



ELI

EUROPEAN
LAW
INSTITUTE

ELI Updates

November – December 2017

MESSAGE FROM SVEN ERIK SVEDMAN, PRESIDENT OF THE EFTA SURVEILLANCE AUTHORITY (AN ELI INSTITUTIONAL OBSERVER)



Dear ELI Members and Friends

It is a great pleasure to contribute to the European Law Institute (ELI) November–December Newsletter. The ELI plays an important role in the development of many parts of the law of the European Economic Area (EEA). This is particularly the case in areas that the EFTA Surveillance Authority (ESA), in its role of safeguarding the rights of individuals and undertakings in the EFTA States of Iceland, Liechtenstein and Norway, sees as key to securing prosperity and economic and social progress under the EEA Agreement. This agreement creates an internal market encompassing EFTA and EU States.

One recent example of the importance of the ELI's expertise is the ongoing project about the law of internet platforms, entitled 'Draft Model Rules on Online Intermediary Platforms'. This project concerns consumer protection in the digital economy and is of keen interest to ESA and highly relevant for many of the areas it monitors. Issues such as unfair competition, unfair trade practices and potential discrimination of consumers based on the country in which they reside due to geo-blocking show that it is necessary to find innovative ways to regulate these new forms of e-commerce. For instance, the proposal to regulate reputational feedback systems, such as ratings and reviews, will promote transparency and trustworthiness when consumers purchase products online.

Technological developments in the intersection between the telecommunication and financial services sector are bound to lead to innovative solutions for consumers and business, but may also entail rules and practices that must be assessed in light of the EEA Agreement. For example, in its role as enforcer of the competition rules of the EEA Agreement, ESA is currently conducting investigations with respect to e-payment service providers in the Norwegian banking sector. The ELI's important Project will surely inspire future legislative work in such areas.

In tandem with high quality legislative Projects such as those the ELI promotes, the flexibility and adaptability of primary EEA and EU law is to me one of the best ways to accommodate and promote technological change in a sustainable manner. This entails justifiable and relevant regulatory approaches, which not only contribute to economic prosperity. It is also vital for the continued improvement of the living and working conditions of the people in the EEA by promoting prosperity in a broader sense. I trust that the ELI, as an independent organisation with an extensive network of experts, will remain an important and trustworthy actor in ensuring the quality of European law, and look forward to a more solid cooperation between ESA and the ELI in future.

Greetings from Sven Erik Svedman

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Update on Projects

Collective Redress Procedures in Human Rights Claims Against Businesses Conference in London (UK)

This event took place on 8 November 2017 and was co-organised by the British Institute of International and Comparative Law (BIICL), the European Law Institute (ELI) and the European Union Agency for Fundamental Rights (FRA), with a focus on the role of collective claims in business and human rights litigation. In the course of the event, panellists examined recent developments in this sphere in discussions that encompassed substantive law, procedural issues and practical topics such as funding and costs. The session was chaired by former ELI President, Diana Wallis. Among the speakers were Deba Das (Senior Associate in the London Office of Freshfields Bruckhaus Deringer), Jonas Grimheden (Senior Policy Manager at the FRA), Daniel Leader (Barrister and Partner at Leigh Day) and Rachael Mulheron (Professor of Professor of Tort Law and Civil Justice at the Queen Mary



University of London). The ELI is proud to have BIICL, Freshfields Bruckhaus Deringer, the FRA and Queen Mary as its Institutional Observers.

This event was part of BIICL's ongoing Project on collective redress in the context of business and human rights. On a related note, Business & Human Rights: Access to Justice and Effective Remedies is one of the several prospective ELI Projects. Find out more about it [here](#).

ELI-UNIDROIT Joint Project and Working Group on Parties Meeting in Vienna (Austria)

A highly fruitful two-day joint meeting took place for the ELI-UNIDROIT Project on Civil Procedure on 16–17 November 2017 in Vienna (Austria). Participants convened in Palais Trautson (Austrian Ministry of Justice) to discuss draft rules of European civil procedure developed by the Working Groups of the second and third stages of the Project. The meeting included the Steering Committee, Co-Reporters, Members of Working Groups and Observers. The joint meeting signified the very advanced stage of the Project as the Working Groups are now finalising their contributions. The focus of the meeting was on presentations from the respective Working Groups to enable harmonisation of the Project's output. The welcome address was delivered by Members of the Steering Committee, Diana Wallis (former ELI President) and Anna Veneziano (UNIDROIT Secretary-General ad interim), and a host of other Co-Reporters gave updates which allowed others to discuss the progress and direction of their Working Groups.

