

Minutes of the Board Meeting on 26 October 2015 in Prague

Place: Randl Partners
Tetris Office Building (6th Floor)
Budějovická 1550/15a
CZ-140 00 Praha 4

Time: 12:00 noon – 4:00 p.m.

Present:

Guy Castegnaro (Chair)

Claire Toumieux (Vice-Chair)

Pilar Cavero

Martin Diller (Secretary General)

George Z. Georgiou

Helene Amsinck

Pirkko-Liis Harkmaa (by teleconference)

Paula Hogéus (by teleconference)

Klaus-Stefan Hohenstatt

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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 Cavero
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
Chris Engels
Maria da Glória Leitão
John Macmillan (by teleconference)
Youliana Naoumova
Dušan Nitschneider
Christiaan Oberman
Malcolm Pike (by teleconference)
Bartłomiej Raczkowski
Corina Radu
Natasa Randlova
Ueli Sommer
Franco Toffoletto

Apologies for absence were received from:

Petteri Uoti
Roland Gerlach
Terence McCrann
Gareth Walls

1. Welcome and opening

Guy Castagnaro welcomed all participants and thanked Natasa Randlova for hosting the board meeting in Prague.

2. Approval of the minutes of the Board meeting held on 4 June 2015 in Limassol

The minutes of the Board meeting of 4 June 2015 were approved and will be posted on the website.

3. Approval of the minutes of the General Assembly Board held on 6 June 2015 in Limassol

The minutes of the General Assembly dated 6 June 2015 were approved by the Board and will be posted on the website. Members will be informed by a newsflash that they are accessible and will be invited to provide their comments.

4. Elections of the Chair and Vice Chair of the EELA Board according to Appendix E of the EELA Constitution

The Board proceeded with the elections of the Chair and Vice-Chair, by two separate votes, by secret ballots, after the Secretary General reminded the meeting of the applicable rules.

Claire Toumieux was elected Chair.
Bartłomiej Raczkowski was elected Vice-Chair.

The Board thanked Guy Castegnaro for his four years as Chair, and the successful achievements obtained during his leadership.

5. Presentation of the results and outcome of the Cyprus Conference

George Georgiou reported on the results of the Cyprus conference, which in everyone's opinion was a success. All of the program, the excellent speakers and the social events were highly appreciated. The Board thanked George Georgiou and his wife, Sarah, for the excellent organisation and their hard and efficient work.

390 members registered.

The conference led to a small profit, of €3,134 thanks to the contribution of the sponsors.

6. Up-date on EELA-ERA conference of 20 November 2015 in Brussels

Guy Castegnaro went through the final program, including Mr. Lindsay-Poulsen, Legal Secretary at the EUCJ, Mr. Countouris of the University College in London, Pr. Dorssment of the University of Louvain la Neuve, and a panel on freedom of religion. It was the first time that the conference committee was involved in the program, as with the annual conference.

Claire Toumieux and Maria Gloria Leitao emphasised that the Brussels conference was also an opportunity to maintain our relationship with EU Commission. Guy Castegnaro reminded the meeting of the initiative to strengthen the relationship and the proposal made to the EU Commission that EELA members could be involved in the EU Commission preparatory work. However, the EU Commission made it clear that they did not want any other institutional relationship than that established with ELLN, which they considered more "independent". After the meeting with the EU Commission, EELA approached ELLN and obtained a few invitations to the ELLN Conference. In return, EELA had invited ELLN representatives at the annual conference. This year, there were two invitations left, and Youliana Naoumova and Corina Radu proposed to participate.

The contract between the EU Commission and ELLN will apparently end this year, which could change the relationship.

7. Up-date on the Prague Conference

Natasa Randlova reported on the program for the Prague Conference, which is well on track. Attention was paid to geographic coverage, to selecting new speakers and avoiding the problem of sessions, including too many speakers from the same alliance of law firms.

The program was approved by the Conference Committee.

Regarding the panel with National associations, Helene Amsinck mentioned that the Danish confederation of trade unions would like to participate. Guy Castegnaro agreed to moderate the session.

Concerning two sessions, an exception to the Conference Protocol Rule that short sessions should include only two speakers was authorised by the Board. An amendment to the Conference Protocol, so as to authorise more flexibility on the number of the speakers could be contemplated.

Michael Rubenstein's participation was discussed and approved, as his report on EUCJ cases is highly appreciated by members.

As for the previous conferences, a Board member will be appointed for each session, in charge of the organisation of the session. The session organisers will not be on the panel. It was decided that the Board member of the country from which the session leader belongs should be appointed as session organiser. Natasa Randlova will send the timelines to all session organisers, so that they can make sure the panelists are on time.

Natasa Randlova indicated that the early bird conference fees will be €595 (until 15 February 2016), and that the fees will be €695 (same price as Cyprus) afterwards. The fees for accompanying person were set at €130.

