

JURI REPORT



February 2014

Issue No 2

Important dates

February 10-11 – JURI meeting

February 11 – Hearing on "Regulatory coherence and the implementation of EU law in the context of the Transatlantic Trade and Investment Partnership"

February 11 – Hearing on the EU law on successions and the protection of vulnerable adults

March 19-20 – JURI meeting

Subscription to JURI Report

If you wish to receive the JURI newsletter, please send an email with your contact details and subject 'newsletter' to: juri-secretariat@europarl.europa.eu

Subscription to JURI press releases

lega-press@europarl.europa.eu

Credits and acknowledgements

European Parliament
Committee on Legal Affairs
Head of Unit: Robert Bray
Responsible Administrator:
Alexander Keys

At this meeting

The meeting of the Committee on Legal Affairs will commence on the afternoon of 10 February with the presentation of a study on contractual arrangements applicable to creators, carried out by researchers at the University of Namur and Kea Consultants and supervised by Policy Department C. The meeting will then initially continue in camera in order to consider immunity cases and for consultations between the coordinators.

The morning of 11 February will begin with a hearing from 9.00 to 10.30 on 'regulatory coherence and the implementation of EU law in the context of the Transatlantic Trade and Investment Partnership'. The purpose of the hearing is to consider the effect that conclusion of the so-called TTIP agreement could have on regulation in the European Union.

The morning will then continue with a number of votes, including confirmation votes following the successful conclusion of negotiations on the European Account Preservation Order, under the guidance of Raffaele Baldassarre, and on the amendment of the Brussels I Regulation in order to take account of the establishment of the Unified Patent Court, under the guidance of Tadeusz Zwiefka. The committee will also vote on the own-initiative report by Françoise Castex on private copying levies. Votes are also planned on a number of legislative and non-legislative opinions. The morning will conclude with a debate on the review of the European Small Claims Procedure (Lidia Joanna Geringer de Oedenberg) and on the Convention on Railway Rolling Stock (Eva Lichtenberger).

A hearing on the 'EU law on successions and the protection of vulnerable adults' will open the afternoon session. At this hearing, academics, practitioners and Commission representatives will debate the two issues of the law on successions and cross-border problems for vulnerable adults. The former rapporteur for the Successions Regulation, Kurt Lechner, will open the hearing.

The afternoon will conclude with a debate focusing in particular on the proposed Trade Secrets Directive (rapporteur: Marielle Gallo).

NEWS: Greece signs up to the Rome III Regulation on divorce

Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (known as the Rome III Regulation) lays down rules facilitating divorce proceedings in cross-border situations. Owing to the impossibility of reaching an agreement between all Member States, the enhanced cooperation procedure was used, and the Regulation has applied to 15 Member States since late 2012. However, legislation adopted under the enhanced cooperation procedure is open for other Member States to join at any time if they should so wish.

Greece asked to sign up to the Regulation last October. The Commission has now adopted a [decision](#) applying the regulation to Greece from 29 July 2015 and providing for a number of transitional measures.

This move is welcomed by the Committee on Legal Affairs, as it will simplify the legal situation for cross-border couples with a connection to Greece. It is hoped that other Member States will feel able to follow this example.

[JURI website](#)

Watch LIVE

Watch the JURI Committee meetings live on the [EP website](#) or on [EuroparTV](#)

RE-Watch

Past meetings are available via [EP multimedia library](#)

Library news

The [library website](#) provides direct access to many documents and sources related to the work of the JURI committee:

[Legal affairs policy area page](#)

[Case law portal](#)

[Upcoming conferences and seminars](#)

[Useful databases](#)

To learn more about the use of these pages and databases, [register for training](#).

In addition a team of information specialists is always available to help you with specific requests. Do not hesitate to [ask the library](#).

European Public Prosecutor's Office

Procedure	2013/0255(APP)
Basic doc	COM(2013)0534
Rapporteur	Evelyn Regner
Legal basis	Article 86 TFEU
Administrator	Andrea Scrimali
Lead Committee/ Rapporteur	LIBE/Salvatore Iacolino

PRELIMINARY TIMETABLE

Consideration of a draft opinion	20-21.1.2014
Deadline for amend.	24.1.2014
Adoption in JURI	11.2.2014



Prosecuting offences against the EU budget is currently a matter solely for the Member States, and no EU authority exists in this area. National law enforcement efforts are often fragmented, and the cross-border dimension of these offences usually escapes the attention of the authorities. Despite the increased efforts of Union bodies such as Eurojust, Europol and OLAF, there are numerous problems as regards coordination, cooperation and information exchange, especially in the area of offences affecting the Union's financial interests. In this context, Article 86 TFEU provides the necessary legal basis for a new EU-level prosecution system.

