

# JURI Report

**At the meeting of 28 February 2017**

The February meeting of the Committee on Legal Affairs will be short but intense. The meeting will start with the presentation of Pavel Svoboda's two draft reports on the HNS Convention (on the carriage of hazardous and noxious substances by sea). Jean-Marie Cavada will report back to the committee on the progress of interinstitutional negotiations on the cross-border portability of online content services. Emil Radev will present his draft report on common minimum standards of civil procedures, and Kostas Chrysogonos will present his draft report on monitoring the application of EU law in 2015.

Joëlle Bergeron will lead a debate on the amendments tabled to her draft legislative initiative report on the protection of vulnerable adults. Pavel Svoboda will be heading an exchange of views on cross-border restitution claims concerning works of art and cultural goods looted in armed conflicts and wars.

As for the votes, these will concern Kostas Chrysogonos's opinion on the enforcement of consumer protection laws, Pavel Svoboda's opinion on the eGovernment Action Plan for 2016-2020, and Gilles Lebreton's opinion on protection against dumped and subsidised imports. The meeting will conclude with an in camera session on credentials, disputes and immunities.

## ROBOTICS WORLD

### 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

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NEXT MEETING

22-23 MARCH 2017

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[The European Law Institute/UNIDROIT -Civil Procedure Projects as a Soft Law - Tool to Resolve Conflicts of Law](#)

[Public International Law Perspectives on the Prosecution of Daesh Crimes Against Women And Girls](#)

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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>**



### 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.

## UPCOMING EVENT

### Second Annual Plenary of the European Justice Stakeholder Forum

Following the successful launch of the European Justice Stakeholder Forum (EJSF) last February, at a high-level round



table event at the European Economic and Social Committee (EESC), co-hosted by the JURI chair Pavel Svoboda and EESC member Arno Metzler, this year's annual EJSF plenary will take place on Monday, 24 April 2017 from 10 a.m. to 3 p.m., on the premises of the EESC.

The general theme of this year's round table event will be: 'Access to effective justice for EU citizens'. The discussions will focus on three specific topics: i) digitalisation and access to justice: challenges and opportunities; ii) rethinking EU citizenship in the wake of Brexit - challenges for free movement of UK/EU citizens; and iii) the UNGPs on business

and human rights for EU lawyers, citizens and business. Among the distinguished speakers taking part will be Therese Comodini Cachia, MEP, and Diana Wallis, President of the European Law Institute (ELI).

The EJSF is a high-level forum for engagement between legal practitioners – as those working closest to the citizens – and EU law and justice policymakers on major challenges facing the justice sector, the legal profession and the rule of law in Europe and globally.

For further information on this plenary, please contact the JURI Secretariat at: [juri-secretariat@europarl.europa.eu](mailto:juri-secretariat@europarl.europa.eu)

## VOTES

### Protection against dumped and subsidised imports from countries not members of the EU



At this meeting, the committee will vote on the draft opinion by Gilles Lebreton and the amendments tabled thereto.

The Commission proposal covers targeted amendments to Regulation (EU) 2016/1036 on protection against dumped imports from countries that are not members of the European Union (the Basic Anti-Dumping Regulation) and to Regulation (EU) 2016/1037 on protection against

subsidised imports from countries that are not members of the European Union (the Basic Anti-Subsidy Regulation).

These amendments relate to Section 15(a)(ii) of the WTO Accession Protocol for China, which concerns 'price comparability in determining subsidies and dumping' and which expired in December 2016. China argues that its WTO accession documents foresee an automatic acquisition of MES (Market economy status) after 11 December 2016, while for many other WTO members the text in question is subject to interpretation.

**Procedure:** [2016/0351\(COD\)](#)

**Basic doc:** [COM\(2016\)0721](#)

**Rapporteur:** Gilles Lebreton

**Administrator:** Valeria Ghilardi

**Lead committee:** INTA

**Preliminary Timetable**

**Deadline for amendments:**

06.02.2017

Adoption JURI: 28.02.2017

### Cooperation between national authorities responsible for the enforcement of consumer protection laws (Text with EEA relevance)



At this meeting, the Committee on Legal Affairs will vote on Kostas Chrysogonos' draft opinion on the proposal for a regulation on cooperation between national authorities responsible for the enforcement of consumer protection laws.

