

JURI Report

At the meeting of 19-20 June 2017

The June meeting of the Committee on Legal Affairs will commence with an exchange of views with Commissioner Frans Timmermans. That will be followed by a presentation by the Legal Service of the interinstitutional manual for the drafting of legislative acts and an exchange of views on electronic publication of the Official Journal of the EU and on mutual recognition of freezing and confiscation orders. The committee will also consider a draft report on Environmental Liability Directive and opinions on the ePrivacy Regulation and Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. There will be a presentation of the outcome of the public consultation on robotics and an exchange of views with Commissioner Andrus Ansip. The day will conclude with in-camera items.

The committee meeting on 20 June will start with in-camera items. Votes will commence at 10.15 and will include votes on reports on mediation in civil and commercial matters and monitoring the application of EU law 2015 and on opinions on posting of workers and on the proportionality test before adoption of new regulation of professions. Following the votes, the committee will continue with the exchange of views on adapting certain legal acts to Article 290 of the Treaty on the Functioning of the EU. That will be followed by a hearing on the Insolvency proposal. In the afternoon, the committee will be participating in the hearing of Commissioner-delegate Gabriel. A workshop on private international law in the current migratory context will take place at 16.30.

VOTES

Proportionality test before adoption of new regulation of professions

Procedure: [2016/0404\(COD\)](#)

Basic doc: [COM\(2016\)822](#)

Rapporteur: Gilles Lebreton

Administrator: Valeria Ghilardi

Lead committee: IMCO

Preliminary Timetable

Adoption in JURI: 20.6.2017

The European Union has approximately 5 600 regulated professions, which are activities for which a specific professional qualification is required.

In the absence of harmonised requirements at EU level, the regulation of professional services remains a prerogative of the Member States. It is up to each Member State to decide whether there is a need to intervene and impose rules and restrictions for the access to or pursuit of a profession, so long as the principles of non-discrimination and proportionality are respected.

The Commission considers that the current uneven scrutiny of the regulation of professions across the EU has a negative impact on the provision of services and the mobility of professionals; it also considers that action by individual Member States alone will not ensure a coherent legal framework for assessing the proportionality of envisaged national regulation and address the existing problems faced by national authorities. To address the issue, the Commission has published this proposal for a directive laying down a proportionality test to be used by Member States before adopting or amending national regulations of professions.

At this meeting, the committee will vote on the draft opinion and on the 62 amendments which have been tabled.

ISSUE 38

JUNE/2017

NEXT MEETING

12-13 JULY 2017

JURI Website

EPRS

LATEST ANALYSES

[Subject file on Robotics](#)

[Artificial Intelligence: Potential Benefits and Ethical Considerations](#)

[European civil law rules in robotics](#)

[The Training of Judges and Legal Practitioners - Ensuring the Full Application of EU Law](#)

[Cross-border transfer of company seats](#)

[A European Statute for Social and Solidarity-Based Enterprise](#)

[Effective Corporate Tax Rate" and "Digital Business Establishment" in the Corporate Tax Base Proposals](#)

Certain aspects of mediation in civil and commercial matters (The Mediation Directive)

Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters came into force on 13 June 2008 and aims at facilitating access to alternative dispute resolution and amicable settlement of disputes. The Mediation Directive was the first measure to encourage mediation in civil and commercial disputes, but following its adoption, further progress related to mediation has been made at EU level, including the adoption of Directive 2013/11/EU on alternative dispute resolution and Regulation (EU) No 524/2013 on online dispute resolution. According to Article 11 of the Mediation Directive, the Commission is required to submit a report to the European Parliament, the Council and the European Economic and Social Committee on the application of the directive. Against this background, the workshop will bring together MEPs and a number of experts, practitioners and academics with a view to discussing the state of implementation of Directive 2008/52/EC.

