

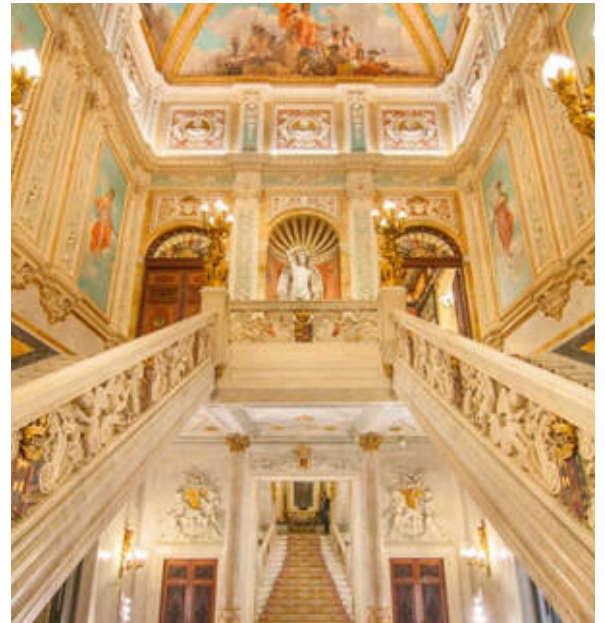
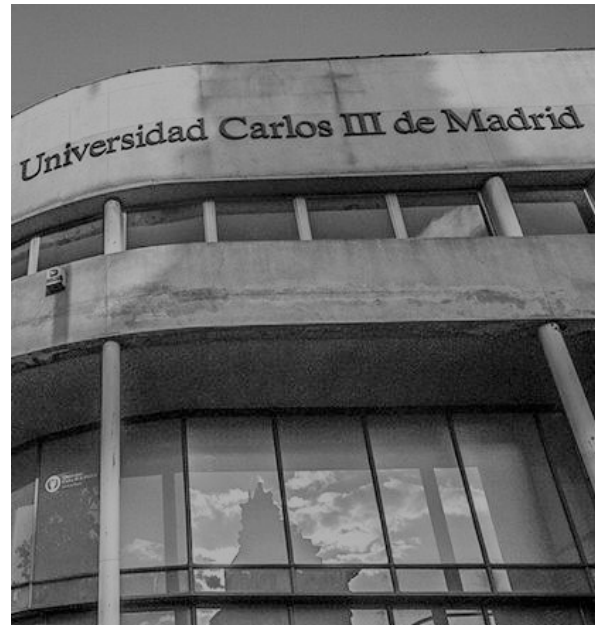
2022 ELI Annual Conference and Meetings

5–8 September, Madrid (Spain)



ELI

EUROPEAN
LAW
INSTITUTE



About ELI

The law in Europe has a profound impact on the daily lives of European citizens, companies and organisations. As an independent organisation, 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 ELI's activities are its projects, which can be either short to medium or long term: the former are usually projects that react to current developments, while the latter are proactive in nature and will often take several years of drafting. Alongside Hubs, which are national networks of ELI members, ELI has also established Special Interest Groups (SIGs), through which it aims to scrutinise the latest, cutting-edge developments in the different fields of law. Participation in ELI activities is encouraged amongst all members, and those members wishing to play a particularly significant and decisive role in the functioning of the Institute can stand for election in the ELI Council. ELI members can also take part in various projects, for example, as Project Team members or as members of Members Consultative Committees (MCCs). ELI is proud of its diverse membership and values the variety of expertise and perspectives which it brings to the organisation.

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 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 organisations that share its vision. Since its foundation, the Institute has established close working relations with EU Institutions and agencies such as the European Parliament, the European Commission, the Court of Justice of the European Union and the European Union Agency for Fundamental Rights, international organisations such as the Council of Europe, the Organization for Security and Co-operation in Europe, United Nations Commission on International Trade Law and the International Institute for the Unification of Private Law, as well as organisations such as the Council of the Notariats of the European Union, the Council of Bars and Law Societies of Europe, the European Network of Councils for the Judiciary, the Hague Conference on Private International Law and the Academy of European Law. ELI is also grateful for its long-standing successful cooperation with the University of Vienna, which is generously hosting the ELI Secretariat.



Executive Committee



Pascal Pichonnaz (ELI President)

The 2022 ELI Annual Conference is the first in person one after more than two years of online meetings. Our times have not, however, returned to normality. The war in Ukraine is a major concern to us all. ELI needs nevertheless to address other concerns of our times; that is why our Annual Conference will focus on Sustainable Life and Society. Our two other research umbrellas will also be discussed in the context of a number of fascinating projects. Sharing experiences and reflecting upon the views of various experts and legal cultures in Europe during this Conference will also enable ELI members to reinforce the strong legal community we all aim at building in Europe.



Lord John Thomas (First Vice-President)

The law in Europe must respond to the coincidence of the many different and difficult issues we all face. The response requires rigorous debate in identifying proportionate solutions. ELI's first conference of its second decade provides the occasion to craft such solutions with a focus on sustainability.



Anne Birgitte Gammeljord (Second Vice-President)

Just as we hoped that we could begin to put the restrictions caused by the pandemic behind us, a new reality hit Europe. Once again there is a war in Europe. Let us hope it will soon come to an end and as jurists strive to ensure that the European legal community, also in these difficult circumstances, will continue to promote and stand by the rule of law and our fundamental constitutional principles, ensuring democracy. When we meet in Madrid in September, jurists of all legal professions will unite again in person for the first time in two years to discuss and exchange ideas on highly important topics for Europe and in European law including climate justice, judicial independence and e-evidence in criminal proceedings, just to mention a few of the topics on the ELI Conference Agenda this year.



Pietro Sirena (Treasurer)

After two years of the pandemic, ELI is committed, more than ever, to the advancement of European law by promoting and supporting innovative legal research that can meet the expectations and needs of societal change. Besides the tasks carried out by political institutions, which remain of essence, the future of European law is primarily in the hands of lawyers themselves, who must finally embrace their social responsibility and escape the cages of nationalism and statism where they have been anchored down. Let us hope that we will be able to take up this challenge with renewed enthusiasm and confidence!

Innominate Members

In addition to the above, the Executive Committee consists of three innominate members: Prof Dr Bénédicte Fauvarque-Cosson (member of the *Conseil d'État*, France), Prof Dr Teresa Rodríguez de las Heras Ballell (Associate Professor at Universidad Carlos III de Madrid, Spain) and Dr Aneta Wiewiórowska-Domagalska (Senior Researcher at the University of Osnabrück, Germany).



