

Rendikont tal- attivitajiet tal- kumitat parlamentari matul is-seba' le i latura

Kumitat g all-Affarijiet Legali



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ANNEXES

I. DA LA

II-Kumitat

Ir-rwol tal-Kumitat g all-Affarijiet Legali¹, meta mqabbel ma' dak tal-bqija tal-kumitati tal-Parlament Ewropew, huwa ftit jew wisq spe jali. Minbarra l-attivitajiet le i lattivi fl-oqsma ta' kompetenza tieg u, ir-responsabbiltajiet tal-kumitat jinkludu kompiti li huma deskritti l-a jar b ala orizzontali jew istituzzjonali. Is-setg at imsa a tal-Parlament Ewropew wara dd ul fis-se tat-Trattat ta' Lisbona enfasizzaw ulterjorment l-importanza ta' dawn il-kompetenzi spe ifi i li huma relatati mal-funzjoni partikolari tal-kumitat b ala fornitur ta' g arfien espert legali. Dan ir-rwol huwa rifless ukoll fl-aktar minn mitt opinjoni m ejjija matul il-le i latura g al kumitati o rajn².

Ir-responsabbiltajiet orizzontali tal-kumitat huma relatati mal-interpretazzjoni u l-applikazzjoni tad-dritt tal-Unjoni; il-konformità tal-atti tal-Unjoni Ewropea mal-li i primarja u r-rispett tal-prin ipji ta' sussidjarjetà u proporzjonalità; is-simplifikazzjoni tal-le i lazzjoni Ewropea, b'mod partikolari proposti le i lattivi g all-kodifikazzjoni u r-riformulazzjoni uffi jali tag ha, u l-interpretazzjoni u l-applikazzjoni tad-dritt internazzjonali f'dak li jolqot lill-Unjoni Ewropea. Il-Kumitat jittratta wkoll kwistjonijiet eneralli relatati mad-delega tas-setg at lill-Kummissjoni g all-implimentazzjoni tal-atti tal-Unjoni.

Il-kompeti istituzzjonali tieg u huma relatati mal-g a la tal-ba i uridika korretta g all-atti tal-Unjoni u l-protezzjoni legali tad-drittijiet u l-prerogattivi tal-Parlament, inklu l-involviment tieg u f'azzjonijiet quddiem il-Qorti tal-ustizzja u l-Qorti eneralli. Il-kumitat huwa responsabbi wkoll g al kwistjonijiet relatati mal-privilegi u l-immunitajiet tal-Membri u l-verifika tal-kredenzjali tal-Membri. Barra minn hekk jista' jitqies li l-kompetenza le i lattiva tieg u g all-Istatut tal-Membri tal-Parlament Ewropew, g ar-Regolamenti tal-Persunal tal-uffi jali u l-a enti l-o ra tal-Unjoni Ewropea u g all-organizzazzjoni u l-istatut tal-Qorti tal-ustizzja tirrifletti dan ir-rwol istituzzjonali.

Il-kompetenza le i lattiva tal-kumitat tkopri l-le i azzjoni tal-Unjoni fl-oqsma tad-dritt u l-pro edura ivili, inklu i d-dritt internazzjonali privat u l-kooperazzjoni udizzjarja f'materji ivili; id-dritt kuntrattwali; id-dritt so jetarju, inklu a l-governanza korporattiva; id-dritt tal-proprietà intellettuali, inklu i r-relazzjonijiet mal-Uffi ju g all-Armonizzazzjoni fis-Suq Intern, kif ukoll id-dritt amministrativ. Huwa responsabbi wkoll g all-obbligi ambientali, g as-sanzjonijiet kontra r-reati ambientali u g al kwistjonijiet eti i relatati mat-teknolojiji l-odda, li fihom huwa japplika l-pro edura ta' kooperazzjoni msa a mal-kumitati b'kompetenza ewlenija g al fajls partikolari.



¹ Ara t-taqsimha XVI tal-Anness VI tar-Regoli ta' Pro edura, riprodotta f'Anness I.

² Ara l-Anness II.

L-iskop ta' dan id-dokument

Dan id-dokument jag ti arsa e generali sistematika lejn il- idma tal-kumitat matul is-seba' le i latura, mill-2009 sal-2014. Huwa jittratta kull wie ed mill-oqsma ta' kompetenza tal-kumitat b'mod individwali, jiffoka fuq il-punti l-aktar importanti u jidentifika l-politiki li l-kumitat fittex li jippromwovi matul il-le i latura.

Minbarra li jistabbilixxu (i) t-termini ta' referenza tal-kumitat flimkien mad-dispo izzjonijiet tar-Regoli ta' Pro edura li jittrattaw l-e er izzju tal-kompetenzi tieg u, l-annessi ta' dan id-dokument jelenkaw (ii) ir-rapporti u l-opinjonijiet adottati matul is-seba' le i latura, (iii) is-seduti ta' smig li saru, (iv) id-delegazzjonijiet, (v) l-istudji li ew ikkummissjonati u (vi) l-membri tal-Kumitat.

II. IDMA LE I LATTIVA U KWISTJONIJIET TA' POLITIKA

1. Kooperazzjoni udizzjarja f'materji ivili u fid-dritt ivili

1.1 Il-Programm ta' Stokkolma

Il-Programm ta' Stokkolma³ ie adottat fl-2010 mill-Kunsill Ewropew u kellu 1-g an li jiffissa serje ta' objettivi li kellhom jintla qu sa tmiem il-programm, fl-2014, sabiex jissa a l-Ispazju ta' Libertà, Sigurtà u ustizzja (AFSJ). Dan g alien, wara d-d ul fis-se tat-Trattat ta' Lisbona, huwa dejjem aktar importanti li - ittadini Ewropej jaraw il-benefi ji pratti i tal-Unjoni Ewropea fil- ajja tag hom ta' kuljum, u l-AFSJ huwa ta' importanza partikolari f'dan ir-rigward.

Il-Parlament iddikjara l-po izzjoni inizjali tieg u dwar il-Programm ta' Stokkolma firri oluzzjoni tieg u tal-25 ta' Novembru 2009⁴ dwar il-programm b'mod enerale u f'dik tat-23 ta' Novembru 2010⁵ dwar l-aspetti tal-programm li jirrigwardaw id-dritt ivili, id-dritt kummer jali, il-li i tal-familja u d-dritt internazzjonali privat. Fl-20 ta' April 2010 l-Kummissjoni fasslet Pjan ta' Azzjoni li jimplimenta l-Programm ta' Stokkolma⁶.

Meta kien g adda nofs it-tul tal-Programm ta' Stokkolma, il-Kumitat g all-Affarijiet Legali, il-Kumitat g al-Libertajiet ivili, il- ustizzja u l-Intern u l-Kumitat g all-Affarijiet Kostituzzjonali dde idew li jevalwaw il-progress li kien sar, bil- sieb li jidentifikaw il-passi li kien fadal jittie du kif ukoll il-prioritajiet li setg u ji u identifikati g as-su essur tal-Programm ta' Stokkolma.

Luigi Berlinguer kien ko-rapporteur f'isem il-Kumitat g all-Affarijiet Legali g ar-rie ami ta' nofs it-terminu tal-Programm ta' Stokkolma. Wara dibattitu fit-tliet kumitati kkon ernati, il-Parlament adotta ri oluzzjoni li fiha vvaluta s-su ess tal-aspetti differenti tal-Programm ta' Stokkolma u appella biex il-Parlament Ewropew ikollu involviment akbar fi kwalunkwe su essur tal-Programm ta' Stokkolma⁷. F'dan ir-rigward, huwa ta' dispja ir li mhux ar jekk l-iskedar tal-Kunsill huwiex se jippermetti l-involviment tal-Parlament fl-ippjanar fit-tul u fl-iffissar ta' objettivi f'dan il-qasam ta' politika.

Rie ami tal-progress li sar fil-qafas tal-Programm ta' Stokkolma fil-qasam tal-kooperazzjoni udizzjarja f'materji ivili juri li iet adottata kwantità ta' le i lazzjoni promettenti afna, i da li, min abba t-tul tal-perjodi le i lattivi u ta' implantazzjoni, ftit afna minnha qed ti i aplikata di à fi tmiem il-le i latura. Numru konsiderevoli ta' propositi le i attivi g adhom ma ewx adottati, u f'g add sinifikanti ta' ka ijiet il-proposta tal-Kummissjoni kienet g adha pendent. Kien hemm okka jonijiet meta xi Membri ar u di appuntati bid-dewmien fir-reazzjoni tal-Kummissjoni g at-talbiet tal-Parlament.

1.2 Bidliet wara t-Trattat ta' Lisbona

It-Trattat ta' Lisbona introdu a erti innovazzjonijiet fil-qasam tal-kooperazzjoni f'materji ta' ustizzja ivili. L-Artikolu 81 tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea issa jipprovidi ba i uridika usa' g all-azzjoni f'dan il-qasam. Huwa jg id li:

³ UC 15, 4.5.2010, p. 1.

⁴ P7_TA(2009)0090.

⁵ P7_TA(2010)0426.

⁶ COM(2010)0171.

⁷ Ri oluzzjoni tal-Parlament Ewropew tat-2 ta' April 2014 dwar 1-e ami ta' nofs il-perjodu tal-Programm ta' Stokkolma (2013/2024(INI)), P7_TA(2014)0276.

‘1. L-Unjoni g andha ti viluppa koperazzjoni udizzjarja f’materji ivili li jkollhom implikazzjonijiet transkonfinali, ibba ata fuq il-prin ipju tar-rikonoxximent re iproku tad-de i jonijiet udizzjarji u extra udizzjarji. Din il-koperazzjoni tista’ tinkludi l-adozzjoni ta’ mi uri g all-approssimazzjoni tal-li ijiet u r-regolamenti ta’ l-Istati Membri.

2. G all-finijiet tal-paragrafu 1, il-Parlament Ewropew u l-Kunsill, li ja ixxu skond il-pro edura le islattiva ordinarja, g andhom jadottaw, b’mod partikolari fejn dan ikun me tie g all-funzjonament tajjeb tas-suq intern, mi uri bil-g an li jassiguraw:

- (a) **ir-rikonoxximent re iproku** bejn Stati Membri **u l-infuzar** ta’ de i jonijiet f’ka ijiet udizzjarji u extra udizzjarji;
- (b) **in-notifika** transkonfinali **ta’ dokumenti udizzjarji u extra udizzjarji**;
- (c) il-kompatibbiltà tar-regoli applikabbi fl-Istati Membri dwar **il-kunflitt tal-li ijiet u tal- urisdizzjoni**;
- (d) il-koperazzjoni sabiex jinkisbu **l-provi**;
- (e) **a ess effettiv g all- ustizzja**;
- (f) it-tne ija ta’ xkiel g all-funzjonament tajjeb ta’ pro edimenti ivili, jekk me tie billi tkun promossa l-kompatibbiltà tar-regoli dwar **il-pro edura ivili** applikabbi fl-Istati Membri;
- (g) l-i vilupp ta’ **metodi alternattivi g as-soluzzjoni tat-tilwim**;
- (h) appo **fit-ta ri tal- udikatura u l-persunal udizzjarju**.

3. B’deroga mill-paragrafu 2, il-mi uri dwar il-li i tal-familja b’implikazzjonijiet transkonfinali g andhom ji u stabbiliti mill -Kunsill, li skond il-pro edura le islattiva spe jali. Il-Kunsill g andu ja ixxi b’mod unanimu wara li jikkonsulta mal-Parlament Ewropew.

Il-Kunsill, fuq proposta tal-Kumissjoni, jista’ jadotta de i joni li tiddetermina dawk l-aspetti tal-li i tal-familja b’implikazzjonijiet transkonfinali li jistg u jkunu s-su ett ta’ atti adottati skond il-pro edura le islattiva ordinarja. Il-Kunsill g andu ja ixxi b’mod unanimu wara li jikkonsulta mal-Parlament Ewropew.

Il-proposta prevista fit-tieni subparagraphu g andha tintbag at lill-Parlamenti nazzjonali. Jekk Parlament nazzjonali jg arraf l-oppo izzjoni tieg u fi mien sitt xhur mid-data ta’ tali notifika, id-de i joni m’g andhiex ti i adottata. Fin-nuqqas ta’ oppo izzjoni, il-Kunsill jista’ jadotta din id-de i joni.’

Tajjeb ji i nnutat li le i lazzjoni bba ata fuq dan l-Artikolu ti i adottata permezz tal-pro edura le i lattiva ordinarja (il-pro edura ta’ kode i joni), li jfisser li l-Parlament ikollu l-istess setg at daqs il-Kunsill. Fil-ka ta’ strumenti relatati mal-li i tal-familja japplikaw xi e ezzjonijiet. Id-dispo izzjoni fit-tieni subparagraphu tal-paragrafu 3 tippermetti li erti oqsma tal-li i tal-familja ji u regolati b’le i lazzjoni adottata permezz ta’ kode i joni.

Il-forma ta’ kooperazzjoni udizzjarja f’materji ivili tiddependi wkoll mill-Protokoll dwar il-po izzjoni tar-Renju Unit u tal-Irlanda u l-Protokoll relativ dwar il-po izzjoni tad-Danimarka. Filwaqt li d-Danimarka ma tipparte ipax fl-adozzjoni ta’ mi uri proposti skont it-Titolu IV tat-Trattat, ir-Renju Unit u l-Irlanda g andhom il-fakultà li jag lu li ji u inklu i fl-adozzjoni ta’ mi uri b al dawn. Fil-prattika, dawn l-Istati Membri afna drabi dde idew li jipparte ipaw meta ew proposti mi uri ta’ kooperazzjoni udizzjarja f’materji ivili.

1.3 Dritt internazzjonali privat enerale

Il-pro ett ewlieni fil-qasam tad-dritt internazzjonali privat enerale fil-qafas tal-Programm ta' Stokkolma kien ir-rie ami tar-**Regolament Brussell I**⁸. Dan ir-regolament jistabbilixxi regoli dettaljati dwar liema qrati g andhom urisdizzjoni f'tilwimiet ivili u kummer jali u dwar ir-rikonoxximent u l-e ekuzzjoni ta' sentenzi ta' Stati Membri o ra. eneraltment jitqies b ala su ess kbir peress li ppromwova l-moviment liberu tas-sentenzi, ied i - ertezza tad-dritt u ppermetta li ji u evitati pro eduri paralleli.

Kien il-Parlament li, permezz ta' ri oluzzjoni dwar l-implimentazzjoni u r-rie ami tar-Regolament ta' Brussell pre edenti adottata fis-7 ta' Settembru 2010, inkora ixxa rriformulazzjoni tar-Regolament Brussell I bil- sieb li ji u ssimplifikati l-pro eduri g all-e ekuzzjoni ta' sentenzi fi Stat Membru ie or u, b'mod partikolari, titne a l-pro edura ta' *exequatur*. Din ir-ri oluzzjoni kienet ibba ata fuq rapport talkumitat⁹ tad-29 ta' unju 2010.



*Ir-rapporteur dwar ir-riformulazzjoni ta' Brussell I,
Tadeusz Zwiefka, PPE, PL.*

Ta t il-gwida tar-rapporteur Tadeusz Zwiefka, ir-riformulazzjoni tar-Regolament Brussell I twasslet g al konklu joni sodisfa enti¹⁰, filwaqt li ssimplifikat u kkjarifikat erti aspetti talekuzzjoni transkonfinali tas-sentenzi.

Ir-regolament ma ng atax effett riflessiv, lief fir-rigward tal-impiegati, il-konsumaturi u persuni assigurati; l-arbitra kien esku b'mod ar mill-kamp ta' applikazzjoni tar-regolament; u l-pro edura ta' *exequatur* kienet abolita g as-sentenzi ivili u kummer jali fl-oqsma kollha.

Il-pro edura ta' rie ami ma kinitx tkopri erti aspetti tar-regoli dwar il- urisdizzjoni li japplikaw g al-li i tax-xog ol, g alkemm afna esperti jemmnu li hemm b onn ta' a ustamenti f'dan il-qasam.

G al din ir-ra uni l-Kumitat g all-Affarijiet Legali dde ieda li j ejji rapport fuq inizjattiva propria dwar il-kwistjoni tal- **urisdizzjoni fil-qasam tal-li i tax-xog ol**. Ir-ri oluzzjoni relativa adottata mill-Parlament tappella g al rie ami ulterjuri tar-regoli tal- urisdizzjoni li japplikaw kemm g all-kuntratti ta' impjieg individuali kif ukoll g all-azzjoni industrijali¹¹.

Wara l-adozzjoni tar-Regolament Brussell I riformulat, intla aq qbil dwar il-Pakkett tal-Privattivi, li jikkonsisti f' ew regolamenti u l-Ftehim dwar il-Qorti Unifikata tal-Privattivi (QUP), li flimkien se jo olqu sistema ta' protezzjoni tal-privattiva unitarja fl-UE. Dan kien jirrikjedi li **r-Regolament Brussell I ji i emendat fir-rigward tal-Qorti Unifikata tal-Privattivi** u l-Qorti tal- ustizzja tal-Benelux. Din l-emenda kkjarifikat li - ew qrati

⁸ Ir-Regolament tal-Kunsill (KE) Nru 44/2001 tat-22 ta' Di embru 2000 dwar urisdizzjoni u rikonoxximent u e ekuzzjoni ta' sentenzi f'materji ivili u kummer jali, U L 12, 16.1.2001, p. 1.

⁹ A7-0219/2010.

¹⁰ Regolament (UE) Nru 1215/2012 tat-12 ta' Di embru 2012 dwar il- urisdizzjoni u l-e ekuzzjoni ta' sentenzi fi kwistjonijiet ivili u kummer jali (riformulazzjoni), U L 351, 30.12.2012, p. 1.

¹¹ Ri oluzzjoni tal-Parlament Ewropew tat-8 ta' Ottubru 2013 dwar it-titjib tad-dritt internazzjonali privat: regoli dwar il- urisdizzjoni applikablli g all-impjieg, P7_TA(2013)0396.

kellhom ji u meqjusa b ala "qrati tal-Istati Membri" skont it-tifsira tar-Regolament Brussell I.

ew stabbiliti regoli dwar il- urisdizzjoni (li jikkon ernaw kemm lil imputati li jg ixu fl- Istati Membri kif ukoll lil imputati minn pajji i terzi), ir-rikonoxximent u l-infurzar g all-Qorti Unifikata tal-Privattivi u l-Qorti tal- ustizzja tal-Benelux. ew introdotti wkoll regoli spe ifi i dwar il-*lis pendens* u azzjonijiet relatati.

Il-pro ett g al **Konvenzjoni Internazzjonali dwar is-Sentenzi**, li tkun issegwi l-istess objettivi tar-Regolament Brussell I i da fil-livell internazzjonali¹², ta t l-awspi ji tal-Konferenza tal-Aja dwar id-Dritt Internazzjonali Privat, ma la aqx il-livell ta' su ess mixtieq. In-negojati g adhom g addejjin u ma wasslux g al xi progress sinifikanti f'dawn l-a ar snin.

Il-Parlament talab ukoll li tidda al dispo izzjoni biex il-li i applikabbi g al obbligu mhux kuntrattwali li jirri ulta mill-**ksur tal-privatezza u tad-drittijiet relatati mal-personalità**, inklu a d-diffamazzjoni, ti i regolata fil-qafas tar-**Regolament Ruma II**¹³. Din it-talba iet imtennija f'dettall akbar fir-ri oluzzjoni tal-Parlament tal-10 ta' Mejju 2012, li fiha saru g add ta' rakkomandazzjonijiet lill-Kummissjoni dwar l-emenda tar-Regolament (KE) Nru 864/2007 dwar il-li i applikabbi g all-obbligi mhux kuntrattwali (Ruma II)¹⁴. Il-Kummissjoni naqset milli twie eb formalment, u dan bi ksur tal-paragrafu 16 tal-Ftehim Qafas dwar ir-relazzjonijiet bejn il-Parlament Ewropew u l-Kummissjoni Ewropea¹⁵.

L-g an tar-ri oluzzjoni hu li ti i indirizzata lakuna fir-Regolament Ruma II li rri ulta peress li l-Kunsill ma qabilx fuq il-proposta ori inali tal-Kummissjoni jew fuq is-soluzzjoni ta' kompromess imressqa mill-Parlament matul il-pro edura ta' kode i joni fuq il-li i applikabbi g al obbligi mhux kuntrattwali li jirri ultaw mill-ksur tal-privatezza u tad-drittijiet relatati mal-personalità. Il-Kummissjoni aktar tard ressjet studju dwar is-sitwazzjoni fil-qasam tal-li i applikabbi g al obbligi mhux kuntrattwali li jirri ultaw mill-ksur tal-privatezza u tad-drittijiet relatati mal-personalità.

Din il-materja tqajjem problemi diffikultu i b'rabta mal-libertà tal-istampa u l-libertà tal-espressjoni b'mod enerali, u hija attwali afna fid-dawl tal-kwistjonijiet relatati mal-hekk imsejja "turi mu tal-libell".

Att le i lattiv pendenti ie or importanti mitlub mill-Parlament huwa regolament li jirregola **l-perjodi ta' limitu g all-in identi tat-traffiku transkonfinali**. Min abba d-differenzi li je istu bejn ir-regoli fi Stati Membri differenti, bosta drabi huwa diffi li afna li ji i gurat li ssir ustizzja f'dawn il-ka ijiet. Il-Kummissjoni kellha l- sieb li tressaq proposta fl-2011, imma dan g adu ma sarx.

¹² Ara r-ri oluzzjoni tat-23 ta' Novembru 2010, paragrafu 35.

¹³ Ara r-ri oluzzjoni tal-25 ta' Novembru 2009, paragrafu 95.

¹⁴ P7_TA(2012)0200.

¹⁵ UL 304 20.11.2010, p. 47.



*Antonio López-Istúriz White,
PPE, ES, ko-rapporteur fuq ir-
rapport dwar ir-rikonoxximent ta'
mi uri ta' protezzjoni f'materji
ivilji.*

Fl-a ar nett, fid-dawl tal-fatt li l-le i lazzjoni tal-UE fil-qasam tad-dritt internazzjonali privat saret frammentata afna, b'g add relativament kbir ta' strumenti spe ifi i g al setturi partikolari li jkopru aspetti differenti, il-Parlament talab li ji i adottat **Kodi i Ewropew tad-Dritt Internazzjonali Privat**¹⁶. L-g an ikun li ji u armonizzati d-dispo izzjonijiet tad-dritt internazzjonali privat fl-oqsma differenti u, fl-istess in, ji i gurat li ma jkunx hemm lakuni fil-korp tar-regoli.

Fl-a ar le i latura, ta t ir-responsabbiltà kon unta tal-kumitati FEMM u JURI, ie adottat ukoll regolament dwar **ir-rikonoxximent re iproku ta' mi uri ta' protezzjoni f'materji ivili**.

Il-proposta g al din l-"ordni Ewropea ta' protezzjoni f'materji ivili" ssegwi l-e empju tal-ordni Ewropea ta' protezzjoni f'materji kriminali li iet approvata pre edentement. L-iskop huwa l-istess, i da dan l-strument jippermetti r-rikonoxximent re iproku ta' mi uri ta' protezzjoni li huma bba ati fuq id-dritt ivili minflok dak penali.

1.4 Li i tal-familja

Wie ed mill-akbar su essi fil-qasam tad-dritt ivili sostantiv kien l-adozzjoni tar-Regolament dwar is-Su essjonijiet¹⁷. Wara proposta tal-Kummissjoni fl-2009 u wara diversi snin ta' dibattitu, fl-2012 instabet soluzzjoni sodisfa enti bil-idma ta' Kurt Lechner b ala rapporteur. Dan huwa att le i lattiv importanti afna g a - ittadini Ewropej, peress li dan ifisser li xi add li jkollu proprietà f'diversi Stati Membri jkun su ett g al sett wie ed biss ta' regoli nazzjonali li japplikaw g as-su essjoni, u jkun sa ansitra jista' jag el il-li i tal-Istat li jkun ittadin tieg u jekk ikun jg ixu fi Stat Membru ie or. G add dejjem akbar ta' ittadini Ewropej qeg din jag lu li jg ixu fi Stat Membru ie or, sew min abba x-xog ol, sew biex jie du sehem f'ta ri, jew sa anistra biex jirtiraw. Il-wirt ta' dawn i - ittadini bosta drabi jinvolvi diversi Stati Membri.



ittadini li jag lu li jg ixu fi Stat Membru differenti minn tag hom minn dejjem abbtu wi hom ma' diffikultajiet enormi meta jaslu biex jirregolaw is-su essjoni tag hom permezz ta' testament. G al xi ittadini, is-su essjoni tag hom kienet regolata mil-li i tal-Istat fejn jg ixu, filwaqt li g al o rajn il-li i li tg odd kienet dik tal-Istat li huma ittadini tieg u. Barra minn hekk, il-mod kif il-proprietà immobiljari tg addi minn persuna g al o ra eneralment kien ikun regolat mil-li i tal-post fejn tkun tinsab, li seta' jinzerta Stat Membru terz. G alhekk l-objettiv kien li ti i ssimplifikata r-regolamentazzjoni u l-konklu joni tal-wirt minn pajji g al ie or.

Ir-regolament il- did se jippermetti li fil- ejjeni kwistjonijiet transkonfinali ta' wirt ji u solvuti fa ilment permezz tat-tfassil ta' testament li japplika g all-proprietà tat-testatur kollha kemm hi, tkun fejn tkun fl-Unjoni.

It-testaturi se jkollhom i - ans jag lu jekk g as-su essjoni tapplikax il-li i tal-Istat li huma ittadini tieg u jew dik tal-pajji li jg ixu fih, u dik l-g a la tkun tapplika g all-assi kollha. G alhekk, proprietà fi Stati Membri differenti mhix se tibqa' aktar su ett a g al pro eduri quddiem nutara jew qrati separati.

¹⁶ Ara r-ri oluzzjoni tal-25 ta' Novembru 2009, paragrafu 95.

¹⁷ Regolament (UE) Nru 650/2012 tal-Parlament Ewropew u tal-Kunsill tal-4 ta' Lulju 2012 dwar il-uri dizzjoni, il-li i applikabbli, ir-rikonoxximent u l-infurzar ta' de i jonijiet u l-a ettazzjoni u l-infurzar ta' strumenti awtenti i fil-qasam tas-su essjonijiet u dwar il- olqien ta' ertifikat Ewropew tas-Su essjoni, UL 201, 27.7.2012, p. 107.

Il-le i lazzjoni tfisser ukoll, pere empju, li r-regoli ta' Stat Membru wie ed biss se jiddeterminaw lil min g andhom jit allew l-assi, u b'hekk ti i fi tmiemha s-sitwazzjoni pre edenti fejn assi f'ew Stati Membri jew aktar setg u jispi aw jitqassmu b'mod differenti bejn il-konju i superstiti, l-ulied u eredi o ra skont regoli nazzjonali diver enti.

Sabiex l-affarijiet ji u simplifikati ulterjorment, l-eredi se jkunu jistg u jiksbu ertifikat Ewropew tas-Su essjoni. Meta t-termini tas-su essjoni jkunu ew ikkjarifikati skont it-testment, dan i - ertifikat ikun jista' jippermetti lill-eredi jikseb it-trasferiment tal-assi f'ismu ming ajr formalitajiet o ra. Dan ir-regolament g alhekk jikkostitwixxi e empju li fih il-Parlament i ieled g ad-dritt ta - ittadini li ji aqalqu liberament u ming ajr xkiel, inklu meta jag mlu t-testmenti tag hom.

G andu ji i rrimarkat li dan ir-regolament mhuwiex se japplika fid-Danimarka, fl-Irlanda u fir-Renju Unit.

Ir-Regolament Ruma III¹⁸ dwar il-li i applikabbi g ad-divorzju u s-separazzjoni (rapporteur: Tadeusz Zwiefka) ie adottat fl-2010 skont il-pro edura ta' kooperazzjoni msa a, issa bil-parte ipazzjoni ta' 15-il Stat Membru. Huwa jistabbilixxi regoli ari dwar il-li i applikabbi g ax-xoljiment ta - wi ijiet.

Il-Kumitat g all-Affarijiet Legali ta kontribut sostanzjali g ad-dibattitu dwar i - ew proposti tal-Kummissjoni ta' Marzu 2011 b'rabta ma' **de i jonijiet fi kwistjonijiet ta' re imi matrimonjali¹⁹** u **de i jonijiet fir-rigward tal-effetti patrimonjali ta' s ubijiet re istrati²⁰**, rispettivament, avolja l-Parlament ie biss ikkonsultat dwar il-fajl. I - ew proposti g andhom l-g an li jikkjarifikaw ir-regoli li jkopru d-drittijiet tal-proprietà ta' koppji internazzjonali, u jinkludu, f'test minnhom, regoli dwar il- urisdizzjoni, il-li i applikabbi u r-rikonoxximent u l-e ekuzzjoni ta' sentenzi fir-rigward ta' kwistjonijiet ta' re imi matrimonjali, u fit-test l-ie or, regoli dwar il-li i applikabbi u r-rikonixximent u l-infurzar ta' de i jonijiet li jirrigwardaw l-effetti patrimonjali ta' s ubijiet re istrati. Il-Kummissjoni tispjega l-fatt li tressqu ew proposti separati billi tirreferi g all-karatteristi i distintivi ta - wie , fuq na a, u tas-s ubijiet re istrati, fuq in-na a l-o ra.

