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Welcome

‘The European Law Institute (ELI) has given a voice to the European legal community – a voice to a community of judges, legal professionals, academics and jurists with other vocational backgrounds from across Europe and beyond, who are united by their common vision of a vigorous Europe, democracy, the rule of law and the improvement and further development of the law.’

The law in Europe has a profound impact on the daily lives of European citizens, companies and institutions. As an independent organisation, ELI aims to improve the quality of the law, support its development and contribute to its proper implementation both on a national and European levels.

At the heart of ELI’s activities are its projects, which can be long-term endeavours or quick reactions to legislative developments.

ELI is partly modelled on the American Law Institute (ALI), which was founded in 1923 and has since become a landmark institution in the American legal system. Like its American counterpart, ELI aims to unite jurists of the highest standing from all branches and professions of the law.

The Institute operates on its own initiative but is also open for cooperation with other institutions that share its vision.

Since its foundation, the Institute has established close working relations with several European institutions such as the European Parliament, the European Commission and the Council of Europe as well as international institutions such as the United Nations Commission on International Trade Law (UNCITRAL) and the International Institute for the Unification of Private Law (UNIDROIT).

Christiane Wendehorst
President of the European Law Institute
Despite its young existence, ELI has already established itself as a leading independent organisation whose scholarly work contributes to clarifying, modernising and otherwise improving European law, understood in a broad sense. It provides European scholars with an ideal institutional framework within which they can exchange ideas and learn about each other’s national experiences. Most importantly, ELI gives new impetus to the comparative law method in the 21st century, a method of interpretation that enhances the legitimacy of the EU by interlocking European and national legal orders.

Koen Lenaerts
President of the Court of Justice of the EU (CJEU)

ELI is characterised by the diversity of its members and its work scope. It is quite unusual that its members consist of experts on the one hand as well as institutions like supreme courts, universities and law firms on the other. Its work programme is marked by a broad spectrum of topics and, above all, contains projects aiming at the development of the European legal order. Austria is proud to have been chosen as the seat of ELI at the University of Vienna.

Alexander Van der Bellen
President of Austria
A Unique Platform

ELI is Europe’s leading independent organisation aimed at initiating, conducting and facilitating research on the law understood in its broadest sense and at providing practical guidance in the field of European legal development. Through its endeavours ELI seeks to integrate the achievements of the various legal cultures, endorse the value of comparative knowledge and take a genuinely pan-European perspective by bringing jurists from various legal vocations and geographical vocations together.

ELI is a unique, democratic, membership-based organisation established under Belgian law as an ‘Association Internationale Sans But Lucratif’ (AISBL). Founded in June 2011 as an entirely independent organisation, ELI aims to improve the quality of European law. It is currently headquartered in Austria, where the Secretariat is hosted by the University of Vienna.

Building on the wealth of diverse legal traditions, its mission is the quest for better law-making in Europe, the enhancement of European legal integration and the formation of a more vigorous European legal community.

The uniqueness of ELI’s membership base is expanded upon in more depth on pages 6 and 7.

As an organisation committed to the principles of comprehensiveness and collaborative working, ELI strives to bridge the oft-perceived gap between different legal cultures, between public and private law, as well as between scholarship and practice. To further that commitment it seeks to involve a diverse range of personalities, reflecting the richness of the legal traditions, legal disciplines and vocational frameworks found throughout Europe.

A Membership-Based Organisation

It is ELI’s constituents that run and shape its course. It is also its constituents, through its elected Council, that approve projects to go ahead under the Institute’s auspices, and it is the Membership that critiques and ultimately votes on whether to approve projects as worthy of ELI’s seal.

Embracing Diversity

We firmly believe in building on the wealth of diverse legal traditions and legal vocations in our quest for better law-making in Europe. As such, all our structures, from the composition of key bodies to Project Teams, strive to harness this principle by striking an appropriate balance of lawyers, judges, academics and other members of the legal profession from various locations of the European Continent (and where appropriate, beyond).

Spanning the Breadth of the Law

We pride ourselves in covering all branches of law, from substantive to procedural; private to public.
The United Nations Commission on International Trade Law (UNCITRAL) takes great interest in the valuable work of ELI. This is not just because of the high regard that we have for its processes and products, or the respect that we share for diverse legal traditions, but principally because many of ELI’s current projects speak to UNCITRAL’s mandate to ‘promot[e] the progressive harmonization and unification of the law of international trade.’

