

ELI Council Meeting 1 July 2024

Venue: Remote, Zoom

Present:

Chair: Pichonnaz, Pascal (ELI President)

Council Members

Anagnostopoulou, Despoina
Augenhofer, Susanne (proxy for Kramer, Xandra until 17:00 CET)
Beale, Hugh
Bielska-Sobkowicz, Teresa
Calderai, Valentina (proxy for Pozzo, Barbara and Maugeri, Maria Rosaria towards the end of the meeting)
Cannarsa, Michel (proxy for Janssen, Andre towards the end of the meeting)
Cavalier, Georges
Cockerill, Sara
Craig QC (Hon), Paul
Georgieva, Hristina
Gimeno-Ribes, Miguel
Grasso, Gianluca
Guercio, Laura
Howells, Geraint
Janssen, André
Jiménez Muñoz, Francisco Javier
Koch, Bernhard
Kramer, Xandra (proxy for Pretelli, Ilaria towards the end of the meeting)

Kubica, María Lubomira (proxy for Ruda, Albert)
Machnikowski, Piotr
Mader, Oliver
Maugeri, Maria Rosaria
Neumayr, Matthias
Pocar, Fausto (proxy for Guercio, Laura)
Poillot Peruzzetto, Sylvaine
Pretelli, Ilaria
Rodríguez de las Heras Ballell, Teresa (proxy for Bachmaier, Lorena)
Santos Silva, Marta
Scherpe, Jens (proxy for Başıoğlu, Başak)
Schroeter, Ulrich G
Shirvindt, Andrey
Skrjabina, Anna (proxy for Mazepa, Svitlana towards the end of the meeting)
Szabados, Tamás (proxy for Gimeno-Ribes, Miguel towards the end of the meeting)
Toader, Camelia
Tot, Ivan)
Valle, Laura
Wiewiorowska-Domagalska, Aneta
Zalar, Aleš

Ex-Officio Council Members

Pichonnaz, Pascal (President)
Gammeljord, Anne Birgitte (First Vice-President)
Sirena, Pietro (Treasurer)
Vos, Sir Geoffrey (Second Vice-President and
proxy for Mader, Oliver)

President of the European Land Registry
Association (ELRA), Miha Taus
Network of the Presidents of the Supreme
Judicial Courts of the European Union,
Dominique Hascher

Other Attendees

Wendehorst, Christiane (ELI Scientific Director)
Turenne, Sophie (for the section on Mt Scopus
project)

Wortham, Leah (for the section on Mt Scopus
project)
Young, Karen (for the section on ALI-ELI
perspective project)

Members of the ELI Secretariat

Wilcox, Vanessa (Secretary General)
Bianchi, Laura (keeper of the minutes)
Dolot, Regina
Fačková, Zuzana
Lages de Almeida, Marta

1 July 2024

The meeting commenced at 15:30 CET.

I. Opening and Welcome

- (1) Pascal Pichonnaz welcomed those present and informed them about the voting procedures and other technicalities.

II. Approval of the Agenda

- (2) **The Agenda was approved (38 ‘yes’, 0 ‘no’ and 0 ‘abstentions’).**

III. Report from ELI Presidency

- (3) Pichonnaz outlined the above report, focusing among other things on dissemination activities undertaken with respect to ELI outputs. He mentioned the various webinars ELI has hosted recently, including the 2024 ELI Members’ Day Webinar on the Future of Money, the Fundamental Constitutional Principles Webinar Series and the recent webinar aimed at Assessing the Impact of *KlimaSeniorinnen*. Former President of the European Court of Human Rights, Róbert Spanó, spoke at the latter. Pichonnaz lauded ELI Hubs and SIGs for their work in translating ELI outputs and for their other dissemination efforts.
- (4) Having invited those present to register for the 2024 ELI Annual Conference, which will be held from 9–11 October in Dublin, Pichonnaz thanked the Irish Hub Chairs for their support in the organisation of the event.
- (5) He welcomed ELI’s new Fundraising Officer, Domenica Nuzzo, and asked Council members affiliated with funding foundations to approach the Secretariat to explore matters further. He also added that Senior ELI Finance and Membership Officer, Zuzana Fačková, will be leaving her position after 5 years in office. He thanked her for her dedication.

IV. Report from ELI Treasurer

- (6) Pietro Sirena expressed gratitude to the ELI Secretary General, Vanessa Wilcox, and to Zuzana Fačková for their support in the drafting of the above. He presented the overall financial situation of the ELI as positive, adding that a surplus was registered at the end of 2023, despite receivables still being high. Sirena said that part of the accumulated 2022 reserved were used to recruit Nuzzo.

