

JURI Report

At the meetings of 20-22 November 2017

November meetings of the Committee on Legal Affairs have busy and interesting agendas. On 20 November the Committee will firstly consider the draft recommendation on the Marrakesh Treaty. This will be followed by the consideration of compromise amendments on the recast of Brussels IIa Regulation, as well as by the consideration of two draft opinions on European services e-card. The day will conclude with the in camera items.

The committee meeting on 21 November will commence with a joint IMCO-JURI vote on the report on contracts for the supply of digital content. The two committees will also vote on the mandate to enter into interinstitutional negotiations. This will be followed by JURI votes on 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 JURI Members will also vote on the report on jurisdiction, recognition and enforcement in matrimonial matters, the report on copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of televisions and radio programmes, as well as on the opinion on mutual recognition of freezing and confiscation orders. The meeting will continue with the consideration of draft opinions on work-life balance for parents and carers, as well as on 2016 discharge to the Court of Justice. Lidia Geringer de Oedenberg will report back to the committee on the mission to Silicon Valley. This will be followed by an exchange of views on the Commission response to the committee report on civil law rules on robotics. The morning session will conclude with the in camera items.

Tuesday afternoon will open with a presentation of the International Bar Association's study on women business lawyers and of a study commissioned by Policy Department C on mapping the representation of women and men in legal professions across the EU. This will be followed by a workshop on planning of cross-border successions and a hearing on corporate social responsibility.

On 22 November, the Committee will hold its meeting in Luxembourg and have a round table discussion with judges from the Court of Justice and the General Court. In the afternoon there will be an exchange of views on the project for EU administrative law in which Judges of the Court of Justice, Judges of the General Court, Members of the Court of Auditors and Law Professors will also take part.

PAST EVENTS: Presentation of the Estonian e-justice system

On 10 October 2017, the Committee on Legal Affairs heard Kätlin Kattai, Head of Client and International Relations at the Centre of Registers and Information Systems (RIK), an ICT-focused state agency under the Estonian Ministry of Justice. Ms Kattai presented the Estonian e-Justice system, as an example of how the goal for an open and entirely digital justice system at EU level could be achieved. The presentation was based on an imaginary case study that depicted the multiple succeeding phases from the establishment of a company up to the initiation of court proceedings by an individual against that company. It explained in detail how an e-justice system could be, from the citizens' perspective, not only easy to use and less costly, but also efficient and secure. The questions that were put by the Members in the discussion that followed raised important issues and led to further clarifications, while emphasis was placed on the need for protection of personal data. Moreover, concerns were expressed with regard to violations or circumventions of EU business law that the structure of a digital system could potentially facilitate.

Despoina Zagklavara, DG IPOL trainee

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NEXT MEETINGS
28 NOVEMBER 2017
(JOINT JURI-AFCO)
7 DECEMBER 2017

JURI Website

EPRS

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VOTES

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 mean 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 to promote the rights of the child, the European Union is active at international level to improve the application of the 1980 Convention and encourages third States to accede 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 the 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 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, has therefore proposed 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.

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

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

Basic doc: COM(2017)0357;
COM(2017)0359;
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

Vote in JURI: 21.11.2017

Mutual recognition of freezing and confiscation orders

According to latest research data, illicit markets in the European Union generate about EUR 110 billion, or approximately 1% of EU GDP in 2010. Taking away the profits of criminal activity and making sure that 'crime does not pay' is therefore a very effective mechanism for combating crime. The seizing of assets generated by criminal activities is aimed at preventing and combating crime, including organised crime, and compensating victims, and provides additional funds which can be reinvested in 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 of the real sums involved: 98.9% of estimated criminal profits are not confiscated and remain at the disposal of the 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 vote on the draft opinion.

Procedure:
2016/0412(COD)

Basic doc:
COM(2016)819

Rapporteur : Pavel
Svoboda

Administrator: Zampia
Vernadaki

Preliminary timetable

Vote in JURI:
21.11.2017

Jurisdiction, recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (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 (the Brussels IIa Regulation), which since 2005 has applied 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 decade of its application. As a result, on 30 June 2016 the Commission submitted a proposal to recast the Regulation.

