



ELI

EUROPEAN  
LAW  
INSTITUTE

[www.europeanlawinstitute.eu](http://www.europeanlawinstitute.eu)

# Why a European Law Institute?



*"I know too well from my time as a politician and a legislator that there is a desperate need for independent insight and recommendation. The ELI, by representing the diversity of Europe's wider legal community, has the possibility to be a welcome and untapped resource in constructing Europe's future legal architecture."*

Diana Wallis, President of the European Law Institute

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

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

The ELI is partly modelled on the American Law Institute (ALI) which was founded in 1923 and has since become a landmark institution in the US-American legal system. Like its American counterpart, the 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, including the ALI.

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 UNCITRAL and UNIDROIT.

*The European Law Institute is a democratic, membership based organisation established under Belgian law as an Association Internationale Sans But Lucratif (AISBL). Its current headquarters is located in Austria, where the Secretariat is hosted by the University of Vienna.*



# Membership

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## Join ELI

- › Fill in an application at [www.europeanlawinstitute.eu/membership](http://www.europeanlawinstitute.eu/membership)
- › Submit two references from amongst the current members
- › Applications are subject to Council's approval
- › Membership is subject to annual fee

The ELI is uniquely broad in its membership. Members come from academia, the judiciary, the various legal professions, governments, legislatures and other vocations. There are two categories of members:

- › **Fellows** who participate in the Institute's activities on the basis of their personal and professional convictions without regard to the interests of clients or stakeholders.
- › **Observers** who are actively involved in European legal development, but cannot undertake to act without regard to the interests of particular stakeholders. Amongst ELI Observers are mainly **institutions**, e.g. international organisations, supreme courts, professional associations, law firms, universities, but also **individuals**.

The ELI relies on its Fellows to make crucial decisions at the annual General Assembly. Among other things, they can vote to approve the Institute's projects and participate both as voters and candidates in elections for the Council, the Institute's main governing body.

An original feature of the Institute is that members can become closely involved in all parts of its work. It is open to members to propose topics on which the Institute should work. They may be invited to take part in project teams or advisory committees, or they may join a Members Consultative Committee. Members are encouraged to participate in the annual General Assembly and project conferences, and have access to a unique network of prominent legal experts from all over Europe and beyond.

The ELI's social platform '**MyELI**' facilitates communication between all members of the ELI community, offering them numerous possibilities to engage in networking and discussions online.

*"Unidroit has been following the process of establishing the ELI closely, and with keen interest. We are particularly happy to see how the various original initiatives have converged into one broadly inclusive institution which can now take pride in bringing together the best of European legal thinking."*

José Angelo Estrella Faria, Secretary-General, UNIDROIT

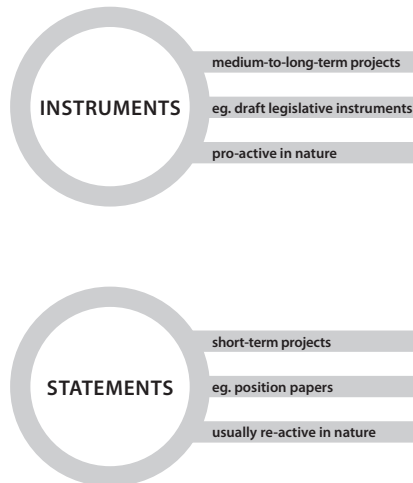
## Hubs

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The ELI is in the process of setting up hubs all over Europe, to serve as a vehicle for internal and external communications, recruiting new members and providing opportunities to network. The meeting of informal hubs at national level should help inspire debate about on-going ELI projects and provide a forum for discussion. Hubs have already been established in several European countries.

# Projects

## ELI Projects take the form of Instruments and Statements:



Any project carried out under the auspices of the 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 (eg. draft rules);
- › be the product of **collaborative work conducted by jurists from a wide range of vocational backgrounds;**
- › have a genuinely **pan-European perspective** which takes due account of Europe's various legal traditions.