On 16 November 2017, Frédérique Ferrand (University of Lyon) and Burkhard Hess (Max Planck

Institute Luxembourg) from the Lis Pendens and Res Judicata Working Group presented their draft rules, followed by Astrid Stadler (University of Konstanz) and Emmanuel Jeuland (University of Paris) from the Parties Working Group. Among the presentations given was one by the Working Group on Parties. Preceding the presentation the group met on 15 November 2017 at the ELI Secretariat in Vienna. On this occasion Members of this Working Group were able to revise their draft rules and prepare for their presentation. The presentation was divided in two parts, with Emmanuel Jeuland presenting the first section and Astrid Stadler focusing on the parts concerning collective redress, which participants were duly informed still constituted a work-in-progress. The presentation was received favourably by the Steering Committee, other Working Groups and Observers, and it was agreed that certain areas may be further reviewed, such as cross-border procedures and the definition of mass harm.



On the following day, Paul Oberhammer (Professor and Dean of the Law Faculty of the University of Vienna) presented various issues pertaining to costs in European civil procedure traditions. A presentation and discussion of the latest version of the consolidated draft of three sets of rules (Access to Information and Evidence, Provisional and



Discussions during the break

Protective Measures, and Service and Due Notice of Proceedings) was given by Loïc Cadiet (Université Paris 1) and Xandra Kramer (Erasmus University Rotterdam). Finally, rounding up the day, Christoph Kern (University of Heidelberg) presented the draft rules developed by the Judgments Working Group.

There will be at least two Project events next year, a spring meeting in Rome (Italy) on 9–10 April 2018 and an autumnal Conference at the Academy of European Law (ERA) on 26–27 November 2018 in Trier (Germany). The meeting in Rome will signify one of the final joint meetings, similar to the one held in Vienna, where participants will have an opportunity to discuss and clarify the work being carried out. To round up the Project, a final public event held at ERA in Trier, will feature the presentation and discussion of a consolidated draft enriched with further sets of draft rules and will be an occasion for practitioners and academics to see first-hand the results of this highly anticipated Project.



Dean of the Law Faculty (University of Vienna), Paul Oberhammer during his presentation

Empowering European Families Conference at ERA in Trier (Germany)

From the 30 November–1 December, Members of the Working Group and of the Advisory Committee of the Empowering European Families: Towards More Party Autonomy in European Family and Succession Law Project, as well as experts in family and private international law, presented and discussed the outcomes of two years' firm and dedicated work on the occasion of the Legal Advice to International Couples in Europe Conference at the Academy of European Law (ERA).

The first day of the Conference focused on marriages and registered partnerships – three sets of model agreements for both statuses as well as a checklist for legal advisers on the usage of those agreements were presented and



discussed. The second day of the Conference was mainly dedicated to the difficulties which cross-border informal couples face. To overcome these problems, the Working Group has since drafted a toolkit for informal couple relationships within the European Union, which was presented at the event.

The Conference drew experts from various quarters in Europe who expressed high appreciation for the results that had been produced, particularly as they could help legal professionals to advise their clients, burdened with cross-border complications, in more informed manners. The Conference was concluded by an expert panel discussion on awareness-raising strategies and efficient ways

of encouraging the use of party autonomy. ELI President Christiane Wendehorst, who is also one of the Project's coordinators, emphasised that 'making parties conscious of the legal consequences their cross-border relationship might have before a legal dispute arises is a very crucial part of our work'.

Having reached its final stage, the Empowering European Families Team will now focus on disseminating its results further and making them

Presentation of the Criminal Law Project at EPRS in Brussels (Belgium)

On 4 December, the Conflicts of Criminal Jurisdiction: Roadmap to Legislation at EU Level event, aiming at presenting the first ELI Instrument – [on the Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law](#) – took place at the European Parliament. This event was organised by the ELI in co-operation with the European Parliamentary Research Service (EPRS).

The welcome address was delivered by the Director General of the European Parliamentary Research Service, Anthony Teasdale. The ELI was honoured to have had Heidi Hautala, recently elected Vice-President of the European Parliament, give the opening remarks.

ELI President Christiane Wendehorst provided the backdrop to this first ELI Instrument. Project Reporters Katalin Ligeti, John Vervaele and André Klip, proceeded to present the main features of the Instrument adopted by the ELI Council and the ELI General Assembly in March 2017. In particular, they presented the three complete legal frameworks for the prevention and resolution of conflicts

First e-CODEX Seminar on Investigation on Governance in Vienna (Austria)

On 30 November 2017, a Seminar on e-CODEX Governance took place at the Ministry of Justice in Vienna.

