



**Committee on Legal Affairs** 

## JURI Report

#### At the meeting of 22-23 March 2017



The March 2017 meeting of the Committee on Legal Affairs will commence with a joint IMCO-JURI session in order to debate the amendments tabled to the report on contracts for the supply of digital content. That will be followed by a debate on the amendments tabled to Heidi Hautala's draft opinion on contracts for the online or distance sale of goods.

Tadeusz Zwiefka will then lead an

exchange of views, in the presence of the European Economic and Social Committee, on the recast of the Brussels II Regulation.

Therese Comodini Cachia will present her much-awaited draft report on copyright in the Digital Single Market. Constance Le Grip will then present her opinion on online platforms and the Digital Single Market, followed by an exchange of views on Tiemo Wölken's future report on copyright and broadcasting.

The morning will conclude with a hearing on the new mandatory exceptions to copyright.

The afternoon will commence in camera, but at 16.00 the European Parliament Research Service will present its European added value assessment on common minimum standards for civil procedure. Jiří Maštálka will submit his draft opinion on the EU accession to the Istanbul Convention to the committee's attention.

The day will conclude with a further hearing, together with EMPL, on a statute for social and solidarity-based enterprises.

The committee meeting on 23 March will begin with a hearing on the state of play on the Unitary Patent. A relatively high number of votes will ensue, concerning the HNS Convention, the text agreed in trilogues on the cross-border portability of online content services, copyright exceptions for the blind, Joëlle Bergeron's legislative proposal for the protection under civil law of vulnerable adults, the 2014 annual report on subsidiarity and proportionality, Lidia Joanna Geringer de Oedenberg's opinion on geo-blocking, the codification of company law, and recasts.

Jószef Szájer will lead an exchange of views on the new omnibus proposal on the end of the regulatory procedure with scrutiny, which is to be abolished under the Lisbon Treaty and Kostas Chrysogonos will present his draft implementation report on the Mediation Directive.

Finally, there will be a debate on the amendments tabled to the report on the application of EU law in 2015, and Pavel Svoboda will present his draft legislative initiative report on limitation periods for traffic accidents, before the European Union Intellectual Property Office presents its study on the perception of intellectual property.

ISSUE 34 MARCH/2017

NEXT MEETING

11-12 APRIL 2017

**JURI** Website

**EPRS** 

LATEST ANALYSES

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A European Statute for Social and Solidarity-Based Enterprise

The European Law
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Artificial Intelligence:
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European civil law rules in robotics

Brussels IIa Regulation - Compilation of Briefings

#### **UPCOMING EVENTS**



#### Hearing on Copyright reform: the new mandatory exceptions

On 22 March 2017, from 11.30 to 12.30, the Committee on Legal Affairs will hold a second public hearing on the legislative proposal on copyright, focusing on mandatory exceptions.

As part of the copyright package proposed by the Commission on 14 September 2016, the proposal for a directive on copyright in the digital single market aims to adapt the EU legislative framework on copyright to digital environment. It introduces, among other elements, new mandatory exceptions or limitations to copyright in three specific cases: 1) for the use of text and data mining technologies in the field of scientific research; 2) for the use of works for illustration for teaching purposes, and 3) in order to allow cultural heritage institutions to perform acts of preservation of their collections.

This is the purpose of the discussion at this hearing with a number of experts and stakeholders: representatives of research libraries, publishers, and civil society organisations, including the academic perspective.

#### Hearing on the Unitary Patent: state of play

On 23 March, Members of the Legal Affairs Committee will have a presentation by the President of the European Patent Office and by a representative of the Commission on the latest state of play on the Unitary Patent. A discussion will follow with Bernhard Rapkay, former Member of the European Parliament and rapporteur for the unitary patent.

According to the Fifth Progress Report on the implementation of the unitary patent package, all the rules necessary for the implementation of Unitary Patent protection have been adopted and are already complete. However, the Unitary Patent system will come into effect only once the Unified Patent Court Agreement is ratified by thirteen participating Member States, including the three most active countries when it comes to patent validation, namely Germany, France and the United Kingdom. So far, twelve Member States have ratified it, including France, and ratification procedures are well advanced in Germany and the UK.

