

JURI Report

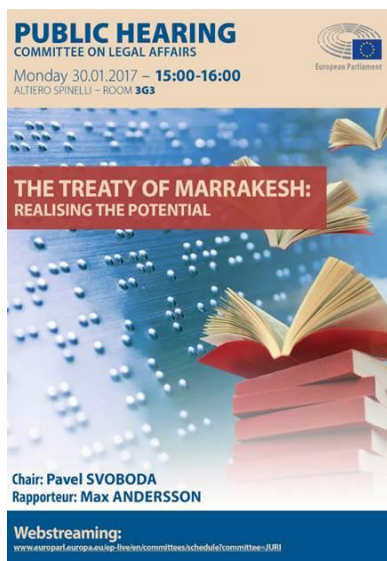
At the meeting of 30-31 January 2017

The first ordinary meeting of the Committee on Legal Affairs after the mid-term appointment of its bureau will take place on 30 and 31 January 2017. The meeting will begin with a hearing on realising the potential of the Marrakesh Treaty, followed by an exchange of views with the European Judicial Training Network. The meeting will then continue in camera for the verification of credentials, disputes and immunity cases.

On 31 January, committee members will consider Kostas Chrysogonos's draft report on the Mediation Directive and Lidia Joanna Geringer de Oedenberg's draft opinion on geo-blocking.

The votes will start at 11.00 and will concern Kostas Chrysogonos's opinion on carcinogens at work, the agreement reached in trilogues on shareholders' rights, and Gilles Lebreton's opinion on the Court of Justice's budget discharge for 2015. There will also be votes on recasts and a legal basis.

In the afternoon of 31 January, there will be debates on cross-border mergers and divisions of companies and Jean-Marie Cavada's opinion on the posting of workers.



PUBLIC HEARING
COMMITTEE ON LEGAL AFFAIRS
Monday 30.01.2017 – 15:00-16:00
ALTIERIO SPINELLI – ROOM 3G3

**THE TREATY OF MARRAKESH:
REALISING THE POTENTIAL**

Chair: Pavel SVOBODA
Rapporteur: Max ANDERSSON

Webstreaming:
www.european-council.europa.eu/legislation/committees/schedule/committee-juri

UPCOMING EVENTS

Hearing on The Treaty of Marrakech: realising the potential

The Committee on Legal Affairs will hear the views of experts on legislative proposals that aim to improve the availability and cross-border exchange of books and other print material in formats that are accessible to the blind. The proposals were adopted by the Commission on 14 September 2016 and are currently being amended by Parliament.

The aim of this hearing is to offer participants an opportunity to hear about the origins and negotiation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (the 'Marrakesh Treaty'), and the challenges of implementation.

In this context, under the chairmanship of Pavel Svoboda, a number of stakeholders and representatives of institutions will explain why the Marrakesh Treaty is important and how to overcome the main barriers to the implementation of the Treaty in the EU. The Commission (DG CNECT), the European Blind Union, the International Publishers Association together with Associazione Italiana Editori as well as the International Federation of Library Associations will participate in the debate. Mr Andersson, the rapporteur in the lead committee (JURI), will conclude the debate.

The Members of the three other interested committees, namely the Committee on Employment and Social Affairs, the Committee on Culture and Education and the Committee on Petitions have been invited to attend and to take an active part in the hearing.

ISSUE 32
JANUARY II/2017

NEXT MEETING

28 FEBRUARY 2017

JURI Website

EPRS

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VOTES

Discharge 2015: EU general budget - European Court of Justice



Pursuant to Article 319 TFEU, the European Parliament, acting on a recommendation of 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 as well as 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 for 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), on the one hand, and to EU agencies and joint undertakings, on the other.

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 of the Court of Justice.

