JURI

European Parliament

Committee on Legal Affairs

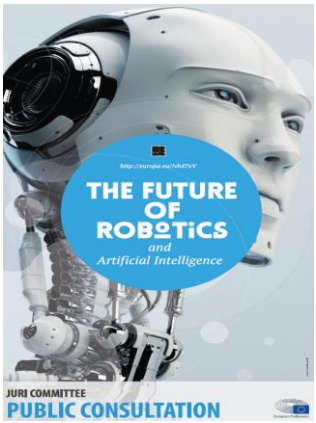
JURI Report

At the meeting of 29-30 May 2017

The second May meeting of the Committee on Legal Affairs will commence with consideration of a draft report on rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations. That will be followed by consideration of a draft opinion on countering money laundering by criminal law and exchange of views on ePrivacy regulation and on measures to protect whistle-blowers. The day will conclude with in camera items.

The committee meeting on 30 May will start with joint ECON/JURI meeting where the committees will vote on disclosure of income tax information. That will be followed by JURI votes on common minimum standards of civil procedures, limitation periods for traffic accidents, preventing and combating violence against women and domestic violence, the implementation of the Treaty provisions concerning national Parliaments and agreed texts on Marrakesh Treaty (Regulation and Directive). The meeting will conclude with a hearing on legal consequences of Brexit.

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. 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. This consultation does not prejudge 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 consultation will end on 31 May 2017. Please note that in order to change the language of the questionnaire, you need to change the language in the tool bar at the top of the page.

The questionnaire is available here:

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

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NEXT MEETING

19-20 JUNE 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

VOTES

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 remedies 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 s eem 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.

Procedure: 2015/2084(INL)

Legal basis: Rule 46 RoP / Article 225 TFEU

Rapporteur: Emil Radev

Administrator: Zampia Vernadaki

Preliminary Timetable

Adoption JURI: 30.05.2017

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).

On 28 February, the rapporteur, Emil Radev, presented his draft report on 'Common minimum standards of civil procedure'. After two years of preparation and consultation with experts and stakeholders, the rapporteur requested, 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.

At its meeting of 3/4 May 2017, the Committee on Legal Affairs considered the 58 amendments tabled to Mr Radev's draft report. The majority of these amendments sought to further emphasise the link between standards of civil procedure and effective access to justice in the EU and increased mutual trust between Member States' judiciairies. The scope of the competence of the EU in this area was addressed in many amendments as well as the need for legal certainty and predictability and to respect the principles of subsidiary and proportionality and national specificites and fundamental rights. Lastly, the provisions of the proposed Directive in Annex B of the draft report that attracted most attention were those relating to judicial training, court fees and legal aid, use of modern technology tools, as well as the possiblity for a right to interpreation and translation for all concerned parties to be introduced. At this meeting, the Committee on Legal Affairs will vote on the draft report.

Limitation periods for traffic accidents

Almost 10 years have passed since Parliament's resolution on 'Limitation periods in cross-border disputes involving personal injuries and fatal accidents' (2006/2014 (INL)), and despite relevant public consultations and studies, the Commission has not yet prepared a specific legislative proposal. Limitation periods for tort claims vary widely between the Member States. Specifically, while legal systems in continental Europe refer to 'prescription periods', namely periods of time after the expiry of which a claim is deemed extinguished; in common law countries there are only 'limitation periods', which indicate the time after which the right to lodge a claim is barred, albeit the claim itself is not extinguished. What is more, discrepancies in national limitation laws exist with regard to the commencement of the running of time in general, or in the case of minors and disabled persons in particular, as well as with regard to the capacity to stop or interrupt the running of limitation.

In the case of cross-border accidents, the time limits applicable for instituting a claim are determined on the basis of the law of the Member State where the accident occurred, in accordance with the Rome II Regulation (Article 15). National laws on limitation and prescription periods can be very complex, and victims will generally not be familiar with the rules of the Member States they are travelling in. This, combined with the discrepancies between different limitation laws, can lead to undesirable consequences for the victims, creating unnecessary obstacles to securing their right to reparation and to timely litigation at reasonable cost.

Procedure: 2015/2087(INL)
Legal basis: Rule 46 RoP / Article 225 TFEU
Rapporteur: Pavel Svoboda
Administrator: Zampia Vernadaki
Preliminary Timetable
Adoption JURI: 30.05.2017
Plenary: 3-6.07.2017(tbc)

Limitation periods for claims are essential to ensure legal certainty and the finality of disputes. These interests should be balanced with the fundamental right to obtain an effective remedy, since unnecessarily short limitation periods could obstruct effective access to justice across the EU. EU legislation has not harmonised the rules on limitation and prescription periods, neither in general nor concerning traffic accidents in particular. The forthcoming own-initiative report thus constitutes a unique opportunity for the European Parliament and the Legal Affairs Committee to lead developments towards both greater legal certainty at EU level and the simplification and clarification of existing national regimes.

On 23 March, and after a European added value study was prepared by EPRS and a public hearing held in JURI, the rapporteur, Pavel Svoboda, presented his draft report with recommendations to the Commission for minimum standards regarding the overall time limit to bring a claim, the beginning of the time period and the suspension of the period, and the information obligations for actions falling within the scope of application of the Motor Insurance Directive, namely actions against insurers and compensation bodies, to the extent that they have a cross border nature. A legislative measure in these terms could be correctly based on Art 81(2) of the Treaty on the Functioning of the European Union (TFEU) and would arguably resolve most of the problems currently encountered by visiting victims, also leading to savings in terms of legal costs and delays.

