

4 January 2009

Dear All,

Welcome to the fifth ProActive ThinkTank email Update. There has been significant activity since our last Update in 2008.

## **EESC Opinion on the Proactive Law Approach**

The European Economic and Social Committee (EESC) adopted its Opinion entitled *The proactive law approach: a further step towards better regulation at EU level* at its plenary session on 3 December 2008 by 155 votes, with no voice against it. The Section for the Single Market, Production and Consumption (SMO) was responsible for preparing the Committee's work on the subject. The Rapporteur was Jorge Pegado Liz, with Helena Haapio acting as Expert.

The 15 page Opinion makes specific reference to the *Nordic School of Proactive Law* and its predecessors, including the *Preventive Law* approach, and to a number of related publications. The full text of the Opinion in English is available at

[http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\\esppub1\esp\\_public\ces\int\int415\en\ces1905-2008\\_ac\\_en.doc](http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\\esppub1\esp_public\ces\int\int415\en\ces1905-2008_ac_en.doc). In addition to the Opinion, you may find the related Press Release (Ref 115/2008) of interest, *The proactive law approach: a novelty – For too long, the emphasis in the legal field has been in the past...* This is available in six languages at [http://www.eesc.europa.eu/activities/press/cp/index\\_en.asp?year=2008](http://www.eesc.europa.eu/activities/press/cp/index_en.asp?year=2008).

In the Opinion (Ref. CESE 1905/2008), the Committee urges a paradigm shift in EU law. "While responding to and resolving problems remain important, preventing the causes of problems is vital, along with serving the needs and facilitating the productive interaction of citizens and businesses. Proactive Law is about enabling and empowering - it is done by, with and for the users of the law. The application of the Proactive Law approach should be considered systematically in all lawmaking and implementation within the EU. The EESC strongly believes that by making this approach not only part of the Better Regulation agenda, but also a priority for legislators and administrators at the EU, national and regional levels, it would be possible to build a strong legal foundation for individuals and businesses to prosper."

The Opinion is a significant step towards a wider recognition of the proactive approach in the legal field. One aspect in particular deserves to be mentioned here: the Opinion will be published in the Official Journal of the European Union, not only in English, but in 22 European languages. It has already been translated into these languages, and a link to the various language versions is provided in the attachment. As the pioneers of the Proactive Law approach in various countries know, many languages have lacked the words to even describe the approach. Without words, we cannot really research and develop the topic, apply it in practice, or share our experiences. So we now have a good foundation to do so, in 22 languages!

## **South-American Developments**

Talking about languages: Jorge Enrique Galvis Tovar, one of our strong supporters in Bogota, Colombia, the Director of the Legal Information Unit of Legis Publishing Company and the Editor of *Foro de Derecho Mercantil-Revista Internacional*, has already agreed to publish the Spanish language version of the EESC Opinion in their next issue, along with a Note about the publication of the Opinion in their Newspaper *Ámbito Jurídico*, the largest legal media in Colombia (some 50.000 readers within the legal and accounting professions).

Jorge has kindly promised that there is space in their media in Legis Legal Publishing House ([www.legis.com.co](http://www.legis.com.co)) always reserved for us to spread the word about Proactive Law and to reach lawyers and business people in Venezuela, Peru, Argentina, Chile, Mexico and Colombia. In its issue No. 20, *Foro de Derecho Mercantil-Revista Internacional* already published a Spanish

language translation of Helena Haapio's article *An Ounce of Prevention... – Proactive Legal Care for Corporate Contracting Success* as the lead article of that issue. This article was originally published in the Finnish legal journal *JFT, Tidskrift utgiven av Juridiska Föreningen i Finland*, issue 1/2007, see <http://www.edilex.fi/lakikirjasto/4460.pdf> (subscription-based service).