The Commission proposal provides for the establishment of a European Public Prosecutor's Office (EPPO) in the form of a Union body with a decentralised structure and having legal personality, and sets out its relationship with Eurojust. The text refers to the EPPO's independence and accountability vis-à-vis Parliament, the Council and the Commission with regard to its activities. The task of the EPPO will be to combat criminal offences affecting the financial interests of the Union. It will be responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices in, criminal offences. It will also play the role of prosecutor in the competent courts of the Member States in relation to offences affecting the Union's financial interests.

The proposal covers the essential features of the investigations and prosecutions of the European Public Prosecutor's Office, including provisions on how they should be monitored by national courts, what decisions the European Public Prosecutor's Office could take once investigations are completed, how it would play the role of prosecutor, and how the evidence collected would be used in court. The proposal also provides safeguards for suspects and other persons involved in the proceedings of the European Public Prosecutor's Office, which will need to comply with the relevant standards, and in particular with the Charter of Fundamental Rights of the European Union.

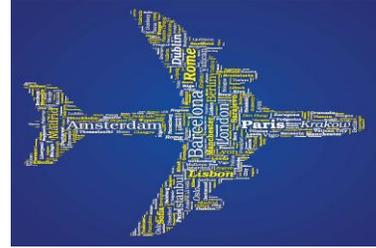
With regard to certain rights (the right to interpretation and translation, the right to information in criminal proceedings, the right of access to a lawyer in criminal proceedings, and the right to communicate upon arrest), the rules refer to Union legislation. The proposal also autonomously defines other rights which have not yet been regulated in Union legislation, such as the right to remain silent, the right to be presumed innocent, the right to legal aid, and the right to present evidence, appoint experts and hear witnesses.

As the set-up phase of the European Public Prosecutor's Office will probably last for several years, staff members will be gradually transferred from OLAF to the European Public Prosecutor's Office. The European Public Prosecutor's Office will reach cruising speed once its full staff level is achieved. This is expected to be the case in 2023, when it should have a staff of 235 (180 establishment plan posts plus 55 external staff). The estimated cost for 2023 with this staff level is approximately EUR 35 million.

At this meeting, the committee will adopt a draft opinion.

Package Travel Directive

Procedure	2013/0246(COD)
Basic doc	COM(2013)0512
Rapporteur	Eva Lichtenberger
Administrator	Kjell Sevón
Lead Committee	IMCO



PRELIMINARY TIMETABLE	
Presentation of draft	21.1.2014
opinion	
Adoption JURI	11.2.2014

The rapporteur for opinion will present a draft opinion in the form of a letter on the proposal for a directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC. The aim of the proposed Directive is to clarify and modernise the scope of travellers' protection when purchasing combinations of travel services for the same trip or holiday by bringing within its scope different forms of on-line packages and assisted travel arrangements, while at the same time seeking to reduce legal fragmentation and strengthening the mutual recognition of insolvency protection, in order to minimise obstacles to cross-border trade and reduce compliance costs for traders wishing to operate cross-border, while also ensuring a level playing field in the travel market.

Request for waiver of the immunity of Tadeusz Cymański

At the sitting of 18 November 2013, the President announced, under Rule 6(2) of the Rules of Procedure, that he had received from the General Prosecutor of the Republic of Poland a request for the immunity of Tadeusz Cymański to be waived. The President referred the request to the Committee on Legal Affairs under Rule 6(2).



Procedure	2013/2278(IMM)
Legal basis	Protocol on Privileges and Immunities, Art. 9
Rapporteur	Dimitar Stoyanov
Administrator	Andrea Scrimali
Notice to Members	124/2013

PRELIMINARY TIMETABLE	
Exchange of views	20-21.1.2014
Hearing	20-21.1.2014
Adoption in JURI	10.2.2014

After hearing Mr Cymański and holding an exchange of views on his case on 21 January, the committee will adopt a report at this meeting on the request for waiver of his immunity.

Request for waiver of the immunity of Mario Borghezio

By letter of 20 November 2013, Mario Borghezio requested the defence of his immunity in relation to criminal proceedings commenced against him by prosecutors in Milan.



