



European Company Lawyers Association

Association Européenne des Juristes d'Entreprise (ECLA/AEJE)

JUNE 2008

Newsletter for the Member Associations of ECLA

HAN KOOY BECOMES ECLA's 6th PRESIDENT

During the ECLA Board meeting in Manchester Han Kooy was elected as ECLA's sixth president. No other candidates had expressed interest so it was not a surprise election. More important is that Han experienced full support of the Board Members and was elected unanimously. Many Board members took the opportunity to express their confidence in Han Kooy and their feeling that the presidency is in good hands. Han joined the ECLA Board as the representative of the Dutch Genootschap van Bedrijfsjuristen during the Board meeting in Stockholm and immediately volunteered to work on the amendment of the (25 year old) bylaws. Han also closely worked with ECLA's former president on the AKZO Nobel case intervention by attending the court session in Luxembourg and in participating in the preparation meetings at ECLA's law firm Cleary Gottlieb Steen & Hamilton in Brussels. Han also substituted Paul de Jonge during the annual meeting of the Czech Association and gave a briefing on the AKZO Nobel case. Despite his short tenure on the Board, Han is well prepared to take this new position. In his capacity of NGB Board Member Han has closely followed developments in ECLA during the last eight years.

Han is senior counsel at Shell Oil Products in The Hague and gained international experience through assignments in Italy and Curacao. In his current position Han is responsible for the legal aspects of Shell's refineries worldwide.

In a first reaction after his election Han said: "In this new function I will focus on expansion of the membership professionalization of ECLA all for the benefit of our members. I look forward to closely work with the national organizations and hope to visit all 22 of them during my presidency".

Han Kooy's presidency took effect after the Manchester Board Meeting.

Han Kooy can be reached at 0031 70 377 3003 and at han.kooy@shell.com

ELECTION OF OFFICERS AND APPOINTMENT OF GENERAL MANAGER

Paul de Jonge informed the board at the meeting held in Manchester on 11 April, that Francesco Benigni cannot be named Secretary General because under the by-laws of the association that function is remunerated. Therefore, following Paul's proposal, Francesco was appointed General manager of the association, performing the same functions as he did before. Paul was elected Secretary General. Petr was re-elected as Treasurer while Iwona Mirosh will continue as Vice President having been elected in November 2007 for a term of one year.

NORWAY APPOINTS NEW BOARD MEMBER OF ECLA

Norway, NJ-P Private Sector, has appointed Gjertrud Helland board member of ECLA replacing Margrethe Jorstad who resigned due to her new job. The board members of ECLA at their meeting in Manchester welcomed Gjertrud and thanked Margrethe for her valuable contribution to the organisation.

BOSNIA HERZEGOVINA, LITHUANIA AND SPAIN COMPANY LAWYERS ASSOCIATIONS NEW MEMBERS OF ECLA

The board of ECLA at its meeting of 11 April in Manchester unanimously voted the admission of three new members: the Association of the Lawyers in the Banking Sector-ALBS of Bosnia Herzegovina, the Lithuanian Lawyers Society Company Lawyers Division-LLSCLD, the Spanish Company Lawyers Association-APJE. This brings ECLA's membership to twenty-two.

THE THIRD «FORUM FOR IN-HOUSE LAWYERS» CONFERENCE IN BRUSSELS, 24-25 APRIL 2008

The third "Forum for In-house Counsel", organised by ECLA and ERA, Academy of European Law was held in Brussels on 24-25 April and was attended by 63 people coming from 23 countries, 70% of whom were in-house lawyers. ECLA's sponsor Law Europe offered the cocktail reception at the end of the first day of the conference.

ECLA REPRESENTED AT THE MEETING OF THE CROATIAN ASSOCIATION IN THE ISLAND OF RAB

Francesco Benigni participated in the meeting of the Croatian association held in the island of Rab on 4-6 April. That was the first meeting of the association outside Zagreb. Almost one third of the members of the Croatian association attended.

**NEXT ECLA
BOARD AND
ANNUAL
GENERAL
MEETING IN
ZAGREB ON 17
OCTOBER, 2008**

Marina Kralij, representing the Croatian association has offered to host the autumn board meeting which will be held in Zagreb on 17 October.