E-CODEX (e-Justice Communication via Online Data Exchange) is a large-scale Project designed to improve access by European citizens and businesses to legal means across borders – specifically online handling of cross-border legal procedures. Moreover,



Co-funded by the Justice Programme of the European Union

more accessible. The results are expected to be published next year. You can follow the progress and find out more about the Empowering European Families Project on its [website](#).



of jurisdiction in criminal matters in the 'Area of Freedom, Security and Justice' within Europe that were elaborated upon in the Project. The participating discussants were Antonio Caiola (Head of the Justice and Civil Liberties Unit at the European Parliament's Legal Service) and Judge Anne-Marie Smit (Gerechtshof's-Hertogenbosch) who certainly posed thought-provoking questions, which in turn contributed to lively discussions. The concluding remarks were given by Joseph Dunne (Director of the European Parliament Library).

To access the above ELI publication for free, kindly click [here](#).

the Project seeks to improve the interoperability of the information systems of legal authorities within the EU and supports the implementation of common standards and solutions that make cross-border case-handling activities easier.

The ELI cooperates with the e-CODEX team as an associate partner. The Project is in its second phase, the so called Me-Codex (Maintenance of e-Justice

Communication via Online Data Exchange).

The Seminar at the end of November was devoted to the challenge for the European Commission and Member States in establishing an all-encompassing governance model that can ensure the long-term sustainability and growth of the e-Justice Digital Service Infrastructure (DSI) and services beyond the lifetime of the Connecting Europe Facility (CEF) programme.

To pursue this challenge, the Seminar focused, amongst other things, on establishing a commonly

understood conceptual framework and discussing and adopting an appropriate methodological approach.

Guests were welcomed by Martin Schneider (Chief Information Officer at the Austrian Ministry of Justice) and Ernst Steigenga (Coordinator of the e-CODEX Project). ELI Secretary General Dr Vanessa Wilcox briefly attended the event.

Find out more about the e-CODEX Project and future events [here](#).

Launch of the ELI Instrument on Rescue of Business in Insolvency Law in Vienna (Austria)



Speakers of the ELI event on 20 December 2017

The [ELI Instrument](#) on the Rescue of Business in Insolvency Law, elaborated by Bob Wessels and Stephan Madaus, was finalised and approved this year by the ELI Council and the General Assembly in September. The Instrument, which identifies a number of topics that are ripe for further approximation or harmonisation across Europe, includes 115 recommendations and is designed to assist those involved in a process of law reform and those setting standards for soft law in the business rescue context.

On the occasion of the 52nd Session of the United Nations Commission on International Trade Law (UNCITRAL) Working Group V (Insolvency), the ELI organised an event on 20 December at the Austrian Ministry of Justice, which attracted around 60 participants.

The guests were cordially welcomed by ELI President Christiane Wendehorst, who gave a presentation of the work of the ELI: 'The ELI is a Membership-based organisation', Wendehorst said while emphasising the vital role of Members in the activities of the Institute, particularly with regard

to ELI Projects. She also took the opportunity to express her gratitude for having UNCITRAL as an Institutional Observer.

Thereafter, one of the two Co-Reporters of this Project, Stephan Madaus, took to the stage to present the Instrument itself. He elaborated on the aims, methodology and outcomes of the Project and thanked all the parties involved for their contributions, especially his fellow Co-Reporter Bob Wessels, who had conceived the Project.

Madaus was followed by José Angelo Estrella-Faria, a Senior Legal Officer at UNCITRAL. Estrella-Faria presented an overview of UNCITRAL's history and work to the audience and highlighted commonalities between the ELI and UNCITRAL: 'This instrument we present today is an excellent example of this complementary relationship', he said.

The presentation was followed by a reception, where guests had in-depth discussions on the topic. The ELI Instrument on the Rescue of Business in Insolvency Law as well as the background materials leading to it will be published with Oxford University Press in the coming months. For a summary of the Project and its background, please click [here](#).



This project is co-funded by
the European Union

ELI Representation

On 9 November 2017, ELI Secretary General Dr Vanessa Wilcox delivered a speech at the European Women Lawyers Association (EWLA) Congress in Luxembourg. The theme of the Congress, held at KPMG, was 'The Key Role of Diversity to Strengthen the EU'. The Conference addressed a variety of topics on diversity and gender equality. Among the esteemed speakers were Lydia Mutsch (Minister for Equal Opportunities and Minister of Health of Luxembourg) and Monika Ladmanova (Adviser to Commissioner Vera Jourová on Gender Equality and Non-Discrimination). The Congress was moderated by ELI Council Member and Young Lawyers Award Jury Member, Katharina Miller (who has recently been appointed EWLA President). The ELI wishes her all the very best during her term. Please click [here](#) to view the agenda of the event.