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

Procedure: [2016/2154\(DEC\)](#)

Basic doc: [COM\(2016\)0475](#)

Legal basis: Article 319 TFEU

Rapporteur: Gilles Lebreton

Administrator: Andrea Scrimali

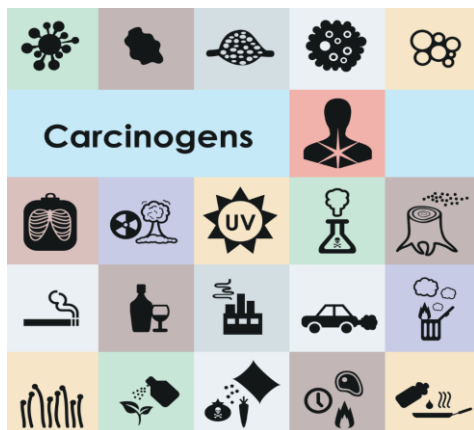
Lead committee: CONT

Preliminary Timetable

Adoption JURI: 30-31.01.2017

Adoption lead committee: 22-23.03.2017

Amendment to Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work



On 13 May 2016 the Commission presented its proposal to amend the Carcinogens and Mutagens Directive 2004/37/EC. According to the available data, cancer is the leading cause of work-related deaths in the EU, accounting for 53 % of such deaths. Work-related cancers may be prevented by reducing or eliminating exposure to certain carcinogens. The Carcinogens and Mutagens Directive sets general minimum requirements to eliminate or reduce exposure to the chemical agents falling within its scope, and establishes occupational exposure limit values for certain carcinogens and mutagens, with a view to protecting workers.

The Commission proposal is aimed at bringing within the scope of the Directive a number of chemical agents that are recognised as human carcinogens in countries outside the EU and that are not yet classified under the current EU system. It also establishes EU-wide occupational exposure limit values for a further 10 carcinogens, so as to reflect the latest scientific evidence. Finally, it revises two of the three existing limit values – those for hardwood dusts and vinyl chloride monomer – in the light of more recent scientific data.

Over 50 amendments were submitted to the Commission proposal. At this meeting the Committee will adopt its final opinion.

Procedure:

[2016/0130\(COD\)](#)

Basic Doc: [COM\(2016\)0248 final](#)

Legal basis: Article Article 153(2) TFEU

Rapporteur for Opinion: Kostas Chrysogonos

Administrator: Zampia Vernadaki

Preliminary Timetable

Adoption JURI: 31.01.2017

The Revision of the Shareholders' Rights Directive



As a follow up to its 2012 Action Plan on European company law and corporate governance, the Commission published a proposal to amend the existing Shareholder Rights Directive (2007/36/EC) on 9 April 2014. On 7 December 2017 Parliament and the Council reached a final agreement on the content of the proposal.

The new directive will contribute to the following objectives:

- Improving the engagement of institutional investors and asset managers: They should either develop and publicly disclose a policy on shareholder engagement or explain why they have chosen not to do so. The policy on shareholder engagement should describe how institutional investors and asset managers integrate shareholder engagement in their investment strategy and which different engagement activities they choose to carry out and how they do it.

The engagement policy should also include policies to manage actual or potential conflicts of interests, in particular in the situation where the institutional investors or asset managers or their affiliated undertakings have significant business relationships with the investee company.

- Strengthening the link between pay and performance of directors: The agreement enhances transparency on remuneration policy and the actual remuneration awarded to directors and create a better link between pay and performance of directors by improving shareholder oversight of directors' remuneration. Shareholders will have the right to vote on the remuneration policy of the directors of their company. The remuneration policy should contribute to the overall business strategy, long-term interests and sustainability of the company and should not be linked to short-term objectives. Directors' performance will have to be assessed on the basis of both financial and non-financial performance criteria, including environmental, social and governance factors.

- Improving shareholder oversight on related party transactions: Transactions with related parties may cause prejudice to companies and their shareholders, as they may give the related party the opportunity to appropriate value belonging to the company. Thus, adequate safeguards for the protection of companies' and shareholders' interests are of importance. For this reason Member States should ensure that material related to party transactions should be submitted for approval by the shareholders or by the administrative or supervisory body according to procedures that prevent the related party from taking advantage of its position and provide adequate protection for the interests of the company and of shareholders who are not related party, including minority shareholders. Companies will have to publicly announce material transactions at the latest at the time of the conclusion of the transaction, with all necessary information to assess the fairness of the transaction.

- Enhancing transparency of proxy advisors: Many institutional investors and asset managers use the services of proxy advisors who provide research, advice and recommendations on how to vote in general meetings of listed companies. While proxy advisors play an important role in corporate governance by contributing to reducing costs of the analysis related to company information, they may also have a significant influence on the voting behaviour of investors. In view of their importance, proxy advisors should be subject to transparency requirements. Member States should ensure that proxy advisors that are subject to a code of conduct effectively report about their application of this code. They should also disclose certain key information related to the preparation of their research, advice and voting recommendations and any actual or potential conflict of interest or business relationships that may influence the preparation of the research, advice and voting recommendations. This information should remain available for a period of at least 3 years in order to allow institutional investors to choose the services of proxy advisors taking into account their performance in the past.

