

# EAL – European Association of Legislation

## NEWSLETTER NO. 21

October 2006

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## 1. Change in the Chairmanship

This year, a number of changes have taken place.

First of all, there is a change in office holders. The General Assembly of the EAL has designated Professor Luzius Mader to succeed Professor Ulrich Karpen as Chairman of the Association. Professor Karpen is one of the members who, back in 1991, established our association and who has guided it through its remarkable development since then: Over the past 15 years, Professor Karpen has been responsible for as many as seven international congresses and 20 newsletters. We would like to take this opportunity on behalf of the entire association, to express our deepest gratitude to him for his inexhaustible energy, his creative curiosity and his capacity to bring all kinds of individuals together and into our association. By retaining his seat on the steering committee, he will continue to make a

valuable contribution for the benefit of our association.

His successor, Luzius Mader, *Doctor of Laws* and Vice-Director of the Federal Office of Justice in Bern, is also a Professor at the IDHEAP (Swiss Graduate School of Public Administration) in Lausanne and President of the Swiss Society for Legislation.

A presidential change is also an opportunity to set new priorities.

While the universities are strongly represented among the members of the EAL presently, one cannot say the same for legal practitioners. It is therefore necessary to extend our focus to lawyers or other specialists familiar with the situation in the field and to cooperate more closely with them. In putting this intention into practice, it will be particularly important to take account of the developing links between the EAL and the countries of Eastern Europe and the Near East, especially the Baltic states and Turkey, which have shown a keen interest in our activities.

It is also necessary to broaden the scope of our activities to include the legislation of the European Union. Most of the countries represented in the EAL belong to the EU and are therefore directly affected by problems related to the implementation of its legislation. In addition, Switzerland, though not a member of the European Union, is concerned with the Euro-compatibility of its own laws. Yet the debate is not confined to difficulties in implementing European legislation or adapting national legislation to European legislation. The implementation of the major European legislations is a highly topical issue. Confronted on all sides by the specific problems of drafting good laws, the members of the EAL can learn as much from European lawyers as from their colleagues at national level. Furthermore, taking into account the incipient contacts with countries from other continents, for example Brazil, the question arises of whether the EAL should not put a stronger accent on the international, not only the European perspective.

The adoption of a broader perspective is not merely a geographical question, however. Beyond the law, other disciplines such as sociology, political sciences and economy should be considered as well, thus promoting an interdisciplinary approach.

Finally, a better equilibrium between formal aspects, particularly linguistics, and the material issues of legistics should be attained.

Above all and in the short-term, it is vital to achieve a substantial improvement in communication among the members of the EAL by improving the newsletter and the website. For this reason, we ask you to inform us about new activities and publications. See points four and five below.

## **2. Seventh Congress 2006 in The Hague**

The Academy for Legislation and the Knowledge Centre for Legislation (KCW) of the Dutch Ministry of Justice and the Dutch Association for Legislation (VWW) organised the 7th Congress of The European Association of Legislation (EAL) 2006, held in The Hague, Netherlands on 31st May and

1st June 2006. 87 persons attended the Congress which took place in the Peace Palace, seat of the International Court of Justice. They greatly enjoyed the Dutch hospitality and a remarkably well-organised Congress. We are very much indebted to the organisational team.

The Congress theme, 'The Learning Legislator', considered the 'knowledge-needs' of legislative lawyers in different stages of their career. The speakers came not only from the Netherlands, but also from the United States, Belgium, the United Kingdom, Italy, Canada, Sweden, the Ukraine, France, Portugal and Switzerland.

Most of the Congress documents are already available on the website of the Academy of Legislation (<http://www.eal2006.org/html/papers.html>) and will be published soon.

## **3. Statutory Meeting, The Hague**

### **Amendment of the Constitution of the Association:**

On the occasion of the seventh Congress in The Hague, it was decided to enlarge the board of the EAL by three more members. § 6 (1) of the Constitution of the EAL had to be amended accordingly.

### **Board:**

Prof. Dr. Ulrich Karpen stepped down from the position of chairman of the EAL. Together with the other previous members, he continues his activities for the EAL as a member of the board.

Prof. Dr. Luzius Mader follows in Prof. Karpen's footsteps as chairman of the EAL.

Prof. Dr. Patricia Popelier and Prof. Dr. Wim Voermans complete the board of the EAL.

### **Advisory Board:**

The Advisory Board has been enlarged as follows:

Godelinde Bechtel, Peter van Lochem, William Robinson and Gert-Jan Veerman.