In its meeting of 3/4 May 2017, the Committee on Legal Affairs considered the 16 amendments tabled to the draft report, which mainly sought to further underline the difficulties and obstacles faced by victims of cross-border road traffic accidents to access justice and seek compensation of loss, damage or personal injury suffered, mainly due to the divergences between Member States' rules of time limits. At this meeting the Committee on Legal Affairs will vote on the draft report.

The implementation of the Treaty provisions concerning national Parliaments

The committee will vote on the draft opinion to the Committee on Constitutional affairs 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 competences, 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" and appointed Paolo Rangel as rapporteur. 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, decided to draw up an opinion and appointed Gilles Lebreton as rapporteur for opinion.

Procedure: 2016/2149(INI)
Basic doc: COM(2016)471 final
Legal basis: Rule 52
Rapporteur: Gilles Lebreton
Administrator: Kjell Sevón
Preliminary timetable
Vote: 30.05.2017

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

Procedure: 2016/0062(NLE)
Basic doc: COM(2016)0109
Legal basis: Art. 82(2) and 218 TFEU
Rapporteur: Jiri Mastalka**:**
Administrator: Magnus Nordanskog
Preliminary timetable
Vote: 30.05.2017

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 to protect women and girls against all forms of violence and prevent, prosecute and eliminate 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 needs to consent. The joint lead committees in Parliament on the dossier are the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality, who 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 called for the negotiations on the signature and conclusion of the Convention to speed up and for Parliament to be fully engaged in the Convention's monitoring process as provided for in Article 218 TFEU.

A second exchange of views was held in JURI at the meeting of 28 February 2017. In his draft opinion, which was considered by JURI in march 2017, the rapporteur Jiří Maštálka reiterated that equal treatment and non-discrimination are essential for the development of society and should apply to legislation, in practice, in case law and in daily life. He also raised concerns about the fact that most incidents of violence are considered a private issue and therefore tolerated and not reported to any authorities, which shows that further measures are needed. In particular, such measures are required to encourage victims to report their experiences and get assistance, and to ensure that service providers can meet the needs of victims and inform them about their rights and existing forms of support. He therefore suggested to call on the Council and the Commission to speed up negotiations on the conclusion of the Istanbul Convention and to recall that the EU's accession to the convention does not exonerate Member States from national ratification and implementation of the convention.

On 11 May 2017, the Council adopted two decisions on the signing of the Convention. Following the official signing, accession requires the adoption of the decisions on the conclusion of the Convention. These decisions will need the consent of the Parliament.

At this meeting, the Committee will vote on the draft opinion to the interim report of the two lead committees.

The legislative package implementing the Marrakesh treaty

Procedure: 2016/0278 (COD) and 2016/0279 (COD)
Basic doc: COM(2016)595 and COM(2016)596
Legal basis: Article 114 / Article 207 TFEU
Rapporteur: Max Andersson
Administrator: Carine Piaguet
Preliminary timetable
Vote on agreed text: 30.05.2017

At this meeting, the Committee on Legal Affairs will vote on the texts provisionally agreed between colegislators during inter institutional negotiations on the proposal for a regulation and proposal for a directive implementing the Marrakesh Treaty.

The agreed legislation aims to ensure that people who are blind, visually impaired or have other problems reading print have access to more books, journals, newspapers, magazines and sheet music in formats like Braille, audiobooks and large print.

More specifically, Parliament and Council negotiators agreed on introducing in the EU legislation a mandatory copyright exceptions enabling blind people and their organisations not to ask right holders' permission before making accessible format copies of copyright protected material. Cross-border circulation will be improved as import and export arrangements have been agreed allowing blind people to have access to more special format books from EU and non-EU countries that have signed the Marrakesh Treaty. In this context, Parliament's negotiators ensured that no commercial availability checks prior to the exchange of accessible format books will be required. Member States will have the option of establishing limited compensation schemes for publishers when their books are turned into accessible format copies.

The new rules will bring the EU's laws into line with its international commitments under the Marrakesh Treaty, signed by the EU in 2014.

Disclosure of income tax information by certain undertakings and branches

At this meeting the joint ECON-JURI Committee will adopt its position on the public country-by-country reporting proposal. Under this proposal, multinationals will be required to publish, for each country where they are established, their assets and taxable income in that country, the amount of tax paid, the number of employees, etc. The purpose of this proposal is to increase transparency of companies in the area of tax and to enhance public scrutiny of corporate income tax. The Committees will also vote on the mandate to start negotiations with the Council.

CONSIDERATION OF DRAFT OPINION

Countering money laundering by criminal law

Recent terrorist attacks underline the need to prevent and fight terrorism. Cutting off the sources of finance for terrorist organisations is crucial contributions to the fight against terrorism and organised crime. The European Union already has tools in place to tackle it including existing criminal legislation, cooperation between law enforcement authorities and processes to exchange relevant information as well as legislation to prevent and fight money laundering that is being constantly strengthened. The proposal for a Directive aims to counter money laundering by means of criminal law. The proposed Directive achieves this objective by implementing international obligations in this area based on the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005, CETS No 198 ("the Warsaw Convention"), as well as the relevant recommendations from the Financial Action Task Force (FATF).