Procedure: [2014/0121\(COD\)](#)

Basic doc: [Directive 2007/36/EC](#)

Legal basis: Article 50(2) (g) and 114 TFEU

Rapporteur: Sergio Gaetano
Cofferati

Administrator: Francisco Ruiz-
Risueño

Opinion giving committee:
ECON

Preliminary Timetable

Vote on agreed text in JURI:
31.1.2017

Vote in plenary: 13-16.03.2017

- Facilitating the exercise of rights by the shareholder: The agreement ensures that companies are able to identify their shareholders and to obtain information on shareholder identity from any intermediary in the chain that holds the information. The aim is to facilitate the exercise of shareholder rights and the engagement with the company. Member States are able to decide that companies in their territory are only allowed to request identification with respect to shareholders holding more than a certain percentage of shares or voting rights which will not exceed 0,5 per cent. The agreement requires that intermediaries facilitate the exercise of the rights by the shareholder, including the right to participate and vote in general meetings and requires companies to confirm the votes cast in general meetings by or on behalf of shareholders.

At this meeting, the committee will vote on the agreed text. A vote by the Parliament's plenary is envisaged for week 11 (13-16 March).



Combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism

By a letter dated 19 December 2016, the Chair of the Committee on Civil Liberties, Justice and Home Affairs requested, pursuant to Rule 39(2) of the Rules of Procedure, an opinion of the Committee on Legal Affairs on the appropriateness of the modification of the legal basis of the proposal for a directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on

combating terrorism (COM(2015)0625 - 2015/0281(COD)). The proposal was initially based on Articles 83(1) and 82(2) of the Treaty on the Functioning of the European Union ('TFEU'), but the co-legislators decided during their negotiations on the file that the mention of Article 82(2) TFEU was unnecessary and, accordingly, decided to delete it as a legal basis for the proposal. This modification was justified on the basis of the case law of the Court of Justice of the European Union according to which if a measure pursues a twofold purpose or if it has a twofold component one of which is identifiable as the main or predominant purpose or component, while the other is merely incidental, that measure must be based on a single legal basis, namely that required by the main or predominant purpose or component.

At this meeting, the rapporteur for legal bases will present a draft opinion, and the committee will vote on it.

SUBSIDIARITY (RULE 42)



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

Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of Internet connectivity in local communities COM(2016)0589-2016/0287(COD)

- Riksdag of the Kingdom of Sweden

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

- The Danish Parliament

Proposal for a Council Directive on a Common Corporate Tax Base

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

- The Danish Parliament.

CONSIDERATION OF DRAFT OPINION

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

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

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

At this meeting, the rapporteur for opinion will present his draft opinion and will set the deadline for amendments on Monday 6 February at 18.00.

Procedure: 2016/0351(COD)

Basic doc: COM(2016)0721

Rapporteur: Gilles Lebreton

Administrator: Valeria Ghilardi

Lead committee: INTA

Preliminary Timetable

Consideration of draft opinion: 30-31.01.2017

Deadline for amendments: 06.02.2017

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

At this meeting, Mr Kostas Chrysogonos, Rapporteur for opinion in the JURI Committee on the proposal for a regulation on cooperation between national authorities responsible for the enforcement of consumer protection laws, will present the amendments he would like the Committee on the Internal Market and Consumer Protection, as the Committee responsible, to take into account in its report.

In his draft opinion, the Rapporteur insists on the need to protect the interests of consumers as well as consumer's fundamental rights such as the right to privacy and data protection. The rapporteur notably proposes to clarify that the proposed regulation must comply with EU legislation on data protection (General Data Protection Regulation) and the Charter of Fundamental Rights.

The amendments put forward by the Rapporteur are also aimed at further involving consumer and trade associations in the new mechanism proposed by the Commission. For example, they could be consulted when the enforcement mechanism for widespread infringements is activated. The rapporteur also proposes giving these associations a role in the surveillance mechanism by providing them with the possibility of notifying suspected infringements and receiving follow-up information as well as having their position taken into account in the prioritisation of the enforcement actions.