The unitary patent is a European patent with unitary effect, i.e. a patent that will provide uniform protection across the participating Member States on a one-stop-shop basis. The package also includes the setting up of a Unified Patent Court that will offer a single, specialised patent jurisdiction.

PUBLIC HEARING COMMITTEE ON LEGAL AFFAIRS COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS - 17:00-18:30 A STATUTE FOR

## SOCIAL AND SOLIDARITY-BASED **ENTERPRISES** Social **Enterprise** Jiří MAŠTÁLKA Heinz K. BECKER

#### Joint JURI – EMPL Hearing on a statute for social and solidaritybased enterprises

On 29 September 2016, the Committee on Legal Affairs was authorised to draw up an own-initiative legislative report on a "Statute for social and solidarity-based enterprises" (2016/2237(INL)). The Committee on Employment and Social Affairs was associated under Rule 54 of the Rules of Procedure. They agreed that the Committee on Legal Affairs would be responsible for all aspects relating to the legal status of social and solidarity-based enterprises, including denomination, form, structure, capital, statutes, and any other matter falling within the field of company law, and that the Committee on Employment and Social Affairs will deal with those aspects relating to the recognition, support and promotion of this type of enterprises, their social impact and contribution to EU 2020, including boosting employment and economic growth, solidarity and social cohesion. The coordinators of both committees considered that it would be most appropriate to hold a joint hearing on the topic and authorisation for it was sought and granted. The hearing will bring together five experts in the field who will provide an overview of the current state of the legislation on social and solidarity-based enterprises and who will provide information of how the proliferation of this kind of enterprises could boost employment, improve community welfare and advance economic growth.



#### **VOTES**

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

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

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

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

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

Parliament adopted two interim resolutions on 8 June 2016 on the draft Council decisions pursuant to Rule 99(3) of the Rules of Procedure (now Rule 99(5) RoP), containing recommendations for modification or implementation of the envisaged

Procedure: 2015/0135(NLE);

**Basic Doc:** 13806/15; 14112/15;

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

**Rapporteur:** Pavel Svoboda **Administrator:** Zampia

Vernadaki

Preliminary Timetable
Adoption JURI: 23.03.2017
Adoption Plenary: 05.04.2017

international agreement. The resolutions called the Council and the Commission to carefully consider the legal basis of the draft decisions, the scope and the type of obligation imposed on Member States to ratify or accede to the HNS Convention, and to ensure that the uniformity, integrity and effectiveness of common EU rules was not adversely affected in view of the overlap between the HNS Convention on the one hand and the Environmental Liability Directive and the recast Brussels I Regulation on the other hand.

Although the Commission welcomed the adoption by Parliament of this resolution and confirmed that it would have been ready to accept a compromise solution, the Council took note of Parliament's resolution in the Shipping Working Party at its meeting of 15 July and found that there was no scope to reopen the discussion on the text of the draft Council Decision, since it fell under the consent and not the co-decision procedure.

Taking into account the significant share which HNS cargo represents in maritime freight transport, the global nature of the shipping business, as well as the cross-boundary impact accidents involving HNS cargo are likely to have, the rapporteur, Pavel Svoboda, recommends in his draft recommendations that Parliament consent to the ratification and accession by Member

States, in the interest of the European Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea.

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

#### **Implementation of the Marrakesh Treaty**



At this meeting, the Committee on Legal Affairs will vote on two reports (Rapporteur: Max Andersson, Greens/EFA) on the legislative proposals aiming at implementing in the Union the

Marrakech **Treaty** to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, Otherwise Print Disabled (the Marrakech Treaty).

The proposals for directive

regulation intend to improve the availability and cross-border exchange of books and other print material in formats that are accessible to the blind. They are part of the copyright reform proposed by the Commission on 14 September 2016. The proposal for a directive aims at facilitating the use of certain copyright protected content, without the authorisation of the rightholder, providing for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. The proposal for a regulation contains provisions on the export and import of accessible format copies.