Procedure	2013/2279(IMM)
Legal basis	Article 8 Protocol No 7
Rapporteur	Bernhard Rapkay
Administrator respons.	Alexander Keys
Notice to Members	125/2013

PRELIMINARY TIMETABLE	
Exchange of views	21.1.2014
Hearing	11.2.2014

It is now for the committee, under the guidance of the rapporteur, Bernhard Rapkay, to assess, on the basis of the documents provided, whether the request should be granted. At this meeting, the committee will hear Mr Borghezio.

Amendment of the Brussels I Regulation with regard to the Unified Patent Court and the Benelux Court of Justice

Procedure	2013/0268(COD)
Basic doc	COM(2013)0554
Legal basis	Articles 67(4) and 81(2) TFEU
Rapporteur	Tadeusz Zwiefka
Administrator	Alexander Keys



PRELIMINARY TIMETABLE

Adoption JURI	21.1.2014
Confirmation vote on agreed text	11.2.2014
ADOPTION PLENARY	April 2014

On 12 December 2012, the Brussels I Recast Regulation was adopted. It will enter into application on 10 January 2015. Since then, an agreement has also been reached on the Patent Package, consisting of two regulations and the Unified Patent Court (UPC) Agreement, which together will create a system of unitary patent protection in the European Union.

Article 89(1) of the UPC Agreement provides that the agreement cannot enter into force prior to the entry into force of amendments to the Brussels I Regulation. In addition to the UPC-related amendments, the situation of the Benelux Court of Justice must also be addressed, as it is the only other court common to several Member States. In particular, it must be clarified that the Unified Patent Court and the Benelux Court of Justice are to be treated as 'courts of Member States' within the meaning of the Brussels I Regulation.

Rules on jurisdiction (concerning both defendants domiciled in Member States and third State defendants), recognition and enforcement must be laid down for the Unified Patent Court and the Benelux Court of Justice. Specific rules on lis pendens and related actions are also required.

Following the conferral of a mandate and the successful conclusion of negotiations, the rapporteur will now submit an agreed text to the committee for approval.

Request for defence of the parliamentary immunity of Gabriele Albertini

By letter received on 24 July 2013, Gabriele Albertini requested the reconsideration of his request for defence of immunity submitted in 2012, providing further documents.

It is now for the committee, under the guidance of the rapporteur, Bernhard Rapkay, to assess whether the documents provided warrant a reopening of the case and, if so, whether Parliament's previous decision should be altered.

Following the receipt of further information from the Italian authorities, the rapporteur will make a proposal for a decision at this meeting.



Procedure	2013/2191(IMM)
Legal basis	Article 8 Protocol No 7
Rapporteur	Bernhard Rapkay
Administrator respons.	Alexander Keys
Notice to Members	82/2013

Preliminary timetable

Exchange of views	14.10.2013; 04.11.2013; 10.2.2014
Decision JURI	10.2.2014

Proposal for a Regulation of the European Parliament and of the Council amending the Statute of the Court of Justice of the European Union by increasing the number of judges at the General Court

In 2011, the Court of Justice made various proposals for the modernisation of the operation of the three courts of the European Union.

As regards the General Court, the original proposal provided for an increase in the number of judges in order to cope with the increasing number of cases at that court. The figures on the General Court's workload are very clear, and the rapporteur considers that the case for an increase in the number of judges has been made.

Vassilios Skouris, President of the Court of Justice, contributed to the debate at a hearing on 24 April 2013, as did Jean-Marc Sauvé, President of the Article 255 Panel, at a hearing on 30 May 2013.

The committee's report (rapporteur: Alexandra Thein) was approved by Parliament in plenary in December 2013. It includes a novel proposal whereby nationality is not to be a criterion for the appointment of the additional judges – only merit is to be a criterion.

Following the recommencement of negotiations with the Council and the Court of Justice, the rapporteur will now report back to the committee, possibly with a proposal for agreement.

