of Comparative Law) and Richard Frimston (Consultant, Russell-Cooke Solicitors). Read more [here](#).



## Webinar on the ELI Proposal for a Directive on Mutual Admissibility of Evidence and Electronic Evidence in Criminal Proceedings in the EU

The above webinar, organised on the occasion of the publication of the above [ELI output](#), took place on 30 May 2023. The speakers were Teresa Rodríguez de las Heras Ballell (Chair; Assessor of the ELI project; Professor, Charles III University of Madrid), Lorena Bachmaier Winter (Project Co-Reporter; Professor, Complutense University), Farsam Salimi (Project Co-Reporter; Associate Professor, University of Vienna), Sveva Franco (Legal and Policy Officer, Criminal Procedural Law (JUST.A.5), European Commission), Serge de Biolley (Director, JAI.2 — Justice, General Secretariat of the Council) and Danilo Ceccarelli (European Prosecutor for Italy, European Public Prosecutor's Office (EPPO)) Read more [here](#).



## Kick-Off Webinar: Update of ELI Detention of Asylum Seekers and Irregular Migrants Project

The webinar, organised on the occasion of the adoption of the above ELI project, took place on 19 July 2023. The speakers of the webinar included: Pascal Pichonnaz (Chair; ELI President; Professor, University of Fribourg), María Teresa Gil Bazo (Project Co-Reporter; Professor, University of Navarra), Boštjan Zalar (Project Co-Reporter; Senior High Court Judge, Administrative Court of the Republic of Slovenia), Fabiane Baxewanos (Project Team Member; Legal Officer, United Nations High Commissioner for Refugees (UNHCR)) and Sophie Piquet (Immigration Coordinator, Registry of the European Court of Human Rights). Read more [here](#).



## Kick-Off Webinar: Digitalisation of Civil Justice Systems in Europe

The webinar took place on 21 June 2023. The speakers were Pascal Pichonnaz (ELI President; Professor, University of Fribourg), Dory Reiling (Lead Reporter; IT and Judicial Reform Expert; Retired Senior Judge of the Amsterdam District Court), Xandra Kramer (Associate Reporter; Professor, Erasmus School of Law and Utrecht University), Lorena Bachmaier-Winter (MCC chair of the project; Professor, Complutense University), Francesco Depasquale (Judge, President of the European Commission for the Efficiency of Justice (CEPEJ)). Read more [here](#).



# Further Updates on ELI Projects

The following events took place in May and June 2023.

## ELI Report on Ecocide

### Workshop

On 25 May 2023, Robert Bray, presented the ELI Report on Ecocide at a European Land Registry Association (ELRA) workshop. Read more [here](#).

## ELI Project on Corporate Criminal Liability

### Kick-off Meeting

On 30 May 2023, the Team of the above project held a kick-off meeting in Warsaw, Poland. Read more [here](#).

## ELI Project on Digitalisation of Civil Justice Systems

### PT and AC Meeting

On 1 June 2023, the Reporters of the above project held two initial meetings with Project Team and Advisory Committee members. Read more [here](#).

## ELI Reform of Product Liability Directive

### Consultation

On 6 May 2023, Prof Dr Jean-Sébastien Borghetti, Co-Reporter of the above project, advised on the re-course mechanisms in case of shared or reduced liability. Read more [here](#).

## ELI Admissibility of E- Evidence in Criminal Proceedings

### High Level Forum

On 13 June 2023, ELI organised the above High Level Forum which brought together almost 50 participants from across the EU and beyond. Read more [here](#).

## ELI Digitalisation of Civil Justice Systems

### Kick-off Meeting

On 14 June 2023, the Team of the above project met for a two-day kick-off meeting at the Erasmus University Rotterdam in Rotterdam, The Netherlands. Read more [here](#).

## ELI Project on Algorithmic Contracts

### Meeting of the PT, AC, MCC and Observers

On 14 June 2023, the Project Team (PT), Advisory Committee (AC), Members Consultative Committee (MCC) and Observers of the ELI project on Guiding Principles and Model Rules on Algorithmic Contracts met remotely. Read more [here](#).