Programme Overview

MONDAY | 5 SEPTEMBER 2022

VENUE: UNIVERSIDAD CARLOS III DE MADRID, RONDA DE TOLEDO 1, 28005 MADRID

- 10:00–15:00 (CET) ELI Executive Committee Meeting (Executive Committee Members Only)
- 11:15–12:30 (CET) ELI Senate Meeting (Senate Members Only)
- 15:30–17:00 (CET) ELI Executive Committee-Senate Meeting (Executive Committee and Senate Members Only)
- 16:00–17:30 (CET) Registration
- 17:30–18:40 (CET) Welcome Drinks and Canapés
- 18:45–19:00 (CET) Welcome Address
Pascal Pichonnaz (ELI President)
- 19:00–20:30 (CET) Fourth Ole Lando Memorial Lecture
Christina Ramberg (Professor, Stockholm University)

TUESDAY | 6 SEPTEMBER 2022

VENUE: UNIVERSIDAD CARLOS III DE MADRID, RONDA DE TOLEDO 1, 28005 MADRID

- 08:30–09:00 (CET) Registration (Council Members Only)
- 09:00–12:00 (CET) ELI Council Meeting (Council Members Only)
- 12:00–13:00 (CET) *Lunch*
- From 13:00 (CET) Registration (All Others)
- 13:00–14:15 (CET) ELI Council Meeting (Council Members Only)
- 14:30–15:30 (CET) ELI Membership Meeting (ELI Members Only)
- 16:30–17:00 (CET) Welcome Addresses
Pascal Pichonnaz (ELI President)
Juan Romo (Rector of the Universidad Carlos III de Madrid)
- 17:00–18:00 (CET) Keynote Speech
Valérie Masson-Delmotte (Co-Chair of the United Nations' Intergovernmental Panel on Climate Change WG1)
- 19:30 (CET) Evening Reception
VENUE: CECILIO RODRIGUEZ GARDEN PAVILION, Pº DEL URUGUAY, 5, 28009 MADRID
- 20:00–20:25 (CET) ELI Young Lawyers Award
- 20:25–20:45 (CET) ELI Hub and SIG Awards

Programme Overview

WEDNESDAY | 7 SEPTEMBER 2022

VENUE: UNIVERSIDAD CARLOS III DE MADRID, RONDA DE TOLEDO 1, 28005 MADRID

- 09:00–10:15 (CET) Climate Justice – New Challenges for Law and Judges
- 10:30–11:45 (CET) Ecocide
- 11:45–12:15 (CET) *Coffee Break*
- 12:15–13:30 (CET) ELI-Mount Scopus European Standards of Judicial Independence
- 13:30–14:30 (CET) *Lunch*
- 14:30–15:45 (CET) Admissibility of E-Evidence in Criminal Proceedings in the EU
- 16:00–17:15 (CET) Access to Digital Assets – Enforcement
- 19:30 (CET) Gala Dinner
VENUE: PALACIO DE SANTOÑA, 28012 MADRID

THURSDAY | 8 SEPTEMBER 2022

VENUE: UNIVERSIDAD CARLOS III DE MADRID, RONDA DE TOLEDO 1, 28005 MADRID

- 09:00–10:15 (CET) Blockchain Technology and Smart Contracts
- 10:30–11:45 (CET) Guiding Principles and Model Rules on Algorithmic Contracts
- 11:45–12:15 (CET) *Coffee Break*
- 12:15–13:30 (CET) Fundamental Constitutional Principles
- 13:30–14:30 (CET) *Lunch*
- 14:30–15:45 (CET) Principles and Recommendations of Company Capital and Financial Accounting for Corporate Sustainability
- 16:00–17:15 (CET) Third Party Funding of Litigation
- 19:30 (CET) Social Event
VENUE: LA LONJA DEL MAR, PLAZA DE ORIENTE, 6, 28013 MADRID

Detailed Programme | Day 1

Monday, 5 September 2022

17:30–18:40 (CET) | Welcome Drinks and Canapés

18:45–19:00 (CET) | Welcome Addresses



Pascal Pichonnaz (ELI President)

Pascal Pichonnaz is a Professor of Swiss contract law, Roman law, European consumer law and comparative contract law at the University of Fribourg since 2020. Pichonnaz was Dean of the Law Faculty from 2014–2017 and published numerous books on various legal fields. He is a member of several boards of legal periodicals and is active as an international commercial arbitrator. From 2008–2009, he was the President of the European Law Faculties Association. Currently he is Chair of the Swiss Federal Commission for Consumers. He was elected President of ELI in September 2021.

19:00–20:30 (CET) | Fourth Ole Lando Memorial Lecture (OLML)

The Ole Lando Memorial Lecture series was launched in 2019 in memory of Danish Professor Ole Lando (1922–2019). Professor Lando was a Founding Member of ELI and a leading private international lawyer. Among many achievements of his long and varied career were the ‘Principles of European Contract Law’ which have been highly influential in the development of both EU and national contract laws.

This year’s lecture on the Interaction between Soft Law and Case Law – How Precedents Fulfill Ole Lando’s Ambitions to Harmonize European Contract Law will be delivered by Prof Dr Christina Ramberg. She will be introduced by Hector MacQueen, last year’s speaker.



Christina Ramberg (Fourth OLML Speaker)

Christina Ramberg has served as a Professor since 1998, presently at Stockholm University. She participated in the Coordinating Committee for the Study Group on a European Civil Code and in the UNCITRAL Model Law on Electronic Signatures. Her research mainly covers contract law and electronic commerce. She has created a restatement of Swedish contract law, available [here](#). Since 1998, Ramberg has frequently acted as an arbitrator. Her full CV is available [here](#).



Hector MacQueen (Third OLML Speaker)

Hector MacQueen was a member of the Edinburgh Law School staff from 1979 to 2021, when he retired. Appointed to the Chair of Private Law in 1994, he was Dean of the Law School from 1999 to 2003. He was also a member of the Lando Commission on European Contract Law (1995–2001) and of the Von Bar Study Group on a European Civil Code (1999–2008). He gave the Third Lando Lecture in 2021. He continues to conduct research on contract, unjustified enrichment and legal history.



Detailed Programme | Day 2

Tuesday, 6 September 2022

09:00–12:00 (CET) | ELI Council Meeting (Council Members Only)

13:00–14:15 (CET) | ELI Council Meeting (Council Members Only)

14:30–15:30 (CET) | ELI Membership Meeting (ELI Members Only)

16:30–17:00 (CET) | Welcome Addresses



Pascal Pichonnaz (ELI President)

Pascal Pichonnaz is a Professor of Swiss contract law, Roman law, European consumer law and comparative contract law at the University of Fribourg since 2020. Pichonnaz was Dean of the Law Faculty from 2014–2017 and published numerous books on various legal fields. He is a member of several boards of legal periodicals and is active as an international commercial arbitrator. From 2008–2009, he was the President of the European Law Faculties Association. Currently he is Chair of the Swiss Federal Commission for Consumers. He was elected President of ELI in September 2021.



Juan Romo (Rector of Universidad Carlos III de Madrid)

Juan Romo is a Professor of Statistics. He has been Rector of Universidad Carlos III de Madrid since 2015. Among other roles, he was previously Vice-Rector for Graduate Studies and for Faculty and Departments. He was President of the Young European Research Universities Network (2015–2019), and President of the Conferencia de Rectores de las Universidades Públicas Madrileñas (2018). Romo has been Vice-President of *Consejo de Universidades* since September 2018 and a regular Councilor of the High Council on Statistics since November 2020. In 2022, Romo was elected President of the Spanish Rectors' Conference. He has published extensively.