Peress li - ew proposti jittrattaw il-li i tal-familja u t-tnejn huma bba ati fuq l-Artikolu 81(3) tat-TFUE, l-adozzjoni tag hom tirrikjedi unanimità fil-Kunsill. Il-Parlament ji i kkonsultat.

Ir-rapporteur tal-Kumitat JURI, Alexandra Thein, iproponiet li l-Kumitat g andu jittratta dawn i - ew proposti b'mod parallel u jirre isti t-tentazzjoni li jisseparahom minn xulxin. Ix-xog ol fuq id-drittijiet tal-proprietà matrimonjali deher inqas kontenzju – anke fid-diskussjonijiet fil-Kunsill – minn dak fuq is-s ubijiet re istrati, su ett li dwaru l-le i lazzjoni u t-tradizzjonijiet tal-Istati Membri jvarjaw b'mod konsiderevoli. G all-kuntrarju, fl-abbozzi ta' rapport tag ha dwar i - ew fajls, ir-rapporteur mhux biss iproponiet g add ta' kjarifikasi dwar il-kamp ta' applikazzjoni u r-regoli tal-li i applikabbi u orientament ar lejn strumenti o ra fil-qasam tal-kooperazzjoni f'materji ivili (b alma huma r-Regolament dwar is-Su essjonijiet u r-Regolament Brussell I), i da ressqtet ukoll settijiet ta' regoli – fil-bi a l-kbira paralleli – g as-s ubijiet re istrati u l-koppji mi ew a. Il-punt

¹⁸ Regolament tal-Kunsill (UE) Nru 1259/2010 tal-20 ta' Di embru 2010 li jimplimenta kooperazzjoni msa a fil-qasam tal-li i applikabbi g ad-divorzju u g as-separazzjoni legali, U L 343, 29.12.2010, p. 10.

¹⁹ Proposta tal-Kummissjoni g al Regolament tal-Kunsill dwar il- uri dizzjoni, il-li i applikabbi, ir-rikonoxximent u l-e ekuzzjoni ta' de i jonijiet fir-rigward tar-re imi matrimonjali (COM(2011)0126).

²⁰ Proposta tal-Kummissjoni tas-16 ta' Marzu 2011 g al Regolament tal-Kunsill dwar il- uri dizzjoni, il-li i applikabbi, ir-rikonoxximent u l-e ekuzzjoni ta' de i jonijiet fi kwistjonijiet tal-effetti patrimonjali ta' s ubijiet re istrati (COM(2011)0127).

ewlioni hawnhekk kien li tinfeta il-possibilità tal-g a la tal-li i g as-s ubijiet re istrati wkoll. L-ine istenza tal-g a la tal-li i fil-proposta tal-Kummissjoni kien is-su ett ta' opinjoni li l-Parlament talab ming and l-A enzija g ad-Drittijiet Fundamentalni fi Vjenna²¹, li kkonkludiet li l-Kummissjoni ma kinitx i ustifikat bi ejed id-distinzjoni bejn koppji mi ew a u s ubijiet re istrati.

Fil-vot tieg u dwar i - ew fajls fl-20 ta' unju 2013, il-Kumitat g all-Affarijiet Legali approva g add kbir ta' proposti mressqa mir-rapporteur, fosthom l-introduzzjoni tal-possibilità tal-g a la tal-li i g as-s ubijiet re istrati wkoll. Fl-10 ta' Settembru 2013 ittie ed vot fil-plenarja dwar l-opinjoni tal-Parlament²². Id-diskussionijiet fil-Kunsill dwar i - ew fajls g adhom g addejjin. Il-fatt li l-possibilità ta' g a la tal-li i g as-s ubijiet re istrati wkoll iet introdotta fid-diskussionijiet tal-Kunsill, u li s'issa f'dawn id-diskussionijiet ma kien hemm ebda separazzjoni bejn i - ew kwistjonijiet, jista' ertament jitqies b ala ri ultat dirett tal- idma tal-Kumitat g all-Affarijiet Legali.

Il-Parlament appella wkoll g al le i lazzjoni Ewropea dwar **l-adozzjonijiet** transkonfinali²³, peress li dan huwa qasam li fih afna familji jirraportaw problemi fir-rigward tarrikonoxximent ta' de i jonijiet me uda fi Stat Membru ie or. Il-Kummissjoni ma adet l-ebda inizjattiva f'dan ir-rigward.

Il-Programm ta' Stokkolma ppropoña rie ami tar-**Regolament Brussell II**²⁴, b'mod partikolari biex ti i koperta l-kwistjoni tar-rikonoxximent ta' de i jonijiet dwar ir-responsabbiltà tal- enituri. G all-2013 il-Kummissjoni abbret inizjattiva le i lattiva biex tissostitwixxi l-proposta²⁵ li kellha tirtira fl-2002. Dan g adu ma se x.

Fl-a ar nett, fil-qasam tal-**protezzjoni ta' adulti vulnerabili**, li hija materja li ilha tokkupa l- sibijiet tal-Kumitat²⁶, fil-Pjan ta' Azzjoni tag ha l-Kummissjoni abbret li ma kienet se tie u ebda azzjoni, peress li kellhom ikunu l-Istati Membri li jidde iedu jekk iridux jaderixxu mal-Konvenzjoni tal-2000 tal-Aja dwar il-Protezzjoni Internazzjonali tal-Adulti. Il-Konferenza tal-Aja tag ti indikazzjoni li din il-Konvenzjoni da let fis-se biss fir-rigward ta' sitt Stati Membri, u li iet iffirmata i da mhux ratifikata minn seba' Stati o ra²⁷. F'dan ir-rigward huwa ta' di appunt partikolari li l-Kummissjoni g adha ma adet ebda passi lejn l-introduzzjoni ta' le i lazzjoni fil-livell tal-UE dwar is-su ett, minkejja l-konklu jonijiet tarri oluzzjoni tal-2008.

²¹ Opinjoni Nru 1/2012 tal-31 ta' Mejju 2012 tal-A enzija tal-Unjoni Ewropea g ad-Drittijiet Fundamentalni dwar il-Proposta g al Regolament dwar dwar il- urisdizzjoni, id-dritt applikabbi, ir-rikonoxximent u l-e ekuzzjoni ta' de i jonijiet fi kwistjonijiet tal-effetti patrimoniali ta's ubijiet re istrati.

²² Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-10 ta' Settembru 2013 dwar il-proposta g al regolament tal-Kunsill dwar il- uri dizzjoni, id-dritt applikabbi, ir-rikonoxximent u l-e ekuzzjoni ta' de i jonijiet fi kwistjonijiet tal-effetti patrimoniali ta's ubijiet re istrati (P7_TA-PROV(2013)0337); Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-10 ta' Settembru 2013 dwar il-proposta g al regolament tal-Kunsill dwar il- uri dizzjoni, il-li i applikabbi, ir-rikonoxximent u l-e ekuzzjoni ta' de i jonijiet fir-rigward tar-re imi matrimoniali (P7_TA-PROV(2013)0338);

²³ Ri oluzzjoni tal-25 ta' Novembru 2009, paragrafu 95.

²⁴ Ir-Regolament tal-Kunsill (KE) Nru 2201/2003 tas-27 ta' Novembru 2003 dwar il- urisdizzjoni u r-rikonoxximent u l-infurzar ta' sentenzi fi kwistjonijiet matrimoniali u kwistjonijiet ta' responsabbilità tal-enituri, u li jirrevoka r-Regolament (KE) Nru 1347/2000, U L 338, 23.12.2003, p. 1.

²⁵ COM(2001)0505.

²⁶ Ara r-ri oluzzjoni tal-25 ta' Novembru 2009, paragrafu 95; u r-ri oluzzjoni tat-18 ta' Di embru 2008 (P6_TA(2008)0638).

²⁷ http://www.hcch.net/index_en.php?act=conventions.status&cid=71.

1.5 Dritt pro edurali

Fil-qasam tad-dritt pro edurali, **I-Ordni Ewropea tal-Preservazzjoni tal-Kontijiet**²⁸, li timpedixxi lid-debituri milli jevadu l-infurzar tad-djun tag hom billi jie du vanta mid-dewmien fis-sekwestru transkonfinali tal-kontijiet bankarji, kienet ukoll reb a kbira. Din iet iffirmata u mg oddija b ala li i f'nofs l-2014.

L-Ordni Ewropea tal-Preservazzjoni tal-Kontijiet (EAPO) g andha l-g an li tipprovdì regoli komuni li jippermettu lill-kredituri jiksbu ordnijiet tal-preservazzjoni tal-kontijiet abba i tal-istess kundizzjonijiet, irrispettivamente mill-Istat Membru fejn tkun tinsab il-qorti kompetenti. G alhekk dan inaqwas l-ispejje u d-dewmien g all-kredituri li jkunu qed ifittxu li jiksbu u jinfurzaw ordni ta' preservazzjoni tal-kontijiet f'sitwazzjonijiet transkonfinali.

B'mod partikolari, EAPO tibblokka biss il-kont tad-debitur: ma t allix li jit allsu flejjes lill-kreditur. Sabiex ji i gurat l-effett-sorpri a tal-ordni tal-preservazzjoni tal-kontijiet, id-debitur ma ji ix infurmat bl-applikazzjoni, ma jinstemax qabel ma tin are (lief f'irkustanzi e ezzjonali), u ma ji ix notifikat bl-ordni qabel ti i implementata mill-bank.

L-g an tar-rapporteur Raffaele Baldassarre matul in-negożjati kien li ji gura li l-pro edura g all-iftri ar temporanju ta' dawn il-kontijiet bankarji fil-pro ess tal-e ekuzzjoni tkun mg a la kemm jista' jkun filwaqt li tirrispetta d-dritt tad-difi a. Il-bilan bejn id-drittijiet tad-debituri u dawk tal-kredituri kien ta' importanza partikolari f'dan il-kuntest. Sfida o ra kienet li ti i gurata l-protezzjoni tad-debituri fil-ka li l-kredituri jabbu aw b'xi mod mill-pro edura.

F'dak li jirrigwarda l-pro edura ivili, kien ta' importanza kbira g all-Kumitat li jintrodu i **standards minimi komuni g all-pro edura ivili**, li jirriflettu l-ambizzjoni li - ittadini li jirrikorru g as-sistema udizzjarja jing ataw livelli g oljin ta' garanzija kif espress fit-Tabella ta' Valutazzjoni tal- ustizzja²⁹. Il-Kummissjoni abbret proposta g all-2014, i da g adu mhux ar jekk hijiex se tkun ta' naturale i lattiva jew le.

Barra minn hekk, bil-sieb li jissa a il-arsien tad-drittijiet tal-konsumaturi b'mod partikolari, il-Parlament appella g al inizjattiva Ewropea biex jing ata lok g al pro eduri ta' **rimedju kollettiv**³⁰. Fid-dokument ta' segwitu tag ha tat-18 ta' April 2012³¹, il-Kummissjoni wieg det li fl-2012 tressaq inizjattiva le i lattiva jew mhux le i lattiva dwar qafas Ewropew g ar-rimedju kollettiv. Fl-2012, hija ar et rakkomandazzjoni³² lill-Istati Membri dwar ir-



Raffaele Baldassarre, PPE, IT, Vi i President tal-Kumitat u rapporteur dwar l-Ordni Ewropea tal-Preservazzjoni tal-Kontijiet.

²⁸ COM(2011)0445.

²⁹ Komunikazzjoni mill-Kummissjoni tas-27 ta' Marzu 2013, "It-Tabella ta' Valutazzjoni tal- ustizzja tal-UE: G odda g all-promozzjoni ta' ustizzja u tkabbir effettivi".

³⁰ Ri oluzzjoni tat-2 ta' Frar 2012 (P7_TA(2012)0021); ri oluzzjoni tal-25 ta' Novembru 2009, paragrafu 95.

³¹ SP(2012)160.

³² Rakkomandazzjoni tal-Kummissjoni tal-11 ta' unju 2013 dwar prin ipji komuni g al mekkani mi ta' rimedju kollettiv ta' in unzjoni u kumpensatorji fl-Istati Membri li jirrigwardaw il-ksur tad-drittijiet skont il-Li i tal-Unjoni (2013/396/UE).

rimedju kollettiv. G ad irridu naraw jekk din hijiex se ti i segwita minn inizjattiva le i lattiva fis-snin li ejjin.

Wara komunikazzjoni tal-Kummissjoni³³ dwar l-implimentazzjoni tad-Direttiva 2003/8/KE dwar l-a ess g all- ustizzja f'tilwimiet bejn il-konfini, il-Kumitat idde ieda li j ejji rapport fuq inizjattiva propria dwar **l-g ajnuna legali f'tilwim ivili u kummer jali transkonfinali**. L-Istati Membri kollha g andhom xi tip ta' sistema biex persuni b'ri orsi finanzjarji limitati jkunu jistg u j allsu avukat biex ikollhom a ess g all- ustizzja. Madankollu, ir-regoli jvarjaw afna u bosta drabi l-partijiet f'tilwimiet transkonfinali jsibuha diffi li li jkollhom a ess g all- ustizzja.



Bernhard Rapkay, S&D, DE, rapporteur fuq i - ew rapporti dwar id-dokumenti ivili.

Fir-rapport tieg u, il-Kumitat (rapporteur: Tadeusz Zwiefka) iwettaq valutazzjoni tal-implimentazzjoni u l-adozzjoni tad-Direttiva, u jag mel proposti spe ifi i g al titjib li jista' jsir³⁴, b'mod partikolari sabiex ji i gurat l-g arfien dwar is-sistema e istenti u ji i a evolat l-operat ta' dik is-sistema g a - ittadini.

Ta' rilevanza aktar immedjata g a - ittadini ordinarji fil-qasam tal-pro edura amministrattiva huma l-mi uri proposti biex ji i ffa ilitat ir-rikonoxximent ta' dokumenti pubbli i u tal-istat ivili fi Stat Membru ie or, peress li n-nuqqas ta' tali rikonoxximent awtomatiku jissemma mi - ittadini b ala wie ed mill-akbar ostakli pratti i

g all-moviment liberu. Fil-pre ent g addej ix-xog ol fuq ew proposti: wie ed dwar **ittne ija ta' formalitajiet g al dokumenti pubbli i** (postilli, legalizzazzjoni, traduzzjonijiet ertifikati, e .), ippubblikat f'April 2013, u ie or dwar **ir-rikonoxximent re iproku tal-effetti ta' dokumenti tal-istat ivili** (li jkopri lista limitata ta' sitwazzjonijiet relatati mal-istat ivili, b alma huma - wie , il-bdil tal-isem, e .), li kellu ji i ppubblikat fi tmiem l-2013 i da sa nofs l-2014 g adu ma tlestiex. Dan huma ew inizjattivi ta' importanza kbira.

Ir-regolament propost, li jiissimplifika l-a ettazzjoni ta' erti dokumenti pubbli i fl-Unjoni Ewropea, g andu l-g an li jaqdi r-rwol importanti afna li j affef il-formalitajiet g a - ittadini li ji aqalqu minn pajji g al ie or.

G add kbir ta' ittadini tal-UE jg ixu fi Stat Membru differenti minn tag hom, u dan in-numru qieg ed ji died b'mod kostanti. afna ittadini o rajn g andhom rabbit ma' Stat Membru ie or, min g al ra unijiet familjari jew professionali u min g ax iqatta' l-btajjal fih.

Madankollu, il-formalitajiet amministrattivi minn na a g al o ra tal-fruntiera eneralment huma ferm aktar kumplikati milli fl-Istati Membri individwali. I - ittadini ieli jkollhom jitolbu lill-awtortajiet diplomati i jag mlulhom id-dokumenti tag hom legali (legalizzazzjoni jew postilla), jipprovdu traduzzjonijiet i ertifikati – li jiswew afna flus – anke tal-aktar dokumenti sempli i, jew jippre entaw kopji ertifikati ta' rekords uffi jali.

Ir-rapporteur, Bernhard Rapkay, li assista fit-t ejji tal-abbozz tal-po izzjoni tal-Parlament dwar il-proposta, iqis li din l-inizjattiva g andha l-potenziali li tag mel il- ajja transkonfinali ta - ittadini Ewropej ferm aktar fa li. Il-po izzjoni tal-Parlament tipproponi, fost l-o rajn, ieda fl-g add ta' tipi ta' dokumenti pubbli i koperti mill-proposta, it-tis i tad-

³³ COM(2012)0071.

³⁴ Ri oluzzjoni tal-Parlament Ewropew tal-11 ta' unju 2013 dwar it-titjib tal-a ess g all- ustizzja: l-g ajnuna legali f'tilwim ivili u kummer jali transkonfinali, P7_TA(2013)0240.

dispo izzjonijiet li jabolixxu erti formalitajiet u l-introduzzjoni ta' aktar formoli multilingwi tal-UE g al u u transkonfinali.

L-Artikolu 81(2)(g) tat-TFUE fil-Kapitolu tat-Trattat dwar il-kooperazzjoni udizzjarja fmaterji ivili issa jipprevedi spe ifikament l-adozzjoni ta' mi uri li g andhom l-g an li ji guraw "l-i vilupp ta' metodi alternattivi g as-soluzzjoni tat-tilwim". B'mod enerali, l-interess tas-**Soluzzjoni Alternattiva tat-Tilwim** (Alternative Dispute Resolution – ADR) jinsab fil-problema ba ika tal-a ess g all- ustizzja li jiffa jaw in-negozji u - ittadini Ewropej, min abba l-volum dejjem akbar ta' tilwimiet flimkien ma' pro eduri li jie du fit-tul u jiswew afna flus. L-ADR huwa ta' rilevanza partikolari g at-tilwimiet transkonfinali. Matul is-seba' le i latura, il-Kumitat g all-Affarijiet Legali kien attiv afna fil-promozzjoni ta' dan l-objettiv.

Fir-rapport fuq inizjattiva proprija tieg u dwar soluzzjoni alternattiva tat-tilwim fi kwistjonijiet ivili, kummer jali u familjari (rapporteur: Diana Wallis)³⁵, adottat fil-plenarja f'Ottubru 2011, il-Kumitat g all-Affarijiet Legali – parzialment b'reazzjoni g al dokument ta' konsultazzjoni mressaq mid-D SANCO tal-Kummissjoni³⁶ – enfasizza li kwalunkwe appro g all-ADR g andu jmur lil hinn minn tilwim marbut mal-konsumatur u g andu jinkludi wkoll it-tran azzjonijiet B2B, tilwim fil-familji, u ka ijiet ta' diffamazzjoni. Huwa kien tal-fehma li hemm il- tie a ta' azzjoni le i lattiva li tistabbilixxi standards minimi g al skemi ta' ADR, u b'mod konkret stiednet lill-Kummissjoni tressaq proposta le i lattiva dwar ADR g al kwistjonijiet relatati mal-konsumatur sa tmiem l-2011.

Fid-29 ta' Novembru 2011, il-Kummissjoni fil-fatt ressjet ew proposti le i lattivi: wa da g al direttiva dwar is-soluzzjoni alternattiva g at-tilwim tal-konsumaturi³⁷ u o ra g al regolament dwar soluzzjoni onlajn g at-tilwim (ODR) tal-konsumaturi³⁸. Il-proposta g al Direttiva kellha l-g an li telmina l-lakuni fil-kopertura tal-ADR u ti gura l-kwalità tal-ADR, billi tistabbilixxi prin ipji enerali, inklu i kwalifikasi xierqa, imparzialità, trasparenza, effika ja u korrettezza. L-idea wara l-proposta g al regolament kienet li tikkomplementa l-kopertura tal-ADR fl-UE bi pjattaforma onlajn unika li tapplika fl-UE kollha. Peress li - ew proposti kieno orjentati b'mod ar lejn il-konsumaturi, il-Kumitat g as-Suq Intern u l-arsien tal-Konsumatur – li kien kumitat asso jat g ar-rapport fuq inizjattiva proprija msemmi aktar qabel – kien il-kumitat responsabli g at-tnejn li huma fi dan il-Parlament. Fir-rigward tal-proposta g al Direttiva dwar l-ADR tal-konsumaturi, il-Kumitat g all-Affarijiet Legali kelli r-rwol ta' kumitat asso jat skont l-Artikolu 50 tar-Regoli ta' Pro edura tal-Parlament, b'mod partikolari fir-rigward tal-prin ipji li jridu ji u rispettati mill-entitajiet tal-ADR. Lil hinn mill-kompetenzi esklu ivi tieg u, il-Kumitat g all-Affarijiet Legali, bl-opinjoni tieg u (rapporteur: Cristian Silvius Booi)³⁹, influenza b'mod de i iv ir-rapport tal-

³⁵ Ri oluzzjoni tal-Parlament Ewropew tal-25 ta' Ottubru 2011 dwar soluzzjoni alternattiva tat-tilwim fi kwistjonijiet ivili, kummer jali u familjari (A7-0343/2001, P7-TA(2011)0449).

³⁶ Dokument ta' konsultazzjoni bit-titolu "Dwar l-u u tas-Soluzzjoni Alternattiva tat-Tilwim b ala mezz biex jissolva tilwim relataj ma' transazzjonijiet kummer jali u pratti i fl-Unjoni Ewropea" tat-18 ta' Jannar 2011; "Sommarju tat-twe ibiet milqug a" ppubblikat f'April 2011.

³⁷ Proposta tal-Kummissjoni tad-29 ta' Novembru 2011 g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar is-soluzzjoni alternattiva g at-tilwim, g at-tilwim tal-konsumaturi u li temenda r-Regolament (KE) Nru 2006/2004 u d-Direttiva 2009/22/KE (id-Direttiva dwar l-ADR tal-konsumaturi) (COM(2011)793).

³⁸ Proposta tal-Kummissjoni tad-29 ta' Novembru 2011 g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar soluzzjoni onlajn g at-tilwim, g at-tilwim tal-konsumaturi (Regolament dwar l-ODR tal-konsumaturi) (COM(2011)794).

³⁹ Opinjoni tal-Kumitat g all-Affarijiet Legali g all-Kumitat g as-Suq Intern u l-arsien tal-Konsumatur dwar il-Proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill dwar is-soluzzjoni alternattiva g at-tilwim, g at-tilwim tal-konsumaturi u li temenda r-Regolament (KE) Nru 2006/2004 u d-Direttiva 2009/22/KE (id-Direttiva dwar l-ADR tal-konsumaturi) (COM(2011)0793) – C7 0454/2011 – 2011/0373(COD)), PE486.223v02-00.

Kumitat IMCO responsabbli peress li dan tal-a ar a s-su eriment li j id kriterji ta' kwalità marbuta mal-libertà u l-legalità fir-rigward tal-ADR, u li jsa a ulterjorment l-ADR, imnebbia mid-dispo izzjonijiet tad-Direttiva dwar il-Medjazzjoni⁴⁰.

Il-Kumitat g all-Affarijiet Legali kkontribwixxa ulterjorment g all-idma tal-Parlament dwar il-proposta billi ta opinjoni dwar il-ba i uridika tag ha⁴¹, li fiha kkonferma li l-Artikolu 114 tat-TFUE ("suq intern") kif propost mill-Kummissjoni kien il-ba i uridika xierqa, filwaqt li rrfijuta - ieda tal-Artikolu 169 tat-TFUE ("arsien tal-konsumatur"), proposta mir-rapport tal-IMCO, meqjusa ming ajr tie a. Il-Kumitat g all-Affarijiet Legali fl-opinjoni tieg u qal ukoll li ma kienet me tie a ebda ba i uridika o ra (e. l-Artikolu 81(2)(g) tat-TFUE), peress li elementi pro edurali odda li possibilment ji diedu mal-proposta permezz tar-rapport tal-IMCO jikkomplementaw il-mi uri mressqa mill-Kummissjoni u g andhom l-istess objettiv, ji ifieri t-tis i tal-funzjonament tas-suq intern.

Il-Kumitat g all-Affarijiet Legali kkonkluda l-idma tieg u f'dan il-qasam g as-seba' le i latura b'valutazzjoni tas-su ess tad-Direttiva dwar il-Medjazzjoni, sentejn wara d-data ta' skadenza tat-traspo izzjoni tag ha. G al dan il-g an, fl-20 ta' Jannar 2014 quddiem il-Kumitat tressaq studju mill-Professur Giuseppe de Palo (entru ADR) bl-isem "Rebooting the Mediation Directive: Assessing the limited impact of its implementation and proposing measures to increase the number of mediations in the EU" (Spinta dida lid-Direttiva dwar il-Medjazzjoni: Valutazzjoni tal-impatt limitat tal-implimentazzjoni tag ha u proposti ta' mi uri biex ji died l-g add ta' medjazzjonijiet fl-UE). L-g an kien li jinkiseb rispons mill-esperjenza nazzjonali me uda mit-traspo izzjoni tad-Direttiva, u ji u identifikati r-ra unijiet g alfejn il-medjazzjoni ma tintu ax aktar ta' spiss. L-istudju kelleu l-g an ukoll li jivvaluta jekk g andux ji i m e e l-u u aktar sistematiku tal-medjazzjoni u, jekk iva, liema mi uri je tie ji u adottati fil-livell tal-UE.

Il-proposta tal-Kummissjoni li temenda **r-Regolament dwar it-Talbiet g ar**⁴² g andha l-g an li tag ti rimedju g an-nuqqasijiet tar-regolament attwali sabiex ji i gurat u u aktar wiesa' tal-pro edura g al talbiet g ar. Il-proposta waslet tard fis-seba' le i latura, tant li fi-mien li kien g ad fadal il-Kumitat g all-Affarijiet Legali seta' jiprodu i biss dokument ta' idma⁴³ (rapporteur: Lidia Geringer de Oedenberg), u x-xog ol irid jitkompla mill-Parlament il-did. Fid-dokument ta' idma tag ha, ir-rapporteur stabbilixxet xi sibijiet preliminari, li fihom ippruvat tesplora l-kwistjonijiet ewlenin u l-vijabbiltà tas-soluzzjonijiet proposti. Fil-idma tieg u aktar il-quddiem, il-Kumitat g all-Affarijiet Legali, li di à kien responsabbli g al-le i lazzjoni attwali, se jiffa ja l-isfida li jissimplifika l-pro edura, filwaqt li ji gura l-garanziji pro edurali ne essarji u jikkunsidra s-sistemi uridi i u udizzjarji nazzjonali differenti.

⁴⁰ Direttiva 2008/52/KE tal-Parlament Ewropew u tal-Kunsill tal-21 ta' Mejju 2008 dwar erti aspetti ta' medjazzjoni f'materji ivili u kummer jali (U L 136, 24.5.2008, p. 3).

⁴¹ PE496.382v01-00.

⁴² Proposta tal-Kummissjoni tad-19 ta' Novembru 2013 g al Regolament tal-Parlament Ewropew u tal-Kunsill li jemenda r-Regolament (KE) Nru 861/2007 tal-Parlament Ewropew u tal-Kunsill tal-11 ta' Lulju 2007 li jistabbilixxi Pro edura Ewropea g al Talbiet g ar u r-Regolament (KE) Nru 1896/2006 tal-Parlament Ewropew u tal-Kunsill tat-12 ta' Di embru 2006 li jo loq pro edura g al ordni ta' las Ewropea (COM(2013)0794).

⁴³ FdR (DT) 1020600; PE529.833v01-00.



1.6 Kooperazzjoni u ta' ri fil-qasam udizzjarju

Sabiex jintla qu l-objettivi spe ifi i differenti tal-Programm ta' Stokkolma, minbarra l-atti le i lattivi individwali huwa importanti li jkun gurat li l-partijiet interessati kollha jkollhom a ess suffi jenti g all- ustizzja u d-dritt tal-UE.

Pass importanti huwa l-i vilupp ulterjuri tal-pro etti **e-Justice**⁴⁴, li jippermettu li - ittadini a ess dirett g all-informazzjoni uridika u g all- ustizzja billi jipprovdu informazzjoni essenzziali onlajn u joffru l-possibilità li erti applikazzjonijiet isiru b'mod remot permezz tal-komputer. Sar xi progress f'dan ir-rigward, i da je tie isir aktar.

It-ta' ri legali Ewropew huwa wkoll importanti afna jekk irridu no olqu kultura udizzjarja Ewropea li tippermetti s-su ess tal-pro eduri ta' rikonoxximent re iproku⁴⁵. Ix-xog ol li qed isir fil-qafas tan-Netwerk Ewropew tat-Ta' ri udizzjarju u l-Akkademja tal-Li i Ewropea (ERA) huwa importanti afna f'dan ir-rigward. Barra minn hekk, il-programm pilota tal-Kummissjoni dwar it-ta' ri g all-im allfin u l-professjonisti fil-qasam legali sa fl-a ar qieg ed ji i attwat⁴⁶. Il-Kumitat ikkummissjona wkoll studju importanti dwar it-ta' ri udizzjarju fl-Istati Membri⁴⁷, u fit-28 ta' Novembru 2013 organizza sessjoni ta' idma dwar is-su ett.

Il-Kumitat g all-Affarijiet Legali a sehem, flimkien mal-Kumitat g al-Libertajiet ivili, il-ustizzja u l-Intern, fl-adozzjoni tal-**Programm dwar il- ustizzja 2014-2020**, is-su essur tal-Programm dwar il- ustizzja ivili 2007-2014⁴⁸. Il-sieb tal-ko-rapporteur (Luigi Berlinguer) dwar dan is-su ett kien li sabiex ji i garantit il-funzjonament korrett ta' spazju udizzjarju Ewropew huwa fundamentali li tin oloq kultura udizzjarja Ewropea li tirrispetta bis-s i il-prin ipji tas-sussidjarjetà u tal-indipendenza udizzjarja.

