



# JURI Report

## At the meeting of 17-18 February 2016

The February 2016 meeting of the Committee on Legal Affairs will commence with a joint JURI/LIBE meeting at which the Commission will present the 2015 report on European Judicial Training. The committee will then proceed to consider a number of legislative initiatives, namely those on the protection of vulnerable adults, on common minimum standards for civil procedure, on the cross-border recognition of adoptions and on limitation periods for traffic accidents.

In the afternoon, the committee meeting will commence in camera in order to deal with the verification of credentials, disputes, legal basis matters, and immunities. The remainder of the afternoon will be taken up by the workshop organised with national parliaments on new rules for contracts in the digital environment.

On Thursday, a vote will be held on Heidi Hautala's draft opinion on public access to documents for 2014-2015, following which the coordinators will meet.

## UPCOMING EVENTS

### Workshop on "New rules for contracts in the digital environment", on 17.2.2016

**WORKSHOP**

POLICY DEPARTMENT C  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

**NEW RULES FOR  
CONTRACTS IN THE DIGITAL  
ENVIRONMENT**  
*with the participation  
of EU National Parliaments*

DATE  
17 February 2016

TIME  
16h00 - 18h30

ROOM  
József Antall building  
2Q2

CHAIR:  
PAVEL SVOBODA, MEP

Committee on Legal Affairs

On 17 February, from 16.00 to 18.30, in room JAN 2Q2, Policy Department C is organising, for the JURI committee, a highly topical workshop on "New rules for contracts in the digital environment", with representatives from EU national parliaments.

Its aim is to shed light on the two recent Commission proposals, on the [online sale of tangible goods](#) and on the [online sale of digital content](#), aimed at better protecting consumers who shop online across the European Union.

The workshop will be [webstreamed](#).

ISSUE 19  
FEBRUARY 2016

## NEXT MEETING

14-15 MARCH 2016

## JURI Website

## EPRS

## LATEST ANALYSES

[Administrative  
Procedure of the EU  
Institutions, Bodies,  
Offices and Agencies](#)

[Adoption: Cross-Border  
Legal Issues](#)

[The Transatlantic Trade  
and Investment  
Partnership \(TTIP\): The  
Sluggish State of  
Negotiations](#)

[Brussels IIa: Towards a  
Review](#)

[The General Principles of  
EU Administrative  
Procedural Law](#)

[The Balance of EU  
Copyright: Impact of  
Exceptions and  
Limitations on Industries  
and Economic Growth](#)

[Civil-Law Expert Reports  
in the EU: National Rules  
and Practices](#)

## CONSIDERATION OF WORKING DOCUMENT

### Protection of vulnerable adults



The legal protection of vulnerable adults, i.e. persons of legal age 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 resulting 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.

In this context, it is necessary to ensure legal protection measures which can effectively compensate for the possible vulnerability of elderly people or invalids. While all Member States have met this requirement by establishing protection measures for vulnerable adults in their respective legal systems, the European Union lacks a uniform and adequate set of rules applicable to cross-border cases, which may lead to major legal difficulties for these vulnerable adults, those close to them and the professionals who care for them.

Back in 2008, Parliament adopted a resolution requesting the Commission to table a legislative proposal on strengthening cooperation between the Member States and improving the recognition and enforcement of decisions on the protection of adults and incapacity mandates and lasting powers of attorney. However, the Commission has not yet come up with any proposal. At this meeting the Rapporteur will present a working document to be considered by the Members of the Committee.

Procedure: [2015/2085\(INL\)](#)

Legal basis: Article 225 TFEU

Rapporteur: Joëlle Bergeron

Administrator: Francisco Ruiz-Risueño/Andrea Scrimali

#### **Preliminary Timetable**

Exchange of views: 14-15.09.2015

Consideration of a working document: 17.02.2016



## PRESENTATION OF COMMISSION'S REPORT

### Joint JURI-LIBE meeting on judicial training

On 17 February 2016, from 9.00 to 10.00, the JURI and LIBE committees will hold a joint committee meeting to hear the Commission present its 2015 report on judicial training.

## CONSIDERATION OF WORKING DOCUMENT

### Establishing common minimum standards for civil procedure in the European Union



In this meeting, the rapporteur will present his working document on establishing common minimum standards for civil procedure in the European Union – the legal basis.

The aim of this working document is to give an overview of the scope of the European Union's legislative competence in the field of civil procedural law.

This document considers that – in line with the Commission's past initiatives and the outcome of the joint projects of the European Law Institute and Unidroit – the

time has come for a legislative proposal setting out common minimum standards of civil procedure law.

Such a system of common minimum standards in the form of principles and rules, would serve as a basis for convergence of national regulations concerning civil procedure, establishing a balance between the fundamental rights of litigants in the interest of full mutual trust between the judicial systems of the Member States.

The working document has thus identified possible provisions in the Treaties that could serve as a legal basis for future approximation of civil procedure laws at EU level. Specifically, it has looked at Article 81 TFEU on civil justice cooperation and Article 114 TFEU on internal market approximation, as the main alternatives for further action in the field.