The ELI published its first projects in 2012, the Statements on the Proposal for a Common European Sales Law (CESL) and Case Overload at the European Court of Human Rights, which are available on the ELI website. It has also embarked on a number of both long-term and short-term projects in the areas of, for instance, criminal law, civil and administrative procedural law, insolvency law, copyright law and the law of non-profit organisations.

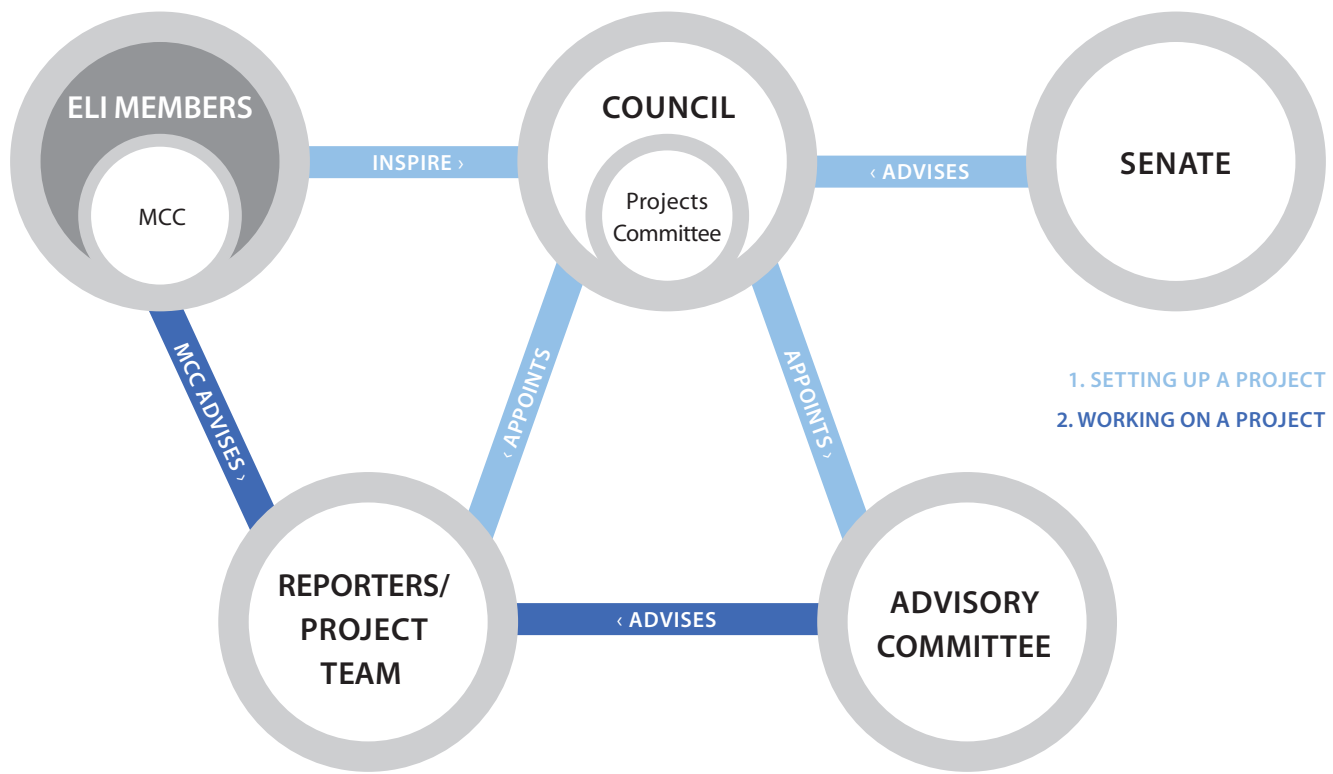
For further information on current and completed projects, please visit [www.europeanlawinstitute.eu/projects](http://www.europeanlawinstitute.eu/projects).