He further explained, among other things, that the financial figures were audited by Deloitte in June 2024.

- (7) **The accounts were formally approved (33 ‘yes’, 0 ‘no’ and 0 ‘abstentions’).**

V. ELI Membership Fee Exemptions

- (8) **The Council approved the Membership fee waiver for the European Law Faculties Association (ELFA), subject to reevaluation after a year. It also waived Al-Taqwa University’s fees in light of prevailing conditions on the ground in Afghanistan (39 ‘yes’, 2 ‘no’ and 3 ‘abstentions’).**

VI. Projects and Similar Activities

(a) Revised ELI Project Guidelines

- (9) Pichonnaz explained that abridged Project Guidelines will supplement existing ones, with the aim of helping project participants understand their obligations. No vote is required for this.

(b) ELI-Mount Scopus European Standards of Judicial Independence

- (10) Project Co-Reporter, Sophie Turenne informed those present of the project’s developments before turning to Standard 24 of the draft output (on Technology). She explained that the draft was coherent with other ELI outputs, namely ELI’s Guiding Principles for Automated Decision-Making in the EU and ELI’s Charter of Fundamental Constitutional Principles of a European Democracy.
- (11) A discussion ensued with the Project’s Assessors, Teresa Bielska Sobkowicz and Fausto Pocar, ELI’s Scientific Director, Christiane Wendehorst, and other Council members providing input. There was praise for the high quality and timeliness of the draft. Among other things, participants emphasised the need for the Reporters to differentiate between AI and other technologies, such as electronic communication, and called for a clear taxonomy. They stressed the importance of distinguishing between AI as an assistant, contributing to final decisions, and AI systems making decisions independently. The need for the project to focus on AI to the extent that it promotes judicial independence was noted, alongside the desirability of devoting a specific principle to judicial training. Among other things, it was recommended that the scope of the draft should explicitly include administrative judges, prosecutors, and constitutional courts, in addition to civil law judges.

(c) Draft ELI Innovation Paper: A Framework for Good Green Nudges

- (12) Marta Santos Silva presented the Paper and explained the main changes made in response to the valuable feedback she received from ELI Members. Among the points of discussion raised by Council members was the need to restructure the Paper to make it more appealing for policy makers and the need for further clarification in the text as to addressees. Other substantive feedback was given.
- (13) **The Council approved the draft ELI Innovation Paper, subject to changes requested at the meeting, under the supervision of the ELI Executive Committee, in coordination with the ELI Scientific Director (37 ‘yes’, 2 ‘no’ and 2 ‘abstentions’).**

(d) ALI-ELI Biometrics

- (14) Karen Yeung presented the prospective project which is scheduled to be voted upon at the October 2024 ELI Council meeting and by ALI in October 2024. Yeung highlighted the project’s timeliness amidst technological and socio-political transformations, noting increased biometric applications and concerns over fundamental rights. The project aims to establish normative principles for democratic societies on the use of biometric technology, addressing legal ambiguities and seeking stability amidst current challenges.
- (15) A discussion ensued with Council members and ELI’s Scientific Director providing input. The Council welcomed the draft.

(e) Third Party Funding of Litigation

- (16) Project Co-Reporter, Susanne Augenhöfer’s intervention focused on consumer litigation principles and features. Council members’ suggestions included adding more case law from the Court of Justice of the European Union in the footnotes.
- (17) The draft received positive feedback and ELI’s Scientific Director called for its prompt publication, while acknowledging its excellence. The prospect of an online vote ahead of the October 2024 Council meeting was raised.

VII. Any other business

- (18) Pichonnaz invited Council members to register for the 2024 ELI Annual Conference in Dublin in October again and asked them to publicise the event.

- (19) He reminded those present that the elections of the ELI Presidency will take place at the March 2025 Council meeting and the Council elections and that of the other members of the Executive will take place in September 2025. He identified the need for ELI to recruit jurists from the following vocations and disciplines, both generally and within its Council: judges, practicing lawyers, public lawyers and criminal lawyers are among those from underrepresented jurisdictions.
- (20) Finally, Pichonnaz expressed his gratitude to the Secretary General, Project Officers and other members of the Secretariat for their work. He thanked his Vices, other members of the Executive as well as the Scientific Director and all the Council members that made it to the meeting.

The Council meeting ended at 18:35 CET.