

JURI Report

At the meeting of 7 September 2017

The September meeting of the Committee on Legal Affairs will start with the in camera items. Votes will commence at 10.00 and will include votes on opinions on countering money laundering, common corporate tax base (CCTB) and common consolidated corporate tax base (CCCTB). Following the votes, the committee will continue with the consideration of amendments on the Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, on the EU Agency for Criminal Justice Cooperation /Eurojust, on the Rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes and on the Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies. The meeting will conclude with the scrutiny of delegated or implementing acts.

SUBSIDIARITY (RULE 42)



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

Proposal for a Regulation of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders. (COM(2016)819 – 2016/0412(COD))

- the Senate of the Parliament of the Czech Republic

Proposal for a regulation of the European Parliament and of the Council on the internal market for electricity. (COM(2016)0861 – 2016/0379(COD))

- the Hungarian Parliament
- the Sejm of the Republic of Poland
- the Austrian Federal Council (Bundesrat)

Proposal for a directive of the European Parliament and of the Council on common rules for the internal market for electricity (recast). (COM(2016)0864 – 2016/0380(COD))

- the Hungarian Parliament
- the Polish Senate

Proposal for a directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. (COM(2017)0253 – 2017/0085(COD))

- the Sejm of the Republic of Poland
- the House of Representatives of the Kingdom of the Netherlands
- the Senate of the Kingdom of the Netherlands
- the Senate of the Republic of Poland

ISSUE 40
SEPTEMBER I/2017

NEXT MEETING

28 SEPTEMBER 2017

JURI Website

EPRS

LATEST ANALYSES

[Subject file on Robotics](#)

[Artificial Intelligence: Potential Benefits and Ethical Considerations](#)

[European civil law rules in robotics](#)

[Mapping the Representation of Women and Men in Legal Professions Across the EU](#)

[Liability in Subcontracting Chains: National Rules and the Need for a European Framework](#)

[Private international law in a context of increasing international mobility: challenges and potential](#)

[Potential and Challenges of Private International Law in the Current Migratory Context - Experiences from the Field](#)

VOTES

Countering money laundering by criminal law

Recent terrorist attacks underline the need to prevent and fight terrorism. Cutting off the sources of finance for terrorist organisations is crucial contributions to the fight against terrorism and organised crime. The European Union already has tools in place to tackle it including existing criminal legislation, cooperation between law enforcement authorities and processes to exchange relevant information as well as legislation to prevent and fight money laundering that is being constantly strengthened. The proposal for a Directive aims to counter money laundering by means of criminal law. The proposed Directive achieves this objective by implementing international obligations in this area based on the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005, CETS No 198 ("the Warsaw Convention"), as well as the relevant recommendations from the Financial Action Task Force (FATF).

The draft opinion will now be taken to vote.

Procedure: [2016/0414\(COD\)](#)

Basic doc: [COM\(2016\)0826](#)

Rapporteur: Kostas Chrysogonos

Administrator: Henrik Kjellin

Preliminary Timetable

Vote in JURI : 7.9.2017

Common Corporate Tax Base (CCTB) + Common Consolidated Corporate Tax Base (CCCTB)

The two proposals for Council directives on a Common Consolidated Corporate Tax Base (2016/0336 (CNS)) and on a Common Corporate Tax Base (2016/0337 (CNS)) are a re-launch of the 2011 Commission initiative on a Common Consolidated Corporate Tax Base for the EU. The purpose of the two proposals is to provide EU legislation in this area which is suited to an economic environment that has become more globalised, mobile and digital where Member States find it increasingly difficult to fight effectively against aggressive tax planning practices through unilateral action in order to protect their national tax bases from erosion and counter profit shifting.

The draft opinions will now be taken to vote.

Procedure: [2016/0336\(CNS\)](#),
[2016/0337\(CNS\)](#)

Basic doc: [COM\(2016\)0683](#),
[COM\(2016\)0685](#)

Rapporteur: Evelyn Regner

Administrator: Henrik Kjellin

Preliminary Timetable

Vote in JURI : 7.9.2017

Electronic publication of the Official Journal of the European Union



This proposal from the Commission aims at revising Regulation (EU) No 216/2013 on the electronic publication of the Official Journal (OJ) of the European Union, which established the rule that the electronic publication would equate to the default valid publication of the OJ and that the print edition of the OJ would only have legal value in exceptional and temporary cases of unforeseen disruption of the electronic publication.

