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1. Fourth Congress of the EAL – Warsaw, June 15th – 16th, 2000

Following the Congresses No. 1 – 3 in Liège, Rome and Munich, the Fourth Congress of the EAL was held on June 15th and 16th, 2000 in the premises of the Polish Sejm under the topic of „Evaluation of Legislation“.

After two years of preparation by both the EAL and the Polish Society of Legislation (Polskie Towarzystwo Legislacji) and thanks to its chairman, Maciej Graniecki, and the efforts of his staff, the Board considered it to be one of the most successful EAL conferences overall.

Approximately 250 participants from North American and European countries followed the invitation to participate in the conference. Among them were many contributors from Eastern European countries.

There was a permanent and simultaneous translation of all reports and the following discussions into English, Russian and Polish.

The conference focused on the methods and criteria of the evaluation of laws in general (so did the experience reports from

the United States, Italy, Germany and Switzerland) but as well on evaluation questions related to the process of approximation of Eastern European legislation to the law of the European Union.

On Friday, June 16th, the EAL held its statutory meeting. The minutes of this meeting are attached to this Newsletter. The General Assembly approved / reconfirmed the chairmanship of Ulrich Karpen and the board membership of Prof. T. St. John N. Bates (Isle of Man) and Prof. Marta Tavares de Almeida (Portugal). Jean-Pierre Duprat (France) and Cecilia Nordenfeldt (Sweden) were elected as new Board members.

During the final session the Congress adopted a resolution promoting the parliamentary implementation of cost-benefit-estimates (please see appendix).

The scientific programme was completed by a reception by the Marshal of the Sejm, Mr. Plazynski, and a visit to the Warsaw opera.

2. Further Activities

a. *Recent Activities*

A bilateral meeting on “**The Legislative Process in a State governed by the Rule of Law**“, which was organised by the Council of Europe in co-operation with the Ministry of Justice of Ukraine, took place in Kiev, Ukraine on October 12th and 13th, 2000. The EAL sent Dr. Christian Bushart of the Ministry of the Interior of the State of Hamburg. The conference dealt with the structure of the legislative process in general, but with practical questions concerning the process of transformation in Ukraine as well. [...] of a legislation / constitutional workshop; many examples of how to draft legislation were given.

The EAL sent Dr. David to participate in a seminar on law drafting in Armenia on June 12th and 13th, 2000, organised by the Council of Europe. The contents were more or less equivalent to those given in the Kiev conference.

A bilateral meeting on **“The Evaluation of Legislation”** organised by the Council of Europe took place in Tbilisi, Georgia, on October 2nd – 3rd, 2000. Among the participants were Prof. T. St. John N. Bates, Prof. Dr. Ulrich Karpen, Prof. Luzius Mader and Swedish Constitutional Court Judge Staffan Magnusson of the EAL. The country is developing its staff in the Ministry of Justice to be prepared for evaluation of draft legislation on the highest international standards.

“On the Road to the 2004 Olympics – Political and Legal Developments in European Sports” – conference held by the Academy of European Law Trier (Europäische Rechtsakademie – ERA).

“Insolvency Law in the European Union” – symposium organised by the Academy of European Law (ERA), Trier, 2nd / 3rd November, 2000. Results will be published soon.

A conference on **“Legislative Drafting: Emerging Trends”** took place in Dublin Castle on October 6th / 7th, 2000. Among the speakers were Michael McDowell, S.C. (Attorney General), Kieran Mooney (Parliamentary Draftsman, Dublin), Edward Donelan (Director of the Statute Law Revision Unit, Dublin) and others. The conference focused on parliamentary drafting and topics related to it, such as the training of legislative drafters.

“Getting better Results: Regulatory Reform in Federal and Regional Countries” – conference in Puebla State, Mexico, September 25th and 26th, 2000. *For information and results please contact Elisabeth Trujillo at (Fax) + 52 (2) 242 79*

21 or + 52 (2) 246 36 59 or by email (regulatoryreform@usa.net).

b. *Future Activities*

A permanent strong point in the association's activities is the cooperation with the Directorate of Legal Affairs of the Council of Europe, namely in the countries of transformation in middle and Eastern Europe. The next conference will be held in Russia on December 18th / 19th, dealing with legislation in federal systems.

3. Members

In late summer, we received the sad news that our member and friend, Sir William Dale of the Institute of Advanced Legal Studies in London has passed away in January. Sir William was undoubtedly one of the founding fathers of science and art of legislation in Europe.

4. Publications

Vol. 6 of the EAL publication series, covering the proceedings of the Fourth Congress of the association held in Warsaw this year, is currently being edited.

It will feature the reports given by the speakers and protocols of the discussions during the sessions. We expect the book to be available my June, 2001.

a. *EAL*

The EAL publications series now covers five publications:

No. 1 – „Legislation in European Countries“. Various European Countries are preparing for membership of the European Union and are therefore stepping up their activities in the field of comparative legal studies. A conference held in Germany in

1991 was devoted to this and other legislative problems and was attended by experts from 25 countries and they included members of parliament, government officials, scholars and legal practitioners. This work is available with Nomos publication, Germany. DEM 168,--.

No. 2 – „Contributions to the Methodology of the Creation of Written Law“: One of the most pressing problems faced by Europe’s legislators today is the question of how to draft precise and yet intelligible law texts, thus reducing the proliferation of law and improving its quality. During the First Congress of the EAL in Liège in 1993 ten authors deal with the different steps of the legislative process: from defining the norm content, drafting the norm and enforcing it to the evaluation of the effectiveness and efficiency of the law. This publication is available with Nomos publication, Germany, DEM 49,--.

No. 3 is the Liège (No. 2) publication in Russian language.

No. 4 – „National Legislation in the European Framework“ – featuring the results of the Rome Congress in 1995.

No. 5 – „Role and Function of the Second Chamber“: Report of the third conference of the EAL held in Munich 1997.

b. Other Publications

“Wirkungsorientierte Verwaltungsführung und Gesetzgebung (Effective Public Administration and Legislation“ publishes the results of a Swiss study on new public management and legislation. These are some of the featured reports: „Optimizing the legislative process“, „Estimating the effects of legislation. The implementation of ex-ante evaluation of legislation in the canton of Bern“.

The publication (ISBN 3-258-06197-1) is available with Verlag Paul Haupt, Falkenplatz 14, CH-3001 Bern, ph + 31 30

12345; fax + 31 301 46 69; email: buch-handlung@haupt.ch; <http://www.haupt.ch>, in German language.

5. Board Activities

The chairman of the EAL, Prof. Dr. Ulrich Karpen, continued his work as member of the OSCE Advisory Group to the High Representative to Bosnia and Herzegovina which led to two draft laws on freedom of access to information and defamation. The defamation bill was adopted by the House of Peoples of the Parliamentary Assembly of BiH on October 23rd.

Marta Tavares de Almeida extended the Board’s efforts to enforce a closer cooperation of the national periodicals dealing with legislation (for a complete list please see Newsletters No. 11 and 12) by organising a meeting of editors of those periodicals. Part of the Board’s efforts still is the scientific contribution to these periodicals.

6. Varia

The Fifth Congress of the EAL to be held in 2002 will be hosted by the European Public Law Center in Athens, Greece, and its chairman, Prof. Spyridon Flogaitis.

Since the scientific input in terms of legislation is definitely increasing and the network of periodicals is nitted denser and denser, following is a list of all periodicals dealing with legislation known to the Board. **If it is incomplete, please let us know.**

Yours truly,

Prof. Dr. Ulrich Karpen