The proposal aims to replace the current regulation on consumer protection cooperation (CPC regulation), which harmonises the cooperation framework

between national authorities in the EU, ensuring coherent enforcement of key EU consumer legislation. The intention is to modernise and improve the existing framework, updating the definitions, clarifying the role of single liaison offices, giving competent authorities powers including the following: to make test purchases and carry out 'mystery shopping', block websites, impose penalties, and safeguard consumer compensation in a cross-border context. One of the central provisions establishes a new instrument to address widespread infringements with an EU dimension that are likely to harm consumers in large parts of the EU: the Commission would play a central role here. The proposal would also replace the current system of alerts with a new surveillance mechanism permitting wider exchange of information.

JURI's 177 amendments include a number tending to reinforce the notion of full respect for the Charter of Fundamental Rights of the European Union, especially with regard to the right to privacy and data protection. Other amendments aim to boost the role of consumer organisations in the proposed system. Varying views are expressed regarding the definition of 'widespread infringement with a Union dimension', and, especially, the threshold. There are also amendments aimed at securing a more comprehensive list of legislation to be covered in the cooperation framework.

**Procedure:** [2016/0148 \(COD\)](#)

**Basic doc:** [COM\(2016\)283](#)

**Legal basis:** Article 114 TFEU

**Lead Committee:** IMCO

**Rapporteur for opinion:** Kostas Chrysogonos

**Administrator in JURI:** Carine Piaguet

**Preliminary timetable**

**Consideration draft**

**opinion:** 30-31.01.2017

**Deadline for amend:**

02.02.2017

**Adoption in JURI:** 28.02.2017

**Adoption in IMCO:** 20-

21.03.2017



## EU eGovernment Action Plan 2016-2020

**Procedure:** 2016/2273(INI)  
**Basic doc:** COM(2016)0179  
**Legal basis:** Rule 52 RoP  
**Rapporteur:** Pavel Svoboda  
**Administrator:** Alexander Keys  
**Main committee:** IMCO (Sabine Verheyen)  
**Committees for opinion:** JURI (associated), ITRE (associated)  
**Preliminary Timetable**  
**JURI Vote:** 28.02.2017

At this meeting, the committee will vote on Pavel Svoboda's draft opinion on the EU eGovernment Action Plan 2016-2020. 39 amendments have been tabled to it.

The Committee on Legal Affairs is an associated committee for this procedure, in view of the importance of the justice and company law aspects of the action plan.

In particular, the action plan provides for improvements to the EU e-Justice Portal, including the e-CODEX system for direct communication between citizens and courts in all Member States. Another major aspect of the plan concerns the increased use of digital tools for company law-related formalities throughout the life cycle of companies, including by the interconnection of electronic business and insolvency registers across the Union.

## CONSIDERATION OF AMENDMENTS

### Protection of vulnerable adults



purchase property or make other investments.

There is, however, no uniform legal framework within the European Union enabling vulnerable adults to enjoy proper protection in cross-border situations. This may hinder such adults in exercising their freedom of movement and make it harder to protect their property. Filling this legal gap would enable vulnerable adults to benefit fully from the EU's principles of free movement and residence instead of facing potential difficulties in the protection of their personal affairs and property.

At the meeting, the committee will consider the amendments tabled to the draft report.

The legal protection of vulnerable adults, i.e. persons of legal age who are temporarily or permanently unable to manage their personal affairs and/or their property, is important for all citizens, since everyone could at some point in their life be affected by such a situation. Old age, illness or disability can make any citizen a vulnerable person. In particular, longer life expectancy has led to an ageing population, especially in Europe, which will, in turn, mean an increase in the number of persons potentially affected by vulnerability.