Procedure: 2016/2066(INI)

Rapporteur: Kostas Chrysogonos

Administrator: Zampia Vernadaki

Preliminary Timetable

Adoption JURI: 20.06.2017

After holding a first exchange of views on 8 November 2016, a workshop on 'The Implementation of the Mediation Directive' on 29 November 2016 and a presentation on the implementation of the directive by the EPRS ex-post impact assessment unit on 31 January 2017, the rapporteur, Kostas Chrysogonos presented his draft report on 23 March 2017. In his report, the rapporteur highlighted the divergences in the implementation of the Mediation Directive in the different Member States as a result of the lack of a mediation culture and low awareness among citizens. Mediation can provide a cost-effective and quick extrajudicial resolution of disputes in civil and commercial matters, through processes tailored to the needs of the parties. Pointing out the necessity for comprehensive statistical data on mediation, on its length and success rates in order to increase public trust, he stressed the significance of mediation for family matters and the need to ensure the enforceability of mediated agreements. Subsequently, 32 amendments were tabled to the report that further emphasised the advantages of mediation as an alternative form of dispute resolution, especially in the field of family law, also highlighting the importance for exchange of best practices among the Member States and the establishment of appropriate safeguards for the weaker parties.

At this meeting, the Committee on Legal Affairs will vote on the draft report.

Posting of workers in the framework of the provision of services



The committee will vote on the 111 amendments tabled to the draft opinion on the proposal for a revision of Directive 96/71/EC on Posting of Workers. The draft opinion supports the Commission's proposal and the rapporteur considers, among other things, that the proposal complies with the principles of subsidiarity and proportionality but proposes certain amendments that seek to clarify elements of the proposal, the legality of which have been questioned. Some of the amendments seek to go further than the Commission's proposal in proposing, for instance, to shorten the period of 24 months after

which a posted worker would be treated as a 'local' one, whereas other amendments seek, rather, to have less radical changes to the directive than those proposed by the Commission.

The European Commission presented its proposal on 8 March 2016, as foreseen in the 2016 Commission work programme. According to the Commission the aim of the proposal is to facilitate the provision of services across borders within a climate of fair competition and respect for the rights of posted workers, who are employed in one Member State and sent to work temporarily in another by their employer. In particular, the proposal is said to seek to ensure fair wage conditions and a level playing field between posting and local companies in the host country. The Committee on Legal Affairs decided to draw up an opinion on the proposal for the Committee on Employment and Social Affairs and appointed Jean-Marie Cavada as rapporteur for the opinion from JURI.

Procedure: 2016/0070(COD)

Basic doc: COM(2016)128

Legal basis: Articles 53(1) and 62 TFEU

Rapporteur: Jean-Marie Cavada

Administrator: Kjell Sevón

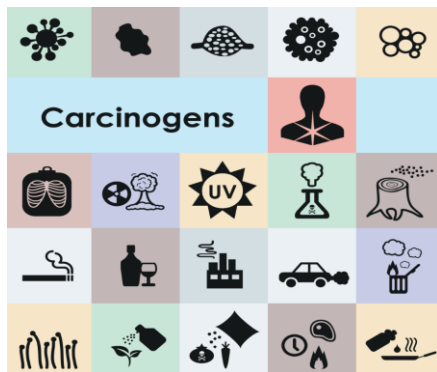
Committee responsible: EMPL

Preliminary Timetable

Adoption JURI: 20.06.2017

Adoption EMPL: 13.07.2017

Amendment to Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work



By letter of 2 June 2017, the Committee on Employment and Social Affairs requested the Legal Affairs Committee, pursuant to Rule 39 of Parliament's Rules of Procedure, to provide it with its opinion on the appropriateness of the legal basis of the Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work [2016/0130 (COD)].

The Commission relies on two legal bases for this Proposal: one pertaining to primary Union law, namely Article 153(2) TFEU, and one to secondary EU law, i.e. Article 17(1) of Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work ('the Carcinogens Directive'), which is the Directive that the Proposal seeks to amend.

At this meeting, Committee will verify the legal basis of the above proposal.

Monitoring the application of EU law 2015



The Committee will vote on the 72 amendments tabled to Kostas Chrysogonos' report on the monitoring of the application of EU law 2015. The vote will also include the opinions from the Committee on Petitions and the Committee on Constitutional Affairs.

In his draft report the rapporteur recalls that effective application and implementation of EU law by the Member States is essential if the European Union is to meet its policy objectives and that, ultimately, it is a question of respecting the principle of the rule of law. The rapporteur also stresses the obligation of the EU institutions to respect the Charter of Fundamental Rights when adopting secondary law and points out that when the Commission or other EU

institutions are assigned tasks in the context of treaties, which are concluded outside the EU framework, such as the ESM Treaty, they are still obliged to ensure that the Memoranda of Understanding concluded under that treaty are consistent with EU law.

