



JURI Report

At the meeting of 24 and 25 September 2014

The Committee on Legal Affairs' second meeting in September will be held over two days. On the first day (24 September), there will be exchanges of views on the European Small Claims and Order for Payment procedures.

This will be followed by a **vote** on the recast of the Union Code on Visas. Afterwards, there will be further exchanges of views on increasing the number of judges at the General Court, simplifying the acceptance of certain public documents in the EU, insolvency proceedings, and the trade mark package. The morning session will conclude with a debate on implementing acts and measures (Rule 106) in relation to international financial reporting standards.

In the afternoon, there will be a workshop on 'Upcoming issues of EU law' with the participation of Dr Wolfgang Heusel, Dr Marta Ballesteros, Prof. Xandra Kramer, Dr A. Radauer, Prof L. Bently, E. Palmerini and Dr A. Bertolini.

The second day (25 September) will start with the Coordinator's meeting. From 10.00, the Committee will re-convene **in camera** to verify the declarations of financial interests of the Commissioners-designate, to discuss disputes involving Parliament (Rule 141) and to hear Ana Gomes in relation to the request for the waiver of her parliamentary immunity.

The next meeting is planned for 13 October.

PROFILE - Vice-Chair Geringer de Oedenberg

Lidia Geringer de Oedenberg is an Economics graduate from Wrocław University and Warsaw School of Economics. She has also studied in the Netherlands and Spain. She worked for many years as a journalist for Polish Television (TVP). From 1995 to 2001, Ms Geringer de Oedenberg was General Director of the International Festival of Oratorio and Cantata Music - Wratislavia Cantans. She was later appointed Programme Director for Polish Television in Wrocław and Vice-Chair of Polish Television S.A. Ms Geringer de Oedenberg ran for the presidency of Wrocław in 2002, running second after the current president, Rafał Dutkiewicz, despite winning 36 % of the votes.



Ms Geringer de Oedenberg has been a Member of the European Parliament since 2004. In her first-term (2004-2009) she was appointed Member of the Committee on Rural Development, the Committee on Budgets, the Committee on Women's Rights and Gender Equality, and the Committee on Petitions. She was subsequently appointed Vice-Chair of the Committee on Legal Affairs (2006-2009).

In her second-term as a Member of the European Parliament, Ms Geringer de Oedenberg was elected to the position of Quaestor of the European Parliament and Member of the Parliament's Bureau. This position was confirmed again in the 2012 mid-term elections. This notwithstanding, she has continued to work in the Committee on Legal Affairs, the Committee on Budgets and the Committee on Petitions. Last year, Ms Geringer de Oedenberg joined the delegation for relations with the United States, and was recently re-appointed Vice-Chair of the Committee Legal Affairs.

ISSUE 3
SEPTEMBER 2014

NEXT MEETING

13 OCTOBER 2014

JURI Website

EPRS

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[European Small Claims Procedure: Initial Appraisal of the Commission's Impact Assessment](#)

[Possibility and Terms for Applying Brussels I Regulation \(Recast\) to Extra-European Disputes](#)

EXCHANGE OF VIEWS

European small claims procedure and European order for payment procedure

Ms Geringer de Oedenberg has just been re-appointed rapporteur for the revision of the European Small Claims Procedure and the European Order for Payment Procedure, having already drawn up a working document in the last parliamentary term. The Committee will now resume its debate with a view to issuing a draft report in the near future.

The purpose of the Commission's initiative is to make various changes to the aforementioned procedures. In particular, the aim is to increase the threshold for the Small Claims Procedure, simplifying a larger number of cases.

Another important part of the proposal aims to encourage electronic communication between the court and the parties in order to accelerate proceedings. The Commission also wants to encourage the holding of hearings by video-conference, thus reducing travel expenses for the parties.

Procedure: [2013/0403\(COD\)](#)

Basic doc: [COM\(2013\)794](#)

Legal basis: Article 81(1) TFEU

Rapporteur: Lidia Joanna Geringer de Oedenberg

Administrator: Alexander Keys

PRELIMINARY TIMETABLE

Exchange of views: 24.09.2014

Draft report:

October or November 2014

RECAST

Union Code on Visas



Proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code)

(COM(2014)164 final - C8 0001/2014 - 2014/0094(COD))

Procedure: [Rule 104](#)

Rapporteur: Andrzej Duda

Administrator: Kjell Sevón

When a proposal recasting Union legislation is submitted to Parliament, that proposal is referred to the Committee on Legal Affairs and to the committee responsible for the subject matter. The Committee on Legal Affairs examines the proposal in accordance with the arrangements agreed at interinstitutional level with a view to checking that it entails no substantive changes other than those identified as such in the proposal. The Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts requires a consultative working party of the legal services of Parliament, the Council and the Commission to consider any Commission proposal for recasting.

