



ELI

EUROPEAN
LAW
INSTITUTE

ELI Updates

July - August 2016



MESSAGE FROM TIINA ASTOLA, DIRECTOR-GENERAL FOR JUSTICE AND CONSUMERS AT THE EUROPEAN COMMISSION

Dear ELI Members and friends,

It's a pleasure and an honour to contribute to the ELI July-August Newsletter. The ELI plays an important role in the development of EU law. The Institute provides competent legal advice on a range of proposals presented by the Commission, assesses and suggests further improvements to the EU acquis, and raises debates on what is going on in the EU and how best to provide insight to the European legal system.

I gained further insight into the ELI's work when in June I attended the first meeting of the Framework of EU-China Legal Affairs Dialogue, which took place in Beijing. This Framework provides a platform to exchange experiences regarding a variety of legal topics in order to increase the mutual understanding between China and the EU. This first session tackled the subjects of e-commerce and consumer protection. The ELI President, Diana Wallis, and other members of ELI accompanied the EU delegation chaired by EU Commissioner Věra Jourová, and made an important contribution to the debate.

The issues of e-commerce and consumer protection are in the limelight in the Commission's internal work at the moment. As you know, last year the Commission proposed two Directives on Digital Contracts providing harmonised key contract rules, to enhance EU wide e-commerce. This, in turn, allows businesses and consumers to benefit the most of the Digital Single Market. I am grateful for ELI's input to the ongoing legislative process and the work by its Working Party and Drafting Committee, and its support as concerns the overall objectives of the initiative and possible redrafting. This is an example of the added value of the ELI and I am looking forward to continuing receiving ELI's input in the process. The Digital Single Market Strategy also provides for an initiative on the Free Flow of Data. In this context, the Internet-of-Things is a phenomenon that provides multiple challenges at global level, from a consumer protection, data protection and internal market perspective. This is an area where we believe ELI's views and expertise would be of great help.

In an increasingly European online world, Alternative Dispute Resolution offers consumers and traders a possibility to resolve disputes about purchases of goods and services in a simple and fast way out-of-court and at a low cost. To further strengthen the effectiveness of consumer ADR, the Commission launched, at the beginning of the year, the online dispute resolution platform (ODR). It offers a single point of entry for EU consumers and traders to settle disputes online for both domestic and cross-border purchases. The new culture of ADR/ODR will contribute to developing a new culture of conciliatory dispute resolution between consumers and traders in the EU. I am looking forward to the findings of the ELI Project in this field.

We are facing a challenging future in the European Union. We will have to cross legal paths that are yet to be fully mapped. We will have to find solutions to difficult situations. Working together, gathering the expertise where it is to be found, collecting evidence to support our action to reach the objective is essential. We are very grateful for ELI's important contribution this far, and look forward to cooperating also in the future to shape the future of the legal environment of the EU.

Tiina Astola

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The 2016 ELI Annual Conference

KEYNOTE SPEAKERS



Koen Lenaerts

President of the Court of Justice
of the European Union



Marta Cartabia

Vice-President of the Italian
Constitutional Court



Dario Franceschini

Italian Minister of Culture

Wednesday
7 September

ELI General Assembly (ELI members only)

11:00 - 13:00, *Aula Magna, Faculty of Law* (Registration opens at 10 am)

ELI Council Meeting (ELI Council members only)

14:00 - 18:00, *Council Room, Faculty of Law*

ELI ANNUAL CONFERENCE (All Conference Participants)

19:00 - 22:00, *Castello Estense di Ferrara*

Thursday
8 September

ELI ANNUAL CONFERENCE

09:00 - 19:30, *Faculty of Law* (Registration opens at 8 am)

- Welcome Addresses and Introduction (9:00 - 9:45)
- Panel sessions (9:45 - 17:30)
- Meetings of Special Interest Groups (17:30 - 19:30)

