

Minutes of the Board Meeting on 4 June 2015 in Limassol

Place: The Amathus Beach Hotel
75 Amathounta Avenue
4532 Limassol
Cyprus

Time: 12:30 p.m. – 4:00 p.m.

Present:

Guy Castegnaro (Chair)

Claire Toumieux (Vice-Chair)

Chris Engels

Cesar Esteves

George Z. Georgiou

Roland Gerlach

Pirkko-Liis Harkmaa

Paula Hogéus

Lars Holo

John Macmillan

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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 Dobrinoiu
Bucharest, Romania
John Ernest Macmillan
Glasgow, Scotland
Dušan Nitschneider
Bratislava, Slovakia
Pilar Caverro
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

Terence McCrann
Youliana Naoumova
Dušan Nitschneider
Malcolm Pike
Ueli Sommer (by teleconference)
Bartłomiej Raczkowski
Gareth Walls

Apologies for absence received from:

Constantin Bakopoulos
Matthew Brincat
Pilar Cavero
Martin Diller (Secretary General)
Klaus-Stefan Hohenstatt
Mariann Norrbom
Natasa Randlova
Franco Toffoletto
Petteri Uoti

1. Welcome and opening

Guy Castegnaro welcomed all participants to the meeting and thanked George Georgiou for the organisation of the Board meeting in Limassol.

2. Approval of the minutes of the Board meeting held on 26 January 2015 in London

The minutes of the last board meeting were approved.

3. Preparation and up-date of Cyprus Conference and of the General Assembly issues (board members elections, EELA accounts, etc)

George Georgiou went through the program, which includes a key note speech of Mr. Andreas Christou, Mayor of Limassol, and of Mr. Harris Georgiades, Ministry of

Finance of Cyprus. The replacement of the plenary session speaker, who has been unable to come due to an accident, has been found with the assistance of Klaus-Stefan Hohenstatt. Prof Jeremias Prassel and Dr Abi Adams will speak about the influence of the economic climate on the direction of employment law.

According to the forecasts, the Conference will result in a loss of 15 K euros. The Board thanked George Georgiou for his hard work to prepare the conference and the promising program.

Elections will take place at the General Assembly for the following countries: Austria, Belgium, Denmark, France, Germany, Greece, Malta, Portugal, The Netherlands. There is also one candidate for Romania, which has not been represented at the Board so far.

As of the Board meeting, there is only one candidate for each country. Each candidate will prepare a brief presentation of its candidacy. The Board suggested that secret ballots shall be used only where it was necessary to choose among two or more candidates, in the event of additional candidates. Arrangements were made in case such votes are necessary.

The Board expressed the view that whether the Swedish Board membership should be open for election should be dealt with in due course, as part of the project to revisit Annex A of the EELA constitution, in line with the decision taken on In house counsel at the Board meeting in London (see item below).

EELA accounts were reviewed. The Board confirmed the need to keep sufficient reserves to cover the cancellation costs of one conference, in case of exceptional circumstances (like the issues of the Luxembourg conference). It was decided to refer this to Martin Diller, to confirm the lack of suitable insurance cover to avoid such high reserves (about 400 K euros).

4. Discussion and decisions regarding the contract between EELA and SDU (editor of EELC magazine) and the future of the EELC magazine

Peter Vas Nunes, currently in charge of the magazine, has decided to stop cooperation with SDU publishing as of 31 December 2015, with the view to continue the publication with another publisher. This was confirmed by SDU. The agreement with SDU will accordingly be terminated by mutual consent. SDU will deliver 3 issues for 2015 including the compilation book of EU documentation which will be made available to EELA members at the Cyprus Conference.

Given the cost (around €70K), the Board decided not to enter into a similar arrangement with another publisher. Rather, the Board will explore the possibility to publish EU legislation news and case reports on the website, at reduced cost but with the view to continuing to provide a valuable academic contribution to its members. In this regards, the recruitment of a native English speaker will be contemplated. Lars Holo has volunteered to lead this project, so that an action plan can be decided at the next Board meeting, after consultation with Natasa Randlova.

5. Discussion and up-date on amendments to Annex A

It was recalled that Board members are to consider proposing a revised language for their national definition of eligibility for EELA membership in Annex A by the next Board meeting, in line with the recommendations of the Board held in London. The Board membership of Paula Hogéus (who is no longer a member of the Bar since she has joined Ernst & Young) will be reviewed accordingly.

The Board debated the Board majority applicable to authorise exceptions to eligibility rules as stated in Annex A, for members working as employment lawyers. Chris Engels suggested a two-third majority. Some Board members expressed the view that such exceptions should be limited, and meet criteria to be further defined.

Further, the Board pointed out that EELA documentation will be amended, to make it clear that eligibility for membership will be evaluated at the time of joining, once and for

all. Whether this implies a modification of Annex A or the Constitution (Articles 5.1 and 5.3) will be identified sufficiently in advance of the next General Assembly. The debate may include a decision to impose stricter evaluation for Board members (at the time of joining and thereafter, at all times during their mandate), as they represent their country at the Board.

6. Discussion on Mediaweb's EELA website survey

The results of the survey carried out by Mediaweb were discussed. Three topics were debated:

- Linked In: The Newsflash could be sent via Linked In. The person in charge of EELA news and publications could be active in maintaining discussions on this social network, commonly used by the members.
- Web site design: some users have expressed the view that the design is a bit outdated but others were apparently satisfied. Overall, it seemed a good compromise as members found in the website the information they needed. The Board agreed that the suggestion of Practicallaw, now part of Thomson Reuters, to post a banner on the website is rejected.
- Login : the Board decided to maintain the Login to access certain data, even if it reduced the traffic on the website. The Login is necessary to protect the confidentiality of e.g. members' contact details, and avoid the risk that they could be used for marketing purposes.

7. Varia

The Chairman shared with the Board the proposal of Paul Goulding, a former Board member, to create an EELA Forum for employment lawyers interested in arbitration. A similar initiative has recently been launched by Hubert Flichy in France, whose experience could be of interest. That being said, setting up such a project across Europe would probably be more complex due to the differences in legislation. Lars Holo agreed to draft a report on the matter.

Regarding the second conference in Brussels in cooperation with ERA, the Board decided that the Conference Committee should also supervise the program, to avoid duplication. The same rules as those applicable to the annual conference (e.g. role of Board members who should not be speakers, limitation in the number of panelists of the same firm or network,..) shall apply. ERA shall be responsible for proposing the program and speakers, which will then be approved by the Conference Committee.

A EELA twitter account will be created, which can be used to post news about conferences.

Finally, the Board members expressed their gratitude to Mariann Norrbom and Cesar Esteves, who will not stand for re-election and have participated in EELA since the beginning.

8. Date and timing of next Board meeting

The next Board meeting shall take place in Prague, on 26 October 2015, from noon to 4pm.

9. Closing

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

Guy Castegnaro

Claire Toumieux