Anna Joubin-Bret
UNCITRAL Secretary

As co-legislator, the European Parliament welcomes the contributions of the ELI during the legislative process – be it through publications or active participation in parliamentary hearings or workshops.

Antonio Tajani
Former President of the European Parliament
ELI has roughly 1,500 individual members and more than 100 institutional members, reflecting the full diversity of legal communities in Europe and beyond. Our members are a fundamental part of the Institute, having been so from the ELI’s conception, and are the driving force behind ELI’s progress.

ELI is a special melting pot of legal communities that affords exceptional opportunities for individuals to engage with peers from their own or different vocational and geographical legal backgrounds.

Members can be involved in all aspects of the Institute’s work, in pursuance of the principle of collaborative working, from governance to projects. It is this expansive constituency that ensures that the Institute’s output is broadly considered and impactful.

Together, ELI members form a unique legal community, with individual members stemming from over 60 countries in Europe and beyond. Institutional members largely fall into the following categories:

- EU institutions (including the European Parliament, the CJEU and the European Union Agency for Fundamental Rights (FRA))
- International organisations (such as UNCITRAL, the Organization for Security and Co-Operation in Europe (OSCE) and UNIDROIT)
- Over 20 Supreme Courts (including the French, Hungarian, Italian, Spanish and UK Supreme Courts) and other courts of the highest instance
- Professional associations (such as the Council of Bars and Law Societies of Europe (CCBE), the Council of the Notariats of the European Union (CNUE) and the European Network of Councils for the Judiciary (ENCJ))
- Law firms (among them, Baker McKenzie, Freshfields Bruckhaus Deringer LLP and Schönherr Rechtsanwälte)
- Academic and other observers (such as the Academy of European Law (ERA) and numerous law faculties)

Fellows

Reputable individuals or legal entities that actively engage, through their professional, vocational or scholarly activities, in European legal development. Fellows make crucial decisions about the direction of ELI. Among other things, they can vote to approve the Institute’s projects and can elect candidates in elections for the Council, the Institute’s main governing body. Each individual or institutional Fellow has one vote.

Observers

Reputable individuals or legal entities actively involved in European legal development, but cannot undertake to act without regard to the interests of particular stakeholders. As such no voting rights are conferred on them.

Sustaining Members

Individual Fellows or Observers that support the ELI by doubling their membership fees, giving ELI a dependable safety net and enabling it to embark on new initiatives which further its causes.
Membership and Governance

Membership

The highest body of the Institute is the Membership, which consists of all the Institute’s Fellows and Observers. Observers have a right to participate in meetings and to speak, but not, as is the case with Fellows, to vote. The main functions of the Membership are to elect the members of the Council and to approve the results of ELI projects carried out under the regular procedure. ELI’s Annual Conference provides a forum that gathers all ELI members together to critique progress made on current projects and provide guidance on prospective ones.

Council

The Council consists of up to 56 members, elected by the Membership from among the individual Fellows in a way that adequately takes into account the general principles of the Association. In addition to the elected Council members, the President, the two Vice-Presidents and the Treasurer become ex-officio members of the Council from the moment they take office. Further, up to 10 members can be offered ex-officio seats on the Council. As the Institute’s governing body, its tasks extend to the election of the Executive Committee, the approval of the accounts and the budget and the appointment of ELI’s auditor. The Council, which meets twice a year, is also charged, amongst other things, with deciding which projects ELI should embark on, in shaping them and in approving their final results.

Executive Committee

The Executive Committee is ELI’s administrative body, consisting of four nominate positions (President, two Vice-Presidents, Treasurer) and three in-nominate members. The Executive represents the Institute and is charged with the general administration of the Institute as well as the implementation of decisions made by competent bodies of the Institute. The Executive meets at least four times a year.

Senate and Arbitral Tribunal

The Senate is a body of persons, each of whom has an outstanding reputation, ready to give advice. It consists of up to 21 ELI Fellows. Three members of the Senate form ELI’s Arbitral Tribunal, which settles any disputes that may arise. They are appointed by the Senate for a threeterm. The Senate meets at least once a year.