## MCC Call

ELI Members are invited to join one or more MCCs of the following projects:

- Access to Digital Assets
- ELI Principles on the Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters
- ELI-Mount Scopus European Standards of Judicial Independence
- Digitalisation of Civil Justice Systems in Europe
- Climate Justice – New Challenges for Law and Judges
- Fundamental Constitutional Principles
- Guiding Principles and Model Rules on Algorithmic Contracts
- Third Party Funding of Litigation
- Advance Choices for Future

- Disablement
- Corporate Criminal Liability in the European Union

MCC members will be invited to comment on drafts at various stages of the project's lifecycle. Typically, Project Reporters will submit drafts to the MCC at least twice per year, ahead of the ELI Council meeting in February and September, and invite comments.

**It goes without saying that MCC members will be fully acknowledged in the final ELI publication.**

You can register your interest to join the MCC by sending a message to [ELI Secretariat](#).





# Updates on Other ELI Initiatives

The following events took place in May and June 2023.

## ELI Celebrates its First Members' Day

ELI celebrated its first Members' Day on 1 June 2023. The event aimed to recognize and involve ELI's broad and diverse membership base.

Pascal Pichonnaz, ELI's President, opened the event and emphasized its retrospective and forward-looking nature.

The first part of Members' Day focused on ELI's establishment, achievements, and impact. Lord John Thomas highlighted ELI's history and its significance, and a book was published to commemorate ELI's anniversary and acknowledge the contributions of its Founding Members. Certificates of Membership were also sent to Founding and Enduring Members.

The second part of the event centred around a topic suggested by ELI's Membership Committee: 'The Law in the Metaverse.' ELI received requests to explore this subject, and it aligns with emerging legal trends. The webinar on the Law in the Metaverse featured presentations from various experts and perspectives.

Cecilia Álvarez (Privacy Policy Director, Meta) discussed the immersive and interactive nature of the Metaverse, emphasizing its potential in education, healthcare, and workforce development. Helmut Kinzler (Associate Director, Zaha Hadid Architects) talked about the need for collaborative and inclusive architecture in the Metaverse.

Jacques de Werra (Professor, University of Geneva) addressed intellectual property (IP) law challenges and proposed new principles for a 'meta-IP law.'

Marit Hansen (State Data Protection Commissioner of Land Schleswig-Holstein and Chief of Unabhängiges Landeszentrum für Datenschutz (ULD)) discussed data protection in the Metaverse and the application of the General Data Protection Regulation (GDPR).

Bernhard Koch (Professor, Dean of Law Faculty, University of Innsbruck) examined contract and tort law aspects, highlighting the challenges of identifying applicable laws.

Michel Cannarsa (Professor, Dean of Faculty of Law, Catholic University of Lyon) explored Non-Fungible Tokens (NFTs) and their role in the Metaverse.

Johanna Rizzi (Tax Advice Manager, Deloitte Austria) discussed the taxation of digital assets, and Renate Nikolay (Deputy Director-General for Communications Networks, Content and Technology, European Commission) presented the European Commission's perspective on virtual worlds.

The webinar recording is available for further exploration, and it was acknowledged that the full scope of applicable laws in the evolving field of virtual worlds, including the Metaverse, is yet to be determined.



Pascal Pichonnaz



Lord John Thomas



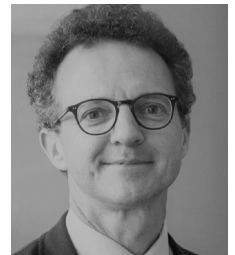
Teresa Rodríguez de las Heras Ballell



Cecilia Álvarez



Helmut Kinzler



Jacques de Werra



Marit Hansen



Bernhard Koch



Michel Cannarsa



Johanna Rizzi



Renate Nikolay



# Updates on ELI Hub and SIG Activities

The following events by ELI Hubs and SIGs took place in May and June 2023.

## ELI Austrian Hub

### Conference

From 4–5 May 2023, the Hub organised a conference on 'Digital Assets in Enforcement and Insolvency' at the University of Vienna. Read more [here](#).