The Committee on Legal Affairs traditionally draws up a report on the annual report by the Commission on the monitoring of the application of EU law. While Member States are responsible for the transposition of directives and the correct application of EU law, it follows from Article 22 TEU that the Commission has the responsibility for monitoring that the Member States' laws and their practical application comply with EU law. For this purpose Articles 258 and 260 TFEU empower the Commission to bring actions against Member States before the Court of Justice for infringements. The European Parliament, in turn, has both a responsibility to politically 'monitor the monitoring' by the Commission, as well as an interest to ensure that the legislation it adopts becomes reality in the Member States. The committee decided to include into the scope of the present report from JURI also a Commission Communication entitled "EU Law: Better Results through Better Application". The Communication "sets out how the Commission will step up its efforts on the application, implementation and enforcement of EU law in line with the Juncker Commission's commitment to be 'bigger and more ambitious on big things, and smaller and more modest on small things'. This means a more strategic approach to enforcement in terms of handling infringements. It also gives an overview of other action the Commission will take to help the Member States and the public ensure that EU law is applied effectively".

Procedure: 2017/2011 (INI)

Legal basis: Rule 52

Rapporteur: Kostas Chrysogonos

Administrator: Kjell Sevón

Preliminary Timetable

Adoption JURI: 20.06.2017

CONSIDERATION OF DRAFT OPINION

Respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)



One of the objectives of the Digital Single Market Strategy is to increase trust in and the security of digital services. The reform of the data protection framework, and in particular the adoption of Regulation (EU) No 2016/679, the General Data Protection Regulation ("GDPR") was a key action to this end. The DSM Strategy also announced the review of Directive 2002/58/EC ("ePrivacy Directive") in order to provide a high level of privacy protection for users of electronic communications services and a level playing field for all market players.

The ePrivacy Directive ensures the protection of fundamental rights and freedoms, in particular respect for private life, confidentiality of communications and the protection of personal data in the electronic communications sector. It also guarantees the free movement of electronic communications data, equipment

Procedure: [2017/0003\(COD\)](#)

Basic doc: [COM\(2017\)0010](#)

Rapporteur: Axel Voss

Administrator: Henrik Kjellin

Preliminary timetable

Consideration of draft opinion: 19-20.06.2017

and services in the Union. It implements in the Union's secondary law the fundamental right to the respect for private life, with regard to communications, as enshrined in Article 7 of the Charter of Fundamental Rights of the European Union.

Central for the opinion on this proposal will be how it puts in place the DSM Strategy objectives while respecting fundamental right, and how consistency with the GDPR is ensured.

Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data



On 27 April 2016, the European Parliament and the Council adopted the General Data Protection Regulation (GDPR), which will become applicable on 25 May 2018. The proposal for a regulation of the European Parliament and the Council for the Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data aims at adapting the current rules (Regulation (EC) No 45/2001) to the GDPR in

Procedure:

[2017/0002\(COD\)](#)

Basic doc:

[COM\(2017\)0008](#)

Rapporteur: Angel Dzhambazki

Administrator: Henrik Kjellin

Preliminary timetable

Consideration of draft opinion: 19-20.06.2017

order to provide a strong and coherent data protection framework in the Union and to enable both instruments to be applicable at the same time. It is consistent with the coherent approach to personal data protection throughout the Union to align, as far as possible, the data protection rules for Union institutions, bodies, offices and agencies with the data protection rules adopted for the Member States.

The rapporteur will focus his work on the consistency with the GDPR while ensuring that the new rules do not entail any unnecessary burdens to business, in particular SMEs.

CONSIDERATION OF A DRAFT REPORT

Application of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the 'ELD')

Environmental Liability Directive (ELD) entered into force on 30 April 2004. Member States had three years to transpose it into domestic law and transposition was complete by July 2010. The ELD has been amended three times: through Directive 2006/21/EC on the management of waste from extractive industries, through Directive 2009/31/EC on the geological storage of carbon dioxide and amending several directives, and through Directive 2013/30/EU on safety of offshore oil and gas operations and amending Directive 2004/35/EC.

According to Article 18 of the ELD, the Commission had to report in 2014 on the experience gained in the application of the directive on the basis of the national reports submitted in 2013 by the Member States to the Commission and of other relevant information. Owing to delays in reporting and evaluation and changes at EU political level in 2014, the report was adopted only in April 2016.

