

JURI Report

At the meeting of 11-12 April 2017

The April 2017 meeting of the Committee on Legal Affairs will commence with an exchange of views on 3D printing. That will be followed by a joint JURI/ENVI hearing on the implementation of the Environmental Liability Directive. The day will conclude with in camera items.

The committee meeting on 12 April will start in camera again. Afterwards, there will be a consideration of the amendments tabled to the opinions on Online Platforms and the Digital Single Market and the Posting of Workers. It will be followed by a report back to the committee by the Chair on the working group on the Interinstitutional Agreement on Better Law-Making and by the rapporteur on the negotiations on the legislative proposals aiming at implementing in the Union the Marrakech Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. In the afternoon, there will be a joint JURI/LIBE Workshop on Judicial Training.

Public consultation on robotics



The aim of this consultation is to launch a broad based debate with a wide range of stakeholders on Parliament's report on civil law rules on robotics, drawn up by the Committee on Legal Affairs (rapporteur: Mady Delvaux (S&D, Luxembourg) - 2015/2103(INL)). This consultation seeks views on how to address the challenging ethical, economic, legal and social issues related to developments in the area of robotics and artificial intelligence (AI) for civil use, as identified in the report. The results of the consultation will also feed into the forthcoming 'Cost of Non-Europe on Robotics and Artificial Intelligence Report', to be drawn up by the European Parliamentary Research Service (EPRS).

Given that there may be more specific proposals by Parliament at a future date, this public consultation seeks views from a wide range of stakeholders on addressing the challenging economic, legal, social and ethical issues related to developments in the area of robotics and AI for civil use identified in the report. The questions aim at obtaining a better understanding of the possible risks and problems that these developments may pose to stakeholders, and of how these problems could be dealt with at European level. The consultation will help Parliament map the experiences of individuals, industries, consumers, civil society organisations and public administrations, and their expectations for an EU regulatory framework for robotics and AI.

The results of the consultation will help Parliament define potential next steps and future policies at EU level, including, if appropriate, possible revision of existing horizontal and/or sector-specific EU legislation, or the introduction of new legislation. This consultation does not prejudice any future decision on whether or not to propose legislation in this field, and any new initiative will be subject to a more in-depth consultation process and political validation.



The questionnaire is available here:

<http://www.europarl.europa.eu/committees/en/juri/public-consultation-robotics-introduction.html>

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NEXT MEETING

3-4 MAY 2017

JURI Website

EPRS

LATEST ANALYSES

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UPCOMING EVENTS

PUBLIC HEARING
COMMITTEE ON LEGAL AFFAIRS
COMMITTEE ON ENVIRONMENT, PUBLIC HEALTH
AND FOOD SAFETY

Tuesday 11.04.2017 – 15:30-17:00
ALTIERO SPINELLI BUILDING – ROOM 1G3
Webstreaming: <http://www.europarl.europa.eu/ep-live/en/committees/schedule?committee=JURI>

**THE IMPLEMENTATION OF
THE ENVIRONMENTAL
LIABILITY DIRECTIVE**



Rapporteurs:
Laura FERRARA and Benedek JÁVOR

Joint JURI/ENVI Hearing on the implementation of the Environmental Liability Directive

On 11 April 2017, the Committee on Legal Affairs and the Committee on the Environment, Public Health and Food Safety (ENVI) will hold a public hearing on the implementation of the Environmental Liability Directive (ELD).

The Environmental Liability Directive entered into force on 30 April 2004. The Member States had three years to transpose the Directive into domestic law. The transposition of ELD was completed 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 other relevant information. Owing to delays in reporting and evaluation and to changes at EU political level in 2014, the report was

only adopted in April 2016.

Against this background, the forthcoming hearing will bring together Members of the European Parliament and a number of experts, academics and interest representatives with a view to acquiring a complete and detailed understanding of the impact the Environmental Liability Directive, as transposed by Member States, has had on citizens, businesses and the environment and of any further actions that may be necessary to improve the Directive's effectiveness.

The hearing will take place at the European Parliament in Brussels, in room ASP 1G3, from 15.30 to 17.00.


