



European Association of Legislation

NEWSLETTER NO. 18

January 2005

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Dear Members and Friends,

1. Sixth Congress of the EAL

The **Sixth Congress of the European Association of Legislation** has successfully taken place in **Bern** from **13-14 May 2004**. The general topic was **“The Participation of the Civil Society in the Legislative Process”**. All of us enjoyed the hospitality and the very well organised congress very much. We would like to thank the Swiss Association of Legislation (SSL) (Chairman, our member Prof. Dr. Luzius Mader), which organised the Congress 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.

Main aspects of the congress were the analysis of the participation of civil society in the legislative process from different aspects. Very diverse and interesting lectures were given to the topic of the part of citizens in the legislat-

ive process as part of direct democracy and about the role of experts in the legislative process. Finally, the participants concentrated on the role of non-governmental-organisations (NGO). All sessions ended with intense discussions which were often continued afterwards and led to important contacts. Additionally, the participants were able to take part in a well chosen cultural program, e.g. a visit at the “Houses of Parliament”, dinner at the restaurant “Zum Äusseren Stand”, the place where the Swiss Constitution was promulgated.

The publication about the congress will be available 2005 with Nomos Publishers.

We already invite you to note the **Seventh Congress of the EAL** with the topic **“The Learning Legislator”**, which will be held in Den Haag in late Spring 2006. More information can be obtained from www.eal2006.org or via e-mail from info@eal2006.org.

2. Other Activities

a. Recent Activities

The second seminar of **The European Academy For Inheritance Law** has taken place at 2nd October 2004. Topic of the seminar was “**German and Swiss Inheritance and Inheritance Tax Law**”. Members of the Academy can download the conference material from the homepage of the academy: www.europa-akademie-fuer-erbrecht.de.

For more information please contact: European Academy for Inheritance Law, Rosenstr. 10, D-80331 München, phone: +49 891-260 52 07, fax: +49 89-260 52 87, e-mail: neuropa@akademie-fuer-erbrecht.de, www.akademie-fuer-erbrecht.de.

The latest topics of seminars of the **Academy of European Law (ERA)** (Europäische Rechtsakademie Trier) were the “**Recent Developments of Community Law**” (Neueste Entwicklungen im Gemeinschaftsrecht) (3-4 May 2004, Trier) and “**Culture and Market: Europe’s Balancing Act?**” (Kultur und Markt: Europas Drahtseilakt?) (3-4 December 2004, Trier).

Additionally, the ERA has organised 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 was held from 13-14 May 2004 in London.

For more information please contact: Europäische Rechtsakademie Trier, Metzger Allee 4 D-54295 Trier, phone: +49 651 937 37 0, fax: +49 651 937 37 90, e-mail: info@era.int, www.era.int and for the seminar in London www.cartusian-suite.co.uk.

The **International Legislative Drafting Institute** has held its Tenth Annual International Legislative Drafting Congress from 14-25 June 2004 in New Orleans, Louisiana, USA.

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 Universiteit van Amsterdam has hosted a one-day conference on the “**Rule of the Reason**” concept (25 June 2004). The conference proceedings will be published in the Hogen-

dorp Papers by Europa Law Publishing. The “Rule of Reason; Rethinking another Classic of EC Legal Doctrine” will be the fourth volume of “The Hogendorp Papers”.

For more information please contact: Ms Dr. A. A. M. Schrauwen or the Europa Instituut, OW Box 19123, 1000 GC Amsterdam, phone: +31 20 5252951, fax: +31 20 5252900, e-mail: A.A.M.Schrauwen@uva.nl or international@jur.uva.nl.

The fourth conference of the **Centre of Legislation** (Zentrum für Rechtssetzungslehre im Zürich) has taken place at 7 September 2004. The topic was: “**The Act of Combination of Politics and Administration in Legislation**” (Zusammenwirken von Politik und Verwaltung bei der Gesetzgebung).

For more information please contact: Zentrum für Rechtssetzungslehre, Wilfriedstr. 6, CH-8032 Zürich, phone: +31 01 634 30 19, e-mail: zfr@rwi.unizh.ch.

The **Third European Jurists’ Forum** (3. Europäischer Juristentag) will take place in Geneva/Switzerland from 7 - 9 September 2005.

For more information please contact: www.jurist2005.org.

The Austrian Association of Legislation had lectures to the topics: “**Problems of the conversion of the European Law in Federal states**” (Probleme der Umsetzung des Gemeinschaftsrechts in Bundesstaaten) (15 October 2004, Wien) and “**Main Problems of Legislation in Spain**” (Hauptprobleme der Gesetzgebung in Spanien) (5 November 2004).

For more information please contact our member: Prof. Dr. Heinz Schäffer; Kapitelgasse 5-7, A-5020 Salzburg, phone: +43 662 8044 3631, fax: +43 662 8044 303.