## ELI French Hub

### Symposium

On 5 May 2023, the Hub sponsored an international symposium entitled 'Tax Evasion in France, Europe and Internationally', held in hybrid mode. Read more [here](#).

## ELI Austrian Hub

### Lecture

On 9 May 2023, the Hub held an evening lecture entitled 'Do We Need a Direct Claim Against Producers?', which took place online. Read more [here](#).

## ELI Business and Financial Law SIG/Italian Hub

### Conference

On 15 May 2023, the SIG and Hub supported an international conference on 'Accounting Standards and Sustainable Enterprise'. Read more [here](#).

## ELI Family and Succession Law SIG

### Webinar

On 15 May 2023, the concluding event of the 'Application of the EU Succession Regulation in Member States' webinar took place. Read more [here](#).

## ELI Croatian Hub

### 25th Webinar in its Series

On 16 May 2023, the Hub held a webinar on 'From an Innovation Paper to a Directive – Modernising Product Liability for the Digital Age'. Read more [here](#).

## ELI Croatian Hub

### Meeting

On 16 May 2023, the Hub convened for its Annual Members Meeting. On the occasion, the Co-Chairs of the Hub presented their Membership report. Read more [here](#).

## ELI Turkish Hub

### Webinar

On 16 May 2023, the Hub held its first webinar organised to introduce ELI projects to Turkish lawyers and discuss their potential influence on Turkish Law. Read more [here](#).

## ELI French Hub

### Hub Meeting

On 17 May 2023, the Members of the ELI French Hub held an online meeting under the chairmanship Sylvaine Peruzzetto and Marc Clément. Read more [here](#).

## ELI Sustainability and Environmental Law SIG

### Seminar

On 18 May 2023, the SIG held an online seminar on Climate Change Litigation. Read more [here](#).

## ELI Italian Hub

### Conference

On 19 May 2023, the Hub supported the Legal Tech Venture Day held at the University of Turin. Read more [here](#).

## ELI Sustainability and Environmental Law SIG

### Seminar

On 25 May 2023, the SIG held an online seminar on Environmental Justice in EU. Read more [here](#).

## ELI Austrian Hub

### Forum

From 25–26 May 2023, the Hub supported the first Graz Company Law Forum which took place at the University of Graz. Read more [here](#).

## ELI Spanish Hub

### Meeting

On 26 May 2023, the Hub held the VIII Annual Meeting on European Case Law at Universitat Politècnica de València. Read more [here](#).

## ELI Croatian Hub

### Conference

On 26–27 May 2023, the Hub co-organised a conference on Competition Law, held in Dubrovnik. Read more [here](#).

# Updates on ELI Hub and SIG Activities

The following events by ELI Hubs and SIGs took place in May and June 2023.

## ELI Ukrainian Hub

### Webinar

On 29 May 2023, the Hub held a webinar on 'The Crisis of International Law: The Search for a New Paradigm.' Read more [here](#).

## ELI Family and Succession Law SIG

### Conference

On 1 June 2023, SIG the third session of the Conference the topic of Names and Gender in the Conflict of Laws. Read more [here](#).

## ELI Sustainability and Environmental Law SIG

### Seminar

On 1 June 2023, the SIG held an online seminar on Environmental Challenges. Read more [here](#).

## ELI Turkish Hub

### Webinar

On 8 June 2023, the Hub held the second webinar in a series of webinars organised to introduce ELI projects. Read more [here](#).

## ELI Croatian Hub

### 26th Webinar in its Series

On 13 June 2023, the Hub followed by an insightful lecture on The Hague Convention on Recognition. Read more [here](#).

## ELI Digital Law SIG

### Conference

From 15–16 June 2023, ELI's Digital Law SIG supported the Digital Vulnerability in European Private Law Conference. Read more [here](#).

## ELI Turkish Hub

### Webinar

On 20 June 2023, the Hub held a webinar on the EU Proposal on Recognition of Parenthood as part of the webinar series. Read more [here](#).

