

# EAL – European Association of Legislation

## NEWSLETTER NO. 22

March 2008

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### 1. Word of the Chairman

Dear Members and Friends,

I am looking back on a very intense year as chairman of the EAL. It has been a great pleasure to meet some of you and to be in contact with a wide range of qualified specialists in the field of legislation. I would like to express my sincere thanks to you for your support and for your contributions in favour of the EAL.

### 2. Eighth Congress of the EAL 2008 in Vienna, Austria

The eighth Congress of the EAL will be held on 18 - 19 September 2008 in Vienna, Austria. Professor Heinz Schaeffer of the *Österreichische Gesellschaft für Gesetzgebungslehre (ÖGGL)* is in charge of the organisation. The congress will touch on "The development of legal technique and culture in new context of Europe: experiences of later joined Member States with the adaption to the right of the European

Union – conservation and development of one's own legal culture („*Die Entwicklung von Gesetzestechnik und Rechtskultur im neuen Kontext Europas: Erfahrungen später beigetretener Mitgliedstaaten mit der Anpassung an das Recht der Europäischen Union – Bewahrung und Entwicklung der eigenen Rechtskultur*”).

In a provisional schedule it is planned that the Board Meeting will take place in the morning of 18 September and that the members will meet in the afternoon of 19 September. The final programme will follow and will be made available on the EAL homepage.

It would be a pleasure to welcome you at the congress. Please mark the days in your agenda.

### 3. Network of practitioners

Recently, I have made efforts to strengthen the network between practitioners. For this purpose I contacted all national

administrations in the European countries by letter, inviting them to join the EAL.

#### 4. Activities in European Countries

Tilburg, The Netherlands, 29 February 2008

After having attended the International research project on the evaluation of legislation on 23 August 2007, a member of the Board of the EAL accepted the invitation of Professor Jonathan Verschuuren of Tilburg University to take part at the second meeting which takes place again in Tilburg.

Berlin, Germany, 9 - 11 December 2007

With a view to encouraging cross-border debate on better regulation and regulatory reform, the *Bertelsmann Stiftung* hosted the International Regulatory Reform Conference (IRRC) in Berlin. This conference is designed to define a common ground to make regulatory reform work for all. Professor Ulrich Karpen chaired part of this conference.

*For more information and the programme please consult the EAL homepage under "Events & Seminars".*

Cologne, Germany, 14 December 2007

With the help of Professor Ulrich Karpen, the *INITIATIVE > Neue Soziale Marktwirtschaft* has published a study "*Die Gesetzgebung der Grossen Koalition in der ersten Hälfte der Legislaturperiode des 16. Deutschen Bundestages, 2005 - 2007*". The study examines the quality of 698 German laws.

*Detailed analysis can be found at [www.insm-gesetzescheck.de](http://www.insm-gesetzescheck.de)*

Bruges, Belgium, 8 - 12 October 2007

The College of Europe and Jacobs and Associates Europe invited for the 5-Day Regulatory Impact Analysis (RIA) Training Course on the principles, procedures, and methods of RIA. The course, presented by most experienced public policy and RIA trainers in Europe, was particularly designed for policy officials and executives who desired a better use of RIA in order to improve policy results.

*For more information please see <http://www.regulatoryreform.com/e-invite/RIATraining/index6.html>*

Triest, Italy, 11 - 14 June 2007

The European Commission for Democracy through law (Venice Commission) organised in Trieste, Italy, a training programme for civil servants from Eastern Europe. Professor Ulrich Karpen, Professor T. St. John N. Bates and I held lectures and workshops.

*For more information please see [http://www.venice.coe.int/site/main/News/Programme\\_Trieste\\_juin07.doc](http://www.venice.coe.int/site/main/News/Programme_Trieste_juin07.doc)*

Bucharest, Rumania, 28 - 29 May 2007

Mrs Colette Rossat-Favre, Deputy Head of Division at the Federal Office of Justice in Switzerland, followed in my place the invitation of the Institute of Legislative Drafting in Bucarest. She took part at the seminar "Law Drafting and Legislative Techniques". Among others, she presented the legislative procedure of Switzerland. One of her current legislative projects served as the basis of a presentation on the different steps from the first draft to the implementation of the law.