For more detailed information, see:

<http://www.europarl.europa.eu/committees/en/juri/events-hearings.html?id=20170329CHE01261>

WORKSHOP
POLICY DEPARTMENT FOR CITIZENS' RIGHTS
AND CONSTITUTIONAL AFFAIRS
COMMITTEE ON LEGAL AFFAIRS
COMMITTEE ON CIVIL LIBERTIES, JUSTICE
AND HOME AFFAIRS

Wednesday 12.04.2017 – 15:00-16:30
JOZSEF ANTALL BUILDING – ROOM 2Q2

**THE TRAINING OF JUDGES
AND LEGAL PRACTITIONERS**



Pavel SVOBODA
Chair of the Committee on Legal Affairs
Claude MORAES
Chair of the Committee on Civil Liberties, Justice and Home Affairs

Joint JURI / LIBE Workshop: The training of judges and legal practitioners -ensuring the full application of EU law

On 12 April, the Policy Department for Citizens' Rights and Constitutional Affairs will organise a workshop on 'The training of judges and legal practitioners – ensuring the full application of EU law' for the JURI and LIBE Committees.

European judicial training is essential for judicial cooperation and for the coherent application of EU legislation, as well as for the promotion of mutual trust between legal practitioners across Europe. In its 2011 communication 'Building trust in EU-wide justice: a new dimension for European judicial training', the Commission set the objective of enabling half of all legal practitioners in the European Union to participate in European judicial training activities by 2020. The workshop will provide an opportunity to discuss, with experts, the current state of play of training of legal practitioners across Europe, as well as existing challenges and solutions thereto.

Location : Brussels, JAN 2Q2

For more detailed information:

<http://www.europarl.europa.eu/committees/en/juri/events-workshops.html?id=20170324WKS00462>

CONSIDERATION OF AMENDMENTS

Online Platforms and Digital Single Market



Digitalisation and new technologies, in particular the evolving use of internet and mobile devices, have changed the forms of communication and the behaviour of consumers and companies. In this context, the evolving development and use of internet platforms for a wide set of activities, including commercial activities and sharing goods and services, have changed the ways in which consumers and other users interact with content providers.

The Committee on the Internal Market and Consumer Protection (IMCO) and the Committee on Industry, Research and Energy (ITRE) are therefore jointly drawing up a non-legislative resolution on online platforms and the digital single market. JURI will give an opinion on this report, not least against the background of the copyright package, which it is currently considering.

The e-Commerce Directive exempts intermediaries from liability for content only if they play a neutral, merely technical and passive role in relation to the hosted content, and although many other pieces of EU legislation apply to online platforms, it is frequently the case that they are not enforced properly or have not been adapted to the online world. Online platforms therefore present new policy and regulatory challenges.

In an open letter to President Juncker in June 2016, Parliament's Intergroup on Cultural and Creative Industries stressed that despite the fact that more creative content is being consumed today than ever before, not least on user-uploaded content platforms, the creative sectors have not seen a comparable increase in revenues from this increase in consumption. The main reason for this was referred to in the letter as the transfer of value due to a lack of clarity regarding the status of online services under copyright and e-commerce law, not least the so-called 'safe harbour' provisions in the e-commerce directive which allow platforms to claim that they are passive and neutral hosting services which benefit from exemptions to copyright law. The Intergroup therefore called on the Commission to make clear in its Digital Single Market proposals, including the copyright package, that liability exemptions can only apply to genuinely neutral and passive online service providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.

Procedure: 2016/2276(INI)

Rapporteur: Constance LE GRIP

Administrator: Magnus Nordanskog

Lead committees: IMCO, ITRE

Preliminary Timetable

Consideration of amendments:
11-12.4.2017

Adoption in JURI: May 2017 (tbc)

In the IMCO/ITRE draft report, the Commission is urged to continue to promote the growth of European online platforms and strengthen their ability to compete globally, but the report goes on to stress the importance of removing obstacles that hamper the smooth operation of online platforms across borders and disrupt the functioning of the European digital internal market. On the question of intermediary liability, it is underlined that a clear-cut level playing field is needed in order to allow online platforms to comply with their responsibilities and the rules on liability. The liability rules for online platforms should therefore allow the tackling of issues related to illegal and harmful content in an efficient manner, for instance by respecting the duty of care, while maintaining a balanced and business-friendly approach.