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 European Economic and Social Committee on 22 and 23 March 2017, the Committee on Legal Affairs examined a draft report (rapporteur: Tadeusz Zwiefka) at its meeting of 30 May 2017. 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 that will be acceptable in every Member State. The streamlining of the grounds for denying enforcement, the existence of adequate financial support for the central authorities, the concentration of jurisdiction for international child abduction cases, and the emphasis on participation rights for children while not interfering with Member States' national provisions on the modalities of the hearing of a child, have thus been sincerely welcomed.

At this meeting, the Committee on Legal Affairs will examine compromise amendments ahead of the scheduled vote on 21 November 2017.

Procedure: 2016/0190(CNS)

Basic doc: COM(2016)0411

Legal basis: Article 81(3) TFEU

Rapporteur for opinion: Tadeusz Zwiefka

Administrator: Zampia Vernadaki

Preliminary Timetable

Vote in JURI: 21.11.2017

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 widening 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 enables 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 consider enabling broadcasters to also disseminate material that is 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.

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 arrangement 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.

The Committee considered the draft report at its meeting on 30 May 2017. The rapporteur and the shadow rapporteurs also held a meeting on 12 July 2017 with Commission Vice-President Ansip, Commissioner Vestager and Estonian Minister of Justice Urmas Reinsaulu to discuss the relationship between this dossier and the Commission's competition case involving Sky pay-TV and Hollywood studios, which relates to cross-border access to pay-TV. The Commission's position is that since the competition case is limited to a certain fact base scenario relating to specific actors when it comes to contractual restrictions and passive sale, and whereas the proposal for a regulation is a regulatory measure of general scope, the two dossiers are unrelated and there is therefore no need to await the final outcome of the competition case before moving on with the examination of the proposed regulation in Parliament and the Council.

The 330 amendments tabled to the draft report and the opinions adopted in the other committees were considered at the JURI meeting on 7 September 2017. A number of meetings of the rapporteur and shadow rapporteurs have since been held in order to agree on compromise amendments.

At this meeting, the Committee will vote on the draft report and a mandate to enter into negotiations with the Council.

Procedure:

2016/0284(COD)

Basic doc: COM(2016)0594

Rapporteur: Tiemo Wölken

Administrator: Magnus Nordanskog

Opinion giving committees: CULT, IMCO, ITRE

Preliminary timetable

Vote in JURI: 21.11.2017

Contracts for the supply of digital content

On 9 December 2015, the Commission presented two legislative proposals on harmonised rules for digital contracts, namely a proposal for a directive on certain aspects concerning contracts for the supply of digital content and a proposal for a directive on certain aspects concerning contracts for the online and other distance sales of goods. The objective of the proposals is to further harmonise contract law in order to increase consumer confidence when buying online and across borders, as well as to create a business-friendly environment and make it easier for businesses to sell across borders. The Commission has opted for a targeted and fully harmonised set of rules dealing only with certain aspects of contract rules, mainly focusing on the criteria for conformity of the goods with the contract and remedies in case of non-conformity. The scope is also limited to business-to-consumer contracts and excludes face-to-face contracts, which continue to be governed by the Consumer Sales and Guarantee Directive.

The IMCO and JURI committees have joint responsibility for the digital content proposal. 988 amendments have been tabled by members of the two committees on the different aspects of the proposal.

At this meeting, the members of the Committee on Legal Affairs and of the Committee on Internal Market and Consumer Protection will vote on the draft report on certain aspects concerning contracts for the supply of digital content (co-rapporteurs: Evelyn Gebhardt and Axel Voss) and on the decision to enter into interinstitutional negotiations.

Procedure: 2015/0287(COD)

Basic doc: COM(2015)634

Legal basis: Article 114 TFEU

Co-rapporteur (JURI): Axel Voss

Administrator (JURI): Carine Piagnet/Zampia Vernadaki

Preliminary Timetable

Vote in IMCO/JURI: 21.11.2017

CONSIDERATION OF DRAFT OPINION

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 aims at addressing women's under-representation in employment and at supporting their career progression through improved conditions in order to reconcile their professional and private duties.

In 2015, the employment rate of women (aged 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 was nearly 9% less than women without young children, and in several countries this difference went over 30%.



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

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

Rapporteur: Joëlle Bergeron

Administrator: Valeria Ghilardi

Legal basis: Art. 153 TFUE

Preliminary time-table

Presentation of the draft opinion: 21.11.2017

Deadline for AMs: 23.11. 2017

Furthermore, women are much more likely to assume the role of informal carers for elderly or dependent relatives than men, and they are also far more likely to work part-time due to caring responsibilities.