Procedure	2011/0901B(COD)
Basic doc	02074/2011
Legal basis	Articles 254(1) and 281(2) TFEU
Rapporteur	Alexandra Thein
Administrator respons.	Alexander Keys
Opinion Comm./rapporteur	AFCO/Morten Messerschmidt

PRELIMINARY TIMETABLE

Draft report	19.3.2013
Deadline for amend.	28.3.2013
Consideration of amendments	30.5.2013
Adoption JURI	20.6.2013
Adoption Plenary (not final)	10.12.2013



Evaluation of justice in relation to criminal justice and the rule of law

Procedure	2014/2006(INI)	PRELIMINARY TIMETABLE	
Legal basis	Rule 48 RoP		
Rapporteur	Tadeusz Zwiefka	Deadline for amend.	3.2.2014
Administrator respons.	Alexander Keys	Adoption JURI	11.2.2014
Lead	LIBE/Kinga	Adoption Lead Comm.	12.2.2014
Comm./rapporteur	Göncz		

This own-initiative procedure relating to the evaluation of criminal justice systems and the rule of law in the Member States is to be seen in connection with the Committee on Legal Affairs' report on the evaluation of civil and administrative justice, which is why the committee has decided to deliver an opinion for the Committee on Civil Liberties, Justice and Home Affairs.

Mr Zwiefka's draft opinion stresses the difficulties which arise when comparing national judicial systems in view of the differences between Member States' legal traditions, and emphasises that national prerogatives in the field of criminal law must be respected. It also recalls the sterling work which has been done by the Council of Europe and the Fundamental Rights Agency in this area.

In view of the tight timetable, the committee will vote at this meeting.

Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States

Procedure	2013/0400(CNS)
Basic doc	COM(2013)0814
Rapporteur	Lidia Joanna Geringer de Oedenberg
Legal basis	Article 115 TFEU
Administrator	Susanne Knöfel
Lead Committee/ Rapporteur	ECON/Mojca Kleva Kekus



PRELIMINARY TIMETABLE

JURI Vote	11.2.2014
ECON Vote	18.3.2014
Plenary Vote	April 2014

On 25 November 2013, the Commission proposed a Council directive amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States, as one of the measures proposed in its 2012 Action Plan against tax evasion.

The aim of the proposal is to close loopholes in the Parent-Subsidiary Directive. That Directive was originally conceived to prevent same-group companies based in different Member States from being taxed twice on the same income (double taxation). However, certain companies have exploited provisions in the Directive and mismatches between national tax rules to avoid being taxed in any Member State at all (double non-taxation).

The changes proposed in order to close these opportunities are twofold: at first, the anti-abuse provision, i.e. the safeguard against abusive tax practices, is updated. Secondly, it is proposed to tighten up the Directive with a view to preventing situations where specific tax planning arrangements (hybrid loan arrangements) benefit from double non-taxation.

The relevant legal basis in direct tax matters, Article 115 TFEU, requires unanimous adoption in Council and provides for the consultation of Parliament.

At this meeting, the Committee will vote on the draft opinion and the amendments tabled.

Request for waiver of the immunity of Richard Seeber

At the sitting of 21 November 2013 the President announced, under Rule 6(2) of the Rules of Procedure, that he had received a letter from the Austrian Ministry of Justice requesting the waiver of the parliamentary immunity of Richard Seeber.



The President referred the request to the Committee on Legal Affairs under Rule 6 (2).

Procedure	2013/2280(IMM)
Legal basis	Rules of Procedure, Rule 6
Rapporteur	Francesco Enrico Speroni
Administrator	Susanne Knöfel
Notice to Members	126/2013

At the meeting of 10 February 2014, the Committee will hear Mr Seeber.

PRELIMINARY TIMETABLE

Exchange of views	20.1.2014
Hearing	10.2.2014
Adoption JURI	19.3.2014

Hearing on the EU law on successions and the protection of vulnerable adults

On 11 February at 15.00, the Committee on Legal Affairs will be holding a hearing which will cover the two topics of successions and the protection of vulnerable adults. With regard to successions, the time has come to assess the progress made with implementation since the adoption of the regulation on cross-border successions. The former rapporteur, Kurt Lechner, will speak, as will the Commission.

With regard to the question of the protection of vulnerable adults, the committee has invited an eminent expert. The final debate will also allow the point of view of practitioners to be heard.

Strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings

Procedure	2013/0407(COD)
Basic doc	COM(2013)0821
Rapporteur	Alexandra Thein
Legal basis	Article 82(2)(b) TFEU
Administrator	Andrea Scrimali
Lead Committee/ Rapporteur	LIBE/Renate Weber

PRELIMINARY TIMETABLE

Exchange of views	10-11.2.2014
Consideration of a draft opinion	19-20.3.2014
Adoption in JURI	10.4.2014



Building on the extensive case-law of the European Court of Human Rights (ECtHR), the draft directive aims to lay down minimum rules concerning certain aspects of the right of suspects and accused persons to be presumed innocent unless proven guilty by a final judgment. In particular, the proposal covers the following rights:

- 1) Concerning the right not to be presented as guilty by public authorities before the final judgment, the ECtHR has established as one of the basic aspects of the principle of presumption of innocence the fact that a court or public official may not publicly present the suspects or accused persons as if they were guilty of an offence if they have not been tried and convicted of it by a final judgment.
- 2) The burden of proof is on the prosecution, and any reasonable doubts regarding guilt should benefit the accused: this presupposes that a court's judgment must be based on evidence as put before it and not on mere allegations or assumptions.
- 3) The right not to incriminate oneself and not to cooperate and the right to remain silent lie at the heart of the notion of a fair trial under Article 6 of the ECHR, presupposing that the prosecution in a criminal case seeks to prove the case against the accused without resort to evidence obtained through methods of coercion or oppression. The right to remain silent must be ensured and any inferences drawn from the fact that suspects make use of this right should be excluded. Suspects should be promptly informed of their right to remain silent. This information should also refer to the content of the right to remain silent and of the consequences of both renouncing it and invoking it.
- 4) Concerning the right to be present at one's trial, the proposal lays down the right, established by the ECtHR, of the accused person to be present at his or her trial and also establishes limited exceptions to this right, in line with the Charter, the ECHR and EU law. It provides that Member States must ensure that the right to be present applies to any trial aimed at assessing the question of the guilt of the accused person (both conviction and acquittal decisions).

Finally, a non-regression clause in the proposal aims to ensure that setting common minimum standards does not have the effect of lowering standards in certain Member States and that the standards set in the Charter and in the ECHR are maintained.

European Small Claims Procedure and European order for payment procedure

Procedure	2013/0403(COD)
Basic doc	COM(2013)0794
Legal basis	Article 81 TFEU
Rapporteur	Lidia Joanna GERINGER DE OEDENBERG
Administrator respons.	Susanne Knöfel
Opinion Comm./rapporteur	IMCO/Cornelis de Jong



PRELIMINARY TIMETABLE

Exchange of views	11.2.2014
Presentation of working document	19.3.2014

On 19 November 2013 the Commission proposed an amendment to Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure.

The European Small Claims Procedure, introduced in 2007, is an alternative procedure, in addition to the procedures existing in the Member States, for cross-border cases concerning claims which do not exceed EUR 2000. It is in principle a written procedure on the basis of standard forms and is available for both consumers and businesses.

The present proposal was published together with a report on the application of the Small Claims Regulation (COM(2013)0795). The proposed amendments to the small claims procedure aim in particular at achieving a broader use of that procedure. The main elements of the proposed revision are:

- extension of the scope to cross-border claims up to EU 10 000;
- extension of the definition of cross-border cases;
- introduction of a cap on court fees charged for the procedure.

Moreover, a number of proposed amendments aim at reducing paperwork and travel costs throughout the procedure, for instance by requiring courts to use videoconferencing or teleconferencing should oral hearings be necessary, by placing postal service and service by email on the same footing, and by limiting certain translation requirements.

In view of the limited time remaining in the present legislative term, it will not be possible to finish the first reading of the proposal. The rapporteur, Lidia Joanna Geringer de Oedenberg, has therefore decided to present a working document to the Committee at its March meeting. At this meeting, she will lead a first exchange of views on the proposal.

Petition 0070/2012 by Imre Juhász on the Beneš decrees

The Committee on Petitions has requested the opinion of the Committee on Legal Affairs on the petition which seeks the annulment of a resolution adopted by the National Council of the Slovak Republic of 2007 on the inviolability of the documents regulating conditions following the Second World War in Slovakia and of the presidential decrees named after the former Czechoslovak President Eduard Beneš, which were first adopted by the Czechoslovak government in exile in London during the Second World War and from the spring of 1945 on Czechoslovak territory and formally approved by the new Czechoslovak parliament on 5 March 1946. The Committee on Legal Affairs will give its opinion in the form of a letter to the Committee on Petitions.



Petition number	0070/2012
Rapporteur	Klaus-Heiner Lehne
Administrator respons.	Kjell Sevón
Lead committee	PETI

European Account Preservation Order

The European Account Preservation Order aims to provide common rules enabling creditors to obtain account preservation orders on the basis of the same conditions, irrespective of the country where the competent court is located. It will thus reduce costs and delays for creditors seeking to obtain and enforce an account preservation order in cross-border situations.