In her draft opinion, the rapporteur for JURI, Constance Le Grip, starts out by noting that online platforms cover a wide range of actors involved in numerous economic activities and are therefore not subject to any clear and precise definition. The formulation of such a definition would therefore be the first step of a sectorial regulation process. She furthermore supports the need to increase the responsibility of platforms given the high public profile some have achieved and their importance in terms of economic and bargaining power. A regulatory framework is therefore needed that would guarantee loyalty and transparency towards business partners in relation to access to the service, appropriate and fair referencing, and the functioning of relevant application programming interfaces. Online platforms on which a large volume of works are stored and made available to the public should furthermore conclude licence agreements with relevant rightholders, and greater cooperation is needed between platforms and rightholders in order to fight counterfeiting online, especially through application of the 'follow the money' approach. In the view of the rapporteur, a regulatory framework based on a revised IPRED directive would be the appropriate means of ensuring a high level of cooperation from platforms.

A total of 81 amendments have been tabled by Members. At this meeting, the Committee will consider the amendments.

Posting of workers in the framework of the provision of services



The committee will consider the 111 amendments tabled to the draft opinion on the proposal for a revision of Directive 96/71/EC on the 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 nonetheless proposes certain amendments that seek to clarify elements of the proposal, the legality of which has 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 make less

radical changes to the directive than those proposed by the Commission.

The 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, i.e. workers who are employed in one Member State and are 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 its rapporteur for opinion.

Within the deadline laid down in Article 6 of Protocol No 2, fourteen chambers of national parliaments sent reasoned opinions to the Commission stating that the proposal does not comply with the principle of subsidiarity, thus triggering the so-called 'yellow card' procedure. However, the Commission decided to maintain the proposal, considering in its communication to the European Parliament, the Council and National Parliaments of 20 July 2016 that the proposal complies with the principle of subsidiarity, wherefore Parliament could proceed with the file.

Procedure: 2016/0070(COD)

Basic doc: COM(2016)0128

Rapporteur: Jean-Marie Cavada

Administrator: Kjell Sevón

Preliminary Timetable

Consideration of AMs:
12.04.2017

Adoption JURI: 30.05.2017

EXCHANGE OF VIEWS

Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability

Three-dimensional printing (3D printing) is considered an important component of the 'new industrial revolution.' The potential of 3D printing to transform production and services in Europe is considerable. It can induce more local production and customisation of manufacturing while also stimulating the worldwide commercialisation of creative designs. In the framework of European research funding, 3D printing has been identified as one of the technologies that will drive forward the development of future products and services. Under the last round of research funding, which ran from 2007 to 2013, the Union spent over EUR 160 million on over 60 research projects in 3D printing, and funding continues under Horizon 2020, the funding round that runs from 2014 to 2020.

However, 3D printing also raises challenges, related notably to civil liability and intellectual property rights. Who is responsible if a 3D printed product injures someone, or for defective products? The designer? The owner of the printer? The maker of the printer? What will the effects be on protected designs and on the trademark system? Will it affect the patent system and will there be implications on the copyright of computer programs? The Committee on Legal Affairs, as the committee responsible for civil liability and intellectual property rights, has been authorised to draw up an own-initiative report on 'Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability' and has appointed Joëlle Bergeron (France, ENF) as rapporteur.

Procedure: 2017/2007(INI)

Legal basis: Rule 52

Rapporteur: Joëlle Bergeron

Administrator: Kjell Sevón

Preliminary Timetable

Exchange of views:
11.04.2017

Presentation of draft:
12.07.2017

REPORT BACK

INTERPRETATION AND IMPLEMENTATION OF THE INTERINSTITUTIONAL AGREEMENT ON BETTER LAW-MAKING



On 13 April 2016 the European Parliament, the Council and the Commission signed a new interinstitutional agreement (IIA) on better law-making. The Committee on Legal Affairs and the Committee on Constitutional Affairs have, therefore, decided to create a joint Working Group (WG) on the interpretation and implementation of the IIA with a view to preparing an own-initiative report on the same topic. The rapporteurs on the latter are Pavel Svoboda, for JURI, and Richard Corbett, for the Committee on Constitutional Affairs.

On 10 May 2016, the WG held its constituent meeting, during which it also adopted its mission statement and an indicative

timetable, and held an exchange of views with the then Deputy Secretary-General, Francesca Ratti, who was at the time in charge of Parliament's Task Force on the implementation of the IIA.