ECLA is Europe's leading association of in-house counsel in Europe. ECLA represents more than 23.000 individual in-house counsels and is represented in twentytwo European countries

They listened to a presentation on the career and role of the in-house lawyer. Francesco Benigni described the role of ECLA.

ECLA ENDORSES THE FIRST CENTRAL EASTERN EUROPEAN IN-HOUSE COUNSEL SURVEY

ECLA endorses the first survey in Central & Eastern Europe (CEE) on how in-house counsel select and retain external counsel. LexisNexis Martindale Hubbell (International) commissioned this research which is the first of its kind to focus on this region in Europe. ECLA's member associations in the region are taking part in the survey which should be published in the summer of 2008. Anyone who participated in the survey will receive a free copy of the report.

ECLA REPRESENTED AT THE FOURTH ANNUAL CPR EUROPEAN CONGRESS ON BUSINESS DISPUTE MANAGEMENT

The International Institute for Conflict Prevention and Resolution-CPR of New York held its fourth annual European congress on Business Dispute Management on May 14-16 in Vienna. ECLA co-sponsored the event in return for a 25% discount on the fee for its members. Francesco Benigni moderated a very lively panel on "Real-Time" dispute management processes.

ECLA REPRESENTED AT THE EIGHTH ANNUAL CONFERENCE ON ANTITRUST

ECLA sponsored the VIII edition of the Treviso, Italy, conference on "Antitrust between EC law and national law" on 22-23 May. The members of ECLA received a discount of 20% off the fee. Francesco Benigni delivered a welcome address. There were 250 attendees of which 60 were in-house counsels, mostly from Italy.



ECLA ENDORSES SEMINAR ON NEGOTIATION

ECLA sponsored "Negotiation at its best" a training course organised by ADRCenter and Hamline University School of Law in Saint Paul, Minnesota. The two-day session was held in Rome on 27-28 May and the members of ECLA received a 25% discount off the official fee. Participation in the course included free admission to "The Future of Negotiation, a" teaching symposium held on 29-30 May. Among the 30 participants, there were 5-6 in-house counsels.

ECLA REPRESENTED AT THE THIRD ANNUAL CONFERENCE OF THE INTERNATIONAL DISTRIBUTION INSTITUTE-IDI

ECLA and its partner, International Distribution Institute, organised an annual conference in Torino on 6-7 June regarding "Distribution and the internet". Speakers included in-house lawyers from ECLA's member associations and Francesco Benigni delivered the welcome address.

ECLA ENDORSES EVERSHEDES' CONFERENCE ON COMPLIANCE

Our foundation sponsor, Eversheds, organized a very interesting conference on compliance which was held in Geneva on 18 June. Participation was free of charge.

ECLA ENDORSES OXFORD UNIVERSITY SURVEY ON CIVIL JUSTICE SYSTEMS IN EUROPE AND IS REPRESENTED AT THE PRESENTATION CONFERENCE IN OXFORD

ECLA and its member associations participated in a survey organised by the University of Oxford Faculty of Law, on "Civil Justice Systems in Europe: Implications for Choice of Forum and Choice of Contract Law". The results of the survey, which should be published soon, were presented at the conference on 14 March. The conference was held at St. Anne College in Oxford. Sandra Mori from Italian member association gave a very interesting presentation entitled "Implications for European Legal Policy: A Business Perspective".

ECLA commissioned two studies for AKZO Nobel intervention

In preparation for ECLA's intervention in the AKZO Nobel case which is now pending before the EU Court of Appeal in Luxembourg, ECLA has commissioned two studies. Since the AKZO case was triggered by correspondence by a Dutch in-house counsel who is a member of the Dutch NGB (In house counsel association) and of the Dutch bar, certain aspects of Dutch law needed additional in depth study.

Human Rights aspects

Certain aspects of Human Rights are of importance in this case, both in the formal as in material sense. To what extent can the freedom to select counsel play a role here and how can we be best prepared to make this case ready for an appeal to the European Court for Human Rights in Strasbourg? Art 6 3c of the Treaty on Human Rights provides that everyone has the right to be defended by a counsel of his own choice. Preventing this by not granting legal privilege to in-house counsel makes it a matter to be litigated before the European Court of Human Rights. However, the road to this court is only open if all other means to litigate it have been exhausted. Therefore, it is of importance that in the AKZO Nobel case, this aspect is also addressed. If the court unfavourably decides on this, we have exhausted all our legal means and we will be in a position to submit the legal privilege issue to this court.



