

JURI Report

Meeting of 27 March 2018

The March meeting of the Committee on Legal Affairs will commence with consideration of draft report on replacing Annex A to Regulation (EU) 2015/848 on insolvency proceedings. The committee will then consider the amendments on three-dimensional printing. The rapporteurs, Evelyne Gebhardt and Axel Voss, will report back to the Committee on the progress of the ongoing trilogue negotiations on contracts for the supply of digital content, while the Chair will report on the progress of the negotiations on certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes. Afterwards, the committee will consider the delegated and implementing acts or other implementing measures. This will be followed by votes on: the report on annual reports 2015-2016 on subsidiarity and proportionality and the opinion on work-life balance for parents and carers.

The afternoon session will commence with the in camera items. The committee will also, among others, consider amendments to the reports on the 2017 EU Justice Scoreboard and on monitoring the application of EU law 2016. The meeting will conclude with the follow-up of the European Commission on the application of Directive 2004/35/EC on environmental liability (the 'ELD').

PAST EVENTS

HEARING



ISSUE 47
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NEXT MEETING
23-24 APRIL 2018

JURI
Website

EPRS

LATEST ANALYSES

[The Exception for Text and Data Mining \(TDM\) in the Proposed Directive on Copyright in the Digital Single Market - Technical Aspects](#)

[A common EU approach to liability rules and insurance for connected and autonomous vehicles](#)

[The European Agenda on Migration](#)

[The impact of Brexit on the legal status of European Union officials and other servants of British nationality](#)

[Legal analysis with focus on Article 11 of the proposed Directive on Copyright in the Digital Market](#)

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

WORKSHOP ON TEXT AND DATA MINING (TDM)

At the request of the Committee on Legal Affairs the Policy Department for Citizens' Rights and Constitutional Affairs of the European Parliament organised a workshop on "Text and data mining" (TDM). The workshop aimed at examining the TDM process and the legal aspects linked to copyright in the context of the Commission's proposal for a Directive on Copyright in the Digital Single Market which introduces a mandatory exception to copyright when carrying out text and data mining of protected works.

In an increasingly data-driven and information-rich socio-economic context, the potential of predictive text and data mining (TDM, sometimes also referred to as text and data analysis) lies in particular in facilitating the processing, recombining, and extraction of further knowledge from large amounts of data and text. This requires that text and data be analysed, to thus enable the discovery of new patterns and relations. TDM is the term commonly used to describe the automated processing ('machine reading') of large volumes of text and data to uncover new knowledge or insights.

At the workshop Members of the Committee heard Dr Eleonora Rosati (Southampton University) present [a briefing](#) paper and explain the procedure and the state of play in TDM to a non-IT affiliated audience, including the different steps in the process of TDM, the technical requirements and the tools necessary for the different stages of the TDM process.

A second speaker, Professor Christophe Geiger (Strasbourg University), presented [an in-depth analysis](#), co-authored with two colleagues, focusing on the legal aspects of TDM and explaining at which stage or degree of the process intellectual property rights can be affected. He provided an analysis of the Commission's Proposal, assessing its positive and negative impacts and providing some suggestions for possible improvements.

The presentations were followed by a "Question & Answer" session with Members of the JURI Committee.



VOTES

Work-life balance for parents and carers



This proposal for a directive is part of a package of measures aiming to address women's under-representation in employment and to support their career progression through improved conditions in order to reconcile their professional and private duties.

In 2015, the employment rate for women (aged 20-64) reached 64.3%, compared with 75.9% for men. The gender employment gap in the labour market is most acute for parents and people with other caring responsibilities. On average in 2015, the employment rate for women with one child under six

years of age was nearly 9% less than for women without young children, and in several countries this difference exceeded 30%.

Furthermore, women are much more likely to assume the role of informal carers for elderly or dependent relatives than men, and they are also far more likely to work part-time due to caring responsibilities.

