

JURI Report

Meeting of 7 December 2017

The December meeting of the Committee on Legal Affairs will commence with an exchange of views, held together with the Committee on Constitutional Affairs, on interpretation and implementation of the Interinstitutional Agreement on Better Law-Making. This will be followed by a vote on the draft recommendation on the Marrakech Treaty. Afterwards, there will be a presentation of the study on the European Added Value Assessment of a Statute for Social and Solidarity-based Enterprises, followed by consideration of a draft report on the same topic.

The meeting will continue with the consideration of amendments on preventive restructuring frameworks and of the working document on three-dimensional printing. This will be followed by exchanges of views on contracts for the online and other distance sales of goods and on media pluralism and media freedom in the EU.

The afternoon session will commence with a workshop on the copyright directive and conclude with in camera items.

Public consultation on an EU code on administrative procedure to be launched on 15 December 2017

The EU currently has a range of administrative measures in place to cover its diverse and highly specialised activities. Codes of good administrative practices, and provisions in relation to specific procedures (such as case-handling in competition or complaints), already exist. These rules, principles and practices already aim at ensuring open, efficient and independent interaction with EU citizens and organisations. Nevertheless, the European Parliament has long recommended gathering the fundamental principles of good administration into one single instrument, regulating procedures that the EU administration should follow when handling individual cases. In this context, Parliament adopted a resolution on 9 June 2016 on an open, efficient and independent EU administration, on the basis of Article 298 TFEU, in which it called on the Commission to make a proposal on the matter taking inspiration from the proposal for a regulation annexed to the resolution.

However, the Commission has thus far failed to submit a proposal, as it remains unconvinced that there is added value in proposing legislation. The Committee on Legal Affairs decided to conduct a public consultation to determine what members of the public expect with regard to their relations with the EU administration. This public consultation will be launched on 15 December 2017 and will last at least 12 weeks. The responses will contribute to defining what the EU should do in future regarding this subject. The results of the consultation will be analysed and will be published in May 2018, in time for a public hearing on the matter, to be organised by the Committee on Legal Affairs.

The responses to the consultation will also feed into study by the European Parliamentary Research Service on the potential impacts of the proposal for a regulation of the European Parliament and of the Council for an open, efficient and independent European administration. The study will evaluate the actual implementation of existing EU administrative rules and procedures, and identify any gaps and inconsistencies.

Individuals, companies, academics or universities, and any other institutions interested in taking part in the consultation can complete a questionnaire which will be made public at the following link: <http://www.europarl.europa.eu/committees/en/juri/eu-administrative-law.html?tab=Introduction>. Members and political groups are invited to disseminate this information. For questions related to the public consultation, please contact: Consultation.EUlaw@europarl.europa.eu.

ISSUE 44
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NEXT MEETING
24-25 JANUARY 2018

JURI Website

EPRS

LATEST ANALYSES

[The state of implementation of the EU Succession Regulation's provisions on its scope, applicable law, freedom of choice, and parallelism between the law and the courts](#)

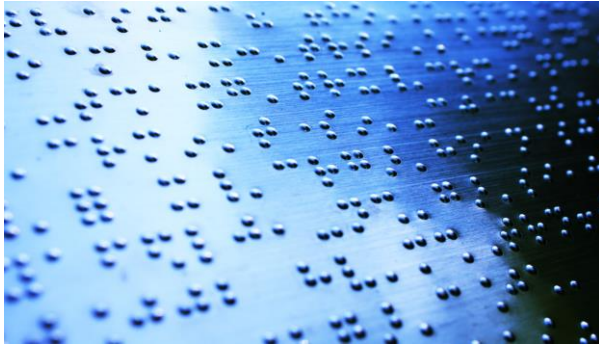
[The state of implementation of the EU Succession Regulation's provisions on public policy's exception, universal application and renvoi, the European Certificate of Succession and access to registers](#)

[Research of the Policy Department for Citizens' Rights and Constitutional Affairs and the EPRS in the Fields of Responsibilities of the Special Committee on Terrorism](#)

[Strengthening the Position of Press Publishers and Authors and Performers in the Copyright Directive](#)

VOTES

Conclusion of the Marrakech Treaty



At this meeting, the Committee on Legal Affairs will vote on the draft recommendation prepared by the rapporteur, Max Andersson (FI, Greens/ALE), on the conclusion of the Marrakech Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled. No amendments were tabled to reverse the recommendation of the rapporteur to give Parliament's consent to the conclusion of the Marrakech Treaty.

