

JURI Report

At the meeting of 9-10 October 2017

At the second October meeting of the Committee on Legal Affairs it will firstly hold the exchange of views on the opinion on work-life balance for parents and carers. This will be followed by the consideration of four draft reports on the proposals for Council decisions authorising certain Member States to accept, in the interest of the European Union, the accession of certain third countries to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The day will conclude with the in camera items.

The committee meeting on 10 October will commence with a presentation of the Estonian e-justice system. This will be followed by votes. There will be reporting back to the committee regarding the 6th Plenary meeting of the European Observatory on Infringements of Intellectual Property Rights. The committee will also consider the amendments tabled on the mutual recognition of freezing and confiscation orders file and will hold an exchange of views on the annual reports 2015-2016 on subsidiarity and proportionality. The morning session will conclude with the scrutiny of delegated or implementing acts.

Tuesday afternoon will open with a presentation by the European Court of Auditors of its special report on Performance review of case management at the Court of Justice of the European Union to both the Committee on Legal Affairs and the Committee on Budgetary Control (joint item). The meeting will conclude with consideration of a draft report on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures.

PRESENTATIONS

Presentation of the Estonia e-justice system



On 10 October, the JURI Committee will hold a presentation of the Estonian e-justice system in the context of the priorities set by the Estonian presidency in the informal justice meeting of July 2017. Ms Kätlin Kattai, Head of Client and International Relations at the Centre of Registers and Information Systems (RIK), an ICTfocused state agency

under the Ministry of Justice, will set out a vision of the future in which there is an entirely digital e-Justice system in the EU. It reflects material that was presented to the EU ministers of justice during their informal meeting this July in Tallinn.

Presentation of the European Court of Auditors special report on Performance review of case management at the Court of Justice of the European Union

Tuesday afternoon will open with a presentation by the European Court of Auditors of its special report on Performance review of case management at the Court of Justice of the European Union to both the Committee on Legal Affairs and the Committee on Budgetary Control (joint item). The presentation will be followed by an exchange of views.

ISSUE 42
OCTOBER II/2017

NEXT MEETING

20-21 NOVEMBER
2017

JURI Website

EPRS

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VOTES

EU Agency for Criminal Justice Cooperation /Eurojust



Eurojust was established under Council Decision 2002/187/JHA to reinforce the fight against serious organised crime in the European Union. Since its establishment, Eurojust has facilitated coordination and cooperation between national investigative and prosecutorial authorities in dealing with cases affecting various Member States.

Under the Treaty of Lisbon, new possibilities to enhance Eurojust's efficiency in tackling serious forms of criminality have been introduced. Article 85 TFEU explicitly recognises Eurojust's mission and provides for Eurojust's structure, operation, field of action

and tasks to be determined by regulations adopted in accordance with the ordinary legislative procedure. It also requires that they determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.

The proposal aims to repeal the regulation establishing Eurojust by creating a new legal framework, in view of the creation of an EU Agency for Criminal Justice Cooperation (Eurojust) which is the legal successor to Eurojust.

The main objectives are to:

- increase Eurojust's efficiency through providing it with a new governance structure;
- improve Eurojust's operational effectiveness through homogeneously defining the status and powers of national members;
- provide for a role for the European Parliament and national parliaments in the evaluation of Eurojust's activities in line with the Lisbon Treaty;
- bring Eurojust's legal framework in line with the Common Approach on Agencies, while fully respecting its special role regarding the coordination of on-going criminal investigations;
- ensure that Eurojust can cooperate closely with the European Public Prosecutor's Office, once this is established.

At this meeting the committee will vote on the draft opinion.