In 2016, the incidence of part-time work differed significantly between men and women: 31.4% of women (aged 20-64) employed in the EU-28 worked on a part-time basis; a much higher proportion than the corresponding share for men (8.2%).

This proposal does not diminish the level of protection offered by the EU acquis. It rather improves existing rights and introduces new ones for both women and men, thereby addressing equal treatment and opportunities in today's labour market, promoting non-discrimination and fostering gender equality.

At this meeting, the JURI Committee will vote on the draft opinion.

Procedure: [2017/0085\(COD\)](#)

Rapporteur: Joëlle Bergeron

Administrator: Valeria Ghilardi

PRELIMINARY TIMETABLE

Exchange of views:

09.10.2017

Consideration of the draft

opinion: 21.11.2017

Deadline for amendments:

01.12.2017

Consideration of

amendments: 22.02.2018

JURI Vote: 27.03.2018

Annual reports 2015-2016 on subsidiarity and proportionality

In the European Union, enforcement of law before courts remains largely a matter of national procedural rules and practice. National courts are also Union courts. It is therefore for the proceedings before them to ensure fairness, justice and efficiency as well as effective application of Union law.

The right to an effective remedy and to a fair trial, as enshrined in Article 47 of the Charter of Fundamental Rights and Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), constitutes one of the fundamental guarantees for respect for the rule of law and democracy. Although the Member States are party to the ECHR, experience has shown that this alone does not always provide a sufficient degree of trust in justice systems of other Member States. The extent of mutual trust is very much dependent on a number of parameters, which include, inter alia, mechanisms for safeguarding the rights of the claimant or the defendant while guaranteeing access to courts and justice.

On 10 April 2017 the Commission published the 2017 EU Justice Scoreboard, which gives a comparative overview of the quality, independence and efficiency of justice systems in the European Union. Unlike previous editions, the 2017 Scoreboard looks into consumers' access to justice and the channels used to lodge complaints against companies. It also shows the length of criminal court proceedings relating to money-laundering offences.

Procedures: [2017/2010\(INI\)](#)

Basic doc: [COM\(2016\)0469](#)

Rapporteur: Mady Delvaux

Administrator: Francisco Ruiz-Risueño

Committee for opinion:

AFCO

PRELIMINARY TIMETABLE

Deadline for AMs: 8.12.2017

Consideration of AMs:

24.01.2018

JURI Vote: 27.03.2018

CONSIDERATION OF AMENDMENTS

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 over 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 the patent system be affected, and will there be implications on 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' and has appointed Joëlle Bergeron as rapporteur.

149 amendements have been tabled. At this meeting a consideration of the amendements will be held in preparation of the vote, which is foreseen for the JURI Committee meeting in April.

Procedure 2017/2007(INI)

Rapporteur: Joëlle Bergeron

Administrator: Henrik Kjellin - Magnus Nordanskog

PRELIMINARY TIMETABLE

Exchange of views:

11.04.2017

Presentation of draft:

12.07.2017

Consideration of a draft report: 21-22.02.2018

Deadline for AMs: 27.02.2018

JURI vote: 27.03.2018

The 2017 EU Justice Scoreboard

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This own-initiative report is a response to the Commission's 2017 EU Justice Scoreboard. At this meeting, the Committee on Legal Affairs will consider the 99 amendements that have been tabled to the draft report.

Procedures: 2018/2009(INI);

Rapporteur: Jytte Guteland

Administrator: Zampia Vernadaki

PRELIMINARY TIMETABLE

Exchange of views in the presence of the Commission: 24.01.2018

Consideration of a draft report: 22.02.2018

Deadline for AMs: 06.03.2018

Consideration of AMs: 27.03.2018

Adoption in JURI: 24.04.2018

Monitoring the application of EU Law 2016



In his draft report, the rapporteur, Mr Chrysogonos, recalls that effective application and implementation of EU law by the Member States is essential if the European Union is to fulfil its political objectives; he encourages the EU institutions to fulfil their duty to respect primary EU law when establishing the provisions of secondary and soft law, developing policies and signing agreements or treaties with institutions outside the EU, and also to fulfil their duty to assist Member States by all means available in their efforts to transpose EU legislation in all areas and respect the values and principles of the Union.