What is more, the free movement of persons – one of the legal foundations of the European Union – and the increasing mobility of citizens, along with the numerous cross-border situations, make the protection of vulnerable adults a major challenge at European level. For example, it is more and more common for pensioners to decide to retire to a different Member State, where they may

**Procedure:** 2015/2085(INL)  
**Legal basis:** Article 225 TFEU  
**Rapporteur:** Joëlle Bergeron  
**Administrator:** Francisco Ruiz-Risueño  
**Preliminary Timetable**  
**Consideration of amend:** 28.02.2017  
**Adoption JURI:** 22-23.03.2017



## CONSIDERATION OF DRAFT REPORT

**Ratification and accession by Member States on behalf of the Union to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea with the exception of aspects related to judicial cooperation in civil matters**

The 2010 International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (the '2010 HNS Convention') is an important piece of the international maritime liability regime, in particular as the carriage by sea of HNS, including liquefied natural gas (LNG) and liquefied petroleum gas (LPG), is a booming trade representing a significant share of the maritime transport sector.

The 2010 HNS Convention applies to claims for damage arising from the carriage of HNS by sea, except for claims arising under a contract for the carriage of goods or passengers, and establishes strict liability of the owner of a ship carrying HNS for any damage resulting from an incident in connection with the carriage of HNS by sea on board that ship. Strict liability is coupled with the obligation of owners to take out insurance or other financial security to cover their liability for damage under the Convention.

The biggest contribution of this Convention to the international regime covering liability and compensation for accidents caused by shipping activities and, in particular, by HNS trade by sea, is the establishment of a specialised compensation fund. This, the HNS Fund, aims at paying compensation to any person suffering damage in connection with the carriage of HNS by sea to the extent that such person has been unable to obtain full and adequate compensation for the damage from the shipowner and their insurer. The 2010 HNS Convention also contains rules on the jurisdiction of courts of States Parties over claims made by persons suffering damage covered by the Convention against the owner or its insurer, or against the HNS Fund. The recognition and enforcement of judgments by courts in States Parties is also covered by the Convention.

In the absence of a REIO (Regional Economic Integration Organisation) clause in the text of the Convention or the Protocol, Member States should conclude this international agreement on behalf of the Union. They can only do this, on behalf of the Union, following the authorisation of the Council and the consent of the European Parliament on a proposal by the Commission, in accordance with Article 218(6)(a) TFEU. The Council decided on 10 December 2015 to request Parliament to give its consent (draft Council decisions 13806/15 and 14112/15).

Parliament adopted two interim resolutions on the draft Council decisions pursuant to Rule 99(3) of the Rules of Procedure (now Rule 99(5) RoP), containing recommendations for modification or implementation of the envisaged international agreement on 8 June 2016. The resolutions called on the Council and the Commission to consider carefully the legal basis of the draft decisions, the scope and type of obligation imposed on Member States as regards ratifying or acceding to the HNS Convention, and to ensure that the uniformity, integrity and effectiveness of common EU rules is not adversely affected in view of the overlap between the HNS Convention, on the one hand, and the Environmental Liability Directive and the recast Brussels I Regulation, on the other.

Although the Commission welcomed the adoption by Parliament of this resolution and confirmed that it would have been ready to accept a compromise solution, the Council took note of Parliament's resolution in the Shipping Working Party at its meeting of 15 July 2016, and found that there was no scope to reopen the discussion on the text of the draft Council Decision, since it fell under the consent procedure rather than the codecision procedure.

Pavel Svoboda, JURI chair and rapporteur on the matter for the committee, will present his draft recommendations at this meeting.

**Procedure:** 2015/0135(NLE); 2015/0136(NLE)

**Basic Doc:** 13806/15; 14112/15; COM(2015)0305; COM(2015)0304

**Legal basis:** Rule 99 RoP and Rule 108(7) RoP/ Article 218(6), second subparagraph, points (a)(v) and Article 100(2) TFEU; Rule 99 RoP and Rule 108(7) RoP/ Article 218(6), second subparagraph, points (a)(v) and Article 81

**Rapporteur:** Pavel Svoboda

**Administrator:** Zampia Vernadaki

**Preliminary Timetable**

**Consideration of draft interim reports:** 21.04.2016

**Deadline for AMs:** 27.04.2016

## Common minimum standards of civil procedures

Civil procedure provides the means for the enforcement of substantive rights and duties of legal subjects in legal proceedings. As such, it is inextricably linked with the fundamental right to a fair trial and effective remedy guaranteed under the Charter of Fundamental Rights of the European Union (Article 47 CFREU) and the European Convention on Human Rights (Article 6 ECHR).