In 2016, the incidence of part-time work differed significantly between men and women: 31.4% of women (aged 20-64) employed in the EU-28 worked on a part-time basis; a much higher proportion than the corresponding share for men (8,2%).

This proposal does not diminish the level of protection offered by the EU acquis. It rather improves existing rights and introduces new ones for both women and men, thereby addressing the equal treatment and opportunities in today's labour market, promoting non-discrimination and fostering gender equality.

At this meeting, the Committee on Legal Affairs will consider the draft opinion presented by Joëlle Bergeron (the rapporteur).

Regulation of the European Parliament and of the Council introducing a European services e-card and related administrative facilities

The proposal for a regulation on a European services e-card, presented jointly with a proposal for a directive, is complementary to other policy initiatives in the context of services announced in the Single Market Strategy to prevent the introduction of barriers to cross-border service provision at national level.

Through the e-card service providers will be able to avoid administrative obstacles such as uncertainty as to which requirements apply, filling in disparate forms in foreign languages, translating, certifying or authenticating documents, and non-electronic procedural steps.

The proposal provides for the following:

- where a service provider plans to provide a service temporarily cross-border, the e-card would be issued by the home Member State. The host Member States would be able to object to issuance of the e-card where the Services Directive already allows them to do so by invoking overriding reasons of public interest. Once issued, the e-card would allow the service provider to provide services on a temporary cross-border basis in the host Member State;
- where a service provider plans to provide services through a branch, agency or office in another Member State, the e-card is issued by the host Member State. In this case the service provider would still request the e-card with its home country authorities, who would check that the service provider is established on that Member State's territory in line with its applicable rules. However, in a second step the home Member State's authorities would initiate a process with the relevant host country administration to allow the latter to verify if the requesting service provider meets its host country's regulatory requirements in line with the Services Directive.

Procedure: [2016/0403\(COD\)](#)

Rapporteur: Evelyn Gebhardt

Administrator: Andrea Scrimali

Committee responsible: IMCO

Preliminary Timetable

Consideration of draft opinion: 21.11.2017

The European services e-card would also:

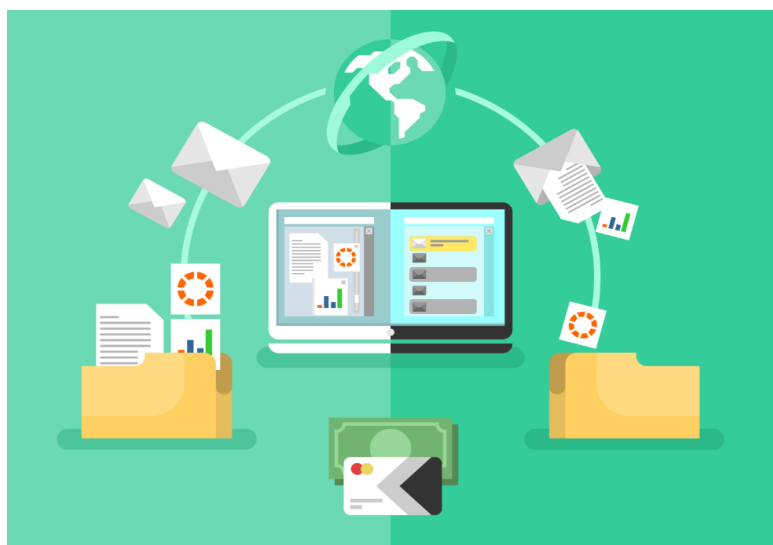
- offer technical facilities to facilitate compliance with administrative formalities related to posting of staff into the territory of those Member States that have communicated to the Commission that they wish to make use of the Internal Market Information System for this purpose;
- include rules to facilitate obtaining insurance coverage for services provided across borders.

The European services e-card would apply in a first stage to business services and construction services to the extent that the related activities already fall under the Services Directive.

This proposal also includes review clauses for future consideration of the effectiveness of the European services e-card, including as regards compliance with the formalities necessary for the posting of workers.

At this meeting the rapporteur for opinion will present her draft opinion with a recommendation to reject the Commission proposal, and a debate will follow.