**Procedure:** and Basic doc:

Legal basis: Article 114/ Article 207 TFEU

Rapporteur: Max Andersson Administrator: Carine

**Piaguet** 

**Preliminary timetable** Adoption JURI: 23.3.2017 **Adoption Plenary: 2017** 

#### Protection of vulnerable adults



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

What is more, the free movement of persons – one of the legal foundations of the European Union - and the increasing mobility of citizens, along with the numerous cross-border situations, make the protection of vulnerable adults a major challenge at European level.

For example, it is more and more common for pensioners to decide to retire to a different Member State, where they purchase property or make other investments.

Procedure: Legal basis: Article 225 TFEU Rapporteur: Joëlle Bergeron Administrator: Francisco Ruiz-Risueño **Preliminary Timetable** 

**Adoption JURI: 23.03.2017** 

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

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



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

Today, consumers visiting another EU country often cannot access and use online content services that they have subscribed to in their home

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

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

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

Procedure: 2015/02

Basic doc:

Rapporteur: Jean-Marie Cavada Administrator: Magnus Nordanskog

**Preliminary Timetable** 

Vote on the agreed text: 23.03.2017

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

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

The text was agreed in Coreper at the meeting on 15 February 2017. The rapporteur, Jean-Marie Cavada, reported back on the outcome of the negotiations at the JURI meeting on 28 February 2017. The dossier is to be adopted by Parliament in plenary at the May part-session, following which the text should be adopted by the Council. The regulation should then enter into force and apply as from Spring 2018.

At this meeting, the Committee will vote on the agreed text.

#### Presentation by EUIPO of an intellectual property perception study

At this meeting, the Members of the Legal Affairs Committee will follow a presentation of a recent report provided by the Observatory on Infringements of Intellectual Property Rights entitled "EU citizens and intellectual property: perception, awareness and behaviour". António Campinos, Executive Director of the European Union Intellectual Property Office (EUIPO), will introduce the matter.

This report is the second edition of a previous study carried out in 2013, which detailed the perception, attitude and behaviour of EU citizens towards intellectual property, and identified trends.

In order to monitor the evolving situation, the Office has decided to repeat the study every three years.

## Addressing geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market



Geo-blocking refers to discriminatory practices that prevent online customers from accessing and purchasing a product or a service from a website based in another Member State, automatically re-route them to a local site, or refuse delivery or payment based on the location or place of residence of the user. As a result, consumers face different selling conditions for products or services purchased online on the basis for example of their IP address, their postal address or the country of issue of their credit card. These practices which limit cross-border trade in the internal market and result in geographical market segmentation have long been a concern for consumer protection, competition and copyright laws.

Shortly after taking up office, Commission Vice-President Ansip publically stated that he hates unjustified geoblocking and vowed that the Commission would abolish such practices in the context of the setting up of the Digital Single Market.

The objective of the Commission's proposal is therefore to give customers better access to goods and services in the Single Market by preventing direct and indirect discrimination by traders artificially segmenting the market based on customers' residence. The proposal prohibits the blocking of access to websites and other online interfaces and the rerouting of customers from one country version to another. It furthermore prohibits discrimination against customers in certain specific cases of the sale of goods and services and does not allow the circumventing of such a ban on discrimination in passive sales agreements.

While the proposal excludes services the main feature of which is the provision of access to and use of copyright-protected works, it does include a review clause with a view to assessing whether such services should be included in the scope of the regulation in the future. The proposal furthermore refers to the specific case of sales of books, which relate to both intellectual property rights and contract law, for which JURI is the responsible committee, in cooperation with IMCO when it comes to the two digital contract proposals which are currently being examined.

Procedure:

Basic doc:

Administrator: Magnus

Nordanskog

Lead committee: IMCO

**Opinion giving** 

committees: JURI, ITRE,

CULT

Preliminary Timetable Consideration of AMs:

23.03.2017 (tbc)

JURI vote: 23.03.2017 (tbc)

The proposal excludes the so-called "directed activity criterion" from the scope of the regulation. This criterion forms part of both the Brussels Ia Regulation on jurisdiction, recognition and enforcement of judgments in civil and commercial matters, and the Rome I Regulation on the law applicable to contractual obligations. The Court of Justice has developed a test for determining the direction of a trader's activity, which essentially focuses on the trader's substantive intention to deliver goods or services to consumers in a certain country. If standard geoblocking techniques were banned as discriminatory, the application of the Court's "directed activity" test would no longer be straightforward. It has therefore been questioned, notably in academia, whether the proposed exclusion of this criterion is possible at all.

