

# European Association of Private International Law

Association européenne de droit international privé

## THE SCIENTIFIC COUNCIL

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### Resolution no 2019-1 on the Activities of the Association

#### I- Approval of Activities

The EAPIL encourages its members to undertake activities under the auspices of the Association.

##### A) Requirements

All activities of the Association must meet the following requirements:

- They shall fall within the scope of the Association as defined in Article 2 of its Statutes. In particular, new activities should contribute to the study and development of private international law.
- They shall be undertaken by at least two members of the Association from two different countries.
- They shall be in the best interest of the Association.

The Scientific Committee has discretion to assess whether proposals for activities meet these criteria.

##### B) Proposal

Any member interested in undertaking a new activity shall formally make such proposal to the Board of the Association.

The proposal shall be submitted by email and contain an activity plan which sets out briefly (maximum : 2 pages) the subject matter of the activity, its aim, form, methodology and timeline. The proposal shall also contain information about the member(s) who will lead the activity and the member(s) who will be involved (including potential conflict of interests) as well as details as to how the activity will be funded.

If an activity requires cooperation with non-member(s) or external parties (e.g. other academic institutions or associations), the proposal should 1) explain why cooperation is necessary/beneficial, 2) describe the qualifications of the non-member(s) or external party, and 3) detail how the non-member(s) or external party will be involved in the activity.

### C) Decision

The decision to approve the new activity is made by the Scientific Committee.

Proposals may be 1) approved, 2) approved subject to conditions, 3) rejected or 4) rejected with the option to revise and resubmit.

If a proposal is approved, the Scientific Committee appoints one or several of the members who made the proposal to lead the activity as Responsible Member(s).

### D) Obligations

The Scientific Committee may require the Responsible Member(s) to take measures that will ensure that the activity is carried out in the best interests of the Association.

In particular, the Scientific Committee may require the Responsible Member(s) to establish an internal governance structure that assigns responsibilities to different organs and defines the internal decision-making procedures.

Any infrastructure (e.g. websites) required to carry out permanent activities shall be set up, operated, owned and paid for by the Association. Any contracts (e.g. with host providers, publishing houses) shall be concluded by or in the name of the Association.

## II- Conduct of Activities

### A) Obligations of Responsible Members

Approved activities have to be carried out in accordance with the initial decision to undertake the activity and in the best interest of the Association.

The Responsible Member(s) shall inform the Scientific Committee about the progress of the activity in accordance with the initial decision or at the request of the Scientific Committee. They shall also report (orally and/or in writing) to the General Assembly.

If activities cannot be carried out in accordance with the initial decision to undertake the activity, the Responsible Member(s) have to inform the Scientific Committee. The Scientific Committee will then, together with the Responsible Member(s) and all other members participating in the activity, decide how to proceed. The same holds true if after approval of an activity a conflict of interests arises or becomes known.

## B) Responsibilities of the Scientific Committee

The Scientific Committee monitors the scientific activities of the Association. It verifies that they are carried out in accordance with the initial decision to undertake the activity and in the best interest of the Association. To this end it may request information or reports from the Responsible Member(s).

If the Scientific Committee finds that an activity is not carried out in accordance with the initial decision to undertake the activity or in the best interest of the Association, it will co-operate and coordinate with the Responsible Member(s) in order to ensure that the initial decision is followed or – if necessary and possible – amended taking into account new circumstances and development.

If the Scientific Committee finds that the issues identified have not been addressed after a reasonable period of time during which the members carrying out the relevant activity could have done so, it may issue a warning granting more time to address the issues and after a further warning ends the support of EAPIL. After such a decision, the activity must no longer be carried out under the auspices of the EAPIL.

If activities, in particular permanent activities, are not carried out in accordance with the initial and amended decision to undertake the activity or in the best interest of the Association, the Scientific Committee may also decide to replace the Responsible Member(s).

## C) Funding of Activities

The scientific activities of the EAPIL may be funded by the Association itself, by third parties or by one or more members.

It is for the Scientific Committee to decide whether activities may be funded by members or third parties. Funding by third parties will only be accepted if it is provided freely and independently of any condition concerning the nature, scope and outcome of the activity. Funding by third parties will not be allowed if there is the risk that it may harm the Association.

The Scientific Committee has discretion to allocate the available funds of the Association to the various scientific activities of the Association.

## D) Publication and Rights resulting from Activities

Results of EAPIL activities may only be published and distributed upon approval by the Scientific Committee. The Scientific Committee may waive its right to approval for permanent activities that involve publications on a regular basis (e.g. editing a Journal) and instead require submission of regular reports.

In all publications and other deliverables that are the result of an EAPIL activity, the involvement of the Association shall be clearly and accurately mentioned.

Authors shall be required to assign to the Association the exclusive worldwide rights to reproduce, communicate or otherwise make available to the public, and distribute by sale or otherwise, the content of the publication. The Association may waive these rights if the Authors wish to publish the results of an EAPIL activity with an academic publisher which follows recognized quality standards. The Association will coordinate with the Responsible Member(s) to determine the details.