### **International Regulatory Reform Conference (IRRC 2008)**

In order to encourage cross-border debate on better regulation and regulatory reform, the Bertelsmann Stiftung hosted the 2nd International Regulatory Reform Conference (IRRC) on 16-18 November 2008 in Berlin. 600 participants attended this three-day Conference. The EESC put together a session on *Delivering Regulatory Quality: The current state of European self- and co-regulation*. Jorge Pegado Liz chaired the session, the purpose of which was to bring together EU institutions, practitioners, lawyers and academics. The speakers were Marianne Klingbeil, Director, Better Regulation, Programming and Impact assessments, Secretariat General of the European Commission, Professor Fabrizio Cafaggi, European University Institute (EUI), Florence, Italy, Oliver Gray, Director General, European Advertising Standards Alliance (EASA), and Helena Haapio, whose presentation entitled *A Paradigm Shift through Proactive Law?* gave a preview of the EESC Opinion. You will find more information, including presentations, pictures and video recordings of the Conference here: <http://www.irr-network.org/wiki/IRRC---International-Regulatory-Reform-Conference-2008>.

The Bertelsmann Stiftung will be hosting the next IRRC together with the Swedish Ministry of Enterprises and the NNR (The Board of Swedish Industry and Commerce for Better Regulation) in Stockholm, Sweden, on 12-13 November 2009.

### **e-Stockholm '08 Legal Conference**

The Conference *IT Regulations and Policies - from theory into practice*, which took place in Stockholm, Sweden, on 17 - 19 November 2008, featured a separate track dedicated to *Proactive Law and IT*, see <http://www.juridicum.su.se/iri/e08/tracks/proactive/>. The Conference was chaired by Professor Cecilia Magnusson Sjöberg, Director of the Swedish Law & Informatics Research Institute (IRI) at the Stockholm University Faculty of Law, Royal Swedish Academy of Sciences Research Fellow. The Session chair for *Proactive Law and IT: Contract management and IT outsourcing* was Tobias Mahler, Research Fellow at the Norwegian Research Center for Computers and Law (NRCCL) at the Faculty of Law, University of Oslo, Norway. The session on *Proactive Law and IT: Legal risk analyses in IT Projects* was chaired by Peter Wahlgren, Professor of Law and IT and acting Professor of Jurisprudence, Faculty of Law, Stockholm University, Editor Scandinavian Studies in Law. The session speakers included Roger Bickerstaff, Bird & Bird, London, Carolyn Paris, London School of Economics and Political Science, and other ProActive ThinkTank participants and supporters.

Presentation materials and Abstracts can be found at the Conference website at <http://www.juridicum.su.se/iri/e08/documentation/> and <http://www.juridicum.su.se/iri/e08/abstracts/>.

### **IACCM EMEA Conference 2008**

The IACCM EMEA Conference (<http://www.iaccm.com/emea/>), *Making Sense of Opportunity and Risk: The Journey to Contracting Excellence*, along with the IACCM Academic Symposium (<http://www.iaccm.com/emea/symposium.php>), was held on 22 - 24 September 2008 in London. One of the key discussion topics at the Academic Symposium was Proactive Law and the contribution it can make to improving commercial relationships. The questions addressed at the Academic Symposium on 22 September included "Why is the proactive approach to contracting, law and relationship management still so rare - and what can we do about it?" "Is current academic training too narrow and reflecting old-style business and backward-looking law?" "Why isn't the Proactive Law/Proactive Contracting Movements being embraced more broadly and more quickly?" "What will it take to speed up its adoption?" -- The session was led by Helena Haapio, Lexpert Ltd, and René Franz Henschel, Associate Professor in Law at the School of Business, University of Aarhus, Denmark. A lively discussion followed, with new representatives of both business and academia expressing interest in and joining our ThinkTank.

In the evening of the first day of the Conference, we also held a social networking event with current and potential new participants; this was very successful. For Conference presentations, see: <http://www.iaccm.com/loggedin/library/browse.php?categoryid=33> (for IACCM members only).