Executive Committee Member Raffaele Sabato attended the 18th plenary meeting of the Consultative Council of European Judges (CCJE) on 10 November 2017 in Strasbourg (France), where he gave an overview of the work and activities of the ELI. Raffaele Sabato has also served as a member of the Consultative Council of European Judges since its conception in 2000, having been its Chair for two years.

On 14 November 2017, ELI President Christiane Wendehorst spoke at the XXXII Nordic Conference on Law and IT in Oslo (Norway), which was hosted by the Norwegian Research Center for Computers and Law. This event was devoted to examining aspects of European regulatory policy that critically impact upon data sharing and data economy initiatives. Wendehorst gave a presentation on the Proposed Digital Content Directive and its Implications for the Data Economy. For more on the ELI's work on digital content click [here](#). For more about the ELI-ALI's (American Law Institute) Feasibility Study on Principles for a Data Economy, which is led by Wendehorst on the ELI side, click [here](#).

On 14 November 2017, ELI Vice-President Sjef van Erp attended the celebration of the establishment of the International Institute for Justice Excellence

(IIJE), where he is a member of the Board of Directors. The event took place in the Great Courtroom of the Peace Palace in The Hague (The Netherlands) and was attended by eminent jurists and members of the diplomatic community. The aim of this Institute is to improve access to justice through its role as a non-political, non-profit, international institution dedicated to developing a collaborative approach to the administration of justice.



On 27 November 2017, ELI President Christiane Wendehorst met the President of the European Law Students' Association (ELSA) International, Anastasia Kalinina, in Brussels (Belgium). The two exchanged ideas on the prospects of a partnership between the ELI and ELSA.

The next day, Wendehorst was invited as a speaker at a Conference entitled 'Internet of Things – A Brave New World for Consumers?' in Brussels. The Conference addressed opportunities and risks posed by the Internet of Things, with a focus on areas such as privacy, competition, consumer rights, contracts, safety and security. Find out more about this event [here](#).

ELI Vice-President Sjef van Erp, gave a presentation to faculty members and PhD researchers on 30 November 2017 at the Law Faculty of the University of Trento (Italy) about 'Who "Owns" Data?'. He also briefly presented the ELI-ALI Feasibility Study on Principles for a Data Economy.

During November and December, as part of her inaugural visits, ELI President Christiane Wendehorst



Věra Jourová and Christiane Wendehorst

also traveled to Brussels to promote recent ELI publications and to further strengthen partnerships by meeting with several representatives of European institutions.

She met Věra Jourová, European Commissioner for Justice, Consumers and Gender Equality on 4 December. The two discussed future areas of work in civil and criminal law and prospects of future cooperation. Wendehorst expressed her gratitude to Commissioner Jourová for her enduring commitment to the ELI and her public support over the years.

Wendehorst was also cordially welcomed to Brussels by Diego Canga Fano (Head of Cabinet of Antonio Tajani (President of the European Parliament)) and Michael Weiss (Team Leader of the Cabinet of

Antonio Tajani), to whom she gave an update on the recent activities of the ELI. The European Parliament is one of the ELI's valued Institutional Observers.

On 7 December 2017, ELI Vice-President Sjef van Erp gave a keynote speech at the Consumer Law Conference organised by the Irish Centre for European Law in Dublin (Ireland) about own motion assessments (ex officio application) of EU consumer law by national courts. He also took this opportunity to present the work of the ELI. Find out more about this event [here](#).

ELI Secretary General, Dr Vanessa Wilcox, and ELI PR Officer, Ayper Deniz, attended the National Council Meeting of the Austrian branch of the European Law Students Association (ELSA Austria) at the Tabakfabrik in Linz (Austria) on 15 December 2017. A presentation of the ELI and its activities as well as the opportunities

for young lawyers that are offered by the ELI, including internships

and the recently launched Young Lawyers Award, were the subject of a speech delivered on the occasion. Find out more about the activities of ELSA Austria [here](#).



Updates on SIGs and Hubs

Call of Interest: Environmental Law SIG

The ELI is looking to solicit the level of interest in the establishment of an Environmental Law SIG. Please send an e-mail indicating interest in SIG Membership, were it to be established, to the ELI Secretariat.



SIG's Goals

The Environmental Law SIG would include an active forum for discussion and cooperation, the review of the legal developments in this area, conducting and facilitating research, making recommendations and providing practical guidance in the field. The research

activity of the Environmental Law SIG will involve – for example – legal approaches to climate change adaptation and mitigation to answer international obligations, reduction of adverse environmental impact of urban sprawl and development, legal mechanisms for prevention and settlement of water disputes, efficient management of natural resources to meet environmental challenges, etc. The expected outcomes of the research will include a series of recommendations for EU institutions for the improvement of EU law. Further ideas and propositions are welcomed.