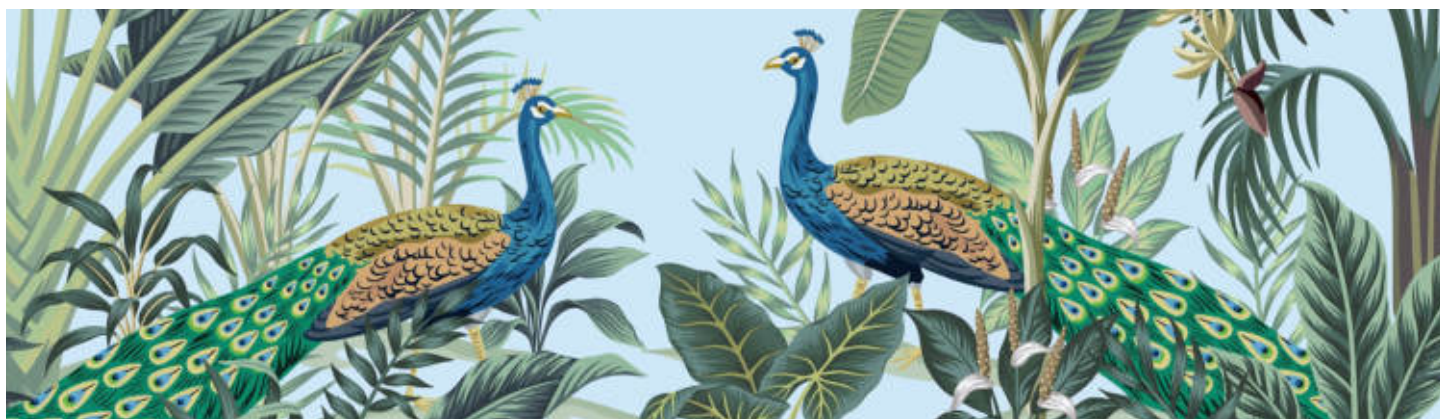
17:00–18:00 (CET) | Keynote Speech on Climate Change



Valérie Masson-Delmotte (Keynote Speaker)

Valérie Masson-Delmotte is a Co-Chair of Working Group I of the Intergovernmental Panel on Climate Change of the United Nations and a Senior Scientist in France's Laboratory of Climate and Environment Sciences at the University of Paris Saclay. She is trained in fluid physics and has an extensive research background in a range of environmental issues. With several book contributions and 250 peer-review publications, she is one of the most highly cited scientists in the field of geosciences. Her contributions have been acknowledged through several prestigious prizes.

19:30 (CET) | Evening Reception at the Cecilio Rodríguez Pavilion



Detailed Programme | Day 2

Tuesday, 6 September 2022

20:00–20:25 (CET) | ELI Young Lawyers Award

This year ELI will again hand out its Young Lawyers Award, which was officially launched at the 2016 Annual Conference and General Assembly, to a promising young lawyer. The goal of the Award is to provide the young European legal community with a mechanism to propose practical suggestions for the improvement of European law. It is a way of giving voice to future European legal experts and helps ELI in fulfilling its core mission of improving the quality of European law. Applications are open to under- or postgraduate students currently undertaking a law degree at a European university, or those who are within five years of graduation. We would like to extend our gratitude to Interleges for sponsoring the 2022 ELI Young Lawyers Award.



Sjef van Erp
Chair of the YLA Jury

Sjef van Erp is Emeritus Professor of Civil Law and European Private Law at Maastricht University, Visiting Professor at Trento University and Deputy-Justice at the Court of Appeals in 's-Hertogenbosch. He is President of the International Association of Legal Science and a member of the American Law Institute. He is a Founding Member of ELI as well as its former Vice-President, and Co-Reporter of the ELI 'Access to Digital Assets' project as well as Co-Reporter of its 'Blockchain Technology and Smart Contracts' project.

He is President of the International Association of Legal Science and a member of the American Law Institute. He is a Founding Member of ELI as well as its former Vice-President, and Co-Reporter of the ELI 'Access to Digital Assets' project as well as Co-Reporter of its 'Blockchain Technology and Smart Contracts' project.



John North
Interleges Executive Committee

John North is a partner at the London office of RWK Goodman Solicitors. As Head of the Corporate Team, he has over 30 years of legal experience advising on corporate and commercial transactions, working with clients in the UK and beyond. He specialises in M&A work and has particular expertise advising clients on the legal and business issues of entering the UK market. In addition, he is a former President of Interleges, the sponsor of the ELI's 2022 Young Lawyers Award.

20:25–20:45 (CET) | ELI Hub and SIG Awards

Hubs and Special Interest Groups (SIGs) 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. These groups enable ELI members to meet periodically with each other and form connections with others that can share their expertise, and create an interactive forum for discussion. The Executive Committee extends its thanks to members who have shown interest in and contributed to the formation and the activities of Hubs and SIGs. The Hub and SIG awards allow ELI to acknowledge the groups whose achievements in the past year have once again been exemplary.



Detailed Programme | Day 3

Wednesday, 7 September 2022

09:00–10:15 (CET) | Climate Justice – New Challenges for Law and Judges

Every day across the globe, individuals and NGOs are bringing new environmental cases before courts and asking for more action from governments concerning climate change. While there are already specific legal rules in place, they might not be sufficient to tackle urgent climate change issues. Courts have a particularly challenging task to provide 'climate justice' while upholding the rule of law. In order to ensure legal certainty, courts must find a balance between the different fields and levels of law and seek common ground for improved judicial cooperation in their methodological approaches to climate change problems. This panel aims at exploring these and further challenges for the law and judges with a focus on corporate and State liability. The legal basis for such actions and the interrelationship between private law and public law, including human rights and international law will also be discussed. [More here.](#)

Speakers



Aneta Wiewiórowska (Chair)

Aneta Wiewiórowska-Domagalska, Executive Committee Member Collegium Civitas Warsaw. She holds a PhD from Utrecht University and is currently finalising her habilitation thesis at Osnabrück University. She was involved in the work

of the Study Group on a European Civil Code. As an EU consumer and private law expert, she has vast experience in national and EU legislative processes, EU Council negotiations as well as in transposition and implementation work at the national level. In addition, she was one of the Reporters of ELI's Model Rules on Online Intermediary Platforms project.



Matthias Keller

Matthias Keller is a Presiding Judge at the Administrative Court of Aachen. He obtained a Dr jur degree from Würzburg University in 1997. From 1999 to 2003 he worked as a lecturer in the Robert-Schuman-Project of the European

Commission (training of legal practitioners in EU Law). He is a (Co-)Chairman of the 'Environmental Law' Working Group within the Association of European Administrative Judges (AEAJ) and a member of the EU Expert Group of Academics on Access to Justice in Environmental Matters.