The Rapporteur proposes making it easier for the Commission to launch a common action by lowering the threshold above which widespread infringement is considered to have Union dimension.

The Rapporteur's amendments also clarify that the regulation would be without prejudice to the possibility of private enforcement actions for damages under national law.

Finally, the Rapporteur for opinion also extends the application of the Regulation to further Union law instruments, including payment and banking services to the benefit of consumers.

On 25 May 2016 the Commission published a proposal for a regulation that will replace the current Regulation on consumer protection cooperation ('CPC Regulation'). The proposal is aimed at addressing the shortcomings of the current CPC Regulation mechanisms, especially in situations where important cross-border and widespread infringements are not detected or sufficiently addressed through the CPC framework. In particular, new powers will be given to enforcement authorities and the Commission will be able to launch and coordinate common actions to address Union-wide problematic practices.

Procedure: 2016/0148 (COD)

Basic doc: COM(2016)283

Legal basis: Article 114 TFEU

Lead Committee: IMCO Committee

Rapporteur for opinion: Kostas Chrysogonos

Administrator in JURI: Carine Piaguet

Preliminary timetable

Consideration draft opinion: 30-31.01.2017

Deadline for amend: 02.02.2017

Adoption in JURI: 28.02.2017

Adoption in IMCO (lead Committee): 20-21.03.2017

Posting of workers in the framework of the provision of services



The rapporteur will present his draft opinion on the proposal for a revision of Directive 96/71/EC on Posting of Workers to the committee. The draft opinion basically supports the Commission's proposal, while proposing certain amendments that seek to clarify elements of the proposal, the legal validity of which have been called into question. In his draft opinion the rapporteur considers, among other things, that the proposal complies with the principles of subsidiarity and proportionality, questions for which the JURI committee has horizontal responsibility.

Background

The European Commission presented its proposal on 8 March 2016, as provided for in the 2016 Commission work programme. According to the Commission the aim of the proposal is to facilitate the provision of services across borders within a climate of fair competition and respect for the rights of posted workers, who are employed in one Member State and sent to work temporarily in another by their employer. In particular, the proposal is said to seek to ensure fair wage conditions and a level playing field between posting and local companies in the host country. The Committee on Legal Affairs decided to draw up an opinion on the proposal to the Committee on Employment and Social Affairs and appointed Jean-Marie Cavada as rapporteur for the opinion from JURI.

Within the deadline laid down in Article 6 of Protocol No 2, fourteen chambers of national parliaments sent reasoned opinions to the Commission stating that the proposal does not comply with the principle of subsidiarity, thus triggering the so called 'yellow card' procedure. However, the Commission decided to maintain the proposal, stating in its Communication to the European Parliament, the Council and National Parliaments of 20 July 2016, that the proposal complies with the principle of subsidiarity, wherefore Parliament could proceed with the file.

Procedure: [2016/0070\(COD\)](#)

Basic doc: [COM\(2016\)0128](#)

Rapporteur: Jean-Marie Cavada

Administrator: Kjell Sevón

Preliminary Timetable

Presentation of draft opinion: 31.01.2017

Deadline for amend: 07.02.2017

Consideration of AMs: 28.02.2017

Adoption JURI: 23.03.2017

Adoption EMPL: 13.07.2017

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 geo-blocking 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 the latter case in cooperation with IMCO when it comes to the two digital contract proposals which are currently being examined.

The proposal furthermore 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 in its case law 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 geo-blocking 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 at all possible.

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 would be 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 Geringer de Oedenberg, welcomes the Commission's proposal but underlines that she believes 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 in her view 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 in its scope. A precondition for such inclusion would however be that the trader holds a copyright licence for such works or is otherwise a rightsholder in all relevant territories. It is furthermore 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 leads 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 Geringer de Oedenberg considers it essential that the Regulation should apply as soon as possible.

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

Procedure: 2016/0152(COD)

Basic doc: COM(2016)0289

Administrator: Magnus Nordanskog

Lead committee: IMCO

Opinion giving committees: JURI, ITRE, CULT

Preliminary Timetable

Consideration of draft opinion: 30.01.2017

Deadline for amendments: 09.02.2017, 12.00

Consideration of amendments: 28.02.2017

JURI vote: 22.03.2017 (tbc)

IMCO vote: April 2017

CONSIDERATION OF DRAFT REPORT

Presentation of draft report on cross-border mergers and divisions



In September 2014, the European Commission launched a public consultation procedure on cross-border mergers and divisions of undertakings, which was concluded in February 2015. The responses made it possible to gather information about the existing barriers to cross-border operations and about the amendments that needed to be made to existing legislation, particularly Directive 2005/56/EC of the European Parliament and of the Council of 26

October 2005 on cross-border mergers of limited liability companies.