After holding a public hearing on the implementation of the ELD on 12 April 2017, at this meeting, the rapporteur, Laura Ferrara, will present her draft report on this file.

Procedure: [2016/2251\(INI\)](#)

Rapporteur: Laura Ferrara

Administrator: Zampia Vernadaki

Preliminary Timetable

Presentation of draft report:
19.06.2017

Deadline for AMs: 22.06.2017

EXCHANGE OF VIEWS

Electronic publication of the Official Journal of the European

This proposal from the Commission aims at revising Regulation (EU) No 216/2013 on the electronic publication of the Official Journal (OJ) of the European Union, which established the rule that the electronic publication would equate to the default valid publication of the OJ and that the printed edition of the OJ would only have legal value in exceptional and temporary cases of unforeseen disruption of the electronic publication.

This change was occasioned by the judgment of Court of Justice in Case C-161/06, *Skoma-Lux sro v Celní ředitelství Olomouc*, ECLI:EU:C:2007:773, in which the Court found that legal acts of the Union are not enforceable against individuals if they have not been properly published in the OJ and that making such acts available online does not equate to valid publication in the OJ in the absence of any rules in that regard in Union law.

The 2013 Regulation therefore aimed at enhancing legal certainty by broadening access to EU law and enabling everyone to rely on the electronic edition as the official, authentic, up-to-date and complete version of the OJ.

The Regulation furthermore provided that electronic edition of the OJ would bear an advanced electronic signature in accordance with Directive 1999/93/EC on a Community framework for electronic signatures. That Directive has since been repealed and replaced by Regulation No 910/2014, which introduced the possibility of authenticating a document with an advanced electronic seal.

According to the Commission, the use of such an advanced electronic seal would make it possible to automate the electronic signature and accelerate the procedure for publication of the OJ on EUR-Lex, given that the use of an electronic seal rather than a signature would make a difference in legal terms since the authentication method for a signature involves a specific natural person, whereas when a seal is used it is created by a legal person with no indication of who within that legal person was responsible for authenticating the document.

The legal basis proposed by the Commission is Article 352 TFEU, the so-called "flexibility clause", which was also used for the regulation which is proposed to be amended. That article requires the use of the consent procedure, whereby Parliament is left with two options: it can either approve or reject the proposal. The committee responsible may also, if necessary, table a report, including a motion for a non-legislative resolution setting out the reasons why Parliament should give or refuse its consent and, where appropriate, making recommendations for the implementation of the proposed act (Rule 99(2)).

The OJ was created on the basis of Article 191 TEC by a Council decision in 1958, making use of the so-called "implied competence" theory whereby the Union may adopt acts which are necessary for it to function and where there is no legal

Procedure: [2017/0039\(APP\)](#)

Basic document:
[COM\(2017\)0087](#)

Rapporteur: Pavel Svoboda

Administrator: Magnus Nordanskog

Legal basis: Article 352 TFEU

Provisional time-table

Exchange of views:
19.06.2017

basis providing for a legislative procedure. Article 191 TEC simply stated that Union legislation was to be published in an official journal but did not provide for any legal basis. The 1958 Council decision was therefore adopted making use of the prevailing decision-making procedure at the time, whereby the Council took the final decision. Article 191 TEC corresponds today to Articles 287 and 297 TFEU, which maintain the obligation to publish in the OJ without providing any legal basis.

In 2012, Parliament did however give its consent to the adoption of the regulation which is proposed to be amended on the basis that the precedent on implied competence from 1958 had been made obsolete by the many Treaty revisions and changes to decision-making procedures which had taken place in the more than 50 years that had since passed. Because publication in the OJ and the corresponding activities of the Publications Office of the European Union (OPOCE) constitute objectives which are to be attained under the Treaties, the use of the flexibility clause in Article 352 TFEU was therefore considered proper.

The proposed amendment is however occasioned by new provisions on electronic seals in the above-mentioned Regulation No 910/2014, which was adopted by making use of the ordinary legislative procedure (codecision) on the basis of Article 114 TFEU on harmonisation measures in the internal market. This raises the question whether the legal basis for the revision of Regulation No 216/2013 on electronic publication of the OJ should be the flexibility clause.

At this meeting, the rapporteur, the JURI chair Mr Pavel Svoboda, will present the proposal and the committee will hold a first exchange of views.

Adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the EU

Since the entry into force of the Lisbon Treaty in 2009, the Committee has dedicated considerable work and attention to provisions in primary legislation providing for the adoption of delegated and implementing acts in accordance with Articles 290 and 291 TFEU. These two articles effectively replaced the old comitology system. Legislative acts adopted before the Lisbon Treaty which included provisions providing for the use of the system of regulatory procedure with scrutiny (RPS) therefore need to be updated to take account of this new system, and a choice has to be made on when to use delegated and when to use implementing acts.

The Commission presented three legislative proposals in 2013 which aimed at this alignment, and Parliament adopted the relevant reports in early 2014, for which József Szájer was also the rapporteur. However, the proposals were withdrawn by the new Commission following the European elections in view of the forthcoming renegotiation of the inter-institutional agreement on better law-making (IIA). Following the entry into force of the new IIA in April 2016 and the obligations stemming therefrom, the Commission presented two new proposals for alignment in December 2016, one focusing on legislative files in the justice area and the other on the remaining policy areas.

At this meeting, the rapporteur will present a working document outlining how he intends to work with the large number of committees that requested to issue an opinion.

Procedures: [2016/0399\(COD\)](#) & [2016/0400\(COD\)](#)

Rapporteur: József Szájer

Administrator: Andrea Scrimali

Opinion-giving committees: ECON, EMPL, ENVI, ITRE, IMCO, TRAN, AGRI, FEMM

Preliminary Timetable

Exchange of views: 23.03.2017, 20.06.2017

Mutual recognition of freezing and confiscation orders

According to latest research data, illicit markets in the European Union generate about 110 billion EUR, namely approximately 1% of the EU's GDP in 2010. Taking away the profit of criminal activity and making sure that "crime does not pay" is therefore a very effective mechanism to combat crime. Seizing assets generated by criminal activities aims at preventing and combating crime, including organised crime, compensating victims and provides additional funds to invest back into law enforcement activities or other crime prevention initiatives.

However, and although existing statistics are limited, the amount of money currently being recovered from proceeds of crime within the EU is only a small proportion: 98.9% of estimated criminal profits are not confiscated and remain at the disposal of criminals. A functioning asset recovery regime is a precondition if more criminal assets are to be seized. This includes an efficient mutual recognition framework for freezing and confiscation orders.

At this meeting, the rapporteur for opinion, Pavel Svoboda, will lead a first exchange of views on this file.

Procedure: [2016/0412\(COD\)](#)

Basic doc: [COM\(2016\)819](#)

Rapporteur for opinion: Pavel Svoboda

Administrator: Zampia Vernadaki

Preliminary timetable

Exchange of views: 19.06.2017

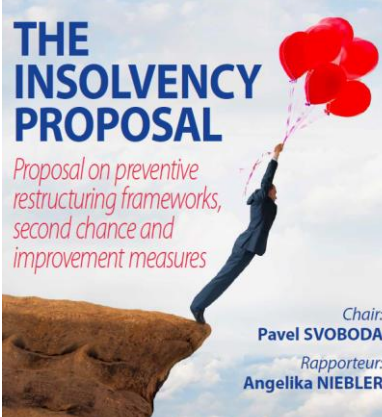
UPCOMING EVENTS

Hearing on The insolvency proposal

PUBLIC HEARING
COMMITTEE ON LEGAL AFFAIRS
Tuesday 20.06.2017 – 11:00-12:30
ALTIERO SPINELLI BUILDING – ROOM A3G-3
Webstreaming: <http://www.sungor.europa.eu/legis/committees/committee-411/>

THE INSOLVENCY PROPOSAL
Proposal on preventive restructuring frameworks, second chance and improvement measures

Chair: **Pavel SVOBODA**
Rapporteur: **Angelika NIEBLER**




On 17 May 2017 the Committee on Legal Affairs decided to seek authorisation for a public hearing in the context of the Commission proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU (2016/0359(COD)), commonly known as the "Insolvency proposal". On 12 June 2017 the Bureau granted the authorisation requested.