### **Further Conferences where the Proactive Approach was on the Agenda**

Kaisa Sorsa presented the (then Draft) EESC Opinion on the Proactive Law Approach at the **International Conference of Legislative Studies** (<http://users.utu.fi/anhya/conference/>) held in Helsinki on 25 - 26 August 2008. The Conference, the theme of which was *Changing forms of legal and non-legal institutions and new challenges for the legislator*, was organized jointly by the *Legislative Studies* research group at the Finnish National Research Institute of Legal Policy (<http://www.optula.om.fi/2664.htm>) and the *Transformations in Law and Power* research group at the University of Turku, Faculty of Law.

In the corporate arena, there is a need to integrate the proactive law approach with business practices. Kaisa Sorsa dealt with this topic in her presentation *Towards a Contracting Capabilities Maturity Model for Project Business* at the research track entitled *Recipes for Success in Project-based Management* of the **Finnish Project Management Days** held in Espoo, Finland, on 18 - 19 November 2008.

Books (or e-books) based on the papers presented at the above Conferences will be published in due course. Please contact the respective speaker if you wish to know more. Papers submitted to the Academic Symposium held in connection with the IACCM EMEA Conference 2008 in London will be published as part of the IACCM Americas event proceedings in 2009.

### **Future Plans; the European Proactive Law Network (EPLN)**

Members of the ProActive ThinkTank Core Team met in Turku in July 2008 (with the kind support of TUAS and Turun Kauppaopetusääitiö), reviewed the progress of the ThinkTank so far and explored options for further development, including funding. An extended Core Team met in London in September 2008 in connection with the IACCM EMEA Conference and Symposium. At the latter occasion, it was decided that the time had come to expand the research networking in this field beyond the Nordic countries and to look for funding to set up a *European Proactive Law Network (EPLN)*. With René Franz Henschel as one of the principal applicants and the contact person, we prepared a proposal for an ESF (European Science Foundation) Research Networking Programme for this purpose.

If our proposal is successful, the EPLN will collect, systematize and analyze the current theoretical, methodological, policy-related and practice-orientated research questions regarding the proactive approach to law in Europe. It will explore and develop the theoretical underpinnings of proactive law towards a unifying theory and compare the results with those of non-European efforts, e.g. the preventive law approach in the United States. The EPLN will also test the theory of proactive law in practice. It will promote knowledge transfer and support the development of tools, skills and techniques enabling business, individuals and regulators to fully implement and benefit from the approach. Finally, the aim is to train young scientists in developing their research skills using proactive law theories, methods and techniques.

In February 2009, we plan to submit an application for funding for an ERASMUS project on Lifelong Learning Programme called *ProActive Management and ProActive Business Law*. The aim is to develop the core curriculum and a multidisciplinary module which can be integrated to studies at universities and business schools. We are also planning to create a course handbook along with a teacher's manual. If you are interested in participating in this project, please contact Kaisa Sorsa (see contact details below) for further information.

In addition to the ESF and ERASMUS programme proposal, we are seeking other possible sources for financial support to our initiatives. This would enable the ProActive ThinkTank to bring together many of the concepts, theories and practical tools that we have been developing and are exploring. If you are interested in this, please contact René Franz Henschel, Linda Baines or Helena Haapio (see contact details below) for more information or to discuss.

## Forthcoming Books

There is a constant and growing need of handbooks and training materials related to the proactive approach. So far, our participants have produced two books, namely *A Proactive Approach to Contracting and Law*, Turku 2008 (Edited by Helena Haapio), and *A Proactive Approach*, Volume 49 of *Scandinavian Studies in Law*, Stockholm 2006 (Edited by Peter Wahlgren & Cecilia Magnusson Sjöberg), both being collections of papers that cover a wide range of issues and applications that were discussed at our Turku and Stockholm Conferences.