French Hub Seminar in Lyon (France)

On 9 November 2017, a Seminar on Responsibility and Digital Technology organised by the Faculty of Law of Catholic University of Lyon (UCLy), Trans Europe Experts (TEE) and ELI French Hub took place in Lyon. Given the impact that the rapid development of digital technologies has on all existing legal provisions, the question of liability was examined with the help of two examples: liability in the case of an accident with self-driving vehicles and liability of a Data Protection Officer as a key person under Art 37 of the General Data Protection Regulation which enters into force on 25 May 2018. Among the panellists was ELI Vice-President Sjef van Erp, who gave a presentation on the ELI. The event attracted



Panellists in Lyon (France)

many experts in this field. It inspired lively debate on these topical questions. To read more about this event in French, please click [here](#).

A Look Back at 2017

As the ELI celebrates its sixth year of existence, the Institute can look back on 12 months full of positive developments and progress.



Strengthening the Network

The ELI Membership has grown annually ever since its inception in 2011 and 2017 was no exception. At the end of 2017, the ELI can count over 1,500 individual and institutional Members.

Law faculties, bar associations and supranational as well as international bodies joined the ELI as Institutional Observers in 2017. Apart from increasing the number of Institutional Observers, the ELI has strengthened its cooperation with existing and new Institutional Observers. The cooperation with International Institute for the Unification of Private Law (UNIDROIT) and the European Networks of Councils for the Judiciary (ENCJ) continues with

a Joint Project on European Rules of Civil Procedure and a Joint Project on Alternative Dispute Resolution respectively.



Conference on Digitalisation in Hull (UK)

Ties were also strengthened with the University of Hull (UK), through a Conference on Digitalisation held in Hull in March of this year. The cooperation with the European Law Academy (ERA) was further developed through an event on Legal Advice to International Couples in Europe Conference in Trier (Germany).

An event with the United Nations Commission on International Trade Law (UNCITRAL) was hosted on the margins of Working Group V on Insolvency Law in Vienna in December.

ELI Bodies: A Driving Force of the Organisation

2017 was also a fruitful year for the ELI bodies. On 31 March–1 April, the Council and the Executive Committee met in Hull and addressed the future of the ELI and the strategy that it should adopt going forward in respect of its Projects and its international relations. The Executive Committee also held meetings in June, September (jointly with the Senate) and November, this year.



Panel during the Council Meeting on 6 September 2017

In 2017, elections for 30 seats of the ELI Council took place between 6–7 September 2017 at the ELI's Annual Conference and General Assembly. The current Members of the ELI Council can be viewed [here](#). Following a newly constituted Council, Members then went on to elect the new ELI Executive Committee who will be charged with the stewardship of the ELI for the next two years.



Digital Law SIG Conference in the Law Faculty of the University of Vienna

Hubs and Special Interest Groups (SIGs)

2017 was an active year for SIGs with several meetings and conferences organised both in the course of the ELI Annual Conference in September in Vienna and on other occasions. Several Hub events took place in 2017. These were organised by the impressively active Spanish, French, Italian and German Hubs.

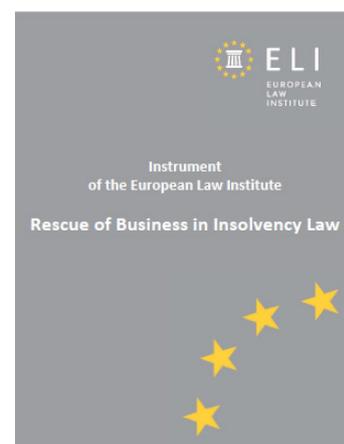
ELI Projects

ELI Project Teams worked intensively throughout the year to yield excellent results.

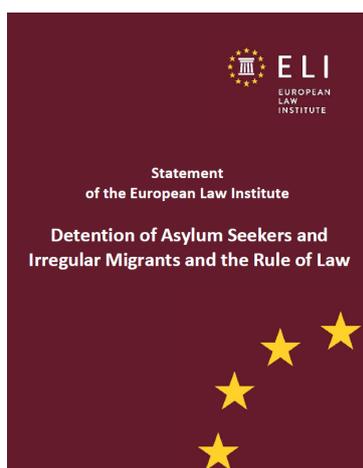
The ELI [Instrument on the Prevention and Resolution of Conflicts of Jurisdiction in Criminal Matters in the European Union](#) was approved by the ELI Council and General Assembly as the first ELI Instrument in its history on 31 March. The Project was also presented at the European Parliamentary Research Service (EPRS; see [page 4](#)). A short report and explanation on the Project's background and aims, as well as a description of the results can be found [here](#). The ELI thanks Project Reporters, Professors Katalin Ligeti, André Klip and John Vervaele, for their excellent work and congratulates them on the impressive results. An upcoming ELI Publication Series with [Oxford University Press](#) will feature this ELI Instrument under the title 'Preventing and Resolving Conflicts of Jurisdiction in EU Criminal Law' as well as important background research coordinated by the Luxembourg Team.