Moreover, while the proposal excludes audiovisual services from its scope, there is a natural connection to the proposal on cross-border portability of online content services, which JURI is currently examining. The main purpose of that proposal is to ensure that action to tackle geo-blocking in the area of copyright is underpinned by the so-called principle of territoriality, whereby each Member State grants and recognises copyright protection in its own territory by virtue of national legislation.

With reference to its responsibility for intellectual property law, contract law and private international law, the JURI committee will therefore be associated with the lead committee IMCO on this dossier and hold shared competences for these proposed provisions.

In her draft opinion, the rapporteur, Lidia Joanna Geringer de Oedenberg, welcomes the Commission's proposal but underlines that it does not go far enough in abolishing geo-blocking. The electronic provision of non-audiovisual copyright protected works or services, including e-books, software, computer games and music should be included in the scope of the Regulation from the entry into force, and at the first review after two years

of application it should be evaluated whether audiovisual works should also be included. A precondition for such inclusion is that the trader should hold a copyright licence for such works or otherwise be a rightholder in all relevant territories. It is also necessary to ensure legal clarity regarding the meaning of "directing an activity", particularly in those cases where a trader is targeting a specific Member State and the applicable choice of law rules lead to the application of the law of the Member State of the consumer. There should be no doubt about which rules apply in such situations. However, it is also essential to prevent traders from discriminating in other cases and to oblige them to sell to consumers and other traders regardless of the country of origin or residence of the customer. The applicable law on such non-directed transactions should therefore be that of the Member State of the seller, not least in order to make life easier for small and medium-sized enterprises, for which the burden to ensure resources to effectively trade with customers from several different legal system would be disproportionate. Finally, Lidia Joanna Geringer de Oedenberg considers it essential that the Regulation should apply as soon as possible.

In addition to the 20 amendments in the draft opinion, 210 amendments have been tabled by Members.

At this meeting, the committee will consider the amendments tabled and the compromise amendments suggested by the rapporteur and vote.

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#### Annual report 2014 on subsidiarity and proportionality

**Procedure:** 

Basic doc:

Rapporteur: Sajjad Karim

Administrator: Francisco

Ruiz-Risueño

**Preliminary Timetable** 

Adoption JURI: 23.03.2017

On 2 July 2015, the Commission submitted its 22nd annual report on the application of the principles of subsidiarity and proportionality in EU law-making, for the year 2014. This report was submitted in accordance with Article 9 of Protocol No 2 on the application of the principles of subsidiarity and proportionality. It looks primarily at how the EU institutions and bodies have implemented these two principles and how practice evolved in 2014 in comparison with previous years. According to Annex V to the Rules of Procedure, 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 report on subsidiarity and proportionality and shaping Parliament's initial reaction. The Committee on Constitutional Affairs has issued an opinion. At this meeting, the Committee on Legal Affairs will vote on the report.

#### **CONSIDERATION OF DRAFT REPORT**

#### Certain aspects of mediation in civil and commercial matters (The Mediation Directive)

#### Procedure:

Basic doc:

Legal basis: Rule 52 RoP

Rapporteur: Kostas

Chrysogonos

Administrator: Zampia

Vernadaki

**Preliminary Timetable** 

Exchange of views: 8.11.2016

Presentation of draft report:

23.03.2017

Deadline for AMs: 18.04.2017

Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters came into force on 13 June 2008 and aims at facilitating access to alternative dispute resolution and amicable settlement of disputes.

Mediation can provide a cost-effective and quick extrajudicial resolution of disputes in civil and commercial matters, through processes tailored to the needs of the parties. The Mediation Directive was the first measure to encourage mediation in civil and commercial disputes, but following its adoption, further progress related to mediation has been made at EU level, including through the adoption of Directive 2013/11/EU on alternative dispute resolution and Regulation (EU) No 524/2013 on online dispute resolution.

According to Article 11 of the Mediation Directive, the Commission is required to submit a report to the European Parliament, the Council and the European Economic and Social Committee on the application of the directive.

