

**Minutes of the Board Meeting on 23 September 2013  
in Warsaw**

**Place:** Bristol Hotel  
Warsaw, Poland

**Time:** 11 am - 3 pm

**Present (by teleconference or in person):**

Guy Castegnaro (Chair)

Claire Toumieux (Vice Chair)

Martin Diller (Secretary General)

Constantin Bakopoulos

Pilar Caverio (by teleconference)

George Z. Georgiou

Pirkko-Liss Harkmaa

Paula Embro Hogéus

Roland Gerlach

Lars Holo

Youliana Naoumova

Dusan Nitschneider

Malcolm Pike

Bartłomiej Raczkowski

Natasa Randlova

Dorothe Smits

Ueli Sommer

Franco Toffoletto

Petteri Uoti

**Appologised for absence received from:**

Matthew Brincat

Alice Dobrinoiu

Chris Engels

Cesar Esteves

Klaus-Stefan Hohenstatt

John Macmillan

Terence McCrann

Mariann Norrbom

Gareth Walls

Andrea Soos

**1. Welcome and opening**

The Chairman welcomed all participants in the Board meeting, in particular the new Board members Dorothé Smits (The Netherlands), Dusan Nitschneider (Slovakia), and Youliana Naoumova (Bulgaria). Guy Castegnaro and the Board thanked Bartlomiej Raczkowski for welcoming the Board in Warsaw and for his kind hospitality.

**2. Approval of the minutes of the Board meeting held in Antwerp on 6 June 2013**

The minutes of the last Board meeting were approved.

**3. Elections**

Guy Castegnaro, Claire Toumieux and Martin Diller were candidates for reelection. No other candidate stood for election.

Guy Castegnaro outlined the achievements of EELA during the two years of his and Claire's term as chair and vice-chair of EELA.

He further pointed out the matters to be addressed in the future. He thanked the Vice Chair and the Secretary for their contribution.

After taking into account the proxies, the Board proceeded with the election.

The results of the vote led to the following reelection:

**Chairman: Guy Castegnaro**

**Vice-Chair: Claire Toumieux**

**Secretary general: Martin Diller**

#### **4. Antwerp Conference**

As Chris Engels was unable to attend the board meeting, this issue will be put on the agenda of the next EELA board meeting.

#### **5. Krakow Conference of 12 to 14 June 2014**

Bartłomiej Raczkowski went through the preliminary program for the 2014 Conference. Former President of Poland, Mr. Lech Walesa, will confirm, by November, whether he is able to participate. The opening speech will be followed by questions. Board members were invited to prepare questions in case the attendants do not raise any .

All topics appearing in the program were selected from those proposed by EELA members, with the EELA member who proposed the subject being retained as session leader.

As last year, one Board member will be assigned to each session as session organisers, to make sure that the session is ready and on time. Their role will be distinguished from that of the session leader (who is responsible for the selection of the panellists and who will be on the panel).

The Board members emphasized the need that speakers have a broad – cross border - view on the subjects, to make each session interesting, rather than focusing on their local legislation.

Guy Castegnaro will contact Catherine Barnard, to see whether she can chair a session on TUPE, while Michael Rubinstein will continue to make a general update on EUCJ.

A newsflash will be sent shortly to EELA members to disclose the title of the sessions and the name of the session organisers (and session leaders if they are yet retained) so that the members could contact them should they want to participate in the session.

Bartłomiej Raczkowski confirmed that he would send an email to session organisers, together with the revised program and the template for the power point presentation, with the following timelines:

- **mid November:** names of speakers to be ready
- **end of February:** the contents of the session to be ready (including the distribution of the subjects among the panelists)
- **end of March:** materials to be ready

As regards the General Assembly, there will not be any election in 2014, except for vacant positions, i.e. for countries which are not represented by a Board member, i.e. Slovenia, Lithuania, Latvia, Lichtenstein, Iceland. An email will be sent to the members of those countries if they have more than one member. This is not the case presently and the Board will review the memberships in January, to check whether the situation has evolved. The General Assembly will last at least one hour if the question of the In house lawyers requires a vote.