#### OSCE

The OSCE ODIHR (Office for Democratic Institutions and Human Rights) requested for "Expertise in the Assessment of Legislative Processes". The ODIHR is primarily responsible for issuing, upon their request, opinions on (draft) legislation concerning human rights issues of OSCE participating States. Reviews of draft legislation undertaken since early 2004 have revealed that faults in the legislative process can be a direct consequence of law's pitfalls and weaknesses. For this reason, the ODIHR has mobilised resources to begin work on the improvement of the legislative process with willing participating States. After the completion of different assessments, the ODIHR plans to submit an assessment report. Conducting such legislative assessments is very time-consuming and unfortunately I could therefore not engage therein. Professor Heinrich Koller, former Director of the Swiss Federal Office of Justice, has accepted to take it on.

#### OECD

Tunisia, November 2006

As a result of the efforts to strengthen cooperation with the OECD, we were invited to participate at the Initiative Good Governance for Development in Arab

Countries which took place in Tunis, Tunisia on 24 - 25 November 2005. Following this first mission the second Regional Capacity-Building Seminar for Regulatory Quality: Good Practices in Multilingual Legal Drafting and the Training of Jurilinguists was held in Tunis on 27 November 2006. In both missions I was represented by my colleague Jean-Christophe Geiser, scientific employee of the Federal Office of Justice in Switzerland. In-between the two missions in Tunisia, the Tunisian Delegation visited Switzerland with the purpose of continuing our productive cooperation.

## 5. Cooperation with the European Union EU

The Netherlands, 28 June 2007

Discussions on the set-up of a possible legislative training course for the staff of the EU institutions have led Professor Wim Voermans of the University Leiden to take up this initiative in cooperation with the Dutch Academy for Legislation, with Mr William Robinson of the European Commission, Dr. Manuela Guggeis of the Council of the European Union, Professor Patricia Popelier of the University Antwerpen and with the EAL. I highly appreciate this project and consider this a great chance for future activities of the EAL.

Brussels, Belgium, 19 October 2007

The European Commission Legal Revisers has organised a seminar of Swiss experts on the quality of legislation - Views from Switzerland. Professor Georg Müller of Zurich University presented the "General principles of legislation", Professor Alexander Flückiger of Geneva University informed on the "Historical roots of the study of legislative technique in Switzerland" and Mr Marcus Nussbaumer, Head of the Linguistic Service in the Federal Chancellery held his speech on "Multilingual drafting and the role of the administrative drafting committee". As for myself, spoke about "Updating Swiss federal legislation".

For more information please see [http://ec.europa.eu/dgs/legal\\_service/seminars\\_en.htm](http://ec.europa.eu/dgs/legal_service/seminars_en.htm)

Brussels, Belgium, 18 January 2008

Werner Bussmann of the Swiss Federal Office of Justice held a speech on Swiss experiences with the evaluation of legislation

on the occasion of the meeting "Evaluation of Legislation" which was organised by the European Commission, DG Budget.

I would like to intensify contacts to the European Union—not only in the fields of legislation, evaluation and training programs but also in what concerns the elaboration of international treaties.

## 6. Activities outside of Europe

Moscow, Russia, March and September 2007

The purpose of my first visit to Russia was the International Scientific and Practical Conference held in Moscow on 30 March 2007. It was organised by the Russian Association of Lawmaking. Discussion focussed on "Issues and Ways of Improving Russian legislation in the Context of Implementation of Priority National Projects". I spoke on the "Evaluation of Legislation: International Experience".

*Download the Programme or see the EAL homepage under "Events and Seminars"*

Belo Horizonte, Brazil, 10 - 13 September 2007

The Minas Gerais State Legislative Assembly arranged a congress on "Legistics: Quality of the Law and Development" in Belo Horizonte, Brazil. Professor Ulrich Karpen, Professor Jean-Daniel Delley and I were among the speakers.