Developing, selling and buying business services is an area where a proactive approach is required in order to successfully manage relationships, contracts, projects and risk, as well as create new business opportunities. Katri Rekola of Rekola Design, a long-time ProActive ThinkTank participant, has authored several books on service design and has now co-authored a new book together with Helena Haapio, entitled *Industrial Services and Service Contracts: a Proactive Approach* (working title). The book is planned to launch in printed form and as an e-book in March 2009. As materials on industrial service design and contract design (and, in particular, how to proactively merge them) are hard to find, this book is intended to be used as a reference guide, a training manual, and as a source of additional tools and resources, such as commercially available contract forms, terms and conditions. While the case studies and sample contracts in the book have a Nordic/Scandinavian focus, the underlying principle of the book – a proactive approach to merging service design and contract design – is universally valid.

The ProActive ThinkTank Core Team has discussed the idea of a 'ProActive Handbook' or Wiki, one that would provide a framework for developing the proactive approach to business, law, contract management, project management, risk management, quality management, and other areas. The aim would be to work together as a virtual open collaboration to build on the framework or outline that we have developed so far, and see how we can take it further. If you are interested, please contact Linda Baines (see contact details below).

We need more books, both research-oriented and practice-oriented!

If you have a book idea or are about to update a current book you have authored, please consider adding a proactive emphasis to it. The ProActive ThinkTank Core Team would like to hear from you – maybe we can work together to develop the idea further.

## Future Events and Meetings

In the first half of the year 2009, the following events are among those that will involve presentations by or input from our participants:

On 20 January 2009, Helena Haapio will give a presentation on Proactive Law at the University of Stockholm, as part of the Series *Seminarie i allmän rättslära 2008/2009*, see [www.juridicum.su.se/jurweb/aktuellt/visa.asp?lang=swe&newsid=540](http://www.juridicum.su.se/jurweb/aktuellt/visa.asp?lang=swe&newsid=540).

Katri Rekola and Helena Haapio will speak at the 5<sup>th</sup> *Warranty Chain Management Conference* (<http://www.algassociates.com/wcm/>) that will be held in Orlando, Florida, on 10 - 12 March 2009. Their joint presentation is entitled *Packaging Warranty Service and Terms: A Proactive Approach*. The theme of the Conference is *Warranty Management – Saving Cost & Managing Risk*. Katri and Helena will also co-present at the American Society for Quality (ASQ) *World Conference of Quality and Improvement* (<http://wcqi.asq.org/>) that will be held in Minneapolis, Minnesota, on 18 - 20 May 2009, under the title *Proactive Contracting + Service Design = Success!* The presentation will emphasize that a well thought-out service contract created by proactively merging contract design and service design is the basis for high quality services.

On 22 – 24 April 2009, the IACCM will have its Americas Spring 2009 Conference & Academic Forum in ChampionsGate, FL, see <http://www.iaccm.com/americas/>. Thomas D. Barton, Louis and Hermione Brown Professor of Law, California Western School of Law (CWSL), one of our long-term friends and supporters in the United States, who is also the Director of the Louis M. Brown Program in Preventive Law and the Coordinator of the National Center for Preventive Law (<http://www.preventivelawyer.org>) at the CWSL, will co-chair the Academic Forum.

The International Project Management Association (IPMA) *World Congress* will be held in Helsinki on 15 - 17 June 2009, see <http://www.refresh09.com/>. If you are interested in presenting, the deadline for their call for practice-based presentations is 31 January 2009, see <http://www.refresh09.com/congress/call-for-refresh-presentation>.

We hope to be able to put together a workshop or a networking event somewhere in Europe, possibly in France or Belgium, during 2009. If you know of a suitable venue or are interested in getting involved in putting this together, please contact one of the Core Team members or Gerlinde Berger-Walliser, Associate Professor and Deputy-Head of the Economic and Legal Environment Department at the ICN Business School, Nancy, France, at [gerlinde.berger-walliser@icn-groupe.fr](mailto:gerlinde.berger-walliser@icn-groupe.fr).