Conference Dinner

20:00 - 23:00, *Castello Estense di Ferrara*

Friday
9 September

ELI ANNUAL CONFERENCE

09:00 - 16:15, *Faculty of Law* (Registration opens at 8 am)

- Panel Sessions (9:00 - 16:15)
- Launch of the ELI Italian Hub (16:30 - 18:00)

Dinner - Social Event

19:00 - 22:00, *Hostaria Savonarola Ferrara*

**Conference
Brochure**

**How to Get to
Ferrara**

**Ferrara
Visitors Guide**

The ELI would like to thank the Conference host and supporters:



**UNIVERSITÀ
DEGLI STUDI
DI FERRARA**
- EX LABORE FRUCTUS -

This year the ELI Annual Conference will be kindly hosted by the Faculty of Law of the University of Ferrara. The ELI Secretariat has counted on its valuable support in making preparations for the event. We are particularly grateful to the Dean Prof. Giovanni De Cristofaro and Dr. Alberto De Franceschi for their continuous efforts to ensure that venues and logistics are ready for an unprecedentedly well attended Conference.

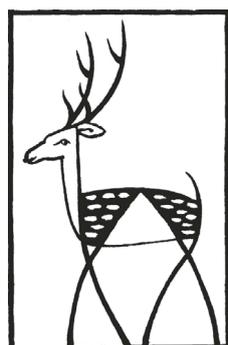


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**Follow the ELI Annual Conference on Twitter:
#ELIConference2016**

FEATURING ELI PROJECTS:

In only a few days, the ELI Annual Conference will gather in Ferrara some of the most prominent experts of the European and international legal community in diverse fields of law to discuss particular aspects of the ELI project work.

Some of the ELI Project Teams have already produced their final drafts, which will be submitted to the consideration of the ELI Membership and bodies. This is the case of the [“3rd Supplement to the ELI Statement on the Proposal for a Regulation on a Common European Sales Law”](#), and of the draft ELI Statement on [“Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law”](#).

Other ELI Project Teams will present and discuss their preliminary results with Conference Participants. The ELI Project on [“Rescue of Business in Insolvency Law”](#) and the joint ELI-UNIDROIT Project [“From Transnational Principles to European Rules of Civil Procedure”](#) are in an advanced drafting phase and

will confront participants with drafts for discussion. Other projects, which are in earlier stages, will also provide participants with the opportunity to contribute to the discussions in the work of the Project Teams. This is the case of the ELI Project on [“Empowering European Families - Towards More Party Autonomy in European Family and Succession Law”](#), the ELI Project on [“Detention of Asylum Seekers and Irregular Migrants and the Rule of Law”](#) and the ELI-ENCJ joint Project on [“The Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution”](#).

During the Ferrara Conference also new ideas for projects will be presented in diverse fields such as vulnerable adults, e-Justice, online platforms or tax law. To learn more about ELI Projects, visit the [ELI website](#).

**Conference
Materials**



Special Interest Groups (SIGs) - Announcement

One of the highlights of the ELI 2016 Annual Conference in Ferrara will be the meetings of the ELI Special Interest Groups on 8 September. Don't miss the opportunity to contribute to the discussions foreseen in Ferrara!

Click on the buttons below to obtain further information on each SIG. To join a SIG, please [contact the ELI Secretariat](#).

**Administrative
Law**

**Business and
Financial Law**

**Civil
Law**

**Competition
Law**

**Contract, Tort
and Property Law**

**Digital
Law**

**Dispute
Resolution**

**European Union
Law**

Family Law

**Fundamental
Rights Law**

**Intellectual
Property Law**

3rd Supplement to the ELI Statement on the Proposal for a Regulation on a Common European Sales Law

The 3rd Supplement to the ELI Statement on the Proposal for a Regulation on a Common European Sales Law is now ready and will be put to a Council vote on 7 September.