The ELI Project Team on the [Rescue of Business in Insolvency Law](#) has also finalised its output in form of an [ELI Instrument](#) which was presented and adopted at this year's General Assembly. Led by Project Reporters Bob Wessels and Stephan Madaus, the Team

presented their findings to a very broad audience on the margins of the UNCITRAL Group V (Insolvency) Session in December. For more about this event, please visit [page 5](#) of this Newsletter.



The Project Team on [Detention of Asylum Seekers and Irregular Migrants and the Rule of Law](#) produced an [ELI Statement](#) that was adopted on 7 September by the ELI Council which they presented at the Annual Conference. Dissemination efforts included presentations of Project Reporter, Bostjan Zalar, at a workshop by the Centre of Judicial Cooperation of the European University Institute in Florence in June and an event hosted by ERA in December, in which the main conclusions of this Statement were presented.



Experts working on the ELI-UNIDROIT Joint Project entitled [From Transnational Principles to European Rules of Civil Procedure](#) were also



This project is co-funded by the European Union

highly active in 2017, with several meetings of the Working Groups and Steering Committee, as well as the presentation to the UNIDROIT Governing Council, and the ELI General Assembly. At the ELI Annual Conference, a panel discussion was dedicated to the consolidated version of the draft of the first three Working Groups of the Project. The Steering Committee of this ELI-UNIDROIT Project met twice this year (5–7 April in Rome (Italy); 16–17 November in Vienna (Austria)). 2017 marked significant progress in terms of the consolidation of the Project's first output, thus resulting in a first version of a structured consolidated text covering such civil procedure topics as evidence, provisional and protective measures and service of documents.

In 2017 the Joint ELI-ENCJ Project on The Principled Relationship of Formal and Informal Justice through the Courts and Alternative



This project is co-funded by the European Union

Dispute Resolution entered its final stages. The draft prepared by the Project Team, based on consultations with practitioners and judges, was

further elaborated upon during Project Team meetings in May and September. The draft was also presented at the ELI Annual Conference. Approval for the finalised Statement will be sought at the February 2018 ELI Council meeting.

The [Empowering European Families: Towards More Party Autonomy in European Family and Succession Law Project](#), a joint endeavour between the ELI, the



University of Vienna and the University of Utrecht, made significant progress in 2017 as the second workstream on model agreements concerning property, family home, maintenance and pension rights was completed with a meeting and workshop held on 19–20 June in Utrecht (The Netherlands). Workstream three was also finalised this year.



Co-funded by the Justice Programme of the European Union

The experts of this Project had a well-attended public workshop at ERA in Trier (more on [page 3](#)).

The final output is set to be finalised in the first quarter of 2018 with dissemination efforts continuing beyond then.

An ELI Project, which was initiated in 2016, the Project on [Draft Rules on Online Intermediary Platforms](#) has provided impressive interim results, which were presented at the ELI Annual Conference. A Members Consultative Committee (MCC) was recently established for this Project to allow input before this Instrument is put to a vote before the ELI Council and General Assembly. As seen from the message from the EFTA President above, the Project draws mass appeal.

On 22 September, two of five Online Platforms Project Reporters, Hans Schulte-Nölke and Christoph Busch, presented the Project at a Conference of the Hankuk University Seoul (South Korea). Among the guests were academics, representatives of the internet industry and consumer protection authorities

from Korea and China. Moreover, Christoph Busch presented the ELI Project at two workshops at the Hong Kong City University on 28 September 2017 and Keio University in Tokyo (Japan) on 10 October 2017.

Two further Projects, a proposed Statement on a [European Approach to R&D Expenses Qualifying for the Common Corporate Tax Base Super Deduction](#) and a proposed Instrument on the [Protection of Adults in International Situations](#) were approved this year at the ELI Annual Conference and their initial results presented on the occasion.

Among other presentations, a Feasibility Study conducted by the ELI and the American Law Institute (ALI) on [Principles for a Data Economy](#) was also given at the ELI Annual Conference.



2017 ELI Annual Conference and General Assembly from 6–8 September



2017 Annual Conference and General Assembly in the Vienna City Hall

One of the most important events of the year was the ELI Annual Conference, with nearly 350 experts from different legal and geographical backgrounds. The event provided a forum for lively discussions on law, policy and the role the ELI should play in improving European law.