Against this background and following a workshop organised by Policy Department C and an ex-post impact assessment study prepared by EPRS, the rapporteur, Kostas Chrysogonos, will present at this meeting his draft implementation report.

#### **Copyright in the Digital Single Market**



At this meeting, Therese Comodini Cachia, rapporteur on the proposal for a directive on copyright in the digital single market, will present her draft report and will exchange views with her colleagues on the modifications they propose to the Commission's proposal.

In preparing her draft report, the rapporteur received input from more than a hundred entities or persons (the list is attached to the draft report).

On the two most controversial provisions of the proposal, namely Article 11 and Article 13, the rapporteur has made a number of amendments. Instead of creating a

new right for publishers, the rapporteur proposes to strengthen the rights they already hold, giving them the right to bring, in their own name, court proceedings over infringements of the rights of authors of the works contained in their press publication and also to be presumed to represent the rightholders of contributors to their press publication. Regarding Article 13, the rapporteur amendments aim to give clarity and legal certainty, notably by introducing a clear reference to the Directive on electronic commerce (2000/13/EC).

The Commission's proposal creates new mandatory exceptions or limitations to copyright. It also creates new rights related to copyright for the benefit of publishers of press publications in respect of digital uses. The Commission intends to address the issue of how to ensure the effective implementation of agreements concluded between information society service providers and rightholders on the use of works protected by copyright and the responsibilities of the former, thus complementing the Directive on electronic commerce (2000/13/EC). The Commission also proposes provisions facilitating the licensing of rights for out-of-commerce works and for making available audiovisual works on VOD platforms. Finally, the Commission proposes measures to improve fair remuneration of authors and performers, through transparency obligations on remuneration, adjustment mechanisms and alternative dispute resolution procedures.

Procedure: 2

Basic doc:

Legal basis: Article 114 TFEU Rapporteur: Therese Comodini

Cachia

Administrator: Carine Piaguet

**Preliminary Timetable** 

Exchange of views: 12.01.2017

Consideration of the draft report: 22-23.03.2017

**Deadline for amendments:** 

12.04.2017, noon

#### **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 Procedure:

Legal basis: Rule 46 RoP / Article 225 TFEU

Rapporteur: Pavel Svoboda

Administrator: Zampia Vernadaki

**Preliminary Timetable** 

Presentation of draft report: 23.03.2017

Deadline for AMs: 12.04.2017

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.

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.

After a European added value study prepared by EPRS and a public hearing, the rapporteur, Pavel Svoboda, will present at this meeting his draft report with recommendations to the Commission on limitation periods for cross-border road traffic accidents.

#### **CONSIDERATION OF DRAFT OPINION**

#### **Online Platforms and Digital Single Market**

Digitalisation and new technologies, in particular the evolving use of internet and mobile devices, have changed forms of communication and the behaviour of consumers and companies. In this context, the evolving development and use of

internet platforms for a wide set of activities, including commercial activities and sharing goods and services, have changed the ways in which consumers and other users interact with content providers.

The Parliament's Committee on the Internal Market and Consumer Protection and the Committee on Industry, Research and Energy are therefore drawing up a non-legislative resolution on online platforms and the digital single market, and the Committee on Legal Affairs will issue an opinion on this report, not least against the background of the Copyright Package which it is currently considering.

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

In an open letter to Commission President Juncker in June 2016, the Parliament's Intergroup on Cultural and Creative Industries stressed that, despite the fact that more creative content is being consumed today than ever before, not least on user-uploaded

#### Procedure:

Rapporteur: Constance LE GRIP

Administrator: Magnus Nordanskog

Lead committees: IMCO,

**Preliminary Timetable** Consideration of draft opinion: 22.03.2017

Deadline for amendments:

29.03.2017

content platforms, the creative sectors have not seen a comparable increase in revenues from this increase in consumption. The main reason for this was referred to in the letter as the transfer of value owing to a lack of clarity regarding the status of online services under copyright and e-commerce law, not least the so-called "safe harbour" provisions in the e-Commerce Directive which allow platforms to claim that they are passive and neutral hosting services which benefit from exemptions to copyright law. The Intergroup therefore called on the Commission to make clear in its Digital Single Market proposals, including in the Copyright Package, that liability exemptions can only apply to genuinely neutral and passive online service providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.