## ELI Austrian Hub

### Conference

From 22–23 June 2023, the Hub supported a Conference on Sustainability and Business Law organised by the University of Innsbruck. Read more [here](#).

## ELI Spanish Hub

### Conference

On 26 June 2023, the Hub supported the Conference on Sustainability in Legal Education at the University of Girona. Read more [here](#).

## ELI French Hub

### Hub Meeting

On 29 June 2023, the Members of the ELI French Hub held an online meeting under the chairmanship Sylvaine Peruzzetto and Marc Clément. Read more [here](#).

## Further Updates

### ELI Fundamental Rights SIG

#### New Chairpersons

Prof Dr Maria-Teresa Gil-Bazo and Judge Boštjan Zalar have been elected as new Chairs of the SIG as of 13 May 2023.

# Updates on ELI Representation

Below is an overview of representational activities that took place in May and June 2023.



## ELI President Meets Director General of ERSUMA

2 May 2023

ELI President, Prof Dr Pichonnaz, met Director General of the Higher Regional School of Magistracy (ERSUMA), Prof Dr Mayatta Ndiaye Mbaye, remotely. Read more [here](#).



NETWORK OF THE PRESIDENTS  
OF THE SUPREME JUDICIAL COURTS  
OF THE EUROPEAN UNION

RÉSEAU DES PRÉSIDENTS  
DES COURS SUPRÊMES JUDICIAIRES  
DE L'UNION EUROPÉENNE

## ELI President Meets President of the Network of Presidents

3 May 2023

ELI President met Bettina Limperg, who is both President of the Network of Presidents of the Supreme Judicial Courts of the EU and of the German Federal Court of Justice. Read more [here](#).



## ELI President attends UNIDROIT Governing Council Session

10–12 May 2023

ELI President, Prof Dr Pichonnaz, took part in the 102nd Session of the International Institute for the Unification of Private Law (UNIDROIT) Governing Council. Read more [here](#).



## ELI Representatives Join the ALI's Centennial Celebrations

22–24 May 2023

ELI's President, First Vice and Scientific Director joined the American Law Institute's (ALI) centennial celebrations, which took place in the context of the ALI Annual Meeting. Read more [here](#).



## ELI President Meets the Vice-President of CCBE

6 May 2023

ELI's President, Prof Dr Pichonnaz, met Pierre-Dominique Schupp, the Vice-President of the Council of Bars and Law Societies of Europe (CCBE), in Switzerland. Read more [here](#).



## ELI President Attended 26th General Assembly of the EJTN

16 May 2023

ELI President, Prof Dr Pichonnaz, attended the 26th General Assembly of the European Judicial Training Network (EJTN) in . Read more [here](#).



## ELI President Meets BEUC Heads

19 May 2023

ELI President, Prof Dr Pascal Pichonnaz and Secretary General, Dr Vanessa Wilcox, met European Consumer Organisation's (BEUC) Director General Monique Goyens, and Deputy Director General, Ursula Pachl. Read more [here](#).

Trans Europe Experts  
Réseau européen d'experts en droit  
European network of legal experts



## ELI French Hub Co-Chair Attends 13th Forum of TEE

22 June 2023

ELI French Hub Co-Chair Sylvaine Poillot-Peruzzetto attended the 13th Forum of Trans European Experts (TEE) at the Institute of Comparative Law in Paris (France). Read more [here](#).



# ELI Welcomes its New Members

ELI is pleased to welcome the following institutional and individual Members that joined recently.



**The Faculty of Economics & Business at the University of Zagreb** is the oldest institution in Croatia specialising in economics and business. It has three prestigious international accreditations: EQUIS, AACSB Business accreditation, and EFMD Programme Accreditation. The Department of Business Law is one of the 18 departments within the faculty and offers a variety of mandatory and elective courses at different academic levels.



Since its formation in 1918, the **Uniform Law Conference of Canada (ULCC)** has had a significant impact on Canada's legal landscape. The ULCC provides independent analysis and resolutions for the harmonisation and reform of law in Canada.