Henrik Andersen

Project Co-Reporter

Henrik Andersen is an Associate Professor of International Economic Law at Copenhagen Business School (CBS LAW). He is one of the co-founders of the Nordic Center for Climate Law and Economics (NCCLE). His

research addresses, in particular, the relationship between the law and policies of the World Trade Organization, international climate change law, and the rule of law.



Angel Manuel Moreno Molina

Angel-Manuel Moreno is a Full Professor of Law at Universidad Carlos III de Madrid. He obtained his LLM from Harvard University and his PhD from Universidad Carlos III de Madrid in 1993. His teaching and research

focus is on Administrative and Environmental Law, both at the Spanish and European level. He is a member of the 'Avosetta' network of European Environmental Lawyers, and an alternate/substitute member of the Board of Appeal of the EU Chemicals Agency (ECHA).



Alberto De Franceschi

Project Co-Reporter

Alberto De Franceschi is Full Professor of Private Law, Intellectual Property Rights and Environmental Law at the University of Ferrara, where he also serves as Deputy Rector, and Global Law Professor at the

Katholieke Universiteit Leuven. He is Co-Chairman of the ELI Digital Law SIG and of the ELI Environmental Law SIG, member of UNCITRAL – Working Group IV on E-Commerce and of G7 Digital and Technology. He is Co-Editor of the Journal of European Consumer and Market Law and of the Italian Law Journal.

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Detailed Programme | Day 3

Wednesday, 7 September 2022

10:30–11:45 (CET) | Ecocide

The term 'ecocide' refers to the devastation and destruction of the environment to the detriment of life, but no legal definition between States has yet been agreed upon. At present, ecocide is only considered a war crime under Article 8(2)(b)(iv) of the Rome Statute. However, no charges have ever been filed, possibly on account of the very high threshold of injury required under the Article. The ELI Project Team on Ecocide aims at identifying the elements of the crime of ecocide that may constitute the legal basis for the adoption of EU legislation. The project will support political and legal action aimed at imposing an EU-wide and trans-boundary duty of care to prevent the risk of and/or actual extensive damage to or destruction of or loss of ecosystem(s). The panel will provide an opportunity to discuss the definition and criminalisation of ecocide along with further developments of this ELI project. More [here](#).

Speakers



Aneta Wiewiórowska (Chair)

Aneta Wiewiórowska-Domagalska, Executive Committee Member Collegium Civitas Warsaw. She holds a PhD from Utrecht University and is currently finalising her habilitation thesis at Osnabrück University. She was involved in the work of the Study Group on a European Civil Code. As an EU consumer and private law expert, she has vast experience in national and EU legislative processes, EU Council negotiations as well as in transposition and implementation work at the national level. In addition, she was one of the Reporters of ELI's Model Rules on Online Intermediary Platforms project.



Peter Csonka

A specialist in international and European criminal law, Peter Csonka started his career as a prosecutor before joining the Council of Europe and later the International Monetary Fund. He now works for the European Commission as the Head of General Criminal Law in DG Justice. His main achievements include setting up the European Public Prosecutor's Office (EPPO). Csonka is a Visiting Professor at the 'Europa Institute' in Saarbrücken and lectures at the University of Luxembourg.



Fausto Pocar

Project Co-Reporter

Fausto Pocar is Professor Emeritus of International Law at Milan University and Doctor hc at Antwerp and Buenos Aires. He has been an ad hoc judge at the International Court of Justice since 2017, was a member of the UN Human Rights Committee from 1984–2000 (President from 1991–1992), a judge at the International Criminal Tribunal for the Former Yugoslavia from 2000–2017 (President from 2005–2008), an appeals judge at the International Criminal Tribunal for Rwanda from 2000–2015 and ELI Council member since 2019.



Rodrigo Lledó

Rodrigo Lledó is a Chilean human rights lawyer, current Director of the Baltasar Garzón International Foundation and Professor at the International University of La Rioja. He was one of the members of the Independent Expert Panel for the Legal Definition of Ecocide. In Chile he was Head of the Legal Area of the Human Rights Programme of the Ministry of the Interior and worked in the National Commission on Political Imprisonment and Torture (Valech Commission).



Anaïs Berthier

Anaïs Berthier is a Senior Lawyer and Head of EU Affairs at the environmental law charity, ClientEarth. She joined ClientEarth in 2008, set up the Environmental Democracy programme and for many years has led ClientEarth's work on strengthening the rule of law. This includes ensuring the implementation and enforcement of the procedural rights provided by the Aarhus Convention. Before joining ClientEarth, she worked for law firms in France and in Belgium as well as for the French Ministry of the Environment.



Antonius Manders

Antonius Manders is a lawyer and politician representing the CDA in the EPP Group in the European Parliament since 2019. From 1999 to 2014, Manders also served as member of the European Parliament and made a name for himself as an arch defender of the Single Market. In this current ninth term of Parliament, he is a returning member of the Committee on the Internal Market and Consumer Protection and a substitute member of the Committee on Employment and Social Affairs and the Committee on Legal Affairs.

Detailed Programme | Day 3

Wednesday, 7 September 2022

12:15–13:30 (CET) | ELI-Mount Scopus European Standards of Judicial Independence

The ELI-Mount Scopus European Standards of Judicial Independence project builds upon the Mount Scopus International Standards of Judicial Independence, which were created to apply in a broad range of jurisdictions globally. Its Team aim to review, update and adjust those Standards to the reality of European jurisdictions as well as to current challenges to judicial independence in some European countries. The Standards will provide specific guidance for assessing judicial independence in European legal systems as well as suggestions for legislative change or for the adaptation of current practices. The panellists will discuss the progress made on this project, elaborate on the Team's efforts at drafting Standards relating to judicial selection, appointments and promotion as well as broader issues relating to the drafting of standards in this area. [More here.](#)

Speakers



Lord John Thomas (Chair)

Lord John Thomas served as Lord Chief Justice of England and Wales from 2013–2017 and was President of the European Networks of Councils for the Judiciary from 2008–2010. He is President of the Qatar International Court, a practising arbitrator, Chairman of the London Financial Markets Law Committee and sits in the United Kingdom Parliament as a member of the House of Lords. He is Chancellor of Aberystwyth University and an Honorary Fellow of Trinity Hall, Cambridge. He is First Vice President of ELI.



Pablo Olivares Martínez

Pablo Olivares Martínez is a Policy Officer at the Justice Policy and Rule of Law Unit of the DG Justice and Consumers at the European Commission, working in topics related to the rule of law and judicial independence. Previously, he held several positions both in the public and private sectors, including in the Spanish Permanent Representation to the EU. He holds a Dual Bachelor Degree in Law and Business Management from the University of Granada and a Master Degree in International Law and International Relations from the Complutense University of Madrid.