The Treaty of Amsterdam confirmed the EU's competence in the area of civil procedure, and this competence was further expanded by the Treaty of Lisbon. The EU now has a certain number of common minimum standards in the area of criminal procedure. However, European citizens, especially those who move across borders, are now far more likely to come into contact with the civil procedure of another Member State. As part of the move towards a European Area of Justice based on mutual trust, common standards of civil procedure now seem indispensable.

Minimum standards do not substitute national procedural systems in their entirety, but allow for more protective and effective national procedural rules. More importantly, minimum procedural standards at EU level could contribute to the modernisation of national proceedings, to a level playing field for businesses, and to increased economic growth via effective and efficient judicial systems, while facilitating citizens' access to justice in the EU.

In the Action Plan implementing the Stockholm Programme, the Commission announced a green paper on minimum standards for civil procedure for 2013. What is more, in May 2014 a joint project for the preparation of 'Transnational Principles of Civil Procedure for Europe' was launched by the European Law Institute, in collaboration with the International Institute for the Unification of Private Law (UNIDROIT).

In this meeting, the rapporteur, Emil Radev, will present his draft report on 'Common minimum standards of civil procedure'. After two years of preparation and consultation with experts and stakeholders, the rapporteur requests, pursuant to Article 225 TFEU, that the Commission submit by 30 June 2018, on the basis of Article 81(2) TFEU, a proposal for a directive setting minimum rules on, inter alia, effective judicial protection, oral hearings, provisional and protective measures, case management, court experts, funding of proceedings and judicial training.

**Procedure:** [2015/2084\(INL\)](#)

**Legal basis:** Rule 46 RoP / Article 225 TFEU

**Rapporteur:** Emil Radev

**Administrator:** Zampia Vernadaki

**Preliminary Timetable**

**Presentation of working document:** 17.02.2016

**Consideration of draft report:** 28.02.2017

**Deadline for AMs:** 24.03.2017

## Monitoring the application of EU law 2015

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. The committee decided to include in the scope of the present report 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 actions the Commission will take to help the Member States and the public ensure that EU law is applied effectively".

In his draft report, the rapporteur recalls that effective application of EU law 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. 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 complies with EU law. For this purpose, Articles 258 and 260 TFEU empower the Commission to bring actions, if necessary, against a member State 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 in ensuring that the legislation it adopts becomes reality in the Member States.

**Procedure:** [2017/2011\(INI\)](#)

**Basic doc:** [COM\(2016\)0463](#)

**Legal basis:** Rule 52

**Rapporteur:** Kostas Chrysogonos

**Administrator:** Kjell Sevón

**Preliminary Timetable**

**Presentation of draft:** 28.02.2017

**Deadline for amendments:** 08.03.2017

**Consideration of AMs:** 22.03.2017

**Adoption JURI:** 12.04.2017

## EXCHANGE OF VIEWS

### EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence



The Council of Europe Convention on preventing and combating violence against women and domestic violence was opened for signature in May 2011. This convention creates a comprehensive legal framework for protecting women and girls against all forms of violence and for preventing, prosecuting and eliminating violence against them, including domestic violence.

In March 2016, the Commission presented a proposal for a Council decision on the conclusion by the European Union of this convention, to which Parliament would have to give

its consent. The joint lead committees in Parliament on the dossier are the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Women's Rights and Gender Equality (FEMM), which will adopt a joint report and draw up an interim report.

A first exchange of views on this dossier was held in JURI at the meeting of 26 September 2016.

Following oral questions to the Council and the Commission on the Istanbul Convention, Parliament adopted a resolution on 24 November 2016 on the EU's accession to the Convention, in which it calls for the negotiations on the signature and conclusion of the Convention to be speeded up and for Parliament to be fully engaged in the Convention's monitoring process as provided for in Article 218 TFEU.

At this meeting, the Committee will hold a second exchange of views on the ensuing procedure in JURI, with a view to delivering an opinion to LIBE and FEMM.