Directive of the European Parliament and of the Council on the legal and operational framework of the European services e-card introduced by Regulation



The proposal for a directive lays down a legal and operational framework for the European services e-card (ESC), to be introduced by a proposal for a regulation (the 'ESC regulation'; see previous item). It sets out the rules governing access to and exercise of service activities by holders of an e-card.

In particular, this proposal:

- sets the scope of this Directive as including the business and construction services listed in its Annex;
- clarifies the evidentiary value, throughout the Union, of an ESC in relation to establishment in the home Member State of the provider, from which it expands operations by making use of the e-card;
- details the effects of the ESC as proof of the ability of the e-card holder to provide services in the territory of the host Member State, either temporarily or through a branch, agency or office located therein;
- determines the validity of the ESC as being indefinite in time, unless suspended, revoked or cancelled, and encompassing all of the territory of the host Member State;
- determines that the application for an e-card should be submitted to the coordinating authority of the home Member State;
- safeguards the right of Member States to invoke overriding reasons of public interest;
- describes the procedural steps for issuing a ESC for providing services through establishment in the form of branches, agencies or offices. The coordinating authority of the host Member State specifies what requirements apply on its territory in order for access to be granted. The applicant needs to prove the necessary compliance. If no decision is taken by the coordinating authority of the host Member State after a proper due process with the applicant and despite an alert reminding it to react, the e-card is issued;
- provides for a right of redress against decisions by coordinating authorities of either the home or the host Member State;
- introduces a 'once-only principle' at domestic level, under which information and documents in the possession of home Member State authorities need not be supplied again by the applicant for a ESC;
- lists events occurring in the host Member State which must trigger suspension or revocation of a ESC.

At this meeting the rapporteur for opinion will present her draft opinion with a recommendation to reject the Commission proposal, and a debate will follow.

Procedure: 2016/0402(COD)

Rapporteur: Evelyne Gebhardt

Administrator: Andrea Scimali

Committee responsible: IMCO

Preliminary Timetable

Exchange of views: 12-13.07.2017

Consideration of draft opinion: 21.11.2017

2016 discharge: EU general budget - Court of Justice

Pursuant to Article 319 TFEU, Parliament, acting on a recommendation from the Council, decides on whether to give a discharge to the Commission in respect of the implementation of the annual budget of the EU. This procedure covers the accounts of EU revenue and expenditure, their balance and the assets and liabilities of the Union detailed in the balance sheet. From a technical point of view, the discharge allows the closure of the accounts of a given year, which brings the relevant budgetary cycle to an end. Most importantly, it enables Parliament, as a political actor, to carry out democratic scrutiny of how the Commission has performed its task of implementing the budget.

Parliament also grants separate discharge to the other EU institutions (for their respective sections of the EU general budget) and to EU agencies and joint undertakings.

The Committee on Legal Affairs, which is responsible for Section IV of the EU general budget (Court of Justice), decided to give an opinion to the Committee on Budgetary Control on the discharge to the Court of Justice.

At this meeting, the Committee on Legal Affairs will consider the draft opinion presented by its Chair.

Procedure: [2017/2139\(DEC\)](#)

Legal basis: Article 319 TFEU

Rapporteur: Pavel Svoboda

Administrator: Valeria Ghilardi

Preliminary Timetable

Presentation of the draft opinion: 21.11.2017

Deadline for AMs: 04.12.2017

Vote in JURI: 25.01.2018

CONSIDERATION OF A DRAFT REPORT

Annual reports for 2015 and 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 to the Treaty on the Functioning of the European Union 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 on Legal Affairs will consider its rapporteur's draft report.

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

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

Rapporteur: Mady Delvaux

Administrator: Francisco Ruiz-Risueño

Preliminary timetable

Draft report: 20-21/11.2017

Deadline for AMs: 8.12.2017

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

Article 5a of Decision 1999/468/EC, as amended by Council Decision 2006/512/EC (the 'Comitology Decision'), established the so-called regulatory procedure with scrutiny (RPS).