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

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

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



The Council of Europe Convention on preventing and combating violence against women and domestic violence was opened for signature in May 2011. This convention creates a comprehensive legal framework 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 calls 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, the rapporteur, Jiří Maštálka, reiterates 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 raises 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 suggests to call on the Council and the Commission to speed up negotiations on the signing and 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.

Procedure: 2016/0062(NLE)

Basic doc:

Legal basis: Art. 82(2) and 218

**TFEU** 

Rapporteur: Jiří Maštálka

Administrator: Magnus

Nordanskog

Lead Committee: LIBE/FEMM

**Preliminary Timetable** 

Consideration of draft opinion on interim report: 23.3.2017

Deadline for amendments:

31.3.2017, at noon

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

#### Monitoring the application of EU law 2015



The Committee will consider and discuss the 72 amendments tabled to Kostas Chrysogonos's report on the monitoring of the application of EU law 2015. In his draft report, the rapporteur recalls that effective application and implementation of EU law by the Member States is essential if the European Union is to meet its policy objectives and that, ultimately, it is a question of respecting the principle of the rule of law. The rapporteur also stresses the obligation of the EU institutions to respect the Charter of Fundamental Rights when adopting secondary law and points out that, when the Commission or other EU institutions are assigned taks in the context of treaties which are concluded outside the EU framework, such as

the ESM Treaty, they are still obliged to ensure that the memoranda of understanding concluded under that treaty are consistent with EU law.

The Committee on Legal Affairs traditionally draws up a report on the annual report by the Commission on the monitoring of the application of EU law. While Member States are responsible for the transposition of directives and

Procedure:

**Basic doc:** 

Legal basis: Rule 52 Rapporteur: Kostas Chrysogonos

Administrator: Kjell Sevón **Preliminary Timetable** 

Consideration of AMs:

22 03 2017

**Adoption JURI:** 12.04.2017

the correct application of EU law, it follows from Article 22 TEU that the Commission has the responsibility for monitoring that the Member States' laws and practical application complies with EU law. For this purpose, Articles 258 and 260 TFEU empower the Commission to bring actions, if necessary, against a Member State before the Court of Justice for infringements. The European Parliament, in turn, has both a responsibility to politically 'monitor the monitoring' by the Commission, as well as an interest to ensure that the legislation it adopts becomes reality in the Member States. The committee decided to include in the scope of the present report also a Commission Communication entitled "EU Law: Better Results through Better Application". The Communication "sets out how the Commission will step up its efforts on the application, implementation and enforcement of EU law in line with the Juncker Commission's commitment to be 'bigger and more ambitious on big things, and smaller and more modest on small things'. This means a more strategic approach to enforcement in terms of handling infringements. It also gives an overview of other action the Commission will take to help the Member States

and the public ensure that EU law is applied effectively".

#### **CONSIDERATION OF AMENDMENTS**

#### Contracts for the supply of digital content

#### Contracts for the online and other distance sales of goods



At this meeting, the Members of the Committee on Legal Affairs and of the Committee on Internal Market and Consumer Protection will consider the amendments tabled to the proposal for a directive on certain aspects concerning contracts for the supply of digital content (co-rapporteurs: Evelyne Gebhardt and Axel Voss). 988 amendments have been tabled by Members of the two committees on the different aspects of the proposal.

Following that, the Members of the Committee on Legal Affairs will discuss the amendments tabled to the proposal for a directive on certain aspects of contract rules for online sales of goods (rapporteur for opinion: Heidi Hautala).

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

**Procedure:** 

Basic doc:

Legal basis: Article 114 TFEU

Co-rapporteur (JURI): Axel

Voss

Administrator (JURI): Carine

Piaguet

**Preliminary Timetable** 

Consideration

amendments: 22-23.03.2017

Adoption

**IMCO/JURI:** 

30.05.2017

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 that deals with only certain aspects of contract rules, mainly focussing on the criteria for conformity of the goods with the contract and remedies in case of non-conformity. The scope is also limited business-to-consumer contracts and excludes face-to-face contracts, which

continue to be governed by the Consumer Sales and Guarantee Directive.