The Marrakech Treaty aims to improve the availability and cross-border exchange of certain works and other protected subject-matter in accessible formats for persons who are

blind, visually impaired or otherwise print-disabled. It requires contracting parties to provide for exceptions or limitations to copyright and related rights for the making and dissemination of copies, in accessible formats, of such works and protected subject matter, and for the cross-border exchange of those copies.

On 21 October 2014 the Commission adopted a proposal for a Council decision on the conclusion on behalf of the European Union of the Marrakech Treaty. Following a legal question on whether the Union has exclusive competence to conclude the treaty, the Commission asked for an opinion from the European Court of Justice in August 2015. On 14 February 2017, the Court confirmed the exclusive competence of the Union to conclude the Marrakech Treaty and clarified that the treaty does not fall within the scope of the common commercial policy.

On 23 October 2017 the Council decided to request the European Parliament to give its consent to the conclusion of the treaty. The adoption of a Council decision authorising the conclusion of the Marrakech Treaty would enable the EU to deposit the ratification instruments.

The Marrakech Treaty is part of the system of copyright treaties administered by the World Intellectual Property Organisation (WIPO). It was adopted on 27 June 2013 and entered into force on 30 September 2016. The Marrakech Treaty was signed on behalf of the Union on 30 April 2014, subject to its conclusion.

The European Parliament and the Council adopted, earlier this year, two legislative instruments implementing, in the framework of the EU, the Marrakech Treaty.

Procedures:

2014/0297(NLE)

Rapporteur: Max Andersson

Administrator: Carine Piagnet

Preliminary Timetable

Consideration of draft recommendation: 20-21/11/2017

Deadline for AMs: 24/11/2017, 12.00

Vote in JURI: 7/12/2017

Plenary: January 2018 (tbc)

WORKSHOP



POLICY DEPARTMENT C
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

THE COPYRIGHT DIRECTIVE: STRENGTHENING THE POSITION OF PRESS PUBLISHERS AND AUTHORS AND PERFORMERS?"



Committee on Legal Affairs

CHAIR:
Pavel SVOBODA, MEP
RAPporteur:
Axel VOSS, MEP

DATE
7 December 2017
TIME
15:00-16:30
ROOM
PAUL-HENRI SPAAK
BUILDING
P4B001

UPCOMING EVENTS

Workshop on 'The copyright directive: strengthening the position of press publishers and authors and performers?'

The Committee on Legal Affairs will hear the views of experts during this workshop organised by Parliament's Policy Department for Citizens' Rights and Constitutional Affairs on two aspects of the proposal for a directive on copyright in the digital single market.

Members of the Committee will have the opportunity to hear different points of view on the proposed creation of a new right for press publishers and on the aspects related to fair remuneration in contracts of authors and publishers.

Professor Lionel Bently (University of Cambridge), Professor Martin Kretschmer (Glasgow University), Professor Dr Thomas Höppner (Technical University, Wildau; partner, Hausfeld (Berlin)) and Professor Christophe Caron (Université Paris-Est Créteil; Avocat associé, Paris) will make presentations based on their respective research, and will reply to questions from members of the committee.

EXCHANGE OF VIEWS

Interpretation and implementation of the Interinstitutional Agreement on Better Law-Making



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

Rapporteurs on the latter are Pavel Svoboda, for the Committee on Legal Affairs, and Richard Corbett, for the Committee on Constitutional Affairs.

The WG has met 9 times – namely on 10 May 2016, 7 June 2016, 4 July 2016, 3 October 2016, 24 November 2016, 26 January 2017, 27 March 2017, 21 June 2017 and 20 November 2017 – to monitor the initial implementation of the IIA and examine and propose follow-up to those issues arising from the IIA and from Parliament's resolution of 9 March 2016 on the conclusion of the Interinstitutional Agreement which required further follow-up at political level. At those meetings, fruitful exchanges of views were held with members of other committees, the Chair of the Conference of Committee Chairs, representatives of the Commission and experts from different services of the European Parliament. The WG concluded its work by adopting a summary of activities, whose main conclusions were debated at a first joint committee meeting on 28 November 2017.

At this joint meeting, the two rapporteurs will engage with their colleagues from the two committees in an exchange of views on the content of the future report.

Procedure: 2016/2018(INI)

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

Legal basis: Rules 52 and 55 RoP

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

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

Opinion giving committee: INTA, ECON, EMPL, ENVI, PETI
PRELIMINARY TIMETABLE

Adoption JURI-AFCO: 26-27.03.2017 (tbc)

Adoption PLENARY: tbc

Contracts for the on-line and other distance sales of goods



At this meeting the Committee on Legal Affairs will hold an exchange of views on the proposal for a directive on certain aspects concerning contracts for the sales of goods (2015/0288(COD)) following the adoption on 31 October 2017 of an amended proposal

by the Commission.