As regards the above-mentioned proposal, the Consultative Working Party has concluded, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in their opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance. The Committee on Legal Affairs intends to state its views on the opinion at its meeting on 3 September 2014.

EXCHANGES OF VIEWS

Increasing the number of judges at the General Court of the European Union

At this meeting, the Committee will for the first time in the new legislative term discuss the question of possible additional judges at the General Court of the European Union. The new rapporteur, António Marinho e Pinto, is continuing the work of Alexandra Thein, who brought the matter as far as the first reading vote in plenary in the last term.

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 case for an increase in the number of judges has been made.

Following the split of the legislative proposal, the Committee's report, as approved by Parliament in plenary sitting in December 2013, included a novel proposal whereby nationality was not to be a criterion for the appointment of the additional judges - only merit was to be a criterion.

However, despite hopes at the time, no agreement could be reached in February 2014, under the Greek Council Presidency. The Committee now needs to decide how to proceed further.



Procedure: [2011/0901B\(COD\)](#)

Basic doc: [02074/2011](#)

Legal basis: Articles 254(1) and 281(2) TFEU

Rapporteur: António Marinho e Pinto

Administrator: Alexander Keys

PRELIMINARY TIMETABLE

1st reading adoption: 15.04.2014

Exchange of views: 24.09.2014

Simplifying the acceptance of certain public documents in the EU

In order to continue its follow-up of the important question of the simplification of formalities for the acceptance of certain public documents in the EU, the Committee on Legal Affairs has just appointed Mady Delvaux-Stehres as the new rapporteur for this file. At this meeting, she will lead the first exchange on views on the matter in the new parliamentary term.

Procedure: [2013/0119\(COD\)](#)

Basic doc: [COM\(2013\)0228](#)

Legal basis: Articles 21(2) and 114(1) TFEU

Rapporteur:

Mady Delvaux-Stehres

Administrator: Alexander Keys

PRELIMINARY TIMETABLE

Plenary (1st reading): 04.02.2014

Exchange of views: 24.09.2014

The further timetable will depend on the progress of negotiations in the Council.

A large number of EU citizens live in a Member State other than their own, and this number is steadily increasing. Even more citizens have links to another State, be it for family or professional reasons or just for holidays.

However, administrative formalities across borders are generally considerably more complicated than within each Member State. Citizens may have to have their documents legalised by diplomatic authorities (legalisation or apostille), provide expensive certified translations of even the simplest documents or submit certified copies of official records.



The proposed regulation simplifying the acceptance of certain public documents in the European Union aims to fulfil the very important role of making formalities easier for citizens who move across borders.

The rapporteur considers that this proposal has the potential to make the cross-border lives of European citizens considerably easier.

Parliament has already adopted its position in first reading on this matter on the basis of this Committee's report. It proposes, inter alia, an increase in the number of public documents covered by the proposal, the strengthening of the provisions abolishing certain formalities and the introduction of additional EU multilingual forms for cross-border use.

A Cost of Non-Europe Report has been drawn up in relation to this proposal, showing the savings that could be made by legislation in this field. It can be accessed here:

[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/510980/IPOL-JOIN_ET\(2013\)510980_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/510980/IPOL-JOIN_ET(2013)510980_EN.pdf)

Amendment of Council Regulation (EC) No 1346/2000 on insolvency proceedings JURI/8/01097 - 2012/0360(COD)



At this meeting Tadeusz Zwiefka, rapporteur, will provide an update of the file and announce that negotiations with the Council could start in the coming weeks with a view to an early second reading agreement. A negotiating team should be appointed.

On 5 February 2014, Parliament adopted its position at first reading by

580 votes in favour, 69 against and 19 abstentions. The Council adopted a general approach on the Articles in June 2014, and the Italian Presidency is working hard on an agreement between Member States on the Recitals and the Annexes, in order to receive a mandate for negotiations from the Council on 9 October.