IMCO and JURI Committees have joint responsibility for the digital content proposal.

Procedure: Basic doc:

Legal basis: Article 114 TFEU

Rapporteur for opinion (Rule 54): Heidi Hautala

**Administrator:** Carine

Piaguet

**Preliminary Timetable** 

Consideration

amendments: 22.03.2017 **Adoption JURI:** 3-4.05.2017

#### **EXCHANGE OF VIEWS**

## 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.

On 26 January 2017, the European Economic and Social Committee (EESC) adopted, on the basis of Article 304 of the Treaty on the Functioning of the European Union, an opinion on the above Commission proposal (SOC/549).

After holding a workshop on 'Recasting the Brussels IIa Regulation', organised by Parliament's Policy Department C, on 8 November 2016, at this meeting, the Committee on Legal Affairs and its rapporteur, Tadeusz Zwiefka, will hold an first exchange of views with the participation of the EESC.

Procedure: Management State St

22.03.2017

## 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

Since the entry into force of the Lisbon Treaty in 2009, the Committee has dedicated considerable work and attention to provisions in primary legislation providing for the adoption of delegated and implementing acts in accordance with Articles 290 and 291 TFEU. These two articles effectively replaced the old comitology system. Legislative acts adopted before the Lisbon Treaty which included provisions providing for the use of the system of regulatory procedure with scrutiny (RPS) therefore need to be updated to take account of this new system, and a choice has to be made on when to use delegated and when to use implementing acts.

The Commission presented three legislative proposals in 2013 which aimed at this alignment, and Parliament adopted the relevant reports in early 2014, for which József Szájer was also the rapporteur. However, the proposals were withdrawn by the new Commission following the European elections in light of the renegotiation of the interinstitutional agreement on better law-making (IIA). Following the entry into force of the new IIA last year, the Commission has now presented two new proposals for alignment, one focusing on legislative files in the justice area and the other on the remaining areas.

Procedures: & Maria Mari

Administrator: Magnus Nordanskog

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

Preliminary Timetable Exchange of

**Exchange** 23.03.2017

views:

At this meeting, the rapporteur will present the proposals and his suggestions as to how to work on them together with the large number of committees that will issue opinions, including a provisional timetable for their adoption in JURI.

Procedure:

**Basic doc:** 

Rapporteur: Tiemo WÖLKEN

Administrator: Magnus

Nordanskog

Opinion giving committees: CULT,

IMCO, ITRE

**Preliminary Timetable** 

Exchange of views: 22.03.2017

# 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 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

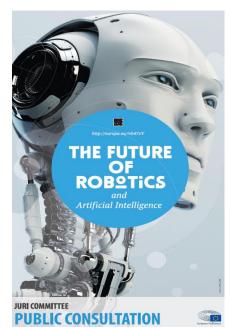
solely in the Member State in which the broadcasting organisation has its principal establishment. The proposal also attempts to address difficulties related to the clearance of rights, so as to allow broadcasters and operators of retransmission services to offer wider access to TV and radio programmes across the EU.

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 will also issue opinions on this dossier.

At this meeting, the rapporteur, Tiemo Wölken, will present the proposal and his suggestions for future work on the dossier. The committee will hold its first exchange of views.

#### **ROBOTICS WORLD**

#### **Public consultation on robotics**



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

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

organisations and public administrations, and their expectations for an EU regulatory framework for robotics and AI.

The results of the consultation will help Parliament define potential next steps and future policies at EU level, including, if appropriate, possible revision of existing horizontal and/or sector-specific EU legislation, or the introduction of new legislation. This consultation does not 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 questionnaire is available here:

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



#### Robotics and artificial intelligence - Infotool

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

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

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

#### **PRESENTATIONS**

#### Common minimum standards for civil procedure

The European Parliament Research Service has launched a European Added Value Assessment on 'Common minimum standards for civil procedure'. Civil procedure provides the means for the enforcement of substantive rights and duties of legal subjects in legal proceedings. As such, it is inextricably linked with the fundamental right to a fair trial and effective remedy guaranteed under the Charter of Fundamental Rights of the European Union (Article 47 CFREU) and the European Convention on Human Rights (Article 6 ECHR).