With this amended proposal, the Commission extends the scope of the initial proposal so as to also cover face-to-face sales. The proposed directive would therefore repeal the Consumer Sales and Guarantee Directive.

On 9 December 2015, the Commission presented two legislative proposals on harmonised rules for digital contracts, namely a proposal for a directive on certain aspects concerning contracts for the supply of digital content and a proposal for a directive on certain aspects concerning contracts for the online and other distance sales of goods. The objective of the proposals is to further harmonise contract law in order to increase consumer confidence when buying online and across borders as well as to create a business-friendly environment and make it easier for businesses to sell cross-border. The Commission opted for a targeted and fully harmonised set of rules dealing only with certain aspects of contract rules, mainly focusing on the criteria for conformity of the goods with the contract and remedies in case of non-conformity.

Procedure: 2015/0288 (COD)

Basic doc: COM(2017)637

Legal basis: Article 114 TFEU

Rapporteur for opinion (Rule 54): Heidi Hautala

Administrator: Carine Piagnet

Preliminary timetable

Exchange of views on the amended COM proposal: 07.12.2017

2nd deadline for AM: 11.12.2017, at 17:00

Adoption JURI: 25.01.2018

Media pluralism and media freedom in the European Union

Increasing concerns over the gradual curtailment of media freedom and pluralism in several Member States of the European Union have been voiced the last decades by policy-makers. However, a consensus has not been reached yet on the precise actions that should be taken to address the problem and ensure a sustainable, long-term improvement in the status of media freedom and pluralism in the EU.

Article 11 of the Charter on Fundamental Rights of the European Union expressly calls for respect of media freedom and pluralism. According to Article 51 of the Charter, the latter applies directly to cases where the Member States act within the scope of Union law. Member States obligation to ensure media pluralism consists of on the one hand, refraining from any interference that would distort the market and on the other hand, of enacting the necessary legislation to ensure that a plurality of opinions exists in the media market.

At this meeting, the Committee on Legal Affairs and its rapporteur for opinion (Heidi Hautala) will hold an exchange of views on this issue.

Procedures: [2017/2209\(INI\)](#)

Legal basis: Rule 53 RoP

Rapporteur for opinion: Heidi Hautala

Administrator: Zampia Vernadaki

Preliminary Timetable

Consideration of a draft report: 24.1.2018

Deadline for AMs: 30.1.2018

CONSIDERATION OF AMENDMENTS

Proposal for a directive on Insolvency, Restructuring and Second Chance



On 22 November 2016 the Commission forwarded to Parliament and the Council its proposal for a directive on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU. The aim of this proposal is to reduce barriers to cross-border investment related to differences between the Member States' restructuring and second chance frameworks, and to increase investment and job opportunities in the single market. It is also aimed at reducing the number of unnecessary liquidations of viable companies, maximising value for creditors,

owners and the economy as a whole, and increasing the possibilities of cross-border restructurings. Another objective is to reduce costs and increase opportunities for entrepreneurs to be allowed a fresh start. In addition, the resulting directive will improve the effectiveness of all restructuring, insolvency and second chance procedures with a view to reducing their length and costs.

The proposal lays down common principles and, where necessary, more targeted rules. It focuses on the key priorities of making sure that effective frameworks for preventive restructuring, insolvency second chance frameworks, as well as discharge procedures are available. In addition, it introduces measures to increase the efficiency – and in particular reduce the length – of all insolvency procedures. The proposal does not harmonise core aspects of formal insolvency procedures such as conditions for opening insolvency proceedings, definitions of insolvency or ranking of claims. For the Commission, this minimum approach is important since some Member States already have well-functioning systems in place. The proposal gives Member States the flexibility to achieve the objectives by applying the rules in a way that is suitable to their national contexts, permitting integration into existing social security frameworks, financial regulations and business law. The proposed directive will apply to entrepreneurs, be they incorporated or not. It will apply to small, medium-sized, large and micro-enterprises engaged in business, trade or other professional activities. The proposed directive will not apply to financial institutions since these are subject to dedicated sectorial rules. It will also not interfere with purely contractual restructurings based on the agreement of all parties involved which take place outside a specific restructuring procedure. It is not intended to affect workers' rights as recognised in other legislative instruments.

The rapporteur presented her draft report at the committee meeting of 9-10 October 2017. At this meeting, the committee will consider the amendments tabled by Members.