Procedure:
2012/0360(COD)
Basic doc: COM(2012)0744
Legal basis: Art 81 TFEU
Rapporteur:
Tadeusz Zwiefka (PL, EPP)
Administrator:
Leticia Zuleta de Reales

Community trade mark

Procedure:
2013/0088(COD)
Basic doc:
COM(2013)0161
Legal basis: Article 118(1)
TFEU
Rapporteur:
Cecilia Wikström
Administrator:
Magnus Nordanskog



Laws of the Member States relating to trade marks (Recast)

Procedure:
2013/0089(COD)
Basic doc:
COM(2013)0162
Legal basis: Article 114(1)
TFEU
Rapporteur:
Cecilia Wikström
Administrator:
Magnus Nordanskog

At this meeting, the committee will appoint the negotiating team which will represent the European Parliament in trilogues.

IMPLEMENTING ACTS AND MEASURES (RULE 106)

FOR CONSIDERATION

Commission Regulation (EU) No .../... of XXX amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard IAS 19 (Text with EEA relevance)

The above draft implementing measure was announced at the plenary sitting of 16 July 2014 and referred to the Committee on Economic and Monetary Affairs and to the Committee on Legal Affairs pursuant to Rules 106 and 107 in connection with Rule 54.

At this meeting the Committee on Legal Affairs will examine the draft implementing measure and, having regard to the Rapporteur's recommendations, will possibly reach its conclusions. These will then be notified to the lead committee.

The deadline by which Parliament, acting by a majority of its component members, may oppose the draft implementing measure will expire on 11 October 2014.

Procedure: [2014/2745\(RPS\)](#)

Basic doc: [D033776/01](#)

Legal basis: Article 3(1) of Regulation (EC) No 1606/2002

Rapporteur for opinion:

József Szájer (EPP)

Administrator: Andrea Scrimali

Committee responsible: ECON

PRELIMINARY TIMETABLE

Exchange of views: 24-25.09.2014

Adoption JURI: 24-25.09.2014

Procedure: [2014/2819\(RPS\)](#)

Basic doc: [D034989/01](#)

Legal basis: Article 3(1) of Regulation (EC) No 1606/2002

Rapporteur for opinion:

József Szájer (EPP)

Administrator: Andrea Scrimali

Committee responsible: ECON

PRELIMINARY TIMETABLE

Exchange of views: 24-25.09.2014

Adoption JURI: 24-25.09.2014

Commission Regulation (EU) No .../... of XXX amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standards 2, 3 and 8 and International Accounting Standards 16, 24 and 38 (Text with EEA relevance)

The above draft implementing measure was announced at the plenary sitting of 17 September 2014 and referred to the Committee on Economic and Monetary Affairs and to the Committee on Legal Affairs pursuant to Rules 106 and 107 in connection with Rule 54.

At this meeting the Committee on Legal Affairs will examine the draft implementing measure and, having regard to the Rapporteur's recommendations, will possibly reach its conclusions. These will then be notified to the lead committee.

The deadline by which Parliament, acting by a majority of its component members, may oppose the draft implementing measure will expire on 4 December 2014.

Commission Regulation (EU) No .../... of XXX amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standards 3 and 13 and International Accounting Standard 40 (Text with EEA relevance)

The above draft implementing measure was announced at the plenary sitting of 17 September 2014 and referred to the Committee on Economic and Monetary Affairs and to the Committee on Legal Affairs pursuant to Rules 106 and 107 in connection with Rule 54.

At this meeting the Committee on Legal Affairs will examine the draft implementing measure and, having regard to the Rapporteur's recommendations, will possibly reach its conclusions. These will then be notified to the lead committee.

The deadline by which Parliament, acting by a majority of its component members, may oppose the draft implementing measure will expire on 4 December 2014.

Procedure: [2014/2818\(RPS\)](#)

Basic doc: [D034986/01](#)

Legal basis: Article 3(1) of Regulation (EC) No 1606/2002

Rapporteur for opinion:

József Szájer (EPP)

Administrator: Andrea Scrimali

Committee responsible: ECON

PRELIMINARY TIMETABLE

Exchange of views: 24-25.09.2014

Adoption JURI: 24-25.09.2014

SUBSIDIARITY (RULE 42)



Pursuant to Article 7(2) of Protocol (No 2) on the application of the principles of subsidiarity and proportionality, draft legislation shall be forwarded to the National Parliaments of the Member States, which can issue a Reasoned Opinion against the proposal within a deadline of eight weeks from receiving the proposal. The Parliaments of each Member State have two votes in this respect, and where reasoned opinions on a draft legislative act's non-compliance with the principle of subsidiarity represent at least one third of all the votes allocated to the National Parliaments, the draft must be reviewed.