**Procedure:** 2016/0062(NLE)

**Basic doc:** COM(2016)0109

**Legal basis:** Art. 82(2) and 218 TFEU

**Rapporteur:** Jiří Maštálka

**Administrator:** Magnus Nordanskog

**Lead Committee:** LIBE/FEMM

**Preliminary Timetable**

**Exchange of views:**

26.9.2016, 28.2.2017

**Vote in JURI:** April 2017 (tbc)

**Adoption LIBE/FEMM:** June 2017

### Cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars

Restitution of art looted during past and present armed conflicts poses many challenges from a legal and a moral perspective. Back in 2002, the European Parliament decided to deal with the issue of looted art by means of a resolution on a legal framework for free movement within the internal market of goods whose ownership is likely to be contested (2002/2114(INI)). Parliament focused then on the outstanding difficulties faced by private claimants to recover works of art and cultural goods of which they had been unlawfully dispossessed during the Second World War, and called on the Commission to undertake a study by the end of 2004 of different aspects related to the topic of artworks and cultural goods looted in armed conflicts. Such a study was never carried out. Given that the difficulties existing at that time remain partially unresolved and that there is a risk that new and ongoing armed conflicts might give rise to similar difficulties, the Committee on Legal Affairs has decided to draw up an own-initiative legislative report on the subject. The Committee on Culture and Education requested to be associated to the report under Rule 54 RoP. The Chairs of both committees reached an agreement with regard to the distribution of competences. The CULT Committee will be responsible exclusively for the part concerning provenance research, whereas the civil and procedural law aspects of the file will be dealt with by the JURI Committee. At this meeting, Members will have a first exchange of views on the subject.

**Procedure:** 2017/2023(INL)

**Rapporteur:** Pavel Svoboda

**Administrator:** Francisco Ruiz-Risueño

**Opinion-giving committee:** CULT

**Preliminary Timetable**

**Exchange of views:**

28.02.2017

**Draft report:** 11-12.04.2017

**Deadline for amendments:** 17.05.2017

**Consideration of amendments:** 19-20.06.2017

**Adoption JURI:** 12-13.07.2017



## The implementation of the Treaty provisions concerning national Parliaments

The committee will have an exchange of views on the implementation of the provisions in the EU Treaties which concern the role of national parliaments in the institutional structure and functioning of the European Union. The Lisbon Treaty introduced new specific elements in the constitutional framework of the Union related to national Parliaments, in particular the checks of subsidiarity and proportionality. However, the role of national Parliaments is also affected by other changes, notably in the division of competence, as seen, for instance, in the context of disputes over the competence to ratify international agreements.

The Committee on Constitutional affairs has been authorised to draw up an own-initiative implementation report on “The implementation of the treaty provisions concerning national parliaments”. The Committee on Legal Affairs, which is the committee responsible for monitoring the respect for the principles of subsidiarity and proportionality and for the application of Union law, has decided to draw up an opinion to the report and appointed Gilles Lebreton as rapporteur for the opinion.

**Procedure:** 2016/2149(INI)

**Basic doc:** COM(2016)0471

**Legal basis:** Rule 52

**Rapporteur:** Gilles Lebreton

**Administrator:** Kjell Sevón

**Preliminary Timetable**

**Exchange of views:** 28.02.2017

**Presentation of draft:** 22-23.03.2017

**Deadline for amend:** 30.03.2017

**Consideration of AMs:** 12.04.2017

**Adoption JURI:** 04.05.2017

**Adoption AFCO:** 20.06.2017

## Proposal for a directive on the country-by-country reporting



On 12 April 2016, the Commission submitted a long-awaited proposal for a Directive amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches, generally known as ‘the country-by-country reporting’ proposal.

According to the proposal, enhanced public scrutiny of corporate income taxes due by multinational undertakings carrying out activities in the Union is an essential element to

further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate, and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established. Consequently, under this proposal, multinationals with an annual net turnover exceeding certain amount will be required to publish on annual basis a report on income tax information.