After the European Commission withdrew its proposed Regulation on a Common European Sales Law ('the CESL') and presented its proposals of directives on the Digital Single Market, the ELI provided a thorough analysis of the proposed instruments in the [2nd Supplement to the ELI Statement on the Proposal for a Regulation on a CESL](#). The successful ELI [Conference on New Rules for Contracts in the Digital Single Market](#) provided a first opportunity to discuss and consider the

substantial impact that these new Digital Single Market instruments were likely to have.

The 3rd Supplement focuses on the proposal of the so called 'Digital Content Directive' (DCD). The proposed DCD offers important clarity and protection to consumers, particularly to consumers in Member States (the vast majority) that do not have legislation dealing specifically with contracts for the supply of digital content. In this 3rd Supplement, the Project Team identifies a number of issues where it believes the draft DCD still needs to be improved. More information on this Supplement will soon be available on the ELI [website](#).

Updates on HUBs

Launch of the ELI Italian Hub

The 10th ELI national Hub will be launched on 9 September 2016 in Ferrara, coinciding with the ELI Annual Conference.

President Diana Wallis will chair the event, which will begin with a presentation of the Italian Hub, its aims and future plans by Fabrizio Cafaggi, Remo Caponi, Mario Comba and Raffaele Sabato. Following this presentation, a round table will gather Silvana Sciarra, Giovanni Mammone, Roberto Mastroianni, Guido Alpa and Paolo Pasqualis. Professor Sabino Cassese will give the concluding remarks.

The Launch will be held under the patronage of the Department for European Affairs of the Italian Government and with the support of the Unione Nazionale delle Camere Civili.



Kindly find the Agenda of the Italian Hub Launch [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. Find out more about ELI Hubs [here](#).

Other Hub events

The **ELI Italian Hub** will co-organise a Conference on International Commercial Contracts and Arbitration Clauses, which will take place in Turin on 23 September 2016. Welcome address will be delivered by Mario Comba, President of the Istituto Universitario di Studi Europei (IUSE), one of the ELI Institutional Observers. The Conference is organised in the framework of the Master of Laws in International Trade Law - Contracts and Dispute

Resolution. Kindly find the agenda of the event [here](#) and register by writing to info@iuse.it.

On the same day, the **ELI Spanish Hub** is supporting the organisation of a Conference on unjustified enrichment, organised by the Universidad Carlos III de Madrid. The event will take place at the premises of the University. Kindly find the Agenda of the Conference with more detailed information (in Spanish) [here](#).

Upcoming events

ELI-UNIDROIT Joint Project on Civil Procedure: Meeting of the Steering Committee with Reporters, Advisers and Observers

On 21-22 November, a joint meeting of the ELI-UNIDROIT Steering Committee with the Reporters, Advisers and Observers of the Project will take place in Vienna. This meeting will essentially focus on the discussion of the draft rules of civil procedure developed by the Working Groups on 'Access to information and evidence', 'Provisional and protective measures', and 'Service and due notice of proceedings'.

The three Working Groups, which were established soon after the launch of the Project in 2014, have been working to produce their close-to-final draft set of rules and will share them for the final consultation with the Steering Committee in November. The Project's Advisers and Observers will be invited to take part in the event, which aims at completing the drafting stage of the first three Working Groups.

The final review of the drafts is envisaged to take place in April 2017, when the Steering Committee

will hold its joint meeting with the Reporters in Rome. Further details concerning the announcement and publication of the set of rules on 'Access to information and evidence', 'Provisional and protective measures', and 'Service and due notice of proceedings' will follow after the meeting on 21-22 November in Vienna.

The ELI-UNIDROIT project "From Transnational Principles to European Rules of Civil Procedure" is a cooperative venture which builds upon an instrument produced jointly by the ALI (American Law Institute) and UNIDROIT (International Institute for the Unification of Private Law), titled "Principles of Transnational Civil Procedure". The ELI-UNIDROIT cooperation, initiated in 2013, aims at adapting the ALI-UNIDROIT Principles from a European perspective in order to develop European Rules of Civil Procedure.