With the entry into force of the Treaty of Lisbon and in light of the subsequent new legal framework for sub-secondary legislation established by Articles 290 and 291 TFEU, the Comitology Decision had to be revised. However, Regulation 182/2011 (the 'Comitology Regulation'), which was adopted for this purpose on the basis of Article 291(3) TFEU, intentionally left Article 5a of the Comitology Decision out of its scope. Article 5a establishing the RPS had therefore to be provisionally maintained for the purposes of existing basic acts referring to that article. On the other hand, the *acquis* in question has to be aligned as soon as possible to the Treaty of Lisbon in order to ensure legal certainty.

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

Rapporteur: József Szajer

Administrator: Andrea Scrimali

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

Preliminary Timetable

Consideration of a draft report: 20-21.11.2017

Deadline for amendments: 28.11.2017

Consideration of amendments: 7.12.2017



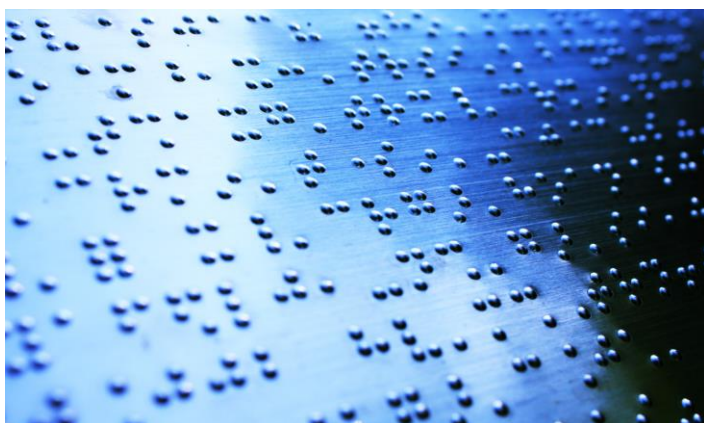
In 2013, the Commission proposed to complete the alignment with three extensive proposals (the so-called 'Omnibus proposals'), which Parliament adopted at first reading in February 2014. However, the new Commission subsequently withdrew the proposals.

Following the entry into force of the new Interinstitutional Agreement on Better Law-making (IIA) of 13 April 2016, the Commission presented two new proposals for alignment in December 2016, one focusing on legislative files in the area of justice and one focusing on the remaining policy areas. The two proposals cover 3 and 168 basic acts respectively.

On 20 June 2017 the rapporteur presented a working document outlining the working arrangements established with the large number of committees that had requested authorisation to issue an opinion.

At this meeting, building on that working document, the rapporteur will present his two draft reports.

Marrakech Treaty



At this meeting, the rapporteur, Max Andersson (FI, Greens/ALE), will present a draft recommendation on the conclusion of the Marrakech Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled.

The Marrakech Treaty aims to improve the availability and cross-border exchange of certain works and other protected subject matter in accessible formats for persons who are blind, visually impaired or otherwise print-disabled. It requires contracting parties to provide for exceptions or limitations to copyright and related

rights for the making and dissemination of copies, in accessible formats, of these works and protected subject matter, and for the cross-border exchange of those copies.

On 21 October 2014 the Commission adopted a proposal for a Council decision on the conclusion on behalf of the European Union of the Marrakech Treaty. Following a legal question on whether the Union has exclusive competence to conclude the treaty, the Commission asked for an opinion from the European Court of Justice in August 2015. On 14 February 2017, the Court confirmed the exclusive competence of the Union to conclude the Marrakech Treaty and clarified that the Marrakech Treaty does not fall within the scope of the common commercial policy.

On 23 October 2017 the Council decided to request the European Parliament to give its consent to the conclusion of the treaty. The adoption of a Council decision authorising the conclusion of the Marrakech Treaty would enable the EU to deposit the ratification instruments.

The Marrakech Treaty is part of the system of copyright treaties administered by the World Intellectual Property Organisation (WIPO). It was adopted on 27 June 2013 and entered into force on 30 September 2016. The Marrakech Treaty was signed on behalf of the Union on 30 April 2014, subject to its conclusion.

The European Parliament and the Council adopted, earlier this year, two legislative instruments implementing, in the framework of the EU, the Marrakech Treaty.

Procedures:

[2014/0297\(NLE\)](#)

Rapporteur: Max Andersson

Administrator: Carine Piaguet

Preliminary Timetable

Consideration of draft recommendation: 20-21/11/2017

Deadline for AMs: 24/11/2017, 12.00

Vote in JURI: 7/12/2017

REPORT BACK

Mission report following the visit of the Committee on Legal Affairs to Silicon Valley, USA, from 30 October to 2 November 2017

At this meeting, the members of the committee who participated in the mission to Silicon Valley, USA, which took place from 30 October to 2 November 2017 will report back to committee on the discussions they had with the stakeholders they met.