The Committee on Legal Affairs (JURI) and the Committee on Economic and Monetary Affairs (ECON) have been associated under Rule 55 and will therefore be dealing with this proposal jointly. The file will be dealt with under the ordinary legislative procedure as required by Article 50 TFEU, which constitutes the legal basis of the proposal. At this meeting, the draft report of the rapporteurs will be considered by the joint committee.

**Procedure:** 2016/0107(COD)

**Basic doc:** COM(2016)198

**Legal basis:** Article 50 TFEU

**Rapporteur:** Evelyn Regner (JURI); Hugues Bayet (ECON)

**Administrator:** Francisco Ruiz-Risueno (JURI); Benoit Wets (ECON)

**Preliminary Timetable**

**Draft Report:** 27.02.2017

**Deadline for amendments:** 15.03.2017, 17:00

**Consideration of amendments:** 03.05.2017

**Adoption ECON-JURI:** 29-30.05.2017



## REPORT BACK TO COMMITTEE

### Cross-border portability of online content services in the internal market



On 7 February 2017, an agreement was reached on a first-reading compromise on the proposal for a regulation on cross border portability of online content services in the internal market. The agreed rules will allow EU citizens with subscriptions for online music, games, films and TV shows to access this content while staying temporarily in another EU country. The agreement will benefit all EU citizens but also service providers, right holders and creators, and this signifies very important progress in the context of the Single Market, according to the rapporteur, Jean-Marie Cavada.

Today, consumers visiting another EU country often cannot access and use online content services that they have subscribed to in their home country, because their cross-border portability is restricted by territorial and exclusive licensing practices. The new rules will remove these restrictions for all new subscriptions and also for those purchased before the rules enter into force, thus enabling EU citizens to access this online content while temporarily abroad in another EU country on holiday, for studies or for business. However, they will apply only to online fee-based services. Free-of-charge services will not be subject to the rules, but their providers will have the option of making them portable EU wide.

The agreed regulation will allow online content service providers to take “reasonable, proportionate and effective measures” to verify the EU country of residence of the subscriber. A closed list of permitted verification methods includes checks on electronic identification, payment details, public tax information, postal address details or IP address checks. Service providers will be required to inform customers of the verification methods used and take appropriate security measures to protect their data.

Whereas the Committee on Legal Affairs was the lead committee on this file in Parliament, the Committee on the Internal Market and Consumer Protection and the Committee on Culture and Education were closely associated with the work. The Committee on Industry, Research and Energy also gave its opinion.

A public hearing was held on portability on 20 April 2016, where Members heard the Commission as well as external experts on the technical perspective of portability and the perspectives of consumers, authors, producers and content providers. The committee then held an exchange of views on 24 May 2016, and the rapporteur presented his draft report on 11 July 2016. The 246 amendments tabled to the report were considered on 12 October 2016 and the report was then adopted on 8 November 2016.

Negotiations with the Council and the Commission for a first-reading compromise started with technical meetings and a trilogue under the Slovak presidency. A compromise text was then presented by the Maltese presidency, which formed the basis for the continued technical meetings during the month of January 2017. At the second trilogue on 7 February 2017, an agreement in principle was reached.

The text was agreed in Coreper at the meeting on 15 February 2017. The vote on the text in JURI is foreseen for 23 March in view of adoption by Parliament in plenary at the May part-session, following which the text would be adopted by the Council. The regulation would then enter into force and apply as from Spring 2018.

At this meeting, the rapporteur, Mr Jean-Marie Cavada, will report back on the outcome of the negotiations.

**Procedure:** [2015/0284\(COD\)](#)

**Basic doc:** [COM\(2015\)0627](#)

**Rapporteur:** Jean-Marie Cavada

**Administrator:** Magnus Nordanskog

**Preliminary Timetable**

**Report back to committee:** 28.02.2017

## PAST EVENTS

### Hearing on Marrakesh Treaty



## SUBSIDIARITY (RULE 42)



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

Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast) - COM(2016)0590-2016/0288(COD)

- the Swedish Parliament

Proposal for a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications - COM(2016)0591-2016/0286(COD)

- the French Senate

Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) - COM(2016)0683-2016/0336(CNS)

- the Senate of the Kingdom of the Netherlands
- the Netherlands House of Representatives
- the Luxembourg Chamber of Representatives
- the Maltese Parliament
- Dáil Éireann
- Seanad Éireann