Procedure: [2016/0359\(COD\)](#)

Basic doc: [COM\(2016\)0723](#)

Legal basis: Art. 294(2) TFEU

Rapporteur: Angelika Niebler

Administrator: Francisco Ruiz-Risueño

Opinion giving committee: ECON, EMPL

Preliminary timetable

Draft report: 10.10.2017

Deadline for amendments: 7.11.2017, 12.00

CONSIDERATION OF A DRAFT REPORT

Statute for social and solidarity-based enterprises



On 29 September 2016, the Committee on Legal Affairs was authorised to draw up an own-initiative legislative report on a 'Statute for social and solidarity-based enterprises'. The Committee on Employment and Social Affairs was associated under Rule 54 of the Rules of Procedure. The committees agreed that the Committee on Legal Affairs would be responsible for all aspects relating to the legal status of social and solidarity-based enterprises,

including denomination, form, structure, capital, statutes, and any other matter falling within the field of company law, and that the Committee on Employment and Social Affairs would deal with those aspects relating to the recognition, support and promotion of this type of enterprises, their social impact and their contribution to the Europe 2020 strategy, including boosting employment and growth, solidarity and social cohesion. A hearing on the subject was held at the committee meeting of 22 March 2017. The hearing brought together five experts in the field who, inter alia, provided an overview of the current state of the legislation in Europe on social and solidarity-based enterprises. At this meeting, the committee will consider the rapporteur's draft report.

Procedures:

2016/2237(INL)

Legal basis: 225 TFEU

Rapporteur: Jiri Mastalka

Administrator: Francisco Ruiz-Risueno

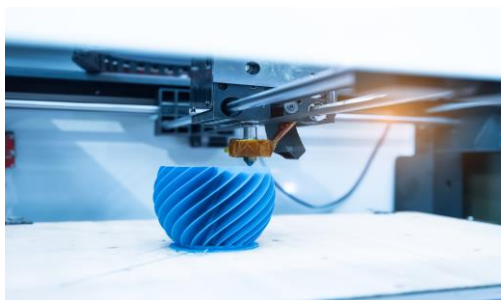
Preliminary Timetable

Draft report: 7.12.2017

Deadline for AMs: 12.01.2017, 12.00

CONSIDERATION OF A WORKING DOCUMENT

Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability



Three-dimensional printing (3D printing) is considered an important component of the 'new industrial revolution.' The potential of 3D printing to transform production and services in Europe is considerable. It can induce more local production and customisation of manufacturing while also stimulating the worldwide commercialisation of creative designs. In the framework of European research funding, 3D printing has been identified as one of the technologies that will drive forward the development of future products and services. Under the last round of research funding, which ran from 2007 to 2013, the Union spent over EUR 160 million on more than 60 research projects in 3D printing, and funding

continues under Horizon 2020, the funding round that runs from 2014 to 2020.

However, 3D printing also raises challenges, related notably to civil liability and intellectual property rights. Who is responsible if a 3D-printed product injures someone, or for defective products? The designer? The owner of the printer? The maker of the printer? What will the effects be on protected designs and on the trademark system? Will it affect the patent system, and will there be implications for the copyright of computer programs?

The Committee on Legal Affairs, as the committee responsible for civil liability and intellectual property rights, has been authorised to draw up an own-initiative report on 'Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability'.

At this meeting, the Committee will consider the working document drawn up by the rapporteur, Joëlle Bergeron.

Procedure: 2017/2007(INI)

Legal basis: Rule 52

Rapporteur: Joëlle Bergeron

Administrator: Henrik Kjellin/Magnus Nordanskog

Preliminary Timetable

Consideration of working document: 07.12.2017

Consideration of draft report: 2018

PAST EVENTS

Planning cross-border succession: easy or challenging task?

On 21 November 2017, the Committee on Legal Affairs held a workshop on cross-border successions. The workshop provided the first state of play of implementation of the EU regulation on cross-border successions (Regulation (EU) No 650/2012), in order to determine whether it fulfils its goal to ensure legal certainty and simplification for citizens. The Regulation has replaced 25 different rules with one single criterion, the concept of "habitual residence" instead of nationality or domicile. This means that the law of the country where the deceased habitually lived just before death will govern inheritance issues. It can be the law of either an EU or non-EU country. The courts of the EU country in which the deceased was usually living at the time of death will have jurisdiction to rule on the succession as a whole. The legal professionals invited to this workshop, Mr. François Tremosa (notary in Toulouse) and Mr. Antonio Calvo Vidal (notary in Spain), addressed different important aspects of the regulation. The EU succession regulation introduces a European Certificate of Succession used by citizens to demonstrate their status and exercise their rights in another EU country. Mr. François Tremosa straightened out that it is very significant for citizens to know that matters of inheritance tax law are excluded from the scope of the Regulation. Mr. Antonio Calvo Vidal underlined that it will be possible to set aside a national law under the succession regulation if this law should be obviously incompatible with the public policy. On the whole, the Regulation on cross-border successions represents a major step in facilitating cross-border successions, as it is designed to make it easier for citizens to handle the legal aspects of an international succession. Last but not least, the insufficient level of information for EU citizens concerning this Regulation was highlighted by Members in the debate.