Procedure:

[2013/0256\(COD\)](#)

Legal basis: Article 85 TFEU

Rapporteur for opinion:

António Marinho e Pinto

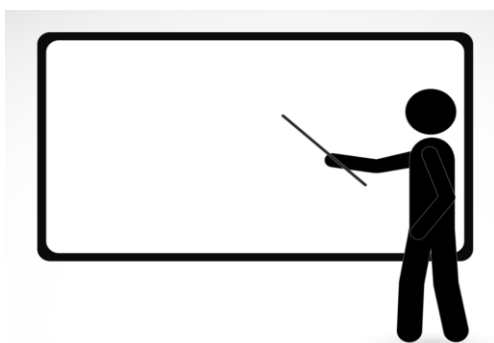
Administrator: Andrea Scrimali

Preliminary timetable

Vote: 10.10.2017

PRESENTATIONS

Restitution claims of looted works of art



Within the framework of a legislative own-initiative report on 'Cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars' the EPRS has prepared a European Added Value Assessment on the basis of a study prepared by Prof. Matthias Weller, from EBS University of Economics and Law in Wiesbaden, Germany. Works of art and cultural goods looted in armed conflicts or wars usually travel across several borders when they are sold. The cross-border character of looted art creates legal challenges for restitution claims as they often concern various national jurisdictions with differing rules as well as fragmented and insufficiently defined legal requirements in international and European legal instruments. Against this background, the European Added Value Assessment has examined whether there are flaws in the existing EU legal

system for restitution claims of works of art and cultural goods looted in armed conflicts and wars and outlines potential legislative measures to be taken at the EU level that are suited to generating a European added value through simplification and harmonisation of the legal system in this area. At this meeting, Prof. Weller will present his findings and his proposals.

CONSIDERATION OF AMENDMENTS

Mutual recognition of freezing and confiscation orders

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

However, and although existing statistics are limited, the amount of money currently being recovered from the proceeds of crime within the EU is only a small proportion: 98.9% of estimated criminal profits are not confiscated and remain at the disposal of criminals. A functioning asset recovery regime is a precondition if more criminal assets are to be seized. This includes an efficient mutual recognition framework for freezing and confiscation orders. At this meeting, the Committee on Legal Affairs will consider the 59 amendments tabled to the Commission proposal.

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

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

Rapporteur : Pavel Svoboda

Administrator: Zampia Vernadaki

Preliminary timetable

Consideration of amendments: 10.10.2017

Vote JURI: 21.11.2017

EXCHANGE OF VIEWS

Annual reports 2015-2016 on subsidiarity and proportionality

The Commission submitted its 23rd and 24th annual reports on the application of the principles of subsidiarity and proportionality in EU law-making, for the years 2015 and 2016 respectively. These reports were submitted in accordance with Article 9 of Protocol No 2 on the application of the principles of subsidiarity and proportionality. They look primarily at how the EU institutions and bodies have implemented these two principles and how practice evolved in 2015 and 2016 in comparison with previous years. The Committee on Legal Affairs is responsible for the compliance of Union acts with primary law, notably with regard to the choice of legal basis and respect for the principles of subsidiarity and proportionality. The Committee on Legal Affairs is therefore responsible for examining the Commission's reports on subsidiarity and proportionality and shaping Parliament's initial reaction. The Committee on Constitutional Affairs will provide an opinion. At this meeting, the Committee will have an exchange of views.

Procedure: [2017/2010\(INI\)](#)

Basic doc: [COM\(2016\)0469](#),
[COM\(2017\)0600](#)

Rapporteur: Mady Delvaux

Administrator: Francisco Ruiz-Risueño

Preliminary timetable

Exchange of views: 10.10.2017

Draft report: 20-21/11.2017

Work-life balance for parents and carers and repealing Council Directive 2010/18/EU

This proposal for a directive is part of a package of measures which is aimed at addressing women's under-representation in employment and support their career progression through improved conditions reconciling their work and home life.

In 2015, the employment rate of women (age 20-64) reached 64.3 %, compared to 75.9 % of men. The gender employment gap in the labour market is most acute for parents and people with other caring responsibilities. On average in 2015, the employment rate of women with one child under 6 years of age is nearly 9 % less than women without young children, and in several countries this difference stands at over 30 %. Furthermore, women are much more likely than men to assume the role of informal carers for elderly or dependent relatives, and they are also far more likely to work part-time because of caring responsibilities.

In 2016, the incidence of part-time work differs significantly between men and women; 31.4 % of women aged 20-64 who were employed in the EU-28 worked on a part-time basis, a much higher proportion than the corresponding share of men (8.2%). This proposal does not diminish the level of protection afforded by the EU acquis. Indeed, it improves existing rights and introduces new ones for both women and men, thereby addressing equal treatment and opportunities in the today's labour market, promoting non-discrimination and fostering gender equality.