## New Institutional Members

## New Individual Members

**Umberto Aleotti**, Lawyer/Lecturer, Italy

**Marisa Almeida Araújo**, Lusíada University, Portugal

**Mireia Artigot Golobardes**, Pompeu Fabra University, Spain

**Damiano Canapa**, University of Lausanne, Switzerland

**Salvatore Antonio Cristaldi**, Kore University of Enna, Italy

**Inês Fernandes Godinho**, Lusófona University; Centro de Estudos Avançados em Direito (CEAD) - Francisco Suárez, Portugal

**Valerio Forti**, Professeur de droit, France

**Laura Maria Franciosi**, University of Bologna, Italy

**Alessia Gabriele**, Kore University of Enna, Italy

**Biset Sena Güneş**, Max Planck Institute for Comparative and International Private Law, Germany

**Marta Hernandez**, Registradora de la Propiedad, Spain

**Sanchez Ruiz de Valdivia Inma**, University of Granada, Spain

**Levan Janashia**, Tbilisi Arbitration Institute (TAI), Georgia

**Sónia Moreira**, University of Minho, Portugal

**Federico Pistelli**, University of Trento, Italy

**Merike Ristikivi**, University of Tartu, Estonia

**Vyara Savova**, University of Library Studies and Information Technologies (UniBIT); EU classified information (EUCL), Bulgaria

**Giulia Schneider**, Catholic University of Milan, Italy

**Adrian Tamba**, Babeş-Bolyai University, Romania

**Antonio-Catalin Teodorescu**, King's College London; Georgetown University Law Center, Romania

**Amarilda Ulrich**, Law Firm Storyblok GmbH, Austria

**Søren Arvig Verdoner**, University of Aarhus, Denmark

**Asim Vokshi**, Supreme Court of Albania, Albania

**Karen Yeung**, University of Birmingham, United Kingdom

## New Sustaining Members

**Marisa Almeida Araújo**, Lusíada University, Portugal

**Vyara Savova**, University of Library Studies and Information Technologies (UniBIT); EU classified information (EUCL), Bulgaria

# Programme Overview

## WEDNESDAY | 6 SEPTEMBER 2023

VENUE: UNIVERSITY OF VIENNA | UNIVERSITÄTSRING 1 | 1010 VIENNA

- 08:30–09:30 CEST Registration (Council Members Only)
- 09:30–13:15 CEST ELI Council Meeting
- 13:00 CEST Registration (All Others)
- 13:15–14:15 CEST ELI Council Lunch
- 14:25–14:30 CEST ELI Membership Meeting and Opening of the ELI Council Elections
- 14:30–14:50 CEST Welcome Address
- 15:00–16:15 CEST Fundamental Constitutional Principles  
*Lord John Thomas (Chair)* *Helle Krunke*  
*Elise Muir* *Marko Bošnjak*  
*Marie-Helene Boulanger*
- 16:15–16:45 CEST Coffee Break
- 16:45–18:15 CEST Ole Lando Memorial Lecture
- 19:30–21:00 CEST **Opening Reception and Presentation of the ELI Young Lawyers Award and Hub and SIG of the Year Awards**  
Welcome Address: Austrian Minister of Justice, Dr Alma Zadić, LL.M.  
[Venue: Austrian Ministry of Justice | Museumstraße 7 | 1070 Vienna](#)