Sophie Turenne

Project Co-Reporter

Sophie Turenne holds a PhD in Law from the University of Paris II Panthéon Assas and is a Senior Lecturer in Law and Fellow in Law at the University of Cambridge, Murray Edwards College. She has authored multiple publications on judicial reform, judicial independence and accountability and has acted as an expert on judicial matters for UK and international institutions. She is an Associate Member of the International Academy of Comparative Law, and chairs the British Association of Comparative Law.



Raffaele Sabato

After appointment as a judge in 1991, Raffaele Sabato joined Italy's Court of Cassation in 2012. He was an expert of the Council of Europe in initiatives aimed at promoting judicial independence and served as member of the Consultative Council of European Judges since its beginning in 2000, having been its Chair for two years. He was on the ELI Council and in its Executive Committee. Since 2019 he has been a judge of the European Court of Human Rights. He has published and lectured on international and EU law, civil and procedural law, as well as on mediation. One of his fields of expertise is judicial status and judicial ethics.



Carolyn Hammer

Carolyn Hammer is a Rule of Law Adviser at the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR). In this role, she helps to develop and implement a range of bilateral and multilateral technical assistance and capacity-building activities to support the 57 OSCE participating States in upholding their rule of law related commitments. Her work focuses, in particular, on judicial independence and accountability, as well as administrative justice.



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Detailed Programme | Day 3

Wednesday, 7 September 2022

14:30–15:45 (CET) | Admissibility of E-Evidence in Criminal Proceedings in the EU

The issue of admissibility of evidence gathered in cross-border criminal proceedings in the EU has been on the agenda for a long time. In particular due to accelerated digitalisation across the globe, common minimum standards on how (e-)evidence is to be gathered, transferred and excluded are necessary in order to safeguard fundamental rights and facilitate judicial cooperation. This ELI Project Team aims at developing a draft EU legislative proposal on the (mutual) admissibility of evidence and of e-evidence in criminal proceedings. The panel will focus on the project's progress and the current state of affairs in the field. In particular, experts will consider the feasibility of certain absolute exclusionary rules of evidence, the possibility of improving the standards on access to a lawyer in the gathering of evidence, and the concept of *lex loci* in the context of remote access to e-data or communications. They will also discuss the convenience of adopting common forensic standards as regards electronic data and expert involvement in proceedings involving evidence obtained abroad. More [here](#).

Speakers



Anne Birgitte Gammeljord (Chair)

Anne Birgitte Gammeljord is a lawyer at the Danish Supreme Court and an assistant lawyer in insolvency matters at the Maritime and Commercial Court. She has served on the Disciplinary Committee of the Danish Bar and Law Society and as a member of both the Council of the Danish Bar and the Law Society. She was President of the Council of Bars and Law Societies of Europe (CCBE) in 2009 and, since 2012, she has been a member of the ELI Council. In 2021, she was the public prosecutor in an impeachment case against a former minister (MP).



Pedro Pérez Enciso

Pedro Pérez Enciso is a Senior Prosecutor at the International Cooperation Unit of the Spanish Prosecutor General's Office. For the last 20 years, he has been focusing on the fight against organised crime and mutual legal assistance. He has been, inter alia, a prosecutor of the Antidrug Prosecution Service in the Spanish National Court and is currently a contact point for the European Judicial Network (EJN) and a Eurojust national correspondent. He served as Liaison Magistrate of Spain in Colombia and as a Seconded National Expert in Eurojust.



Lorena Bachmaier Winter

Project Co-Reporter

Lorena Bachmaier Winter is Full Professor in justice systems and procedure at the Complutense University in Madrid. She has written extensively in the area and has been Visiting Professor in many foreign institutes and universities, including the Universities of Berkeley, Harvard and Stanford (USA). She also works regularly as an international legal expert for the Council of Europe and other international organisations. She is a member of the European Commission's Expert Group on European Criminal Law Policy.



Tania Schröter

Tania Schröter is Deputy Head of the Unit dealing with judicial cooperation in criminal matters in the European Commission, Directorate General for Justice and Consumers. She is part of the team which prepared the two legislative proposals on e-evidence and she is currently also participating in the inter-institutional negotiations on the proposals. She also participated in the international negotiations on a Second Additional Protocol to the Budapest Convention on Cybercrime.



Silvia Allegrezza

Silvia Allegrezza is Associate Professor of Criminal Law and Criminal Procedure at the University of Luxembourg. Her research focuses on European criminal law and criminal procedure, comparative evidence law, financial crime, and anti-money laundering integrated strategies. She has led several research projects and written widely in the above areas. She is a member of the EU Commission experts' group on criminal justice, served as Rapporteur for the EU Parliament on anti-money laundering and cooperates with the European Central Bank on administrative sanctions.



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Detailed Programme | Day 3

Wednesday, 7 September 2022

16:00–17:15 (CET) | Access to Digital Assets – Enforcement

Due to the recent growth in the use of digital assets, which cover a heterogeneous variety of assets such as crypto-currency tokens and social media profiles, guidance on the use of, and access to, digital assets is needed. The ELI project aims at providing such guidance by focusing on selected legal issues in this field. Following the first part of the project on the Use of Digital Assets as Security, the project now centres on developing Guiding Principles on the Enforcement of Digital Assets in the EU. Particular attention will be paid to the attachment and seizure of digital assets, where a lack of statutory enactments and case law can be observed. The panel will offer an opportunity to discuss the progress made on the ELI project and recent developments in the field, focusing in particular on various stages of digital enforcement: asset tracing, seizure/attachment, enforcement of judicial decisions and public sale/auction. More [here](#).

Speakers



Teresa Rodríguez de las Heras Ballell (Chair)

Teresa Rodríguez de las Heras Ballell is an Associate Professor of Commercial Law at Universidad Carlos III de Madrid as well as a Visiting Professor at numerous other universities. She studied Law and Business

Administration and holds a Doctor in Law degree. She held the Chair of Excellence at Oxford University and is an arbitrator at the Madrid Court of Arbitration as well as the Spanish Court of Arbitration. She is also a member and Spanish delegate to various other EU and international expert groups.



Daria Rutecka

Rutecka's areas of expertise include data protection, IP, IT and new technologies. She is a member of the 'Technology&Digitalisation' group at Schoenherr, where she is a Senior Associate. She has advised on numerous deals with

a particular focus on both corporate, as well as personal data or technology issues. Rutecka advises companies on issues relating to data privacy and IT, creating comprehensive data privacy strategies and policies, and adapting them to Polish and/or European standards and legal provisions.



Sjef van Erp
Project Co-Reporter

Sjef van Erp is Emeritus Professor of Civil Law and European Private Law at Maastricht University, Visiting Professor at Trento University and Deputy-Justice at the Court of Appeals in 's-Hertogenbosch.

He is President of the International Association of Legal Science and a member of the American Law Institute. He is a Founding Member of the ELI and its former Vice-President, and Co-Reporter of the ELI 'Access to Digital Assets' project and Co-Reporter of the 'Blockchain Technology and Smart Contracts' project.