Procedure: [2015/2084\(INL\)](#)

Legal basis: Rule 46 RoP / Article 225 TFEU

Rapporteur: Emil Radev

Administrator: Zampia Vernadaki/ Alexander Keys

#### **Preliminary Timetable**

Presentation of working document: 17.02.2016

## PRESENTATION OF A DRAFT OPINION

### Workers representation on board level in Europe



The Committee on Employment and Social Affairs is drafting an own-initiative non-legislative report (rapporteur Thomas Händel) on workers' representation at board level in Europe. The report aims to present the systems of workers' representation at board level that currently exist in the European Union and to examine how those systems work along with a framework and criteria to help optimise their operation.

The Committee on Legal Affairs will provide an opinion. The rapporteur for the

opinion will focus on issues that fall within the committee's remit.

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

Procedure: [2015/2222\(INI\)](#)

Rapporteur: Enrico Gasbarra

Administrator: Francisco Ruiz-Risueño

#### **Preliminary Timetable**

Deadline for amendments: 15.12.2015

Note: 17.02.2016

## EXCHANGE OF VIEWS

### Cross-border recognition of adoptions



At this meeting, the rapporteur, Tadeusz Zwiefka, will lead the committee's first exchange of views on the proposed legislative initiative report on the cross-border recognition of adoptions.

The committee held a workshop on 'Adoption: Cross-border Legal Issues' on 1 December 2015. The outcome of that workshop was, inter alia, that there could be a need for a European instrument on the recognition of domestic adoptions. International adoptions are regulated by the 1993 Hague

Convention, but there are no existing instruments allowing for the automatic recognition of a purely domestic adoption in another Member State, for example where a family moves to another Member State after an adoption. Failure to recognise such adoptions can lead both to legal problems, requiring lengthy recognition or re-adoption procedures, and to practical problems in the child's life, concerning for example consent for medical procedures or school enrolment.

At a second stage, the rapporteur will decide whether to actually make a proposal for legislation, and if so, what form it should take.

Procedure: [2015/2086\(INL\)](#)

Legal basis: Article 225 TFEU

Rapporteur: Tadeusz Zwiefka

Administrator: Alexander Keys

Opinion giving committee: PETI

Preliminary Timetable

Exchange of views: 17.02.2016

### Presentation of the preliminary findings of the European Added Value Assessment on Limitation Periods for traffic accidents



The European Parliament Research Service has launched a European Added Value Assessment on limitation periods for cross-border road traffic accidents.

At this meeting, Dr Jenny Papettas (Birmingham Law School) and Dr Marco Bona (Scuola Forense), recognised experts in the area of cross-border accidents and personal injury claims, will present the preliminary findings of their research study on the added value of EU action to harmonise limitation periods for claims made by victims of cross-border road traffic accidents.

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 periods.

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

Procedure: [2015/2087\(INL\)](#)

Legal basis: Rule 46 RoP / Article 225 TFEU

Rapporteur: Pavel Svoboda

Administrator: Zampia Vernadaki

Preliminary Timetable

Exchange of views: 12.10.2015

Presentation of preliminary findings of EAVA: 17.02.2016

## ***IN CAMERA***

### **DISPUTES INVOLVING PARLIAMENT**



#### ***Case F-151/15, ZZ v. European Commission***

In Case F-151/15 the applicant has brought an action before the Civil Service Tribunal against the European Commission contesting the legality of Article 17 of Annex VIII to the Staff Regulations. Article 17 of Annex VIII to the Staff Regulations concerns the survivor's pension granted to the surviving spouse of a deceased official. This article makes the granting of the pension conditional on the couple having been married at least one year at the time of the death of the official concerned. The effect of the above provision is therefore to prevent surviving spouses from receiving a survivor's pension where the official concerned died less than one year after the date of the marriage. The applicant argues that Article 17 of Annex VIII to the Staff Regulations is discriminatory and therefore contrary to Article 21(1) of the Charter of Fundamental Rights. In this meeting the Committee is to decide whether to recommend to the President, acting under Rule 141(4) RoP, that Parliament intervene in defence of the validity of that provision before the Civil Service Tribunal.

#### ***Case C-647/15 Hungary v Council - Case C-643/15 Slovakia v Council - Possible intervention by the European Parliament***

The European Parliament has been notified of two actions for annulment, pursuant to Article 263 TFEU, of Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, which were brought before the Court of Justice by Slovakia and Hungary on 2 and 3 December 2015, respectively. Council Decision (EU) 2015/1601 is aimed at relocating 120,000 people in need of international protection. The Committee is, therefore, to decide in this meeting whether to recommend to the President, in accordance with Rule 141(4) of the Rules of Procedure, that Parliament intervene in the proceedings before the Court of Justice.