Matul il-perjodu 2014-2020, l-Istati Membri se ji u mistiedna jimplimentaw l-istumenti le i lattivi u mhux le i lattivi e istenti fil-qasam tal- ustizzja, kif ukoll jadottaw strumenti odda: din i - ieda fl-attività le i lattiva trid ti i segwita mill-applikazzjoni prattika armonju a u effettiva ta' dawn l-g odod. Ir-rwol tal-membri tal- udikatura u tal-persunal udizzjarju (l-im allfin, il-prosekuturi, l-avukati, in-nutara, l-uffi jali tal-qrati, il-bailiffs, l-interpreti tal-qorti u professjonisti o ra involuti fix-xog ol tal- udikatura) huwa kritiku.

Dawk fil-po izzjonijiet imsemmija hawn fuq irid ikollhom g arfien profond tal-istumenti uridi i tal-UE f'dan il-qasam u bi ejjad g arfien ta' lingwi barranin (inklu ta' fterminolo ija legali fl-lingwi barranin bil- sieb li ti i gurata kooperazzjoni udizzjarja effi jenti fi kwistjonijiet ivili u kriminali), u jrid ikollhom sehem minn kultura udizzjarja Ewropea komuni (billi jtejbu l-g arfien tag hom dwar id-dritt tal-Unjoni u jifhmu aktar is-sistemi uridi i u udizzjarji ta' Stati Membri o rajn).

⁴⁴ Ara r-ri oluzzjoni tal-25 ta' Novembru 2009, paragrafi 107-110.

⁴⁵ Ara r-ri oluzzjoni tal-25 ta' Novembru 2009, paragrafi 105 u 106, u r-ri oluzzjonijiet tat-23 ta' Novembru 2010, paragrafi 5-13.

⁴⁶ OJ S 132, 12.7.2012, 218282.

⁴⁷ [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET\(2011\)453198_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf).

⁴⁸ COM(2011)0759.

In-negojzjati dwar ir-regolament li jistabbilixxi 1-Programm dwar il- ustizzja 2014-2020 kieni ffukati fuq il-prioritajiet tal-finanzjament u fuq il-verifikasi dwar l-implimentazzjoni tal-programm⁴⁹.

Fl-2012, g all-ewwel darba l-Kummissjoni ar et rapport li jag ti arsa lejn ir-rendiment tas-sistemi udizzjarji ivili u amministrattivi nazzjonali, bit-titlu **It-Tabella ta' Valutazzjoni tal- ustizzja tal-UE**⁵⁰. L-iskop ta' dan l-e er izzju kien li jqabbel is-sistemi udizzjarji nazzjonali, bil- sieb li ji i stabbilit fejn jista' jkun li hemm lakuni u fejn l-Istati Membri jistg u jibbenefikaw minn trasferiment tal-a jar prattiki.

Peress li dan huwa qasam sensittiv u l-prerogattivi nazzjonali jridu ji u rispettati, il-Kumitat g all-Affarijiet Legali dde ieda li jo ro rapport ta' implementazzjoni⁵¹ dwar it-Tabella ta' Valutazzjoni tal- ustizzja 2012. Il-Kumitat ikkonkluda li, peress li l-g an tal-e er izzju kien li jivvaluta l-kwalità, l-indipendenza u l-effi jenza tas-sistemi udizzjarji nazzjonali, dan kien qieg ed jintlaqa' tajjeb. Madankollu, ir-rapport ibed l-attenzjoni dwar erti kunsiderazzjonijiet u limitazzjonijiet li wie ed irid i omm f'mo u, b'mod partikolari fid-dawl tad-dritt sovran ta' kull Stat Membri li jorganizza s-sistema udizzjarja tieg u u fid-dawl tad-differenzi nazzjonali.

Fl-2014 il-Kummissjoni ar et Tabella ta' Valutazzjoni tal- ustizzja o ra simili⁵², u se tibqa' tag mel hekk f'intervalli regolari.

2. Dritt kuntrattwali

Il-Kumitat g all-Affarijiet Legali minn dejjem kien promotur attiv afna fil-progress lejn aktar armonizzazzjoni f' erti setturi tad-dritt privat, b'mod partikolari fil-qasam tad-dritt kuntrattwali. Fl-ewwel ri oluzzjoni tieg u f'dan il-qasam fl-1989, il-Parlament kien tal-fehma li l-armonizzazzjoni progressiva ta' erti setturi tad-dritt privat hija essenziali g at-testija tas-suq intern⁵³. F'diversi ri oluzzjonijiet huwa tenna li hemm b'onn ta' armonizzazzjoni mmirata fil-qasam tad-dritt kuntrattwali fejn id-diver enza tar-regoli nazzjonali twassal g al ostakli fil-funzjonament tas-suq intern⁵⁴. Imbag ad huwa segwa mill-qrib it-tfassil tal-hekk imsejja Qafas Komuni ta' Riferiment (QKR), li l-abbozz akademiku tieg u (Abbozz ta' Qafas Komuni ta' Riferiment – AQKR) ie ppre entat fl-2008. F'g add ta' ri oluzzjonijiet dwar is-su ett⁵⁵, il-Parlament laqa' po ittivament it-tressiq tal-QKR, insista fuq anali i bir-reqqa u dettaljata tal-g a liet possibbli abba i tal-QKR, u appella g al involviment mill-qrib fil-pro ess.

Is-seba' le i latura eventwalment rat it-tressiq tal-ewwel proposta le i lattiva tal-Kummissjoni li ar et mid-dibattitu Ewropew dwar il-li i kuntrattwali – *il-proposta g al*

⁴⁹ Regolament (UE) Nru 1382/2013 tal-Parlament Ewropew u tal-Kunsill tas-17 ta' Di embru 2013 li jistabbilixxi Programm dwar il- ustizzja g all-perijodu 2014 sa 2020, U L 354, 28.12.2013, p. 73).

⁵⁰ COM(2013)0160.

⁵¹ Ri oluzzjoni tal-Parlament Ewropew tal-4 ta' Frar 2014 dwar it-Tabella ta' Valutazzjoni tal- ustizzja tal-UE – ustizzja ivili u amministrattiva fl-Istati Membri (2013/2117(INI)), P7_TA(2014)0064.

⁵² COM(2014)0155.

⁵³ Ri oluzzjoni tas-26 ta' Mejju 1989, U C-158, 26.6.1989, p. 400.

⁵⁴ Ri oluzzjonijiet tas-6 ta' Mejju 1994, U 1994 C 205. p. 518, tal-15 ta' Novembru 2001, U 2002 C 140 E, p. 538 u tat-2 ta' Settembru 2003, U 2004 C 76 E, p. 95.

⁵⁵ Ri oluzzjonijiet tat-23 ta' Marzu 2006, U C 292 E, 1.12.2006, p. 109, tas-7 ta' Settembru 2006, U C 305 E, 14.12.2006, p. 247; tat-12 ta' Di embru 2007, U C 323 E, 18.12.2008, p. 364; tat-3 ta' Settembru 2008, U C 295 E, 4.12.2009, p. 31.

*Regolament dwar Li i Komuni Ewropea dwar il-Bejg*⁵⁶ – li mbag ad naturalment sabet ru ha fil-qofol tal- idma tal-Kumitat f'dan il-qasam.

Il-Kumitat g all-Affarijiet Legali di à vol a rwol attiv afna waqt it-t ejjijiet g al din il-proposta le i lattiva. Fl-2006 l-Kumitat kien stabbilixxa *Grupp ta' idma dwar id-Dritt Kuntrattwali Ewropew*. Dan il-grupp, mag mul minn membri tal-Kumitat g all-Affarijiet Legali u tal-Kumitat g as-Suq Intern u l- arsien tal-Konsumatur⁵⁷, kompla l- idma tieg u fis-seba' le i latura bil-g an li ji gura l-involviment attiv tal-Parlament fil-pro ess ta' diskussjoni li g addej dwar id-dritt kuntrattwali Ewropew, u biex jikkontribwixxi g al dibattitu miftu u demokratiku fi dan il-Parlament dwar il-kwistjonijiet marbuta mad-dritt kuntrattwali. B'mod partikolari, fil-bidu tas-seba' le i latura 1-Grupp ta' idma organizza serje ta' laqg at li g alihom ew mistiedna rappre entanti tal-Kummissjoni u tal-Presidenza tal-Kunsill⁵⁸.

Fi dan il-Kummissjoni Ewropea, il-Vi i President u l-Kummissarju g all- ustizzja Viviane Reding nediet mill- did il- idma fuq id-dritt kuntrattwali Ewropew. F'April 2010, il-Kummissjoni waqqfet *grupp ta' esperti dwar Qafas Komuni ta' Riferiment fil-qasam tad-dritt kuntrattwali*⁵⁹. Il-grupp kien mag mul minn uristi, ex-im allfin u akkademi i minn Stati Membri differenti, ma tura fil-kapa ità personali tag hom u b'"kompetenza fil-qasam tal-li i ivili, u b'mod partikolari fil-li i kuntrattwali". Il-grupp kellu l-kompitu "li jassisti lill-Kummissjoni sabiex tipprepara proposta g al Qafas Komuni ta' Referenza fil-qasam tal-li i kuntrattwali Ewropea, inklu li i kuntrattwali tal- konsumaturi u tal-kummer janti". Il-grupp ta' esperti kellu laqg at kull xahar. Osservatur mill-Parlament Ewropew⁶⁰ kif ukoll osservatur mill-Presidenza rispettiva tal-Kunsill assista d-deliberazzjonijiet tal-grupp ta' esperti.

Fid-29 ta' April 2010, il-Kumitat g all-Affarijiet Legali organizza l-ewwel sessjoni ta' idma fis-seba' le i latura, flimkien mad-Dipartiment Tematiku C, dwar id-Dritt Kuntrattwali Ewropew. Il-"Workshop on one or more optional instruments for European Contract Law" (Sessjoni ta' idma dwar strument fakultattiv wie ed jew aktar g ad-Dritt Kuntrattwali Ewropew) analizzat kemm l-idea ta' strument fakultattiv b'mod eneralli kif ukoll l-e empju ta' strument fakultattiv fid-dritt kuntrattwali fil-qasam tal-assigurazzjoni.

F'Lulju 2010 l-Kummissjoni nediet konsultazzjoni dwar il-passi li jmiss fil-qasam tad-Dritt Kuntrattwali Ewropew billi ressjet il-Green Paper tag ha dwar "l-g a liet politi i g all-progress lejn Li i Kuntrattwali Ewropea g all-konsumaturi u n-negozji", li ppre entat g add ta' g a liet "dwar kif g andu jissa a is-suq intern billi jsir progress fil-qasam tal-Li i kuntrattwali Ewropea", inklu i s-sempli i pubblikazzjoni tar-ri ultati tal-Grupp ta' Esperti, il- olqien ta' " abra ta' g odod" g al-le i latur permezz ta' att adottat mill-Kummissjoni jew permezz ta' ftehim interistituzzjonal, rakkomandazzjoni dwar id-Dritt Kuntrattwali Ewropew, regolament li jistabbilixxi strument fakultattiv tad-Dritt Kuntrattwali Ewropew kif

⁵⁶ Proposta tal-Kummissjoni tal-11 ta' Ottubru 2011 g al Regolament dwar Li i Komuni Ewropea dwar il-Bejg (COM(2011)0635).

⁵⁷ Membri tal-Grupp ta' idma fis-seba' le i latura mill-Kumitat g all-Affarijiet Legali: Klaus-Heiner Lehne, Luigi Berlinguer, Marielle Gallo, Diana Wallis; mill-Kumitat g as-Suq Intern u l- arsien tal-Konsumatur: Kurt Lechner, Catherine Stihler.

⁵⁸ Laqg at fl-10 ta' Novembru 2009, fit-28 ta' Jannar 2010 u fl-1 ta' unju 2010; ma n assitx il- tie a ta' aktar laqg at tal-Grupp ta' idma; ix-xog ol fuq l-inizjattiva tad-dritt kuntrattwali Ewropew sussegwentement iffoka fuq ir-rapport fuq inizjattiva propria tal-Green Paper tal-Kummissjoni u eventwalment il-proposta le i lattiva dwar Li i Komuni Ewropea dwar il-Bejg .

⁵⁹ De i joni tal-Kummissjoni 2010/233/UE tas-26 ta' April 2010 dwar it-twaqqif ta' Grupp Espert rigward il-Qafas Komuni ta' Referenza fil-qasam tal-li i kuntrattwali Ewropea (U L 105, 27.4.2010, p. 109).

⁶⁰ Klaus-Heiner Lehne, sostitut: Diana Wallis, akkumpanjati mill-personal tas-segretarjat.

ukoll diversi g a liet le i lattivi estensivi o ra, sa regolament li jistabbilixxj Kodi i ivili Ewropew.

F'dan il-perjodu ta' konsultazzjoni intensiva u diskussjoni dwar l-g a liet possibbli, il-Kumitat g all-Affarijiet Legali kkunsidra li kien ta' importanza kbira li jniedi dibattitu approfondit mal-parlamenti nazzjonali u g alhekk fis-27 ta' Ottubru 2010 organizza sessjoni ta' idma "dwar strument fakultattiv g ad-dritt kuntrattwali tal-UE", bis-sehem ta' rappre entanti mill-parlamenti nazzjonali, kif ukoll esperti min-na a kummer jali u tal-konsumatur, uristi u akkademi i.

It-tieni nofs tal-2010 kien ukoll perjodu ta' idma intensiva fil-Kumitat g all-Affarijiet Legali dwar il-proposta tal-Kummissjoni *g al Direttiva dwar drittijiet tal-konsumatur*⁶¹ li kella l-g an li tarmonizza l-oqsma ewlenin tal-kuntratti ta' negozju dirett lejn il-konsumatur. Kien ie miftiehem mal-kumitat responsabelli, ji ifieri l-Kumitat g as-Suq Intern u l-arsien tal-Konsumatur, li l-Kumitat g all-Affarijiet Legali, b ala kumitat asso jat skont l-Artikolu 50 tar-Regoli ta' Pro edura tal-Parlament, kien se je er ita kompetenza kondivi a mal-Kumitat IMCO fir-rigward tad-dispo izzjonijiet proposti dwar irrimedji tal-konsumatur f'ka ta' nuqqas ta' konformità u kompetenza esklu iva fuq ir-regoli proposti dwar termini kuntrattwali in usti. Minkejja kooperazzjoni produttiva mal-Kumitat IMCO fi dan il-Parlament, il-idma tal-Kumitat g all-Affarijiet Legali eventwalment ftit kellha impatt fir-rigward tal-ftehim finali fuq il-fajl⁶² peress li - ew kapitoli msemmija qabel li g alihom kelly kompetenza l-Kumitat, fil-parti l-kbira minnhom t assru mit-test finali fl-istadju tat-trilogi informali.



Klaus-Heiner Lehne, PPE, DE, President tal-Kumitat g all-Affarijiet Legali, membru tal-Grupp ta' idma dwar id-Dritt Kuntrattwali Ewropew u korrappoiteur dwar Li i Komuni Ewropea dwar il-Bejjg

Fit-8 ta' unju 2011, il-Parlament

Ewropew wie eb⁶³ g all-Green Paper tal-2010 tal-Kummissjoni dwar id-Dritt Kuntrattwali Ewropew. Il-Kumitat g all-Affarijiet Legali (rapporteur: Diana Wallis) kien responsabelli g al din ir-ri oluzzjoni fi dan il-Parlament, filwaqt li l-Kumitat g as-Suq Intern u l-arsien tal-Konsumatur kien kumitat asso jat skont l-Artikolu 50 tar-Regoli ta' Pro edura. Firri oluzzjoni tieg u, il-Parlament appo ja azzjoni biex ji u indirizzati l-ostakli fi dan is-suq intern li jirri ultaw minn differenzi fid-dritt kuntrattwali nazzjonali. Fost l-g a liet proposti fil-Green Paper, il-Parlament kien favur, fost l-o rajn, "l-alternattiva [...] li jitwaqqaf strument fakultattiv permezz ta' regolament", u ssu erixxa li strument fakultattiv b al dan jista' ji i kkomplementat minn abra ta' g odod. Il-Parlament enfasizza wkoll li "l-partijiet kollha, kemm jekk fi tran azzjonijiet B2B jew B2C, g andhom ikunu liberi jag lu jew ma jag lux l-istrument fakultattiv" u stieden lill-Kummissjoni tikkjarifika r-relazzjoni li

⁶¹ COM(2008)0614.

⁶² Ri oluzzjoni le i lattiva tal-Parlament Ewropew tat-23 ta' unju 2011 dwar il-proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar drittijiet tal-konsumatur (COM(2008)0614 – C6-0349/2008 – 2008/0196(COD))(P7_TA(2011)0293)).

⁶³ Rapport A7-164/2011 tal-Kumitat g all-Affarijiet Legali; Ri oluzzjoni tal-Parlament Ewropew tat-8 ta' unju 2011 dwar l-g a liet politi i g all-progress lejn Li i Kuntrattwali Ewropea g all-konsumaturi u n-negozi (2011/2013(INI) – P7_TA(2011)0262).

g andha l- sieb li jkun hemm bejn l-istrument fakultattiv u r-Regolament Ruma I. Il-Parlament kompla jenfasizza li "l-istrument irid joffri livell g oli ta' protezzjoni tal-konsumatur" u rrikonoxxa x-xog ol li sar fuq id-Direttiva dwar id-Drittijiet tal-Konsumatur u l- tie a li tin amm il-koerenza ma' dik id-Direttiva. Fir-rigward ta' pro edura le i lattiva fil-futur, il-Parlament insista li din "trid tkun inklu iva u trasparenti kemm jista' jkun", fakkil fil- tie a ta' valutazzjoni tal-impatt estensiva u dettaljata u appella biex ikun ikkonsultat u involut bis-s i fil-qafas tal-pro edura le i lattiva ordinarja.

F' unju 2011 il-Grupp ta' Esperti mwaqqaf mill-Kummissjoni Ewropea ppre enta r-ri ultati tal- idma tieg u. Fit-termini tal-mandat tieg u, il-Grupp ta' Esperti kien intalab mill-Kummissjoni biex iwettaq *studju tal-fattibbiltà* dwar abbozz ta' strument g ad-dritt kuntrattwali Ewropew. Eventwalment il-grupp ippre enta r-ri ultati ta' dan l-istudju tal-fattibbiltà f'g amla ta' dokument li jag mel tentattiv biex jikkostitwixxi sett s i ta' regoli dwar id-dritt kuntrattwali li jkopru l-kwistjonijiet identifikati mill-grupp b ala rilevanti, fil-prattika, f'relazzjoni kuntrattwali fis-suq intern tal-UE. Il-kamp ta' applikazzjoni kien ikopri kemm kuntratti min-negozju g all-konsumatur (business-to-consumer, B2C) kif ukoll minn negozju g al negozju (business-to-business, B2B), kuntratti ta' bejg u kuntratti ta' servizzi asso jati. Abba i ta' dan id-dokument, u wara li nediet e er izzju ta' konsultazzjoni informali, il-Kummissjoni ressjet il-proposta tag ha g al regolament dwar Li i Komuni Ewropea dwar il-Bejg (LKEB) f'Ottubru 2011.

L-g an eneralli tal-proposta tal-Kummissjoni hu li ttejjeb il-funzjonament tas-suq intern u tiffa ilita l-kummer billi toffri sett uniku ta' regoli fl-Istati Membri g al kuntratti transkonfinali. Il-proposta ressjet sett ta' regoli dwar id-dritt kuntrattwali li hu ma sub li jkun indipendenti filwaqt li jikkoe isti, fil-qafas tad-dritt nazzjonali ta' kull Stat Membru, mad-dritt kuntrattwali nazzjonali, b ala re im ie or tad-dritt kuntrattwali li jkun identiku madwar l-UE kollha.

Il-LKEB tkun strument fakultattiv g al kuntratti fil-kamp ta' applikazzjoni personali u materjali tag ha, ji ifieri g al kuntratti transkonfinali dwar il-bejg , il-forniment ta' kontenut di itali kif ukoll servizzi relatati fil-B2C u f'xi relazzjonijiet B2B. Il-partijiet iridu jaqblu fuq l-u u tal-LKEB; fir-relazzjonijiet B2C, ikun me tie kunsens espli itu u l-konsumatur jir ievi avvi ta' informazzjoni standard li jiddeskrivi fil-qosor il-karatteristi i ewlenin tal-LKEB. L-Istati Membri jistg u jag lu wkoll li jippermettu l-applikazzjoni tal-Li i Komuni dwar il-Bejg fit-tran azzjonijiet domesti i u fit-tran azzjonijiet B2B li ma jinvolvux SME. Il-Kummissjoni g andha l- sieb ukoll li to loq ba i ta' dejta g all-iskambju ta' informazzjoni dwar sentenzi finali fl-Istati Membri.

Fl-anness tieg u, ir-regolament propost fih sett ta' regoli li jsegwi - iklu tal- ajja ta' kuntratt, inklu i dispo izzjonijiet dwar kif tag mel kuntratt vinkolanti, kif tivvaluta x'fih kuntratt, l-obbligi u r-rimedji tal-partijiet, id-danni u l-interessi, ir-restituzzjoni u l-preskrizzjoni. Ix-xerrej ikollu g a la libera ta' rimedji, b'mod partikolari bejn tiswija, sostituzzjoni jew terminazzjoni tal-kuntratt, li fil-pre ent te isti biss fi ftit Stati Membri. Fil-komunikazzjoni li jakkumpanjah⁶⁴, il-Kummissjoni timpenja ru ha li twaqqaf grupp ta' esperti sabiex ti viluppa "Mudell ta' kundizzjonijiet kuntrattwali Ewropej".

Fid-dawl tal-importanza politika tal-proposta u sabiex jinkisbu l-a jar ri ultati, il-Kumitat g all-Affarijet Legali ass li fit-tfassil tar-rapport kien importanti li jkopri kemm l-g arfien espert legali kif ukoll l-aktar spettru politiku wiesa' possibbli. G alhekk innomina ew ko-

⁶⁴ Komunikazzjoni mill-Kummissjoni lill-Parlament Ewropew, lill-Kunsill, lill-Kumitat So jali u Ekonomiku Ewropew u lill-Kumitat tar-Re juni tal-11 ta' Ottubru 2011 bit-titlu "Li i Komuni Ewropea dwar il-Bejg biex ji u ffa ilitati t-tran azzjonijiet transkonfinali fis-Suq Uniku" (COM(2011)0636).

rapporteurs: Klaus-Heiner Lehne (PPE) u Diana Wallis (ALDE), sad-data tar-ri enja tag ha mill-Parlament Ewropew f'Jannar 2012 meta a postha Luigi Berlinguer (S&D). Barra minn hekk, sabiex jiprovdi lill-ko-rapporteurs il-firxa wiesg a ta' assistenza me tie a, twaqqaf tim tal-pro ett li kien jikkonsisti f'uffi jali minn dipartimenti differenti tas-Segretariat enerale tal-Parlament. Il-Kumitat g as-Suq Intern u l-arsien tal-Konsumatur kien asso jat skont l-Artikolu 50 tar-Regoli ta' Pro edura. Il-Kumitat g all-Affarijiet Legali u a r-ri orsi kollha g ad-dispo izzjoni tieg u biex jag mel u u estensiv minn g arfien espert kemm intern kif ukoll estern bil-sieb li j ejji b'mod e awrjenti r-rapport tieg u dwar il-fajl.

Fir-rigward tal-ba i uridika tal-proposta, peress li tqajmu g add ta' mistoqsijiet dwar jekk l-Artikolu 114 tat-TFUE, kif proposit mill-Kummissjoni, kienx adattat, il-Kumitat g all-Affarijiet Legali talab opinjoni mis-Servizzi Legali tal-Parlament li min-na a tag hom ikkonfermaw – bi qbil mal-fehma tal-Kummissjoni u tas-Servizz Legali tal-Kunsill – li l-Artikolu 114 tat-TFUE kien il-ba i uridika adattata g all-proposta.

Barra minn hekk, il-Kumitat g all-Affarijiet Legali talab evalwazzjoni tal-Valutazzjoni tal-Impatt tal-Kummissjoni Ewropea li takkumpanja l-proposta. L-Unità tal-Valutazzjoni tal-Impatt tal-Parlament Ewropew waslet g all-konklu joni li, filwaqt li jista' ji i kkritikat il-mod kif it-twe ibiet purament kwalitattivi tal-operaturi ekonomi i fl-ist arri ew trasformati fi stimi kwantitattivi, kollox ma' kollox il-Valutazzjoni tal-Impatt tirrispetta r-rekwi iti metodolo i i li l-Kummissjoni imponiet fuqha nfisha fil-Linji Gwida tag ha dwar il-Valutazzjoni tal-Impatt.

Barra minn hekk, sabiex ikun jista' jibbenefika minn g arfien espert estern estensiv, fl-2012 u l-2013 il-Kumitat g all-Affarijiet Legali segwa programm ta' avvenimenti ambizzju dwar dan il-fajl: wara l-ewwel seduta ta' smig fl-1 ta' Marzu 2012 dwar xi mistoqsijiet fundamentali li qajmet il-proposta tal-Kummissjoni, b'mod partikolari dwar kif g andha tiffunzjona fi dan il-qafas uridiku e istenti u jekk il-kopertura u l-kontenut tag ha jindirizzawx il-ti ijiet ta' min ju aha⁶⁵, il-Kumitat sussegwentement organizza, flimkien mad-Dipartiment Tematiku C, tliet sessjonijiet ta' idma dwar il-kapitoli prin ipali tal-Anness tal-proposta⁶⁶ (i.e. dwar termini kuntrattuali in usti, ir-rimedji, ir-restituzzjoni u l-preskrizzjoni) fl-ewwel nofs tal-2012, u konferenza mar-rappre entanti tal-parlamenti nazzjonali fis-27 ta' Novembru 2012⁶⁷. Gal kull sessjoni ta' idma, kif ukoll g all-konferenza mar-rappre entanti tal-parlamenti nazzjonali, t ejjew diversi dokumenti ta' tg arrif (briefing papers) dettaljati. Gal konferenza, fost l-o rajn, dokument ta' tg arrif im ejji mill-Professur Martine Béhar-Touchais, analizza l-funzjonament diskuss afna tal-LKEB fil-qafas tar-Regolament Ruma I⁶⁸. Id-dokument wasal g all-konklu joni li l-Artikolu 6 tar-Regolament Ruma I, li jg id li l-g a la ta' li i applikabbli ma tistax i a ad lill-konsumatur mill-arsien tad-dispo izzjonijiet obbligatorji tal-li i tar-residenza normali tieg u, ma jkollux importanza fil-prattika jekk il-partijiet ikunu g a lu l-LKEB fid-dritt nazzjonali. Sabiex jivaluta l-effett fuq il-arsien tal-konsumatur, l-istudju, fpass ulterjuri, g amel paragun dettaljat tal-livell ta' arsien mog ti mil-LKEB mal-li i nazzjonali tal-Istati Membri. Il-konklu joni kienet li l-LKEB tipprovdi livell g oli afna ta' arsien tal-konsumatur, u afna drabi ssa a il-arsien tal-konsumatur meta mqabbel ma' afna ordinamenti le i lattivi domesti i (pere empju billi tag ti lix-xerrej il-libertà li jag el irrimedju li jippreferi).

⁶⁵ Ara l-Anness IV.

⁶⁶ Ara l-Anness IV.

⁶⁷ Ara l-Anness IV.

⁶⁸ Martine Béhar-Touchais, "Il-funzjonament tal-LKEB fil-qafas tar-Regolament Ruma I", studju kkummissjonat mill-Kumitat g all-Affarijiet Legali tal-Parlament Ewropew (PE 462.477).

Abba i tal-g arfien espert mi bur, f'Ottubru 2012 il-ko-rapporteurs ressqu dokument ta' idma li fih esploraw il-punti ewlenin li huma jqisu b ala kru jali g ad-dibattitu⁶⁹. Fl-abbozz ta' rapport tag hom, li huma ressqu quddiem il-Kumitat fi Frar 2013⁷⁰, ir-rapporteurs ippre entaw l-emendi kon unti tag hom, filwaqt li enfasizzaw li dan id-dokument ma kienx wie ed e awrjenti, i da identifika xi punti ewlenin g al aktar diskussjoni, bil- sieb li t-test jitjieg sabiex ikun aktar fa li biex jintu a, aktar ar u aktar koerenti mal-*acquis*. B'mod partikolari, ir-rapporteurs ipproponew li r-regolament u l-anness ji u amalgamati flimkien, sabiex ikun hemm strument integrat wie ed. Fir-rigward tal-kamp ta' applikazzjoni, ir-rapporteurs ipproponew li l-LKEB tkun offruta g al kuntratti mill-bog od biss, bil-mira prin ipali jkun is-settur tal-bejg bl-internet li qed jikber dejjem aktar b'mod mg a el, u fejn l-idea ta' strument fakultattiv sabet appo qawwi. ew proposti kjarifikasi fir-rigward tar-relazzjoni mar-Regolament Ruma I u mal-li ijiet nazzjonali. Dwar ir-rimedji, bil- sieb li jinstab bilan a jar bejn id-dritt tal-konsumatur li jittermina l-kuntratt u d-dritt tal-bejjieg li jsewwi l-affarijiet, ir-rapporteurs ipproponew tliet alternattivi g all-kunsiderazzjoni: l-ewwel, l-introduzzjoni ta' skadenza ta' 6 xhur g an-notifika tan-nuqqas ta' konformità wara li r-riskju jkun g adda, u wara din l-iskadenza l-konsumatur ikollu ja etta t-tiswija; it-tieni, il-konsumatur ikollu l-obbligu li jag ti avvi ta' terminazzjoni fi mien ra onevoli wara li jkun sar konxju ta' e ekuzzjoni insuffi jenti; u t-tielet, l-introduzzjoni ta' obbligu g all-konsumatur li j allas g all-u u meta jittermina l-kuntratt.

