



European Association of Legislation

NEWSLETTER NO. 17

April 2004

Board:

Prof. Ulrich Karpen, University of Hamburg (Chairman)

Prof. St. John N. Bates, Isle of Man

Prof. Jean-Pierre Duprat, University of Bordeaux

Cecilia Nordenfelt, Stockholm

Dr. Marta Tavares de Almeida, University of Lisbon

Address:

Prof. Ulrich Karpen, Schlüterstrasse 28 III, D-20146 Hamburg

+49 40 42838_- 3023 or +49 40 42838_- 4514

Fax:

+49 40 42838 - 7290

Bank:

Sparkasse Bonn, Bank-Code 380 500 00,

Account number: 19 00 30 78

Table of Contents:

1. **Sixth Congress**
2. **Other Activities**
3. **Members**
4. **Publications**
 - a) **EAL**
 - b) **Other Publications**
5. **Board Activities**
6. **Varia**

Dear Members and Friends,

1. Sixth Congress of the EAL

We 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 (SSL) (Chairman, our member Prof. Dr. Luzius Mader). The congress is being organised by the SSL in collaboration with the Federal Office of Justice (FOJ) and the Federal Chancellery (FCh) and with the support of the Institute of Public Law of the University of Bern.

During the congress we are going to discuss the usage of the term “civil society”. The main aspect of our congress will be the analysis of the participation of civil society in the legislative process from two different standpoints, which are connected to the process and the players. The first session will concentrate on the part of citizens through the institutes of direct democracy. Secondly, the congress is

going to focus on the role of experts in the legislative process. The role of the non-governmental-organisations (NGO’s) will be emphasised on in the third session. In conclusion, the congress will concentrate on an already proven participative process: The consultation procedure.

Since Switzerland and Bern are very centrally located in Europe, the Board would appreciate it very much if many members would find its way to the place.

2. Other Activities

a. Recent Activities

It has to be mentioned, that members of the board of the EAL participated in several seminars, organised by the **European Public Law Centre** (Athens) and chaired by the former **Italian Prime Minister Giulio Amato**. The topic was to discuss the progress of the negotiations of the Convention of the European Union, to prepare statements and to write “pocket bills” for the Vice-President Amato.

Furthermore, members of the EAL participated in Conferences in the **OECD** headquarters in Sofia (Bulgaria) and in Paris to work

on Regulatory Impact Assessment (RIA)-instruments.

As far as further activities are concerned the board is more and more frequently asked to present experts namely for teaching, guiding and counselling parliaments and deputies in Eastern European countries, which are in the transformation process. Capacity of the EAL is appreciated in particular since our association is not partisan and not associated to special nations. In other words the idea of the EAL works as it should work.

Furthermore, the member of the board Marta Tavares de Almeida is involved in a programme of Legislative Drafting for Timor and has been invited to give a lesson on Legislative Evaluation in the first Post-graduation in Legislative Science in the first week of May, organised by the Faculdade de Direito da Universidade Nova de Lisboa in Portugal.

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. The Congress in Athens united some 1000 jurists from all European member states.

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.

The **Third European Jurists Forum** (3. Europäischer Juristentag) takes place in **Geneva/Switzerland on 7 - 9 September 2004**. The board encourages all members of the EAL to participate in the Third European Jurists Forum. The first congresses have indeed demonstrated that integrated European legislation and approximation of national legal families make incredible progress.

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 Centre, a joint programme of the Tulane and Loyola Law Schools. The next annual Congress will be held 14-25 June 2004 in New Orleans, Louisiana.

For further information please contact: The Public Law Center, 6329 Freret St., Suite 130, New Orleans, LA, 70118, U.S.A., phone: 504-862-8850, e-mail: tplc@law.tulane.edu.

The **European Law Academy Trier** (Europäische Rechtsakademie Trier) holds at a regular basis seminars (three to six days) in Trier. The latest topics were European Law of granted aid (Europäisches Beihilfenrecht), European Law of Asylum and Immigration: Has it reached the "Milestones of Tampere"? (Europäisches Asyl- und Einwanderungsrecht: Wurden die "Meilensteine von Tampere" erreicht?) and the Future of the Guideline for Television (Die Zukunft der Fernsehrichtlinie).

The (ERA) is going to hold a congress with the topic **Recent Developments of Community Law** (Neueste Entwicklungen im Gemeinschaftsrecht). The congress will be held 3-4 May 2004 in Trier.

For more information please contact: Anne Kewes, phone: +49 (0)651 937 37 34, fax: +49 (0)651 937 37 95, e-mail: akewese@era.int, online-registration: www.era.int.

Additionally, the ERA organises a congress in co-operation with the Institute for Computer and Communications Law, Centre for Commercial Law Studies (CCLS), Queen Mary, University of London with the topic: **E-Commerce: Challenges for private and tax law**. The congress will be held 13-14 May 2004 in London.