On 7 June 2016, the WG held its second meeting. In particular, it discussed the possible arrangements to implement the IIA provisions on programming and verification of legal bases, and considered the changes to the Rules of Procedure which may be necessary following the entry into force of the IIA. These issues were discussed in the presence of Jerzy Buzek, Chair of the Conference of Committee Chairs, and Rainer Wieland, Chair of the AFCO Working Group 'Revisiting the Rules of Procedure', who also contributed to the exchange of views.

On 4 July 2016, the Members of the WG had the opportunity to join an extraordinary meeting of the Committee on Constitutional Affairs and to ask questions to First Vice-President Timmermans on the subject of better law-making. On the same day, the WG held its third meeting and, notably, an exchange of views with Elmar Brok, Chair of the Committee on Foreign Affairs, and Bernd Lange, Chair of the Committee on International Trade, on the improved practical arrangements for cooperation and information-sharing in relation to the negotiation and conclusion of international agreements referred to in paragraph 40 of the new IIA.

On 3 October 2016 the WG held its fourth meeting. It focused on the delineation criteria between delegated and implementing acts and held an exchange of views with the two EP negotiators, namely Mr Szájer and Mr Corbett, who both agreed on the importance of the concessions made to the Council in the new IIA with a view to encouraging it to accept delegated acts more easily.

On 24 November 2016 the WG held its fifth meeting. The members of the WG mainly discussed impact assessments and other tools for better law-making, and held an exchange of views with Angelika Niebler, rapporteur on guaranteeing independent impact assessments, and Wolfgang Hiller, Director of the Directorate for Impact Assessment and European Added Value of the European Parliament.

On 26 January 2017 the WG held its sixth meeting. Its members held an exchange of views with Markus Winkler, Deputy Secretary-General, who (having replaced Francesca Ratti) is currently in charge of Parliament's Task Force on the implementation of the IIA, including on transparency issues in the context of the legislative process. They also held an exchange of views on the experience of various committees with regard to the transparency and coordination of the legislative process within the framework of the IIA.

On 27 March 2017 the WG held its seventh meeting. Its members held an exchange of views on the topic of simplification, with Norbert Sagstetter, acting head of the unit 'Evaluation, Regulatory Fitness and Performance' in Directorate C of the Commission Secretariat-General, and Sylvia-Yvonne Kaufmann, rapporteur for JURI on the REFIT report.

At this meeting Pavel Svoboda, JURI's rapporteur on the IIA, will report back to the Committee on the latest developments.

Procedure: 2016/2018(INI)

Basic doc: Interinstitutional Agreement of 13 April 2016 on Better Law-Making

Legal basis: Rules 52 and 55 RoP

Rapporteur: Pavel Svoboda (JURI),
Richard Corbett (AFCO)

Administrator: Andrea Scimali (JURI),
Annemieke Beugelink (AFCO)

Opinion giving committee: INTA, ECON,
EMPL, ENVI, PETI

Marrakesh Treaty



At this meeting, Max Andersson, the rapporteur for the two reports on the legislative proposals aiming at implementing in the Union the Marrakech Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (the Marrakech Treaty), will report back to committee on the outcome of the first trilogue.

The Committee on Legal Affairs adopted the two legislative reports on 23 March 2017 and adopted a mandate to enter into inter-institutional negotiations on the same day.

The proposals for a directive and for a regulation intend to improve the availability and cross-border exchange of books and other print material in formats that are accessible to the blind. They are part of

the copyright reform proposed by the Commission on 14 September 2016. The proposal for a directive aims at facilitating the use of certain copyright protected content, without the authorisation of the rightholder, providing for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. The proposal for a regulation contains provisions on the export and import of accessible format copies.

SUBSIDIARITY (RULE 42)



- Seanad Éireann

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 - COM(2016)0815 -2016/0397(COD)

- the French Senate

Proposal for a Directive of the European Parliament and of the Council on the enforcement of the Directive 2006/123/EC on services in the internal market, laying down a notification procedure for authorisation schemes and requirements related to services, and amending Directive 2006/123/EC and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System - COM(2016)0821 -2016/0398(COD)

- the French National Assembly

Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures - COM(2016)0854 -2016/0364(COD)

- the Swedish Parliament (Riksdag)

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

Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries - COM(2016)0687-2016/0339(CNS)

- the Swedish Parliament

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 - COM(2016)0723-2016/0359(COD)

- Dáil Éireann

IN CAMERA**DISPUTES INVOLVING PARLIAMENT**

Joined Cases C-77/17 X and C-78/17 X - References for preliminary rulings - Validity of Article 14(4) and (5) of Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted - Rejection of a request for asylum - Compatibility of European asylum law with its obligations under the 1951 Geneva Convention- Possible submission of observations by the European Parliament in defence of the validity

These cases concern a reference for a preliminary ruling issued by the 'Conseil du contentieux des étrangers' (Belgium) on the validity of Article 14(4) and (5) of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (hereinafter 'Directive 2011/95/EU').