## THURSDAY | 7 SEPTEMBER 2023

VENUE: UNIVERSITY OF VIENNA | UNIVERSITÄTSRING 1 | 1010 VIENNA

- 08:00–09:00 CEST Sustaining Members Networking Breakfast
- 09:30–11:00 CEST Guiding Principles and Model Rules on Algorithmic Contracts  
*Pascal Pichonnaz (Chair)* *Martins Prieditis*  
*Christian Twigg-Flesner* *Ursula Pachtl*
- 11:00–11:30 CEST Coffee Break
- 11:30–13:00 CEST ELI-Mount Scopus European Standards of Judicial Independence  
*Lord John Thomas (Chair)* *Duro Sessa*  
*Fryderyk Zoll* *Eva Wendler*
- 13:00–14:00 CEST Lunch (Membership Committee Meeting)
- 14:00–14:45 CEST **Keynote Speech: Vice-President of the European Commission for Values and Transparency, Věra Jourová**
- 14:45–16:15 CEST Third Party Funding of Litigation  
*Lord John Thomas (Chair)* *Andreas Stein*  
*Susanne Augenhöfer* *Susan Dunn*  
*Harold H Kim*
- 16:15–16:45 CEST Coffee Break
- 16:45–17:20 CEST ELI Membership Meeting and Announcement of the Council Election Results
- 17:30–18:30 CEST ELI Council Meeting
- 19:30 CEST **Gala Dinner**  
[Venue: Austrian National Library | Josefsplatz 1 | 1010 Vienna](#)

# Programme Overview

FRIDAY | 8 SEPTEMBER 2023

VENUE: UNIVERSITY OF VIENNA | UNIVERSITÄTSRING 1 | 1010 VIENNA

09:30–11:00 CEST Guiding Principles on Implementing Workers' Right to Disconnect

*Anne Birgitte Gammeljord (Chair)*

*Tina Weber*

*Karine Lempen*

*Max Uebe*

*Luca Ratti*

11:00–11:30 CEST Coffee Break

11:30–12:15 CEST **Keynote Speech: Vice-President of the European Commission for Democracy and Demography, Dubravka Šuica**

12:30–13:30 CEST Access to Digital Assets

*Aneta Wiewiórowska-Domagalska (Chair)*

*Mario Hössl-Neumann*

*Teresa Rodríguez de las Heras Ballell*

*Claire Harrop*

*Louise Gullifer*

13:30–14:30 CEST Lunch (Fundraising Committee Meeting)