This change was occasioned by the judgment of the Court of Justice in Case C-161/06, *Skoma-Lux sro v Celní ředitelství Olomouc*, ECLI:EU:C:2007:773, in which the Court found that legal acts of the Union are not enforceable against individuals if they have not been properly published in the OJ and that making such acts available online does not equate to valid publication in the OJ in the absence of any rules in that regard in Union law.

The 2013 Regulation therefore aimed at enhancing legal certainty by broadening access to EU law and enabling everyone to rely on the electronic edition as the official, authentic, up-to-date and complete version of the OJ.

The regulation furthermore provided that the electronic edition of the OJ would bear an advanced electronic signature in accordance with Directive 1999/93/EC on a Community framework for electronic signatures. That directive has since been repealed and replaced by Regulation No 910/2014, which introduced the possibility of authenticating a document with an advanced electronic seal.

According to the Commission, the use of such an advanced electronic seal would make it possible to automate the electronic signature and accelerate the procedure for publication of the OJ on EUR-Lex, given that the use of an electronic seal rather than a signature would make a difference in legal terms, since the authentication method for a signature involves a specific natural person whereas when a seal is used it is created by a legal person with no indication of who within that legal person was responsible for authenticating the document.

The legal basis proposed by the Commission is Article 352 TFEU, the so-called 'flexibility clause', which was also used for the regulation to be amended and which calls for the use of the consent procedure, whereby Parliament is left with two options: it can either approve or reject the proposal.

The OJ was, however, created on the basis of Article 191 TEC by a Council decision of 1958, making use of the so-called 'implied competence' theory whereby the Union may adopt acts which are necessary for it to function and where there is no legal basis providing for a legislative procedure. Article 191 TEC simply stated that Union legislation was to be published in an official journal but did not provide for any legal basis. The 1958 Council decision was therefore adopted making use of the prevailing decision-making procedure at the time, whereby the Council took the final decision. Article 191 TEC corresponds today to Articles 287 and 297 TFEU, which maintain the obligation to publish in the OJ but without providing any legal basis.

In 2012, Parliament did nevertheless give its consent to the adoption of the regulation to be amended, on the basis that the precedent on implied competence from 1958 had been made obsolete by the many Treaty revisions and changes to decision-making procedures which had taken place in the more than 50 years that had since passed. Because publication in the OJ and the corresponding activities of the Publications Office of the European Union (OPOCE) constitute objectives which are to be attained under the Treaties, the use of the flexibility clause in Article 352 TFEU was therefore considered proper.

The proposed amendment is, however, occasioned by new provisions on electronic seals in the above-mentioned Regulation No 910/2014, which was adopted by making use of the ordinary legislative procedure (codecision) on the basis of Article 114 TFEU on harmonisation measures in the internal market. This raises the question of whether the legal basis for the revision of Regulation No 216/2013 on electronic publication of the OJ should be the flexibility clause.

At this meeting, the committee will adopt an opinion on the appropriate legal basis for the proposal in accordance with Rule 39 of the Rules of Procedure.

CONSIDERATION OF AMENDMENTS

EU Agency for Criminal Justice Cooperation /Eurojust



Eurojust was set up by Council Decision 2002/187/JHA to reinforce the fight against serious organised crime in the European Union. Ever since, Eurojust has facilitated coordination and cooperation between national investigative and prosecutorial authorities in dealing with cases affecting various Member States.

Under the Treaty of Lisbon, new possibilities to enhance Eurojust's efficiency in tackling serious forms of criminality have been introduced. Article 85 TFEU explicitly recognises Eurojust's mission and provides for its structure, operation, field of action and tasks to be determined by regulations adopted in accordance with the ordinary

legislative procedure. It also requires that they determine arrangements for involving the European Parliament and national parliaments in the evaluation of Eurojust's activities.

The proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) aims at repealing the Regulation establishing Eurojust by creating a new legal framework in view of the creation of an EU Agency for Criminal Justice Cooperation, which will replace Eurojust as its legal successor.