*"ELI should not get involved in politics. We took the view that political choices had been made and we would accept those. We would concentrate on getting the draft to be more user-friendly, to correct mistakes and make it more coherent. What I think we have achieved is to be appreciated as a body that can produce a much better text and can put forward suggestions that correct matters from a perspective that is pan-European."*

Lord Thomas, LCJ, Chair of the ELI Working Party for the Statement on the Proposal for a Common European Sales Law

*"As we are dealing with new and emerging areas of EU law, the contributions of institutions such as the ELI can be very valuable in the analysis of the legal issues involved. In fact, the ELI is in a unique position to provide such a contribution, given its pan-European structure and the fact that it brings together all the pertinent disciplines and in particular academics, practitioners, judges and researchers."*

Vassilios Skouris, President of the Court of Justice of the European Union



# Project Workflow

Any project ideas, submitted by a member or coming from outside the ELI, are reviewed by the Projects Committee and must be accepted by the Council. If a project is accepted, it will be conducted by a **Project Team** that will consult an **Advisory Committee** and in most cases a **Members Consultative Committee (MCC)**. The role of the Advisory Committee and MCC is to provide comments at various stages of the project. The Advisory Committee

consists of appointed experts whereas the MCC may be joined by any member of the Institute. Final results of a project are to be approved by the Council and the General Assembly. In the case of Statements (short-term projects), an accelerated procedure may be used which requires only Council's approval.

**Members Consultative Committees** play an essential part in the work of the ELI. Any ELI member is invited

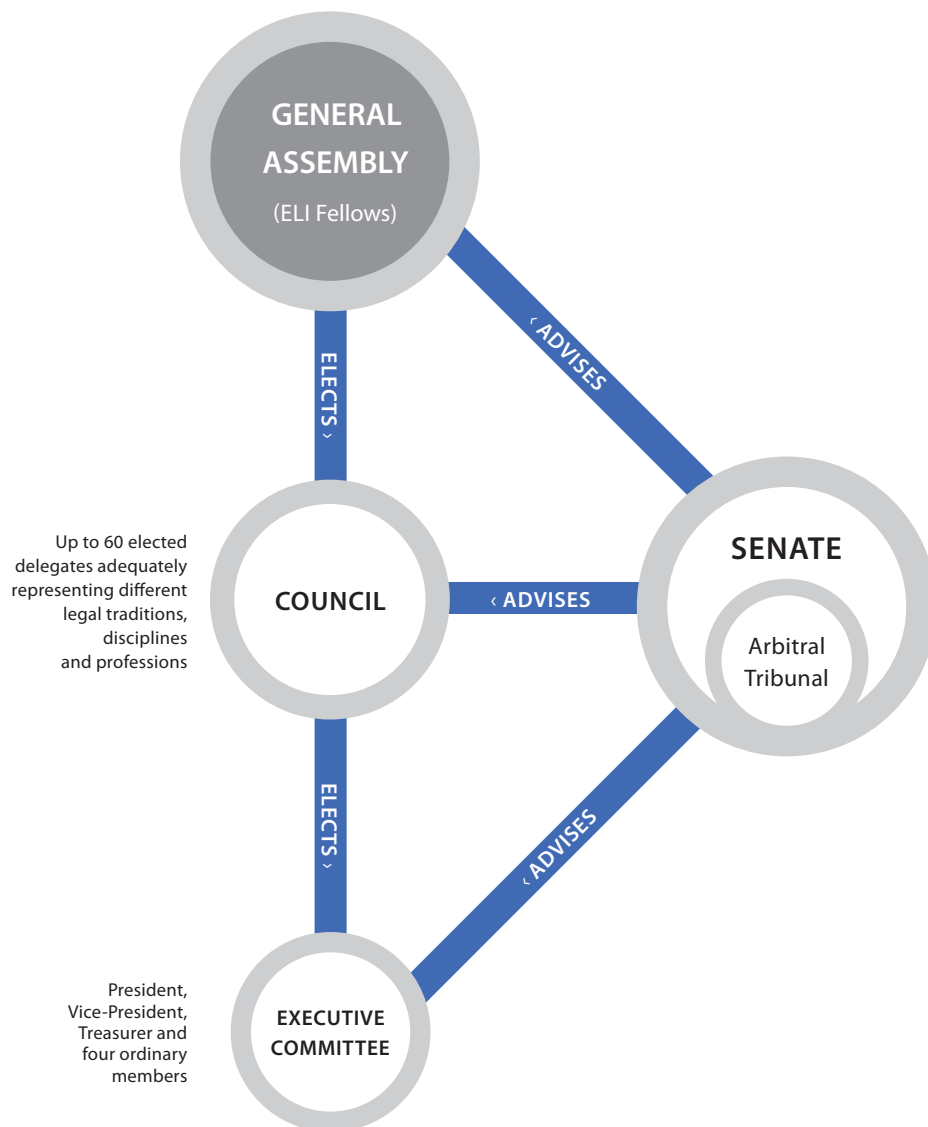
to join an MCC, irrespective of the member's status as a Fellow, Individual Observer or Institutional Observer. There is no limit to the number of members who can participate, and MCC members need not be experts in the relevant field. MCC members come from various legal professions and specialise in different areas of law. It is exactly this diversity which enriches the debating potential of the MCC and makes its contribution so valuable.