The committee requested authorisation to draw up an implementation report on the matter on 4 February 2016. The committee considered that an implementation report on the basis of the Commission's feedback statement represented a timely opportunity to assess the current situation of cross-border mergers and divisions and to make, where appropriate, concrete recommendations for improvement in view of an eventual legislative initiative in 2017. Authorisation to draw up a report was granted on 14 April 2016 and on 14 June 2016 a rapporteur was appointed. Subsequently, the Commission included in its annual work programme for 2017 a proposal for amending Directive 2005/56/EC.

At this meeting, the rapporteur will present his draft report to the committee.

Procedure:

2016/2065(INI)

Legal basis: Rule 52 RoP

Rapporteur: Enrico Gasbarra

Administrator: Francisco Ruiz-Risueño

Preliminary timetable
Draft Report:

31.01.2017

Deadline for
amendments:

09.02.2017

Adoption JURI: 11-

12.04.2017

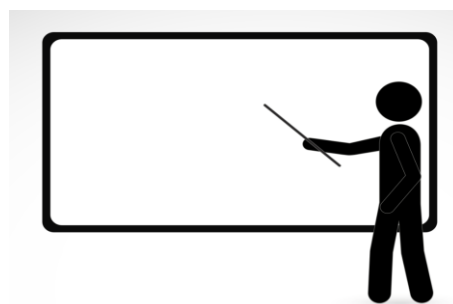
PRESENTATION

Presentation of the study of the EPRS Ex-post Impact Assessment Unit "European Implementation Assessment of Directive 2008/52/EU on certain aspects of mediation in civil and commercial matters"

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.

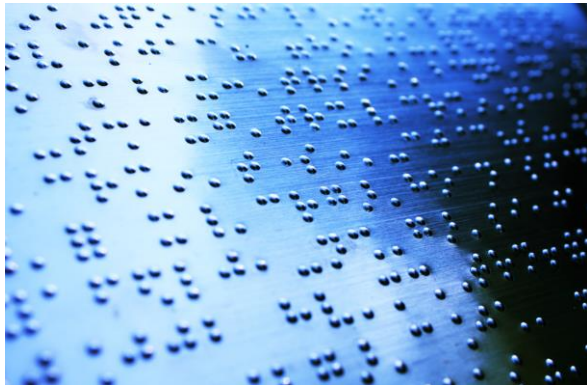
Mediation can provide a cost-effective and quick extrajudicial resolution of disputes in civil and commercial matters through processes tailored to the needs of the parties. The Mediation Directive was the first measure to encourage mediation in civil and commercial disputes, but following its adoption, further work related to mediation has been carried out at EU level, including 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, the ex-post impact assessment unit of the European Parliament Research Service has prepared a European implementation assessment report regarding Directive 2008/52/EC, which will be briefly presented to the Members of the Legal Affairs Committee in its meeting of 31 January 2017.



CONSIDERATION OF AMENDMENTS

Implementation of the Marrakesh Treaty



At this meeting, the JURI Committee will consider the amendments tabled on the two legislative proposals on certain permitted uses of works protected by copyright for the benefit of the blind and print disabled and on the cross-border exchange between the EU and third countries of accessible format copies of those works.

In addition to the amendments proposed by the rapporteur, 39 amendments have been tabled by Members on the proposal for a regulation and 62 on the proposal for a directive. The rapporteur, Mr Andersson, considered that the Commission's proposals were satisfactory and therefore proposed only few amendments on the two texts in his draft report.

Among the amendments tabled on the proposal for a regulation, some aim to clarify the text proposed by the Commission (e.g. the definitions) or to strengthen it. Others build on the rapporteur's amendments for clarification purposes. In opposition to the rapporteur's view, one amendment proposes limiting the exception to certain cases that do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the authors. Another amendment meanwhile aims to impede Member States from imposing additional conditions on recourse to the exceptions, such as compensation schemes or prior verification of the commercial availability of accessible format copies. When it comes to the proposal for a directive, among the amendments tabled, some amendments insist on the social interest and right of access to knowledge and information. A couple of amendments specify that the measures to increase the availability of works in accessible formats should be done where necessary and under the conditions set forth in the directive and be justified in light of the three-step test. It is also proposed that the activities of reproduction, communication, making available, distribution and lending must be conducted on a non-profit basis and that authorised organisations should not operate on an exclusive basis.