Watch out for more information. For earlier Updates, please go to <http://www.proactivethinktank.com>.

We look forward to seeing you at future events and to receiving your thoughts, ideas and comments.

## **Contacts**

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For introductions, see attached leaflet.

PS. If you are interested in our work and have not yet notified us of your interest, please contact one of us, and we will add your email address to our mailing list. If you need to update your contact information or no longer wish to receive updates from us, please let us know.





**European Economic and Social Committee (EESC)  
Section for the Single Market, Production and Consumption  
Single Market Observatory (SMO)**

**EESC opinion on "The proactive law approach: a further step towards better regulation at EU level"**

(CESE 1905/2008, adopted on 03.12.2008 – rapporteur: Mr Jorge Pegado Liz, expert: Ms Helena Haapio)

<b>Language</b>	<b>Short title</b>	<b>Title and link to the opinion</b>
<a href="#"><u>EN</u></a>	The proactive law approach	<b>The proactive law approach: a further step towards better regulation at EU level</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\en\ces1905-2008_ac_en.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\en\ces1905-2008_ac_en.doc</a>
<a href="#"><u>FR</u></a>	L'approche proactive de la pratique du droit	<b>L'approche proactive de la pratique du droit: un pas en avant vers une meilleure réglementation au niveau de l'UE</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\fr\ces1905-2008_ac_fr.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\fr\ces1905-2008_ac_fr.doc</a>
<a href="#"><u>DE</u></a>	Proaktives Recht	<b>Proaktives Recht: ein weiterer Schritt zu einer besseren Rechtsetzung auf EU-Ebene</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\de\ces1905-2008_ac_de.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\de\ces1905-2008_ac_de.doc</a>
<a href="#"><u>PT</u></a>	A abordagem proactiva do direito	<b>A abordagem proactiva do direito: Um passo para legislar melhor a nível da UE</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\pt\ces1905-2008_ac_pt.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\pt\ces1905-2008_ac_pt.doc</a>
<a href="#"><u>ES</u></a>	El planteamiento proactivo del Derecho	<b>El planteamiento proactivo del Derecho: un paso más hacia una mejor legislación a nivel de la UE</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\es\ces1905-2008_ac_es.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\es\ces1905-2008_ac_es.doc</a>
<a href="#"><u>IT</u></a>	L'approccio proattivo al diritto	<b>L'approccio proattivo al diritto: un altro passo verso una migliore regolamentazione a livello dell'UE</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\it\ces1905-2008_ac_it.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\it\ces1905-2008_ac_it.doc</a>
<a href="#"><u>NL</u></a>	De proactieve benadering van het recht	<b>De proactieve benadering van het recht: een stap voorwaarts naar betere regelgeving op EU-niveau</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\nl\ces1905-2008_ac_nl.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\nl\ces1905-2008_ac_nl.doc</a>
<a href="#"><u>DA</u></a>	Proaktiv ret	<b>Proaktiv ret: endnu et skridt mod bedre lovgivning på EU-niveau</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\da\ces1905-2008_ac_da.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\da\ces1905-2008_ac_da.doc</a>
<a href="#"><u>EL</u></a>	Η προσέγγιση της προορατικής νομοθεσίας	<b>Η προσέγγιση της προορατικής νομοθεσίας: ένα ακόμη βήμα προς τη βελτίωση του ρυθμιστικού πλαισίου σε επίπεδο ΕΕ</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\el\ces1905-2008_ac_el.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\el\ces1905-2008_ac_el.doc</a>
<a href="#"><u>FI</u></a>	Ennakoiva oikeus	<b>Ennakoiva oikeus: askel kohti parempaa sääntelyä EU:n tasolla</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\fi\ces1905-2008_ac_fi.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\fi\ces1905-2008_ac_fi.doc</a>
<a href="#"><u>SV</u></a>	Proaktiv juridik	<b>Proaktiv juridik: ett steg mot bättre lagstiftning på EU-nivå</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\sv\ces1905-2008_ac_sv.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\sv\ces1905-2008_ac_sv.doc</a>
<a href="#"><u>CS</u></a>	Proaktivní právní přístup	<b>Proaktivní právní přístup: krok kupředu ke zlepšení právní úpravy na úrovni EU</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\cs\ces1905-2008_ac_cs.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\cs\ces1905-2008_ac_cs.doc</a>
<a href="#"><u>ET</u></a>	Proaktiivne õigus	<b>Proaktiivne õigus: samm parema õigusliku reguleerimise poole ELi tasandil</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\et\ces1905-2008_ac_et.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int4\15\et\ces1905-2008_ac_et.doc</a>