## 3. APPROVAL OF RESULTS





# Governance of the Institute



The highest body of the Institute is the **General Assembly** which elects from among its Fellows the main governing body: the **Council**. The Council is made up of 60 elected individuals as well as ex-officio members representing selected institutions. Council elections for half of the seats take place every two years at the General Assembly. The Council in turn elects from among its members an **Executive Committee**, the Association's administrative body. Furthermore, there is a **Senate** in place to provide advice, which appoints from among its members an **Arbitral Tribunal**, tasked with settling any disputes within the Association.

The Council delegates many of its tasks and powers to its standing committees which deal with matters such as projects, membership and international relations. The Council meets at least twice a year.



## 2010

- MARCH founding of the Association for a European Law Institute (ELIA)
- APRIL initiative of the Robert Schuman Centre for Advanced Studies of the European University Institute (EUI) in Florence to create a European Law Institute
- 22-23 JUNE ELIA and EUI representatives meet in Hamburg
- 23-24 NOVEMBER joint meeting of the ELIA and EUI in Vienna

## 2011

- 15-16 APRIL decision on founding of the European Law Institute reached in Athens
- 31 MAY University of Vienna wins a tender to host the ELI's Secretariat
- 1 JUNE ELI Inaugural Congress in Paris
- 17 NOVEMBER opening ceremony of the ELI and its Secretariat in Vienna

## 2012

- JULY publication of the ELI Statement on the Case-Overload at the European Court of Human Rights
- SEPTEMBER publication of the ELI Statement on the Proposal for a Regulation on a Common European Sales Law
- 28-29 SEPTEMBER ELI Annual Projects Conference and General Assembly (Brussels)

## 2013

- 4-6 SEPTEMBER ELI Annual Projects Conference and General Assembly (Vienna) (including the first Council elections)

# European Law Institute

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

Members of the ELI can contribute to its projects and gain access to an international network of jurists. Apart from various other activities, the ELI organises a three-day event every year that includes its ordinary General Assembly, a project conference and several social functions – bringing together some of Europe's leading experts in the field of law.

## Executive Committee

**President:** Diana Wallis

**Vice-President:** Christiane Wendehorst

**Treasurer:** Johan Gernandt

**Members:** Remo Caponi  
Marc Clément  
Sjef van Erp  
John Sorabji

## ELI in Vienna

The Secretariat of the 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.



### Secretariat

Schottenring 14, 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)



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