Il-Kumitat g as-Suq Intern u l- arsien tal-Konsumatur adotta l-opinjoni tieg u f'Lulju 2013 bi 22 vot favur, 17 kontra u astensjoni wa da. Huwa ma appo jax il-proposta tal-Kummissjoni, i da rrakkomanda li l-istrument fakultattiv propost jinbidel f'direttiva ta' armonizzazzjoni li tikkomplementa d-Direttiva 2011/83/UE⁷¹. G add kbir mit-326 emenda mressqa fil-Kumitat g all-Affarijiet Legali qablu wkoll ma' dan l-appro .

Il-Kumitat g all-Affarijiet Legali adotta r-rapport tieg u fil-laqg a tas-17 ta' Settembru 2013 b'19-il vot favur, tlieta kontra u ew astensjonijiet. Ir-rapport adottat jappo ja – g all-kuntrarju tal-opinjoni tal-Kumitat g as-Suq Intern u l- arsien tal-Konsumatur – in-natura fakultattiva tal-istrument propost u l-forma uridika ta' regolament. Barra minn hekk, il-proposti tar-rapporteurs – li r-regolament u l-anness ji u amalgamati u li l-LKEB tkun offruta g all-kuntratti mill-bog od biss, b'mod partikolari l-kuntratti onlajn – sabu l-appo tal-Kumitat. Rigward ir-rimedji, bil- sieb li jintla aq bilan a jar bejn id-dritt tal-konsumatur li jittermina l-kuntratt u d-dritt tal-bejjieg li jsewwi l-affarijiet, instab kompromess li jipproponi li j omm il-prin ipju tal-g a la libera tar-rimedji g all-konsumatur, filwaqt li jobblija lill-konsumatur jag ti avvi ta' terminazzjoni fi mien xahrejn minn meta nduna g all-ewwel darba b'e ekuzzjoni insuffi jenti. ie propost perjodu ta' preskrizzjoni twil ta' sitt snin.

⁶⁹ Dokument ta' idma tat-8 ta' Ottubru 2012 dwar il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar Li i Komuni Ewropea dwar il-Bejg (COM(2011)0635) – C7-0329/2011 – 2011/0284(COD)), Kumitat g all-Affarijiet Legali, Rapporteurs: Luigi Berlinguer u Klaus-Heiner Lehne (FdR 914981; PE 497.786).

⁷⁰ Abbozz ta' rapport tas-6 ta' Marzu 2013 dwar il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar Li i Komuni Ewropea dwar il-Bejg (COM(2011)0635) – C7-0329/2011 – 2011/0284(COD)), Kumitat g all-Affarijiet Legali, Rapporteurs: Klaus-Heiner Lehne, Luigi Berlinguer (FdR 929386; PE PE505.998v02-00).

⁷¹ Direttiva 2011/83/UE tal-Parlament Ewropew u tal-Kunsill tal-25 ta' Ottubru 2011 dwar drittijiet tal-konsumatur, li temenda d-Direttiva tal-Kunsill 93/13/KEE u d-Direttiva 1999/44/KEE tal-Parlament Ewropew u tal-Kunsill u li t assar id-Direttiva tal-Kunsill 85/577/KEE u d-Direttiva 97/7/KEE tal-Parlament Ewropew u tal-Kunsill (U L 304, 22.11.2011, p. 64).

Fis-26 ta' Frar 2014, il-plenarja g alqet l-ewwel qari tal-proposta g al Li i Komuni Ewropea dwar il-Bejg⁷², b'ma oranza kbira tappo ja r-rapport tal-Kumitat JURI. Il-po izzjoni tal-Parlament fl-ewwel qari issa se tg addi g and il-Parlament li jmiss sakemm il-Konferenza tal-Presidenti ma tidde idix li g andha ssir referenza mill- did lill-Parlament skont l-Artikolu 59(1), ir-raba' in i , tar-Regoli ta' Pro edura tal-Parlament. G adu muhuwiex ar kemm il-Kunsill se jkun jista' javvanza malajr lejn mandat ta' negozjar bil- sieb tal-possibilità li jintla aq qbil. Se jkun de i iv ukoll jekk il-proposta tal-Kumitat g all-Affarijet Legali li ji i offrut strument fakultattiv g all-kuntratti mill-bog od, li iet ikkonfermata mill-plenarja, issibx appo fil-Kunsill.

Barra minn hekk, b'rabta mad-dritt kuntrattwali, fil-le i latura li jmiss il-Kumitat se josserva ertament b'interess il- idma u kwalunkwe segwitu ta' ew gruppi ta' esperti tal-Kummissjoni: wie ed dwar id-dritt kuntrattwali fil-qasam tal-assigurazzjoni⁷³, li ppre enta r-rapport finali tieg u fi Frar 2014, u l-ie or dwarf kundizzjonijiet sikuri u usti g all-kuntratti ta' cloud computing⁷⁴, li g adu qed jiddelibera.

3. Dritt so jetarju

3.1. Sfond

L-*acquis* tal-Komunità fil-qasam tad-dritt so jetarju jikkonsisti f'serje ta' direttivi mmirati lejn l-approssimazzjoni tal-le i lazzjoni tal-Istati Membri. L-ewwel direttivi f'dan il-qasam imorru lura g al bejn l-1968 u l-1977. afna mid-direttivi e istenti ew emendati diversi drabi u issa kien wasal i - mien li l-*acquis* tad-dritt so jetarju ji i mmodernizzat u ssimplifikat. Barra minn hekk, g ad hemm lakuni importanti x'ji u indirizzati sabiex tissa a il-kompetittività tal-kumpaniji fis-suq intern.



L-attivitajiet tal-Kumitat g all-Affarijet Legali fil-kompetenza tieg u g ad-dritt so jetarju g alhekk koprew kwistjonijiet relatati mal-modernizzazzjoni tad-dritt so jetarju u mal-governanza korporattiva b'mod enerale. Da lu wkoll f'mi uri spe ifi i li jarmonizzaw id-dritt so jetarju f' erti oqsma, ma suba biex jiffa ilitaw l-attivitajiet transkonfinali tal-kumpaniji, b all-interkonnessjoni tar-re istri kummer jali. Barra minn hekk, koprew mi uri g ar-regolamentazzjoni a jar u s-simplifikazzjoni tal-ambient regulatorju g all-kumpaniji, u mi uri ta' simplifikazzjoni mmirati g at-tnaqqis tal-pi ijiet amministrattivi fuq il-mikroentitajiet u l-intrapri i g ar u ta' daqs medju (SMEs), b al pere empju emendi g ad-direttiva dwarf il-kontabilità u d-direttiva dwarf it-trasparenza.

Il-kri i finanzjarja u ekonomika kkonfermat il- tie a li erti oqsma tad-dritt so jetarju ji u regolati a jar sabiex ji u indirizzati l-lakuni e istenti. F'dan l-isfond, il-Kumitat ejja ew rapporti dwarf il-governanza korporattiva fuq inizjattiva proprja u, permezz tal-pro edura le i lattiva ordinarja, wettaq riforma drastika tal-awditu tad-dikjarazzjonijiet finanzjarji.

⁷² Rapport A7-0301/2013 tal-Kumitat g all-Affarijet Legali; Ri oluzzjoni le i lattiva tal-Parlament Ewropew tas-26 ta' Frar 2014 dwarf il-proposta g al regolament tal-Parlament Ewropew u tal-Kunsill fuq Li i Komuni Ewropea dwarf il-Bejg (P7_TA(2014)0159).

⁷³ De i joni tal-Kummissjoni (2013/C 16/03) tas-17 ta' Jannar 2013 dwarf it-twaqqif ta' Grupp ta' Esperti tal-Kummissjoni dwarf il-Li i Kuntrattwali tal-Assigurazzjoni Ewropea (U C 16, 19.1.2013, p. 6).

⁷⁴ De i joni tal-Kummissjoni (2013/C 174/04) tat-18 ta' unju 2013 dwarf it-twaqqif ta' Grupp ta' Esperti tal-Kummissjoni dwarf il-Kuntratti tal-Cloud Computing (U C 174, 20.6.2013, p. 6).

Barra minn hekk, fil-qasam tal-responsabbiltà so jali korporattiva, id-direttiva dwar il-kontabilità g addiet minn ew emendi importanti: ie introdott kapitolu did rigward ir-rapport dwar il-pagamenti lill-gvernijiet g al impri i kbar li joperaw fl-industrija tal-estrazzjoni jew fil-qtug tas-si ar f'foresti primarji, filwaqt li entitajiet ta' interess pubbliku (PIEs) b'aktar minn 500 impjegat issa jridu jirrapportaw dwar kwistjonijiet ambientali, so jali u dawk relatati mal-impjegati, kif ukoll dwar kwistjonijiet ta' rispett tad-drittijiet tal-bniedem u kontra l-korruzzjoni u t-tix im. Fl-a ar nett il-Parlament adotta po izzjoni, mhux maqbula, fl-ewwel qari, li titlob lill-kumpaniji li g andhom aktar minn 250 impjegat biex jiffissaw miri dwar il-pre enza ta' nisa fil-kompo izzjoni tal-bordijiet supervi orji tag hom.

Barra minn hekk, il-Kumitat ippre enta rapport fuq inizjattiva propria dwar ir-rie ami tal-applikazzjoni tad-Direttiva 2004/25/KE dwar offerti ta' xiri⁷⁵.

3.2. Politika, appro u attivitajiet tal-Kumitat g all-Affarijiet Legali

L-apro tal-Kumitat lejn id-dritt so jetarju jirrifletti dan l-isfond u l-bidliet fil- ti ijiet regolatorji fid-dawl tal-i viluppi ekonomi i. L-attivitajiet tal-Kumitat f'dan il-qasam kienu ggwidati mill-objettivi prin ipali li ejjin:

- it-tis i tal-kompetittività tal-kumpaniji fis-suq intern,
- l-iffa ilitar tal-attivitajiet transkonfinali tal-kumpaniji fis-suq intern, b'mod partikolari g all-benefi ju tal-SMEs,
- l-i gurar tat-trasparenza u tad-drittijiet tal-azzjonisti, tal-kredituri, tal-impjegati u ta' partijiet interessati o ra,
- it-naqqis tal-pi ijiet amministrattivi, b'mod partikolari g all-mikroentitajiet u l-SMEs,
- tag limiet mill-konsegwenzi tal-kri i (e . fir-rigward tar-remunerazzjoni tad-diretturi, il-fondi e , l-a enziji ta' klassifikazzjoni tal-kreditu, it-trasparenza tal-investituri istituzzjonali u l-awditu).

Il-Kumitat esprima l-fehmiet tieg u mhux biss fil- idma le i lattiva tieg u skont il-pro edura le i lattiva ordinarja, i da anke permezz tal-u u prudenti ta' rapporti fuq inizjattiva propria u inizjattivi le i lattivi.

Wara l-konsultazzjoni pubblika tal-Kummissjoni dwar il-futur tad-dritt so jetarju, il-Kumitat ippre enta mistoqsija orali flimkien ma' ri oluzzjoni ta' g eluq. Ir-ri oluzzjoni adottata mill-plenarja fl-14 ta' unju 2012⁷⁶ mhux biss irrea ixxiet g all-konsultazzjoni tal-Kummissjoni, i da viluppat ukoll perspettiva strate ika g all-Parlament g al azzjoni ulterjuri fil-qasam tad-dritt so jetarju. Hija enfasizzat li d-dritt so jetarju g andu jkun imfassal b'tali mod li jissimplifika l-ambjent tan-negożju, inaqwas il-pi ijiet amministrattivi u jg in lill-kumpaniji ju aw is-suq uniku b'mod effettiv filwaqt li ji gura arsien xieraq tal-interessi tal-kredituri, tal-azzjonisti, tal-membri u tal-impjegati.

B'mod aktar spe ifiku, il-Parlament tenna xi w ud mill-appelli ewlenin tieg u fil-qasam tad-dritt so jetarju: progress dwar il-forom ta' kumpaniji Ewropej, b'mod partikolari fir-rigward tal-Istatut g al Kumpanija Privata, u l-istatut g al so jetajiet mutwi Ewropej; u t-tressiq ta' proposta g all-14-il direttiva dwar id-dritt so jetarju rigward it-trasferiment transkonfinali tas-sedi tal-kumpaniji sabiex ti i ffa ilitata il-mobilità transkonfinali g all-kumpaniji.

⁷⁵ G al dettalji dwar dawn i - ew rapporti, ara aktar 1 isfel.

⁷⁶ Ri oluzzjoni tal-Kumitat B7-0299/2012; Ri oluzzjoni tal-Parlament Ewropew tal-14 ta' unju 2012 dwar il-futur tad-Dritt So jetarju Ewropew (P7_TA(2012)0259).

Il-Parlament enfasizza wkoll kwistjonijiet li huwa jikkonsidra importanti fir-rigward tar-revizjonijiet potenzjali ta' g add ta' direttivi relatati mad-dritt so jetarju: g at-tieni direttiva dwar id-dritt so jetarju, enfasi fuq is-simplifikazzjoni minflok l-introduzzjoni ta' re im alternattiv g all-informazzjoni u l-manteniment tal-kapital; g all- ames direttiva dwar id-dritt so jetarju, it-tkomplija tax-xog ol fir-rigward tal-istruttura u l-operat tal-kumpaniji pubbli i b'responsabbiltà limitata; g ad-disa' direttiva dwar id-dritt so jetarju, it-tkomplija tax-xog ol biex mhux ti i armonizzata g akollox il-le i lazzjoni korporattiva Ewropea dwar il-gruppi, i da biex ji u protetti s-sussidjarji u l-partijiet interessati ut titjeb it-trasparenza tal-istruttura tal-grupp. B'mod eneralli, kien hemm appo g all-kodifikazzjoni tad-dritt so jetarju. Barra minn hekk, il-Parlament xtaq jara idma fuq ir-regoli dwar il-konflitt ta' li ijiet fil-qasam tad-dritt so jetarju. Laqa' wkoll favorevolment ir-rie ami tad-direttivi dwar il-kontabilità u ssu erixxa li l-Kummissjoni tesplora ulterjorment l-i vilupp ta' standards tal-kontabilità Ewropej. Pro eduralment, il-Parlament insista, g al darb'o ra, fuq il-konformità mal-Ftehim Qafas, b'mod partikolari fir-rigward ta' ri oluzzjonijiet ta' segwitu skont l-Artikolu 225 tat-TFUE, valutazzjonijiet tal-impatt komprensivi, kif ukoll informazzjoni dovuta u regolari. Il-Parlament talab lill-Kummissjoni tippre enta Pjan ta' Azzjoni b'inizjattivi konkreti fl-immedjat, g at-terminu medju u fit-tul, flimkien ma' skadenzi ari.

Il-Kummissjoni fil-fatt stabbiliet l-orjentamenti futuri tag ha fil-qasam tad-dritt so jetarju fi pjan ta' azzjoni li ppre entat f'Di embru 2012⁷⁷. Bala elementi ewlenin tal-politika futura tag ha fid-dritt so jetarju hija enfasizzat: it-tis i tat-trasparenza bejn il-kumpaniji u l-azzjonisti tag hom sabiex titjeb il-governanza korporattiva; l-inkora iment u l-iffa ilitar tal-impenn tal-azzjonisti fit-tul kif ukoll it-titjib eneralli tal-qafas g all-operazzjonijiet transkonfinali tal-kumpaniji tal-UE. Peress li dawn l-orjentamenti strate i i jiggwidaw ukoll it-tressiq ta' proposti dwar id-dritt so jetarju mill-Kummissjoni fil-futur, fit-tmien le i latura l-Kunitat g all-Affarijiet Legali se jkun qed jara kif dawn – kif ukoll il-proposti le i lattivi konkreti tal-Kummissjoni – iqabblu mal-prioritajiet tieg u fid-dritt so jetarju.

Fil-kuntest tal- idma tieg u fil-qasam tad-dritt so jetarju, il-Kunitat g all-Affarijiet Legali organizza serje ta' seduti ta' smig pubbliku (e . fis-27 ta' Jannar 2010 dwar Mani ers ta' Fondi ta' Investiment Alternattivi: kif l-a jar nirregolaw?; fis-26 ta' April 2012 dwar irrie ami tad-Direttiva dwar il-Kontabilità u d-Direttiva dwar it-Trasparenza: ir-rekwi iti l- odda tar-rappurtar pajji pajji , u fis-27 ta' Marzu 2012 dwar it-titjib fil-kwalità tal-awditu madwar l-Unjoni Ewropea u fis-26 ta' Novembru 2012 dwar il-proposta ta' statut g al Fondazzjoni Ewropea)⁷⁸. Il-Kunitat g all-Affarijiet Legali u l-Kunitat g ad-Drittijiet tan-Nisa u l-Ugwaljanza bejn is-Sessi, responsabbli b'mod kon unt skont l-Artikolu 51 tar-Regoli ta' Pro edura tal-Parlament g all-proposta g al Direttiva dwar il-bilan bejn is-sessi fost diretturi mhux e ekuttivi ta' kumpaniji elenkti f'bor a, fl-20 ta' Marzu 2013 organizaw sessjoni ta' idma dwar il-bilan bejn is-sessi fbordijiet korporattivi u fil-mani ment superjuri filwaqt li fid-19 ta' unju 2014 fet u laqg a kon unta tal-kunitati tag hom g al skambju ta' fehmiet ma' Membri Parlamentari nazzjonalni.

Il-Kunitat g all-Affarijiet Legali organizza wkoll skambji ta' fehmiet mal-Kummissarju responsabbli, Michel Barnier u mal-President tal-Grupp ta' Livell G oli ta' Partijiet Interessati Indipendenti g all-Pi ijiet Amministrattivi, Edmund Stoiber.

⁷⁷ Komunikazzjoni tal-Kummissjoni lill-Parlament Ewropew, lill-Kunsill, lill-Kunitat Ekonomiku u So jali Ewropew u lill-Kunitat tar-Re juni. Pjan ta' Azzjoni: Id-dritt so jetarju Ewropew u l-governanza korporattiva - qafas legali modern g al azzjonisti aktar impenjati u kumpaniji sostenibbli. COM(2012)740.

⁷⁸ Ara l-Anness III.

Il-Kumitat g all-Affarijiet Legali adem mill-qrib mal-Kumitat g all-Affarijiet Ekonomi i u Monetarji skont il-pro edura ta' kooperazzjoni msa a fir-rigward ta' kwistjonijiet relatati mad-dritt so jetarju li jikkon ernaw b'mod spe ifiku s-servizzi finanzjarji, u ppre enta g add ta' opinjonijiet importanti.

Irid ji i enfasizzat li l-ma oranza vasta tal-attivitajiet le i lattivi tal-Kumitat fil-qasam tad-dritt so jetarju skont il-pro edura le i lattiva ordinarja ew konklu i b'su ess wara negozjati intensivi mal-Kunsill u mal-Kummissjoni, li wasslu g al qbil fl-ewwel qari.

3.3. Governanza korporattiva

Fil-qasam tal-governanza korporattiva, il-Kumitat adotta ew rapporti differenti fuq inizjattiva propria.

L-ewwel wie ed, dwar "*kwistjonijiet deontolo i i marbuta mal- estjoni tal-kumpaniji*"⁷⁹ (rapporteur: Klaus-Heiner Lehne) a l-apro li kwistjonijiet relatati mal- estjoni tal-kumpaniji je tie ji u kkunsidrati fid-dawl ta - amma tal-istabbiltà finanzjarja fil-kuntest tal-kri i. Dawn il-kwistjonijiet iridu ji u analizzati kontinwament sabiex jinstabu soluzzjonijiet li jippermettu lill-kumpaniji jiffa jaw l-isfidi attwali u jippromwovu t-tkabbir ekonomiku u aktar impjiegi fl-UE.

Ir-rapport enfasizza wkoll li l-estjoni tar-riskju trid ting ata l-attenzjoni dovuta fit-tfassil tal-politika tar-remunerazzjoni. Din g andha tkun mifhuma u applikata fil-livell tal-organizzazzjoni kollha kemm hi u titqies b ala wie ed mill-aktar elementi importanti ta' governanza tajba fil-kumpaniji kollha.

Ir-rapport stieden lill-Kummissjoni tressaq proposti le i lattivi fil-qasam tad-dritt so jetarju biex ji u indirizzati kwistjonijiet ta' governanza korporattiva u ti i gurata l-konsistenza fil-politika tar-remunerazzjoni g al kull tip ta' kumpanija.

Barra minn hekk, ir-ri oluzzjoni appellat g all-inkora iment biex aktar nisa ji u assenjati fkarigi mani erjali permezz ta' rakkomandazzjoni tal-Kummissjoni biex ti i introdotta sistema biex jimtlew karigi fkorpi de i jonali so jetarji, karigi fkorpi o ra u karigi b'mod eneralli.

Fl-a ar nett, ir-ri oluzzjoni stiednet lill-Kummissjoni tippromwovi l-u u ta' gwida tal-a jar prattika g all-kumpaniji mhux elenkati, li g andha tkun imfassla b'mod li tqis l-ispe ifi itajiet u d-differenzi ta' dawn il-kumpaniji.

It-tieni wie ed (rapporteur: Sebastian Valentin Bodu) imsejja "*Qafas ta' Governanza Korporattiva g all-kumpaniji Ewropej*"⁸⁰ kien it-twe iba g al e er izzju ta' konsultazzjoni mniedi mill-Kummissjoni f'April 2011⁸¹.

Fir-rigward tal-kamp ta' applikazzjoni tal-qafas ta' governanza korporattiva Ewropew, ir-ri oluzzjoni enfasizzat il- tie a ta' sett ba iku ta' mi uri ta' governanza korporattiva li japplika g all-kumpaniji elenkati kollha.

Rigward il-bordijiet tad-diretturi, ir-ri oluzzjoni rrikonoxxiet l-importanza li jkun fihom rappre entanza ta' sett ta' iliet u kompetenzi differenti. Il-Kummissjoni ntalbet ukoll t ejji data dwar id-diversità tas-sessi u l-mi uri li ttie du mill-kumpaniji u mill-Istati Membri. Jekk hemm b onn, ir-rappre entanza femminili fuq il-bordijiet g andha ti died g al 30 %

⁷⁹ Rapport A7-0135/2010 tal-Kumitat, Ri oluzzjoni tal-Parlament Ewropew tat-18 ta' Mejju 2010 dwar il-kwistjonijiet ta' etika professjonali marbuta mal- estjoni tal-intrapri i (2009/2177(INI))

⁸⁰ Rapport A7-0051/2012 tal-Kumitat; Ri oluzzjoni tal-Parlament Ewropew tad-29 ta' Marzu 2012 dwar Qafas ta' Governanza Korporattiva g all-kumpaniji Ewropej (2011/2181(INI))

⁸¹ (COM(2011) 164)

sal-2015 u g al 40 % sal-2020. Le i lazzjoni vinkolanti, b al kwoti, tista' tkun parti minn twe iba possibbli. Dwar il-mandati tad-diretturi u evalwazzjonijiet esterni, ir-ri oluzzjoni titkellem favur mi uri volontarji. Hija tappo ja wkoll id-divulgazzjoni tal-politiki tar-remunerazzjoni tal-kumpaniji u l-votazzjoni tal-azzjonisti fuq politiki b al dawn.

Fuq nota aktar eneralli rigward l-azzjonisti, ir-ri oluzzjoni tappo ja mi uri li jin entivaw l-investiment fit-tul u rie ami tal-le i lazzjoni rilevanti mill-Kummissjoni biex wie ed jara jekk il-le i lazzjoni attwali, b'mod mhux intenzjonal, t e i x il-perspettiva g al mien qasir. Ir-ri oluzzjoni hija kontra li erti gruppi ta' investituri fit-tul ikunu privile ati, i da tilqa' l-i vilupp ta' kodi i ta' intendenza fl-UE. Filwaqt li titkellem favur regoli dwar il-kunflitt ta' interess, ir-ri oluzzjoni titlob li l-istruttura tal-in entiv tit alla fidejn il-partijiet kontraenti kkon ernati (i.e. l-investituri istituzzjonali u l-amministraturi tal-assi tag hom). Il-Kummissjoni g andha tanalizza kif tista' tissa a il-parte ipazzjoni tal-azzjonisti. Barra minn hekk, il-Kummissjoni g andha tiddefinixxi b'mod ar il-kun ett ta' "azzjoni flimkien". Il-Kummissjoni ntalbet ukoll tirregola l-professjoni ta' konsulent delegat. G andu ji i gurat li l-kumpaniji li jo or u ishma nominattivi jkollhom a ess g all-identità tal-azzjonisti tag hom. Ir-Ri oluzzjoni tara l- tie a ta' inizjattiva dwar tran azzjonijiet ma' partijiet relatati. L-iskemi ta' sjeda mill-impiegati, madankollu, g andhom jit allew fidejn l-Istati Membri.

Fl-a ar nett, dwar l-apro regolatorju b ala tali, ir-ri oluzzjoni tikkonkludi b'mod ar favur il-prin ipju ta' "konformità jew spjegazzjoni", g odda aktar dinamika minn le i lazzjoni rigor a fir-rigward ta' kwistjonijiet ta' governanza korporattiva.

Il-Kummissjoni kompliet il- idma tag ha fil-qasam tal-governanza korporattiva bit-tressiq, fApril 2014, ta' *proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttiva 2007/36/KE rigward l-inkora iment ta' involviment fit-tul tal-azzjonisti u d-Direttiva 2013/34/UE rigward erti elementi tad-dikjarazzjoni dwar il-governanza korporattiva*⁸². Il-proposta ti i wara dak li abbre il-Kummissjoni fl-2012 fil-Pjan ta' Azzjoni tag ha dwar id-Dritt So jetarju⁸³ u l-komunikazzjoni tag ha tas-27 ta' Marzu 2014 dwar il-finanzjament fit-tul tal-ekonomija Ewropea⁸⁴, u fiha g add ta' mi uri mmirati lejn l-indirizzar tal-lakuni fil-governanza korporattiva relatati mal-kumpaniji elenkati u l-bordijiet, l-azzjonisti, l-intermedjarji u l-konsulenti delegati tag hom. Il-Kumitat g all-Affarijet Legali se jibda ja dem fuq l-emendi ta' dik il-proposta fit-tmien le i latura.

3.4. L-14-il direttiva dwar id-dritt so jetarju rigward it-trasferiment transkonfinali tas-sedi tal-kumpaniji

Fil-pre ent, l-impri i jistg u jittrasferixxu s-sede tag hom billi jxolju u jistabbilixxu entità uridika dida fl-Istat Membru ta' fejn ikunu sejrin jew billi jistabbilixxu entità uridika dida fl-Istat Membru l- did, imbag ad, permezz ta' fu joni, jg aqqdu - ew impri i minn na a g al o ra tal-konfini. Dawn il-pro eduri jinvolvu ostakli amministrattivi, spejje u konsegwenzi so jali filwaqt li ma joffru l-ebda ertezza tad-dritt.

Matul is-sitt le i latura, il-Kumitat g all-Affarijet Legali adotta rapport fuq inizjattiva le i lattiva skont l-Artikolu 192 tat-Trattat KE (issa l-Artikolu 225 tat-TFUE) (rapporteur: Klaus-Heiner Lehne) *dwar it-trasferiment transkonfinali tal-uffi ju re istrat ta'*

⁸² COM(2014)0213.

⁸³ Ara fuq.

⁸⁴ COM(2014)0168.

*kumpanija*⁸⁵. Fir-ri oluzzjoni tieg u, ibba ata fuq ir-rapport, il-Parlament stieden lill-Kummissjoni tressaq proposta le i lattiva g all-14-il Direttiva dwar id-Dritt So jetarju li tistabbilixxi mi uri g all-koordinament tal-le i lazzjoni tal-Istati Membri sabiex ji u ffa ilitati t-trasferimenti transkonfinali ta' kumpaniji ffurmati skont il-le i lazzjoni ta' Stat Membru fi dan il-Komunità.

Il-b onn ta' le i lazzjoni f'dan il-qasam jo ro ukoll mis-sentenzi tal-Qorti tal- ustizzja tas-16 ta' Di embru 2008 f'Cartesio⁸⁶ u tat-12 ta' Lulju 2012 f'VALE Épitési⁸⁷.

Fis-segwitu tag ha, adottat fis-17 ta' unju 2009, il-Kummissjoni wie bet li l- urisprudenza tal-Qorti tal- ustizzja di à kienet tippermetti - aqliq tal-kumpaniji, g alkemm limitat g al ka ijiet spe ifi i, u li l-le i lazzjoni e istenti tipprovdi qafas g all-mobilità, pere empju permezz tad-Direttiva dwar il-Fu Jonijiet Transkonfinali. Il-Kummissjoni iedet tg id li, peress li l-le i latura kienet waslet fi tmiemha, ikun aktar xieraq li tkun il-Kummissjoni li jmiss li tidde iedi dwar kif g andha tippro edi fuq din il-kwistjoni.