On 20 June 2017, from 11.00 to 12.30, the committee will hold a public hearing on the Insolvency Proposal. The aim of the hearing is that Members should acquire a more complete and detailed understanding of the impact that the proposal may have on the different stakeholders concerned: debtors, creditors, SMEs, workers, practitioners in the field, etc. with a view to its improvement. For this purpose, five expert speakers have been invited to present their views at the hearing: Ms Leticia GAYO, BBVA Spain, Head of Risk and Banking Business Legal Services; Mr Luc HENDRICKX, UEAPME, Responsible for Competitiveness of Enterprises, External Relations and Legal Affairs; Mr Peter SCHERRER, ETUC, Deputy Secretary General; Mr Axel BIERBACH, German insolvency practitioner, and Ms Valérie LELOUP-THOMAS,

French insolvency practitioner. The hearing will include a discussion with Members with the participation of Ms Aurélia PERDEREAU, administrateur judiciaire, and of the Commission.

WORKSHOP
COMMITTEE ON LEGAL AFFAIRS
POLICY DEPARTMENT ON CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS
Tuesday 20.06.2017 – 16:30-18:30
ALTIERO SPINELLI BUILDING (BRUSSELS) – ROOM 3G3

POTENTIAL AND CHALLENGES OF PRIVATE INTERNATIONAL LAW IN THE CURRENT MIGRATORY CONTEXT



Chair: **Pavel SVOBODA, MEP**

Workshop on Potential and challenges of private international law in the current migratory context

The Policy Department for Citizens Rights and Constitutional Affairs will organise a workshop on "Potential and challenges of private international law in the current migratory context" for the JURI Committee on 20 June 2017, from 16.30 to 18.30.

While private international law governs relations between persons coming from or living in different States, migration law regulates the flow of people between States. Rights related to migration often depend on private relations (marriage, parentage) or personal status (age); and global migration flows put traditional rules on applicable (foreign) law and jurisdiction under strain. The workshop aims to examine the ways in which these two fields of law interface and how to ensure a more coherent and efficient approach. It will in particular examine how traditional private international law solutions and tools can offer innovative ways to address issues of immigration law, ensuring better protection to those who most need it (in particular, children on the move) and easier coordination between different authorities across Europe.

PUBLIC HEARING
COMMITTEE ON LEGAL AFFAIRS (JURI)
COMMITTEE OF INQUIRY INTO MONEY LAUNDERING, TAX AVOIDANCE AND TAX EVASION (PANA)
Wednesday 21.06.2017 – 09:00-11:00
PAUL-HENRI SPAAK BUILDING (BRUSSELS) – ROOM 1A002

The EU-wide protection of whistleblowers



Chaired by **Pavel Svoboda (JURI)** and **Dr. Werner Langen (PANA)**

Hearing on whistleblowers

On 21 June 2017 at 9.00 to 11.00 the Committee on Legal Affairs will hold a hearing on the question of the EU-wide protection of whistle-blowers. The hearing will be held together with the Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion. the hearing the following speakers will make presentations: Vigjilencia Abazi, Assistant professor, Maastricht university will speak about current whistleblower rules in MS, followed by Cathy James, Chief executive, Public concerns at work, who will make a presentation regarding whistleblowing in practical life. The next speaker will be Frédérique Berrod, Professor, College of Europe, on the legal basis for a better protection at EU level. Rosita Hickey, Head of Strategic Inquiries, EU Ombudsman will talk about the outcome of the inquiry on the Rules on whistleblowing rules within the EU Institutions, and the final speaker will be Charlotte Grass, Head of Competition and Conformity, Group Vallourec on whistleblowing from an industry point of view. The ensuing discussion will be led by the JURI rapporteur Virginie Rozière (S&D).

PAST EVENTS

Hearing on Brexit, 30.5.2017



IN CAMERA**DISPUTES INVOLVING PARLIAMENT**

Case T-168/17, CBA Spielapparate- und Restaurantbetriebs GmbH v. Commission - action for annulment of the Commission's decision refusing access to documents - Validity of Article 4 of Regulation No 1049/2001 (access to documents) - Articles 42 and 47 of the Charter - Possible intervention of the European Parliament to defend the validity of a regulation



These proceedings call in question the validity of a provision of Regulation (EC) No 1049/2001.

This regulation sets out the principles, conditions and limits governing the right of access to European Parliament, Council and Commission documents provided for in Article 255 of the Treaty establishing the European Community (EC). It also aims to establish rules ensuring the exercise of this right and to promote good administrative practices on access to documents.