## PAST EVENTS

### Hearing on Administrative Procedure of the EU, on 28 January 2016



### Exchange of views with Frans Timmermans, first Vice-President of the European Commission, within the framework of the inter-institutional dialogue



## Exchange of views with Emily O'Reilly, European Ombudsman, on Case 1011/2015/TN



## VOTES

### Public access to documents (Rule 116(7)) for the years 2014-2015

The rapporteur will adopt its opinion to the Committee on Civil Liberties, Justice and Home Affairs on the application by the European Parliament of the rules on transparency of documents. The draft opinion emphasises that public access to documents is a cornerstone of democracy and recognised by the EU as a fundamental right in Article 42 of the Charter on Fundamental Rights and that it is closely linked to the right to good administration, recognised in Article 41 of the Charter. The rapporteur notes in this respect the fundamental importance given to the Charter in recent case law by the Court of Justice and questions



Procedure: INI / Rule 116(7)  
 Legal basis: Article 17,  
[Regulation \(EC\) No 1049/2001](#)  
 Lead Committee: LIBE  
 Rapporteur: Heidi Hautala  
 Administrator: Kjell Sevón

#### **Preliminary Timetable**

Adoption JURI: 18.02.2016  
 Adoption Lead Committee:  
 14.03.2016  
 Adoption PLENARY: March  
 2016

whether, in particular, the present practice as regards documents related to legislative 'trilogues' are in conformity with the post-Lisbon Treaties and the Charter. The draft opinion also stresses the need, already a matter of good administration, to register all documents related to a given file. The principles, conditions and limits governing access to documents held by the EU institutions and other bodies are laid down in Regulation (EC) No 1049/2001, which implements Article 15(3) of the TFEU. Article 17 of the regulation requires each institution to publish an annual report on how it has applied the regulation. According to Rule 116(7) of the Rules of Procedure the committee responsible prepares Parliament's annual report 'on the basis of information provided by the Bureau and drawn from other sources'. 19 amendments were tabled to the draft opinion.

## 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



The Council decided on 10 December 2015 to request the European Parliament to give its consent to the draft Council Decision on the 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.

According to the Commission proposal, the legal basis for the above Council Decision should be Article 192 TFEU in conjunction

with Article 218(6)(a)(v) TFEU. The Council departed from the Commission proposal in that it proposes Article 100 TFEU in conjunction with Article 218(6)(a)(v) TFEU as the appropriate legal basis.

In its meeting of 28 January 2016, the Committee on Legal Affairs decided, pursuant to Rule 39(2) of the Rules of Procedure, to draw up an opinion on the appropriateness of the change of the legal basis for the above mentioned draft Council Decision. At this meeting, the Committee will adopt its opinion on the change to the legal basis.

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 the 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 the owner to take out insurance or other financial security to cover his 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. The HNS Fund aims to pay 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.

Procedure: [2015/0135\(NLE\)](#);  
[2015/0136\(NLE\)](#)

Basic Doc: [13806/15](#); [14112/15](#);  
[COM\(2015\) 305 final](#); [COM\(2015\) 304 final](#)

Legal basis: Rule 99 RoP / Article 218(6) (a)(v) and Article 100(2) TFEU; Rule 99 RoP / Article 218(6) (a)(v) and Article 81

Rapporteur: Pavel Svoboda

Administrator: Zampia Vernadaki

### Preliminary Timetable

Exchange of views: 28.01.2016

Vote on the legal basis opinion:  
17.02.2016

## IMMUNITIES



**Gianluca Buonanno**

### EXCHANGE OF VIEWS/HEARING

**Type of procedure:**

Waiver of immunity

**Procedure:** 2016/2003(IMM)

**Legal basis:** RoP Rule 6

**Notice to Members:** 03/2016

**Rapporteur:** Evelyn Regner

**Administrator:** Francisco  
Ruiz-Risueño

**Preliminary Timetable:**

**Exchange of views/hearing:**  
18.02.2016

**Hermann Winkler**

### CONSIDERATION OF DRAFT REPORT

**Type of procedure:**

Waiver of immunity

**Procedure:** 2016/2000(IMM)

**Legal basis:** RoP Rule 6

**Notice to Members:** 2/2016

**Rapporteur:** Angel Dzhambazki

**Administrator:** Alexander Keys

**Preliminary Timetable:**

Presentation of draft report: 17.02.2016

#### SUBSCRIPTIONS

JURI Report: [juri-secretariat@europarl.europa.eu](mailto:juri-secretariat@europarl.europa.eu)

JURI Press Releases: [lega-press@europarl.europa.eu](mailto:lega-press@europarl.europa.eu)

#### CREDITS & ACKNOWLEDGEMENTS

European Parliament - Committee on Legal Affairs

Head of Secretariat: Robert BRAY - Responsible Administrator: Alexander KEYS

Editorial/Production Assistants: Marcia MAGUIRE and Natalia EWIAKOVA

**WATCH LIVE:** [EP website](#) or [EuroparlTV](#)

**Re-Watch:** [EP multimedia library](#)