At the Committee meeting, the Rapporteur will present a report providing further reflection in some areas. One of them is transparency and openness, and issues in relation to privacy. Another is how to properly deal with supervision of financial institutions. A further question that merits consideration is how to ensure that the Directive properly respects fundamental rights.

Procedure: 2016/0414(COD)
Basic doc: COM(2016)0826
Rapporteur: Kostas Chrysogonos
Administrator: Henrik Kjellin
Preliminary Timetable
Consideration of draft opinion: 29.5.2017
Deadline for amendments: 8 June 2017, 15.00
Vote and adoption in JURI : 13.07.2017

CONSIDERATION OF A DRAFT REPORT

Jurisdiction, recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)

Brussels IIa Regulation, which applies since 2005 in all EU Member States except Denmark, is the cornerstone of EU judicial cooperation in matrimonial and parental responsibility matters.

Despite its undoubted success, the regulation has raised concerns among citizens, practitioners and academics during the past ten years of its application. As a result, the European Commission submitted a proposal to recast Regulation 2201/2003 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction on 30 June 2016.

After holding a workshop on 'Recasting the Brussels IIa Regulation', organised by Parliament's Policy Department C, on 8 November 2016, and a first exchange of views with the participation of the EESC on 22-23 March 2017, the Committee on Legal Affairs and its rapporteur, Tadeusz Zwiefka, will consider his draft report at this meeting. Aware of the sensitivity and complexity of the relevant issues, the rapporteur has followed a cautious but clear approach that could contribute to finding a compromise acceptable in every Member State. The streamlining of the grounds to deny enforcement, the existence of adequate financial support for the Central Authorities, the concentration of jurisdiction for international child abduction cases and the participation rights for children, without interfering with Member States' national provisions on the modalities of the hearing of a child, have thus been sincerely welcomed.

Procedure: 2016/0190(CNS)
Basic doc: COM(2016)0411
Legal basis: Article 81(3) TFEU
Rapporteur: Tadeusz Zwiefka
Administrator: Zampia Vernadaki
Preliminary Timetable
Consideration of a draft report: 30.5.2017

Rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes

Forming part of the copyright package that the Commission presented on 14 September 2016, this proposal for a regulation aims to promote the cross-border provision of online services ancillary to broadcasts. It also seeks to facilitate digital retransmissions over closed networks of TV and radio programmes originating in other Member States, primarily by making the so-called "country of origin" principle applicable to such services. Under this principle, communication to the public for the purposes of copyright and related rights would be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment. The proposal also attempts to address difficulties related to the clearance of rights, so as to allow broadcasters and operators of retransmission services to offer wider access to TV and radio programmes across the EU.

In his draft report, the rapporteur, Tiemo Wölken, suggests to widen the scope of the regulation by including all online television and radio services provided via the internet, including over-the-top audiovisual content services intended for end-users that run over an Internet network for the purpose of providing audiovisual content not directly related to a specific broadcast. Direct injection, which enable subscribers to view or listen to previously broadcast programs on networks, including cable networks, microwave systems, digital terrestrial, closed-circuit IP-based and mobile networks and similar networks, should also fall under the scope of the regulation. Younger audiences are the main users of the internet as a means of watching television and listening to radio and it is therefore essential to enable broadcasters to disseminate also material genuinely and solely produced for the digital environment online across national borders.

The draft report also takes as a starting point the fact that the extended use of the principle of 'country of origin' would be beneficial for broadcasters as it may result in broader audiences. Such benefits should be mirrored in an appropriate way, by means of unwaivable additional remuneration for right holders. To effectively enforce that right to additional, fair remuneration, transparency is indispensable. Therefore, the additional remuneration should be disclosed separately from the total remuneration in the contract between broadcasters and right holders. Furthermore, diversity is one of the key features of European culture. To make sure that this diversity prevails, an industry agreement should ensure that additional remuneration for niche artistic works is higher than average, as their right holders have limited bargaining power. Through the principles of contractual freedom and territoriality it would however be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in the regulation.

Procedure: 2016/0284(COD)
Basic doc: COM(2016)0594
Rapporteur: Tiemo Wölken
Administrator: Magnus Nordanskog
Opinion giving committees: CULT, IMCO, ITRE
Preliminary timetable
Consideration of a draft report: 29.05.2017

The rapporteur furthermore underlines the importance of discouraging forum shopping practices. The principle of 'country of origin' would not apply to online services which are mainly or solely targeted at audiences other than the audience of the Member State in which the broadcasting organisation has its principal establishment, in order to limit practices whereby a broadcaster attempts to establish itself in other Member States to avoid disadvantageous financial obligations or to profit from more favourable licencing arrangements compared to the Member State in which it has its principal establishment. To assess whether the service is targeting an audience outside of its Member State, the features of the service as well as the language versions used should be taken into account.

The review of the regulation after it has been in force for a number of years would among other things assess to what extent the cross-border provision of online services has increased to the benefit of European consumers and to the benefit of improved cultural diversity in the Union. That review should also include an assessment of whether the principle of 'country of origin' ought to be extended to other online platforms.