Raffaella Piucci
DG IPOL stagiaire

JURI Committee Mission to Silicon Valley



Workshop on cross-border succession, 21.11.2017



Hearing on corporate social responsibility, 21.11.2017



IN CAMERA**DISPUTES INVOLVING PARLIAMENT**

**Decision SRB/EES/2017/08 of the Single Resolution Board
Commission Decision (EU) 2017/1246 - Resolution of credit
institutions - Actions for annulment - Regulation (EU) No.
806/2014 - Directive 2014/59/EU - Plea of illegality - Possible intervention of the European Parliament**

These seventeen cases call in question the legality of certain provisions of Directive 2014/59/EU of the European Parliament and of the Council (the BRR Directive) and of Regulation (EU) No 806/2014 of the European Parliament and of the Council (the SRM Regulation), and are parallel and related.

The BRR Directive establishes a framework for the recovery and resolution of credit institutions and investment firms, while the SRM Regulation creates uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund.

At this meeting, the committee will decide, bearing in mind the guidelines for the application of Rule 141 of Parliament's Rules of Procedure, whether to recommend to the President under Rule 141(4) that Parliament intervene in the 17 proceedings before the General Court in defence of the validity of the above-mentioned acts.

Opinion 1/17 - Possible submission of observations - CETA

The Kingdom of Belgium has requested an Opinion of the Court of Justice on the compatibility with the Treaties, including the fundamental rights, of investment dispute settlement provisions in the Comprehensive Economic and Trade Agreement between Canada and the European Union (hereafter, CETA), notably as it regards (i) the jurisdiction of the Court of Justice of the European Union, (ii) the principle of equal treatment and the effectiveness of EU law, (iii) the right of access to court, and (iv) the right to an independent and impartial tribunal.

At this meeting, the committee will decide, bearing in mind the guidelines for the application of Rule 141 of Parliament's Rules of Procedure whether to recommend to the President that Parliament submit observations before the Court of Justice.

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 Wolf KLINZ (to replace Mr Michael THEURER), as from 6 November 2017;
- Mr Martin SCHIRDEWAN (to replace Mr Fabio DE MASI), as from 8 November 2017;
- Ms Nadja HIRSCH (to replace Mr Alexander GRAF LAMBSDORFF), as from 8 November 2017;
- Mr Thomas WAITZ (to replace Ms Ulrike LUNACEK), as from 10 November 2017;
- Ms Caroline NAGTEGAAL (to replace Ms Cora van NIEUWENHUIZEN), as from 14 November 2017.



Legal basis: Rule 3 RoP
Rapporteur: Pavel Svoboda
Administrator: Andrea Scrimali
Preliminary Timetable
Exchange of views: 7.12.2017
Adoption in JURI: 7.12.2017

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

Ingeborg Gräßle

CONSIDERATION OF A DRAFT REPORT + ADOPTION OF A DRAFT REPORT (TBC)

Type of procedure: Waiver

Procedure: 2017/2220(IMM)

Legal basis: RoP Rule 6

Notice to Members: 34/2017

Rapporteur: Jean-Marie Cavada

Administrator: Valeria Ghilardi

Preliminary Timetable:

Consideration of a draft report: 7.12.2017

Adoption of a draft report (tbc): 7.12.2017

Eleonora Forenza

CONSIDERATION OF A DRAFT REPORT + ADOPTION OF A DRAFT REPORT (TBC)

Type of procedure: Defence

Procedure: 2017/2199(IMM)

Legal basis: RoP Rule 7

Notice to Members: 33/2017

Rapporteur: Gilles Lebreton

Administrator: Andrea Scrimali

Preliminary Timetable:

Consideration of a draft report: 7.12.2017

Adoption of a draft report (tbc): 7.12.2017

Steeve Briois

EXCHANGE OF VIEWS+ HEARING

Type of procedure: Waiver

Procedure: 2017/2221(IMM)

Legal basis: RoP Rule 6

Notice to Members: 37/2017

Rapporteur: Evelyn Regner

Administrator: Andrea Scrimali

Preliminary Timetable:

Exchange of views: 7.12.2017

Hearing: 7.12.2017

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: 7.12.2017

SUBSCRIPTIONS

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