19:30 CEST **Social Event**

Venue: Fuhrgassl Huber | Neustift am Walde 68 | 1190 Vienna

## Hub and SIG Events

FRIDAY | 8 SEPTEMBER 2023

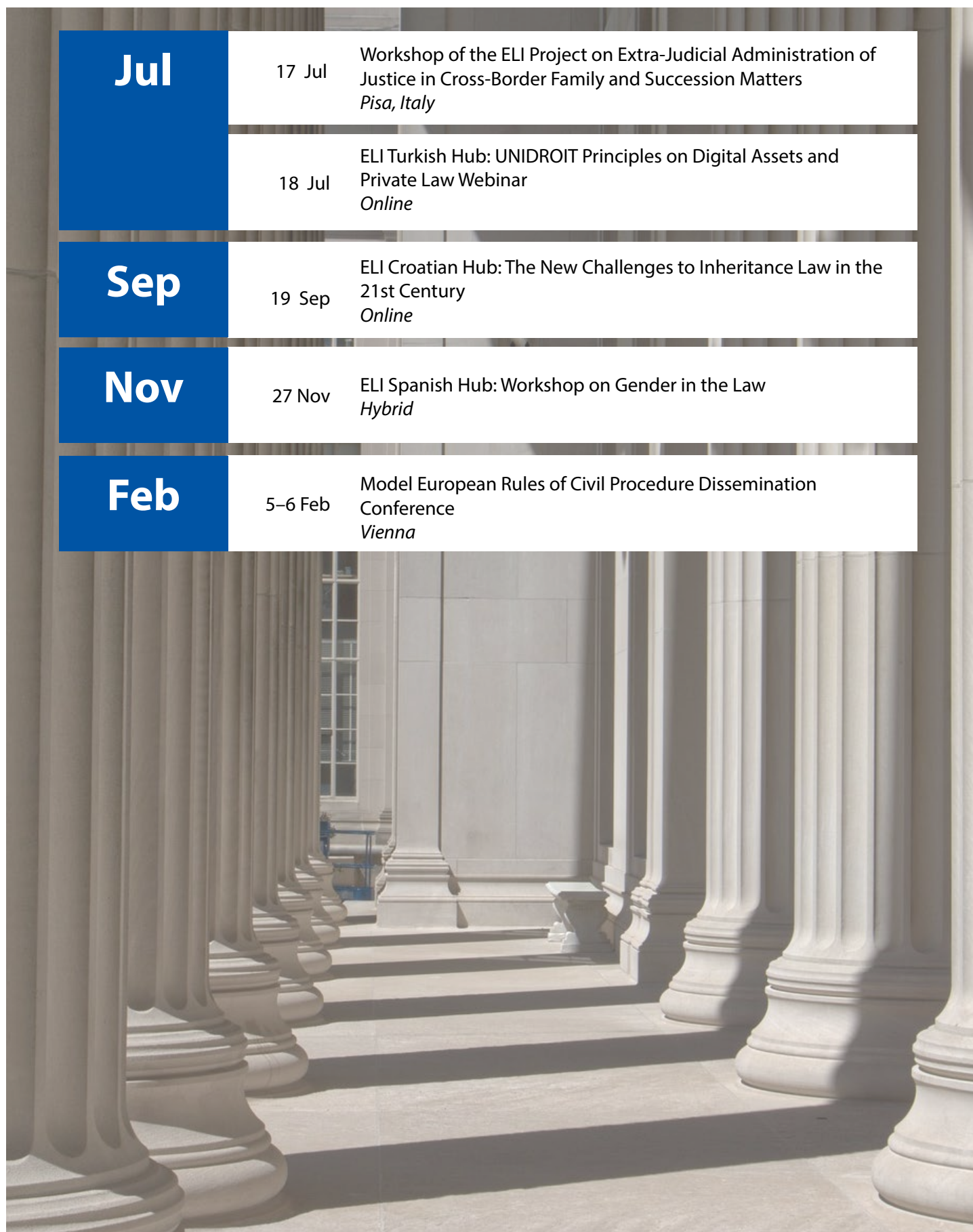
VENUE: UNIVERSITY OF VIENNA | UNIVERSITÄTSRING 1 | 1010 VIENNA

	14:00–15:00	15:00–16:00	16:00–17:00	17:00–18:00	18:00–19:00
Access to Digital Assets Meeting					
Digital Law SIG Panel					
Family and Succession Law SIG Panel					
Spanish Hub Meeting					
Upcoming Portuguese Hub Meeting					
Ukrainian Hub Webinar					
Croatian Hub Panel					
Turkish Hub Meeting					
Global Private Law SIG Meeting					
Fundamental Rights SIG Meeting					

To register please click [here](#).

# Events Calendar At-A-Glance

Please save the following dates. Stay up to date by visiting our [website](#) and following our social media channels.



**Jul**

17 Jul Workshop of the ELI Project on Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters  
*Pisa, Italy*

18 Jul ELI Turkish Hub: UNIDROIT Principles on Digital Assets and Private Law Webinar  
*Online*

**Sep**

19 Sep ELI Croatian Hub: The New Challenges to Inheritance Law in the 21st Century  
*Online*

**Nov**

27 Nov ELI Spanish Hub: Workshop on Gender in the Law  
*Hybrid*

**Feb**

5–6 Feb Model European Rules of Civil Procedure Dissemination Conference  
*Vienna*



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

## Executive Committee

President:  
First Vice-President:  
Second Vice-President:  
Treasurer:  
Other Members:

Pascal Pichonnaz  
Lord John Thomas  
Anne Birgitte Gammeljord  
Pietro Sirena  
Bénédicte Fauvarque-Cosson  
Teresa Rodríguez de las Heras Ballell  
Aneta Wiewiórowska-Domagalska



## 2023 ELI Annual Conference

6–8 September  
Vienna, Austria



## ELI in Vienna

The Secretariat of 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.



### ELI Secretariat

Schottenring 16/175  
1010, Vienna, Austria  
T +43 1 4277 221 01  
F +43 1 4277 922 1  
[www.europeanlawinstitute.eu](http://www.europeanlawinstitute.eu)  
[secretariat@europeanlawinstitute.eu](mailto:secretariat@europeanlawinstitute.eu)



ELI  
EUROPEAN  
LAW  
INSTITUTE



universität  
wien



Supported by  
the European Union