When the Commission's proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (COM(2013)534) received 14 Reasoned Opinions, representing 19 votes of the total of 56 votes, the Commission, as the initiator of the legislation, had to decide whether to maintain, amend or withdraw the draft. The Netherlands House of Representatives and the United Kingdom House of Lords have both written to the Commission and the Parliament, submitting their analysis and opinion on the Commission's reaction to the yellow card, raising issues of interest to the Committee on Legal Affairs as the committee horizontally responsible for the examination of the respect for the principle of subsidiarity in the Parliament.

Procedure: [Rule 42](#)

Rapporteur:

Mady Delvaux-Stehres

Administrator:

Kjell Sevón

WORKSHOP

Upcoming issues of EU law

The Committee on Legal Affairs has decided to bring in expertise in order to give newly elected Members of the European Parliament an overview of the work which lies ahead in various areas.

Policy Department C will therefore be organising a workshop entitled 'Upcoming issues of EU law' on the afternoon of 24 September. The workshop will focus both on work that has been done in the past and on challenges that may arise in the course of the present parliamentary term.

It will concentrate on five issues: the application of EU law as national law by legal practitioners; monitoring the implementation of EU law; European private international law; European intellectual property law; and the new area of the law of robotics.

Each of the experts invited to this workshop will present a short briefing paper as an introduction to the issue covered. The presentation will then be followed by a discussion with members of the Committee.



WORKSHOP

POLICY DEPARTMENT C
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

Upcoming issues of EU law

DATE / TIME
Wednesday,
24 September 2014
from 15:00 to 18:00

ROOM
Brussels
PHS 5 B 001

Committee on Legal Affairs
Chair: Pavel Svoboda MEP

EPIP RECEPTION - 3 SEPTEMBER 2014



On 3 September 2014, at a reception, Pavel Svoboda addressed Members of the committee and representatives of the European Policy for Intellectual Property (EPIP), which is an international, independent, interdisciplinary, non-profit association of researchers.

INFORMATIONS JUDICIAIRES: LE CHOIX CORNÉLIEN DE LA CJUE EN MATIÈRE DE COMPÉTENCE JUDICIAIRE

La violation d'un droit patrimonial d'auteur commis sur internet: quels sont les critères d'attribution de la compétence judiciaire en matière délictuelle ou quasi-délictuelle lorsque le lieu de survenance du dommage est indéterminé? L'affaire Pez Hejduk contre EnergieAventur (C-441/13) apportera certainement une réponse à cette question.

Le Handelsgericht Wien a saisi la CJUE dans une affaire concernant une photographe autrichienne dont les clichés ont été publiés sur un site internet sans son consentement. Cette affaire a donné lieu à un problème de compétence entre juridictions issues d'États-Membres différents. En effet, la requérante est autrichienne tandis que le siège social de l'entreprise ainsi que le site web de celle-ci sont domiciliés en Allemagne. Le dommage, en l'espèce, est "dématérialisé" et "délocalisé", ce qui rend difficile la détermination du lieu où le fait dommageable s'est produit comme le préconise l'article 5 §3 du règlement 44/2001¹. Dans cette situation, quels sont les critères d'attribution de la compétence judiciaire?



Différentes approches s'ouvrent à la CJUE: étendre le critère du centre des intérêts de la jurisprudence eDate Advertising² concernant jusqu'alors les atteintes aux droits de la personnalité commises sur internet? Utiliser le critère de focalisation qui avait été rejeté dans l'arrêt Pinckney³ concernant une affaire de violation de droits patrimoniaux? Appliquer strictement le critère de la territorialité comme dans l'arrêt Wintersteiger⁴ qui portait sur les atteintes aux droits de propriété intellectuelle?