At this meeting, the Committee will hold a first exchange of views.

Procedure: [2017/0085 \(COD\)](#)

Basic document:
[COM\(2017\)0253](#)

Rapporteur: Joëlle Bergeron

Administrator: Valeria Ghilardi

Legal basis: Art. 153 TFUE

Preliminary time-table

Exchange of views: 09.10.2017

CONSIDERATION OF A DRAFT REPORT

Council decisions authorising certain Member States to accept, in the interest of the European Union, the accession of certain third countries to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (joined items 2017/0148(NLE)/ 2017/0149(NLE)/ 2017/0150(NLE))/ 2017/0153(NLE)



The aim of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (hereafter: 'the 1980 Convention'), to date ratified by 97 countries, including all EU Member States, is to restore the status quo by means of the prompt return of wrongfully removed or retained children through a system of cooperation among central authorities appointed by its Contracting Parties.

As the prevention of child abduction is an essential part of the EU policy on promoting the rights of the child, the European Union is active at international level in improving the application of the 1980 Convention and encourages third states to accede to it. Article 38(4) of the 1980 Convention stipulates that the Convention applies between the acceding country and such Contracting States as will have declared their acceptance of the accession.

The Council Decisions at hand concern the acceptance of San Marino by Croatia, the Netherlands, Portugal and Romania (2017/0149(NLE)); of Georgia and South Africa by Luxembourg and Romania (2017/0148(NLE)); of Chile, Iceland and Bahamas by Romania (2017/0150(NLE)); of Panama, Uruguay, Colombia and El Salvador by Austria and Romania (2017/0153(NLE)).

As the matter of international child abduction falls within the exclusive external competence of the European Union, the decision whether to accept the accession of third states has to be taken at EU level by means of Council Decisions. The Member States which have not yet accepted these third states should thus make the declaration of acceptance in the interest of the European Union.

On 25 July 2017 and in accordance with Article 218(6), second subparagraph, point (b) TFEU, the Council decided to consult the European Parliament on the above four Commission proposals.

The rapporteur, Angel Dzhambazki, therefore proposes in his draft reports that Parliament approve all four proposals without amendment, in order to ensure that EU-wide protection is afforded to the children in question.

Procedures: 2017/0148(NLE); 2017/0149(NLE); 2017/0150(NLE); 2017/0153(NLE)

Basic doc: COM(2017)0357; COM(2017)0358; COM(2017)0360; COM(2017)0369;

Legal basis: Article 81(3) and Article 218(6), second subparagraph, point (b) TFEU

Rapporteur: Angel Dzhambazki

Administrator: Zampia Vernadaki

Preliminary Timetable

Consideration of a draft report: 9.10.2017

Adoption in JURI: 21.11.2017

Proposal for a directive on Insolvency, Restructuring and Second Chance

On 22 November 2016, the Commission forwarded to Parliament and the Council its proposal for a directive on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU. The purpose of the proposal is to reduce barriers to cross-border investment related to differences between the Member States' restructuring and second chance frameworks, and to increase investment and job opportunities in the single market. It is also aimed at reducing the number of unnecessary liquidations of viable companies, maximising value for creditors, owners and the economy as a whole, and increasing the possibilities of cross-border restructurings. Another objective is to reduce the costs and increase the opportunities for entrepreneurs to be given a fresh start. In addition, the resulting directive will improve the effectiveness of all restructuring, insolvency and second chance procedures with a view to reducing their length and costs.