For more information please see <http://www.eal.eu/images/horizonte-programm.jpg>

See also the published book *Cadernos da Escola do Legislativo*

<http://www.almg.gov.br/index.asp?grupo=servicos&diretorio=cadernoscol&arquivo=cadernos&caderno=14>

Buenos Aires, Argentina, 14 September 2007

Already in Brazil, I availed myself of the opportunity to visit the Universidad de Pisa en Argentina following an invitation by Professor Antonio A. Martino to the Conference "Tendencias actuales en la ciencia y en la práctica de la legislación".

For more information please contact [uds-liefgs@salvador.edu.ar](mailto:uds-liefgs@salvador.edu.ar)

Bolivia, 14 September 2007

After visiting Brazil, Professor Ulrich Karpen participated at a conference on the art of legislation in Bolivia.

For more information please contact [lore\\_ossio@yahoo.com](mailto:lore_ossio@yahoo.com)

Seoul, Korea, 8 - 9 August 2007

The Korea Legislation Research Institute held a Seminar in Seoul. I accepted the invitation and spoke on "*Entwicklung und Stand der Gesetzesevaluation in der Schweiz*". For more information, please feel free to contact me.

## EAL / IAL

With the growing internationalisation of the EAL, it may make sense to change the name from European Association of Legislation (EAL) to International Association of Legislation (IAL).

## 7. Cooperation with the Dutch Academy of Legislation

The Dean of the Dutch Academy of Legislation in The Hague has expressed his conviction that closer ties between the EAL and the Dutch Academy would be beneficial to the EAL. He asked me to consider a permanent transfer of the EAL secretariat to the Dutch Academy of Legislation. I submitted this offer to the Board which reacted mostly positive.

The Dutch Academy of Legislation is now invited to submit a detailed concept and proposal which will be presented to the General Assembly. The concept will be sent to the Board shortly.

## 8. Publications

The proceedings of the 7<sup>th</sup> EAL Congress of 1 June 2006 in The Hague, The Netherlands, will be published soon.

## 9. EAL-Homepage

The EAL-homepage was reorganised with the great help of Mr. Djoko Lukic, webmaster of the EAL, and it is now more attractive, lively and better structured.

In Newsletter No. 21 I have informed you on the intention of publishing a list of

publications on the EAL-homepage. This is now realised, so that you can find publications and jurisdiction on [www.eal.eu/publications.htm](http://www.eal.eu/publications.htm). The site is subdivided into the sections "Books", "Online Media", "Periodicals" and "Jurisdiction".

"Events & Seminars" are now listed under "scheduled" and "completed". As you can find all information of interest on the homepage, I refrain, with some exceptions, of mentioning them in this Newsletter.

I would also like to draw your attention to the photographs of the 5<sup>th</sup> Congress held in 2002 in Athens and the 7<sup>th</sup> Congress held in 2006 in The Hague which can now be found on the EAL-homepage.

## 10. Call for Information

You are kindly invited to provide the EAL with information on activities, congresses, events, publications and projects in the field of research as well as on other themes that may be of interest to the readers of the Newsletter and the EAL-website.

## 11. Varia

### E-Mail Address

Following my request in the last Newsletter a large number of members have submitted their e-mail address — many thanks! I would like to ask members who have not done so yet to inform me of their e-mail address as soon as possible ([info@eal.eu](mailto:info@eal.eu)).

### Yearly Fees

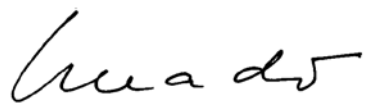
The EAL Auditor, Mrs Viktoria Enzenhofer, has drawn my attention to these points:

Some transfers are not filled out properly. This makes it difficult if not impossible for the treasurer to ascertain which member paid the fee. Please make sure to mention the name of the member and/or the Association.

Those members who have not paid their yearly fee are kindly asked to transfer it as soon as possible.

As most banks charge a fee for the transfer to foreign countries, some members subtract this amount from the yearly fee. As the EAL has a charitable status and is a non-profit-making Association I kindly ask these

members to cover the expenses and pay the whole fee.

A handwritten signature in black ink, appearing to read 'Luzius Mader'. The script is cursive and fluid, with the first letter 'L' being particularly large and stylized.

Prof. Dr. Luzius Mader