Moreover, he stresses the obligation of the EU institutions to respect the Charter of Fundamental Rights when adopting secondary law and emphasises that the EU has been set up as a Union based on the rule of law and respect for human rights (Article 2 of the Treaty on European Union (TEU)). He also reiterates that careful monitoring of the acts and omissions of Member States and EU institutions is of the utmost importance.

The JURI Committee traditionally draws up a report on the annual report by the Commission on the monitoring of the application of EU law. While Member States are responsible for the transposition of directives and the correct application of EU law, it follows from Article 22 of the TEU that the Commission has the responsibility for monitoring whether the Member States' laws and the practical application thereof comply with EU law. For this purpose, Articles 258 and 260 of the TFEU empower the Commission to bring actions, if necessary, against a Member State before the Court of Justice for infringements. The European Parliament, in turn, has both a responsibility to politically 'monitor the monitoring' by the Commission, and an interest to ensure that the legislation it adopts becomes a reality in the Member States.

At this meeting, the rapporteur will examine the amendments that have been tabled to his draft report.

Procedure: 2017/2273(INI)

Rapporteur: Kostas Chrysogonos

Administrator: Valeria Ghilardi

PRELIMINARY TIMETABLE

Opinion: PETI, FEMM, ENVI, AFCE

Consideration of draft report: 21-22.02.2018

Deadline for amendments: 28.02.2018

Consideration of amendments: 27.03.2018

JURI vote: 24.04.2018

COMMISSION FOLLOW-UP POSITION

Application of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the 'ELD')

Parliament adopted a non-legislative resolution on the application of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the 'ELD') on 26 October 2017 (rapporteur: Laura Ferrara). The resolution focuses on the implementation of the Environmental Liability Directive 2004/35/EC over the period 2007-2013 following a Commission report under Article 18(2) of the ELD and the accompanying REFIT evaluation. On 8 March 2018, the Commission's response to the text adopted in plenary was transmitted to Parliament.

At this meeting, the JURI Committee will hold a discussion on the Commission follow-up to Parliament's position on this file.

CONSIDERATION OF DRAFT REPORT

Replacing Annex A to regulation (EU) 2015/824 on Insolvency proceedings



Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (recast) entered into force on 26 June 2015. This Regulation includes in its annexes a list of insolvency proceedings (Annex A) and a list of insolvency practitioners (Annex B) relevant to its application. In January 2017, the Republic of Croatia notified the Commission of recent changes to its domestic insolvency law introducing new types of insolvency proceedings, such as pre-insolvency proceedings and insolvency proceedings for consumers. The Republic of Croatia accordingly requested a modification of the list set out in Annex A to the Regulation

The Commission examined the request from Croatia to determine whether it complied with the requirements of the Regulation, and concluded that the new insolvency proceedings introduced in Croatian law were consistent with the definition of 'insolvency proceedings' under Regulation (EU) 2015/848. Consequently, it submitted a proposal to the European Parliament and to the Council with a view to adjusting the scope of the recast regulation to the current legal framework of Croatian insolvency legislation.

In the course of the examination of the proposal by the Council, the Republic of Bulgaria, the Republic of Latvia and the Portuguese Republic also informed the Council of recent changes to their domestic laws introducing new types of insolvency proceedings and/or insolvency practitioners. The Council incorporated the relevant amendments to Annexes A and B into the Commission proposal.