The main objectives are to:

- increase Eurojust's efficiency through providing it with a new governance structure;
- improve Eurojust's operational effectiveness through homogeneously defining the status and powers of National Members;
- provide for a role for the European Parliament and national parliaments in the evaluation of Eurojust's activities, in line with the Lisbon Treaty;
- bring Eurojust's legal framework into line with the Common Approach on Agencies, while fully respecting its special role regarding the coordination of ongoing criminal investigations;
- ensure that Eurojust can cooperate closely with the European Public Prosecutor's Office once the latter is established.

At this meeting the rapporteur will lead the consideration of the amendments tabled to his draft opinion.

Procedure:

2013/0256(COD)

Legal basis: Article 85 TFEU

Rapporteur for opinion:

António Marinho e Pinto

Administrator: Andrea Scrimali

Preliminary timetable

Consideration of amendments: 7.9.2017

Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data

On 27 April 2016, the European Parliament and the Council adopted the General Data Protection Regulation (GDPR), which will become applicable on 25 May 2018. The proposal for a regulation of the European Parliament and the Council for the Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data aims at adapting the current rules (as set out in Regulation (EC) No 45/2001) to the GDPR in order to provide a strong and coherent data protection framework in the Union and to enable both instruments to be applicable at the same time. It is consistent with the coherent approach to personal data protection throughout the Union, namely to align, as far as possible, the data protection rules for Union institutions, bodies, offices and agencies with the data protection rules adopted for the Member States.

At this meeting the amendments tabled will be examined with a view of preparing the vote on 28 September 2017.

Procedure:

[2017/0002\(COD\)](#)

Basic doc: [COM\(2017\)0008](#)

Rapporteur: Angel Dzhambazki

Administrator: Henrik Kjellin

Preliminary timetable

Consideration of amendments: 7.9.2017

Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies



Whistle-blowing is the act of disclosure of confidential information in the public interest, with the aim of revealing a problem of major societal importance. Some national legal systems provide for the protection of whistle-blowers. Often, there is a distinction between public and private employees. As an example, the EU Staff Regulations contain provisions on whistle-blower protection. However, two recent major cases concern more

than one Member State. The 'Luxleaks' case is linked to the Luxembourgish tax system but has implications for the rest of Europe. The 'Panama Papers' affair is linked to a law firm in Panama and to offshore companies, but it has repercussions for the whole of Europe, and even beyond. A European solution is needed for such cases of whistleblowing.

At this meeting the amendments tabled will be examined with a view of preparing the vote on 28 September 2017..

Procedure:

[2016/2224\(INI\)](#)

Rapporteur: Virginie Rozière

Administrator: Henrik Kjellin

Preliminary Timetable

Consideration of amendments: 7.9.2017

Respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)

The Digital Single Market Strategy has as an objective to increase trust in and the security of digital services. The reform of the data protection framework, and in particular the adoption of Regulation (EU) 2016/679, the General Data Protection Regulation ("GDPR") was a key action to this end. The DSM Strategy also announced the review of Directive 2002/58/EC ("ePrivacy Directive") in order to provide a high level of privacy protection for users of electronic communications services and a level playing field for all market players.

The ePrivacy Directive ensures the protection of fundamental rights and freedoms, in particular the respect for private life, confidentiality of communications and the protection of personal data in the electronic communications sector. It also guarantees the free movement of electronic communications data, equipment and services in the Union. It implements in the Union's secondary law the fundamental right to the respect for private life, with regard to communications, as enshrined in Article 7 of the Charter of Fundamental Rights of the European Union.

Central for the opinion on this proposal will be how it puts in place the DSM Strategy objectives while respecting fundamental right, and how consistency with the GDPR is ensured. At this meeting, the Committee will consider the amendments tabled in this file.

Procedure:

[2017/0003\(COD\)](#)

Basic doc: [COM\(2017\)0010](#)

Rapporteur: Axel Voss

Administrator: Henrik Kjellin

Preliminary timetable

Consideration of amendments: 7.9.2017

Rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes



Forming part of the copyright package that the Commission presented on 14 September 2016, this proposal for a regulation aims to promote the cross-border provision of online services ancillary to broadcasts. It also seeks to facilitate digital retransmissions over closed networks of TV and radio programmes originating in other Member States, primarily by making the so-called "country of origin" principle applicable to such services. Under this principle, communication to the public for the purposes of copyright and related rights would be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment. The proposal also attempts to address difficulties related to the clearance of rights, so as to allow broadcasters and operators of retransmission services to offer wider access to TV and radio programmes across the EU.