Il-Kumitat g all-Affarijiet Legali ass li t-twe iba tal-Kummissjoni ma kinitx sodisfa enti, peress li kienet tfisser li kumpanija tkun tista' titrasferixxi s-sede tag ha minn Stat Membru g al ie or skont ir-regoli tad-Dritt Privat Internazzjonal, li jvarjaw b'mod qawwi minn Stat Membru g al ie or u fl-a ar mill-a ar jistg u jimpedixxu dak it-trasferiment. Il-Kumitat ass li kien hemm b onn kbir ta' mi uri ta' armonizzazzjoni sabiex il-kumpaniji tal-UE jing ataw id-dritt tal-istabbiliment previst fit-TFUE u dde ieda li j ejji rapport fuq inizjattiva le i lattiva ie or.

Ir-rapport, dwar *l-14-il direttiva dwar il-li i tal-kumpaniji rigward it-trasferiment transkonfinali tas-sedi tal-kumpaniji*⁸⁸ (rapporteur: Evelyn Regner), ressaq rakkmandazzjonijiet lill-Kummissjoni rigward il- tie a u l-kontenut ta' direttiva dwar it-trasferiment transkonfinali tas-sedi tal-kumpaniji.

Ir-rakkmandazzjonijiet kienu jikkon ernaw il-kamp ta' applikazzjoni tad-direttiva, l-effetti ta' trasferiment transkonfinali, ir-regoli tat-trasparenza u tal-informazzjoni qabel id-de i joni tat-trasferiment, il-pro ess de i jonali (mill-azzjonisti), il-verifikasi tal-legalità tat-trasferiment, mi uri protettivi u d-drittijiet tal-impiegati, filwaqt li baqg u newtrali dwar il-partie ipazzjoni tal-impiegati u s-separazzjoni bejn l-uffi ju re istrat ta' kumpanija u s-sede amministrativa tieg u.

Peress li l-Kumitat g all-Affarijiet Legali, g al darb'o ra, ikkunsidra t-twe iba tal-Kummissjoni b ala mhux sodisfa enti, fis-sajf tal-2012 idde ieda li jie u mi uri interni ta' appo g all- idma tieg u f'dan il-qasam u talab lis-servizzi tieg u stess i ejju l-hekk imsej a Valutazzjoni tal-Valur Mi jud Ewropew g all-14-il Direttiva dwar id-Dritt So jetarju⁸⁹. Il-valutazzjoni mressqa quddiem il-Kumitat fi Frar 2013 fil-fatt appo jat il-po izzjoni tal-Parlament li l-14-il direttiva dwar id-dritt so jetarju hija me tie a, u identifikat fid-dettall il-benefi ji li direttiva b al din tista' ib mag ha g all-pro ess tat-trasferiment transkonfinali ta' sede ta' kumpanija f'termini ta' ertezza tad-dritt, arezza, trasparenza u

⁸⁵ Rapport A6-0040/2009 tal-Kumitat; Ri oluzzjoni tal-Parlament Ewropew tal-10 ta' Marzu 2009 b'rakkmandazzjonijiet lill-Kummissjoni dwar it-trasferiment transkonfinali tal-uffi ju re istrat ta' kumpanija (2008/2196(INI)).

⁸⁶ Kaw a C-210/06 *Cartesio* [2008] ECR I-9641.

⁸⁷ Kaw a C-378/10 *VALE Épitési* ECI:EU:C:2012:440.

⁸⁸ Rapport A7-0008/2012 tal-Kumitat; Ri oluzzjoni tal-Parlament Ewropew tat-2 ta' Frar 2012 b'rakkmandazzjonijiet lill-Kummissjoni dwar l-14-il direttiva dwar il-li i tal-kumpaniji rigward it-trasferiment transkonfinali tas-sedi tal-kumpaniji (2011/2046(INI))

⁸⁹ European Added Value Assessment (EAVA 3/2012): "Directive on the cross-border transfer of a company's registered office (14th Company Law Directive)", PE 494.460.

sempli ità. Interessanti li l-valutazzjoni ppruvat ukoll tikkwantifika dan il-Valur Mi jud Ewropew, billi tat indikazzjoni tal-ispejje asso jati mat-trasferiment tal-uffi ju re istrat li jistg u ji u evitati b'ri ultat tad-Direttiva proposta.

Fl-14 ta' Jannar 2013, u b'ala parti mill-mi uri m abbra fil-Pjan ta' Azzjoni dwar id-Dritt So jetarju, id-D Suq Intern u Servizzi tal-Kummissjoni Ewropea nieda konsultazzjoni pubblika, ming ajr ri ultati konklu ivi, dwar it-trasferiment transkonfinali tal-uffi ji re istrati tal-kumpaniji. Jista' jing ad kwa i b' ertezza li din il-kwistjoni te tie segwitu aktar mill-qrib jekk irid jintla aq xi tip ta' progress.

3.5. Attivitajiet le i lattivi fil-qasam tad-dritt so jetarju

L-interkonnessjoni tar-re istri kummer jali

Fil-kuntest tal- idma tieg u fuq id-dritt so jetarju, il-Kumitat g all-Affarijiet Legali kien fuq quddiem ukoll fil- idma tal-Parlament dwar l-interkonnessjoni tar-re istri kummer jali.

L-idea li ji i ffa ilitat l-a ess g all-informazzjoni uffi dwar il-kumpaniji mhijiex dida, u di à kienet wa da mill-miri tal-Ewwel Direttiva dwar id-Dritt So jetarju⁹⁰ (68/151/KEE) fl-1968; l-emenda tad-Direttiva fl-2003 sussegwentement introdu iet l-obbligu fuq l-Istati Membri kollha li jkollhom re istri kummer jali elettroni i mill-2007 'l quddiem. Fl-isfond tal-kri i finanzjarja, il-Kummissjoni, min abba l-importanza li jitjieb l-a ess g all-informazzjoni dwar il-kumpaniji biex titre a' lura l-fidu ja fis-swieg, fl-2009 nediet konsultazzjoni dwar l-interkonnessjoni tar-re istri kummer jali⁹¹. Dak i - mien, ir-re istri kienu joperaw fuq ba i re jonali jew nazzjonali u l-kooperazzjoni kienet volontarja.

Il-Parlament, wara rapport mill-Kumitat g all-Affarijiet Legali (rapporteur: Kurt Lechner), irea ixxa g al din il-Green Paper fir-ri oluzzjoni tieg u tas-7 ta' Settembru 2010⁹² li fiha kkonferma l-utilità tal-kooperazzjoni transkonfinali tar-re istri kummer jali. It-talbiet ewlenin imressqa mill-Parlament kienu li ti i gurata l-parti ipazzjoni tal-Istati Membri kollha, a ess fa li u kwalità g olja tad-data, u li l-interkonnessjoni ti i kkomplementata mill-introduzzjoni ta' punt ta' a ess uniku.

Il-proposta le i lattiva li l-Kummissjoni mbag ad ressjet fl-4 ta' Frar 2011 bil- sieb li tistabbilixxi netwerk elettroniku ta' re istri u sett minimu komuni ta' informazzjoni, inklu g all-ferg at u l-fu jonijiet transkonfinali, emendat tliet direttivi e istenti (id-Direttiva 2009/101/KE⁹³, id-Direttiva 89/666/KEE⁹⁴, u d-Direttiva 2005/56/KE⁹⁵), partikolarment billi g amlet dispo izzjonijiet g al atti delegati.

⁹⁰ L-Ewwel Direttiva 68/151/KEE tal-Kunsill tad-9 ta' Marzu 1968 dwar il-koordinazzjoni ta' salvagwardji li, g all-protezzjoni tal-interessi ta' membri u o rajn, huma me tie a mill-Istati Membri minn kumpaniji fis-sens tat-tieni paragrafu tal-Artikolu 58 tat-Trattat, bil-g an li tag mel dawn is-salvagwardji ekwivalenti f'kull parti tal-Komunità (U L 65, 14.3.1968, p. 8).

⁹¹ Green Paper tal-Kummissjoni tal-4 ta' Novembru 2009 dwar "L-interkonnessjoni tar-re istri kummer jali" (COM(2009)0614).

⁹² Rapport A7-0218/2010 tal-Kumitat g all-Affarijiet Legali, Ri oluzzjoni tal-Parlament Ewropew tas-7 ta' Settembru 2010 dwar l-interkonnessjoni tar-re istri kummer jali (P7_TA(2010)0298).

⁹³ Proposta tal-Kummissjoni tal-4 ta' Frar 2011 g al Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttivi 89/666/KEE, 2005/56/KE u 2009/101/KE fir-rigward tal-interkonnessjoni tar-re istri entrali, kummer jali u tal-kumpaniji (COM(2011)0079).

⁹⁴ Direttiva 2009/101/KE tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Settembru 2009 dwar il-koordinazzjoni ta' salvagwardji li, g all-protezzjoni tal-interessi ta' membri u o rajn, huma me tie a mill-Istati Membri minn kumpaniji fis-sens tat-tieni paragrafu tal-Artikolu 48 tat-Trattat, bil-g an li tag mel dawn is-salvagwardji ekwivalenti (U L 258, 1.10.2009, p. 11).

Il-proposta iet riveduta b'mod estensiv mill-Kunsill fl-2011, l-ewwel ta t il-Presidenza Unger a u mbag ad ta t il-Presidenza Pollakka, prin ipalment bl-introduzzjoni ta' atti ta' implimentazzjoni minflok l-atti delegati proposti mill-Kummissjoni.

Finalment intla aq ftehim fl-ewwel qari ta t il-Presidenza Dani a kmieni fl-2012 u dan ie kkonfermat mill-plenarja fl-14 ta' Frar 2012 (rapporteur: Kurt Lechner⁹⁵). Il-Parlament b'mod partikolari rnexxielu jikseb dispo izzjoni li tat lill-Kummissjoni s-setg a li, permezz ta' atti delegati, tadotta regoli dwar jekk tikkofinanzjax jew le l-Pjattaforma entrali Ewropea li twaqqfet dan l-a ar billi titlob las, u l-ammont tal-las mitluba ming and utenti individuali – xi a a li l-Parlament kien tal-fehma li ma kinitx regolata b'mod xieraq bl-atti ta' implimentazzjoni. Il-Parlament kiseb ukoll estensjoni tal-iskadenza biex issir o ezzjoni g al abbozzi ta' atti delegati, minn 2+2 g al 3+3 xhur fid-dawl tal-importanza partikolari tal-fatt li ji u imposti lasijiet g a - ittadini u l-tie a li abbozz ta' att delegat b'al dan ji i e aminat fid-dettall.

Peress li kemm l-iskadenza tat-traspo izzjoni tad-Direttiva nfisha kif ukoll dik tal-atti ta' implimentazzjoni rilevanti se ja btu fit-tmien le i latura, jista' jag ti l-ka li l-Kumitat g all-Affarijiet Legali jkun jixtieq janalizza l-applikazzjoni u l-funzjonament tas-sistema.

Kontabilità

a) Mikroentitajiet



Permezz tar-ri oluzzjoni tieg u tat-18 ta' Di embru 2008 dwar ir-rekwi iti tal-kontabilità fir-rigward tal-kumpaniji - g ar u ta' daqs medju, b'mod partikolari l-mikroentitajiet, il-Parlament kien stieden lill-Kummissjoni tressaq proposta le i lattiva li tippermetti lill-Istati Membri je entaw lill-mikroentitajiet mill-kamp ta' applikazzjoni tad-Direttiva 78/660/KEE (ir-Raba' Direttiva dwar id-Dritt So jetarju).

Il-Kummissjoni ar et bi proposta, b'ala parti mill-Programm Kontinwu ta' Simplifikazzjoni tal-Kummissjoni, li huwa priorità ewlenija tal-a enda g al Regolamentazzjoni A jar.

Il-proposta ppre entat bidla mmirata g ar-Raba' Direttiva dwar id-Dritt So jetarju. Il-proposta, b'mod partikolari, i id mad-Direttiva 78/660/KEE Artikolu 1a did li jipprevedi li "L-Istati Membri jistg u jipprovdu g al e enzjoni mill-obbligi skont din id-Direttiva g all-kumpaniji li fid-dati tal-karta tal-bilan tag hom ma jkunux je edu l-limiti ta' tnejn mit-tliet kriterji li ejjin: (a) total tal-karta tal-bilan : EUR 500 000; (b) fatturat nett: EUR 1 000 000; (c) l-g add medju ta' impjegati matul is-sena finanzjarja: 10."

Ir-rapport tal-Kumitat (rapporteur: Klaus-Heiner Lehne), li ie adottat mill-Plenarja fl-10 ta' Marzu 2010, mexa fuq il-proposti tal-Kummissjoni, filwaqt li fl-istess in insista fuq il-tie a li titqies is-sitwazzjoni fil-livell nazzjonali fir-rigward tal-g add ta' negozji koperti ta t il-valuri limitu stabbiliti f'dak l-Artikolu.

⁹⁵ Il-dax il-Direttiva tal-Kunsill 89/666/KEE tal-21 ta' Di embru 1989 dwar il-ti iet tal-i velar rigward il-frieg i miftu a fi Stat Membru minn erti tip i ta' kumpanniji irregolati bil-li ijiet ta' Stat ie or (U L 395, 30.12.1989, p. 36).

⁹⁶ Rapport A7-0022/2012 tal-Kumitat g all-Affarijiet Legali, Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-14 ta' Frar 2012 dwar il-proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttivi 89/666/KEE, 2005/56/KE u 2009/101/KE fir-rigward tal-interkonnessjoni tar-re istri entrali, kummer jali u tal-kumpaniji (P7_TA-PROV(2012)0033).

Il-Kunsill ma kienx tal-istess fehma, u adotta po izzjoni komuni li ntbag tet lill-Parlament.

Wara negozjati, intla aq ftehim fit-tieni qari. Il-mikroentitajiet (definiti b ala kumpaniji b'inqas minn 10 impjegati, fatturat ta' EUR 700 000 u/jew karta tal-bilan totali ta' mhux aktar minn EUR 350 000) issa jistg u j ejju karta tal-bilan u rapport tal-introjtu sempli i afna u prattikament ming ajr noti.

b) Simplifikazzjoni u rappurtar pajji pajji : id-Direttiva l- dida dwar il-Kontabilità

F'mument meta n-negojzjati rigward id-Direttiva dwar il-Mikroentitajiet ma kinux g adhom intemmu, il-Kummissjoni ressjet proposta g al Direttiva dida dwar il-Kontabilità⁹⁷. Kien hemm b onn simplifikazzjoni, peress li 30 sena ta' emendi su essivi g ad-direttivi dwar il-kontabilità kienu iedu afna rekwi iti odda, u g amlu r-regoli kumplessi afna.

Id-Direttiva l- dida dwar il-Kontabilità kkonsolidat u a ornat ir-regoli tal-UE dwar il-kontabilità g all-kumpaniji b'responsabbiltà limitata. Hija g aqqdet flimkien u adet post id-Direttiva 78/660/KEE (dwar il-kontijiet annwali individwali) u d-Direttiva 83/349/KEE (dwar il-kontijiet konsolidati) u inkorporat id-Direttiva dwar il-Mikroentitajiet (id-Direttiva 2012/6/UE).

Il-fajl (rapporteur: Klaus-Heiner Lehne) ie negojaxt b ala pakkett flimkien mal-emenda tad-Direttiva dwar it-Trasparenza (rapporteur: Arlene McCarthy)⁹⁸.

In-negojzjati adu fit-tul u kien hemm b onn seba' trilogi u ew presidenzi tal-Kunsill biex intla aq ftehim. Il-prin ipju li spejje amministrattivi bla b onn u sproporzjonati imposti fuq kumpaniji g ar jimminaw l-attività ekonomika u jfixklu t-tkabbir u l-impjiegi mhuwiex kontroversjali. Madankollu, meta jasal il-mument biex ji i stabbilit re im li j affef ir-rekwi iti g all-kumpaniji g ar u ta' daqs medju, id-definizzjoni ta' SME ssir fundamentali, spejalment f'Unjoni Ewropea ta' 28 Stat Membru b'sitwazzjonijiet ekonomi i u strutturi kummer jali differenti afna.

Il-Parlament u l-Kunsill finalment qablu li jiddefinixxu kumpanija g ira b ala kumpanija b'inqas minn 50 impjegat, fatturat ta' mhux aktar minn EUR 8 miljun u/jew total tal-karta tal-bilan ta' mhux aktar minn EUR 4 miljuni. L-Istati Membri nkella jistg u ju aw livelli limitu g all-fatturat u g at-total tal-karta tal-bilan sa massimu ta' EUR 12-il miljun u EUR 6 miljuni rispettivament.

Il-ftehim issimplifika t-t ejjija tal-kontijiet annwali u naqqas l-ammont ta' informazzjoni li l-kumpaniji - g ar huma mitluba jipprovdu fin-noti mal-kontijiet annwali. Skont id-Direttiva, il-kumpaniji - g ar huma mitluba j ejju biss karta tal-bilan , rapport tal-introjtu, u noti biex jissodisfaw ir-rekwi iti regolatorji. L-Istati Membri jistg u wkoll jippermettu lill-kumpaniji - g ar i ejju biss karti tal-bilan u rapporti tal-introjtu mqassra. Naturalment, kull kumpanija g ira jibqa' jkollha l-fakultà li tipprovdi aktar informazzjoni jew kontijiet fuq ba i volontarja. Mhux se jkun hemm obbligu mill-UE fuq il-kumpaniji - g ar biex jag mlu awditu. Jekk Stat Membru jag el li jimponi dan l-obbligu, id-Direttiva tag mel dispo izzjonijiet g al appro proporzjonat.

L-akbar novità tad-direttiva l- dida hija li timponi rekwi iti ta' divulgazzjoni tal-pagamenti mag mula lill-gvernijiet fir-rigward tal-industriji tal-estrazzjoni u tal-qtug tas-si ar, u b'hekk trendi lill-kumpaniji u lill-gvernijiet responsablli u t e i hom ju aw l-introjtu li jda lu g all-benefi ju ta - ittadini. Fis-26 ta' April 2012, il-Kumitat organizza seduta ta'

⁹⁷ Proposta tal-Kummissjoni tal-25 ta' Ottubru 2011 g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar ir-rapporti finanzjarji annwali, ir-rapporti finanzjarji konsolidati u r-rapporti relatati ta' erti tipi ta' impri i COM(2011)0684)

⁹⁸ Ara ta t.

smig bl-isem "*Review of the Accounting and Transparency Directives: the new country by country reporting requirements*" (Ir-rie ami tad-Direttiva dwar il-Kontabilità u d-Direttiva dwar it-Trasparenza: ir-rekwi iti l- odda tar-rappurtar pajji pajji), li tat l-opportunità lill-Membri jisim g u il-perspettiva tas-so jetà ivili u l-industrija. afna pajji i li qed ji viluppaw huma g onja fir-ri orsi naturali, i da din ir-rikkezza afna drabi tintu a a in jew tinsteraq mill-gvernijiet tag hom. Madankollu, dawn ir-rekwi iti l- odda ma ntlaqg ux tajjeb minn xi partijiet interessati, li kienu tal-fehma li dawn i idu l-pi ijiet amministrattivi fuq il-kumpaniji u jxekklu l-kompetittività tag hom.

Skont id-Direttiva dwar il-Kontabilità, impri i kbar li joperaw fl-industrija tal-estrazzjoni jew fil-qtug tas-si ar fforesti primarji issa g andhom l-obbligu li kull sena j ejju rapport separat, li fih jinkludu l-pagamenti materjali li g amlu lill-gvernijiet fil-pajji i li fiom joperaw, fuq ba i ta' pajji pajji u pro ett pro ett.

Kull pagament jew serje ta' pagamenti ta' EUR 100 000 jew aktar fi kwalunkwe sena finanzjarja mag mula lil gvern b'rabta ma' pro ett partikolari trid tidda al fir-rapport. It-terminu "pagament" huwa definit b'mod wiesa' u jinkludi drittijiet tal-produzzjoni, taxxi, royalties, dividendi u pagamenti g al titjib fl-infrastruttura. Id-Direttiva fiha klaw ola ta' revi joni li tipprevedi l-possibilità li r-rekwi iti tar-rappurtar ji u esti i g al setturi ekonomi i o ra u li ji i esti il-kamp ta' applikazzjoni tal-informazzjoni pprovduta.

c) ***Responsabbilità so jali korporattiva u r-rekwi iti l- odda ta' rappurtar mhux finanzjarju***

Permezz ta' teknika li mhijiex l-a jar wa da mill-perspettiva ta' le i lazzjoni a jar, il-Kummissjoni ressjet proposta dida li temenda d-direttivi dwar il-kontabilità li kienu t assru⁹⁹. Il-proposta introdu iet xi rekwi iti odda g al erti impri i rigward ir-rappurtar mhux finanzjarju u d-diversità bil- sieb li tissa a it-trasparenza tal-informazzjoni so jali u ambjentali mog tija mill-kumpaniji kkongerni.

Fl-istess sena, il-Kumitat adotta ri oluzzjoni dwar "*im iba kummer jali responsabili u trasparenti u tkabbir sostenibili growth*"¹⁰⁰ (rapporteur: Raffaele Baldassarre) b'segwitu g all-komunikazzjoni tal-Kummissjoni tal-25 ta' Ottubru 2011 dwar strate ija rinnovata tal-UE 2011-2014 g ar-Responsabbiltà So jali Korporattiva (RSK), li pproponiet definizzjoni dida: "ir-responsabbiltà tal-impri i g all-impatti tag hom fuq is-so jetà". Fir-ri oluzzjoni tieg u, il-Kumitat enfasizza l- tie a li jitfasslu mi uri regolatorji li jiffavorixxu l-promozzjoni tar-RSK.

In-negoziati fuq id-direttiva li temenda kienu diffi li, peress li l-po izzjonijiet tal-Parlament u tal-Kunsill kienu 'l bog od afna minn xulxin. Madankollu, finalment intla aq ftehim. Mill-2015 'il quddiem, l-entitajiet ta' interessi pubbliku li fid-data tal-karta tal-bilan tag hom jaqb u l-kriterju ta' g add medju ta' 500 impjegat matul is-sena finanzjarja jridu jinkludu fir-rapport amministrattiv tag hom (jew, jekk l-Istati Membri jippermettu dan, f'rapport separat) dikjarazzjoni mhux finanzjarja li jkun fiha bi ejed informazzjoni biex wie ed jifhem l-i vilupp, ir-rendiment u l-po izzjoni tal-impri a kif ukoll l-impatt tal-attività tag ha, b'rabta ma', tal-inqas, kwistjonijiet ambjentali, so jali u dawk relatati mal-impjegati, mar-rispett tad-drittijiet tal-bniedem u kwistjonijiet ta' tix im u kontra l-korruzzjoni.

⁹⁹ Proposta tal-Kummissjoni tas-16 ta' April 2013 g al Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttivi tal-Kunsill 78/660/KEE u 83/349/KEE fir-rigward tad-divulgazzjoni ta' informazzjoni mhux finanzjarja u dwar id-diversità minn ertu kumpaniji u grupper kbar COM(2013)0207

¹⁰⁰ Rapport A7-0017/2013 tal-Kumitat; Ri oluzzjoni tal-Parlament Ewropew tas-6 ta' Frar 2013 dwar ir-Responsabilità So jali Korporattiva: im iba kummer jali responsabili u trasparenti u tkabbir sostenibili (2012/2098(INI))

Dispo izzjoni ta' sfera ta' sikurezza tistipula li l-Istati Membri jistg u jippermettu li tit alla barra informazzjoni marbuta ma' viluppi imminenti jew ma' kwistjonijiet li jkunu qed ji u nnegozjati f'ka ijiet e ezzjonali fejn id-divulgazzjoni ta' tali informazzjoni tista' tippre udika serjament il-po izzjoni kummer jali tal-impri a, sakemm din l-omissjoni ma' tkunx qarrieqa. Id-de i joni tal-membri tal-korpi amministrattivi, mani erjali u supervi orji dwar l-omissjoni te tie tkun ra unata u l-membri ta' dawk il-korpi jkunu responsabbi g alihha b'mod kollettiv.

Id-direttiva li temenda tobbliga wkoll lil kumpaniji elenkti kbar biex jipprovdu informazzjoni dwar il-politika tad-diversità tag hom, inklu i aspetti relatati mal-età, il-eneru u l-isfond edukattiv u professionali.

Id-Direttiva dwar it-Trasparenza

Id-Direttiva fis-se dwar it-Trasparenza tirrikjedi li l-emittenti ta' titoli nnegozjati fi swieq regolati fl-UE ji guraw trasparenza xierqa permezz ta' fluss ta' informazzjoni regolari lis-swieg, b'mod partikolari billi jippubblikaw informazzjoni finanzjarja perjodika u informazzjoni kontinwa dwar ta' azjendi ma uri bi drittijiet tal-vot. B'segwitu g al rapport tal-2010 dwar l-operat tad-Direttiva dwar it-Trasparenza, il-Kummissjoni pproponiet, f'Ottubru 2011¹⁰¹, li tabolixxi r-rekwi it li dikjarazzjonijiet ta' mmani jar interim u/jew rapporti ta' kull tliet xhur g andhom ji u ppubblikati. Barra minn hekk, fir-rigward tan-notifika ta' azjendi ma uri, il-Kummissjoni pproponiet l-aggregazzjoni tal-parti ipazzjonijiet azzjonarji ma' parte ipazzjonijiet ta' strumenti finanzjarji g all-kalkolu tal-limiti tan-notifika, kif ukoll armonizzazzjoni akbar. B'mod parallel mal-proposti biex ji u emendati d-Direttivi dwar il-Kontabilità, il-proposta biex ti i riveduta d-Direttiva dwar it-Trasparenza inkludiet ukoll rekwi it ta' rappurtar g al kull pajji , ji ifieri obbligu did li kumpaniji kbar ta' estrazzjoni u ta' deforestazzjoni jirrapportaw l-pagamenti li jag mlu lill-gvernijiet. G aldaqstant, l-emendi tad-Direttiva dwar it-Trasparenza kellhom jikkumplementaw l-emendi proposti g ad-Direttivi dwar il-Kontabilità g all-inklu joni tal-kumpaniji kollha elenkti fis-swieg regolati tal-UE.



Kif imsemmi hawn fuq, il-proposta g all-emenda tad-Direttiva dwar it-Trasparenza (rapporteur: Arlene McCarthy) iet innegojata bala pakett mal-proposta g all-emenda tad-Direttivi dwar il-Kontabilità¹⁰² (rapporteur: Klaus-Heiner Lehne). Fir-rigward tad-Direttiva dwar it-Trasparenza, il-Kumitat g all-Affarijiet Legali kkoopera mill-qrib ukoll mal-Kumitat g all-Affarijiet Ekonomi i u Monetarji, li kien asso jat mal- idma skont l-Artikolu 50 tar-Regoli ta' Pro edura tal-Parlament.

Ir-rabta stretta fin-negozjati bejn d-Direttivi dwar il-Kontabilità u dwar it-Trasparenza kienet tfisser ukoll li ladarma jintla aq qbil dwar ir-rappurtar g al kull pajji , dan kien se ji i trasferit fid-Direttiva dwar it-Trasparenza permezz ta' referenza g ad-Direttiva dwar il-

¹⁰¹ Proposta tal-Kummissjoni tal-25 ta' Ottubru 2011 g al Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttiva 2004/109/KE dwar l-armonizzazzjoni tar-rekwi iti ta' trasparenza f'dak li g andu x'jaqsam ma' informazzjoni dwar emittenti li t-titoli tag hom huma ammessi g all-kummer f'suq regolat u d-Direttiva tal-Kummissjoni 2007/14/KE (COM (2011)0683).

¹⁰² Ara hawn fuq.

Kontabilità. Barra minn hekk, il-Parlament kiseb referenza fil-premessi tad-Direttiva dwar it-Trasparenza g al g add ta' prin ipji li jikkunsidra kru jali g all-finijiet ta' trasparenza u arsien tal-investitur, b al materjalità, rappurtar fuq ba i tal-gvern u g al kull pro ett, l-universalità u l-komprensività.

Fir-rigward tal-emendi g ar-rekwi iti tad-Direttiva fis-se dwar it-Trasparenza, il-ftehim li nbla aq fl-a ar mill-a ar ikkonferma l-proposta tal-Kummissjoni li jitne a r-rekwi it ta' rappurtar kull tliet xhur, madankollu bl-g a la li l-Istati Membri jintrodu u rekwi iti ta' rappurtar aktar stretti f' erti kundizzjonijiet. Barra minn hekk, g andu ji i stabbilit format wie ed ta' rappurtar elettroniku, wara li tkun saret anali i tal-ispejje imqabbla mal-benefi ji mwettqa mill-ESMA, u fuq il-ba i ta' abbozz ta' standards tekni i regolatorji m ejji minnu. Sabiex ji i ffa ilitat l-a ess g al informazzjoni regolata, g andu ji i stabbilit portal web li jservi b ala punt ta' a ess elettroniku Ewropew.