The proposal sets common principles and, where necessary, more targeted rules. It focuses on the key priorities of making sure that effective frameworks for preventive

Procedure: 2016/0359(COD)

Basic doc: COM(2016)0723

Legal basis: Art. 294(2) TFEU

Rapporteur: Angelika Niebler

Administrator: Francisco Ruiz-Risueño

Opinion giving committee: ECON, EMPL

Preliminary timetable

Draft report: 10.10.2017

Deadline for amendments: 7.11.2017, 12.00



restructuring, insolvency second chance frameworks, as well as discharge procedures are available. In addition, it introduces measures to increase the efficiency – and in particular reduce the length – of all insolvency procedures. The proposal does not harmonise core aspects of formal insolvency procedures such as conditions for opening insolvency proceedings, definitions of insolvency or ranking of claims. For the Commission, this minimum approach is important since some Member States already have well-functioning systems in place. The proposal gives Member States the flexibility to achieve the objectives by applying the rules in a way that is suitable in their national contexts so it can be integrated into existing social security frameworks, financial regulations and business law. The proposed directive will apply to entrepreneurs, be they

incorporated or not. It will apply to small, medium-sized, large and micro-enterprises engaged in business, trade or other professional activities. The proposed directive will not apply to financial institutions since these are subject to dedicated sectoral rules. The proposal will also not interfere with purely contractual restructurings based on the agreement of all parties involved which take place outside a specific restructuring procedure. It is not intended to affect workers' rights as recognised in other legislative instruments.

The rapporteur proposes amendments to the Commission proposal. At this meeting, the Rapporteur will present her draft report.

REPORT BACK

European Observatory on Infringements of Intellectual Property Rights - 6th Plenary meeting

The 6th Plenary Meeting of the European Observatory on Infringements of Intellectual Property Rights took place in Alicante on 27-28 September 2017. Jean-Marie Cavada, one of the representatives of the European Parliament in the Observatory attended the meeting and will report back to the committee.

The Observatory, which was set up in 2012, joins together representatives of the public and private sectors and civil society representatives interested in the issue of counterfeiting and piracy as well as representatives of Parliament and of the Commission.

SUBSIDIARITY (RULE 42)



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

Proposal for a directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures. (COM(2017)0275 - 017/0114(COD))

- the Austrian Bundesrat

Proposal for a directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive. (COM(2017)0278 – 2017/0121(COD))

- the Senate of the Republic of Poland

Scrutiny of delegated or implementing acts and other implementing measures



COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards as regards International Accounting Standard 28 and International Financial Reporting Standards 1 and 12

Under Commission Regulation (EC) No 1126/2008 certain international standards and interpretations that were in existence at 15 October 2008 were adopted.

On 8 December 2016, the International Accounting Standards Board (IASB) published Annual Improvements to International Financial Reporting Standards 2014-2016 Cycle (the annual improvements), in the framework of its regular improvement process which is aimed at streamlining and clarifying the standards. The objective of the annual improvements is to address non-urgent, but necessary issues discussed by the IASB during the project cycle on areas of inconsistency in International Financial Reporting Standards or where clarification of wording is required.

Following the consultations with the European Financial Reporting Advisory Group, the Commission concludes that the amendments to International Accounting Standard (IAS) 28 and International Financial Reporting Standard (IFRS) 1 and IFRS 12 meet the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.

The Commission therefore proposes amending Regulation (EC) No 1126/2008 accordingly.

The rapporteur is of the opinion that no objection should be raised to the proposal in question.

COMMISSION IMPLEMENTING REGULATION (EU) .../...of XXX establishing the forms referred to in Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes

According to Article 66 of Council Regulation (EU) 2016/1103, the Commission must adopt implementing acts establishing and subsequently amending the attestations and forms referred to in point (b) of Article 45(3) and Articles 58, 59 and 60. These forms concern the attestation of a decision in a matter of matrimonial property regimes (Annex I), the attestation of an authentic instrument decision in a matter of matrimonial property regimes (Annex II), and the attestation of a court settlement in a matter of matrimonial property (Annex III).

COMMISSION IMPLEMENTING REGULATION (EU) .../...of XXX establishing the forms referred to in Regulation (EU) 2016/1104 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships

According to Article 66 of Council Regulation (EU) 2016/1104, the Commission must adopt implementing acts establishing and subsequently amending the attestations and forms referred to in point (b) of Article 45(3) and Articles 58, 59 and 60. These forms concern the attestation of a decision in a matter of property consequences of registered partnerships (Annex I), the attestation of an authentic instrument decision in a matter of property consequences of registered partnerships (Annex II), and the attestation of a court settlement in a matter of property consequences of registered partnerships (Annex III).