<a href="#">HU</a>	A proaktív jogalkotásra irányuló megközelítés	irányuló	<b>A proaktív jogalkotásra irányuló megközelítés – újabb lépés a jobb közösségi szintű szabályozás felé</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\hu\ces1905-2008_ac_hu.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\hu\ces1905-2008_ac_hu.doc</a>
<a href="#">LV</a>	Proaktīva tiesiskā pieeja		<b>Proaktīva tiesiskā pieeja: solis tuvāk labākam tiesiskajam regulējumam ES līmenī</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\lv\ces1905-2008_ac_lv.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\lv\ces1905-2008_ac_lv.doc</a>
<a href="#">LT</a>	Iniciatyvi teisė		<b>Iniciatyvios teisės: tolesni veiksmai geresnio reguliavimo ES lygiu link</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\lt\ces1905-2008_ac_lt.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\lt\ces1905-2008_ac_lt.doc</a>
<a href="#">MT</a>	L-approċċ proattiv tal-ligġi		<b>L-approċċ proattiv tal-ligġi: pass ieħor 'il quddiem lejn regolamentazzjoni aħjar fil-livell tal-UE</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\mt\ces1905-2008_ac_mt.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\mt\ces1905-2008_ac_mt.doc</a>
<a href="#">PL</a>	Proaktywne podejście do prawa		<b>Proaktywne podejście do prawa: kolejny krok ku lepszemu stanowienu prawa na szczeblu UE</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\pl\ces1905-2008_ac_pl.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\pl\ces1905-2008_ac_pl.doc</a>
<a href="#">SK</a>	Proaktívny prístup k právu		<b>Proaktívny prístup k právu: ďalší krok k lepšej právnej úprave na úrovni EÚ</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\sk\ces1905-2008_ac_sk.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\sk\ces1905-2008_ac_sk.doc</a>
<a href="#">SL</a>	Proaktivni pristop k pravu		<b>Proaktivnem pristopu k pravu: korak naprej k boljši pravni ureditvi na ravni EU</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\sl\ces1905-2008_ac_sl.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\sl\ces1905-2008_ac_sl.doc</a>
<a href="#">BG</a>	Проактивният подход в правото		<b>Проактивният подход в правото: крачка напред към по-добро регулиране на равнище ЕС</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\bg\ces1905-2008_ac_bg.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\bg\ces1905-2008_ac_bg.doc</a>
<a href="#">RO</a>	Abordarea proactivă a dreptului		<b>Abordarea proactivă a dreptului: un pas înaintea spre o mai bună legiferare la nivelul UE</b> <a href="http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\ro\ces1905-2008_ac_ro.doc">http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=\esppub1\esp_public\ces\int\int4\15\ro\ces1905-2008_ac_ro.doc</a>

## Our Mission

**The ProActive ThinkTank is a forum for business leaders, lawyers, academics and educators to discuss, develop and promote the proactive management of relationships, contracts, projects and risks and the prevention of legal uncertainties and disputes.**

## Our Objectives

The ProActive ThinkTank aims at raising business leaders', managers' and lawyers' awareness of the techniques and successes of a proactive approach to enable a sound foundation for business success, optimising risk/return and reducing legal problems.