In-negozjati mal-Kunsill dwar is-sanzjonijiet kienu partikolarment diffi li, anke dawk dwar il-pubblikazzjoni tas-sanzjonijiet u l-kriterji mressqa mill-Kummissjoni biex ti i ddeterminata s-sanzjoni effettiva applikabbi. Eventwalment intla aq ftiehim li jipprevedi e enzjonijiet definiti b'mod ar g ad-dritt dwar il-pubblikazzjoni ta' sanzjonijiet kif ukoll kompromess dwar is-sanzjonijiet fil-prattika li ew de i i f'ka partikolari. Il-Parlament kiseb kjarifika li l-Istati Membri jistg u jipprevedu sanzjonijiet jew mi uri addizzjonal u g al livelli og la ta' sanzjonijiet amministrattivi pekunarji minn dawk previsti f'din id-direttiva. Madankollu, il-Kunsill seta' ja etta l-kompromess biss jekk il-kjarifika tkun idda let fil-premessi tad-Direttiva dwar it-Trasparenza li d-dispo izzjonijiet dwar is-sanzjonijiet ma jikkostitwixxu pre edent g al le i lazzjoni o ra tal-UE.

Il-Kumitat g all-Affarijiet Legali finalment irnexxielu jressaq i - ew fajls – l-emendi g ad-Direttiva dwar il-Kontabilità u d-Direttiva dwar it-Trasparenza – fl-istess sessjoni plenarja, u b'hekk ippreserva l-pakkett b'mod partikolari fid-dawl tar-rekwi iti ta' rappurtar g al kull pajji politikament sensittivi u importanti li huma rilevanti g a - ew direttivi.

Awditjar statutorju

L-awditjar g adda minn riforma kbira matul is-seba' le i lazzjoni.

Wara konsultazzjoni pubblika fit-tul¹⁰³ li g alihha l-Parlament irrea ixxa permezz tar-rapport fuq inizjattiva proprja bit-titolu "*Politika tal-Awditjar: lezzjonijiet mill-kri i*"¹⁰⁴ (rapporteur: Antonio Masip Hidalgo), il-Kummissjoni ressjet ew proposti le i lattivi estremament ambizzju i u kontroversjali bl-g an li ttejjeb il-kwalità tal-awditjar statutorju fl-UE u ter a' tin ieb il-fidu ja fid-dikjarazzjonijet finanzjarji awditjati. L-ewwel proposta emendat it-8 direttiva dwar id-dritt so jetarju dwar l-awditjar statutorju tal-kontijiet annwali u tal-kontijiet konsolidati (Direttiva 2006/43/KE)¹⁰⁵. It-tieni proposta kienet tirreferi g al regolament li jipprevedi rekwi iti spe ifi i dwar l-awditjar statutorju ta' entitajiet ta' interess pubbliku (PIEs): kumpaniji kbar elenkati, banek u assiguraturi¹⁰⁶.

¹⁰³ COM(2010)0561

¹⁰⁴ Rapport A7-0047/2011 tal-Kumitat; Ri oluzzjoni tal-Parlament Ewropew tat-13 ta' Settembru 2011 dwar il-politika ta' awditjar: lezzjonijiet mill-kri i (2011/2037(INI)

¹⁰⁵ Proposta tal-Kummissjoni tat-30 ta' Novembru 2011 g al Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttiva 2006/43/KE dwar l-awdit statutorji tal-kontijiet annwali u tal-kontijiet konsolidati COM(2011)0778.

¹⁰⁶ Proposta tal-Kummissjoni tat-30 ta' Novembru 2011 g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar rekwi iti spe ifi i rigward l-awditjar statutorju ta' entitajiet ta' interess pubbliku COM (2011)0779

Fis-27 ta' Marzu 2102 il-kumitat organizza seduta ta' smig dwar "It-titjib tal-kwalità tal-auditjar fl-Unjoni Ewropea", li tat il-Membri l-opportunità li jisimg u l-perspettiva taddiversi partijiet interessati: l-audituri, l-investituri, il-kontabilisti, il-kumpaniji u l-membri tal-kumitat ta' auditjar.

Ir-rapporteur (Sajjad Karim) ejja dokument ta' idma inizjali li fih e amina s-su etti "ja arqu" tal-proposti, waqt li ibed l-attenzjoni fuq xi kunsiderazzjonijiet o ra li, fl-opinjoni tieg u, kien aqquhom dikussjoni ulterjuri.

L-Unità g all-Valutazzjoni tal-Impatt tal-Parlament ejjet anali i fil-fond tal-punti b'sa ithom u dawk dg ajfa tal-valutazzjoni tal-impatt tal-Kummissjoni Ewropea li takkumpanja l-proposti tal-auditjar.

Id-dibattiti interni, kemm fil-Kunsill kif ukoll fil-Parlament, damu g addejin afna u spi aw adu s-sura ta' negozjati relativament rapidi i da intensivi afna li wasslu g al qbil fl-ewwel qari.

Il-ftehim jikkonsisti minn serje ta' regoli li g andhom japplikaw orizzontalment g all-auditjar kollu: rapporti ta' auditjar se jkunu aktar dettaljati u informativi; huma previsti rekwi iti aktar b'sa ithom g all-indipendenza, u se jindirizzaw sa ansitra l- ti iet organizzattivi ta' audituri statutorji u ditti tal-auditjar; il-projbizzjoni tal-u u tal-klawsoli restrittivi fkuntratti li jillimitaw l-g a la ta' kumpanija g al auditur; il-kompetenzi u s-setg at tal-audtoritajiet kompetenti responsabili g as-sorveljanza pubblika tal-professjoni tal-auditjar ew imsa a u re im ta' sanzjonar strett issa a permezz tal-armonizzazzjoni tat-tipi differenti u tad-destinatarji tas-sanzjonijiet. Barra minn hekk, il-Kummissjoni hija awtorizzata li tadotta Standards Internazzjonali tal-Auditjar (ISAs) fl-livell tal-UE.

Min abba l-importanza tal-PIEs, rekwi iti aktar stetti japplikaw g all-auditjar statutorju tag hom: iet introdotta rotazzjoni obbligatorja tal-audituri g al PIes, li matulhom tali kumpaniji jin tie u jippubblikaw l-offerta mill- did wara 10 snin u jbidlu l-auditur mill-inqas kull 20 sena. Auditjar kon unt huwa m e e . L-objettiv ta' dawn il-mi uri hu li jitnaqqas il-familjarità e essiva bejn l-audituri u l-klienti tag hom u g alhekk jissa a ix-xetti i mu professjonal.

Sabiex ji i evitat ir-riskju ta' awtorevi joni, diversi servizzi mhux tal-auditjar huma projbiti skont "lista sewda" stretta, inklu i limiti stetti dwar konsulenza fil-qasam tat-taxxi u dwar servizzi marbuta mal-istrate ija finanzjarja u ta' investiment tal-klient auditjat. Barra minn hekk, ie introdott limitu fuq il-forniment ta' servizzi mhux tal-auditjar.

Ir-rwl u l-kompetenzi tal-kumitat tal-auditjar issa ew, u b'hekk dan il-kumitat ng ata rwol prominenti dirett fil- atra tal-auditur statutorju jew tad-ditta tal-auditjar, kif ukoll fil-monitora tal-auditjar u hemm rekwi iti spe ifi i dwar il-kompo izzjoni tieg u. Rapport addizzjonali u aktar dettaljat lill-kumitat tal-auditjar huwa me tie issa, li jkun fih informazzjoni dettaljata dwar il-prestazzjoni tal-auditjar.

Insolvenza

Ir-Regolament (KE) Nru 1346/2000 tad-29 ta' Mejju 2000 dwar pro edimenti ta' insolvenza jistabbilixxi regoli komuni dwar il- urisdizzjoni, ir-rikonoxximent u l-li i applikabbi g al pro edimenti ta' insolvenza transkonfinali. Madankollu, is-sitwazzjoni pre enti turi li d-disparitajiet bejn il-li ijiet nazzjonali tal-insolvenza u r-ristrutturar jo olqu ostakli g arristrutturazzjoni ta' su ess ta' kumpanniji insolventi u jo olqu ambjent b'kundizzjonijiet inekwi g al kumpaniji b'attivitajiet u s-sjeda transkonfinali fl-UE.

Il-fattur prin ipali ta' konnessjoni u at fir-Regolament huwa "i - entru tal-interessi prin ipali" (COMI) tad-debitur insolventi. Minkejja diversi sentenzi li fihom il-Qorti tal-ustizzja arat id-definizzjoni ta' COMI, in-natura miftu a tag ha tat lok g al ammont konsiderevoli ta' "forum shopping" (g a la opportunistika tal-urisdizzjoni).

Fuq talba tal-Kumitat g all-Affarijiet Legali, studju minn INSOL Europe - l-asso jazzjoni Ewrpea tal-prattikanti ta' insolvenza- dwar "*l-Armonizzazzjoni tad-Dritt dwar l-Insolvenza fil-livell tal-UE*" ie kkummissjonat. L-istudju wera li hemm g add ta' oqsma fejn l- armonizzazzjoni kienet mixtieqa u setg et tinkiseb.

Fit-23 ta' Marzu 2011, il-Kumitat g all-Affarijiet Legali organizza sessjoni ta' idma dwar "*l-Armonizzazzjoni ta' pro eduri ta' insolvenza fil-livell tal-UE*" bil-g an li s-su ett ji i e aminat aktar fil-fond. Ir-ri ultati tas-sessjoni ta' idma e ew lill-Kumitat jipprovdi abbozz ta' inizjattiva le i lattiva bba at fuq l-Artikolu 225 tat-TFUE.

Ir-rapport, "*Pro edimenti ta' insolvenza fil-kuntest tad-Dritt tal-UE dwar il-Kumpaniji*" (rapporteur: Klaus-Heiner Lehne), stieden lill-Kummissjoni tippre enta proposti le i lattivi impernati fuq erba' oqsma ewlenin: (1) l-armonizzazzjoni ta' aspetti spe ifi i ta' insolvenza u d-dritt so jetarju, (2) sensiela ta' rakkmandazzjonijiet rigward ir-revi joni tar-Regolament dwar l-Insolvenza, b ad-definizzjoni ta' COMI u l-possibbiltà li ji i inklu fl-ambitu tieg u mhux biss il-falliment finanzjarju, i da wkoll l-a ustament tad-dejn u l-organizzazzjoni mill- did, (3) regoli dwar l-insolvenza ta' gruppi ta' kumpaniji u (4) il- olqien ta' Re istru tal-UE g al ka ijiet ta' insolvenza.

Il-Kummissjoni laqq et po ittivamente l-inizjattiva le i lattiva u ppre entat proposta biex temenda r-Regolament (KE) Nru 1346/2000. Il-proposta indirizzat g add ta' talbiet mill-Parlament, g alkemm mill-perspektiva tar-rapporteur setg et tkun aktar ambizzju a, spejalment fir-rigward tal-insolvenza ta' gruppi ta' kumpaniji.

Il-Parlament adotta l-po izzjoni tieg u fl-ewwel qari fil-5 ta' Frar 2014 u ttra mettiha lill-Kunsill.

In-negożjat tat-tieni qari se jsir waqt it-tmien le i latura.

Bilan bejn is-sessi fost id-diretturi mhux e ekuttivi tal-kumpaniji

Proposta le i lattiva importanti o ra fil-qasam kienet il-proposta tant mistennija g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar it-titjib tal-bilan tas-sessi fost id-diretturi mhux e ekuttivi ta' kumpaniji elenkati f'bor a¹⁰⁷ Fi dan il-Parlament Ewropew, il-Kumitat g all-Affarijiet Legali kien minn ta' quddiem rigward dan flimkien mal-Kumitat g ad-Drittijiet tan-Nisa u l-Ugwaljanza bejn is-Sessi (rapporteurs: Evelyn Regner u Rodi Kratsa-Tsagaropoulou). Il-Kummissjoni pproponiet mi uri mmirati lejn il-progress a elerat lejn il-bilan tas-sessi fost id-diretturi mhux e ekuttivi ta' kumpaniji elenkati. Il-proposta tapplika g al kumpaniji elenkati, esku i l-SMEs. Hija tesi i li l-Istati Membri ji guraw li kumpaniji elenkati li fil-bordijiet tag hom il-membri tas-sess sottorappre entat g andhom anqas minn erbg in fil-mija tal-karigi ta' direttur mhux e ekuttiv, jag mlu l- atra ta' dawn il-karigi fuq il-ba i ta' anali i komparattiva tal-kwalifikasi ta' kull kandidat, billi japplikaw kriterji prestabbiliti, sabiex jintla aq dak il-per entwal sa mhux aktar tard mill-1 ta' Jannar 2020 jew l-1 ta' Jannar 2018 fil-ka ta' kumpaniji elenkati li huma impri i pubbli i.

¹⁰⁷ COM(2012)0614

Bala ba i g al-laqq a kon unta miftu a g ar-rappre entanti tal-parlamenti nazzjonali f' unju tal-2013¹⁰⁸, ir-rapporteurs ipprovadew dokument ta' idma¹⁰⁹ li fih laqg u po ittivament b'mod eneralli l-proposta u taw bidu g al diskussjonijiet dwar xi kwistjonijiet spe ifi i, b'all-ambitu u n-natura vinkolanti tad-direttiva u sanzjonijiet effika i. Fir-rigward tal-ba i uridika tal-proposta – il-Kummissjoni kienet ressjet l-Artikolu 157(3) tat-TFUE – il-Kumitat g all-Affarijiet Legali dde ieda li jikkunsidra fuq inizjattiva propria x-xerqien ta' din il-ba i uridika, peress li saru g add ta' mistoqsijiet b'mod partikolari mill-Istati Membri. Il-kriti i kienu esprimew il-fehma li l-proposta g andha tkun ibba ata fuq l-Artikolu 19 tat-TUE (li jimplika unanimità fil-Kunsill u approvazzjoni mill-Parlament). Wara kunsiderazzjoni bir-reqqa, il-Kumitat ikkonferma fil-laqg a tieg u tal-20 ta' unju 2013 (bi 11-il vot favur, 6 kontra u 4 astensjonijiet) il-ba i uridika proposta mill-Kummissjoni. Huwa kkunsidra li l-proposta tikkwalifika b'ala "mi uri biex ti i gurata l-applikazzjoni tal-prin ipju ta' opportunitajiet indaqs u trattament ugwali tal-ir iel u n-nisa fi kwistjonijiet ta' impjieg u xog ol" fi dan it-tifsira tal-Artikolu 157(3) tat-TFUE. ie arat ukoll li l-element tad-dritt so jetarju li qanqal il-kompetenza tal-kumitat ma pprovokax il-tie a li jsir rikors g al ba i uridika tad-dritt so jetarju min abba li l-proposta ma tressaq l-ebda proposta g all-amonizzazzjoni tad-dritt so jetarju, i da tfasslet biex ti i applikata fid-dritt so jetarju tal-Istati Membri u irrispettivamente mis-sistemi nazzjonali spe ifi i. L-opinjoni dwar ba i uridika wara kollox ikkonfermat il-pro edura le i lattiva ordinarja u r-rwol tal-Parlament b'ala kole i latur fil-fajl.

Fl-abbozz ta' rapport tag hom, i - ew rapporteurs pproponew g add ta' bidliet g at-test, prin ipalment bil-sieb li tissa a u ti i arata l-proposta tal-Kummissjoni, b'mod partikolari fir-rigward tan-natura tal-mi ura proposta b'ala l-obbligu g al sforzi massimi kif ukoll l-element "ikkonforma u spjega". Huma wrew li kienu favur l-estensjoni tal-kamp ta' applikazzjoni g all-inklu joni tal-kumpaniji elenkti kollha inklu i l-SMEs, l-inklu joni ta' setturi ddominati minn sess wie ed (fejn il-Kummissjoni kienet issu eriet l-appro aktar prudenti li jippermetti l-esklu joni ta' setturi fejn il-membri tas-sess sottorappre entat huma anqas minn 10% tal-addiema). Huma pproponew ukoll li flimkien mas-sanzjonijiet possibbli g andu jkun hemm esklu joni minn sej iet pubbli i g al offerti. Il-fatt li l-Kumitat g all-Affarijiet Legali u l-Kumitat g ad-Drittijiet tan-Nisa b'ala kumitati minn ta' quddiem ikkunsidraw b'kollox 318-il emenda ppre entati (li minnhom 20 emenda biss tressqu fl-abbozz ta' rapport) u l-opinjonijiet ta' tliet kumitati o ra (IMCO, EMPL u ECON) juru li l-proposta kkaw at riverberazzjoni mifruxa afna, i da mhux uniformi wkoll fi adn il-Parlament.

Min abba li n-negozjati fil-Kunsill kienu diffi li u b'ritmu bil-mod, b'g add ta' delegazzjonijiet appo aw l-appro tal-Kummissjoni filwaqt li o rajn ippreferew soluzzjoni volontarja u xi delegazzjonijiet sostnew li kien hemm ksur tal-prin ipji ta' sussidjarjetà u



Evelyn Regner, S&D, AT, Vi i President tal-Kumitat u korapporteur dwar il-bilan bejn is-sessi fost id-diretturi mhux e ekuttivi

¹⁰⁸ Ara hawn fuq.

¹⁰⁹ Dokument ta' idma tat-3 ta' unju 2013 dwar il-proposta dwar Direttiva tal-PE u tal-Kunsill dwar it-titjib tal-bilan tas-sessi fost diretturi mhux e ekuttivi ta' kumpaniji elenkti fil-boro u mi uri relatati, il-Kumitat g all-Affarijiet Legali u l-Kumitat g ad-Drittijiet tan-Nisa u l-Ugwaljanza bejn is-Sessi, Rapporteurs: Evelyn Regner, Rodi Kratsa-Tsagaropoulou (FdR 938160, PE 513.108).

proporzjonalità, il-Parlament finalment idde ieda li jag laq l-ewwel qari ming ajr qbil. Il-po izzjoni tieg u fl-ewwel qari kif adottata mill-plenarja fl-20 ta' Novembru 2013¹¹⁰ tikkonferma u tikkjarifika l-linji eneralli ta' appro tal-Kummissjoni (ji ifieri l-introduzzjoni ta' rekwi it pro edurali aktar milli kwota kwantitattiva fissa). Fir-rigward tal-kamp ta' applikazzjoni tad-direttiva, l-SMEs jibqg u esklu i, i da l-Istati Membri huma mistiedna jistabbilixxu politiki li jappo awhom u jin entivawhom b'mod sinifikanti biex il-bilan tas-sessi jittejjeb fil-livelli kollha ta' mmani jar u fil-bordijiet tal-kumpaniji. Inkomplu fuq is-su ett tal-kamp ta' applikazzjoni, il-plenarja approvat il-proposta mi - ew rapporteurs sabiex tit assar il-possibbiltà li l-Istati Membri jkunu e entati mid-Direttiva f'ka li l-membri tas-sess sotorappre entat jirrappre entaw anqas minn 10 % tal-forza tax-xog ol. Id-dispo izzjoni dwar is-sanzjonijiet issa et bil-proposta g al sanzjonijiet obbligatorji aktar milli indikattivi kif propost mill-Kummissjoni, u billi ti i mi juda l-esklu joni mill-akkwist pubbliku u l-esklu joni parzjali mill-g oti ta' finanzjament mill-fondi strutturali Ewropej.

L-a ar darba li l-Kunsill a nota tal-progress li sar s'issa kien propriu fl-a ar tal-Presidenza Litwana¹¹¹, fejn stqarr li "kien sar xog ol sostanziali, i da jint ie aktar xog ol u riflessjoni politika qabel ma jintla aq kompromess"; diskussionijiet fil-livell tal-Kunsill issa se ji u segwiti fit-tmien le i latura. Il-previ joni tal-possibbiltà ta' ftehim (bikri) fit-tieni qari tiddependi wisq mill-progress li sar fil-Kunsill kif ukoll fuq il-po izzjonijiet li jittie du eventwalment.

3.6. Attivitajiet le i lattivi fil-qasam tad-dritt so jetarju

Rie ami tal-applikazzjoni tad-Direttiva 2004/25/KE fuq offerti ta' xiri

Il-Kumitat vvaluta r-rapport tal-Kummissjoni dwar ir-rie ami tag ha tal-applikazzjoni tad-Direttiva 2004/25/KE fuq offerti ta' xiri; u rrea ixxa g alih permezz ta' rapport fuq inizjattiva proprija dwar *l-applikazzjoni tad-Direttiva 2004/25/KE fuq offerti ta' xiri*¹¹² (rapporteur: Klaus-Heiner Lehne).

Ir-rapport ikkonkluda li min abba t-naqqis konsiderevoli fl-attività ta' xiri b ala ri ultat tal-kri i finanzjarja, kwalunkwe valutazzjoni dwar jekk u sa liema punt mi uri ulterjuri ta' armonizzazzjoni g andhom ji u introdotti fir-rigward ta' offerti ta' xiri se ti i mxekkla, u l-Kumitat talab lill-Kummissjoni tkompli tissorvelja mill-qrib l-i viluppi fis-suq tax-xiri u tipprepara valutazzjoni dida dwar l-applikazzjoni tad-Direttiva meta l-attivitajiet ta' xiri jkun re g u lura g al volum aktar regolari.

Forom ta' dritt so jetarju Ewropew

B ala parti mill-kompetenza tieg u g ad-dritt so jetarju, il-kumitat kien promotur attiv afna ta' forom ta' dritt so jetarju Ewropew.

Pere empju, ikkontribwixa g all- idma g addejja dwar statut g al *Fondazzjoni Ewropea*. Sabiex il-proposta tal-Kummissjoni g al Statut g al Fondazzjoni Ewropea¹¹³, immirata biex

¹¹⁰ Report strutturali Ewropew mill-Kumitat g all-Affarijet Legali u l-Kumitat g ad-Drittijiet tan-Nisa u l-Ugwaljanza bejn is-Sessi A7-340/2013, ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-20 ta' Novembru 2013 dwar il-proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar it-titjib tal-bilan bejn is-sessi fost diretturi mhux e ekuttivi ta' kumpaniji elenkti f'bor a u mi uri relatati (P7_TA(2013)0488).

¹¹¹ Dokument tal-Kunsill 16437/13 tat-22 ta' Novembru 2013.

¹¹² Rapport tal-Kumitat A7-0008/2013; Ri oluzzjoni tal-Parlament Ewropew tal-21 ta' Mejju 2013 dwar l-applikazzjoni tad-Direttiva 2005/25/KE fuq offerti ta' xiri (2012/2262(INI))

¹¹³ COM(2012)0035.

to loq forma uridika unika Ewropea g al fondazzjonijet g all-benefi ju tal-pubbliku li jkunu fundamentalment l-istess fl-Istati Membri kollha u jkunu je istu b'mod parallel ma' fondazzjonijiet lokali, l-unanimità hija me tie a fil-Kunsill skont il-ba i uridika rilevanti, l-Artikolu 352 tat-TFUE, u l-approvazzjoni tal-Parlament se tkun me tie a wkoll. Il-proposta tinkludi wkoll dispo izzjonijiet dwar l-applikazzjoni ta' trattament fiskali uguali awtomatiku tal-Fondazzjonijiet Ewropej. Sabiex ikollu l-akbar impatt possibbli fuq in-negozjati fil-Kunsill, il-Kumitat g all-Affarijiet Legali dde ieda li jag mel u u mill-possibbiltà, skont l-Artikolu 81(3) tar-Regoli ta' Pro edura tal-Parlament, li jfassal rapport interim (rapporteur: Evelyn Regner) li jistabbilixxi l-punti ewlenin xtaq jara fit-test finali tal-Kunsill sabiex ikun jista' jag ti l-approvazzjoni tieg u. Fir-ri oluzzjoni adottata mill-plenarja fit-2 ta' Lulju 2013¹¹⁴, il-Parlament laqa' l-proposta tal-Kummissjoni "b ala pass ma uri biex il-fondazzjonijet ikunu jistg u jappo aw aktar fa ilment skopijiet ta' benefi ju pubbliku fl-UE kollha" u e e lill-Kunsill jag mel progress rapidu fir-rigward ta' dan il-fajl. Fid-dettall, il-Parlament ikkunsidra li erta terminolo ija u erti definizzjonijiet fil-proposta tal-Kummissjoni jin tie u kjarifika u li xi punti addizzjonali u adattamenti g all-proposta tal-Kummissjoni jidhru me tie a sabiex tissa a l-affidabbiltà u l-kredibbiltà ta' Fondazzjoni Ewropea. Il-arsien tal-kredituri u l-impiegati u r-rappre entanza tag hom tqiesu importanti wkoll. Min abba li l-proposta tal-Kummissjoni biex ti i applikata trattament fiskali awtomatiku uguali g al Fondazzjonijiet Ewropej fl-Ewropa kollha iltaqq et ma' riluttanza fost l-Istati Membri, il-Parlament ikkunsidra li xenarji alternativi possibbli ma g andhomx jitwarrbu, u ppropona li l-proposta g andha ti i limitata g al sempli i strument tad-dritt ivili, filwaqt li jissa ew g add ta' elementi ewlenin tal-kun ett tal-benefi ju pubbliku sabiex ji i ffa ilitat ir-rikonoximent ta' ekwivalenza fl-Istati Membri. Flimkien ma' dawn il-kunsiderazzjonijiet eneralli, il-Parlament ressaq g add ta' su erimenti konkreti kif tista' ti i emendata l-proposta tal-Kummissjoni.

Wara li COREPER qabel, f'Novembru 2013, li d-dispo izzjonijiet fiskali g andhom jitne ew mill-proposta, negozjati fil-Kunsill g adhom g addejjin. Fir-rigward tal-Parlament, il-pass pro edurali li jmiss issa se jkun li titfittex l-approvazzjoni tieg u ladarba l-unanimità me tie a tkun inkisbet fil-Kunsill.

Fir-rigward ta' forom ta' dritt so jetarju Ewropew, il-Kumitat g all-Affarijiet Legali g amel aktar u u mid-dritt tal-Parlament li jitlob proposta le i lattiva (Artikolu 225 tat-TFUE) sabiex il-Kummissjoni tintalab tippre enta statut g al impri a mutwa Ewropea (rapporteur: Luigi Berlinguer). Minn mindu iet irtirata l-ewwel proposta tal-Kummissjoni g al regolament dwar din il-kwistjoni (1991/0390 (COD)), il-Parlament kien e e ripetutament lill-Kummissjoni Ewropea biex tressaq proposta dida. Fl-isfond ta' g add ta' komunikazzjonijiet mill-Kummissjoni¹¹⁵ li ttrattaw l-kaw a tal-impri i mutwi, il-Kumitat g all-Affarijiet Legali issa impenja ru u li jtengi l-appell tieg u favur proposta le i lattiva u biex jirrakkomanda l-karatteristi i ba i i ta' tali le i lazzjoni. F'dan il-kuntest, il-Kumitat jista' jie u minn studju komprensiv ikkummissjonat mill-Kumitat EMPL (li issa pparte ipa b ala kumitat asso jat fil-idma). Ir-ri oluzzjoni adottata mill-plenarja fl-

¹¹⁴ Ir-ri oluzzjoni tal-Parlament Ewropew tat-2 ta' Lulju 2013 dwar il-proposta g al regolament tal-Kunsill dwar l-Istatut g al Fondazzjoni Ewropea (FE) (A7-0223/2013; P7_TA(2013)0293).

¹¹⁵ Komunikazzjoni mill-Kummissjoni tat-13 ta' April 2011 bl-isem "L-Att dwar is-Suq Uniku – Tnax-il xprun sabiex ji i stimulat it-tkabbir u r-rinfurzar tal-fidu ja: Na dmu flimkien g al tkabbir did" (COM(2011)0206), p.15; Komunikazzjoni mill-Kummissjoni tal-25 ta' Ottubru 2011 bl-isem "Inizjattiva g an-Negozju So jali – Il-olqien ta' klima favorevoli g all-intrapri i so jali, il-partijiet interessati ewlenin fl-ekonomija so jali u l-innovazzjoni" (COM (2011)0682), p. 10.

14 ta' Marzu 2013¹¹⁶, filwaqt li tirrikonoxxi d-diversità tas-settur fl-Ewropa, tenfasizza l-importanza ta' impri i mutwi g all-ekonomija so jali u l-vanta i tal-u u transkonfinali ta' din il-forma spe ifika ta' impri a. Il-Parlament fakkli kien talab, f'diversi okka jonijiet, g al statut g al impri a mutwa Ewropea, u talab lill-Kummissjoni biex tippre enta fil-pront "fuq il-ba i tal-Artikolu 352 jew, eventwalment, l-Artikolu 114 tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea, proposta wa da jew aktar li jippermettu liill-impri i mutwi ja ixxu fuq skala Ewropea u transkonfinali". L-inizjattiva tal-Parlament ikkoin idiet mal- idma li g addejja tal-Kummissjoni f'dan il-qasam: studju ppubblikat f'Ottubru 2012 kien wassal g all-konklu joni li l-adozzjoni ta' statut ma jikkostitwixx l-unika soluzzjoni g all-problema tal-impri i mutwi, i da identifika problemi o ra b al restrizzjonijiet nazzjonali, in-nuqqas ta' le i lazzjoni rilevanti f'xi Stati Membri, kif ukoll in-nuqqas ta' g arfien. Fuq il-ba i tar-ri ultati ta' konsultazzjoni pubblika li saret fir-rebbieg a 2013, il-Kummissjoni kompliet il- idma preparatorja interna tag ha bil- sieb li tippre enta proposta. G alhekk wie ed jista' ertament jiddu i li r-rapport ta' inizjattiva le i lattiva tal-Parlament e e il- idma tal-Kummissjoni f'dan il-qasam.