Chris Engels mentioned that some members find that the fees are too high, in light of available budget. The Board agreed that the subject should be discussed at a next board meeting.

Finally, Natasa Randlova mentioned that she would contact Media web to announce the conference via Linked In.

8. Decision on up-date procedure regarding amendments to Annex A

Further to the London Board meeting, Board members should provide their proposal to review Annex A in line with the guidelines set in London.

In Sweden, only individuals in private practice can be registered at the Bar, while an in-house lawyer can represent a case before the court.

The deadline for the proposals for Annex A is set at 15 December 2015.

The amendment to the EELA Constitution, if needed, should be discussed at the next General Assembly to avoid the exclusion of the Board members who would no longer meet the criteria for membership (evaluation of the eligibility for membership once and for all).

9. Discussion and decision about an action plan regarding the publication of EU legislation news and case reports on the EELA website

Guy Castegnaro reported on the end of the relationship with EELC, which will no longer be the official journal of EELA but will be continued with a new publisher. Following Peter Vas Nunes' request, it was agreed that EELA could inform, in December, the members that EELC will continue and that they could contact Peter Vas Nunes or the publisher should they want to subscribe (currently, the members have been informed that the 4th edition for 2015 would be the last one).

The Board expressed its willingness that EELA could offer another publication, focusing on EU developments and initiatives to EELA members.

Michael Rubenstein and Sarah Georgiou would be interested to contribute. Planet Labour could also be approached.

EELA will ask them - as well as any other suitable contributor - for a proposal along the following guidelines:

- goal: inform about EU activities
- digital interphase: collect and distribute the information via the website, instantly (immediate feeding)
- need for coordination (to make sure that there are no unnecessary details and that the news are in good English)
- searching function: tags with pre determined labels, per Directive, and/or subject (there could be 10-15 subjects).

In the meantime, it will be necessary to ask for the costs for the digital project. Mediaweb should accordingly be involved.

A group of four Board members will be in charge of this project: Claire Toumieux, Franco Toffoletto, Maria Gloria Leitao and Martin Diller.

Depending on the solution, the membership fees will be adjusted. It was anticipated that this will result in lowering the fees (which were increased to €135 to include EELC subscription). This change would have to be approved by the General Assembly in 2016, and, if approved, will take effect as of January 2016.

10. Discussion and decision about update of the EELA conference protocol

BR went through his proposals to revise the Conference Protocol, at the Board's request.

- **Proposal 1:** Board members should not be speakers but session organisers, to make sure that the session will be ready on time; the session leader will be the moderator of the panel.
- **Proposal 2:** after keynote speech, a plenary panel should take place.

Other proposals tend to avoid too many people from one law firm or alliance, and encourage new speakers.

The number of speakers could be more flexible (2 to 3).

Eminent personalities (lawyer/non lawyer), can be invited (from EU or outside).

Ueli Sommer suggested that speakers meeting should be planned before the session.

The Chairman will open the conference with a very brief speech.

Helene Amsinck suggested that attention should be paid to the representation of both the employee/employer sides.

Maria Gloria Leitao suggested that some rules and guidelines for the session leaders should be drafted. BR agreed to prepare such rules and Helene Amsinck volunteered to provide her assistance as well.

Fees for key note speakers may be contemplated for eminent outside speakers.

11. Discussion and decision regarding the project “EELA forum for arbitration”

Martin Diller went through his paper on the subject, after Paul Goulding's suggestion.

Exploring the possibility of setting up an arbitration body should not have negative consequences.

A working group was appointed by the Board, with Paul Goulding, Martin Diller, Helene Amsinck.

The working group will write the rules in draft, to be discussed at the next Board meeting. The Board members in the working group will inform Paul Goulding of the initiative and report at the next board meeting.

12. Decision on location of 2018 & 2019 EELA Conferences

Ueli Sommer informed the Board that the Zurich Conference will take place on 8, 9 and 10 June 2017.

For 2018, the conference will perhaps take place in Bratislava, subject to Dušan Nitschneider's confirmation.

Guy Castegnaro mentioned that the conference should preferably take place in countries where it has not yet been held.

Norway could accordingly be put on the list, although this might be difficult should a new Board member be appointed for Norway in the meantime.

Pirkko-Liis Harkmaa mentioned that Tallin could be a possible venue but there could be some uncertainties regarding easy access by plane. They should be resolved by 2019 but she will need to confirm the option.

13. Varia (ELLN conference of 26 & 27 November 2015, etc.)

The ELLN subject was discussed earlier, as part of item 6.

14. Date and timing of next Board meeting

The next Board meeting shall take place in Amsterdam, on 25 January 2016, from noon to 4:00 p.m.

15. Closing

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

Guy Castegnaro

Claire Toumieux