Pursuant to Rule 106(2) and (3) of Parliament's Rules of Procedure, the Legal Affairs Committee, as the committee responsible for the basic acts may table a reasoned motion for a resolution stating that a draft implementing act or measure goes beyond the implementing powers conferred in the basic legislative act or is not consistent with Union law in other respects. The motion for a resolution may incorporate a request to the Commission to withdraw the draft implementing act or measure, to amend it in keeping with the objections raised by Parliament, or to submit a new legislative proposal. The President must inform the Council and the Commission of the decision taken.

Mr Cavada, the rapporteur on the relevant basic acts, is of the view that no objection should be raised to the adoption of these draft implementing acts.

IN CAMERA**DISPUTES INVOLVING PARLIAMENT****Case T-462/17, *TO v European Environment Agency* - Objection of illegality of Article 48 (b) of the Conditions of Employment of Other Servants - Possible intervention of the European Parliament**

In Case T-462/17, the applicant lodged an objection of illegality in respect of a provision which was introduced into the Conditions of Employment of Other Servants 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.

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 T-484/17, *Fidesban, SA e.a. v Single Resolution Board* - Resolution of credit institutions - Regulation (EU) No. 806/2014 - Directive 2014/59/EU - Plea of illegality - Possible intervention of the European Parliament**Case T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno y SFL-Stiftung für Forschung und Lehre v Single Resolution Board* - Resolution of credit institutions - Regulation (EU) No. 806/2014 - Directive 2014/59/EU - Plea of illegality - Possible intervention of the European Parliament****Case T-478/17, *Mutualidad General de la Abogacía and Others v Single Resolution Board* - Resolution of credit institutions - Regulation (EU) No. 806/2014 - Directive 2014/59/EU - Plea of illegality - Possible intervention of the European Parliament****Case T-512/17, *Organización de Consumidores y Usuarios (OCU) and Others v Single Resolution Board* - Resolution of credit institutions - Regulation (EU) No. 806/2014 - Plea of illegality - Possible intervention of the European Parliament**

These proceedings call in question the legality of certain provisions of Directive 2014/59/EU of the European Parliament and of the Council (the BRR Directive) and of Regulation (EU) No. 806/2014 of the European Parliament and of the Council (the SRM Regulation) and are parallel and related.

The BRR Directive establishes a framework for the recovery and resolution of credit institutions and investment firms, while the SRM Regulation creates uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund.

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 acts.

**VERIFICATION OF CREDENTIALS**

Legal basis: Rule 4 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scrimali

Preliminary Timetable

Exchange of views: 9.10.2017

Adoption JURI: 9.10.2017

Term of office

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

- Ms Ulrike LUNACEK, as from 9 November 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 spirit or the letter of the Act of 20 September 1976.

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 Francis ZAMMIT DIMECH (to replace Ms Therese COMODINI CACHIA), as from 24 June 2017;
- Mr Rupert MATTHEWS (to replace Mr Andrew LEWER), as from 29 June 2017;
- Ms France JAMET (to replace Mr Louis ALIOT), as from 21 July 2017;
- Mr Dennis RADTKE (to replace Mr Herbert REUL), as from 24 July 2017;
- Mr Jonathan BULLOCK (to replace Mr Roger HELMER), as from 1 August 2017.



Legal basis: Rule 3 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scrimali

Preliminary Timetable

Exchange of views: 9.10.2017

Adoption JURI: 9.10.2017

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.

IMMUNITIES

Ana Gomes

EXCHANGE OF VIEWS

Type of procedure: Waiver

Procedure: 2017/2096(IMM)

Legal basis: RoP Rule 6

Notice to Members: 24/2017

Rapporteur: Laura Ferrara

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views: 07.09.2017

Hearing: 09.10.2017

Manolis Kefalogiannis

EXCHANGE OF VIEWS

Type of procedure: Waiver

Procedure: 2017/2133(IMM)

Legal basis: RoP Rule 6

Notice to Members: 25/2017

Rapporteur: Jean-Marie Cavada

Administrator: Zampia Vernadaki

Preliminary Timetable:

Exchange of views: 07.09.2017

Hearing: 09.10.2017

Presentation of PR and Vote (tbc):
20.11.2017

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CREDITS & ACKNOWLEDGEMENTS

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