At this meeting, the Committee on Legal Affairs (JURI) will consider the draft report produced by the rapporteur

Procedures: [2017/0189\(COD\)](#)

Basic doc: [COM\(2017\)0422](#)

Legal Basis: Art. 81 TFEU

Rapporteur: Tadeusz Zwiefka

Administrator: Francisco Ruiz-Risueño

PRELIMINARY TIMETABLE

Deadline for AMs: 11.04.2018

Adoption in JURI:
14-15.05.2018

REPORTING BACK TO COMMITTEE

Contracts for the supply of digital content

At this meeting, the co-rapporteurs on the proposal for a directive on certain aspects concerning contracts for the supply of digital content, Evelyn Gebhardt (IMCO, S&D) and Axel Voss (JURI, EPP), will report to the Committee on the ongoing interinstitutional negotiations.

During the fourth trilogue meeting that took place on 6 March 2018, the EP negotiating team and the Council had a first exchange of views on the liability of the trader and time limits, on the right to terminate long-term contracts, on Article 14 (right to damages) and on certain definitions ('price', 'compatibility', 'interoperability'). The 'data cluster' (linked to the General Data Protection Regulation) was also discussed, as well as the question of updates and the transposition deadline (Article 21).

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

At this meeting, the Chair of the EP negotiating team will report back to the committee after the second trilogue on the proposed SatCab regulation that was held in Strasbourg on 13 March.

During the trilogue, progress was made on a number of technical issues but no substantive progress was made on the four issues which had been identified at the first trilogue as the main political questions. This concerns in particular the scope, retransmission, direct injection and date of application.

IMPLEMENTING ACTS AND MESURES (RULE 106)

Commission Implementing Decision granting marketing authorisation under Regulation (EC) No 726/2004 of the European Parliament and of the Council for "Lamzede - velmanase alfa", an orphan medicinal product for human use

The Commission proposes that authorisation for the placing on the market of 'Lamzede – velmanase alfa' should be granted subject to certain requirements, in accordance with Article 14(8) of Regulation (EC) No 726/2004.

The proposal in question has been referred to the Committee on the Environment, Public Health and Food Safety (ENVI) as the lead committee, whereas JURI is responsible for ethical questions related to new technologies.

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

Draft Commission Implementing Decision amending the marketing authorisation granted by Decision C(2014)5318(final) for "Nuwiq - simoctocog alfa", a medicinal product for human

Following an application submitted by the marketing authorisation holder under Article 4(1) of Regulation (EC) No 726/2004 and having regard to the favourable opinion of the European Medicines Agency, the Commission proposes that Decision C(2014)5318, granting marketing authorisation for 'Nuwiq – simoctocog alfa', should be amended as requested. The Community Register of Medicinal Products should also be updated.

The proposal in question has been referred to ENVI as the lead committee, whereas JURI is responsible for ethical questions related to new technologies.

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

Commission Implementing Regulation (EU) amending Implementing Regulation (EU) No 1352/2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights

Commission Implementing Regulation (EU) No 1352/2013 established the application form provided for in Regulation (EU) No 608/2013 to be used for requesting that customs authorities take action with respect to goods suspected of infringing an intellectual property right ('application form').

The application form needs to be adapted to take account of the practical experience gained in using this form and to ensure trouble-free transmission and exchange of information via the central database referred to in Article 31 of Regulation (EU) No 608/2013. Moreover, since Regulation (EU) 2015/2424 of the European Parliament and of the Council replaced the term 'Community trade mark' in the Union legal order by the term 'European Union trade mark', the application form needs to be adapted to take account of that development.

Following the favourable opinion of the Customs Code Committee, the Commission therefore proposes that Implementing Regulation (EU) No 1352/2013 should be amended.

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

PUBLIC CONSULTATION ON EU ADMINISTRATIVE LAW: FIRST PRELIMINARY RESULTS

As a follow-up to Parliament's resolution of 9 June 2016 [for an open, efficient and independent European Union administration](#) (rapporteur: Heidi Hautala, Greens/EFA, Finland), the JURI Committee requested that the EPRS European Added Value Unit carry out a public consultation.