Selon l'avocat général, M.P. Cruz Villalón, le critère du centre des intérêts de la victime comporte trop de risque de modification de l'équilibre que la compétence spéciale de l'article 5§3 vise à instaurer. C'est pourquoi la Cour a écarté ce critère en dehors des cas d'atteinte aux droits de la personnalité. Le critère de focalisation, consistant à donner compétence aux tribunaux de l'État vers lequel est dirigé l'activité dommageable ne convient pas. En effet, il ne s'applique qu'aux activités économiques précédées d'une intention claire d'offrir des biens et services dans l'État membre vers lequel est dirigée l'activité, ce qui n'est pas le cas en l'espèce. Le critère de territorialité, utilisé dans l'arrêt Pinckney consiste en la compétence de la juridiction de l'État sur le territoire duquel le droit est protégé et où existe le risque effectif que la violation se produise. La compétence est alors limitée au dommage subi dans cet État. Ce qui reviendrait dans le cas d'espèce soit à refuser à la requérante la possibilité d'ester en Autriche car la violation n'est pas visible et le dommage est diffus et délocalisé, soit à reconnaître l'ensemble du préjudice puisqu'il est impossible de segmenter territorialement la violation. L'avocat général M.P. Cruz Villalón soutient les positions de la République portugaise et de la Commission attestant qu'il n'est pas possible d'appliquer le critère du lieu de matérialisation du dommage prévu à l'article 5§3 du règlement 44/2001 et que seule est justifiée dans cette affaire la compétence des juridictions du lieu où le fait dommageable s'est produit.

La Cour tranchera-t-elle en ce sens? Quelle option choisir concernant la compétence judiciaire en cas de violation diffuse de droits patrimoniaux d'auteurs commise sur Internet? Il s'agira pour la Cour de choisir parmi les nombreuses voies ouvertes celle qui permettra la meilleure sécurité juridique.

Morgane Legrand
Stagiaire au Secretariat

¹ Art.5 et 5§3 Règlement 44/2001 "Une personne domiciliée sur le territoire d'un État membre peut être atraite, dans un autre État membre [...] en matière délictuelle ou quasi délictuelle, devant le tribunal du lieu où le fait dommageable s'est produit ou risque de se produire"

² eDate Advertising GmbH v X (C-509/09)

³ Peter Pinckney v KDG mediatech AG (C-170/12)

⁴ Wintersteiger AG v Products 4U Sondermaschinenbau GmbH (C-523/10)

IN CAMERA

VERIFICATION OF THE DECLARATIONS OF FINANCIAL INTEREST OF THE COMMISSIONERS-DESIGNATE

By decision of 5 September 2014, taken by common accord with the President-elect of the Commission, the Council of the European Union proposed the following persons for appointment as Members of the Commission until 31 October 2019:

Legal basis:

Article 246 TFEU, Rule 118 RoP

Rapporteur:

Pavel Svoboda (Chair)

Administrator: Andrea Scrimali**PRELIMINARY TIMETABLE****Exchange of views:**

24-25.09.2014

Decision JURI: 24-25.09.2014

Mr Vytenis Povilas ANDRIUKAITIS

Mr Jyrki KATAINEN

Mr Andrus ANSIP

Ms Cecilia MALMSTRÖM

Mr Miguel ARIAS CAÑETE

Mr Neven MIMICA

Mr Dimitris AVRAMOPOULOS

Mr Carlos MOEDAS

Ms Elżbieta BIEŃKOWSKA

Mr Pierre MOSCOVICI

Ms Alenka BRATUŠEK

Mr Tibor NAVRACSICS

Ms Corina CREȚU

Mr Günther OETTINGER

Mr Valdis DOMBROVSKIS

Mr Maroš ŠEFČOVIČ

Ms Kristalina GEORGIEVA

Mr Christos STYLIANIDES

Mr Johannes HAHN

Ms Marianne THYSSEN

Mr Jonathan HILL

Mr Frans TIMMERMANS

Mr Phil HOGAN

Mr Karmenu VELLA

Ms Věra JOUROVÁ

Ms Margrethe VESTAGER

in addition to:

Ms Federica MOGHERINI, appointed High Representative of the Union for Foreign Affairs and Security Policy.

In accordance with Article 246 of the TFEU, the European Parliament gives its opinion on the Commissioners-designate. In particular, pursuant to Rule 118 of Parliament's Rules of Procedure and point 1(a) of Annex XVI thereto ('Guidelines for the approval of the Commission'), Parliament may seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate and shall expect full disclosure of information relating to their financial interests. The declarations of financial interests of the Commissioners-designate are sent for scrutiny to the committee responsible for legal affairs.

At this meeting, the Committee will scrutinise the declarations of the Commissioners-designate, so that the following steps of the appointment procedure can be taken.

