

European Association of Legislation

NEWSLETTER NO. 16

June 2003

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Dear Members and Friends,

1. Fifth and Sixth Congress of the EAL

following the Congresses No. 1 – 4 in Liège, Rome, Munich and Warsaw, the Fifth Congress of the EAL was held on November 28th and 29th, 2002 in Athens under the topic of „e-government“.

After two years of preparation by both the EAL and the European Public Law Center and thanks to its Director, Prof. Spyridon Flogaitis, and the efforts of his staff, namely Ms. Uta Wancke, the Board considered it to be one of the most successful EAL Congresses overall.

Approximately 200 participants from Canada, the United States of America and European countries followed the invitation to participate in the congress.

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

On Friday, November 29th, the EAL held its statutory meeting. The minutes of this meeting are attached to this Newsletter. The General Assembly approved /

reconfirmed the chairmanship of Prof. Ulrich Karpen and the board membership of Prof. T. St. John N. Bates (Isle of Man), Prof. Dr. Jean-Pierre Duprat (France), Cecilia Nordenfeldt (Sweden) and Dr. Marta Tavares de Almeida (Portugal).

Volume 8 of the EAL publication series, covering the proceedings of the Fifth Congress of the Association is currently being edited. We expect the book to be forthcoming by August 2003. It will thus be available less than one year after the Congress.

We are now in a position to invite you to participate in the **Sixth Congress of the European Association of Legislation** scheduled to take place in **Bern** on **May 13th – 14th 2004**. The general topic will be **„The Participation of the Civil Society in the Legislative Process“**. We enjoy the hospitality of the Swiss Association of Legislation (Chairman, our member Prof. Dr. Luzius Mader).

The board is currently active to collect speakers and chairpersons for the subtopics. If there are any suggestions concerning the contents of the congress or

the personell **let us know as soon as possible.**

More details on the place of meeting, available hotels a.s.o. will be provided in the next Newsletter.

2. Other Activities

a. Recent Activities

The **Second European Jurists Forum** (2. Europäischer Juristentag) was held in **Athens on April 30th – May 05th, 2003** under the auspices of the President of the Hellenic Republic Mr. Constantinos Stephanopoulos.

For more details please contact: University of Athens, Ippokratous Str. 33, 106 80 Athens; ph.: +30 (0) 210 368 83 70 or 368 83 58; fax: +30 (0) 210 368 83 53 or 36 03 947; email: gkall@law-uoa.gr; homepage: www.law.uoa.gr

On November 15th, 2002 the **annual statutory meeting of the Austrian Association of Legislation** took place in Vienna, Austria. The General Assembly reconfirmed the chairmanship of Prof. Dr. Heinz Schäffer. The EAL sends its best wishes to Prof. Schäffer and the board for the future.

The **German Association of Legislation (DGG)** held a **congress on issues of parliamentary democracy and the European Convent** on November 21th and 28th, 2002 in Berlin. Furthermore, the DGG, in cooperation with the Rheinland State Parliament, is launching a **project concerning evaluation of legislation** from the focus of the parliament, not just the government.

Members took part in the congress **„Sustainable Legislation 2002“** about influencing and implementing sustainable legislation in Europe, held in Bruxelles on November 20th, 2002. The program content included the European Commission's modernisation plan for clearer legislation and sustainability impact assessments, integrating environmental and agricultural policy – CAP reform a.s.o.

For more information please contact Mr. Chris Lund, Water UK Information & Learning, 1 Queen Anne's Gate, London SW1H 9BT; ph.: +44 (0) 20

7344 1886; fax: +44 (0)20 7344 1893; email: clund@info-learn.co.uk; homepage: www.water.org.uk/info-learn

Various members participated at the **„FIDE XX Congress“**, a bi-annual meeting of the International Federation for European Law. The congress took place October 30th – November 2nd, 2002 in London at the London University of Education, 20 Bedford Way, London WC1.

For more details about the Congress please contact: JLC Conference Office, PO Box 5098, Broadstone BH18 9WG, United Kingdom; ph.: +44 (0) 1202 699 488; fax: +44 (0) 20 7504 8391; email: jlconferences@btopenworld.com; homepage: www.FIDE2002.org

b. Future Activities

May we draw your attention to the work of the **International Legislative Drafting Institute**. The Institute is sponsored by the Public Law Center, a joint program of the Tulane and Loyola Law Schools. The ninth annual Congress will be held June 16th - 27th, 2002 in New Orleans, Louisiana.

For further information please contact: Mr. David A. Marcello, Executive Director, 6329 Freret Street, Suite 130 New Orleans, Louisiana 70118, USA, ph.: (504) 862-8850; fax: (504)862-8851; email: tplc@law.tulane.edu; homepage: www.law.tulane.edu/cdo/inst/ildi/ildihead.htm

The German Association of Legislation (DGG) will hold a **congress about perspectives of a pan-European civil law** on July 5th 2003 in Berlin.

„Plurijuridism, European Process and Internal Pluralism“ – a symposium organised by the International Association of Legal Methodology takes place in Aix en Provence on September 4th – 6th 2003.