Secretariat

The Secretariat, which is hosted by the University of Vienna, is tasked to support the competent bodies of the Institute and Project teams. Its responsibilities also include securing funding for the Institute, overseeing the Institute’s budget and expenditure, ensuring compliance with ELI’s Statute and various ELI guidelines, planning and organising key ELI events and meetings, the admission and care of ELI members, as well as public relations. The Secretariat is headed by a Secretary General, and is staffed by Project Officers, an Administrative Officer and a PR Officer. It welcomes interns throughout the year.

Membership
Composed of all the Institute’s Fellows and Observers

Council
Consists of up to 56 elected delegates and up to 10 ex-officio members in addition to the President, Vice-Presidents and Treasurer

Executive Committee
President, two Vice-Presidents, Treasurer and three ordinary members

Senate
Consists of up to 21 ELI Fellows

Arbitral Tribunal
Three members of the Senate appointed by the Senate
This is the first joint project between ELI and the ALI. The ALI has been looking for a suitable project to embark on with ELI and this was really ideal as it is a developing area of the law. People in both Europe and the United States have a very strong interest in figuring out how to address data transactions and the data economy, as existing areas of law may not fit well into the transactions involving data.

Neil B Cohen
Reporter for the ALI-ELI Principles for a Data Economy Project

I suppose there is a bitter irony in the fact that your two Reporters on this project come from countries whose approach to Europe could be called, if we want to be kind, ambiguous or ambivalent; divided. In the United Kingdom there are divisions within divisions but I can assure you of our commitment and the fact that these divisions in no way detract from our commitment to identifying and building upon, for this project, European common constitutional traditions.

Sir Jeffrey Jowell
Reporter for the Common Constitutional Traditions Project
Projects

Projects are ELI’s foremost focus among its range of activities. They span all areas of law, from private to public. Ideas for projects are put forward by stakeholders, ELI members, Hubs, SIGs or High Level Expert Groups set up by ELI to suggest topics to complement ELI’s project portfolio.

Projects carried out under the auspices of ELI should:

- Serve the people, companies and organisations in Europe by improving the law or facilitating its application
- Be principally capable of producing results which can be of immediate practical utility to legislative bodies, judiciaries or other interested parties
- Have a genuinely pan-European perspective which takes due account of Europe’s various legal traditions

Project Workflow

The selection, management and approval of projects carried out under the auspices of ELI are regulated by the ELI Project Guidelines and ELI Project Strategy document, both of which can be found on our website.

The ELI Executive Committee is responsible for identifying ELI projects and for submitting them as project proposals to the Council. The Executive consults the Senate and, where appropriate, experts in the field and relevant stakeholders.
Projects

Ensuring Broad Expertise in the Development of ELI Projects

ELI projects have fallen into four broad categories, namely draft legislative proposals; model rules, laws or conventions, draft agreements, policies, statements of principles; checklists, other practical guidance; and position papers.

Projects are conducted by Reporters, supported by additional members of the Project Team, as well as an Advisory Committee (AC) and in most cases a Members Consultative Committee (MCC). The Council must concurrently add to the AC two or three drawn from the Council as Assessors whose task is to keep themselves informed about the project, closely monitor the quality of the work being carried out, supervise and contribute to the regular reports to the Council and Executive and provide a separate report on the project to focus discussion on approval of the draft.

The role of the AC and MCC is to provide comments at various stages of the project. The AC consists of appointed experts whereas the MCC may be joined by any member, individual or institutional, of the Institute. MCCs play an essential role in the work of ELI projects. MCC members come from various legal professions and specialise in different areas of law. It is precisely this diversity which enriches the debating potential of the MCC and makes its contribution so valuable.

In addition to the above safeguards, project quality is also guaranteed particularly through the periodic consultation of the ELI Executive, Council, Senate and Membership. The final results of a project have to be approved by the Council and the Membership (in the latter case, except in the case of a project under the accelerated procedure).

Completed projects, and the results thereof, may only be published as an official position of the ELI after they have been approved by ELI bodies. ELI outputs are freely downloadable online and, depending on their nature, may be available to order with background materials from ELI’s publisher, Oxford University Press.

Immediate Practical Effects of ELI Projects

ELI’s projects aim to produce results of immediate practical utility and have, among other things, inspired national governments and EU bodies in the drafting of legislation. Past projects have also received the endorsement of key national and European bodies, including the European Parliament.