In his draft report, the rapporteur, Tiemo Wölken, suggests to widen the scope of the regulation by including all online television and radio services provided via the internet, including over-the-top audiovisual content services intended for end-users that run over an Internet network for the purpose of providing audiovisual content not directly related to a specific broadcast. Direct injection, which enable subscribers to view or listen to previously broadcast programs on networks, including cable networks, microwave systems, digital terrestrial, closed-circuit IP-based and mobile networks and similar networks, should also fall under the scope of the regulation. Younger audiences are the main users of the internet as a means of watching television and listening to radio and it is therefore essential to enable broadcasters to disseminate also material genuinely and solely produced for the digital environment online across national borders.

The draft report also takes as a starting point the fact that the extended use of the principle of 'country of origin' would be beneficial for broadcasters as it may result in broader audiences. Such benefits should be mirrored in an appropriate way, by means of unwaivable additional remuneration for right holders. To effectively enforce that right to additional, fair remuneration, transparency is indispensable. Therefore, the additional remuneration should be disclosed separately from the total remuneration in the contract between broadcasters and right holders. Furthermore, diversity is one of the key features of European culture. To make sure that this diversity prevails, an industry agreement should ensure that additional remuneration for niche artistic works is higher than average, as their right holders have limited bargaining power. Through the principles of contractual freedom and territoriality it would however be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in the regulation.

The rapporteur furthermore underlines the importance of discouraging forum shopping practices. The principle of 'country of origin' would not apply to online services which are mainly or solely targeted at audiences other than the audience of the Member State in which the broadcasting organisation has its principal establishment, in order to limit practices whereby a broadcaster attempts to establish itself in other Member States to avoid disadvantageous financial obligations or to profit from more favourable licencing arrangements compared to the Member State in which it has its principal establishment. To assess whether the service is targeting an audience outside of its Member State, the features of the service as well as the language versions used should be taken into account.

The review of the regulation after it has been in force for a number of years would among other things assess to what extent the cross-border provision of online services has increased to the benefit of European consumers and to the benefit of improved cultural diversity in the Union. That review should also include an assessment of whether the principle of 'country of origin' ought to be extended to other online platforms.

An arrangements for the application of the procedure on associated committee has been agreed with the Committee on Culture and Education. The Committee on the Internal Market and Consumer Protection and the Committee on Industry, Research and Energy have also issued opinions on this dossier.

A first exchange of views on the dossier was held at the JURI meeting in March 2017. At the public hearing on 4 May 2017, the Committee heard different expert perspectives on the proposal from the Commission and stakeholders representing public service media, commercial television, business and academia.

Procedure: [2016/0284\(COD\)](#)

Basic doc: [COM\(2016\)0594](#)

Rapporteur: Tiemo Wölken

Administrator: Magnus Nordanskog

Opinion giving committees: CULT, IMCO, ITRE

Preliminary timetable

Consideration of amendments: 7.9.2017

Vote in JURI: 10.10.2017

The Committee considered the draft report at its meeting on 30 May 2017. The rapporteur and the shadow rapporteurs also held a meeting on 12 July 2017 with Commission Vice-President Ansip, Commissioner Vestager and Estonian Minister of Justice Urmas Reinsaulu to discuss the relationship between this dossier and the Commission's competition case involving Sky pay-TV and Hollywood studios, which relates to cross-border access to pay-TV. The Commission's position is that since the competition case is limited to a certain fact base scenario relating to specific actors when it comes to contractual restrictions and passive sales, and whereas the proposal for a regulation is a regulatory measure of general scope, the two dossiers are unrelated and there is therefore no need to await the final outcome of the competition case before moving on with the examination of the proposed regulation in the Parliament and the Council.

At this meeting, the Committee will consider the 330 amendments tabled to the draft report and the opinions adopted in the other committees.