In both cases, the references arise from a dispute respectively between X., a national of Côte d'Ivoire and X., a national of Congo and the Belgian 'Commissaire général' for refugees and stateless persons.

In order to be able to rule in the case, the 'Conseil du contentieux des étrangers' decided to refer six questions to the Court of Justice.

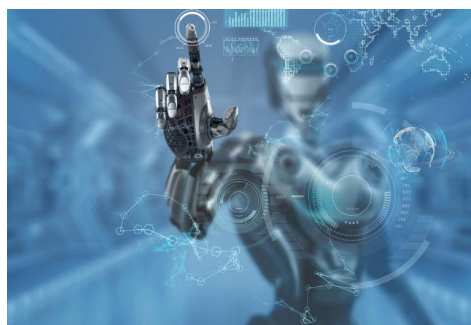
By its second and fourth questions to the Court of Justice, the referring Court calls in question the validity of Directive 2011/95/EU, of which Parliament is co-author together with the Council.

At this meeting, the JURI Committee, in accordance with usual practice and having regard to the Guidelines of the Committee on Legal Affairs for the application of Rule 141 of the Rules of Procedure, will decide whether to recommend that Parliament submit observations before the Court of Justice in order to defend the validity of that directive.

Case T-167/17, RV v Commission: Objection of illegality of Regulation 1023/2013 amending the Staff Regulations - Possible intervention of the European Parliament

In Case T-167/17, the applicant lodged an objection of illegality in relation to a provision introduced in the Staff Regulations by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union. The applicant contests the legality of Article 42c of the Staff Regulations.

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.



Robotics and artificial intelligence - Infotool

Following the adoption of the report drawn up by Mady Delvaux including recommendations to the Commission on civil law rules on Robotics (2015/2103(INL)), we would draw readers' attention to the following fascinating and informative tool:

[Future trends in robotics \(STOA study\): an animated infographic on emerging ethical challenges and dilemmas:](#)

It will work on your PC, your tablet or your iPhone.

IMMUNITIES

António Marinho e Pinto

CONSIDERATION OF DRAFT REPORT + ADOPTION (TBC)

Type of procedure: waiver

Procedure: 2016/2294 (IMM)

Legal basis: RoP Rule 6

Notices to Members: 38/2016, 1/2017

Rapporteur: Gilles Lebreton

Administrator: Andrea Scrimali

Preliminary Timetable:

Consideration of draft report: 11.04.2017

Adoption (tbc): 11.04.2017

Marine Le Pen

EXCHANGE OF VIEWS

Type of procedure: waiver

Procedure: 2017/2021(IMM)

Legal basis: RoP Rule 6

Notices to Members: 07/2017

Rapporteur: Angel Dzhambazki

Administrator: Kjell Sevón

Preliminary Timetable:

Exchange of views: 11.04.2017

Jean-Marie Le Pen

EXCHANGE OF VIEWS

Type of procedure: waiver

Procedure: 2017/2020(IMM)

Legal basis: RoP Rule 6

Notices to Members: 10/2017

Rapporteur: Evelyn Regner

Administrator: Magnus Nordanskog

Preliminary Timetable:

Exchange of views: 11.04.2017

Mylène Troszczynski

EXCHANGE OF VIEWS + HEARING

Type of procedure: waiver

Procedure: 2017/2019 (IMM)

Legal basis: RoP Rule 6

Notices to Members: 6/2017

Rapporteur: Tadeusz Zwiefka

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views: 11.04.2017

Hearing: 11.04.2017

Stanislav Polčák

EXCHANGE OF VIEWS

Type of procedure: waiver

Procedure: 2017/2034(IMM)

Legal basis: RoP Rule 6

Notices to Members: 12/2017

Rapporteur: Jean-Marie Cavada

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views: 11.04.2017

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