An arrangements for the application of the procedure on associated committee has been agreed with the Committee on Culture and Education. The Committee on the Internal Market and Consumer Protection and the Committee on Industry, Research and Energy have also issued opinions on this dossier.

A first exchange of views on the dossier was held at the JURI meeting in March 2017. At the public hearing on 4 May 2017, the Committee heard different expert perspectives on the proposal from the Commission and stakeholders representing public service media, commercial television, business and academia.

At this meeting, the Committee will consider the draft report.

EXCHANGE OF VIEWS

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)

Procedure: 2017/0003(COD)
Basic doc: COM(2017)0010
Rapporteur: Axel Voss
Administrator: Henrik Kjellin
Preliminary timetable
Exchange of views: 29.05.2017

The Digital Single Market Strategy has as an objective 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) 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 the 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 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.

Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies

Procedure: 2016/2224(INI)
Rapporteur: Virginie Roziere
Administrator: Henrik Kjellin
Preliminary timetable
Exchange of views: 29.05.2017

Whistle-blowing is the act of disclosure of confidential information in the public interest, with the aim of revealing a problem of major societal importance. Some national legal systems provide for the protection of whistle-blowers. Often, there is a distinction between public and private employees. As an example, the EU Staff Regulations contain provisions on whistle-blower protection. However, two recent major cases concern more than one Member State. The 'Luxleaks' case is linked to the Luxembourgish tax system but has implications for the rest of Europe. The 'Panama Papers' affair is linked to a law firm in Panama and to offshore companies, but it has repercussions for the whole of Europe, and even beyond. A European solution is needed for such cases of whistleblowing.

The rapporteur intends to draw up a report reflecting on how to balance the legitimate expectations of whistle-blowers acting in the public interest and the protection of business sensitive information. If the disclosure of confidential information is in the public interest, it seems justifiable for society to defend the whistle-blower. The report will also deal with the institutional structure necessary for whistle-blower protection.

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

Procedure: 2017/0002(COD)
Basic doc: COM(2017)0008
Rapporteur: Angel Dzhambazki
Administrator: Henrik Kjellin
Preliminary timetable
Exchange of views: 29.05.2017

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 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 does not entail any unnecessary burdens to business, in particular SMEs.

LEGAL BASIS

Posting of workers, consideration of legal basis

The committee will vote on the proposal by the rapporteur, Jutte Guteland, for an opinion to the Committee on Employment and Social Affairs on the appropriate legal basis for the proposal for a revision of Directive 96/71/EC on Posting of Workers. The draft report by the co-rapporteurs in EMPL propose to add Articles 151 TFEU and Article 153(1) TFEU, points (a) and (b) as legal bases, which would emphasise the social policy aspects of the directive to be adopted. Some of the amendments to the draft report also seek to base the directive on Article 153 TFEU as a whole, or to add Article 46 TFEU, while others aim at adding Article 56 TFEU or to replace Article 53(1) with Articles 54 and 56 TFEU. Amendments, often similar, to change the legal basis have also been table to the draft opinion from JURI on the proposal.

The European Commission presented its proposal for a directive amending Directive 96/71 concerning the posting of workers in the framework of the provision of services on the basis of Articles 53 and 62 TFEU, that is to say, the articles on which the present directive is based. Said articles provide the legal bases for the right of establishment and the freedom to provide services, respectively.

Instrument contributing to stability and peace

On 5 July 2016 the Commission submitted a proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (COM(2016)0447 - 2016/0207(COD)).

The proposal aims at introducing a new article into Title II of the above Regulation in order to extend the Union's assistance, under exceptional circumstances, for building the capacity of military actors in partner countries in order to contribute to sustainable development and to the achievement of peaceful and inclusive societies.

The proposal is based on Articles 209(1) and 212(2) TFEU. Article 209(1) TFEU is part of Title III on cooperation with third countries and humanitarian aid, and allows for the adoption by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, of measures necessary for the implementation of development cooperation policy, which may relate to multiannual cooperation programmes with developing countries or programmes with a thematic approach. According to Article 212(2) TFEU, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt economic, financial and technical cooperation measures, including financial assistance with third countries other than developing countries.

At the coordinators' meeting of 11 July 2016, the Committee on Legal Affairs decided to examine, on its own initiative and on the basis of Rule 39(3) RoP, the legal basis of the above proposal. Also, by letter of 15 November 2016, the Chair of the Committee on Development requested the Committee on Legal Affairs under Rule 39 RoP to verify the legal basis of the said legislative proposal.

At this meeting, the Committee will consider, with a view to verifying, the legal basis of the proposal.