Dovile Satkauskiene

Dovile Satkauskiene is a lawyer specialised in the law of civil procedure, especially in matters of debt collection procedures, and the activities of courts and judicial officers (bailiffs). Since 2007, she has been the Director of the Chamber of Judicial

Officers of Lithuania and since 2016 she has served as the General Secretary of European Union Of Judicial Officers. Among others, she is involved in many working groups and committees working on legal reforms and has published widely in the above-mentioned fields.



Louise Gullifer

Louise Gullifer QC (hon) FBA is Rouse Ball Professor of English Law at the University of Cambridge, and a Fellow of Gonville and Caius College, Cambridge. She teaches and writes extensively in all areas of commercial and financial law. She is currently Co-

Director of a project on digital assets, based at the Commercial Law Centre, Harris Manchester College, Oxford, and Chair of the drafting committee of the UNIDROIT Working Group on the private law relating to digital assets.



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Detailed Programme | Day 4

Thursday, 8 September 2022

09:00–10:15 (CET) | Blockchain Technology and Smart Contracts

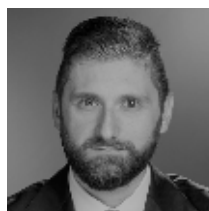
Distributed ledger technology (of which blockchain technology is an application) and smart contracts have a huge potential to fundamentally change many areas of private law transactions. The law in the field remains, however, underdeveloped, resulting in significant legal uncertainties for all the parties involved. ELI has, therefore, developed a set of Principles on Blockchain Technology, Smart Contracts and Consumer Protection, which aim to provide a framework for creating coordinated solutions among EU Member States and which might also offer some support to other jurisdictions and international organisations which are similarly looking to create more certainty in this area. The Principles aim at giving both academia and practice initial guidance on how to apply existing legal regulations to blockchain and smart contracts. The panel will offer an opportunity to discuss the ELI Principles and their potential impact in this area. More [here](#).

Speakers



Pietro Sirena (Chair)

Pietro Sirena is a Full Professor of Civil Law, Comparative Private Law, and European Contract Law at Bocconi University, where he serves as Dean of the School of Law (since 2018). He is Director of the *Società Italiana per la Ricerca nel Diritto Comparato* (since 2014) and President of the Society of European Contract Law (since 2022). Sirena has co-edited several book series as well as the *European Review of Contract Law* (de Gruyter). He is an associate member of the *Académie Internationale de Droit Comparé* (since 2016).



Raffaele Battaglini

Raffaele Battaglini is founder of the Futura Law Firm Starl SB and co-organiser of the Torino Legal Hackers. He advises on legal compliance and M&A with a focus on blockchain-based projects and digital startups. He gained an LLM in Innovation, Technology and the Law from the University of Edinburgh. He has published articles and books on blockchain and smart contracts technologies and he is a regular speaker on these topics.



Sjef van Erp

Project Co-Reporter

Sjef van Erp is Emeritus Professor of Civil Law and European Private Law at Maastricht University, Visiting Professor at Trento University and Deputy-Justice at the Court of Appeals in 's-Hertogenbosch. He is President of the International Association of Legal Science and a member of the American Law Institute. He is a Founding Member of the ELI as well as its former Vice-President, and Co-Reporter of the ELI 'Access to Digital Assets' project as well as Co-Reporter of the 'Blockchain Technology and Smart Contracts' project.



Fabian Reinisch

Fabian Reinisch is VP Legal at Bitpanda, the leading trading platform for digital assets and the first Unicorn in Austria. Fabian Reinisch is an expert in the field of digital assets, blockchain, platform business and M&A. Fabian Reinisch's activities include corporate development, expansion into various European and international markets as well as the development and implementation of business models in the field of digital assets. He is also the author of various publications in the field of digitalisation.



Martin Hanzl

Project Co-Reporter

Martin Hanzl is an attorney-at-law and head of new technologies at EY Law Austria (Pelzmann Gall Größ Rechtsanwälte GmbH), and previously worked at the Vienna University of Economics and Business. Martin Hanzl received a PhD from the University of Vienna, writing his thesis on the legal implications of blockchain technology and has, since then, published numerous books and articles in this field. Further, he advises clients on IP/IT related matters with a strong focus on new technologies.



Dirk Staudenmayer

Dirk Staudenmayer is the Head of Unit for Contract Law of the DG Justice and Consumers at the European Commission. He also teaches as an Honorary Professor at the Law Faculty of the University of Münster and at the Institut Catholique in Paris. He has published widely on European contract, consumer and IT law. After studying law in Germany and France, Staudenmayer was awarded a PhD magna cum laude from the University of Bonn. Previously, he held various positions at the European Commission, including at DG Health and Consumers.

Detailed Programme | Day 4

Thursday, 8 September 2022

10:30–11:45 (CET) | Guiding Principles and Model Rules on Algorithmic Contracts

A growing use of algorithms and artificial intelligence (AI) can be observed at all phases of contracts – from formation to performance – and this has already given rise to significant academic contributions and court rulings. In addition, policymakers at national, regional and global levels are investigating the potential legal implications of this development, which will possibly lead to both significant benefits to, and challenges for, the parties involved. The ELI project, which focuses on the use of algorithmic decision-making (ADM) in the various stages of the contract life cycle, aims to assess, firstly, the adequacy of existing EU consumer law for the use of ADM in contracts and, subsequently, to identify gaps to fill and the necessary legal steps required to facilitate autonomous contracting in B2B, B2C, P2P and M2M transactions. The panel will provide an opportunity to discuss the project's progress so far, focusing in particular on initially identified general principles and use cases in consumer law. More [here](#).

Speakers



Teresa Rodríguez de las Heras Ballell (Chair)
Project Co-Reporter

Teresa Rodríguez de las Heras Ballell is an Associate Professor of Commercial Law at Universidad Carlos III de Madrid as well as a Visiting Professor at numerous other universities. She studied law and business administration and holds a Doctor in Law degree. She held the Chair of Excellence at Oxford University and is an arbitrator at the Madrid Court of Arbitration as well as the Spanish Court of Arbitration. She is also a member and Spanish delegate to various other EU and international expert groups.



Giusella Finocchiaro

Giusella Finocchiaro, DigitalMediaLaws co-founder and partner, is a Full Professor of Internet Law and Private Law at the University of Bologna and member of the Academy of Science of the Bologna Institute – Class of Moral Sciences. Since 2014, she has been the Chairperson of the UNCITRAL Working Group on Electronic Commerce. She has, among others, worked as an expert for the Italian and Russian governments, the Chinese Parliament, the European Commission, the World Bank and UNIDROIT.



Christoph Busch
Project Co-Reporter

Christoph Busch is Professor of Law at the University of Osnabrück and Affiliated Fellow at the Yale Information Society Project at Yale Law School. He is a member of the ELI Council, Co-Chair of the ELI Digital Law Special Interest Group (SIG) and a Reporter for the ELI project on Algorithmic Contracts. He advises the European Commission as a member of the EU Expert Group for the Observatory on the Online Platform Economy (DG CNECT) and the EU Consumer Policy Advisory Group (DG JUST).