Some key points of the new Regulation are:

- the protective nature of the EAPO: it would be limited to blocking the debtor's account, and would thus not allow money to be paid out to the creditor;
- the ex parte procedure: in order to ensure the surprise effect of the account preservation order, the debtor should not be informed about the application, be heard prior to its issue or be notified of the order prior to its implementation by the bank.

The rapporteur proposes to balance the rights of debtors and creditors, and in particular to strengthen the protection of debtors in the event of any 'abuse' of the procedure by creditors.

Now that several successful trilogues have been held, the rapporteur will report back to the committee on the results of

Procedure
Basic doc
Rapporteur
Administrator respons.

2011/0204 (COD)
COM(2011)0445
Raffaele Baldassarre
Alexander Keys

PRELIMINARY TIMETABLE

Adoption JURI	30.5.2013
Confirmation vote on agreed text	11.2.2014
ADOPTION PLENARY	April 2014



the negotiations, and hopes to be able to submit an agreed text to the committee for approval, thus allowing the regulation to be adopted before the May elections.

Protocol on international interests in railway rolling stock

Procedure
Basic doc
Rapporteur
Administrator
Lead Committee

2013/0184(NLE)
COM(2013)0349
Eva Lichtenberger
Kjell Sevón
IMCO

PRELIMINARY TIMETABLE

Presentation of draft opinion	11.2.2014
Adoption JURI	20.3.2014



On 12 June 2013 the Commission published a proposal for a Council Decision on the approval, on behalf of the European Union, of the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007 and signed by the European Union on 10 December 2009. The objective of the Rail Protocol is to facilitate the financing of high-value railway rolling stock by creating a strong international guarantee for creditors, whether they are sellers on credit or institutions supplying credit for such sales, as they will have priority over these assets when their interest is included in the register established by the Convention. The proposal emphasises that this will not only encourage capital investment in the rail sector, but also benefit the creation of a genuine lease market for mobile railway equipment in Europe: it is thus closely linked to the fourth railway package.

Protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure

Procedure 2013/0402(COD)
Basic doc COM(2013)0813
Rapporteur Marielle Gallo (EPP)
Administrator Leticia Zuleta de Reales
respons.



PRELIMINARY TIMETABLE

Exchange of views 11.2.2014

Broadly speaking, any confidential business information which provides an enterprise with a competitive advantage may be considered a trade secret. Trade secrets encompass manufacturing or industrial secrets and commercial secrets. The unauthorised use of such information by persons other than the holder is regarded as an unfair practice and a violation of the trade secret. Depending on the legal system, the protection of trade secrets forms part of the general concept of protection against unfair competition, or else is based on specific provisions or case-law on the protection of confidential information. Some Member States do not have specific laws on the matter.

Unlike in the cases of patented inventions or novels protected by copyright, the holder of a trade secret is not the owner of an exclusive right over its creation. Competitors and other third parties may therefore discover, develop and freely use the same formula. Trade secrets are only legally protected in instances where someone has obtained the confidential information by illegitimate means (for example through theft or bribery).

Trade secrets are therefore substantially different from IPRs, which confer exclusivity. Nevertheless, they need to be protected for the same reasons that IPRs exist: to incentivise innovation by ensuring that creators are in a position to be rewarded for their efforts.

The Commission proposal introduces a common definition of trade secrets, as well as means through which victims of trade secret misappropriation can obtain redress. It seeks to make it easier for national courts to deal with the misappropriation of confidential business information, to remove products that infringe trade secrets from the market, and to make it easier for victims to obtain damages for illegal actions.

At this meeting, the JURI committee will hold an exchange of views.

Update on the Transatlantic Trade and Investment Partnership (T-TIP) - Hearing on Regulatory Coherence and the Implementation of EU law

In view of the next round of T-TIP negotiations, which will take place in Brussels on 10-14 March 2014, Members held an exchange of views in Brussels on 16 January 2014 with Ambassador Miriam Sapiro, then Deputy US Trade Representative responsible for US trade negotiations and enforcement in Europe (and who has since resigned from that post – her replacement is yet to be announced), and with Mr Dan Mullaney, Chief T-TIP Negotiator on the US side.