Fir-rigward tal-Kumpannija Privata Ewropea, il-Kummissjoni abbret, fl-e er izzju REFIT tag ha lejn tmiem l-2013,¹¹⁷ li hija kienet se tirtira l-proposta tag ha. Minkejja l-appo qawwi mill-Parlament u kif ukoll mill-komunità tan-negozi, ma kienx possibbli li jinkiseb l-appo unanimu me tie fil-Kunsill. Il-Kummissjoni sussegwentement ippre entat f'April 2014 *proposta g al direttiva dwar kumpaniji privati ta' responsabilità limitata b'membru uniku*¹¹⁸. L-intenzjoni hi li ji u indirizzati l-istess problemi li kienu fil-mira tal-proposta g al statut tal-Kumpannija Privata Ewropea, b'mod partikolari d-diffikultajiet (pi amministrattiv, spejje) g all-SMEs biex joperaw barra minn pajji hom u biex jistabbilixxu sussidjarji. Peress li l-proposta iet ippre entata wara l-a ar laqg a fis-seba' le i latura, il-Kumitat g all-Affarijiet Legali se jkollu jibda l- idma tieg u fuq dan il-fajl fit-terminu li jmiss.

4. Dritt ta' proprjetà intellettwali

Kif qal Michel Barnier, il-Kummissarju Ewropew g as-Suq Intern u s-Servizzi, "il-proprjetà intellettwali hija s-sinsla ta' ekonomija Ewropea kompetittiva, g aliex to loq l-impjegi u ib prodotti u servizzi innovattivi lill-konsumaturi u l-kumpaniji". Hij a tippermetti lill-inventuri, il-kompo ituri u l-artisti u d-disinjaturi ji u ppremjati g all-isforzi tag hom u tag tihom in entiv g all-innovazzjoni u l- olqien. Madankollu, is-so jetà tal-informazzjoni, bil-fa ilitajiet kollha disponibili bis-sa a tal-Internet, ikkomplikat is-sitwazzjoni u velat distakki u nuqqasijiet fis-sistema e istenti tal-protezzjoni tal-proprjetà intellettwali, filwaqt li esponiet id-dilemmi li taffa a s-so jetà meta tittratta ma' dinja li fiha, il-pass daqstant img a el tat-teknolo ija jhedded kwalunkwe le i lazzjoni dida b'antikwità qabel ma din tkun tista' tidda al file i lazzjoni. Il-proprjetà intellettwali hija kkaratterizzata wkoll minn e er izzju ta' ekwilibriju delikat bejn l-g oti ta' monopolju virtuali lid-detentur enwin u l- ti ijiet tassejja jetà in eneralli.



¹¹⁶ Rapport A7-0018/2013 tal-Kumitat g all-Affarijiet Legali, ri oluzzjoni tal-Parlament Ewropew tal-14 ta' Marzu 2013 b'rakkomandazzjoni lill-Kummissjoni dwar l-Istatut g al impri a mutwa Ewropea (P7_TA-PROV(2013)0094).

¹¹⁷ Il-Komunikazzjoni tal-Kummissjoni tat-2 ta' Ottubru 2013 dwar "l-Idoneità u l-Prestazzjoni tar-Regolamentazzjoni" (REFIT): Ir-Ri ultati u l-Passi li Jmiss (COM(2013)0685).

¹¹⁸ Il-proposta tal-Kummissjoni tad-9 ta' April 2014 g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar kumpaniji b'responsabbiltà limitata b'membru uniku (COM(2014)0212).

It-Trattat ta' Lisbona introdu a ba i uridika spe ifika g al drittijiet IP, ji ifieri l-Artikolu 118 tat-TFUE. Jitqies li jista' jservi fil-futur b ala ba i uridika g all- olqien ta' titoli Ewropej o ra tal-proprjetà intellettwali, b al titolu uniformi tad-drittijiet tal-awtur, g all-UE. Il-ba i uridika l-aktar komuni g all-atti le i lattivi dwar drittijiet tal-IP huwa madankollu l-Artikolu 114 tat-TFUE, li huwa l-ba i uridika enerale g all-approssimazzjoni tal-li ijiet g all-istabbiliment u l-funzjonament tas-suq intern, i da ba ijiet uridi i o ra, b al dawk dwar il-libertà ta' stabbiliment u l-libertà li tipprovdi servizzi, jintu aw ukoll.

Fis-seba' le i latura, il-Kummissjoni kienet attiva afna fit-tressiq ta' proposti odda f'dan il-qasam. Il-Kumitat ittratta proposti le i lattivi dwar: (i) il-proprjetà industrijali, notevolment trademarks u privattivi, (ii) id-drittijiet tal-awtur, u (iii) il-mi uri mmirati lejn l-infurzar tad-drittijiet tal-proprjetà intellettwali.

Il-Kumitat g all-Affarijiet Legali organizza diversi seduti ta' smig pubbli i (e . fl-10 ta' Novembru 2009 bit-titolu: :"L-indirizzar ta' xog lijiet orfni u titjib fl-a ess g al persuni li jbatu mill-vi ta"; fit-23 ta' Marzu 2010 bit-titolu: "Di itizzazzjoni ta' kotba u drittijiet tal-awtur: wie ed iwarrab lil ie or?" organizzata b'mod kon unt mal-Kumitat g all-Kultura u l-Edukazzjoni; fl-11 ta' Ottubru 2011 bit-titolu: "Dwar il-limitu tal- arsien tal-privattiva unitarja fl-Ewropa"; fit-18 ta' Marzu 2013 bit-titolu: "L-immani jar kollettiv tad-drittijiet tal-awtur u drittijiet relatati: lejn soluzzjoni vijabbbi"; fit-8 ta' Lulju 2013 bit-titolu: "Il-pakkett tat-Trade Marks"; fid-9 ta' Lulju 2013 bit-titolu: "Aspetti Legali ta' software b'sors miftu u ming ajr las"; fis-17 ta' Settembru 2013 bit-titolu: "Imposti g all-ikkopjar privat" u fil-5 ta' Novembru 2013 bit-titolu: "L-implimentazzjoni tal-pakkett tal-privattiva unitarju: is-sitwazzjoni attwali").

Il-Kumitat g all-Affarijiet Legali organizza wkoll skambji ta' fehmiet mal-Kummissarju responsabbbli, Michel Barnier, mal-Kummissarju pre edenti António Vitorino, li ppre enta rrakkomandazzjonijiet tieg u li jirri ultaw mill-medjazzjoni dwar imposti g all-ikkopjar privat u reprografija, u mal-President tal-Uffi ju g all-Armonizzazzjoni fis-Suq Intern (UASI), António Campinos.

Fir-rigward tad-drittijet tal-awtur, ta' min isemmi l-grupp ta' idma dwar id-drittijiet tal-awtur li di à twaqqaf matul is-6 le i latura, i da baqa' g addej bl-attivitajiet tieg u ta t is-seba' le i latura flimkien ma' Membri odda.

4.1. Proprjetà industrijali

Privattivi

Privattiva hija titolu uridiku li jista' jing ata g al kwalunkwe invenzjoni li jkollha karattru tekniku sakemm din tkun dida, tinvolvi pass inventiv u tippermetti applikazzjoni industrijali. Privattiva tag ti d-dritt lill-proprjetarju li ma jippermettix lil addie or jipprodu i, jimmanifattura jew ibig l-invenzjoni tieg u ming ajr il-permess tieg u.

Illum il-urnata, dawn l-invenzionijiet jistg u ji u protetti fl-Ewropa jew permezz ta' privattivi nazzjonali, li ma ru a mill-awtoritajiet nazzjonali kompetenti jew minn privattivi Ewropej ma ru a entralment mill-Uffi ju Ewropew tal-Privattivi (EPO). Dawn il-privattivi huma rregolati mill-Konvenzjoni Ewropea tal-Privattivi (EPC) tal-1973, ftehim intergovernattiv bejn 38 stat Ewropew, fosthom it-28 Stat Membru tal-UE i da mhux l-UE nnifisha. Il-Konvenzjoni Ewropea tal-Privattivi stabbilit pro edura entralizzata g all-g ot i ta' privattiva Ewropea li ta dem fuq il-ba i ta' applikazzjoni g al privattiva unika ppro essati f'wa da mit-tliet lingwi uffi jali, l-Ingli , il-Fran i jew il- ermani , tal-EPO li hija organizzazzjoni mhux tal-UE. Madankollu, privattiva ma ru a mill-EPO g andha tkun

konvalidata fil-pajji i kollha fejn il-protezzjoni hija awspikabbi. Il-pro edura ta' konvalida tinvolvi spejje kbar, spe jalment g al servizzi ta' traduzzjoni, u tag mel il-protezzjoni tal-privattiva fl-UE tlettax-il darba aktar g ali milli fl-Istati Uniti.

Mis-snin sittin, saru sforzi biex tin oloq privattiva komuni applikabbi fil-pajji i Ewropej kollha i da sa ftit ta' mien ilu, min abba diversi ra unijiet, b'mod partikolari fir-rigward tarre im lingwistiku applikabbi u s-sistema ta' litigazzjoni dwar il-privattivi, dawn qatt ma kienu ta' su ess.

Fl-2000 il-Kummissjoni Ewropea ressjet proposta g all- olqien ta' Privattiva Komunitarja permezz ta' Regolament. L-g an kien il-previ joni ta' titolu ta' privattiva unika applikabbi fl-Istati Membri kollha. Fl-2003 l-Istati Membri qablu dwar appro politiku komuni i da ma rnexxilhomx jil qu ftehim finali, prin ipalment min abba dettalji marbutin mat-traduzzjoni tar-re im. Fil-2982 laqq a tal-Kunsill dwar il-Kompetittività (Suq Intern, Industrija u Ri erka) li saret f'Di embru 2009. L-Istati Membri unanimament adottaw dokument bl-isem Konklu jonijiet g al sistema tal-privattivi msa a fl-Ewropa, li kien jinkludi l-karatteristi i ewlenin tal-privattiva tal-UE g ajr l-arran amenti g at-traduzzjoni. Huma affermaw il-tie a g al Regolament did li jkopri l-kwistjoni. Imbag ad il-Kummissjoni pproponiet regolament dwar l-arran amenti ta' traduzzjoni g all-UE fl-Lulju 2010. Madankollu, minkejja l-isforzi kollha tal-Presidenza Bel jana, il-Kunsill ma setax jil aq ftehim unanimu dwar l-arran amenti ta' traduzzjoni applikabbi. F'Di embru 2010, il-Kunsill g all-Kompetittività kkonferma li kien hemm diffikultajiet insormontabbli li g amlu l-istabbiliment ta' tali re im impossibbi li jintla aq fi mien ra onevoli bl-applikazzjoni tad-dispo izzjonijiet rilevanti tat-Trattati.

Fl-10 ta' Marzu 2011, wara li r ieva l-approvazzjoni tal-Parlament¹¹⁹ (*rapporteur: Klaus-Heiner Lehne, PPE, DE*), il-Kunsill awtorizza kooperazzjoni msa a fil-qasam tal- olqien ta' protezzjoni tal-privattiva unitarja. It-talba ori inali saret minn tnax-il Stat Membru (id-Danimarka, l-Estonja, il-Finlandja, Franza, il-ermanja, il-Litwanja, il-Lussemburgo, il-Pajji i l-Baxxi, il-Polonja, is-Slovenja, l-Isvezja u r-Renju Unit) segwita minn tlettax-il Stat Membru ie or li talbu li jissie bu fil-kooperazzjoni qabel ma ti i adottata d-de i joni tal-Kunsill (il-Bel ju, l-Awstrija, l-Irlanda, il-Portugall, Malta, il-Bulgarija, ir-Rumanija, ir-Repubblika eka, is-Slovakkja, l-Ungerija, il-Latvja, il-Gre ja u ipru). B'kolloks 25 Stat Membru ssie bu mal-kooperazzjoni msa a¹²⁰. L-Italja u Spanja dde idew li ma jing aqdux.

Fit-13 ta' April 2011 il-Kummissjoni adottat proposta g al regolament li jimplimenta kooperazzjoni msa a fil-qasam tal- olqien ta' protezzjoni tal-privattiva unitarja¹²¹. Il-proposta kienet akkumpanjata minn proposta g al regolament li jimplimenta l-kooperazzjoni msa a fil-qasam tal- olqien ta' protezzjoni tal-privattiva unitarja fir-rigward tal-arran amenti g at-traduzzjoni applikabbi¹²².

Sabiex il-protezzjoni tal-privattiva unitarja titlesta u l-implementazzjoni bis-si u ta' su ess tal-kooperazzjoni msa a tit alla ssir je tie li ti i prevista protezzjoni uridika fir-rigward ta' tilwim marbut mal-privattivi fl-Ewropa. Il-Kumitat JURI dde ieda li jfassal rapport fuq

¹¹⁹ Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-15 ta' Frar 2011 dwar l-abbozz ta' de i joni tal-Kunsill li tawtorizza kooperazzjoni msa a fil-qasam tal- olqoen ta' protezzjoni tal-privattiva unitarja (2010/0384(NLE))

¹²⁰ Peress li l-Kroazja saret membru tal-UE fl-1 ta' Lulju 2013 il-partie ipazzjoni fil-kooperazzjoni msa a g adha miftu a g alilha.

¹²¹ Proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill li jimplimenta kooperazzjoni msa a fil-qasam tal- olqien ta' protezzjoni tal-privattiva unitarja, COM(2011)215.

¹²² Proposta g al regolament tal-Kunsill li jimplimenta kooperazzjoni msa a fil-qasam tal-istabbiliment ta' protezzjoni tal-privattiva unitarja fir-rigward tal-arran amenti g at-traduzzjoni applikabbi, COM (2011) 215.

inizjattiva proprja dwar is-sistema urisdizzjonali g al tilwim marbut mal-privattivi¹²³. Fl-istess in, l-Istati Membri li qed jipparte ipaw fil-kooperazzjoni msa a taw bidu g al negozjati g al ftehim internazzjonali bl-g an li titwaqqaf din is-sistema urisdizzjonali.

I - ew proposti u l-abbozz ta' ftehim jikkostitwixxu l-hekk imsej a "pakkett tal-privattivi" nnegojzat bejn il-Parlament u l-Kunsill, b'Bernhard Rapkay (S&D, DE) bala rapporteur g ar-regolament prin ipali, Raffaele Baldassarre (PPE, IT) bala rapporteur g ar-regolament tal-arramenti g at-traduzzjoni u Klaus-Heiner Lehne (PPE, DE) responsabili g ar-rapport fuq inizjattiva proprja dwar is-sistema uri dizzjonali g al tilwim marbut mal-privattivi.

Ftehim inizjali dwar i - ew regolamenti li jikkostitwixxu l-pakkett tal-privattivi ntla aq bejn il-Kunsill u l-Parlament fit-2 ta' Di embru 2011. Madankollu, min abba n-negojzati fit-tul bejn l-Istati Membri fir-rigward tas-sede tal-Qorti Unifikata tal-Privattivi u d-de i joni li ttie det mill-Kapijiet tal-Istat jew mill-Gvernijiet¹²⁴ biex jit assru l-Artikoli 6 sa 8 tar-regolament g al protezzjoni tal-privattiva unitarja, li temmet il-ftehim ori inali li ntla aq mal-Parlament, kien biss f'Di embru 2012 li ntla aq ftehim finali bejn il-Parlament u l-Kunsill dwar pakkett tal-privattivi u biex dan ji i adottat.

Skont ir-regolament, applikazzjoni g al privattiva Ewropea tintbag at lill-EPO, kif stabbilit fil-pro edura attwali. Ladarba ting ata l-privattiva, l-effett unitarju jista' ji i rre istrat fir-Re istru Ewropew tal-Privattivi u jid ol fis-se fl-Istati Membri parte ipanti kollha.

Ir-regolament dwar l-arran amenti g at-traduzzjoni jistabbilixxi li l-applikanti jistg u japplikaw g al privattiva fi kwalunkwe lingwa, li mbag ad tkun tradotta f'wa da mil-lingwi uffi jali tal-EPO (EN, FR u DE). L-ispejje tat-traduzzjoni huma koperti sa limitu massimu g all-SMEs, persuni fi i i, organizazzjonijiet ming ajr skop ta' lukru, universitajiet u organizazzjonijiet pubbli i ta' ri erka li jkollhom ir-residenza tag hom fl-UE u li jkunu qeg din japplikaw fl-lingwa o ra tal-UE. L-applikant g andu jipprevedi t-traduzzjoni tal-pretensionijiet tal-privattiva - li jiddefinixxu l-iskop tal-invenzjoni - fi - ew lingwi li jifdal. Ma tin tie l-ebda traduzzjoni ulterjuri fi kwalunkwe lingwa o ra tal-25 Stat Membru participanti.

I - ew regolamenti da lu fis-se fil-bidu nett tal-2013, b'data ta' d ul fis-se stabbilita g all-1 ta' Jannar 2014 jew d-data tad-d ul fis-se tal-Ftehim dwar Qorti Unifikata tal-Privattivi (Ftehim UPC), skont liema ji i l-aktar tard.

Il-Ftehim UPC jipprevedi urisdizzjoni tal-privattiva entralizzata tal-Istati Membri participanti. L-UPC se jkollu urisdizzjoni esklussiva spe jalment fir-rigward ta' litigazzjoni civili relatata mal-ksur u l-validità kemm g all-privattivi Ewropej klassi i kif ukoll g al privattivi Ewropej b'effett unitarju. Huwa se jkollu wkoll kompetenza fir-rigward ta' ertifikati ta' protezzjoni supplimentari ma ru a g al prodott protett minn privattiva Ewropea bi jew ming ajr effett unitarju.

Il UPC se jikkonsisti minn Qorti tal-Prim'Istanza, Qorti tal-Appell u Re istru. Il-Qorti tal-Prim'Istanza se tkun komposta minn divi jonijiet lokali u re jonali kif ukoll divi joni entrali. Il-Qorti tal-Appell se tkun tinsab f'Lussemburgo filwaqt li s-sede tad-divi joni entrali tal-Qorti tal-Prim'Istanza se jkun f'Pari i. Sezzjonijiet spe jalizzati tal-divi joni entrali se ji u stabbiliti f'Londra u f'Munich. Il-gruppi ta' esperti kollha tal- urisdizzjoni l-dida se jkollhom kompo izzjoni multinazzjonali. Barra minn hekk, se jkunu mag mulin minn im allfin ikkwalifikati mil-lat uridiku u, skont il-kaw a, se jinkludu m allfin ikkwalifikati teknikament. L-im allfin kollha g andhom ji guraw l-og la standards ta' kompetenza u g andu jkollhom esperienza fil-qasam ta' litigazzjoni fir-rigward tal-privattivi.

¹²³ (2011/2176(INI)).

¹²⁴ Konklu jonijiet tal-Kunsill Ewropew tad-29 ta' unju 2012.

Il-Ftehim UPC se jid ol fis-se fl-ewwel jum tar-raba' xahar wara it-13-il depo itu tal-instrument ta' ratifika, sakemm l-Istati Membri Kontraenti li jkunu ddepo itaw l-strumenti tag hom ta' ratifika jew ade joni jinkludu r-Renju Unit, Franza u l- ermanja. Sal- urnata tal-lum huma biss l-Awstria u Franza li lestew il-pro ess ta' ratifika.

Safrattant, fit-22 ta' Marzu 2013, Spanja dde idiet li tikkontesta r-regolamenti quddiem il-Qorti tal- ustizzja, fejn ressjet azzjonijiet kontra l-Parlament u l-Kunsill¹²⁵

Trade marks

Il-qafas uridiku attwali tal-UE dwar it-trade marks jinkludi d-Direttiva dwar it-Trade Marks¹²⁶ l-armonizzazzjoni tal-li ijiet nazzjonali, u r-Regolament dwar it-Trade Marks li jistabbilixxi sistema separata u mag luqa g ar-re istrazzjoni ta' drittijiet unitarji li jkollhom effett uguali fl-Unjoni kollha. F'dak il-kuntest, l-Uffi ju g all-Armonizzazzjoni fis-Suq Intern (UASI) twaqqaf biex ikun responsabqli g ar-re istrazzjoni u l-amministrazzjoni tat-trade marks Komunitarji.

Illum l-impri i jistg u japplikaw g al trade mark Komunitarja jew trade mark nazzjonali. Xi utenti jew ma g andhomx b onn trade mark Komunitarju valida fl-UE kollha, inkella ma jkunux jistg u jiksbu wa da min abba li t-trade mark tkun iet irre istrat fi Stat Membru ie or. Id-drittijiet tal-UASI jistg u jiskora ixxu wkoll lill-SMEs, b'mod partikolari, milli jfittxu Trade Mark Komunitarju.

Kemm id-Direttiva kif ukoll ir-Regolament ew interpretati regolarment mill-Qorti tal-ustizzja. Xi w ud mid-de i jonijiet tag ha - spe jalment il-kaw a *L'Oréal*¹²⁷ – kienu so etti g al kritika min-na a tad-dinja akademika li temmen li jnaqqsu l-libertà tal-espressjoni, kemm dik mhux kummer jali (e . parodija jew kritika ta' trade mark) kif ukoll kummer jali (e . l-u u tat-tqabbil fil-kummer jalizzazzjoni). O rajn argumentaw li l-urisprudenza tal-Qorti tal- ustizzja effettivament tiffoka mill- did id-dritt dwar it-trade marks 'il bog od mill-garanzija tal-awtenti ità tal-prodotti g all-protezzjoni tal-marki u l-kanali ta' kummer jalizzazzjoni.

Fis-27 ta' Marzu 2013, il-Kummissjoni ppre entat il-pakkett ta' riformi tant mistenni fil-qasam tat-trade marks, li jikkonsisti minn ew proposti le i lattivi (rie ami ssu erita tar-Regolament dwar it-Trade Mark Komunitarja¹²⁸ u riformulazzjoni tad-Direttiva dwar it-Trade Marks¹²⁹) u proposta g al att ta' Implementazzjoni g ar-rie ami tar-Regolament dwar it-imposti dovuti lill-UASI¹³⁰

L-g an eneralli tal-pakkett kien li ti i implementata modernizzazzjoni, immirata sew, tas-sistemi ta' re istrazzjoni fl-UE kollha sabiex il- arsien tat-trade marks isir ir as, aktar fil-pront u aktar affidabqli u prevedibbli. Biex dan jinkiseb, is-su erimenti tal-Kummissjoni inkludew l-introduzzjoni ta' prin ipju 'one-class-per-fee' li japplika fl-livell Ewropew kif ukoll nazzjonali, li jsa a il-kooperazzjoni bejn l-UASI u l-uffi ji nazzjonali tat-trade marks, u jarmomizzaw aktar il-pro eduri nazzjonali.

¹²⁵ Ir-Renju ta' Spanja vs Il-Parlament Ewropew u l-Kunsill tal-Unjoni Ewropea (kaw a C-146/13), Ir-Renju ta' Spanja vs Il-Kunsill tal-Unjoni Ewropea (kaw a C-147/13).

¹²⁶ Direttiva tal-Kunsill 89/104/KEE tal-21 ta' Di embru 1988, ikkodifikata b ala d-Direttiva 2008/95/KE

¹²⁷ Kaw a C-324/09 *L'Oréal and Others* [2011] abra-2011.

¹²⁸ Proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill li temenda r-Regolament tal-Kunsill (KE) Nru 207/2009 dwar it-trade mark komunitarju, COM(2013)0161

¹²⁹ Proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill g all-approssimazzjoni tal-li ijiet tal-Istati Membri fir-rigward ta' trade marks (riformulazzjoni), COM(2013)0162.

¹³⁰ Regolament tal-Kummissjoni (KE) Nru 2869/95 tat-13 ta' Di embru 1995 dwar it-tariffi dovuti lill-Uffi ju g all-Armonizzazzjoni tas-Suq Intern (Trade Marks u Disinji).

Regola dida tkun immirata biex il-konsumaturi ji u ostakolati milli jixtru prodotti barra mill-UE (pere empu onlajn) li jkollhom trade mark ming ajr il-kunsens tal-proprjetarju tat-trade mark. Regola o ra tippermetti lill-proprjetarji tat-trade marks li jostakolaw o etti li j orru t-trade mark tag hom milli ji u importati fl-UE ming ajr il-kunsens tag hom, anke jekk dawn ikunu biss fi tran itu lejn pajji terz. L-ismijiet ikunu a ornati wkoll, minn trade mark Komunitarja g al 'trade mark Ewropew', u minn UASI 'g all-A enzija tal-UE tat-Trademarks u Disinji' (TDA).

F'Jannar 2014 il-Kumitat g all-Affarijiet Legali (*rappiteur: Cecilia Wikström, ALDE, l-Isvezja*) adotta ew rapporti dwar il-pakkett. ew indirizzati kwistjonijiet ta' libertà tal-espressjoni u tal-kompetizzjoni: ir-rapport jippermetti espli itament l-u u ta' trade marks minn pajji i terzi g all-finijiet ta' parodija, espressjoni artistika, kritika jew kumment. L-impri i li joffru prodotti alternattivi, kif ukoll il-bejjieg a mill- did ta' o etti enwini, se jkunu jistg u ju aw trade marks ta' terzi. Ir-regoli li jippermettu lill-proprjetarji ta' trade marks jostakolaw l-importazzjonijiet se jkunu bbilan jati mal-interessi tal-konsumaturi, b'tali mod li l-importazzjonijiet privati minn dan tal-a ar jistg u ji u ostakolati biss jekk l-o etti jkunu fil-verità kontraffatti. Bl-istess mod, ir-regoli dwar o etti fi tran itu jkunu emendati sabiex prodotti li j orru trade mark jkunu jistg u jid lu fl-UE ming ajr il-kunsens tal-proprjetarju jekk it-trade mark ma tkunx irre istrata fil-pajji ta' destinazzjoni finali. Firrigward tat-terminolo ija, ir-rapport jag el 'trademark tal-Unjoni Ewropea' u 'A enzija tal-UE dwar il-Proprietà' (IPA). Fl-a ar nett, ir-regoli dwar id-drittijiet tal-IPA se ji u inkorporati fir-regolament dwar it-trade marks, u g alhekk il-Kummissjoni mhix se tkun tista' timmodifikahom aktar permezz ta' atti ta' implementazzjoni. Surplus ba itarju tal-IPA mhuwiex se jer a' jsib ru u fil-ba it tal-UE jew fil-ba its tal-Istati Membri, i da minflok se jer a'ji i investit fl-A enzija.

I - ew rapporti ew adottati mill-plenarja minn ma oranza kbira¹³¹¹³² Madanakollu, skont xi emendi ppre entati minn grupp politiku, l-importazzjonijiet ta' prodotti fi tran itu jistg u xorta wa a ji u ostakolati mill-proprjetarju tat-trade mark ming ajr pre udizzju g at-tran itu bla xkiel ta' medi ini eneri i.

Il-Kunsill g adu ma adottax appro komuni dwar il-pakkett dwar it-trade marks. G aldaqstant ftehim eventwali g ad irid ji i nneozjat u jintla aq mill-Parlament li jmiss.

4.2. Drittijiet tal-awtur

Grupp ta' idma dwar id-Drittijiet tal-Awtur

Il-Kumitat g all-Affarijiet Legali dde ieda, fil-laqq a tieg u ta' bejn il-5 u s-6 ta' Ottubru 2009, li jistabbilixxi Grupp ta' idma dwar id-Drittijiet tal-Awtur mag mul minn membri tal-Kumitat, bil-partie ipazzjoni tal-membri tal-Kumitat g all-Industrija, ir-Ri erka u l-Ener ija, tal-Kumitat g as-Suq Intern u l-arsien tal-Konsumatur u tal-Kumitat g all-Kultura



¹³¹ Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-25 ta' Frar 2014 dwar il-proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill g all-approssimazzjoni tal-li ijiet tal-Istati Membri dwar it-trade marks (riformalazzjoni) (2013/0089 (COD))

¹³² Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-25 ta' Frar 2014 dwar il-proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda ir-Regolament tal-Kunsill (KE) Nru 207/2009 dwar it-trade mark Komunitarju (2013/0089 (COD))

u l-Edukazzjoni. Il-Grupp ta' idma ie kkoordinat minn Marielle Gallo (JURI, PPE, FR)¹³³. Il-Grupp kien jirrappre enta t-tkomplija ta' korp simili, stabbilit mill-Kumitat g all-Affarijiet Legali fil-le i latura pre edenti.

L-g an tal-Grupp ta' idma dwar id-Drittijiet tal-Awtur kien li jirrevedi l-politiki tad-drittijet tal-awtur fil-qafas le i lattiv tal-UE sabiex je amina l-isfidi u l-prospetti g all-futur tad-drittijiet tal-awtur fl-Unjoni Ewropea – partikolarment fir-rigward ta' avvanzi teknolo i i u s-so jetà tal-informazzjoni.

Il-grupp ta' idma pprodu a tliet dokumenti ta' idma li tressqu lill-Kumitat g all-Affarijiet Legali fl-laqg at differenti: l-ewwel wie ed bit-titolu: "*Drittijiet tal-Awtur u d-di italizzazzjoni tal-kotba*", it-tieni wie ed bit-titolu: "*Id-drittijiet tal-awtur fis-setturi tal-mu ika u dak awdjovi iv*", u t-tielet wie ed bit-titolu: "*Id-Drittijiet tal-awtur, it-Territorjalità, l-Immani jar Kollettiv u Rimunerazzjoni*".