Bartłomiej Raczkowski will confirm the capacity for the Gala dinner.

The social program will be shortly defined, which could include a visit of the Salt mines and a trip to Auschwitz.

#### **4. Brussels seminar**

The maximum capacity is 90 participants. Already 45 persons have registered. Members who wish to attend should register as soon as possible.

A reminder will be sent to members, by news flash.

#### **7. EELA Website issue**

Guy Castegnaro reported that Mediaweb had drawn EELA's attention to security issues, in an email of 17 September 2013. Putting in place the appropriate security tool will cost 500 euros per quarter. The Board approved the corresponding spending.

## **8. EELC magazine**

Mediaweb met with the publisher, to get more contents for the website. The Chairman will update the Board. The Brussels Conference can be a good opportunity to meet with Peter Vas Nunes and SDU, the current publisher. Guy Castegnaro will organize the meeting, with Claire Toumieux, Franco Toffoletto, and Natasa Randlova.

## **9. EU Commission and ELLN**

As a result of EELA's recent initiatives to strengthen the relationships with the EU Commission, the latter has kindly invited EELA representatives to attend its conference on 21 October 2013. Chris Engels, Roland Gerlach, Dorothé Smits and Claire Toumieux will attend this Conference.

Relationships with EELN (European Employment Law Network) has also been successful. EELN has kindly invited EELA representatives to its conference, to which Guy Castegnaro and Natasa Randlova will participate.

## **10. Secretarial fees**

There has been an increase of secretarial work, in line with EELA's growth (around 1300 members) and new projects (website, new Conference in Brussels..). 3.5 to 4 secretarial days per week are now necessary. Franco Toffoletto pointed out that this could justify that EELA recruits an employee, to carry out some of the administrative work that Chair, Vice Chair and Secretary currently do (e.g. preparing the Board Compendium). Martin expressed the view that at least two people were necessary in case one is on holiday. This will be discussed as part of a larger discussion about EELA functioning. The bills for the work done in 2012, and for 2013, of 25 K euros, were approved.

## **11. In-house lawyers**

The Chairman suggested that a working group should be organised, to prepare a memorandum on the matter for the Board. Martin Diller outlined the two possible options Option 1: maintain the current situation (differences depending the countries) or Option 2: address the matter as a point of principle, applying equally to all countries (given EELA's constitution, this would have to be a decision for the General Assembly). Martin Diller

suggested that the matter be dealt with at the next General Assembly, with a recommendation being made by the Board.

Two key arguments should be taken into account in the debate:

- In-house lawyers bring fresh news and a practical input, from which EELA could benefit; they have been invited quite often at the Conference;
- The nature of the conference could change as a result of the presence of In-house lawyers (becoming more a business development forum rather than a meeting for a club of friends).

Petteri Uotti thought that welcoming In-house lawyers would also raise the question of whether professors, union members, and employers organisations should also be admitted.

The question was raised about the need to revise the rule that the conditions for EELA membership are checked once and for all, when the candidate applies for membership.

The question was raised about what would happen to the membership of existing In-house lawyers, should the General Assembly decide to restrict the membership to EELA lawyers in private practice.

The Board decided to appoint a working group with Janet Gaymer, Guy Castegnaro, John Macmillan or Terence McCrann, Martin Diller, Dorothé Smits, Paula Embro Hogéus, to review the issue of whether this matter should be addressed by the General Assembly.

### **13. Other issues**

The 2015 conference will be held in Nicosia.

For 2016, possible venues for the conference are Prague and Sofia.

### **14. Date and timing of next Board meeting**

The next Board meeting will be held on **31 March 2014** in either Frankfurt or London (11am - 3pm).

The following Board Meeting will take place on **Thursday 12 June 2014 (2 pm – 5pm) in Cracow**.

**15. Any other issues - Closing**

As no other business was raised, the Board Meeting concluded at 3:00 p.m.

- Guy Castegnaro -

- Claire Toumieux -

Warsaw, 23 September 2013