The visit mainly related to the work of JURI in the field of intellectual property rights, in particular on copyright, patents and enforcement. The aim of this visit was to meet and engage in discussions with US stakeholders, both major companies and start-ups, with a focus on the cultural and creative industries, tech companies, academia, civil society actors and USPTO.

During its visit the delegation held 13 meetings with a wide range of interlocutors. Its members learned about content and technology strategies, building of value, and IPR enforcement. They also discussed issues relating to patents (including Standard Essential Patents) and enforcement, with companies active in different sectors (pharmaceuticals, technology, IT). The actions taken by ISPs with regard to IP enforcement were also discussed. Participants further had the opportunity to meet with non-profit organisations and representatives of start-ups. A meeting with academics at Stanford University School of Law also took place. Finally, the delegation met with the US Patent and Trademark Officer.

The JURI members who took part in the mission were Axel Voss, Tadeusz Zwiefka, Lidia Geringer de Oedenberg (Head of delegation), Sylvia Yvonne Kaufmann, Sajjad Karim, Julia Reda and Joëlle Bergeron. Accompanying the delegation was Christian Ehler, Chair of Parliament's Delegation for relations with the United States of America.

EXCHANGE OF VIEWS

Civil Law Rules on Robotics



On 12 February 2017 Parliament adopted the resolution based on own-initiative legislative report on Civil Law Rules on Robotics, drawn up in the JURI Committee with Mady Delvaux-Stehres as rapporteur.

The background to the report included the position that in the short to medium term, robotics and AI promise to bring efficiency and savings not only in production and commerce but also in areas such as transport, medical care, education and farming, while also making it possible to avoid exposing humans to dangerous situations such as cleaning up toxically polluted sites, and in the longer term may bring virtually unbounded prosperity. However, the advances in robotics and AI also raise concerns, from the effects on employment to

questions of physical safety, privacy and integrity. Furthermore, new and planned applications of robotics and AI with increasing capacities of learning and autonomous action appear to be putting traditional legal concepts and doctrines under strain, notably as regards liability and insurance.

To address this, Parliament proposed a set of measures, including rules on civil liability and intellectual property rights, and also provisions concerning safety in research and development, registration of robotics and creating a dedicated EU agency.

The Parliament now received the Commission reply to its initiative. While it conceded on the need for a review of rules on civil liability, it did not show great enthusiasm for some of Parliament's other proposals. In the October conclusions of the European Council it invited the Commission to 'put forward a European approach to artificial intelligence by early 2018', and also called on the Commission to 'put forward the necessary initiatives for strengthening the framework conditions' in order to 'enable the EU to explore new markets through risk-based radical innovations and to reaffirm the leading role of its industry'.

An exchange of views on the Commission reply will be led by the JURI rapporteur.

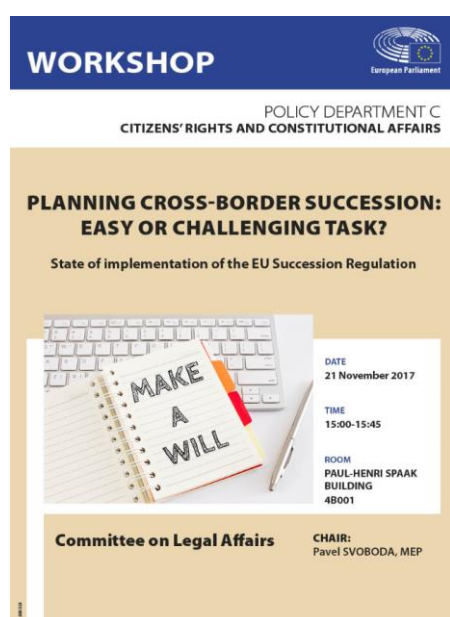
Procedure: 2015/2103(INL)
Legal basis: Article 225 TFEU
Rapporteur: Mady Delvaux-Stehres
Administrator: Henrik Kjellin
Opinion giving committees: ITRE, IMCO, EMPL, LIBE
Adoption Plenary: 12.02. 2017
Commission response: 16.06.2017