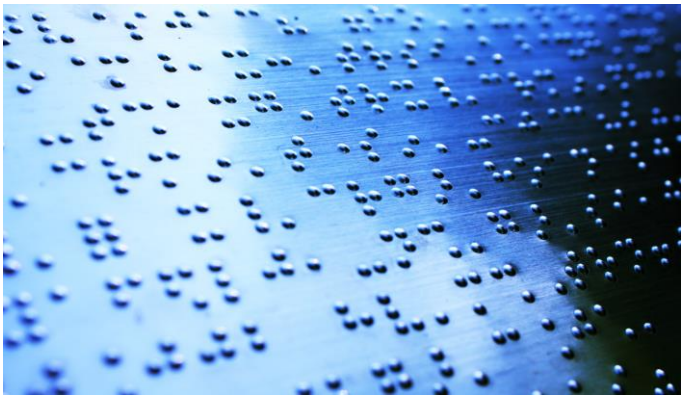
Establishing an Entry/Exit System (EES)

On 18 April 2017 the Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested, in accordance with Rule 39(2) of the Rules of Procedure, the Legal Affairs Committee to verify the legal basis of the Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 (hereafter 'the EES Regulation') and in particular the potential deletion of Article 88(2)(a) TFEU. The proposed EES Regulation is based on Article 77(2)(b) and (d) TFEU in conjunction with Article 87(2)(a) TFEU and Article 88(2)(a) TFEU and purports to establish an EU Entry/Exit System to address border check delays, while improving i) border checks for third country nationals; ii) the systematic and reliable identification of 'overstayers'; and iii) the internal security and the fight against terrorism and serious crime. The scope of the new Entry Exit System includes border crossings by all third country nationals visiting the Schengen area for a short stay (maximum 90 days period in any period of 180 days), both visa-required and visa-exempt travellers, or eventually, on the basis of a touring visa (up to one year). The system will collect data and register entry and exit records with the view to both facilitating the border crossing of bona fide travellers, and better identifying overstayers. The EES will also record refusals of entry of third country nationals falling within its scope and would allow law

enforcement authorities to perform restricted queries in the database for criminal identification and intelligence to prevent serious crime and terrorism.

At this meeting, the Committee will consider, with a view to verifying, the legal basis of the proposal.

Marrakesh Regulation



At this meeting, the Committee on Legal Affairs will vote on a draft opinion on the legal basis provided for in the Commission's proposal for a regulation on the cross border exchange between the Union and third countries of accessible format copies of certain works and other subject matters protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled.

The Commission proposed Article 207 TFEU as the appropriate legal basis for the settings of import and export arrangements to foster certain types of cross border exchanges of accessible format copies.

In its Opinion 3-15 of 14 February 2017, the Court of Justice considered that the conclusion of the Marrakech Treaty does not fall within the common commercial policy defined in Article 207 of the TFEU.

Therefore, it has been proposed, in the course of the ongoing inter institutional negotiations on the legislative package implementing the Marrakesh Treaty, to change the legal basis of the proposal for a regulation.

Considering that the import and export arrangements prescribed by the proposed measure ultimately intend to permit the communication to the public or the distribution in the territory of a Contracting Party, of accessible format copies published in another Contracting Party, without the consent of the rightholders being obtained and will have to be implemented within the field harmonised by Directive 2001/29, which is based on Article 114 TFEU, it is proposed that the Regulation is based on Article 114 TFEU.

UPCOMING EVENTS

Hearing on Brexit

On 30 May 2017, from 11.00 to 12.30, the Committee on Legal Affairs will hold a public hearing on Legal consequences of Brexit.The JURI Committee is holding a hearing on the 'Legal consequences of Brexit' 30 May 11.00 to 12.30. A number of important questions will be covered. The Lord Advocate of Scotland, James Wolffe, will speak about the specific impact on Scotland and in particular as the UK has several different legal systems. Dr. Etain Tannam, Trinity College, Dublin, will make a presentation on the implications created by Brexit in relation to the Good Friday Agreement. On international private law, Prof. Burkhard Hess will address the question of what consequences Brexit will have in this field. For the question of Patent Law, and in particular the Unitary Patent, Prof. Duncan Matthews, will speak about what Brexit might entail in this area. And to finish, Mr. Stephane Rodriguez will address the staff regulations and the possible consequences for employees and others within the institutions.

PAST EVENTS

Hearing on Environmental Liability Directive, on 11.4.2017

A public hearing on 'The Implementation of the Environmental Liability Directive (ELD): the way forward' was organised jointly by the JURI and ENVI Committees on 11 April 2017, with the aim of exchanging ideas and looking in detail at the impact the ELD has had on citizens, companies and the environment in the aftermath of the 2016 Commission report on the application of the Directive (Art.18 ELD).

Dr. Sandra Cassotta, from the University of Aarborg (Denmark), focused on specific aspects of the ELD transposition, namely the definition of environmental damage and the concept of threshold contained in it, the scope of application of the environmental liability and the issues related to the choice of liability, specifically exemptions and defences. The ELD provides that the financial consequences of certain types of harm caused to the environment will be borne by the economic operator who caused this harm (the "polluter-pays" principle). Operators may enjoy a certain number of "exemptions" from liability when they demonstrate they were not at fault or negligent and that the environmental damage was caused by expressly authorised emissions or events (Art. 8 (4)(a)); or b) by emissions or activities which were not considered likely to cause environmental damage according to the state of scientific and technical knowledge (Art. 8 (4) (b)). Against this background, dr. Cassotta concluded that: i) the scientific definition of the environmental damage imposes too high a threshold and that therefore the notion of environmental damage should include a realistic system with a minimum threshold of graduation which could be used, not only by Member States, but also by regions and public administrations; ii) the scope of application is clearly limited as a consequence of the definition of the environmental damage (lack of legal clarity and subject to different interpretation) and therefore has to be extended; iii) optional defences from liability are weakening the environmental liability regime and accentuate divergences in a way that renders tortfeasors liable. These defences leave too much room for Member States to decide whether or not to use them, and as a consequence, instead of reinforcing harmonisation, they exacerbate differences among the national legislations of the Member States.

