

Minutes of the Board Meeting on 26 January 2015 in London

Place: Allen & Overy LLP
One Bishops Square
London
E1 6AD
United Kingdom

Time: 12:00 am – 4:00 pm

Present:

Guy Castegnaro (Chair)
Martin Diller (Secretary General)
Constantin Bakopoulos
Matthew Brincat
Chris Engels
George Z. Georgiou
Roland Gerlach
Pirkko-Liis Harkmaa
Paula Hogéus

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Board:

Guy Castegnaro (Chair)
Luxembourg, Luxembourg
Claire Toumieux (Vice Chair)
Paris, France
Roland Gerlach
Vienna, Austria
Chris Engels
Brussels, Belgium
Youliana Naoumova
Sofia, Bulgaria
George Georgiou
Nicosia, Cyprus
Nataša Randlová
Prague, Czech Republic
Mariann Norrbom
Copenhagen, Denmark
Malcolm Pike
London, England
Pirkko-Liis Harkmaa
Tallinn, Estonia

Petteri Uoti
Helsinki, Finland
Klaus-Stefan Hohenstatt
Hamburg, Germany
Constantin Bakopoulos
Athens, Greece
Andrea Soós
Budapest, Hungary
Terence McCrann
Dublin, Ireland
Franco Toffoletto
Milan, Italy
Matthew Brincat
Valletta, Malta
Gareth Walls
Belfast, Northern Ireland
Lars Holo
Oslo, Norway
Bartłomiej Raczkowski
Warsaw, Poland

César Sá Esteves
Lisbon, Portugal
Alice Dobrinou
Bucharest, Romania
John Ernest Macmillan
Glasgow, Scotland
Dušan Nitschneider
Bratislava, Slovakia
Pilar Caveró
Madrid, Spain
Paula Hogéus
Stockholm, Sweden
Ueli Sommer
Zurich, Switzerland
Dame Janet Gaymer DBE QC
London, England (Hon. Chair)
Martin Diller (Secretary General)
Stuttgart, Germany

Lars Holo
John Macmillan
Terence McCrann
Dušan Nitschneider
Malcolm Pike
Ueli Sommer (by teleconference)
Franco Toffoletto
Petteri Uoti
Gareth Walls

Apologies for absence received from:

Claire Toumieux
Natasa Randlova
Mariann Norrbom
Klaus-Stefan Hohenstatt
Bartłomiej Raczkowski
Pilar Cavero

1. Welcome and opening

Guy Castegnaro welcomed all participants to the meeting.

2. Approval of the minutes of the Board meeting in Paris held on 26 September 2014

The minutes of the last board meeting were approved.

3. In-House Lawyers / Annex A

Guy Castegnaro referred to the three questions submitted to all board members in preparation for the board meeting on 19 January 2015 and pointed out that the London

Board Meeting was of extraordinary importance, as the board should try to finish a debate which has lasted over years once and for all.

At first, the discussion circled around the definition of “in-house lawyer” or “lawyer” in general. It was again agreed that there were vast differences between the member states. Whereas in some countries (e.g. Germany, England and Wales) in-house lawyers would have exactly the same university education and exams as lawyers in private practice, in other countries (e.g. Austria, Slovakia) in-house lawyers would only have part of the education and part of the exams a lawyer in private practice would have.

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The Board decided that each board member should look at the current version of Annex A for his/her country in the light of the discussion in this board meeting. The general understanding was that it should be decided on a country-by-country-basis whether the definition in Annex A should be worded to the effect that lawyers working in-house (i.e., only work for their employer) can be EELA members or not. The general understanding was that in jurisdictions such as e.g. England and Wales, where the education and the exams passed are similar for in-house lawyers and lawyers in private practice and where in-house lawyers can also be members of the National Employment Lawyers Associations, there are good arguments that in-house lawyers should be admitted to EELA. To the contrary, in countries with huge differences regarding education and exams and/or where in-house lawyers cannot be members of the National Employment Lawyers Association, in-house lawyers should not be admitted to EELA. Other factors to decide whether in-house lawyers should be admitted could be the amount of professional regulation applicable to them, their admission to the bar and their ability to appear in court for their employers. Proposals to amend Annex A for individual countries will have to be approved by the full Board with a three-quarter majority.

It was further discussed to amend 4.1 of the Constitution (by decision of the General Assembly) to give the board discretion to accept persons who do not fully meet the requirements of their national definition in Annex A under extraordinary circumstances, in particular due to a special reputation or special experience.

4. Cyprus Conference 4 June to 6 June 2015

George Georgiou reported on the progress of the Cyprus conference. The program was finalized and almost all of the speakers were defined. A discount agreement with Austrian Airlines has been agreed upon. As a lot of conference participants want to combine participation in the conference with a visit to Cyprus, George is negotiating with the hotels to apply their special conference rates also for longer stays.

The registration is already open, with currently some 60 registrations. The early bird discount does not expire before February.

5. General Assembly at the Cyprus conference

In his activity report, Guy will refer to the discussion on in-house lawyers. In addition, the General Assembly will possibly be asked to approve an amendment of 4.1. (see above).

There will be elections for one third of the current board seats. Martin and Guy will work out which countries will be up for election. Among the countries which are up for elections will be the Netherlands, as Dorothé Smits had to resign because she became a judge.

There are currently no board members for Iceland, Latvia, Liechtenstein, Lithuania and Slovenia. It is agreed that Guy shall write a letter to the three Latvian members and ask them whether they want to propose a board candidate. The other countries without a current board member have none or at least less than three EELA members, therefore no elections shall be encouraged.

6. Financial situation of EELA

In the light of the current financial assets of EELA of some EUR 540,000.00, it was discussed whether it should be proposed to the General Assembly to lower the membership fee. It was agreed that EELA should rather lower the conference fees although the past experience shows that conferences almost always ended with a surplus instead of a deficit.

It was discussed whether, starting in 2016, there should be a special discount to encourage conference participants from new EU-countries or from countries where the travel costs are high.

7. Conference Venue for 2018

Suggestions for a venue for 2018 came from France, Germany (Hamburg) and Italy. Dušan Nitschneider is currently examining whether Bratislava (Slovakia) could host a conference of some 400 to 500 participants. It is agreed that the board will decide in its next meeting on 4 June 2015 on the 2018 venue.

8. Any other business

It was agreed that board members who are not able to participate in board meetings should give proxies to other board members but not send people from their own law firms to represent them in board meetings, as this is highly inefficient.

9. Closing

As no other business was raised, the Board Meeting concluded at 4:00 pm.

10. Next Board Meeting

The next Board Meeting will be held in Nicosia on Thursday, 4 June 2015, 12:30 am to 4:30 pm.

Guy Castegnaro

Martin Diller