Ambassador Sapiro stressed that the 'Regulatory Coherence and Transparency' chapter of the negotiations does not constitute a deregulatory agenda but rather aims at enhancing regulatory cooperation by ensuring the compatibility of regulations and standards on both sides of the Atlantic. The US and the EU already have very strong regulations in most areas, not least health and safety, consumer protection and environmental protection. This chapter therefore aims at reducing burdens in cases where there are unnecessary costs or non-conversion between the two systems, in particular through the development of rules and principles on global issues of common concern. She highlighted challenges in connection with state-owned enterprises – not least potential distortion as a result of localisation measures in order to favour domestic producers – and a will to embrace the high standards concerning intellectual property rights achieved in the EU and the US, which do not necessarily exist or are not respected in other countries. High-level meetings on regulatory cooperation will take place shortly, including during President Obama's visit to Brussels in March, after which we will most probably see a stepping-up of the negotiations on this chapter, which have thus far

not seen much movement and therefore have been the subject of much uncertainty and speculation. The US side has identified three priorities in this area: transparency (open and accessible procedures), public participation (the solicitation of stakeholder input, known as "Notice and Comment" in the US) and accountability (how the input is taken into account).

Mr Mullaney started his remarks by again underlining that there is no deregulatory agenda, but that the horizontal action on regulatory issues aiming at cutting costs is at the forefront of this negotiation chapter. Both sides are, however, looking into what action could be taken in particular sectors, since there are different problems faced in different regulatory areas and there is different potential for reform and convergence in each area. T-TIP will focus on areas of regulation where there at present are no bodies or existing rules and standards. Significant resources are therefore being put into this exercise by both sides.

While there is still uncertainty as to what extent regulatory coherence or convergence could be achieved, many observers have stated that on a scale from full harmonisation at one extreme to mutual recognition (e.g. of patent decisions) at the other, it is likely that the overall end result will be found somewhere in the middle of these extremes, depending on the sector, and keeping in mind that one size does not fit all. Ambassador Sapiro stressed that the economies in the US and the EU are recovering, but have not fully recovered. Job creation and job maintenance is therefore of key importance in this area and the end goal is to increase growth and competitiveness, while keeping in mind that we are not talking about competition between the EU and US, but between the EU/US and the rest of the world. She exemplified this by saying that there is some concern among EU investors that they are unable to get a fair hearing in US courts, and that this warrants looking into, not least in order to enhance the confidence in the respective legal systems. It was also stressed that the overall aim of T-TIP is to protect and support entrepreneurship.

On 21 January 2014, the Commission announced its decision to consult the public on the investment provisions of T-TIP in order to secure the right balance between protecting European investment interests and upholding governments' right to regulate in the public interest. In early March 2014, a proposed EU text will be presented for the investment part of the talks which will include sections on investment protection and on Investor-to-State Dispute Settlement (ISDS). This draft text will be accompanied by clear explanations for non-experts. Stakeholders across the EU will then have three months to comment.

At a seminar held in Brussels on 30 January 2014 on Better Law-Making in Europe, Mr Klaus Welle, the Secretary-General of Parliament, held a key-note speech on "Better Law-Making: Past, Present and Future". He underlined that this is an area underpinned by the business concept of Total Quality Management and includes four major steps:

1. Agenda setting, the starting point of which is the obligation of the Commission in accordance with Article 17 of the Treaty of the European Union (TEU) to "initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements", and which is complemented by Parliament's Cost of Non-Europe Impact Studies, ultimately underscoring the need for better interinstitutional legislative planning and the urgent need to update the 2003 Interinstitutional Agreement on Better Law-Making in order to adapt it to the new legislative environment created by the entry into force of the Lisbon Treaty;
2. Consultation, where Mr Welle pointed to the US Government Accountability Office (GAO) as inspiration and expressed the idea that the European Court of Auditors should step up its activities in line with the more pro-active approach of the GAO in pointing to wasteful or non-productive action as an inspiration to better targeted future action, while also highlighting that a recent agreement between Parliament, the Committee on the Regions and the Economic and Social Committee should be implemented in a way which would allow for initiatives to be fed back into the Commission's annual work programme, and stressing the increasing positive role of national parliaments when it comes to the subsidiarity mechanism and their role as discussion fora for legislative initiatives, and finally underlining the importance of Parliament stepping up its participation in the Commission's expert groups and consolidating its stakeholder consultations by making use of its national offices in the Member States and making targeted use of its newly established Impact Assessment Directorate;
3. Legislation, here Mr Welle pointed to the need for Parliament to create its own expertise, not least illustrated by the refocusing of the role of its lawyer-linguists to function as legislative drafting consultants for Members rather than mere linguistic revisors, and the need

to consolidate and expand the expertise found in its policy departments, committee secretariats and the European Parliament Research Service (EPRS), which was set up with the US Congressional Research Service (CRS) as an obvious inspiration; and finally,