Maria Peltoniemi

Maria Peltoniemi is Policy Officer at the European Commission, Directorate-General for Justice and Consumers, contract law unit. She obtained her legal education in Finland and Belgium and trained on the bench in Finland. Before joining the European Commission, she held various positions in the Finnish government and courts, her last position being at the Helsinki Court of Appeal. She has also worked for international organisations promoting the rule of law in Brussels.



Christian Twigg-Flesner
Project Co-Reporter

Christian Twigg-Flesner is Professor of International Commercial Law at the University of Warwick. He is a Fellow and Council member of the ELI, an Associate Academic Fellow of the Honourable Society of the Inner Temple, and an Editor for the Journal of Consumer Policy. His research interests are in the areas of international, European, and English commercial, consumer and contract law. His current research focuses on the implications of the digital economy for these areas of law.



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Detailed Programme | Day 4

Thursday, 8 September 2022

12:15–13:30 (CET) | Fundamental Constitutional Principles

The definitions of fundamental constitutional principles that form the foundations of a European liberal democratic State remain unclear. The ELI project seeks, therefore, to formulate such principles, identify their content, and provide guidance to public authorities, courts, and citizens. Among others, the project covers the following principles: democracy; the rule of law; the separation of powers; the right to judicial protection, including judicial independence and judicial control (eg judicial review); accountability, including ministerial responsibility; and fundamental rights as a component of the liberal democratic State. The panel will offer an opportunity to discuss the developments in the project as well as in contemporary European constitutionalism. [More here.](#)

Speakers



Pascal Pichonnaz (Chair)

Pascal Pichonnaz is a Professor of Swiss contract law, Roman law, European consumer law and comparative contract law at the University of Fribourg since 2020. Pichonnaz was Dean of the Law Faculty from 2014–2017 and published numerous books on various legal fields. He is a member of several boards of legal periodicals and is active as an international commercial arbitrator. From 2008–2009, he was the President of the European Law Faculties Association. Currently he is Chair of the Swiss Federal Commission for Consumers.



Takis Tridimas

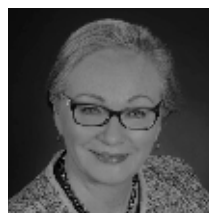
Project Co-Reporter

Takis Tridimas is the Chair of European Law at the Dickson Poon School of Law, King's College London and Director of the Centre of European Law. He is also Professor at Pennsylvania State University and a Barrister in Matrix Chambers. His interests include the constitutional law of the EU, judicial protection, banking and financial law, and comparative law. He is the author of numerous publications, including Schütze and Tridimas (eds) 'Oxford Principles of European Union Law, Volume I: The European Union Legal Order'.



Ralph Kaessner

Following law studies in Germany, Switzerland and the USA, Dr Ralph Kaessner practised EU competition law with an international law firm in Brussels before joining the General Secretariat of the Council in 1999 as legal adviser. In 2003, he joined the Private Office of EU High Representative for Common Foreign and Security Policy (CFSP), Dr Javier Solana, to advise on a broad range of foreign policy topics, and, as of 2009, has advised on EU policy as member of the Private Office of the Secretary-General of the Council, Pierre de Boissieu, and later, Uwe Corsepius. In 2014, he joined the Directorate General for Justice and Home Affairs in the Council Secretariat as Head of Unit for Fundamental Rights and Values and Rule of Law.



Pauliine Koskelo

Pauliine Koskelo is a Judge at the European Court of Human Rights. She was member (2000–2005) and President (2006–2015) of the Supreme Court of Finland. Earlier in her career she served the Finnish Ministry of Justice as Senior Adviser in Legislative Affairs (1985–1995) and the European Investment Bank in senior positions at the Directorate of Legal Affairs (1995–2000). She chaired the Judicial Appointments Board of Finland (2006–2012) and was a member of the Treaty on the Functioning of the European Union (TFEU) Article 255 panel (2014–2018).



Katarzyna Sękowski-Kozłowska

Katarzyna Sękowski-Kozłowska holds a PhD in law and is currently Assistant Professor at the Institute of Law Studies of the Polish Academy of Sciences. She is also the Director of the Poznań Human Rights Centre of the Institute of Law Studies of the Polish Academy of Sciences, a member of the Interdisciplinary Centre for Cultural Gender and Identity Studies of the Adam Mickiewicz University and an Expert of the European Commission and Council of Europe. Her field of research is international human rights law with a focus on gender issues.



Detailed Programme | Day 4

Thursday, 8 September 2022

14:30–15:45 (CET) | Principles and Recommendations of Company Capital and Financial Accounting for Corporate Sustainability

Environmental, social and governance (ESG) considerations rank high on the EU agenda. To implement these considerations, it is important that companies are financially robust. The ELI project therefore has developed a comprehensive set of company law principles, the aim of which is to ensure such robustness and foster sustainable business conduct through company capital management and financial accounting adjustments. Further recommendations are provided on related policy and regulatory matters concerning the EU's framework for corporate sustainability. The ELI Principles and Recommendations aim at contributing to the regulatory and legislative work, at EU and Member State levels, concerning company law, especially prudential capital management and distributions to shareholders. They also clarify the duties of directors and auditors, and highlight key policy options for the law on accounting. The panellists will discuss the project's output, which is reaching its final stages, as well as recent developments in the field. More [here](#).

Speakers



Anne Birgitte Gammeljord (Chair)

Anne Birgitte Gammeljord is a lawyer at the Danish Supreme Court and an assistant lawyer in insolvency matters at the Maritime and Commercial Court. She has served on the Disciplinary Committee of the Danish Bar and Law Society and as a member

of both the Council of the Danish Bar and the Law Society. She was President of the Council of Bars and Law Societies of Europe (CCBE) in 2009 and, since 2012, she has been a member of the ELI Council. In 2021, she was the public prosecutor in an impeachment case against a former minister (MP).



Corrado Malberti

Project Co-Reporter

Corrado Malberti is Associate Professor of Commercial Law at the University of Trento. From 2010–2015, he was Associate Professor of Commercial Law at the University of Luxembourg, where he was the Director of the Master 1 in European Law. He graduated from the University of Milan before completing an LLM at the University of Chicago and a PhD in commercial law at Bocconi University. He has published widely in the fields of company law and financial market regulation in English, Italian and French.



Yuri Biondi

Project Co-Reporter

Yuri Biondi is senior tenured Research Fellow of the National Centre for Scientific Research of France (CNRS) at University Paris Dauphine PSL (IRISSO). He is the Founding Editor of the Journal

'Accounting, Economics and Law: A Convivium' and Research Network Convener of the Society for the Advancement of Socio-Economics (SASE) Research Network in Accounting Economics and Law. He is a Co-Chair of the ELI Business and Financial Law SIG.



Sven Gentner

Sven Gentner is the Head of Unit for corporate reporting, audit and credit rating agencies in the European Commission's Directorate-General for Financial Stability, Financial Services and Capital Markets Union (FISMA). He joined the European Commission in 2004 and has served in various positions in its Brussels headquarters and abroad, including as counsellor in the Economic and Financial Affairs Section of the Delegation of the EU to the United States and as head of DG FISMA's unit in charge of asset management.