For more information please contact: Uta Ellerhorst, phone: +49 (0)651 937 37 41, fax: +49 (0)651 937 37 95, e-mail: uellerhorst@era.int, online-registration: www.era.int, information regarding the conference: www.cartusian-suite.co.uk.

3. Members

The EAL welcomes its new members: Prof Olena Viktorovna Bohachova – Principal of the Ukrainian School for Lawmaking, Legislation Institute of the Verkhovna Rada of Ukraine and Dr Ala Sakolova from Belarus.

4. Publications

a. EAL

The EAL publications series now covers **eight** publications:

No. 1 – "Legislation in European Countries". Various European Countries are pre-

paring 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 dealt 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 2004).

b. Other Publications

For consultants-work in legislatures and governments of various countries, the EAL prepared **Legislative Drafting - A Reader**, edited by Professor Dr. iur. Ulrich Karpen and

Ex. iur. Nils Mölle, Hamburg 2003. It covers some 600 pages of materials, concerning the Legislative Procedure, Standards for Law Drafting and Evaluation of Bills and Laws. This Reader may be copied on demand.

Furthermore, the Parlament de Catalunya, Barcelona, has published volume no. 15 of *Testimonis Parlamentaris*. The book **Legislador i tècnica legislativa** is based on a workshop celebrated in the Palau of the parliament on the 17 February 2003 and includes the following articles of members of the board of the EAL: Ulrich Karpen: **Evaluation of legislation**; Luzius Mader: **Improving legislation by evaluating its effects: The Swiss experience**; Marta Tavares de Almeida: **Evaluation of legislation: The Portuguese experience**.

5. Board Activities

The chairman commuted various times to **Kabul, Afghanistan** to assist in drafting a new constitution. In December the new constitution was adopted and became effective in January 2004. Currently, the first elections in Afghanistan are in the stage of preparation. Together with the other members of the board he spent two weeks in spring 2004 in **Brcko** (Bosnia and Herzegovina) to draft on statute laws and to establish the research staff of the parliament of the district of Brcko (which is one ”entity” in the Federal State of Bosnia and Herzegovina).

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

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-Geset-*

gebung & 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 others that have a particular interest on these matters could participate as well. The first issue of this publication could be divided into different parts, each one corresponding 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 and so on.
- 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 and so on.

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.

Additionally, the board would like to thank our trustful and reliable auditor Mrs **Patricia Popelier** from Belgium, who is also a member of the Advisory Board. She is always concerned about the development of the EAL and presented several suggestions for improvement such as to establish an exchange of information with the support of our website on a regular basis. Furthermore, she is a member of the board of the Belgian Review for Legislation (*Tjidschrift voor Wetgeving*), which has started a chronicle on four foreign periodicals on legislation. Mrs Popelier is going to review the statute law in the future.

Sooner or later the board has in mind to find in every member country a member who represents briefly on books, articles and so on at the **website of the EAL: www.eal-online.com**.

6. Varia

The Greek Association of Legislation has been reorganised under the title **Pandektis – The Hellenic Association of Legislation**.

There has been established a **Centre for Legislation** (Zentrum für Rechtssetzungslehre) in Zurich, Switzerland, under the directorship of Prof. Dr. Georg Müller. It has held its recent conference in Zurich in the premises of the University of Zurich under the topic how to make good international treaties. The board wants to draw the interest of members to the most interesting programme of the centre.

For further information please contact: Zentrum für Rechtssetzungslehre, Rechtswissenschaftliches Institut der Universität Zürich, Wilfriedstr. 6, 8032 Zürich, Switzerland; e-mail: zfr@rw.unizh.ch

Additionally, the board would like draw the attention of the members of the EAL to the **European Academy of Legal Theory** in Brussels. The European Academy of Legal Theorie was founded in 1989 by the Facultés Universitaires Saint-Louis, the Katholieke Universiteit Bruessel and the European Association for the Teaching of Legal Theory. The Academy holds intensive seminars on legal theories, under the auspices of the Erasmus programme and offers a complete Master's programme on legal theories.

For further information please contact: F.Ost, Faculté de droit, Facultés Universitaires Saint-Louis, Boulevard du Jardin botanique 43, B-1000 Bruxelles, phone: +32 2 211 78 11, fax: +32 2 211 79 97, e-mail: ost@fus.ac.be or M. Van. Hoecke, rechtsfaculteit, Katholieke Universiteit Bruessel, Vrijheidslaan 17, B-1081 Brussel, phone: +32 2 412 43 45, fax: + 32 2 412 42 00, e-mail: mark.vanhoecke@kubruessel.ac.be

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

Yours truly,

Prof. Dr. Ulrich Karpen