For further information please contact: Prof. Jean-Louis Bergel, University of Aix-Marseille III, President of the International Association of Legal Methodology, 3 avenue Robert Schuman, 13628 Aix en Provence.; ph.: (33) 4 42 17 28 90; fax: (33) 4 42 17 29 65; email: Methodologiejuridique@yahoo.fr

„Conceptional Problems of Legislation about the Governance of Duties and Finances of the State“ – a **congress organised by the University Zürich will take place on September 22nd 2003.**

For further information please contact: Zentrum für Rechtssetzungslehre, Dienstleistungs- und Weiterbildungsstelle des Rechtswissenschaftlichen Instituts der Universität Zürich, Wilfriedstr. 6, 8032 Zürich; ph.: 01 634 30 19; fax: 01 634 49 38; email: zfr@rwi.unizh.ch; homepage: www.rwi.unizh.ch/zfr

3. Members

The EAL welcomes its new members: Prof. Didier Maus – President de l'Association Française des Constitutionnalistes, Mr. Martins Prieditis – Administrator, Council of Europe, Prof. Francisco Fernández Segado – University Madrid, Mr. Daniel Trnka – Czech Republic.

4. Publications

a. EAL

The EAL publications series now covers **eight** 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/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.

No. 6 – „Evaluation of Legislation“: Report on the proceedings of the Fourth Congress of the EAL in Warsaw, 2000.

No. 7 – „The judge as a surrogate legislator“ (publication in German language: „Der Richter als Ersatzgesetzgeber,“)

No. 8 – „E-Government“: Report on the proceedings of the Fifth Congress of the EAL in Athens, 2002 (currently being edited and expected to be available by August 2003).

b. Other Publications

There is a new periodical in our field: *Teoria del Diritto e dello Stato – Rivista Europea di Cultura e Scienza Giuridica*. It is published four times a year.

The publication (ISBN 88-348-2338-9) in Italian language is available from G. Giappichelli Editore Torino, Via Po, 21; ph.: 011 81 53 111; fax: 011 81 25 100; email: spedizioni@giappichelli.com; homepage: www.giappichelli.it at a price of 58 Euro annually or 22 Euro per edition.

5. Board Activities

The chairman of the European Association of Legislation spent two weeks in Phnom Penh, Cambodia, to draft the Senate Election Law and to carry out other activities to support Cambodian Legislation. Furthermore, he went twice to Kabul, Afghanistan in order to assist in drafting a new constitution. In September he will participate in a course to teach draftsmen of various institutions of Serbia in Brcko.

The Board members Dr. Tavares de Almeida, Prof. Luzius Mader and Prof. Ulrich Karpen lectured in a conference

dealing with Evaluation of Legislation in the Parliament of Catalonia in Barcelona.

Member of the Board Prof. St. John N. Bates is involved in various consultant projects both domestic and foreign.

Members of the Board have been lecturing in a OECD-Conference on Legislation for South and East European countries in Sofia, Bulgaria.

Our Vice-President Dr. Marta Tavares de Almeida starts an initiative of a special issue of the European Legislative Science Periodicals, incorporating the contributions of all of them.

Dr. Tavares proposes at this stage:

1. A periodical special issue to diffuse in the different European countries, the problems of legislation and therefore to contribute to a better knowledge of the law making procedure in its different aspects.

2. The following periodicals could participate in this project: *Iter Legis* (Italy); *Leges-Gesetzgebung & Evaluation* (Switzerland);); *Legislação. Cadernos de Ciência de Legislação* (Portugal); *Przegląd Legislacyjny* (Poland), *Rassegna Parlamentare-Rubrica di Toria e Tecnica della Legislazione* (Italy); *RegelMaat* (Netherlands); *Statute Law Review* (United Kingdom); *Zeitschrift für Öffentliches Recht* (Austria); *Zeitschrift für Gesetzgebung* (Germany). And all the others that have a particular interest on these matters. The first issue of this publication could be divided into different parts corresponding each one to a periodical. Each part will have a common structure composed by different sections. Some suggestions for these sections are:

- a. Presentation of the periodical – scope/objectives, addresses, number of issues by year, editor a.s.o.
- b. Table of Contents of the 5/10 last numbers
- c. Bibliography – publications on Legislative Science, printed in the country where each periodical is edited
- d. News – namely important legislative reforms, training programmes, conferences / seminars a.s.o.

The language of this special periodical should be English, as the most universal language. The periodical should start as an Electronic Magazine. The cost will be low and it will be easy accessible.

All members are invited to join Dr. Tavares' initiative and make good suggestions.

6. Varia

Fortunately, **Switzerland** has now formally **invited the European Association of Legislation** for its **Sixth Congress** scheduled to take place in **Bern** on **May 13th – 14th 2004**.

If there are any **suggestions** concerning the contents of the congress or the personell **let us know as soon as possible**.

More details on the place of meeting, available hotels a.s.o. will be provided in the next Newsletter.

Last but not least, the **EAL goes online**. Please visit our **new homepage** under: www.eal-online.com

Yours truly,

Prof. Dr. Ulrich Karpen