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

Procedure: 2015/2084(INL)

Legal basis: Rule 46 RoP / Article

225 TFEU

Rapporteur: Emil Radev

Administrator: Zampia

Vernadaki

**Preliminary Timetable** 

Presentation EAVA: 23.03.2017 Deadline for AMs: 24.03.2017

**Consideration of AMs:** 

3/4.05.2017

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 thanks to effective and efficient judicial systems, while facilitating citizens' access to justice in the EU.

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

At this meeting, Dr Tatjana Evas Peeters (EPRS, European Added Value Unit) will present the results of the evaluation and assessment of the potential added value of taking legislative action at EU level in the field of civil procedure law.

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### **SUBSIDIARITY (RULE 42)**



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

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

• the Swedish Parliament (Riksdag)

Proposal for a Council Directive on a Common Corporate Tax Base

COM(2016)0685-2016/0337(CNS)

• the Swedish Parliament (Riksdag)

Proposal for a Council Directive on Double Taxation Dispute Resolution Mechanisms in the European Union COM(2016)0686 - 2016/0338(CNS)

the Swedish Parliament (Riksdag)

#### **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 Arndt Kohn (to replace Mr Martin Schulz), as from 24 February 2017.

Schulz), as from 24 February 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.



**Legal basis:** Rule 3 RoP **Rapporteur:** Pavel Svoboda **Administrator:** Magnus Nordanskog

Preliminary Timetable
Exchange of views: 22.03.2017
Adoption JURI: 22.03.2017

#### **DISPUTES INVOLVING PARLIAMENT**

Case T-837/16, Sweden v Commission – Action for annulment – Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 (REACH) – Authorisation of substances of very high concern –Lead chromate paint – Possible intervention of the European Parliament



Case T-837/16 concerns an action brought by Sweden with a view to obtaining the annulment, pursuant to Article 263 TFEU, of Commission Implementing Decision C(2016)5644 of 7 September 2016 granting an authorisation, in the context of an individual case, for some uses of lead sulfochromate yellow and of lead chromate molybdate sulphate red under Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006, concerning the registration, evaluation, authorisation and restriction of chemicals (the 'REACH Regulation').

Pursuant to Article 40 of Protocol (No.3) on the Statute of the Court of Justice, the EU Institutions are entitled to intervene in proceedings before the Court of Justice or the General Court without being required to establish an interest in the outcome of the case.

The European Parliament co-authored the above Regulation. In accordance with point 13 of the Guidelines for the application of Rule 141 of the Rules of Procedure adopted by the Coordinators of the Committee on Legal Affairs on 24 February 2015, where the validity of an act adopted or co-adopted by Parliament is not at stake, Parliament should not intervene, unless the case raises major legal issues that are also relevant to Parliament.

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 pending before the General Court in support of Sweden.



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

http://www.ibanet.org/Legal Policy Research Unit.aspx

#### **IMMUNITIES**

#### António Marinho e **Pinto**

#### **EXCHANGE OF VIEWS + HEARING**

Type of procedure: waiver **Procedure:** 2016/2294 (IMM) Legal basis: RoP Rule 6

Notices to Members: 38/2016,

1/2017

Rapporteur: Gilles Lebreton

Administrator: Zampia

Vernadaki

**Preliminary Timetable:** 

Exchange of views: 30-

22.03.2017

Hearing: 22.03.2017

#### **Béla Kovács**

#### **EXCHANGE OF VIEWS + HEARING**

Type of procedure: waiver **Procedure:** 2016/2266(IMM) Legal basis: RoP Rule 6 **Notices to Members:** 

37/2016 Rapporteur: Heidi Hautala **Administrator:** Robert Bray/Valeria Ghilardi **Preliminary Timetable:** Exchange of views: 30-

22.03.2017

Hearing: 22.03.2017

#### Jean-Marie Le Pen

#### **EXCHANGE OF VIEWS**

Type of procedure: waiver **Procedure:** 2017/2020(IMM) Legal basis: RoP Rule 6

**Notices to Members: 10/2017** Rapporteur: Evelyn Regner Administrator: Magnus

Nordanskog

**Preliminary Timetable:** 

Exchange of views: 22.03.2017

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