For an overview of completed, current and prospective ELI projects, we invite you to visit the ELI website and/or peruse through our Projects Brochure.
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 also cooperating in the future to shape the future of the legal environment of the EU.

Tiina Astola
Director-General for Justice and Consumers at the European Commission

I commend ELI for its achievements in improving the quality of law in Europe and look forward to its on-going contributions to our mutual aims.

Páll Hreinsson
President of the European Free Trade Association (EFTA) Court
The ELI’s Satellite Groups

Hubs and SIGs are working groups which have been established for ELI members to facilitate discussion, share and monitor legal developments, and stimulate project proposals. As such, they are of fundamental importance to ELI’s success. Whereas Hubs are country-specific groups, SIGs are topic-specific.

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.

In consultation with its Executive Committee, ELI relies on SIGs to prepare responses to any EU or other relevant consultation or legislative proposal; provide an effective means to review any legal instruments within their area of expertise; and, most importantly, provide an active forum for debate by ELI members in the field through which project proposals could be developed, and, where appropriate, carry out such project work. Hub and SIG membership is limited to ELI members. However, their activities may be open to the public.

At present, ELI has 12 Hubs and 10 SIGs and constantly adds to these numbers in line with demands.

**Current ELI Hubs**
- Austrian Hub
- Belgio-Luxembourg Hub
- Croatian Hub
- French Hub
- German Hub
- Hungarian Hub
- Irish Hub
- Italian Hub
- Polish Hub
- Slovenian Hub
- Spanish Hub
- UK Hub

**Current ELI SIGs**
- Administrative Law SIG
- Business and Financial Law SIG
- Competition Law SIG
- Digital Law SIG
- Dispute Resolution SIG
- Family and Succession Law SIG
- Fundamental Rights Law SIG
- Global Private Law SIG
- Insurance Law SIG
- Intellectual Property Law SIG
I would like to emphasise how crucial the ELI’s works are in pursuing the bridging of oft-perceived gaps between different legal cultures as well as between scholarship and practice.

Marc Jaeger
Former President of the General Court of the European Union

The ELI has come to provide a key forum for developing European legal thinking and polity. Complementing judicial dialogue and the dialogue between the States and organisations such as ESA, the ELI facilitates the crucial dialogue between academics, practitioners and institutional actors that is necessary for building and maintaining trust and confidence in the common project of a Europe ruled by law.

Bente Angell-Hansen
President of the EFTA Surveillance Authority (ESA)
Giving a Voice to Young Lawyers

Recognising that today’s young lawyers are tomorrow’s legislators and influencers, ELI launched its Young Lawyers Award in 2016 to give a voice to future European legal experts and to help ELI in fulfilling its core mission of improving the quality of European law. The award is supported by ELI and other appropriate participating institutions.

Applicants must be students enrolled at a European university currently undertaking a university law degree, whether undergraduate or postgraduate or are within five years of being awarded a law degree at the date by which entries must be submitted.

Candidates must submit a unique and original paper which was not previously published and deals with a European legal issue that could be improved. The contribution may be submitted in any of the EU official languages along with an English translation. Papers for the ELI Young Lawyers Award have to be submitted by 30 April each year.

The Jury of the ELI Young Lawyers Award is drawn from ELI and other participating institutions. It is selected by the ELI Executive Committee every two years.

The successful candidate wins a cash prize and is invited to present their paper at the ELI Annual Conference.

Their accommodation and travel expenses are covered up to the sum of EUR 1,000. This provides the winner with an opportunity to meet some of the world’s leading legal experts and exchange ideas with them.

In addition, the winning contribution is published on ELI’s website and its author awarded two years of free ELI fellowship, which allows the winner to be involved in the activities of the Hub of their residence or SIGs, present project proposals and participate in the MCCs of the various ELI projects.

Entry Criteria
- Candidate currently undertaking a law degree in a European university or is within five years of being awarded a law degree from the same at the date by which entries must be submitted.
- A unique and original paper on a European legal issue.

Prizes
- Cash
- Presentation of paper at the ELI Annual Conference
- Publication of paper on ELI website
- Coverage of travel and accommodation expenses
- Two-year complimentary ELI membership
The foundation of the ELI was an arduous process. A conference in Florence and the Hamburg Memorandum were important way stations. Ultimately, in April 2010, a statute and a Founding Manifesto were adopted at a meeting in Athens. In June 2011, the Inaugural Congress took place in Paris. The statutory seat of the ELI is Brussels, the seat of its Secretariat is Vienna; and the first President of the ELI was English. All of this reflects the truly European spirit of the ELI. Today, it can safely be said that the ELI has established itself on the international legal landscape as an important hub of ideas and initiatives.