A note to Conference participants by Federal President of Austria, Alexander van der Bellen, which can be read [here](#) in German and in English, was a

welcome gesture that crowned the event.

Keynote Speaker Michael O'Flaherty, Director of the European Union Agency for Fundamental Rights (FRA) underlined the shared commitment of the ELI and FRA to the rule of law and human rights on the second day of the Conference.

The ELI Gala Dinner was opened by Keynote Speaker Lance Liebman, former American Law Institute (ALI) Director. Liebman shared insights into his decades-long career as a Dean of Columbia Law School as well as his time at the ALI.

Further welcome speakers included Wolfgang Brandstetter (Austrian Vice-Chancellor and Minister of Justice), Heinz W Engl (Rector of the University of Vienna) and Paul Oberhammer (Dean of the Faculty of Law).

Panel sessions were held during the Conference, focusing on diverse fields of law, such as rules of civil procedure, family and succession law, rescue of business in insolvency law, the rule of law and migration, alternative dispute resolution and digitalisation.

Further information on the Conference can be found on the [ELI website](#).

2017 was also the year where the first winner of the ELI Young Lawyers Award has been selected. Evgenia Ralli, a promising lawyer who studied at the University of Luxembourg (Luxembourg), Ludwig Maximilian University of Munich (Germany), the University of Trier (Germany) and Aristotle University of Thessaloniki (Greece), is the first winner. She presented aspects of her excellent paper on 6 September 2017 at the ELI Annual Conference and General Assembly.



Evgenia Ralli at the 2017 Annual Conference and General Assembly

2018 ELI Young Lawyers Award

- CALL FOR PAPERS -

About

The ELI Young Lawyers Award was officially launched at the 2016 Annual Conference and General Assembly in Ferrara (Italy). 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.

Eligibility Criteria

The following are eligible to submit entries:

- Individuals currently undertaking a university law degree, whether undergraduate or postgraduate; and
- Individuals who are within five years of being awarded a law degree at the date by which entries must be submitted.

Where queries concerning eligibility arise, the decision of the ELI is final.

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. The contribution can be submitted in any of the EU official languages along with an English translation. You can find more detailed instructions, including the Style Sheet template [here](#).

Wish to distribute YLA brochures to young lawyers in your circles? Please get in touch with the ELI Secretariat to request the same in electronic form or hard copy.

Selection and Prizes

The Jury of the ELI Young Lawyers Award is comprised of the European Law Institute and other appropriate participating institutions. It is selected by the ELI Executive Committee every two years.

The successful candidate will be invited to present his/her paper at the 2018 ELI Annual Conference and General Assembly in Riga (Latvia). The European Law Institute will further cover his/her accommodation and travel expenses up to the value of EUR 1,000. This will provide the winner with an opportunity to meet and greet some of the world's leading law experts and exchange ideas with them.



In addition, the winning contribution will be published on the ELI website and its author will be awarded with two years of free ELI fellowship, which will allow this individual to be involved in Special Interest Groups (SIGs), present project proposals and participate in the Members Consultative Committees (MCCs) of the different ELI Projects.

The papers must be submitted by **30 April 2018**, 20:00 CET, to the following address: award@europeanlawinstitute.eu

More detailed instructions are available on our website [here](#).

Overview of Upcoming Events

SAVE THE DATE!

18 January 2018

Insurance Law in a Changing EU
Conference in Vienna (Austria)



27 February 2018

How Digital Transformation Drives European
Integration Conference in London (UK)



23 January 2018

Lecture as Part of the Law and Empire
course at the Institute for Legal and
Constitutional History of the University of
Vienna (Austria)



8 February 2018

Presentation of the ELI at the Law Faculty of
the Catholic University of Lyon (France)



16 March 2018

9th Forum of Trans Europe Experts
(TEE) in Paris (France)



9–10 April 2018

ELI-UNIDROIT Project Meeting in Rome
(Italy)



19–20 April 2018

Digital Revolution: Data Protection, Smart
Products and Blockchain Technology –
Challenges for Law in Practice Conference
in Treviso (Italy)



31 May 2018

The Prevention of Resolution of Conflicts of Exercise
of Jurisdiction in Criminal Law Final Conference and
Book Launch in Luxembourg (Luxembourg)



5–7 September 2018

ELI Annual Conference and General
Assembly in Riga (Latvia)



26–27 November 2018

ELI-UNIDROIT Conference at the Academy of
European Law (ERA) in Trier (Germany)



You can find detailed information about past and upcoming ELI events on our website [here](#).