We have looked for the best lawyers in this field in Europe. Some were not available and some could not make available the necessary resources. We are glad that we could retain Professor Barkuysen of Leyden nUniversity who has an excellent track record in this field. He used Human Rights defenses in cases regarding the allocation of broadcast bands before the Luxembourg courts. In writing his contribution, he as assisted by X and Y of Kennedy Van der Laan, an Amsterdam based law firm with an established reputation in this field. The contribution has been incorporated in the AKZO intervention and can be recognized by the intensity of notes in the text.

IMPLEMENTATION OF IUS LABORIS SPONSORSHIP AGREEMENT

Ius Laboris and ECLA entered their second year of cooperation. Francesco Benigni met with Carolyn Knox, the new executive director, at the IUS Laboris headquarters in Brussels. They discussed how to better implement the relationship between the two organisations for the benefit of the member associations of ECLA. Ius Laboris is an alliance of law firms with expertise in labour, employment, employee benefits, immigration and pension law, which has 46 law firms in 44 countries around the world with a strong presence in the EU. The cooperation between ECLA and Ius Laboris will include regular legal updates on the changing interpretation of EU directives related to employment for ECLA members, collaboration between ECLA's member associations and local Ius Laboris firms which could include conferences and local activities. All ECLA's member associations are encouraged to contact Ius Laboris at www.iuslaboris.com for further information.

ECLA TASK FORCES ON LEGAL PROFESSIONAL PRIVILEGE, MEDIATION, CLASS ACTION, PRECEDENTS DATA BASE, MENTORSHIP AND SPONSORS

The board of directors decided at their meeting in Manchester that Paul de Jonge will continue to lead the task force on Legal Professional Privilege and that Francesco Benigni will continue to lead on the Mediation task force. Regarding the Class Action task force, no leader was appointed and each board member will follow and report on news in their respective countries, such as Belgium, the Netherlands and Italy. Edward Smethurst will lead the task force on Contract Data Base while our sponsor Eversheds agreed to contribute to the building up. With respect to Mentorship, news for any follow on will be sought from our Swedish member. A new task force on Sponsors was also established and will be lead by Edward Smethurst. Paul de Jonge, Francesco Benigni and Peter Kriependorf will also participate.

NEW ECLA POTENTIAL MEMBERS

At the board meeting held in Manchester on 11 April, Iwona Miroisz reported on the contacts she has had with the Finnish company lawyers association. Han Kooy informed that in Hungary the in-house counsels are beginning to organise. Paul de Jonge and Han Kooy have established contact with the associations in Russia and Ukraine. Francesco Benigni has contacted in-house counsels in Vienna to establish an association in Austria. Other contacts are pursued, through ECLA's representatives, in other European countries, including Slovenia, Malta, Greece, Luxembourg and Scotland.

40 YEARS OF MACEDONIAN LAWYERS ASSOCIATION, 58. LAWYERS CONFERENCE IN OHRID

On 22nd - 24th May the Macedonian Lawyers Association held its traditional Lawyers Conference in Ohrid. This conference was exceptional as it celebrated the 40th anniversary of the founding of the Macedonian Lawyers Association in 1968.

The conference was attended by several hundred Macedonian lawyers, including guests from the Macedonian state administration, courts, universities and other organizations and associations including ECLA representative Petr Smelhaus. In his salutatory speech on behalf of ECLA, Petr Smelhaus praised MLA as highly developed, well organized and well managed association which has a large expert influence. On the occasion of 40th anniversary ECLA was awarded by Gratitude of the Macedonian Lawyers Association for the successful collaboration and support of the development of the legal thought and the implementation of law.

The Lawyers Conference in Ohrid was organized by Liljana Cekovska, MLA Director, a tireless and excellent organizer. Congratulations to Macedonian colleagues and to Liljana!

For the Executive Board

Han Kooy
President