To reach this goal, the ProActive ThinkTank encourages its participants, stakeholders and others to work to:

- ✓ identify the methods and techniques that work and the skills and competencies that are required; and practice, teach, strengthen and disseminate them;
- ✓ promote awareness of the proactive approach through case studies, successful initiatives, publications, and conferences;
- ✓ form a body of knowledge and a framework for continuing education and professional development; establish a theoretical foundation; and increase learning and development opportunities for business and legal practitioners;
- ✓ develop and share training programmes and materials in areas such as proactive contracting, risk management, project management, proactive/preventive law and ethics, customized for Business Schools, Law Schools and other educational institutions;
- ✓ facilitate interconnections among business, academic, management and legal worlds.

## Our meetings in London, September 2008

The ProActive ThinkTank will meet in connection with the IACCM EMEA Conference and Academic Symposium in London.

We plan on having an informal networking event in the evening of Monday 22 September, 2008. Whether or not you are attending the IACCM event, please join us. We will explore the Kensington area and find somewhere there to eat and drink. If you are interested or would like to find out more, contact Linda Baines at [L.Baines@rl.ac.uk](mailto:L.Baines@rl.ac.uk).

## How the ThinkTank came about

The ProActive ThinkTank resulted from the *Commercial Contracting for Strategic Advantage* Conference held in Turku, Finland, in June 2007. The conference was organized by the International Association for Contract and Commercial Management (IACCM) Finland, the Nordic School of Proactive Law, the National Center for Preventive Law, Turku University of Applied Sciences (TUAS), and the Corporate Contracting Capabilities Project Consortium.

When a break-out group of delegates got together at TUAS after the Conference, it was clear that there was real interest in finding a way of taking all the ideas and developing them further so that they can be used more widely in business, management and legal activities as well as in research, learning, development and training in these areas. A core team was formed to develop the ProActive ThinkTank.

## How to join us

If you are interested in our work and have not yet told us of your interest, please contact any of the core team members (see overleaf), and we will add your email address to our mailing list. This is your opportunity to shape the direction of the ProActive ThinkTank and to share your experience, expertise and ideas with like-minded individuals.

We look forward to seeing you at future events and to receiving your thoughts, ideas and comments.

## For contact details, please turn the page...



## ProActive ThinkTank

### Core Team Contact Details

#### Helena Haapio

Helena works as Contract Coach and International Contract Counsel with Lexpert Ltd ([www.lexpert.com](http://www.lexpert.com)) based in Helsinki, Finland. She supports clients in succeeding in cross-border contractual (ad)ventures, helping them use contracts to get better business results and stay out of legal trouble. She also acts as arbitrator.

Helena is a Member of the Advisory Council of the IACCM and the Coordinator of IACCM Finland. She is actively involved in the development of the *Nordic School of Proactive Law* ([www.proactivelaw.org](http://www.proactivelaw.org)) and currently acts as Expert to the European Economic and Social Committee EESC in order to assist it in drawing up its Opinion on *The Proactive Law Approach: a further step towards Better Regulation at EU level*. She is the Editor of *A Proactive Approach to Contracting and Law* (Turku 2008) and is currently co-authoring a book on *Service Design and Contract Design*. Before founding Lexpert Ltd Helena served for several years as in-house Legal Counsel for Wärtsilä Group in Finland, Norway, Sweden and the US. Along with her law degree, LL.M. (Turku), she holds a Diploma in Legal Studies (Cambridge, England) and a MQ, Master of Quality (Helsinki University of Technology). Helena can be contacted at [Helena.Haapio@lexpert.com](mailto:Helena.Haapio@lexpert.com).