Scrutiny of delegated or implementing acts and other implementing measures



COMMISSION REGULATION (EU) .../... 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 7

COMMISSION REGULATION (EU) .../... 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 12

COMMISSION REGULATION (EU) .../... 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 Standard 4

COMMISSION REGULATION (EU) .../... 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 Standard 15

COMMISSION REGULATION (EU) .../... 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 Standard 16

By Commission Regulation (EC) No 1126/2008 certain international standards and interpretations that were in existence at 15 October 2008 were adopted.

On 29 January 2016, the International Accounting Standards Board (IASB) published amendments to International Accounting Standard (IAS) 7 Statement of Cash Flows. The amendments are intended to clarify IAS 7 to improve information provided to users of financial statements about an entity's financing activities.

On 19 January 2016, the IASB published amendments to IAS 12 Income Taxes. The amendments aim at clarifying how to account for deferred tax assets related to debt instruments measured at fair value.

On 12 September 2016, the IASB published amendments to IFRS 4, Applying IFRS 9 Financial Instruments with IFRS 4 Insurance Contracts. The amendments to IFRS 4 aim to address the temporary accounting consequences of the different effective dates of IFRS 9 and the new standard for insurance contracts replacing IFRS 4 (IFRS 17).

On 12 April 2016, the IASB published amendments to IFRS 15 Revenue from Contracts with Customers. The amendments aim to clarify some requirements and provide additional transitional relief for companies that are implementing the standard.

On 13 January 2016, the IASB published IFRS 16 Leases. This standard aims to improve financial reporting on lease contracts. Adoption of IFRS 16 implies consequential amendments to a number of standards or interpretations of standards.

The Commission proposed amendments to Regulation (EC) No 1126/2008 in order to take account of all the above developments.

The rapporteur is of the opinion that no objection should be raised to the proposals in question.

VERIFICATION OF CREDENTIALS

The President has announced to plenary that the competent national authorities have given notice of the appointment of the following as Member(s) of the European Parliament, with effect from the dates shown below:

- Mr André ELISSEN (to replace Ms Vicky MAEIJER), as from 13 June 2017;
- Ms Christelle LECHEVALIER (to replace Ms Marine LE PEN), as from 19 June 2017;
- Ms Marie-Pierre VIEU (to replace Mr Jean-Luc MÉLENCHON), as from 19 June 2017;
- Mr Wajid KHAN (to replace Mr Afzal KHAN), as from 29 June 2017;
- Mr John HORWARTH (to replace Ms Anneliese DODDS), as from 30 June 2017.



Legal basis: Rule 3 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scrimali

Preliminary Timetable

Exchange of views: 7.9.2017

Adoption JURI: 7.9.2017

In accordance with Rule 3 of the Rules of Procedure, on the basis of a report by the JURI Committee, Parliament will verify the credentials without delay and rule on the validity of the mandate of each of its newly elected Members. Parliament will also rule on any dispute referred to it pursuant to the provisions of the Act of 20 September 1976, except those based on national electoral laws.

It is not possible to confirm the validity of the mandate of a Member unless the written declarations required on the basis of Article 7 of the Act of 20 September 1976 and Annex I to the Rules have been made. Until such time as a Member's credentials have been verified or a ruling has been given on any dispute, the Member will take his or her seat in Parliament and in its bodies and enjoy all the rights attaching thereto.

IMMUNITIES

Ana Gomes

EXCHANGE OF VIEWS

Type of procedure: Waiver

Procedure: 2017/2096(IMM)

Legal basis: RoP Rule 6

Notice to Members: 24/2017

Rapporteur: Laura Ferrara

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views: 07.09.2017

Manolis Kefalogiannis

EXCHANGE OF VIEWS

Type of procedure: Waiver

Procedure: 2017/2133(IMM)

Legal basis: RoP Rule 6

Notice to Members: 25/2017

Rapporteur: Jean-Marie Cavada

Administrator: Zampia Vernadaki

Preliminary Timetable:

Exchange of views: 07.09.2017

SUBSCRIPTIONS

JURI Report: juri-secretariat@europarl.europa.eu

JURI Press Releases: lega-press@europarl.europa.eu

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

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

CREDITS & ACKNOWLEDGEMENTS

European Parliament - Committee on Legal Affairs

Head of Secretariat: Ewa WOJTOWICZ

Editorial/Production Assistant: Natalia EWIAKOVA