Reinhard Zimmermann  
Speaker of the ELI Senate; Director of the Max Planck Institute for Comparative and International Private Law

We are proud that the University of Vienna will continue to host the ELI Secretariat. ... The University of Vienna and, in particular, the Faculty of Law aim at further intensifying their contribution to the existing cooperation which will enable them to use the opportunities of a Europe-wide network. The intensive involvement of students and early-stage researchers in ELI projects and activities is an objective declared by the University of Vienna. Our academics are keen to contribute their expertise to the ELI and participate in the realisation of existing and new projects.

Heinz Engl  
Rector of the University of Vienna
History

31 May 2011
The University of Vienna wins tender to host ELI Secretariat

1 June 2011
Inaugural Congress of ELI in Paris

17 November 2011
Opening of ELI Secretariat in Vienna by Viviane Reding

July 2012
Publication of the first ELI Statement: Case-Overload at the European Court of Human Rights

September 2012
Publication of ELI Statement on the Proposal for a Regulation on a Common European Sales Law, with subsequent supplements

28–29 September 2012
First ELI Annual Conference and General Assembly, Brussels

24–26 September 2014
ELI Annual Conference and General Assembly, Zagreb

4–6 September 2013
ELI Annual Conference and General Assembly, Vienna

December 2014
Publication of ELI Statement on Collective Redress and Competition Damages Claims

February 2014
Publication of ELI Statement: Response to the European Commission’s Public Consultation on the Review of the EU Copyright Rules

February 2015
Extension of agreement by the University of Vienna until 2019

2–4 September 2015
ELI Annual Conference and General Assembly, Vienna

July 2012
Publication of the first ELI Statement: Case-Overload at the European Court of Human Rights
History

September 2016
Publication of ELI Statement on the European Commission’s proposed Directive on the Supply of Digital Content to Consumers

April 2017
Publication of the first ELI Instrument: Draft Legislative Proposals for the Prevention and Resolution of Conflicts of Jurisdiction in Criminal Matters in the European Union

September 2017
Publication of ELI Instrument on Rescue of Business in Insolvency Law

September 2017
Publication of ELI Statement on Detention of Asylum Seekers and Irregular Migrants and the Rule of Law

June 2018
Publication of ELI Statement on the Principled Relationship of Formal and Informal Justice through the Courts and Alternative Dispute Resolution

November 2018
Extension of agreement by the University of Vienna until 2023

September 2019
Publication of ELI Instrument on Empowering European Families: Towards More Party Autonomy in European Family and Succession Law

4–6 September 2019
ELI Annual Conference and General Assembly, Vienna

7–9 September 2016
ELI Annual Conference and General Assembly, Ferrara

6–8 September 2017
ELI Annual Conference and General Assembly, Vienna

5–7 September 2018
ELI Annual Conference and General Assembly, Riga

7–9 September 2016
ELI Annual Conference and General Assembly, Ferrara

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7–9 September 2016
ELI Annual Conference and General Assembly, Ferrara

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6–8 September 2017
ELI Annual Conference and General Assembly, Vienna

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6–8 September 2017
ELI Annual Conference and General Assembly, Vienna

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5–7 September 2018
ELI Annual Conference and General Assembly, Riga

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5–7 September 2018
ELI Annual Conference and General Assembly, Riga

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7–9 September 2016
ELI Annual Conference and General Assembly, Ferrara

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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 various other activities, ELI hosts its Annual Conference, a three-day event that includes meetings of its various bodies, panels on various fields of law and several social events, bringing together some of the leading legal experts in law from Europe and beyond.

President: Christiane Wendehorst
First Vice-President: Lord John Thomas
Second Vice-President: Pascal Pichonnaz
Treasurer: Denis Philippe
Other Members: Anne Birgitte Gammeljord, Pietro Sirena, Fryderyk Zoll

The Secretariat of ELI, which is hosted by the University of Vienna, is located in the heart of 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.

The ELI Secretariat is hosted by the University of Vienna
ELI is also supported by the City of Vienna