Other upcoming events

The [ELI Project on Rescue of Business in Insolvency Law](#) is approaching its final phase. All country reports and normative reports have been compiled, and an inventory report on international recommendations and soft-law has been produced. Part of the final report will be presented at the ELI Annual Conference in Ferrara next week. After these discussions, the Reporters will have another great opportunity to present the draft results of the project to experts

in the field, in a workshop that will take place in Leiden on 16 and 17 November, kindly hosted by the University of Leiden.

The ELI will also organise a Conference in Hull (UK), on 30 and 31 March, which will address some of the challenges of digitalisation for law and for legal experts. More details about this event will be available soon on the [ELI website](#) and in the next issue of this Newsletter.



- **16-17 November, Leiden:** Meeting on ELI Project on Rescue of Business in Insolvency Law.
- **21-22 November, Vienna:** Meeting of ELI-UNIDROIT Joint Project on Civil Procedure.
- **30-31 March, Hull:** Conference on Digitalisation of Law.

New Institutional Observers

Uría Menéndez

URÍA MENÉNDEZ

Uría Menéndez is one of the most prestigious independent law firms in the Iberian market. Founded in the 1940s, we have over 500 lawyers in 17 offices located in the most important financial centres in Europe, the Americas and Asia.

Our international structure allows us to provide Spanish, Portuguese and EU legal advice to clients on their investments in the Iberian Peninsula and abroad. We work in close collaboration with renowned firms in Latin American and our network of "best friends" from France (Bredin Prat), Germany (Hengeler Mueller), Italy (BonelliErede), the Netherlands (De Brauw Blackstone Westbroek)

and the United Kingdom (Slaughter and May). Uría Menéndez is also a member of international associations such as Lex Mundi and the IBA (International Bar Association).

Our capacity for innovation is the direct result of our close links with academia. Many of our lawyers also lecture at the most prestigious universities and business schools in Spain and Portugal.

The European MAKE study ("Most Admired Knowledge Enterprises") has on numerous occasions named us one of the best European firms in the areas of knowledge, management and innovation.

Harvard Business School has identified us as an example of professional success and uses our firm as a case study in its management courses.

Unione Nazionale delle Camere Civili



The Unione Nazionale delle Camere Civili (U.N.C.C) is a non-profit and non-partisan association, which represents Italian Civil Lawyers and brings together Civil Chambers established on national territory in order to achieve unified national representation.

The aim of the UNCC is to coordinate the activities of the Civil Chambers and to promote their policies to accomplish a better functioning of civil justice through the elaboration of legislative proposals, the organisation of conferences and the support of research. The UNCC also aims at strengthening social awareness of the role of the lawyer in civil

proceedings and out of court for the protection of citizens' rights, as well as updating forensic training and expertise to ensure the continued effectiveness and enhanced prestige of civil law practitioners.

The UNCC was founded in Rome on 11 February 1989 through the initiative of the President of the Civil Chamber of Rome, Avv. Luigi Storace, with the first constituent meeting comprising only 7 Civil Chambers. Nowadays, the UNCC enjoys widespread presence on the national level and is one of the largest and most representative Associations recognised by the Congresso Nazionale Forense and by the Consiglio Nazionale Forense.

You can check the list of ELI Institutional Observers on our website. Click the button to browse through the various categories of ELI prominent Institutional Observers. If you are interested in becoming an ELI Institutional Observer, kindly contact the [ELI Secretariat](#).

**ELI Institutional
Observers**

Membership fees

If you have not yet paid your membership fees for 2016, please kindly do so by bank transfer or [PayPal](#). As you are aware, the ELI is now able to offer an additional option of payment to its members. Based on the continuous requests from ELI members, the ELI offers the possibility to pay via SEPA Direct Debit.

More information, along with a mandate form, can be found attached to the membership fee invoices sent out for 2016 in April. You are of course welcome to [contact the ELI Secretariat](#) for assistance and further information.



**Conference
Brochure**

**Travelling to
Ferrara**

**Italian Hub
launch**



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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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