Proposal for a Council Directive on a Common Corporate Tax Base - COM(2016)0685-2016/0337(CNS)

- Dáil Éireann
- Seanad Éireann
- the Maltese Parliament
- the Luxembourg Chamber of Representatives
- the Netherlands House of Representatives
- the Senate of the Kingdom of the Netherlands

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

- the Senate of the Kingdom of the Netherlands
- the Netherlands House of Representatives

Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings - COM(2016)0765-2016/0381(COD)

- the Senate of the Kingdom of the Netherlands
- the House of Representatives of the Kingdom of the Netherlands



**IN CAMERA****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 José Ignacio SALAFRANCA SÁNCHEZ-NEYRA (to replace Mr Pablo ZALBA BIDEGAIN), as from 3 January 2017
- Mr Peter KOUROUMBASHEV (to replace Mrs Iliana IOTOVA), as from 17 January 2017.



**Legal basis:** Rule 3 RoP

**Rapporteur:** Pavel Svoboda

**Administrator:** Magnus Nordanskog

**Preliminary Timetable**

**Exchange of views:** 28.02.2017

**Adoption JURI:** 28.02.2017

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.

**Term of office**

The following Member notified the President of his intention to resign his seat as Member of the European Parliament, with effect from the date shown below:

- Mr Martin SCHULZ, as from 11 January 2017.

Pursuant Rule 4 of the Rules of procedure, the Committee on Legal Affairs has to determine whether this resignation is in accordance with the Act of 20 September 1976. Since no meeting of the Committee was held before the next part-session following the notification, the Chair examined as rapporteur the resignation and verified that it was in accordance with the Act of 20 September 1976 and informed the President accordingly, in accordance with Rule 4(3).

**Legal basis:** Rule 4 RoP

**Rapporteur:** Pavel Svoboda

**Administrator:** Magnus Nordanskog

**Preliminary Timetable**

**Exchange of views:** 28.02.2017

**Adoption JURI:** 28.02.2017

**IMMUNITIES****Marine Le Pen****CONSIDERATION OF A DRAFT REPORT+ VOTE (possibly)****Type of procedure:**

Waiver of immunity

**Procedure:** 2016/2295(IMM)

**Legal basis:** RoP Rule 6

**Notice to Members:** 36/2016

**Rapporteur:** Laura Ferrara

**Administrator:** Robert Bray

**Preliminary Timetable:**

Consideration of a draft report: 28.02.2017

Vote (possibly): 28.02.2017



## DISPUTES INVOLVING PARLIAMENT

### ***Case T-11/17, RK v Council – Objection of illegality of Regulation (EU, Euratom) No 1023/2013 amending the Staff Regulations – Possible intervention by Parliament***

In Case T-11/17, the applicant lodged an objection of illegality of 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.

### ***Case C-643/16 American Express – Reference for a preliminary ruling – Interpretation and validity of Directive (EU) 2015/2366 of the European Parliament and of the Council – Payment services in the internal market – Requirement for payment systems to grant access to their scheme to third-party payment service providers – Exemption for payment systems that are themselves a group of payment service providers – Question of exclusion from the exemption of three-party card payment schemes relying on a co-branding partner or agent – Possible submission of observations by Parliament***

This case concerns a reference for a preliminary ruling made by the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court), which raises inter alia the question of the validity of Article 35(1) of Directive (EU) 2015/2366 on payment services in the internal market (the 'second Payment Services Directive', 'PSD2'). This directive aims to provide a common framework in the internal market for the operation of payment systems, either domestic or cross-border, which will address, in particular, the divergences between national rules on payment systems, including electronic systems, and will provide a high level of consumer protection.

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 in the proceedings pending before the Court of Justice.



**The Legal Policy & Research Unit (LPRU)** of the **International Bar Association** is carrying out a global survey on why women lawyers are leaving law firms:

[http://www.ibanet.org/Legal\\_Policy\\_Research\\_Unit.aspx](http://www.ibanet.org/Legal_Policy_Research_Unit.aspx)

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#### CREDITS & ACKNOWLEDGEMENTS

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