#### Linda Baines

As the Head of Corporate Ventures, Science and Technology Facilities Council (STFC), UK, Linda develops the commercial and contracting arrangements that under-pin STFC's strategic external relationships including research collaborations, joint ventures, exploitation of IP (through CLIK, STFC's technology transfer company) with a wide range of outside organisations in the industry, government and academia in the UK and overseas. Linda is the Treasurer of AURIL (Association of University Research and Industry Links and chairs AURIL's CPD Steering Group which oversees the development of the AURIL Continuing Professional Development framework. She is a Director of the Institute of Knowledge Transfer (IKT – see: [www.ikt.org.uk](http://www.ikt.org.uk)), and Head of its Membership Services. As a qualified procurement professional with extensive experience of complex strategic projects, Linda is a member of the Chartered Institute of Purchasing and Supply (MCIPS) and a qualified knowledge transfer professional (MInskT). Linda is currently studying for her Masters in Commercial Management at Manchester Business School. Linda can be contacted at [Linda.Baines@stfc.ac.uk](mailto:Linda.Baines@stfc.ac.uk).



#### Claude Mayer

Claude works as a Commercial Manager for a leading outsourcing company. She has gained her expertise in ICT outsourcing pre-sales and contract/risk management and consultancy working for more than 10 years for ICT corporations where she developed additional knowledge on 6Sigma, ITIL and internal international process development.

Previously, Claude spent 10 years working and living in Tokyo, Japan, where she developed her company acting as a business accelerator for European and Japanese



enterprises, supporting them in their marketing and business development activities on both the Japanese and European markets. She acted as a consultant for European companies wishing to set their establishment in Japan. She holds an MBA and a LL.M, University of Helsinki. Claude can be contacted at [claude\\_mayer@hotmail.com](mailto:claude_mayer@hotmail.com).

#### Kaisa Sorsa

Kaisa works as a Principal Lecturer at the Turku University of Applied Sciences and is an Adjunct Professor at the University of Joensuu. She has studied business administration at the Turku School of Economics and law at the University of Turku. She holds a Ph.D. degree in Economics and Business Administration (University of Vaasa). Her doctoral thesis *The Legal Framework for the Productizing of Timeshare* (2003) is a comparative research concerning Spanish, British and Finnish timeshare legislation. Her current research interests include empirical research related to proactive contracting, proactive law and legislative studies. Kaisa can be contacted at [Kaisa.Sorsa@turkuamk.fi](mailto:Kaisa.Sorsa@turkuamk.fi).



#### Eric van de Luytgaarden

Eric works as a business consultant at NPI Institute for Organisation Development ([www.proactivelaw.nl](http://www.proactivelaw.nl)). He worked from 2004-2008 on a special assignment from the Dutch Education dept. as a professor for innovation of the legal profession at the Utrecht University of Applied Sciences, a chair which he continues till 2010 with private funds. He worked for 10 years as a judge in district courts and for 14 years as a professor of Jurisprudence and Philosophy of Law in the Netherlands and several eastern European countries. As a business consultant he managed major change projects in public government. He acts as an advisor of academic and professional institutions. He has published in Dutch and English, mostly on humanity, social innovation and law. He is currently finishing his book on preventive law, *Different Lawyers*. Eric can be contacted at [info@proactivelaw.nl](mailto:info@proactivelaw.nl).



#### René Franz Henschel

René works as Associate Professor at the Aarhus School of Business, University of Aarhus and as Managing Director of Henschel Contract Management ([www.henschel.dk](http://www.henschel.dk))

Before joining the research community, René served as a Head of Office at the Danish Ministry of Economic and Business Affairs where marketing law, contract law and consumer law were his primary working fields. He has published several articles and books in English within these issues and is also a co-author of the *International Contract Manual* (IACCM/Thomson Westlaw). He is an expert member of the Danish Forum of IT Law, a co-editor of legal journals and databases and has provided consulting to many large corporations and law firms in the areas of both commercial contracting, contract governance and arbitration. René holds a LL.M. and a Ph.D. degree and can be contacted at [RFH@asb.dk](mailto:RFH@asb.dk).

