

## Minutes of the ELI Council Meeting

### 30 June 2025

**Venue:** Online

#### **Present:**

**Chair:** Pichonnaz, Pascal (ELI President)

#### **Council Members**

Anagnostopoulou, Despoina	Koch, Bernhard (proxy for Neumayr, Matthias from 17:30 onwards)
Augenhofer, Susanne (proxy for Christoph Busch)	Kramer, Xandra
Bachmaier Winter, Lorena	Machnikowski, Piotr
Bagińska, Ewa	Maugeri, Maria Rosaria
Başoğlu, Başak (proxy for Tot, Ivan from 15:30-15:45)	Mazepa, Svitlana (proxy for Anna Skrjabina)
Bielska-Sobkowicz, Teresa	Neumayr, Matthias (proxy for Koch, Bernhard from 17:45 onwards)
Calderai, Valentina	Pozzo, Barbara (proxy for Pretelli, Ilaria from 17:30 onwards)
Cannarsa, Michel	Poillot Peruzzetto, Sylvaine
Cavalier, Georges	Pretelli, Ilaria
Cockerill, Sara (proxy for Craig, Paul from 18:30 onwards)	Rodríguez de las Heras Ballell, Teresa
Craig QC (Hon), Paul (proxy for Mader, Oliver)	Ruda, Albert (proxy for Kubica, María Lubomira)
Dollani, Nada (proxy for Valle, Laura)	Santos Silva, Marta
Fountoulakis, Christiana	Scherpe, Jens (proxy for Fountoulakis, Christiana from 15:30-16:15)
Georgieva, Hristina	Schroeter, Ulrich G
Gimeno-Ribes, Miguel (proxy for Szabados, Tamás)	Schulte-Nölke, Hans
Grasso, Gianluca (proxy for Bachmaier Winter, Lorena from 17:30 onwards)	Shirvindt, Andrey
Howells, Geraint (proxy for Beale, Hugh)	Toader, Camelia
Jiménez Muñoz, Francisco Javier	Wiewiorowska-Domagalska, Aneta

### **Ex-Officio Council Members**

Pichonnaz, Pascal (President)  
Gammeljord, Anne Birgitte (First Vice-President)  
Vos, Sir Geoffrey (Second Vice-President)

### **Other Attendees**

Bargelli, Elena  
Coninx, Anna  
Dutta, Anatol  
Harbinja, Edina  
Hung, Crystal  
Keller, Matthias  
Mazepa, Svitlana  
Patreider, Paul

Sanders, Anne  
Schefer, Krista Nadakavukaren  
Stracqualursi, Elisa  
Thomsen, Steen  
Webb, Philippa  
Wendehorst, Christiane (ELI Scientific  
Director)

### **Members of the ELI Secretariat**

Wilcox, Vanessa (Secretary General)  
Bianchi, Laura (keeper of the minutes)  
Dudek, Tomasz  
Dunne, Petra  
Lages de Almeida, Marta  
May Dolot, Regina

The meeting commenced at 15:30.

## I. Welcome and Approval of the Agenda

- (1) Pascal Pichonnaz welcomed those present, reminded them of the ongoing ELI Council elections, and encouraged them to stand as candidates. He also extended birthday wishes to Marta Santos Silva. Finally, he invited attendees to approve the agenda.
- (2) **The agenda was approved.**

## II. Report from ELI Presidency

- (3) Pascal Pichonnaz summarised key developments, including the recent publication of two important ELI outputs: the ELI Principles and Guidance for Enforcement Against Digital Assets and the ELI Guiding Principles and Model Rules on Digital Assistants for Consumer Contracts. He also highlighted dissemination efforts, such as webinars, and stressed the intensified outreach of the ELI Charter of Fundamental Constitutional Principles of a European Democracy and the ELI-Mount Scopus European Standards of Judicial Independence, including events like the High-Level Forum. He further mentioned the recent ELI Members' Day webinar on Quantum Technologies, which included discussions on the need for governance in this emerging field.
- (4) Among other things, Pascal Pichonnaz reported on a meeting with the recently reappointed Rector of the University of Vienna, a key figure in the ELI-University of Vienna framework agreements. He also referred to Executive Committee meetings to discuss strategic elements and expressed his gratitude to its members for their commitment and contributions.
- (5) Finally, he reiterated the invitation to the upcoming Annual Conference, noting that each panel features distinguished speakers, including Presidents of Supreme Courts.

## III. Projects and Similar Activities

- (6) Pascal Pichonnaz explained that there are many ongoing matters and, given the Secretariat's limited capacity, it is essential to set clear priorities. He added that at the Executive Committee meeting in June 2025, it was decided to postpone the discussion of Enhancing Child Protection: Private International Law on Filiation and the European Commission's Proposal COM/2022/695 final output until September when the Council meets in person. Members of the Executive will

speak with the Reporters in advance to ensure the policy elements are clear to everyone approving it.

