

## **EELA Conference Bratislava**

Minutes of the General Assembly: June 23, 2018

### **Welcome and Opening**

Bartłomiej Raczkowski, the chairman of EELA, opened the General Assembly and warmly welcomed all members of EELA who attended. On this occasion, the chairman informed the assembly about the development of the number of members:

Members as of 1 January 2018: 1,298

Members joined in 2017: 92

34 European countries are currently represented in EELA

### **Report of the Board 2017/2018**

The chairman gave an overview on the board's work in the last year. The following Board meetings have been taken place:

18 September 2017 in Warsaw

5 February 2018 in Bratislava

21 June 2018 in Bratislava

### **Brexit and proposed changes to Constitution**

It is possible, but not yet certain, that the United Kingdom (England and Wales, Scotland, Northern Ireland) will leave the EU in 2019 or at least after some transitional period. It is the unanimous opinion of the Board that also in the future UK employment lawyers should have a possibility to remain and become EELA members.

Even after a Brexit, it is expected that the UK will continue to apply EU Labour and Employment Law to a substantial extent, and EELA members from the UK will continue to make positive contributions to EELA and its conferences in the future. The possibility for UK employment lawyers to remain or become EELA members shall be stipulated in the amended 4.1.

The amendments to 6.1 and 6.2 as outlined below create the possibility for members from the UK to be members of the Board and the Conference Committee. These amendments also clarify that EELA members from Iceland, Norway, Liechtenstein or Switzerland can serve on the Board or the Conference Committee, as they have done in the past.

The following amendments of the Constitution were discussed and, thereafter voted on by the assembly. The assembly approved all changes unanimously, without abstentions or votes against.

Section 4.1 currently reading as follows:

4.1 Any person who is a qualified lawyer and practises employment law to a substantial extent in one of the EU jurisdictions or in Iceland, Norway, Liechtenstein or Switzerland, as defined in Appendix A, is eligible for membership.

To read:

4.1 Any person who is a qualified lawyer and practises employment law to a substantial extent in one of the EU jurisdictions or in Iceland, Norway, Liechtenstein, Switzerland, England and Wales, Scotland or Northern Ireland, as defined in Appendix A, is eligible for membership.

Section 6.1 currently reading as follows:

6.1 If available, the Board shall consist of one member for each EU jurisdiction, such member having to be a member of the Association. England and Wales together count as one EU jurisdiction, Scotland and Northern Ireland as separate EU jurisdictions. Board Members shall satisfy at all times the requirements for the membership of the Association as specified in section 4 (1) and Annex A.

To read:

6.1 If available, the Board shall consist of one member for each EU jurisdiction and one for each of the other jurisdictions listed in Sec. 4.1, (England and Wales together count as one jurisdiction, Scotland and Northern Ireland as separate jurisdictions), such member having to be a member of the Association. Board Members shall satisfy at all times the requirements for the membership of the Association as specified in section 4 (1) and Annex A.

Section 6.2 currently reading as follows:

6.2 The Board shall establish a Conference Committee to organise the annual conferences. The Conference Committee shall consist of five Board Members comprising the three Board Members from the EU jurisdictions in which the next three annual conferences are to be held and the Board Members from the EU jurisdictions in which the last two annual conferences took place. The chair of the Conference Committee shall be the Board Member from the jurisdiction in which the next annual conference is to take place.

To read:

6.2 The Board shall establish a Conference Committee to organise the annual conferences. The Conference Committee shall consist of five Board Members comprising the three Board Members from the jurisdictions in which the next three annual conferences are to be held and the Board Members from the jurisdictions in which the last two annual conferences took place. The chair of the Conference Committee shall be the Board Member from the jurisdiction in which the next annual conference is to take place.

The assembly welcomed the board's initiative to enable members of the UK to remain members of EELA and to open EELA for new members from the UK in the future.

### **Changes of the Constitution regarding internal administration:**

The following amendments of the Constitution were discussed and thereafter voted on by the assembly. The assembly approved such changes unanimously, without abstentions or votes against.

Sec. 6.3 currently reading as follows:

6.3 The Board Member having his/her law office at the seat of the Association shall be responsible for the internal administration.

To be deleted.