Colin Haslam

Project Co-Reporter

Colin Haslam is Professor of Accounting and Finance at Queen Mary University of London. His research centres on financial reporting and business model viability. Previously he has acted as technical advisor

to the European Financial Reporting Advisory Group's (EFRAG) disclosure project and the United Nations Environment Program's (UNEP/GHG) carbon-risk initiative. In 2019, he gave evidence to relevant UK Government Committees' investigations on the collapse of Carillion and Thomas Cook.



Kerstin Lopatta

Kerstin Lopatta is Professor of Financial Accounting, Auditing and Sustainability at the University of Hamburg and serves on the supervisory board of two listed companies. She was a member of the EFRAG Sustainability Reporting Board before being appointed Acting Chair in July 2022. Furthermore, she is affiliated with the City University of Hong Kong as a Visiting Professor. She received her doctoral degree from Goethe University.

Detailed Programme | Day 4

Thursday, 8 September 2022

16:00–17:15 (CET) | Third Party Funding of Litigation

The third party funding of litigation (TPLF) industry has grown substantially. The June 2021 draft report of the Committee on Legal Affairs of the European Parliament ('the Voss Report') began by observing this development; Voss cited industry analyst, Slingshot Capital, reporting that the global TPLF market is now worth between €40bn and €80bn. A similar effect has been noted in UK reports: the value of cash and court cases directly held by UK litigation funders hit a record high of £1.9 billion in 2019. The ELI project aims to develop principles containing safeguards in order to provide an environment in which TPLF is allowed but balances the availability of the tool with the interests of claimants and defendants and a healthy litigation market. The principles may also serve as guidance for courts and national legislators. The panel will discuss the importance of developing regulation in the field as well as the potential impact of the ELI project. More [here](#).

Speakers



Lord John Thomas (Chair)

Lord John Thomas served as Lord Chief Justice of England and Wales from 2013–2017 and was President of the European Networks of Councils for the Judiciary from 2008–2010. He is President of the Qatar International Court, a practising arbitrator,

Chairman of the London Financial Markets Law Committee and sits in the United Kingdom Parliament as a member of the House of Lords. He is Chancellor of Aberystwyth University and an Honorary Fellow of Trinity Hall, Cambridge. He is First Vice President of ELI.



Dina Komor

Dina Komor leads the German operations of the global litigation finance firm, Omni Bridgeway, oversees the team on assessing and managing of cases spanning from litigation, arbitration, German and Austrian portfolios and collective actions as well as

enquiries on monetization, defense funding and enforcement. Before Komor joined Omni Bridgeway in 2011, she studied at the Universities of Bonn, Salzburg and Rome and holds a law degree from the University of Bonn.



Dame Sara Cockerill

Project Co-Reporter

Justice Sara Cockerill has been a High Court judge since 2017 and the Judge in Charge of the Commercial Court of England and Wales since 2022. She gained a first class degree in Jurisprudence at St Anne's

College Oxford in 1989 and was awarded the University's Eldon Scholarship. She was in practice as a commercial barrister at Essex Court Chambers between 1991 and 2017, becoming a Queen's Counsel in 2011. She is the author of 'Compelled Evidence in Civil Proceedings' (2012 OUP), among other books.



Rita Simon

Rita Simon is a Senior Researcher at the Institute of State and Law of the Czech Academy of Sciences and at the Center for Comparative Law of the Charles University in Prague. She has been involved in European private law projects, ranging

from Harmonising Digital Contract Law to Collective Redress Mechanisms. She is currently leading two projects: Revisiting the Normative Concept of the Consumer, and Improving Air Quality through Environmentally Conscious Mobility. She studied law at the ELTE University, Budapest, and holds a PhD from the University of Cologne.



Elena D'Alessandro

Elena D'Alessandro is Full Professor of Civil Procedure at the University of Turin. She was a Fellow of the Alexander von Humboldt Foundation at the Max Planck Institute in Hamburg (2009) and Co-Director of the Center for Transnational Legal Studies in

London (autumn semester 2019). With Cristina Poncibò she co-authored a research paper for the European Parliament on the 'State of Play of the EU Private Litigation Funding'. Her research focuses on domestic, European and transnational civil procedure.



Helena Soletto Muñoz

Helena Soletto Muñoz is a Professor in procedural law, conflict resolution, and restorative justice at Universidad Carlos III de Madrid as well as a lawyer and a mediator. She is, among others, a permanent advisor of the Spanish Codification Commission and

the President of the ADR section of the Madrid Bar Association. As a Council of Europe expert on ADR and restorative justice, her research covers topics such as victim compensation, adequate methods of conflict resolution and reparation to victims of sexual violence.

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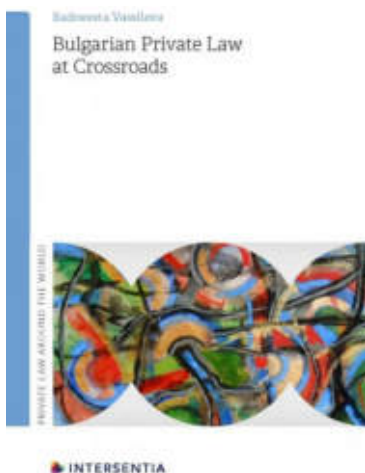
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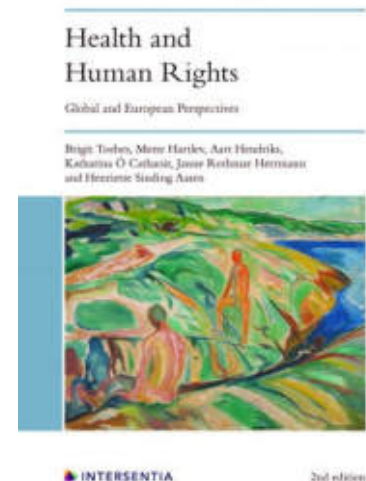
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This book examines the fascinating and turbulent development of Bulgarian private law from the end of the 19th century to the present day and highlights its particularities from a comparative perspective.

Human rights play a crucial role in health law and policy. This book systematically explores a range of themes and dimensions of 'health and human rights'. It discusses the approaches of the UN, Council of Europe and EU to health and human rights, as well as a number of important themes including autonomy and paternalism, vulnerability and entitlements, abortion, digitisation and artificial intelligence, and questions surrounding death and dying.



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ELI in Vienna

The Secretariat of ELI, which is hosted by the University of Vienna, is located in the heart of the Austrian capital, close to the main building of the University, the representation of the European Commission in Austria as well as the information office of the European Parliament.

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ELI Secretariat

Schottenring 16/175
1010, Vienna, Austria
T +43 1 4277 221 01
F +43 1 4277 922 1
www.europeanlawinstitute.eu
secretariat@europeanlawinstitute.eu

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