The [public consultation on EU administrative law](#) was open to all respondents worldwide from 15 December 2017 to 9 March 2018 and available in all official EU languages. The aim of the consultation was to receive views from the public: first, on general perceptions and attitudes towards EU administration; second, on personal experiences in dealing with EU institutions; and third, on further action that the EU should take in the area of EU administrative law.

In response to the consultation, Parliament received 166 fully completed responses from 20 EU Member States.

The general perceptions regarding EU administration were mixed: 52 % had a positive perception while 36 % had a negative perception on the functioning of the EU institutions. Professional interests, direct experiences and the media were the three main sources of information on which respondents formed their opinion regarding EU administration. The perceived general awareness of which services EU institutions provide for the public and companies was high: 73.5 % of respondents indicated that they knew which services were provided by the EU institutions to the public and companies. At the same time, only 45.8 % of all respondents indicated that they were familiar with their right to submit a petition to the European Parliament.

Experiences with the EU institutions were also mixed: 24 % of respondents had a negative experience, 30 % a mixed experience and 46 % a positive experience. The European Commission, the European Parliament and the EU agencies were the institutions with which respondents had had the most direct contact. Access to documents (46 %), requests for general information (44 %) and EPSO competitions (31 %) were the top three reasons for which respondents had had contact with the EU administration. The three main problems contributing to the negative experiences included the length of the procedure (42 %), the difficulty of finding information (37 %) and the quality of the reply received (30 %).

There was a high level of support from respondents (76 %) for additional measures at EU level to reinforce the EU administrative procedure. The two main reasons why respondents would like the EU to take action are to improve the efficiency (57 %) and the transparency (50 %) of the EU administration. In response to the question on how the EU should best reinforce the functioning of the EU administration, 82 % of the respondents supported adoption of a new law (52 % supported a new law with minimum standards and 30 % a new law with full harmonisation). The proportion of respondents who supported the adoption of a non-binding code of conduct was low (7 %). 23 % of respondents did not support a new law and would rather the EU focused on improving existing legislation. A further 23 % did not support a new law but would rather see measures focusing on technical solutions to simplify public access to the EU administration.



BULGARIAN PRESIDENCY



IN CAMERA

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 Jacques COLOMBIER (to replace Mr Edouard FERRAND), as from 2 February 2018.

In accordance with Rule 3 of the Rules of Procedure, on the basis of a proposal by the committee responsible, Parliament will, without delay, verify the credentials of individual Members who are replacing outgoing Members

and may at any time rule on any dispute as to the validity of the mandate of any of its Members.

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 Members' credentials have been verified or a ruling has been given on any dispute, and provided that they have previously signed the above-mentioned written declaration, they will take their seat in Parliament and on its bodies and will enjoy all the rights attaching thereto.

Term of office

Legal basis: Rule 4 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scrimali

PRELIMINARY TIMETABLE

Exchange of views: 27.03.2018

Adoption JURI: 27.03.2018

The following Member notified the President of his intention to resign his seat as Member of the European Parliament, with effect from the date shown below:

Mr Jean-Paul DENANOT, as from 11 June 2018;

Pursuant Rule 4 of the Rules of Procedure, the Committee on Legal Affairs has to determine whether this resignation is in accordance with the spirit or the letter of the Act of 20 September 1976.

Legal basis: Rule 3 RoP

Rapporteur: Pavel Svoboda

Administrator: Andrea Scrimali

PRELIMINARY TIMETABLE

Exchange of views: 27.03.2018

Adoption JURI: 27.03.2018

IMMUNITY

Victor Boştinaru's Hearing and Exchange of views

Type of procedure:

Defence of immunity

Procedure: 2018/2027 (IMM)

Legal basis: RoP Rule 7

Notice to Members: 03/2018

Administrator: Valeria Ghilardi

Preliminary Timetable:

Exchange of views: 27.03.2018

SUBSCRIPTIONS

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