Sec. 6.6 currently reading as follows:

6.6 The Board shall manage the affairs of the Association and represent it vis-à-vis third parties. The Association may be represented jointly by two Board Members or - if the value of the matter does not exceed EUR 500 - by a Board Member designated by the Board (e.g. the Board Member responsible pursuant to section 6 (3)).

To read:

6.6 The Board shall manage the affairs of the Association and represent it vis-à-vis third parties. The Association may be represented jointly by two Board Members or - if the value of the matter does not exceed EUR 500 - by a Board Member designated by the Board.

Section 6.3 and in consequence 6.6. are outdated. They must have been a reflection of an assumption that there would always be a Board Member from the city where the Association has its seat, i.e., Stuttgart.

### **Changes of the Constitution regarding financial audit**

The chairman explained that the EELA Accounts have each year being audited by an EELA member who is not a member of the Board, which underlines the independence of the auditing member. This routine should be reflected in the Constitution.

The following amendments of the Constitution were discussed and, thereafter voted on by the assembly. The assembly approved such changes unanimously, without abstentions or votes against.

Sec. 9.3 currently reading as follows

9.3 The Board Member designated by the Board shall collect the membership fees and the annual conference fees. The Association's accounts shall be audited each year by another Board Member or a substitute appointed by him/her to ensure that the finances are being duly and properly administered; a written report on the outcome of the audit shall be given at the following General Assembly.

To read:

9.3 The Association's accounts shall be audited each year by an EELA member who is not a member of the Board; a written report on the outcome of the audit shall be given at the following General Assembly.

### **Partnership with Planet Labor**

The chairman reports about a new cooperation with Planet Labor with the aim to provide members with a regular service which informs about important developments in the field of European employment law. There will be an evaluation of the quality of this service after a 6 months trial period.

## Next EELA/ERA Annual Seminar on European Labour Law

The chairman announced the date of the next EELA/ERA employment law conference in Brussels (16 November 2018) and encouraged members to register.

## EELA Arbitration Initiative

George Georgiou and Martin Diller reported about the status of the EELA Arbitration Initiative.

## Approval of the EELA 2017 Accounts

EELA's secretary Martin Diller represented details of the following accounts and explained the process of their revue by EELA member Ralf Tiesler from Stuttgart, Germany, who has approved the accounts and has confirmed that they are correct and in order.

<b>Bank Balance as at 31/12/2016 (01/01/2017)</b>	<b>488,283.43 EUR</b>
<b>Total IN in 2017</b>	<b>135,833.12 EUR</b>
Membership fees	104,990.93 EUR
Others	
- Surplus from ERA Seminar 2016 in Brussels: 1,692.44 EUR	
- Surplus from ERA Seminar 2017 in Brussels: <u>1,583.92 EUR</u>	3,276.36 EUR
- EELA Conference Zurich 2017: Refund security payment Swiss tax authorities: 23,173.28 EUR	
Refund VAT Swiss tax authorities <u>3,339.35 EUR</u>	26,512.63 EUR
- Incoming payments (membership fees to be refunded, reimbursement from former website provider Magnetic Media Network S.P.A., refund bank charges)	1,053.20 EUR
<b>Total OUT in 2017</b>	<b>76,883.33 EUR</b>
Administration costs (bank fees for account management and credit card fees/WebPos)	632.15 EUR
Website (Loyals and former Website administrator Interoute)	15,376.34 EUR
Secretarial Fees Gleiss Lutz, 2017 (approved on 5 February 2017)	29,750.00 EUR
EELA Conference Zurich (Rufener Ltd. BSW): Security payment Swiss tax authorities: 28,213.44 EUR	
Event-Factory Krakow Conference contest reimbursement: <u>2,460.00 EUR</u>	30,673.44 EUR
Others (mainly refunded payments, e.g. membership fees, bank charges)	451.40 EUR
<b>Bank Balance as at 31/12/2017</b>	<b>547,233.22 EUR</b>

The assembly approved the accounts unanimously with no votes against and one abstention.

### **Any other issues**

No further topics were discussed

### **Closing**

The chairman closed the general assembly and invited Pirkko-Liis Hakmaa, EELA's board member from Estonia, to give a presentation about the EELA annual conference in Talinn taking place from May 23 through May 25, 2019.

Bratislava, June 23, 2018

Bartłomiej Raczkowski

Chair

Klaus-Stefan Hohenstatt

Vice Chair