Dr Kristel de Smedt, from the Maastricht University, presented her views on the need for compulsory environmental financial security and a special fund in the light of the 'polluter-pays' principle. She examined the ELD from the perspective of an economic legal analysis, starting from the theoretical premise that a strict liability regime should not be introduced without financial guarantees, as an insolvency risk might arise and hence restoration of the environmental damage cannot be ensured. Giving specific examples of large-scale accidents and the insolvency risk in Hungary and in the Netherlands, she highlighted that the absence of mandatory financial security creates a risk of lack of deterrence because an operator exposed to strict liability for damage sums exceeding its' assets would take less than optimal care. Dr de Smedt stated that, in theory, mandatory financial security would ensure that the polluter would be able to pay for the restoration costs and that the polluter pays principle is fulfilled. In practise, a balance between costs and benefits of full protection against any potential inability to compensate damage might have to be found.

Marco Piredda provided background information on the Ad-Hoc Industry Natural Resource Management Group and its extensive activities on the ELD, together with his view on how the ELD is working and some thoughts on the way forward. While fully supporting the findings of the 2016 Commission report on the application of the ELD and the need to further cultivate its effective implementation, he also stressed the need to continue to develop the underlying base of ELD information, including via cataloguing of actual case/site experience and lessons learned; understanding how key concepts (such as significance) and the optional defences are interpreted and used in specific instances; continued development of best practices and promotion of ELD training across the EU. He concluded that the operator community is actively engaged in ongoing implementation of the ELD, particularly in learning from actual experience and continuing open dialogue and practice exchange with public authorities.

Gilbert Canaméras, the Secretary General of the Federation of European Risk Management Associations (FERMA), demonstrated how the ELD has contributed to environmental policy across the European Union and has fostered prevention and protection measures, while encouraging the reduction of environmental risks. While also welcoming the 2016 Commission report and the announced multi-annual programme, he emphasised that in the current climate of global competition, the European industries are in need of all the support they can get from the authorities so as to be able to improve the estimation of the environmental risk, without generating uncertainties regarding the aspects that already function well.

Finally, Liam Cashman, Senior Legal Expert, DG Environment, presented the Commission's multi-annual programme, which is expected to run from 2017 to 2020 and is the follow-up to the Commission's 2016 report and the parallel REFIT evaluation. The work programme involves three principle work areas. 'The evidence space' demonstrates how the Directive works in practice in different Member States. The second area embraces support measures from Member States (guidance and training). It focuses on developing a better understanding of some of the key concepts of the Directive. Finally, the third work area of the Commission's multi-annual programme, 'financial security', aims to enable the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) to help Member States to identify the most effective means

of financial security.

Ms Julia Surko, Trainee, DG IPOL

Workshop on Judicial Training, on 12.4.2017

On 12 April 2017, the Policy Department for Citizens' Rights and Constitutional Affairs organised a workshop on 'The training of judges and legal practitioners-ensuring the full application of EU law' for the JURI and LIBE Committees. The workshop was preceded by a presentation of the 2016 Annual Report on European Judicial Training by Ms Alexandra Jour-Schroeder, Director of DG Justice of the European Commission.

According to the latest data, the minimum percentage of trained participants to reach the 2020 training target, has only been reached by a minority of Members States. Additionally, the 2016 Report has identified lacunae in the training on EU law for traditional professions. For instance, only 2% of court staff received EU law training in average. An additional gap regards the duration of training activities on EU law: even during their entire initial training, 50% of the participants do not receive more than two days of training on EU law. Finally, Ms Jour-Schroeder stressed that new topics for the training of legal petitioners needed to be identified. The Commission is therefore currently working on updating its European training strategy to improve the quality of the training offered, in line with legal practitioners' training needs. Moreover, the European Commission will continue giving its financial support under the Justice programme in 2017. This financial help would be useful to strength the cross-border cooperation of training providers for legal practitioners, to enhance the linguistic support in cross-border training activities as well as to promote more European law training also for lawyers, judges and prosecutors.

Next, Ms Tatiana Termacic, Head of Human Rights National Implementation Division, and Ms Eva Pastrana, HELP Head of Unit, presented the HELP Programme, which is aimed at ensuring that human rights training of lawyers and judges be of high quality throughout the European space. Specifically, the programme's objective is to equip legal professionals with the knowledge and skills to implement, amongst others, the European Charter of Fundamental Rights and the European Convention on Human Rights.

Ms Valérie Sagant, Deputy Director of the National School for the Judiciary, presented the so-called "9 principles for judicial training", adopted in 2016 by the European Judicial Training Network (EJTN), according to which judicial training is meant to be multidisciplinary and professional on the basis of a pragmatic approach. Furthermore, training must be obligatory and has to take place during working hours. This principles are linked to the independence of judicial authorities.

The Director of the Belgian Judicial Training Institute, Raf Van Ransbeeck, illustrated how the different exchange programmes for judges and prosecutors are organised.