The Commission adopted on 14 September 2016 a legislative package made of several initiatives including two legislative proposals that are aimed at implementing the Marrakesh Treaty in EU law. The proposal for a directive is aimed at facilitating the use of certain copyright protected content, without the authorisation of the rightholder, creating a mandatory exception to copyright for the benefit of the blind and print disabled and amending Directive 2001/29/EC. The proposal for a Regulation contains provisions on the export and import of accessible format copies. Both are in line with the EU obligations under the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (the 'Marrakesh Treaty') which intends to improve the availability and cross-border exchange of books and other print material in formats that are accessible to the blind.

Procedure: 2016/0278 (COD) and 2016/0279 (COD)

Basic doc: COM(2016)595 and COM(2016)596

Legal basis: Article 114 / Article 207 TFEU

Rapporteur: Max Andersson

Administrator: Carine Piagnet

Preliminary timetable

Hearing: 30.01.2017

Consideration amendments: 30-31.01.2017

Adoption JURI: 28.2.2017

Adoption Plenary: 2017

PRESENTATION

Presentation of the study of the EPRS Ex-post Assessment Unit 'Ex-post analysis of the EU framework in the area of cross-border mergers and divisions' by Dr Emmanuela Truli, Lecturer, Athens University of Economics and Business (AUEB)

Within the framework of the implementation report on cross-border mergers and divisions (2016/2065(INI)) (Rapporteur: Enrico Gasbarra), the EPRS Ex-post Assessment Unit commissioned a study which provides an ex-post analysis of the EU framework in this area. While acknowledging the major steps taken at EU level to promote the mobility of companies across the EU, the analysis examines the remaining difficulties and obstacles and makes tentative proposals for improving the current legal framework. At this meeting, Dr Emmanuela Truli, author of the study, will present her main conclusions and her proposals for improvement and an exchange of views will follow.

REPORTING BACK

Interpretation and implementation of the interinstitutional agreement on Better Law-Making



On 13 April 2016 the European Parliament, the Council and the Commission signed a new interinstitutional agreement (IIA) on better law-making. The Committee on Legal Affairs and the Committee on Constitutional Affairs have, therefore, decided to create a joint Working Group (WG) on the interpretation and implementation of the IIA with a view to preparing an own-initiative report on the same topic. Rapporteurs on the latter are Pavel Svoboda, for the Committee on Legal Affairs, and Richard Corbett, for the Committee on Constitutional Affairs.

On 10 May 2016, the WG held its constituent meeting, during which it also adopted its mission statement and an indicative timetable, and held an exchange of views with Francesca Ratti, Deputy Secretary-General, in charge of Parliament's Task Force on the implementation of the IIA on Better Law-Making.

On 7 June 2016, the WG held its second meeting. In particular, the WG discussed the possible arrangements to implement the IIA provisions on programming and verification of legal bases, and considered the changes to the Rules of Procedure which may be necessary following the entry into force of the IIA. These issues were discussed in the presence of Jerzy Buzek, Chair of the Conference of Committee Chairs, and Rainer Wieland, Chair of the AFCO Working Group "Revisiting the Rules of Procedure", who also contributed to the exchange of views.

On 4 July 2016, the Members of the WG had the opportunity to join an extraordinary meeting of the Committee on Constitutional Affairs and to ask questions to First VP Timmermans on Better Law-Making. On the same day, the WG held its third meeting and, notably, an exchange of views with Elmar Brok, Chair of the Committee on Foreign Affairs, and Bernd Lange, Chair of the Committee on International Trade, on the improved practical arrangements for cooperation and information-sharing in relation to the negotiation and conclusion of international agreements referred to in paragraph 40 of the new IIA.

On 3 October 2016 the WG held its fourth meeting. The WG focused on the delineation criteria between delegated and implementing acts and held an exchange of views with the two EP negotiators, namely Mr Szájer and Mr Corbett, who both agreed on the importance of the concessions made to the Council in the new IIA with a view to encouraging it to accept delegated acts more easily.