**(a) Extra-Judicial Administration of Justice in Cross-Border Family and Succession Matters**

- (7) Project Co-Reporter, Elena Bargelli, presented the main changes incorporated into the final version of the project's output.
- (8) A discussion ensued with the Project's Assessors, Matthias Neumayr, Ilaria Pretelli and Pascal Pichonnaz, together with and ELI's Scientific Director, Christiane Wendehorst. Matthias Neumayr recommended the approval of the project, while noting that discussions on its subject matter should continue beyond the scope of this project, potentially through future updates or related initiatives. Among other things, Ilaria Pretelli questioned the use of some terminology and agreed that the project's added value lies in initiating a broader dialogue on the Principles set out in the final output. Pascal Pichonnaz and Christiane Wendehorst echoed the views expressed by both Matthias Neumayr and Ilaria Pretelli.
- (9) Council Member, Despoina Anagnostopoulou, questioned Principle 6 and asked for clarification, which was given by Elena Bargelli. She also proposed redrafts. Camelia Toader and Ewa Baginska also raised questions.
- (10) **The Council approved the project (35 voted in favour, 2 against and 6 abstained). However, the Council requested that paragraph 103 of the comments under Article 6 be moved to after paragraph 80 or 81, with a slight adaptation of wording to reflect this change.**

**(b) Model Rules on Succession of Digital Assets, Data and other Digital Remains**

- (11) Project Co-Reporter, Edina Harbinja, shared insights on the comments received and invited the Council to reflect on their incorporation into the draft.
- (12) A discussion followed, featuring input from the Project's Assessors, Teresa Rodríguez de las Heras Ballell and Xandra Kramer, as well as from Council member Hugh Beale. Teresa Rodríguez de las Heras Ballell emphasised the possible need to consider aligning the definition of digital assets with that used in the ELI Access to Digital Assets project. She was also hesitant about the notion of 'digital' succession as referenced in Article 2(5) of the draft as this seems to recognise two types of succession. Rodríguez de las Heras Ballell proposed rephrasing the definition of 'online tool' (means) and 'written statement directed at ... ' (format). Among other things, Xandra Kramer echoed the latter concern and suggested further work be undertaken to Chapter 5. Hugh Beale's

written comments were read out. Pascal Pichonnaz also questioned the current title, favouring the use of 'implementing' as opposed to 'Model Rules ...'.

**(c) Climate Justice – New Challenges for Law and Judges**

(13) Project Co-Reporter, Matthias Keller, provided an overview of the project.

(14) A discussion followed with the Project's Assessors Barbara Pozzo, Ewa Bagińska, Aneta Wiewiórowska-Domagalska and ELI Scientific Director, Christiane Wendehorst. Barbara Pozzo pointed out that the terms 'environmental damage' (see Directive explaining legal standing in detailed terms) and 'climate change damage' are used interchangeably in the draft, although they refer to distinct concepts. Ewa Bagińska recommended focusing the project on public liability and reducing the use of terminology that links the project too closely to tort law. She also questioned reference to injunctive relief, depending on the context in which it is intended. Aneta Wiewiórowska-Domagalska noted the structural changes in the new project draft but questioned its precision and adequacy for its intended audience. Christiane Wendehorst echoed the previous point and noted that the mapping exercise in the draft was not complete. She also remarked that, in its current form, the draft does not yet provide concrete guidance for judges, though it should aim to do so.

(15) Council member, María Lubomira Kubica, raised both procedural and substantive issues. She emphasised the need for greater involvement of the Members Consultative Committee, expressed concern about the project's scope and requested greater clarity at the beginning of the draft. María Lubomira Kubica suggested that the term 'fundamental' was overused and recommended its more selective application. Additionally, she proposed that Principle 3 be rephrased for improved clarity and precision. Finally, a methodological point was raised by Valentina Calderai, who noted a lack of engagement with the Directive 2004/35/EC.

**(d) Enterprise Foundations in Europe**

(16) Project Co-Reporters, Steen Thomsen and Anne Sanders outlined the final steps to be taken in the context of the project.

(17) A discussion followed with Project Assessors Miguel Gimeno Ribes and Anne Birgitte Gammeljord expressing satisfaction with the draft. Miguel Gimeno Ribes suggested focusing dissemination efforts on countries whose jurisdictions exhibit the greatest gaps in the field of enterprise foundations. Teresa Rodríguez de las Heras Ballell congratulated the Reporters, noting that the project is an asset for ELI with the potential to attract more engagement from new members.

(18) Pascal Pichonnaz mentioned the idea of creating an Enterprise Foundation Special Interest Group (SIG) within the ELI.

**(e) The Standard and Proof of Consent in Sexual Crimes**

(19) Project Co-Reporters, Anna Coninx and Bobbie Cheema-Grubb, presented the project and reacted to the participants' feedback.

(20) A discussion ensued with ELI Scientific Director, who expressed a positive outlook and thanked the prospective Reporters for their feasibility study and project proposal. She commended the clear sense of the expected outcome from the start.

(21) Council member Sara Cockerill asked how the timeline fits into the plan. Camelia Toader suggested inviting a colleague from Bucharest with expertise in the field to join the Advisory Committee.

(22) **The Council approved the ELI Standard and Proof of Consent in Sexual Crimes (40 voted in favour, none against and none abstained).**

**(f) Guiding Principles on Seizing Sanctioned Assets**

(23) Project Co-Reporter Philippa Webb presented the project.

(24) A discussion ensued with ELI Scientific Director, who congratulated the prospective Reporters for the work done. Pascal Pichonnaz mentioned that an ELI High Level Expert Group on the topic took place in 2024. Council member, Piotr Machnikowski, questioned the timeline.

(25) **The Council approved the ELI Guiding Principles on Seizing Sanctioned Assets (34 voted in favour, none against and 2 abstained).**

**IV. Draft ELI Innovation Paper on Regulating Cybercrime in the Framework of Cyberwar**

(26) In light of time constraints, the above discussion was postponed.

**V. Report from the ELI Treasurer**

(27) Pascal Pichonnaz referred to the above and invited those with questions to approach the Secretariat or Treasurer.

**VI. Any other business**

- (28) Pascal Pichonnaz introduced Petra Dunne, the new fundraising officer, and encouraged participants to contact her regarding all funding matters.
- (29) Pascal Pichonnaz expressed his gratitude to the Secretary-General and the entire Secretariat for their excellent work, and to the Scientific Director and the Executive Committee for their tireless efforts in supporting ELI and advancing its projects and dissemination activities.

The Council meeting ended at 18:50.

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