Dr Holger Schrade, President of the Labor and Employment Appeal Court, shared his profitable experience of an EJTN exchange for court presidents and heads of public prosecutors' offices. The main difficulty Mr Schrade spotted was the language barrier: indeed, most judges work almost exclusively in their mother tongue and, therefore, the English language is neither required nor promoted in some European countries.

The Chair of the CCBE training committee, Mr Pier Giovanni Traversa, provided an overview of the current state of play of training of lawyers and the main activities carried out by the CCBE. To date, CCBE has worked on the mutual recognition of continuing legal education, has set up the European Lawyers Foundation (ELF, August 2014) and has launched a Training Portal (September 2014), which gives visibility to European and national initiatives concerning training of legal practitioners and best practices. Lastly, the European Training Platform, is meant to remedy the lack of comprehensive information about legal training courses available in the different jurisdictions.

Finally, Ms Roberta Ribeiro Oertel, from the European Institute of Public Administration, presented the findings of the 'Study on the state of play of court staff training in EU law and promotion of cooperation between court staff and training providers at EU level' and the subsequent 2015 project on European Judicial Training for Court Staff and Bailiffs. This project showed that there is a need to increase court staff's awareness of EU law aspects in their daily tasks as well as of Legal English terminology and to provide a platform for the exchange of experiences and information sharing.

During the questions and answers session, the Director of the European Law Academy (ERA), Mr Wolfgang Heusel, offered a brief overview of the organisation's work on the ground, such as "best practice" projects and other ongoing projects and new initiatives that have been funded or co-funded on the basis of the European Commission Justice Programme. Additionally, Mr M. Raul Radoi, Secretary General of the Council of Notaries of the European Union, pointed out that, thanks to the programmes "Notaries for Europe" and "Europe for Notaries", more than 35% of the European notaries of all the Member States of the European Union have participated to a continuous training on EU law. Lastly, Ms Patricia van de Peer, European Asylum Support Office, offered a snapshot of the training available for members of Courts and Tribunals of each Member State, in full respect of the independence of the judiciary.