UPCOMING EVENTS



Hearing on corporate social responsibility

The Committee on Legal Affairs, as the committee responsible for company law, decided to organise a [hearing on corporate social responsibility](#) with the aim of following up on the most recent developments in the field. Six experts from different backgrounds have been invited to speak at this hearing: Mr Roel Nieuwenkamp, Chair of the OECD Working Party on Responsible Business Conduct; Ms Carole Grandjean, Member of the French National Assembly; Mr Dan Rees, Director of the Better Work programme of the International Labour Organisation; Mr Winand Quaadvlieg, Chair of the BIAC Working Group on Responsible Business Conduct; Mr Jérôme Chaplier, of the European Coalition for Corporate Justice; and Mr Alain Deckers, Head of the Accounting and Financial Reporting Unit at the Commission's DG FISMA (Directorate-General for Financial Stability, Financial Services and Capital Markets Union).



Workshop on planning cross-border succession: easy or challenging task?

Two years have passed since EU Regulation No 650/2012 on succession entered into force. Legal professionals, who have now gained a degree of practical experience in applying the new rules, are invited to share their views as to the strengths and weaknesses of the EU legislation on successions. It is the purpose of [this workshop](#) to provide a first state of play of the implementation of the EU Regulation on cross-border succession, with a view to determining whether it is fulfilling its goal of ensuring legal certainty, predictability and simplification for citizens. The experts participating in the workshop will assess whether - in the light of their professional experience - the new rules are simplifying the planning and settlement of cross-border successions, or whether their application poses legal and practical challenges or difficulties. This workshop will also offer an opportunity to present the key findings of the study commissioned by the Policy Department for Citizen's Rights and Constitutional Affairs, 'The evidentiary effects of authentic acts in the Member States of the European Union, in the context of successions'. This study provides an important toolkit for legal professionals dealing with cross-border successions.

Visit to the Court of Justice of the European Union on 22 November 2017

On 22 November 2017, from 10.30 to 12.00, the Committee on Legal Affairs will be received by the Court of Justice in Luxembourg and will have an exchange of views with President Lenaerts and Members of the Court of Justice and of the General Court on issues of topical interest for the committee, such as the recent reform of the General Court, European Court of Auditors' (ECA) special report on performance review of case management at the Court of Justice of the European Union, recent developments in case-law on civil and company law matters, and on possible improvements in administrative law at the Union's level.

Extraordinary meeting in Luxembourg on 22 November 2017

On 22 November 2017, from 14.30 to 17.30, the Committee on Legal Affairs will have an extraordinary meeting in Luxembourg that will mainly consist of an exchange of views about the need and possibility of adopting at European Union level an administrative law code applicable to the entire European Union administration. The meeting will be organised in two parts with discussions accompanied by representatives of different EU institutions (Court of Justice, General Court, Court of Auditors). An exchange of views with the Members will take place on the basis of two presentations on some aspects relating to the European Parliament's resolution of 9 June 2016 on an open, efficient and independent European Union Administration (2016/2610(RSP)) (Rapporteur: Heidi Hautala).

It is recalled that Article 41 of the Charter of Fundamental Rights of the European Union establishes the right to good administration and sets out certain principles and rights in this respect. The European Parliament has repeatedly, since 2001, called for the adoption of a regulation on the administrative procedure of the Union. The introduction of a new legal basis by

the Lisbon Treaty, Article 298 TFEU, led the Committee on Legal Affairs to set up a working group on EU Administrative Law, the work of which led to the subsequent adoption of a resolution on 15 January 2013, whereby the European Parliament requested the Commission to submit a proposal for a regulation on a European Law of Administrative Procedure.

SCRUTINY OF DELEGATED OR IMPLEMENTING ACTS AND OTHER IMPLEMENTING MEASURES



Commission Regulation 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 International Financial Reporting Standard (IFRS) 2 Share-based Payment

Commission Regulation (EC) No 1126/2008 marked the adoption of certain international standards and interpretations that were in existence at 15 October 2008.

On 20 June 2016, the International Accounting Standards Board (IASB) published amendments to International Financial Reporting Standard (IFRS) 2 Share-based Payment. The amendments aim to clarify how companies should apply the standard in some specific instances.