At this meeting, the committee will decide, bearing in mind the Guidelines for the application of Rule 141 of Parliament's Rules of Procedure, whether to recommend to the President, under Rule 141(4) that Parliament intervene in the proceedings before the General Court in defence of the validity of the abovementioned regulation.

Case C-152/17 Consorzio Italian Management and Catania Multiservizi SpA – Reference for a preliminary ruling – Public procurement – Interpretation and validity of Directive 2004/17/EC of the European Parliament and of the Council

Case C-152/17 concerns a reference for a preliminary ruling made by the Consiglio di Stato (Italy), which raises, inter alia, a question of validity of Directive 2004/17/EC of the European Parliament and of the Council.

Directive 2004/17 laid down harmonised rules on the award procedures of public procurement contracts in the so-called 'special sectors' (water, energy, transport and postal services), with a view to ensuring an effective opening up of such procurement contracts to competition. That directive has subsequently been repealed and replaced, as from 18 April 2016, by Directive 2014/25/EU of the European Parliament and of the Council. However, as is apparent from the order for reference, it is applicable *ratione temporis* to the facts of the present case.

At this meeting, the committee will decide, bearing in mind the Guidelines for the application of Rule 141 of Parliament's Rules of Procedure, whether to recommend to the President, under Rule 141(4) that Parliament submit observations before the Court of Justice in order to defend the validity of that Directive.

VERIFICATION OF CREDENTIALS

The President has announced to plenary that the competent national authorities have given notice of the appointment of the following as Member(s) of the European Parliament, with effect from the dates shown below:

- Mr Thierry CORNILLET (to replace Ms Sylvie GOULARD),), as from 18 May 2017
- Ms Patricia LALONDE (to replace Ms Marielle DE SARNEZ), as from 18 May 2017

Legal basis: Rule 3 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scrimali

Preliminary Timetable

Exchange of views: 19-20.06.2017

Adoption JURI: 19-20.06.2017

In accordance with Rule 3 of the Rules of Procedure, on the basis of a report by the JURI Committee, Parliament will verify the credentials without delay and rule on the validity of the mandate of each of its newly elected Members. Parliament will also rule on any dispute referred to it pursuant to the provisions of the Act of 20 September 1976, except those based on national electoral laws.

It is not possible to confirm the validity of the mandate of a Member unless the written declarations required on the basis of Article 7 of the Act of 20 September 1976 and Annex I to the Rules have been made. Until such time as a Member's credentials have been verified or a ruling has been given on any dispute, the Member will take his or her seat in Parliament and in its bodies and enjoy all the rights attaching thereto.

SUBSIDIARITY (RULE 42)



The following reasoned opinion received from national parliaments will be announced in the meeting:

Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast) - COM(2016)0861 -2016/0379(COD)

- the Romanian Chamber of Deputies
- the Romanian Senate

Proposal for a Directive of the European Parliament and of the Council on common rules for the internal market in electricity

(recast) - COM(2016)0864 -2016/0380(COD)

- the Austrian Federal Council (Bundesrat)

IMMUNITIES

Stanislav Polčák

EXCHANGE OF VIEWS

Type of procedure: defence

Procedure: 2017/2034(IMM)

Legal basis: RoP Rule 7

Notices to Members: 12/2017

Rapporteur: Jean-Marie Cavaida

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views:
20.06.2017

Marie-Christine Boutonnet

HEARING + CONSIDERATION OF A DRAFT REPORT + ADOPTION OF A DRAFT REPORT (tbc)

Type of procedure: Waiver

Procedure: 2017/2063(IMM)

Legal basis: RoP Rule 6

Notice to Members: 15/2017

Rapporteur: Heidi Hautala

Administrator: Robert Bray

Preliminary Timetable:

Hearing + Consideration of a draft
report + Adoption of a draft report
(TBC): 19-20.06.2017

Marine Le Pen

HEARING + CONSIDERATION OF A DRAFT REPORT + ADOPTION OF A DRAFT REPORT (tbc)

Type of procedure: waiver

Procedure: 2017/2062(IMM)

Legal basis: RoP Rule 6

Notices to Members: 14/2017

Rapporteur: Tadeusz Zwiefka

Administrator: Robert Bray

Preliminary Timetable:

Hearing + Consideration of a draft
report + Adoption of a draft report
(TBC): 19-20.06.2017

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