Upcoming Events

18 January 2018: Insurance Law in a Changing EU Conference in Vienna (Austria)

Opening	Welcome & Introduction
09:45 - 10:00	Welcome Addresses Georg Kathrein (Vienna) <i>Christiane Wendehorst</i> (Vienna)
10:00 - 10:30	Introduction and Presentation of the Principles of European Insurance Contract Law 2.0 <i>Helmut Heiss</i> (Zurich)
Part I	EU Insurance Law: Quo Vadis?
10:30 - 11:00	Insurance Contract Law in a Changing Regulatory Environment: The Eye of the Storm? <i>Herman Cousy</i> (Leuven)
11:00 - 11:30	Coffee Break
11:30 - 12:00	Brexit – the Problems, How UK Insurers have Responded, Potential Issues for Insurance Law and Regulation <i>David Hertzell</i> (London)
12:00 - 12:30	Discussion Moderated by <i>Jaana Norio-Timonen</i> (Helsinki)
12:30 - 13:30	Lunch
Part II	InsurTechs and the EU Digital Single Market
13:30 - 14:00	InsurTechs: New Challenges for (Transnational) Insurance Law <i>Monica Mächler</i> (Zurich)
14:00 - 14:30	The EU Digital Single Market Strategy <i>Jürgen Basedow</i> (Hamburg)
14:30 - 15:00	Discussion Moderated by <i>Diana Cerini</i> (Milan)
15:00 - 15:30	Coffee Break
Part III	European Pensions
15:30 - 16:00	Pan-European Personal Pensions <i>Fabio Maniori</i> (Rome)
16:00 - 16:30	International Employee Benefit Programs in Europe <i>Peter Takáts</i> (Budapest)
16:30 - 17:00	Discussion Moderated by Jérôme Kullmann (Paris)

18 January 2018, 09:45–17:00, Palais Trautson, Museumstraße 7, 1070 Vienna (Austria); Participation is free of charge but limited to 120 attendees; To register, please e-mail restatement@uibk.ac.at
To find out more about this event, please click [here](#).

The Conference is organised by:

Project Group on a
**Restatement
of European
Insurance Contract
Law**



Austrian Federal Ministry of
Justice

27 February 2018: How Digital Transformation Drives European Integration Conference in London (UK)

As Europe stands at the crossroads of change, the need for greater insight by the UK into legal developments on the Continent becomes increasingly clearer.

There is much merit in the UK doing its part to ensure that work at home follows the same trajectory as that in other European jurisdictions. Similarly, lawyers on the other end of the Channel have signalled their eagerness to be kept abreast of developments in various legal fields in the United Kingdom and to actively engage in issues that affect Europe as a whole.

Founded in 2011, the ELI offers itself as a forum

for such discourse. The Institute is an entirely independent organisation that aims to improve the quality of European law, understood in the broadest sense. This it does by initiating, conducting and facilitating research, making recommendations and providing practical guidance in the field of European legal development.

As topics worthy of globalised standards, the ELI has become increasingly active in the emerging areas of digitalisation and data and is pleased to partner with one of its Institutional Observers, Freshfields Bruckhaus Deringer, London, a leading FinTech firm, in organising this event.

Tuesday, 27 February 2018, 17:00–19:00

Freshfields Bruckhaus Deringer

Northcliffe House Entrance

26–28 Tudor Street, London EC4Y 0AY, United Kingdom

The admission to the conference is free of charge.

Register by 23 February at secretariat@europeanlawinstitute.eu

Speakers

Lord Thomas of Cwmgiedd, PC, QC

Member of the ELI Executive Committee

Introduction

Christiane Wendehorst

ELI President

Principles for a Data Economy

Sjef van Erp

ELI Vice-President

Blockchain Technology and Smart Contracts

Jimmy Vestbirk

Legal Geek

European LawTech: A Start-Up Perspective

Tom Hingley/Adam Ryan

Freshfields Bruckhaus Deringer, London

How Digitalisation Drives European Integration



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Freshfields

Participants are invited for nibbles and refreshments, courtesy of Freshfields Bruckhaus Deringer, after the talks.

2018 ELI Annual Conference and General Assembly in Riga (Latvia) – SAVE THE DATE!

The ELI is delighted to announce that the 2018 ELI Annual Conference and General Assembly will take place on 5–7 September in Riga (Latvia).

More information on the programme, accommodation and other arrangements will be provided on our website in due course. For now, though, please save the date and do not miss this opportunity to meet and discuss with the esteemed Members of our legal community in Riga next September!

We would like to thank the following partners for sponsoring our Conference:



Court Administration
Republic of Latvia



Tieslietu ministrija



Visit Our New Website!

The Secretariat invites ELI Members to peruse through its new website and to let us know what you think.



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The ELI Mission

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.

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