Following consultations with the European Financial Advisory Group, the Commission concludes that the amendments to IFRS 2 meet the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.

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

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

Commission Regulation 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 Interpretation 22 of the International Financial Reporting Interpretations Committee

By 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) issued Interpretation 22 Foreign Currency Transactions and Advance Consideration of the International Financial Reporting Interpretations Committee (IFRIC). The Interpretation clarifies the accounting for transactions that include the receipt or payment of advance consideration in a foreign currency.

The consultation with the European Financial Reporting Advisory Group confirms that the Interpretation IFRIC 22 meets the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.

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

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

Commission Regulation 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 International Accounting Standard (IAS) 40

Commission Regulation (EC) No 1126/2008 marked the adoption of certain international standards and interpretations that were in existence at 15 October 2008.

On 8 December 2016, the International Accounting Standards Board (IASB) published the amendments to International Accounting Standard (IAS) 40 Investment Property. The amendments clarify when a company is allowed to reclassify a property to (or from) the 'investment property' category.

Following consultations with the European Financial Reporting Advisory Group, the Commission concludes that the amendments to International Accounting Standard (IAS) 40 meet the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.

The Commission therefore proposes to amend 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 decision of XXX concerning the adoption of the work programme for 2018 and the financing for the implementation of the Justice Programme

In order to ensure implementation of the Justice Programme it is necessary to adopt a financing decision and the work programme for 2018. Article 94 of Commission Delegated Regulation (EU, Euratom) No 1268/2012 establishes detailed rules on financing decisions.

The Commission considers it appropriate to authorise award of grants without a call for proposals to the bodies identified in the work programme and for the reasons provided therein.

The Commission Implementing Decision should allow for the payment of interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of Delegated Regulation (EU, Euratom) No 1268/2012.

For the application of this Decision, the Commission considers it appropriate to define the term 'substantial change' within the meaning of Article 94(4) of Delegated Regulation (EU, Euratom) No 1268/2012.

The measures provided for in this Decision are in accordance with the opinion of the Justice Committee established by Article 11 of Regulation (EU) No 1382/2013.

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

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 Jiří PAYNE (to replace Mr Petr MACH), as from 5 September 2017;
- Ms Nosheena MOBARIK (to replace Mr Ian DUNCAN), as from 8 September 2017;
- Mr Răzvan POPA (to replace Mr Victor NEGRESCU), as from 13 September 2017;
- Mr Asim Ahmedov ADEMOV (to replace Ms Mariya GABRIEL), as from 14 September 2017;
- Ms Livia JÁRÓKA (to replace Ms Ildikó GÁLL-PELCZ), as from 15 September 2017;
- Mr Rory PALMER (to replace Ms Glenis WILLMOTT), as from 3 October 2017.



Legal basis: Rule 3 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scrimali

Preliminary Timetable

Exchange of views: 20.11.2017

Adoption in JURI: 20.11.2017

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

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

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

Consideration of a draft report: 20.11.2017

Adoption (tbc): 20.11.2017

Manolis Kefalogiannis

EXCHANGE OF VIEWS WITH OLAF (TBC)

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

Exchange of views with OLAF (tbc): 20.11.2017

Ingeborg Gräßle

EXCHANGE OF VIEWS

Type of procedure: Waiver

Procedure: 2017/2220(IMM)

Legal basis: RoP Rule 6

Notice to Members: 34/2017

Rapporteur: Jean-Marie Cavada

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views: 20.11.2017

Steeve Briois

EXCHANGE OF VIEWS

Type of procedure: Waiver

Procedure: 2017/2221(IMM)

Legal basis: RoP Rule 6

Notice to Members: 37/2017

Rapporteur: Evelyn Regner

Administrator: Andrea Scrimali

Preliminary Timetable:

Exchange of views: 20.11.2017

Eleonora Forenza

EXCHANGE OF VIEWS + HEARING

Type of procedure: Defence

Procedure: 2017/2199(IMM)

Legal basis: RoP Rule 7

Notice to Members: 33/2017

Rapporteur: Gilles Lebreton

Administrator: Andrea Scrimali

Preliminary Timetable:

Exchange of views: 21.11.2017

Hearing: 21.11.2017

SUBSCRIPTIONS

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

JURI Press Releases: lega-press@europarl.europa.eu

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