On 24 November 2016 the WG held its fifth meeting. The Members of the WG mainly discussed impact assessments and other tools for better law-making and held an exchange of views with Ms Angelika Niebler, rapporteur on on guaranteeing independent impact assessments, and Mr Wolfgang Hiller, Director of the Directorate for Impact Assessment and European Added Value of the European Parliament.

On 26 January 2017 the WG held its sixth meeting. The Members held an exchange of views with Markus Winkler, Deputy Secretary-General, in charge of Parliament's Task Force on the implementation of the IIA on Better Law-Making, including on transparency issues in the context of the legislative process. They also held an exchange of views on the experience of various committees with regard to the transparency and coordination of the legislative process within the framework of the IIA.

At this meeting, Mr Svoboda, the rapporteur for the Committee on Legal Affairs, will report back to the Committee on the latest developments.

Procedure: 2016/2018(INI)

Basic doc: Interinstitutional Agreement of 13 April 2016 on Better Law-Making

Legal basis: Rules 52 and 55 RoP

Rapporteur: Pavel Svoboda (JURI), Richard Corbett (AFCO)

Administrator: Andrea Scrimali (JURI), Annemieke Beugelink (AFCO)

Opinion giving committee: INTA. ECON. EMPL. ENVI. PETI

IN CAMERA**DISPUTES INVOLVING PARLIAMENT**

Case T-849/16, PGNiG Supply & Trading GmbH/Commission – Plea of illegality – Validity of Article 2(33) and Article 36(1) of Directive 2009/73/EC – Possible intervention of the European Parliament



The present case raises the issue of the legality of certain provisions laid down in Directive 2009/73/EC.

This Directive establishes common rules for the transmission, distribution, supply and storage of natural gas. It lays down the rules relating to the organisation and functioning of the natural gas sector, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of natural gas and the operation of systems.

The European Parliament has co-authored the above Directive. In accordance with point 12 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 at stake, Parliament should intervene in defence of that validity.

At this meeting, the committee will decide, bearing in mind the Guidelines for the application of Rule 141 of Parliament's Rules of Procedure, whether to recommend to the President under Rule 141(4) that Parliament submit observations in the proceedings pending before the Court of Justice in order to defend the validity of that directive.

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 John Michael PROCTER (to replace Mr Timothy KIRKHOPE), as from 17 November 2016.



Legal basis: Rule 3 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scimali

Preliminary Timetable

Exchange of views: 30-31.01.2017

Adoption JURI: 30-31.01.2017

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

Marine Le Pen

EXCHANGE OF VIEWS + HEARING

Type of procedure:

Waiver of immunity

Procedure: 2016/2295(IMM)

Legal basis: RoP Rule 6

Notice to Members: 36/2016

Rapporteur: Laura Ferrara

Administrator: Robert Bray

Preliminary Timetable:

Exchange of views: 30.01.2017

Hearing: 30.01.2017

Rolandas Paksas

EXCHANGE OF VIEWS + HEARING

Type of procedure:

Waiver of immunity

Procedure: 2016/2070(IMM)

Legal basis: RoP Rule 6

Notice to Members: 14/2016

Rapporteur: Angel Dzhambazki

Administrator: Magnus Nordanskog

Preliminary Timetable:

Exchange of views: 30.01.2017

Hearing: 30.01.2017

Bela Kovacs

EXCHANGE OF VIEWS + HEARING

Type of procedure:

Waiver of immunity

Procedure: 2016/2266(IMM)

Legal basis: RoP Rule 6

Notice to Members: 37/2016

Rapporteur: Heidi Hautala

Administrator: Robert Bray

Preliminary Timetable:

Exchange of views:
30.01.2017

Hearing: 30.01.2017

António Marinho e Pinto

EXCHANGE OF VIEWS

Type of procedure:

Waiver of immunity

Procedure: 2016/2294 (IMM)

Legal basis: RoP Rule 6

Notices to Members:
38/2016, 1/2017

Rapporteur: Gilles Lebreton

Administrator: Andrea Scrimali

Preliminary Timetable:

Exchange of views: 30-
31.01.2017

SUBSCRIPTIONS

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European Parliament - Committee on Legal Affairs

Head of Secretariat: Robert BRAY

Responsible Administrator: Alexander KEYS

Editorial/Production Assistant: Natalia EWIAKOVA