4. Scrutiny, taking a note from the US Congress activities in the field of regulatory oversight, where Mr Welle highlighted the need for Parliament to become more proactive in asking difficult questions to the Commission and the Council, exemplified by the setting up of the Economic Governance Unit, strengthened action in the field of banking supervision and the possibility of creating a sub-committee to ECON on scrutiny in the Euro zone.

In view of the upcoming round of negotiations in Brussels in March, Mr Ignacio Garcia Bercero, the Commission's Chief T-TIP Negotiator, is scheduled to hold an exchange of views with the INTA Monitoring Group on the US on 19 February 2014.



Against this background, the Committee has decided to hold a hearing on 'Regulatory coherence and the implementation of EU law in the context of T-TIP' in Brussels on Tuesday, 11 February 2014, 9.00-10.30, in Altiero Spinelli, room 3G3. Four external experts and the Commission have been invited to speak from different perspectives, including the US government, private stakeholders, and experts on international regulatory policy and from academia. This issue is very timely not only because of the current stepping-up of the negotiations on the T-TIP chapter on the subject, the upcoming ISDS consultation or Mr Welle's recently announced Better Law-Making agenda, but specifically against the background of the Karim report on Better Law-Making and Regulatory Fitness (which also follows up on the Niebler report on guaranteeing independent impact assessments), the Lichtenberger report on monitoring the application of EU law, the Szájer reports on delegated and implementing acts and the Berlinguer report on European Administrative Procedure Law, all of which will provide food for thought in discussing the regulatory aspects of T-TIP. Ms Castex, the standing rapporteur for T-TIP in the Committee on Legal Affairs, will sum up the discussions in the hearing. The hearing will provide an excellent opportunity for Members to discuss these very timely issues, which will undoubtedly be very high up on the agenda for the upcoming legislature.

Private copying levies

Procedure 2013/2114(INI)
Rapporteur Francoise Castex
Administrator respons. Magnus Nordanskog



PRELIMINARY TIMETABLE
Vote in JURI 11.2.2014

Private copying levies are payments due on recording equipment and blank recording media in certain Member States which have introduced a statutory exception for private copying. According to Econlaw (2007), a total of EUR 453 million in private copying levies was collected on digital devices and carriers in the EU in 2006. These levies are therefore a significant source of income for copyright holders. This important and sensitive subject has been debated at length in the EU, with various solutions being adopted by Member States, and attempts being made to tackle the issue at European level.

In 2012, on the Commission's initiative, the issue of private copying levies was subjected to an industry mediation process led by former Commissioner António Vitorino. On 31 January 2013 the results of the mediation process were presented in a document entitled 'Recommendations resulting from the mediation on private copying and reprography levies'. The Commission intends those recommendations to serve as a basis for drawing conclusions on appropriate follow-up action.

The issue of private copying levies is closely related to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (the 'Infosoc Directive'), which establishes, in Article 5(2)(b), that Member States may provide for exceptions and limitations to the reproduction right with regard to reproductions of any medium made by a natural person for private use, on condition that the rightholders receive 'fair compensation'. The possible review of this directive, as well as exceptions and limitations, has been hinted at by the Commission in its recent communications. In addition, the issue of private copying levies, and in particular their setting and payment in cross-border transactions, has proved difficult and has led, in recent years, to a number of cases being taken to the Court of Justice.

The Legal Affairs Committee decided to draw up an own-initiative report on private copying levies. At its meeting in May 2013 it heard Mr Vitorino's presentation of the mediation results, and in September it heard from a number of stakeholders. At the meeting of 4 November 2013 the committee considered the 190 amendments tabled by Members, which have been the subject of further discussions between the rapporteur and the shadow rapporteurs. At this meeting, the committee will vote.

Disclaimer: The items contained herein are drafted by the Secretariat of the Legal Affairs Committee and are provided for general information purposes only. The opinions expressed in this document are the sole responsibility of the author(s) and do not necessarily represent the official position of the European Parliament. The JURI Report may contain links to websites that are created and maintained by other organisations. The JURI Secretariat does not necessarily endorse the views expressed on these websites.