### **Auditor:**

Victoria Enzenhofer has been elected to this post.

## 4. Activities at national and international level

**Prof. F. de Menezes Soares** from the University of Bela Horizonte, Brazil, invited several specialists from European countries to the "Curso de Legistica Comparada". This course took place from 11 to 14 September 2006.

**The Turkish Association of Legislation (TAL)** is planning activities in the field of legislative training. A special focus will be the participation of NGOs in the legislative process in various European countries.

**The European Commission Legal Revisers' Group** is organising a series of seminars on the quality of legislation. Outside experts are invited to speak in particular on :

- national approaches to drafting quality ;
- what national rules on legislative drafting exist and how they are applied ;
- training in legislative drafting ;
- problems caused by the transposition and application of EU acts ;
- practical examples of drafting problems and solutions.

The next seminar will take place on Thursday, 26 October 2006. The lectures will be given by three eminent Finnish speakers.

Further seminars are in preparation with speakers from Portugal, Ireland and Switzerland.

For more information please contact : [Juristes-Reviseurs@ec.europa.eu](mailto:Juristes-Reviseurs@ec.europa.eu)

A seminar dealing with Swiss views on the quality of legislation and problems of legislative drafting will probably take place in the second half of 2007.

For more information about activities at national or international levels please consult the *EAL-homepage* [www.eal.eu](http://www.eal.eu)

Please inform us about new or forthcoming activities. We plan to publish the information as quickly as possible on the [EAL-homepage](http://www.eal.eu).

## 5. Publications

### Switzerland:

Georg Müller, *Elemente einer Rechtssetzungslehre*, 2nd edition, Zurich/Basel/Geneva 2006

### France:

Premier Ministre / Conseil d'Etat, *Guide pour l'élaboration des textes législatifs et réglementaires*, la documentation française, Paris 2005

### Austria:

*Festschrift Heinz Schäfer*, Staat und Recht in europäischer Perspektive, Vienna 2006. Various interesting contributions on legistic subjects have been published, among them an essay by Professor Georg Müller, *Rechtssetzungslehre zwischen normativen Anforderungen und "Klugheitsregeln"*.

### Germany:

Ortlieb Fliedner, *Qualitätskriterien für die Bundesgesetzgebung und für Bundesgesetze*, Friedrich Ebert Stiftung (Editor), Berlin 2006

### Portugal:

Publication of various articles in *Legislação, Cadernos de Ciência de Legislação*, *inter alia* an essay by Marta Tavares de Almeida, *Legista - uma nova profissao?*

### Switzerland:

Various articles, mainly written by the Professors Schäfer, Karpen and Mader, have been published in *LeGes* 2006/2 on the current situation and the perspectives of legistics in Germany, Austria and Switzerland.

*Please inform us about new or forthcoming publications. We plan to publish a list of new publications on the [EAL-homepage](http://www.eal.eu).*

## 6. EAL-Homepage

Mr. Djoko Lukic from Hamburg was as kind as to install an "eu" Domain for the EAL. The homepage [www.eal-online.com](http://www.eal-online.com) is now replaced by [www.eal.eu](http://www.eal.eu)

## 7. Contact

Please take also notice that the e-mail address of EAL has changed from EAL-Bonn@gmx.de to [info@eal.eu](mailto:info@eal.eu)

The EAL e-mail address will automatically be transferred to the following e-mail address [denise.loertscher@bj.admin.ch](mailto:denise.loertscher@bj.admin.ch) .

As the assistant to Prof. Dr. Luzius Mader, Denise Loertscher is the new contact person for the EAL (Federal Office of Justice, phone: +41/ 31/ 323 12 67, fax: +41/ 31/ 323 84 01)

### **! Important !**

#### **E-mail address of members:**


We intend to publish the future Newsletters only on the EAL Homepage. Members will be advised of the publication by e-mail. Accordingly, we ask members who have not yet done so to notify us of *their e-mail address as soon as possible* by sending a mail to

[info@eal.eu](mailto:info@eal.eu) or directly to [denise.loertscher@bj.admin.ch](mailto:denise.loertscher@bj.admin.ch) .

For members who use the Internet but who do not have an e-mail address, the EAL can provide one to them. It would read e.g. firstname.surname@eal.eu.

*Please tell us if you are interested in this and at the same time notify us of your first name and surname.*

Of course, if for any reason communication by e-mail is not possible, we will continue to inform EAL members by letter post.



Prof. Dr. Luzius Mader