The Swiss Association of Legislation (SSL) has held a seminar in the series “Murtener Gesetzgebungsseminare” with the topic “**Conversion of EU-Law into Swiss Law**” (Übernahme von EU-Recht in schweizerisches Recht) (10-12 November 2004, Murten) in cooperation with the Federal Office of Justice (FOJ) and the Federal Chancellery FCh.

For more information please contact: Anita Bühler or Nicole Hurni, Schweizerische Bundeskanzlei, Zentrale Sprachdienste, Deutsche Sektion, Gurtengasse 4, 3003

Bern, phone: +31 324 11 13, fax: +31 324 11 02, e-mail: zsd-d@bk.admin.ch.

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.

b. Future Activities

The **Centre of Legislation** (Zentrum für Rechtssetzungslehre) organises a discussion on the question: “**What can the Philosophy of Law and the Sociology of Law do for Legislation?**” (Was können die Rechtsphilosophie und die Rechtssoziologie für die Rechtssetzung leisten?). It will be held on 2nd March 2005 in Zurich.

For more information please contact: Zentrum für Rechtssetzungslehre des Rechtswissenschaftlichen Instituts der Universität Zürich, Rämistr. 74/76, CH-8100 Zürich, phone: +44 634 44 41 e-mail: zfr@rwi.unizh.ch.

The **Academy of European Law (ERA)** (Europäische Rechtsakademie Trier) holds at a regular basis seminars (three to six days) in Trier. We would like to mention some of their future seminars, which might be interesting: February/March 2005: “**The completion of the Single European Market for Services**” (Die Vollendung des Binnenmarktes für Dienstleistungen), 9-10. October 2005: “**Latest Developments in Community Law**” (Neueste Entwicklungen im Gemeinschaftsrecht), 2-3 June 2005: “**Remedies to cover the Basic Rights in the European Union**” (Rechtsmittel zum Schutz von Grundrechten in der European Union) and 9-10 June 2005: “**The European Public Procurement Law**” (Das Europäische Vergaberecht). Additionally, the board would like to draw your attention to the following summer class, offered by the ERA. 22-24 June 2005: “**Constitutional and Institutional Law of the European Union**” (Sommerkurs zum Verfassungsrecht und zum institutionellen Recht der Europäis-

chen Union Television (Die Zukunft der Fernsehrichtline). More information can be obtained from the brochure with their programme.

For more information please contact: Europäische Rechtsakademie Trier, Metzger Alle 4, D-54295 Trier, phone: +49 651 937 37 0, fax: +49 651 937 37 90, e-mail: info@era.int, www.era.int.

3. Members

The EAL welcomes its new member: Prof Dr. András Tamás, Legislistica A Jogalkotástán Vázlata, University of Corvinus Budapest.

4. Publications

a. EAL

The EAL publications series has extended to **nine** 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 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 printed and expected to be available by February 2005).

No. 9 – “Civil Society”: Report on the Sixth Congress of the EAL in Bern, 2004 (currently being edited and expected to be available by June 2005).

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, Fabiana de Menezes Soares has published the book: **“Teoria da Legislação Formação e Conhecimento da Lei Na Idade Tecnológica.”** Porto Alegre/2004, CNPJ: 73.390.007/1000-30.

5. Board Activities

The board is preparing in co-operation with our Dutch friends the next congress (in the Netherlands).

6. Varia

The German Association of Legislation e.V. (Deutsche Gesellschaft für Gesetzgebung e.V.) is able to offer a „**Prize for Good Legis-**

lation“, which is sponsored by the “Stiftung Apfelbaum”.

The board would like to draw your attention to a new valuable online-source. **www.wales-legislation.org.uk** offers the current statutory functions of the National Assembly for Wales updated by reference to new Acts of Parliament. Furthermore, it shows current retained functions of UK Ministers and contains Updated Secondary Legislation made by the National Assembly for Wales with a summary.

Another informative source for German Law, especially of the State Baden-Württemberg, is: **www.vd-bw.de**.

Information about crossborder payments can be obtained from: **http://europa.eu.int/comm/internal_market/payments/crossborder/index_de.htm**.

Prof. Dr. Luc J. Wintgens offers information about grants for research in Brussels. If you are interested please contact Luc Wintgens by mail: Luc.Wintgens@kubruessel.ac.be.

We are still collecting the answers to our Questionnaire on training programmes on legislative science and/or legislative drafting, as well as the corrected address forms. It is very important for us to have your correct address and especially welcome your e-mail-addresses. Please do not hesitate to contact us, if you need another questionnaire of address form.

Please note, that our **phone and fax number** have changed into +49-(0)40-42838-7848.

This is the last (or almost the last) newsletter in paperform. By end of this year we will be present in a better shape in internet, www.eal-online.com. Or does it cause you any problem to read electronic messages by e-mail of www.? If so: Let me know! We then can continue paper contact with you.

Yours truly,

Prof. Dr. Ulrich Karpen