DISPUTES INVOLVING PARLIAMENT

- **Case T-565/14, European Environmental Bureau v Commission - possible intervention by Parliament**

Procedure: [Rule 141](#)

Rapporteur:

Alessandra Moretti

Administrator: Kjell Sevón

The European Environmental Bureau has brought an action before the General Court pursuant to Article 263 TFEU for the annulment of a decision of 12 June 2014 whereby the Commission declared inadmissible a request for an internal review of a Commission decision by which the Commission approved a transitional national plan submitted by Poland in accordance with Directive 2010/75/EU on industrial emissions. The request for review was submitted on the basis of Article 10 of Regulation (EC) No 1367/2006, which applies the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies. The basic issue at stake is whether Article 10(1) of the Aarhus Regulation read in conjunction with Article 2(1)(g) of the Regulation is compatible with Article 9(3) of the Aarhus Convention in so far as Article 10(1) of the Regulation limits the concept of 'acts', as used in Article 9(3) of the Aarhus Convention, to administrative acts, which in Article 2(1)(g) of the Regulation are defined as measures of 'individual scope'.



On 31 July 2014, the Council adopted Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. The Regulation was adopted on the basis of Article 215 TFEU and introduced restrictions on an number of aspects of trade and commercial relations between, on the one hand, the European Union and its Member States and, on the other hand, Russia.

- **Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine - possible action by Parliament**

Procedure: [Rule 141](#)

Rapporteur:

Alessandra Moretti

Administrator: Kjell Sevón

On the request of Mr Chrysogonos, Member of the Committee on Legal Affairs, the Committee decided, at its meeting on 3 September 2014, to examine at its next meeting whether Parliament could bring an action for annulment of the Regulation before the Court of Justice on the grounds that the Regulation had not been adopted on the correct legal basis but should instead have been adopted on the basis of Article 207 TFEU, that is to say, the legal basis for the common commercial policy, in which case Parliament's consent would have been required in accordance with Article 218 TFEU.

On the request of Mr Chrysogonos, Member of the Committee on Legal Affairs, the Committee decided, at its meeting on 3 September 2014, to examine at its next meeting whether Parliament could bring an action for annulment of the Regulation before the Court of Justice on the grounds that the Regulation had not been adopted on the correct legal basis but should instead have been adopted on the basis of Article 207 TFEU, that is to say, the legal basis for the common commercial policy, in which case Parliament's consent would have been required in accordance with Article 218 TFEU.

- **Case T-284/14, Dyckerhoff Polska v European Commission - possible intervention by Parliament.**

Procedure: [Rule 141](#)

Rapporteur:

Alessandra Moretti

Administrator: Kjell Sevón

The litigation concerns the consequences of the reduction of carbon dioxide emission quotas that are allocated to companies free of charge. An action has been brought by Dyckerhoff Polska sp. z.o.o., a cement production company incorporated in Poland, before the General Court pursuant to Article 263 TFEU for the annulment of Commission Decision 2013/448/EU, which establishes "a uniform cross-sectorial correction factor for all sectors", which determines the total amount and the portion of allowances that can be allocated free of charge as of

2013. In the last of the four pleas in law the Applicant invokes an objection of illegality with regard to Article 10a(5) of Directive 2003/87/EC, a legal act adopted by the Parliament as co-legislator.

- Case C-362/14, Schrems v. Data Protection Commissioner- preliminary reference - possible intervention by Parliament

Procedure: [Rule 141 \(4\)](#)

Rapporteur:

Alessandra Moretti

Administrator:

Magnus Nordanskog

The High Court of Ireland has asked the Court of Justice for a preliminary ruling concerning whether in the context of a complaint to the Irish Data Protection Commissioner by an Austrian national about transfers of personal data by Facebook to the United States, the Data Protection Commissioner is bound by the Commission's so-called Safe Harbour Decision (2000/520/EC) having regard to Articles 7, 8 and 49 of the Charter of Fundamental Rights concerning data protection and effective means of redress, notwithstanding the provisions for determining adequate

protection in a third country in Article 25(6) of the Data Protection Directive (95/46/EC). The basic question at stake is therefore whether the Data Protection Directive is compatible with the Charter.

IMMUNITIES



Ana Gomes

HEARING

Type of procedure:

Waiver of immunity

Procedure: 2014/2045 (IMM)

Legal basis: RoP Rule 6

Notice to Members:0019/2014

Rapporteur: Heidi Hautala

Administrator: Andrea Scrimali

PRELIMINARY TIMETABLE:

Exchange of views: 03.09.2014

Hearing: 25.09.2014



**VERIFICATION
OF CREDENTIALS**

None at present

SUBSCRIPTIONS

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CREDITS & ACKNOWLEDGEMENTS

European Parliament - Committee on Legal Affairs

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