Claudia Aurora Pillosu, Trainee, DG IPOL

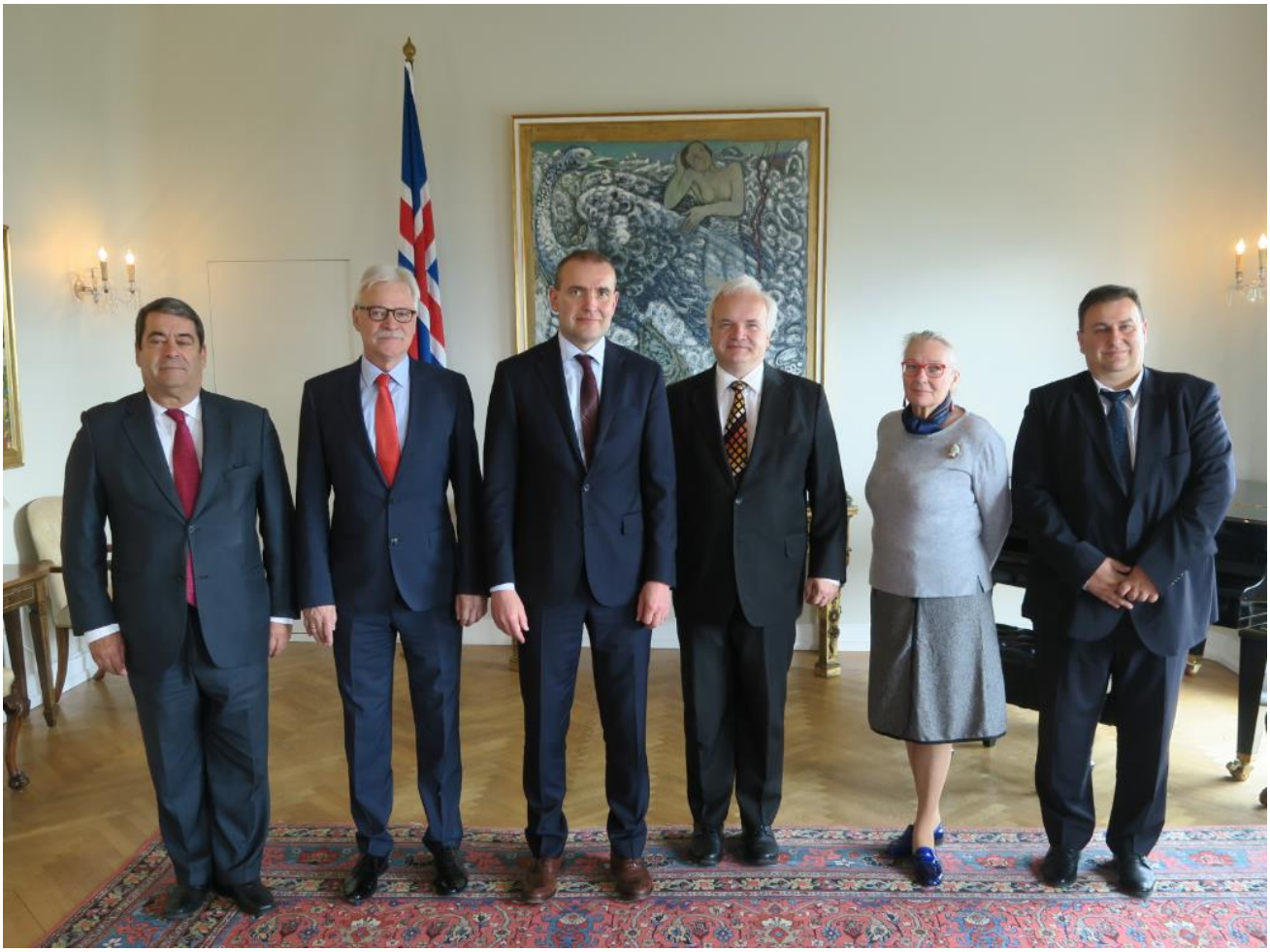
Shareholders - signature ceremony

On 17 May 2017 Mr Antonio TAJANI, President of the European Parliament, and Mr Carmelo ABELA, Minister for Home Affairs and National Security of Malta, on behalf of the Presidency of the Council, signed the Shareholders' Rights Directive in a ceremony in Strasbourg, in the presence of Mr Pavel SVOBODA, Chair of the Committee on Legal Affairs, and of Ms Sylvia-Yvonne KAUFMANN, who attended the ceremony both in her capacity as JURI coordinator for the S&D and in representation of Mr Sergio COFFERATI, Rapporteur for the file.

Hearing on CabSat, on 3.5.2017



JURI Mission to Reykjavik



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 on a proportionality test before adoption of new regulation of professions - COM(2016)0822 – 2016/0404(COD)

- the Austrian Federal Council (Bundesrat)
- the German Bundesrat
- the German Bundestag
- the French National Assembly

Proposal for a Directive of the European Parliament and of the Council on the legal and operational framework of the European services e-card introduced by Regulation [ESC Regulation] - COM(2016)0823 – 2016/0402(COD)

- the German Bundestag

Proposal for a Regulation of the European Parliament and of the Council introducing a European services e-card and related administrative facilities - COM(2016)0824 – 2016/0403(COD)

- the German Bundestag
- the Austrian Bundesrat

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

- the German Bundestag

Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast) - COM(2016)0863 – 2016/0378(COD)

- the German Bundestag
- the French Senate
- the Romanian Senate

IN CAMERA

DISPUTES INVOLVING PARLIAMENT

Case C-151/17 Swedish Match AB – Reference for a preliminary ruling – Validity of Articles 1(c) and 17 of Directive 2014/40 of the European Parliament and the Council (the "Tobacco Products Directive 2014") – Possible submission of observations by the European Parliament

The present 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 the question of the validity of certain provisions of Directive 2014/40 of the European Parliament and the Council.

The Tobacco Products Directive 2014 substantially amends the Union harmonized rules on manufacturing, presentation and sale of tobacco products, formerly found in Directive 2001/37/EC.

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 in order to defend the validity of the contested provisions.

IMMUNITIES

Béla Kovács

CONSIDERATION OF A DRAFT REPORT + ADOPTION OF A DRAFT REPORT (TBC)

Type of procedure: Waiver of immunity

Procedure: 2016/2266(IMM)

Legal basis: RoP Rule 6

Notice to Members: 36/2016

Rapporteur: Heidi Hautala

Administrator: Robert Bray/Valeria Ghilardi

Preliminary Timetable:

Consideration of a draft report: 29.05.2017

Adoption of a draft report (tbc): 29.5.2017

Rolandas Paksas

CONSIDERATION OF A DRAFT REPORT + ADOPTION OF A DRAFT REPORT (TBC)

Type of procedure: Waiver of immunity

Procedure: 2016/2070(IMM)

Legal basis: RoP Rule 6

Notice to Members: 14/2016

Rapporteur: Angel Dzhambazki

Administrator: Magnus Nordanskog

Preliminary Timetable:

Consideration of a draft report: 29.05.2017

Adoption of a draft report (tbc): 29.5.2017

Marine Le Pen

EXCHANGE OF VIEWS

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:

Exchange of views: 29.5.2017

Jean-Marie Le Pen

EXCHANGE OF VIEWS + HEARING (TBC)

Type of procedure: Waiver of immunity

Procedure: 2017/2020(IMM)

Legal basis: RoP Rule 6

Notice to Members: 10/2017

Rapporteur: Evelyn Regner

Administrator: Magnus Nordanskog

Preliminary Timetable:

Exchange of views: 29.05.2017

Hearing (TBC): 29.05.2017

Marie-Christine Boutonnet

EXCHANGE OF VIEWS

Type of procedure: Waiver of immunity

Procedure: 2017/2063(IMM)

Legal basis: RoP Rule 6

Notice to Members: 15/2017

Rapporteur: Heidi Hautala

Administrator: Robert Bray

Preliminary Timetable:

Exchange of views: 29.05.2017

Mylène Troszczynski

EXCHANGE OF VIEWS

Type of procedure: Waiver of immunity

Procedure: 2017/2019(IMM)

Legal basis: RoP Rule 6

Notice to Members: 6/2017

Rapporteur: Tadeusz Zwiefka

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views: 29.05.2017

SUBSCRIPTIONS

JURI Report: juri-secretariat@europarl.europa.eu

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