***Id-dritt g al bejg mill- did*¹³⁴**

Bala reazzjoni g ar-Rapport tal-Kummissjoni dwar l-Implimentazzjoni u l-Effett tad-Direttiva dwar id-Dritt g al Bejg mill- did (2001/84/KE)¹³⁵ ippubblikata fl-14 ta' Di embru 2011, il-Kumitat g all-Affarijiet Legali dde ieda li jag mel abbozz ta' rapport ta' implimentazzjoni fuq inizjattiva proprja (*Rapporteur: Marielle Gallo, PPE; FR*).

Ir-rapport jirrifletti l-fehma tal-Parlament g al diversi kwistjonijiet koperti f'dan ir-Rapport.

Il-Parlament irrikonoxxa li d-dritt g al bejg mill- did jammonta biss g al parti g ira afna (0.03 %) tas-suq tal-arti filwaqt li kkunsidra dan bala suq importanti li minnu l-artisti u l-werrieta tag hom g andhom jir ievu kumpens leali. Innata wkoll li studji u statistika dwar is-suq tal-arti inklu i fir-Rapport tal-Kummissjoni ma jissu erixxux li d-dritt g al bejg mill- did g andu impatt negattiv fuq il-post tas-suq tal-arti jew fuq il-fatturat tieg u.

Il-Parlament ikkunsidra li huwa prematur li d-Direttiva ter a'ti i vvalutata fl-2014, u e e lill-Kummissjoni tag mel dan fl-2015, erba' snin wara l-valutazzjoni li saret f'Di embru 2011. Ir-rapport ta' valutazzjoni li jmiss g andu jer a' jqis r-rilevanza ta' rati applikabbi, il-limiti, u r-rilevanza ta' kategoriji ta' benefici jarji kif spe ifikat fid-Direttiva.

Il-Parlament laqa' b'sodisfazzjon l-inizjattivi li ttie du minn pajji i terzi (i - ina u l-Istati Uniti) li jintrodu u d-dritt g al bejg mill- did u e e lill-Kummissjoni tkompli fl-isforzi tag ha fil-fora multilaterali biex issa a il-po izzjoni tas-suq tal-arti Ewropew fid-dinja kollha.

Il-Parlament qabel li l-Kummissjoni g andha ta dem mill-qrib mal-partijiet interessati biex tissa a il-po izzjoni tas-suq tal-arti Ewropew u ppropoena li g andha ssib tarf il-problemi "b all-effett kaskata" u d-diffikultajiet amministrattivi li jaffa jaw organizzazzjonijiet u bejjieg a ta'rkant i g ar u spe jalizzati.

¹³³ Il-Membri tal-Grupp ta' idma kienu: Marielle Gallo (JURI, PPE), Luigi Berlinguer (JURI, S&D), Cecilia Wikström (JURI, ALDE), Eva Lichtenberger (JURI, Greens), Francesco Enrico Speroni (JURI, EDF), Ji ī Maštálka (JURI, GUE), Sajjad Karim (JURI, ECR), Catherine Trautmann (ITRE, S&D), Pablo Arias Echeverria (IMCO, PPE) u Morten Løkkegaard (CULT, ALDE).

¹³⁴ Ri oluzzjoni tal-Parlament Ewropew tal-20 ta' Novembru 2013 dwar ir-Rapport dwar l-Implimentazzjoni u l-Effett tad-Direttiva dwar id-Dritt g al Bejg mill- did (2001/84/KE)(2012/2038(INI))

¹³⁵ COM(2011)0878 final

Xog lijet orfni

Bi a xog ol titqies li hi orfni jekk id-detentur tad-drittijiet mhuwiex identifikat jew f'ka li huwa identifikat i da ma jistax jinstab.

Id-di italizzazzjoni u t-tixrid tax-xog lijet orfni jo olqu sfida kulturali u ekonomika partikolari: in-nuqqas ta' identità ta' detentur tad-dritt ifisser li istituzzjonijiet kulturali ma jkunux jistg u jiksbu l-awtorizzazzjoni biex, pere empju, jiddi italizzaw ktieb. Ix-xog lijet orfni jirrappre entaw parti sostanziali tal-kollezzjonijiet tal-istituzzjonijiet kulturali Ewropej (pere empju l-British Library tistima li 40 fil-mija tal-kollezzjonijiet tag ha li j orru dritt tal-awtur – ji ifieri total ta' 150 miljun xog ol – huma xog lijet orfni).

Bala parti mill-Istrate ija dwar id-Drittijiet tal-Proprjetà Intellettwali (IPR), il-Kummissjoni adottat, fl-24 ta' Mejju 2011, proposta li tistabbilixxi regoli komuni dwar id-di italizzazzjoni u l-wiri onlajn tal-hekk imsej a "xog lijet orfni"¹³⁶

L-objettiv ewlieni tal-proposta tal-Kummissjoni kien il- olqien ta' qafas uridiku biex ikun gurat a ess onlajn transkonfinali le ittimu mill-istituzzjonijiet msemijja fil-proposta g al xog lijet orfni li jinsabu f'biblioteki kew arkivji di itali onlajn meta tali xog lijet jantu aw, fi prin ipju, skont il-missjoni ta' interess pubbliku tal-biblioteki jew tal-arkivji.

Id-Direttiva kollha li rri ultat min-negoziati bejn il-Parlament (*rapporteur: Lydia Geringer de Oedenberg, S&D, il-Polona*) u l-Kunsill fiha regoli dwar kif g andhom ji u identifikati

x-xog lijet orfni. Hija tindika li organizzazzjoni kulturali li tixtieq tiddi italizza u tag mel disponibbli x-xog ol g andha twettaq tfittxija dili enti biex jinstab d-detentur tad-drittijiet tal-awtur tieg u. F'din it-tfittxija, hija g andha tiddependi fuq sorsi b al abradati u re istri. Wa da mill-g odda li te isti fissettura tal-pubblikazzjoni tal-kotba hija ARROW, ir-Re istru A essibbli g al Informazzjoni dwar id-Drittijiet tal-Awtur u



Lydia Geringer de Oedenberg, S&D, PL, rapporteur dwar ix-xog lijet orfni

Xog lijet Orfni. Wie ed jittama li setturi o ra wkoll se ji viluppaw abradati entrali simili li fihom informazzjoni dwar drittijiet tal-awtur. Dan, jekk isir, se jissimplifika u jirrazzjonalizza sew tfittxija dili enti u affidabbi.

It-tieni nett, id-Direttiva tistabbilixxi li jekk tfittxija dili enti ma tipprodu ix l-identità jew il-post tad-detentur tad-dritt tal-awtur, ix-xog ol g andu ji i rikonoxxut b ala xog ol orfni. Dan l-istatus g andu mbag ad, bis-sa a ta' rikonoxximent re iproku, ikun validu fl-Unjoni Ewropea kollha. Dan jimplika li ladarba bi a xog ol ti i rikonoxxuta b ala xog ol orfni, din se ti i rikonoxxuta b ala tali fl-Unjoni Ewropea kollha u l-organizzazzjonijiet se ikunu jistg u jag mluha disponibbli onlajn fl-Istati Membri kollha. Id-Direttiva tipprevedi wkoll l-istabbiliment ta' re istru Ewropew uniku tax-xog lijet orfni rikonoxxuti kollha li se ji u stabbiliti u mmexxija mill-UASI.

It-tielet nett, id-Direttiva tistabbilixxi l-u ijiet tax-xog lijet orfni. L-organizzazzjonijiet benefi jarji se jkollhom id-dritt li ju aw xog lijet orfni sabiex jiksbu g anijiet relatati mal-

¹³⁶ Proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill dwar erti u ijiet permessi ta' xog olijiet orfni (COM(2011)028)

missjoni ta' interess pubbliku tag hom. Huma se jit allew jikkonkludu s ubijiet pubbli i-privati ma' operaturi kummer jali u ji eneraw d ul mill-u u ta' xog lijiet orfni biex ikopru l-ispejje tad-di itizzazzjoni.

Id-Direttiva tipprevedi wkoll mekkani mu li jippermetti li detentur tad-drittijiet tal-awtur li jitfa a mill- did jasserixxi d-dritt tal-awtur tieg u u b'hekk itemm l-istatus ta' xog ol orfni.

Id-Direttiva iet ikkritikata minn afna Membri, anke dawk li vvutaw favuriha, min abba li mhijiex ambizzju a bi ejjad. Ir-riskju li wie ed jista' jkollu dritt g al kumpens ta' detentur tad-drittijiet tal-awtur li jitfa a mill- did flimkien mal-projbizzjoni ta' benefi ji kummer jali g all-istituzzjonijiet li jintragaw jista' jag mel l-u u ta' xog lijiet orfni riskju i ejjad g all-bibljoteki u l-arkivji.

Immani jar kollettiv tad-drittijiet tal-awtur

Bis-sa a ta' wie ed mill-prin ipji ewlenin tad-drittijiet tal-awtur, l-awturi ta' xog lijiet letterarji, artisti i, mu ikali u xog lijiet ori inali o ra, kif ukoll id-detenturi ta' drittijiet relatati, igawdu minn drittijiet esklussivi li jawtorizzaw jew jipprobixxu l-u u ta' xog lijethom. Awturi u detenturi ta' drittijiet relatati jistg u je er itaw drittijethom individwalment jew kollettivament. Meta d-drittijiet ji u e er itati individwalment, id-detenturi tad-drittijiet jinnegozjaw direttamente mal-utent kummer jali tax-xog ol protett. Meta d-drittijiet ji u e er itati kollettivament, id-detenturi tad-drittijiet jawtorizzaw korp g all-immani jar kollettiv tad-drittijiet biex jipprote i l-interessi tag hom billi jamministrast drittijethom fisimhom.

L-e er izzju individwali tad-drittijiet tal-awtur u ta' drittijiet relatati huwa kumpless u jista' jkun estremament diffi li g al erti u ijiet (ji fieri l-prestazzjoni pubblika ta' xog lijiet mu ikali). Barra minn hekk, f' afna ka ijiet l-e er izzju individwali tad-drittijiet tal-awtur sar imprattikabbi min abba d-d ul fil-pront ta' teknolo iji odda. Diffikultajiet pratti i inerenti fl-e er izzju individwali tad-drittijiet tal-awtur kienu r-ra un wara l-i vilupp ta' organizzazzjonijiet ta' immani jar kollettiv tad-drittijiet tal-awtur.

B ad-drittijiet tal-awtur innifishom, l-immani jar kollettiv tad-drittijiet tal-awtur ie bba at tradizzjonalment fuq il-prin ipju ta' territorjalità. Ji ri li so jetà kollettri i, timmani ja, timmonitorja, ti bor u tqassam royalties g al kategorija s i a ta' detenturi tad-drittijiet tal-awtur fuq il-ba i tar-regoli nazzjonali tat-territorju tag ha u fi dan il-konfini ta' dak it-territorju. afna organizzazzjonijiet g al immani jar kollettiv tad-drittijiet tal-awtur je istu min abba drittijiet tal-awtur li ng ataw jew ew fdati lilhom fuq ba i nazzjonali, territorjali, u xi kultant protetti minn li enzja tal-gvern.

Fis-settur tal-mu ika, b'mod partikolari, is-so jetajiet kollettri i jag tu b'mod eneralli jag tu li enzji fuq ba i ta' repertorju multiplu i da monoterritoriali. Tabil aqq, huwa komuni li so jetajiet kollettri i jid lu fi ftehimiet bilaterali ma' so jetajiet kollettri i minn pajji i o ra sabiex ji guraw rappre entazzjoni re iproka tarrepertorji tag hom. Skont dawn il-ftehimiet, kull so jetà kollettri i g andha d-dritt li to ro li enzja fil-pajji ta' stabbilment tag ha mhux biss g arrepertorju tal-membri tag ha i da g arrepertorju tas-so jetajiet kollettri i asso jati tag hom ukoll. G aldaqstant, l-utenti kummer jali jistg u jiksbu li enzja g arrepertorju lokali u internazzjonali minn so jetà kollettri i wa da, biex din ti i sfruttata fit-territorju nazzjonali li fiha tinsab is-so jetà kollettri i.

Bis-sa a tan-natura territorjali tad-drittijiet tal-awtur u drittijiet relatati, is-so jetajiet kollettri i b'mod eneralli jgawdu minn monopolju *de facto* fit-territorju nazzjonali. Peress li l-monopolji potenzjalment jag tu lok g al prattiki abbu ivi, b al imposti e essivi tal-

li enzji, id-detenturi tad-drittijiet tal-awtur kif ukoll l-utenti qeg din jitbolbu akbar trasparenza fir-rigward ta' tariffi, l-allocazzjoni tal-ispejje u d-distribuzzjoni tal-introjtu.

S'issa l-immani jar kollettiv tad-drittijiet tal-awtur ie indirizzat biss b'mod mar inali fil-livell tal-UE. Filwaqt li d-Direttivi tal-UE dwar d-drittijiet tal-awtur u drittijiet relatati filhom referenzi g al immani jar kollettiv tad-drittijiet tal-awtur, dawn ma jirregolawx il-kundizzjonijiet tal-immani jar kollettiv tad-drittijiet tal-awtur persè. G alhekk, ir-regolamentazzjoni tal-immani jar kollettiv tad-drittijiet tal-awtur t alliet fidejn l-Istati Membri. Il-ka ijiet ta' mmani jar a in tad-d ul tad-drittijiet tal-awtur u pagamenti li ddewmu fit-tul urew li hemm b onn li jittejjeb il-funzionament tal-organizzazzjonijiet g all-immani jar kollettiv tad-drittijiet tal-awtur.

Il-Kummissjoni pproponiet¹³⁷f'Lulju 2012 Direttiva li fiha d-dispo izzjonijiet enerale dwar l-immani jar kollettiv tad-drittijiet tal-awtur g as-setturi kollha, u dispo izzjonijiet spe ifi i g all-ru ta'li enzji multiterritorjali ta' mu ika onlajn.

Filwaqt li diskussjonijiet interni fil-Parlament u fil-Kunsill damu sejrin sena, it-tim tan-neozjati tal-Presidenza Litwana u tal-Kumitat g all-Affarijiet Legali mmexxi minn Marielle Gallo (PPE, Franza) dam anqas minn sitt xhur; biex jil aq ftehim.

Id-Direttiva l- dida tintrodu i g add ta' riformi fis-sistema attwali ta' so jetajiet kollettri i. Hija tistabbilixxi rekwi iti me tie a li ji guraw il-funzionament tajjeb tal-immani jar tad-drittijiet tal-awtur u ta' drittijiet relatati minn organizzazzjonijiet ta' mmani jar kollettiv. Hija tistabbilixxi wkoll rekwi iti g all-ru ta' li enzji multiterritorjali minn organizzazzjonijiet ta' mmani jar kollettiv tad-drittijiet tal-awtur fxog lijet mu ikali g al u u onlajn. Hija g andha impatt mhux biss fuq l-aktivitajiet ta' so jetàjet kollettri i fil-konfront tad-detenturi tad-drittijiet tal-awtur, i da wkoll fuq il-governanza u s-supervi joni tag hom.

Id-detenturi tad-drittijiet tal-awtur jing ataw d-dritt li jag lu so jetà kollettri i g al kategorija partikolari ta' dritt jew xog ol barra mit-territorju ta' ittadinanza jew residenza tag hom. Id-Direttiva fiha wkoll g add ta' dispo izzjonijiet li jikkon ernaw l-informazzjoni provduta lid-detentur tad-dritt tal-awtur mis-so jetà kollettri i u tistabbilixxi perjodu massimu g al las ta' royalties lid-detentur tad-drittijiet ta' disa' xhur wara tmiem is-sena finanzjarja li fiha n abru r-royalties.

Fir-rigward tal-ru ta' li enzji multiterritorjali, id-Direttiva te tie li so jetà kollettri i tissodisfa erti kriterji biex ikollha d-dritt li tag ti li enzji b al dawn, inklu a l-abbiltà li tidentifika b'mod pre i l-u u ta' xog lijet. Hija mbag ad tistabbilixxi g add ta' obbligi fir-rigward tar-rekwi iti ta' rappurtar u trasparenza. Is-so jetajiet kollettri i li joffru l-ru ta' li enzji multiterritorjali fir-rigward ta' repertorju propriu tag hom se jin tie u li ja ettaw kwalunkwe talba minn so jetà kollettri i o ra biex joffru, lil dik is-so jetà, repertorju g al ru ta'li enzji multiterritorjali bl-istess kundizzjonijiet.

Id-Direttiva te tie ukoll pro eduri adegwati g ar-ri oluzzjoni tat-tilwim fost is-so jetajiet kollettri i u bejn utenti tas-servizzi tag hom.

L-Istati Membri g andhom jipprovdu fil-le i lazzjoni spe ifika tag hom dwar it-tilwim li l-utenti g andhom jiddepo itaw tariffa interim f'kont f'ise m terzi sakemm id-de i joni finali u irrevokabbli tittie ed minn qorti jew korp g ar-ri oluzzjoni tat-tilwim fir-rigward tat-tariffa kkontestata.

¹³⁷Proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill dwar l-immani jar kollettiv tad-drittijiet tal-awtur u drittijiet relatati u ru ta'li enzji multiterritorjali ta' drittijiet f'xog lijet mu ikali g al u i online fis-suq intern, COM(2012)0372

Imposti g all-ikkopjar privat¹³⁸

L-imposti g all-ikkopjar privat huma "pagamenti dovuti fuq apparat ki jirrekordja u mezzi ta' re istazzjoni vojta fxi w ud mill-Istati Membri li introdu ew e ezzjoni statutorja g al ikkopjar privat. Skont Econlaw (2007), fl-2006 n abru EUR 453 miljun f'imposti g all-ikkopjar privat fuq apparati u mezzi di itali fl-Unjoni Ewropea."¹³⁹ L-imposti g all-ikkopjar privat huma g alhekk sors

rilevanti ta' d ul g al detenturi tad-drittijiet tal-awtur. Dan is-su ett importanti u sensittiv ilu su ett g al diskussjoni fl-Unjoni u s'issa ew adottati diversi soluzzjonijiet mill-Istati Membri u tentattivi biex ti i indirizzata l-kwistjoni li tqajmet fil-livell Ewropew.

Fl-24 ta' Mejju 2011 il-Kummissjoni ppubblikat *Komunikazzjoni dwar Suq Uniku g al Drittijiet tal-Proprietà Intellettuali: li jag ti spinta lill-kreattività u l-innovazzjoni sabiex jipprovdi tkabbir ekonomiku*¹⁴⁰. Hija pprevediet, bala element g all-olqien ta' qafas komprensiv g ad-drittijiet tal-awtur fis-suq uniku di itali, pro ess ta' medjazzjoni fuq imposti g all-ikkopjar privat bil-g an li ji u analizzati strate iji possibbli b all-armonizzazzjoni ta' mekkani mi li jirregolaw imposti g all-ikkopjar privat fil-livell tal-UE u jwittu t-triq g al azzjoni le i lattiva komprensiva fil-livell tal-UE sal-2012. Fl-2012, il-kwistjoni tal-imposti g all-ikkopjar privat kienet tabil aqq is-su ett ta' pro ess ta' medjazzjoni tal-industrija mrawwen mill-Kummissjoni u mmexxi mill-ex Kummissarju António Vitorino. Il-Kummissjoni, fil-komunikazzjoni tag ha tat-18 ta' Di embru 2012 dwar il-kontenut fis-Suq Uniku Di itali¹⁴¹ tg arraf li g add ta' rakkmandazzjonijiet se ji u pprovduti mill-medjatur fil-bidu tal-2013 Fil-31 ta' Jannar 2013, ir-ri ultati tal-pro ess ta' medjazzjoni ew ippre entati f'dokument blisem "Rakkmandazzjonijiet li jirri ultaw mill-medjazzjoni fuq imposti g all-ikkopjar privat u reprografija". Kif previst mill-Kummissjoni fil-komunikazzjoni tag ha, dawk ir-rakkmandazzjonijiet g andhom iservu bala ba i g all-il uq ta' konklu jonijiet dwar azzjonijiet ta' segwitu xierqa.

Il-kwistjoni tal-imposti g all-ikkopjar privat hija relatata mill-qrib mad-Direttiva 2001/29/KE tal-Parlament Ewropew u tal-Kunsill tat-22 ta' Mejju 2001 dwar l-armonizzazzjoni ta' erti aspetti tal-awtur u drittijiet relatati fis-so jetà tal-informazzjoni ("id-Direttiva Infosoc"), li tipprevedi, fl-Artikolu 5(2)(b) tag ha, li 1-Istati Membri jistg u jipprovdu g al e ezzjonijiet u limitazzjoni g ad-dritt ta' riproduzzjoni fir-rigward ta' riproduzzjonijiet fuq kwalunkwe mezz minn ittadin fi iku g al u u privat bil-kondizzjoni li d-detenturi tad-drittijiet tal-awtur jir ieu "kumpens ust". Rie ami possibbli ta' din id-



*Vi i President Francoise Castex, S&D, FR,
rapporteur g all-rapport dwar l-imposti g all-
ikkopjar privat*

¹³⁸ Ri oluzzjoni tal-Parlament tas-27 ta' Frar 2014 dwar imposti g all-ikkopjar privat (2013/2114 (INI))

¹³⁹ Komunikazzjoni mill-Kummissjoni tal-24 ta' Mejju 2011 dwar Suq Uniku g al Drittijiet tal-Proprietà Intellettuali: Li jag ti spinta lill-kreattività u l-innovazzjoni sabiex jipprovdi tkabbir ekonomiku, impjegi ta' kwalità g olja u prodotti u servizzi tal-og la livell fl-Ewropa', p. 12.

¹⁴⁰ COM(2011)0287.

¹⁴¹ COM(2012)0789.

Direttiva u l-e ezzjonijiet u l-limitazzjonijiet ie indikat mill-Kummissjoni fil-komunikazzjonijiet tag ha tal-2011 u l-2012. Barra minn hekk, is-su ett tal-imposti g all-ikkopjar privat, b'mod partikolari tat-tfassil u l- las tag hom fi tran azzjonijiet transkonfinali, kien wie ed diffi li u wassal, f'dawn l-a ar snin, g al g add ta' kaw i li tressqu quddiem il-Qorti tal- ustizzja¹⁴².

F'dan il-kuntest, il-Kumitat g all-Affarijiet Legali (*rapporteur: Françoise Castex, S&D, Franza*) fassal abbozz ta' rapport fuq inizjattiva propria li ie diskuss fit-tul fil-Kumitat i da fl-a ar nett ie adottat fil-plenarja ming ajr emendi¹⁴³. Ir-rapport kien kontroversjali afna peress li ppropona li l-kamp ta' applikazzjoni imposti g all-ikkopjar privat g andu jinkludi servizzi cloud.

Trattat dwar e ezzjonijiet dwar id-drittijiet tal-awtur g al dawk li jbatu mill-vista

Mit-22 ta' Jannar 2011, skont id-De i joni tal-Kunsill 2010/48/KE¹⁴⁴, l-Unjoni hija marbuta bil-Konvenzjoni tan-Nazzjonijiet Uniti dwar id-Drittijiet tal-Persuni b'Di abbiltà u d-dispo izzjonijiet tag ha saru parti integrali mill-ordinament uridiku tal-Unjoni.

Fis-26 ta' Novembru 2012, il-Kunsill awtorizza lill-Kummissjoni tinnegozja, fisem l-Unjoni Ewropea, ftehim internazzjonali fi dan l-Organizzazzjoni Dinjija tal-Proprietà Intellettwali (WIPO) dwar l-a ess imtejjeb g all-kotba g all-persuni b'diffikultà biex jaqraw materjal stampat. Il-Kumitat g all-Affarijiet Legali (*rapporteur: Ewa Lichtenberger, Verts/ALE, l-Awstrijja*), segwiet in-negojzjati mill-qrib afna u semg et lill-Kummissarju Michel Barnier diversi drabi. Il-Kumitat talab spe ifikament lill-Kummissjoni tag ti attenzjoni spe jali lil erti artikoli tal-abbozz ta' Trattat WIPO, li jistg u je tie u lill-organizzazzjonijiet ta' persuni li jbatu mill-vista jwettqu kontrolli fpajji i o ra g ajr dak fejn ikunu ew stabbiliti sabiex jiddeterminaw liema kotba jistg u jkunu "kummer jalment disponibbli" fformati a essibbli u jistg u jipprevjenu lill-organizzazzjonijiet tal-persuni li jbatu mill-vista milli jibg atu kotba a essibbli direttament lil individwi g omja fpajji i o ra billi jkunu jesu u distribuzzjoni internazzjonali permezz ta' organizzazzjonijiet tal-g omja biss. Il-Kumitat g all-Affarijiet Legali kien im asseb li dawn id-dispo izzjonijiet proposti jistg u jag mluha aktar diffi li g al persuni li jbatu mill-vista biex jiksbu a ess g all-kotba fformati a essibbli u talab lin-neozjaturi biex jiffokaw fuq dawn l-aspetti importanti. In-negojzjati, li kkunsidraw it-t assib tal-Parlament, ew konklu i b'su ess fil-Konferenza Diplomatika li saret f'Marrakesh mis-17 sat-28 ta' unju 2013 u t-Trattat ta' Marrakesh biex ji i ffa ilitat l-A ess g al Xog lijet Pubblikati g al Persuni G omja, b'Di abbiltà fil-Vista jew b'xi mod ie or g andhom Diffikultà biex Jaqraw Materjal Stampat ('it-Trattat ta' Marrakesh') ie adottat fis-27 unju 2013.

It-Trattat ta' Marrakesh jistabbilixxi sett ta' regoli internazzjonali li ji guraw li hemm limitazzjonijiet jew e ezzjonijiet g ad-drittijiet tal-awtur fil-livell nazzjonali g all-benefi ju ta' persuni g omja, b'di abbiltà fil-vista jew b'xi mod ie or g andhom diffikultà biex jaqraw materjal stampat u jippermetti l-iskambju transkonfinali ta' kopji ta' xog lijet ippubblikati fformat a essibbli, li saru skont limitazzjonijiet jew e ezzjonijiet g al drittijiet tal-awtur. Huwa miftu g al firmar minn kull parti eli ibbli g al sena wara l-adozzjoni tieg u.

¹⁴² Ara l-kaw a C-457/08 *Padawan vs SGAE* [2010] ECR I-10055, il-kaw a C-462/09 *Stichting de Thuiskopie vs Opus* [2011] abra I-5331, u g add ta' kaw i odda li g adhom pendent (e .. C-457/11, C-460/11 *VG Wort vs Kyocera Mita et al.*, C-521/11 *Astro Mechana v Amazon*, C-314/12 *Constantin Filmverleih vs UPC Telekabel*, C-463/12 *Copydan Bandkopi vs Nokia*, C-435/12 *ACI Adam et al. vs Stichting de Thuiskopie*).

¹⁴³ Ri oluzzjoni tal-Parlament tas-27 ta' Frar 2014 dwar imposti g all-ikkopjar privat (2013/2114 (INI)).

¹⁴⁴ De i joni tal-Kunsill 2010/48/KE tas-26 ta' Novembru 2009 dwar il-konklu joni, mill-Komunità Ewropea, tal-Konvenzjoni tan-Nazzjonijiet Uniti dwar id-Drittijiet tal-Persuni b'Di abbiltà (U L 23,27.1.2010, p. 35).

Fl-20 ta' Di embru 2013 il-Kummissjoni ppre entat proposta¹⁴⁵ biex ti i ffirmata mill-Kunsill. Fl-14 ta' April 2014 il-Kunsill adotta de i joni dwar l-iffirmar. L-UE ffirmat fit-30 ta' April 2014. Il-Kummissjoni issa qieg da t ejji proposta g al de i joni g all-konklu joni tat-Trattat, filwaqt li tikkunsidra li konformità mat-Trattat ta' Marrakesh se te tie xi tibdiliet fl-*acquis*. Il-proposta se tkun ibba ata fuq l-Artikoli 114 u 207 tat-TFUE, flimkien mal-Artikolu 218(5) tieg u, li jfisser li se jkun ftehim im allat, li g andu ji i ratifikat mill-UE u l-Istati Membri.kollha.

Il-konklu joni tat-Trattat se te tie l-approvazzjoni tal-Parlament li jmiss.

Trattat dwar spettakli awdjovi ivi

It-Trattat dwar l-interpretazzjonijiet u l-e ekuzzjonijiet awdjovi ivi ie adottat mill-Konferenza Diplomatika dwar il-Protezzjoni tal-interpretazzjonijiet u l-e ekuzzjonijiet awdjovi ivi, li saret f'Pekin mill-20 sas-26 ta' unju 2012 (Trattat ta' Pekin). It-Trattat jittratta mad-drittijiet tal-proprjetà intellettuali tal-artisti f'interpretazzjonijiet u e ekuzzjonijiet awdjovi ivi.

Huwa jag ti l-artisti erba' tipi ta' drittijiet ekonomi i g all-interpretazzjonijiet u e ekuzzjonijiet fissi tag hom f're istrazzjonijiet awdjovi ivi, b al films: id-dritt g al riproduzzjoni; id-dritt g al distribuzzjoni; id-dritt ta' kiri; u d-dritt ta' disponibbiltà. Firrigward ta' interpretazzjonijiet u e ekuzzjonijiet mhux fissi (live), it-Trattat jag ti artisti tliet tipi ta' drittijiet ekonomi i: id-dritt ta' xandir (g ajr fil-ka ta' xandir mill- did); id-dritt ta' komunikazzjoni lill-pubbliku (g ajr meta l-interpretazzjoni u l-e ekuzzjoni tkun imxandra); u d-dritt ta' re istrazzjoni.

It-Trattat jag ti wkoll lill-artisti drittijiet morali, ji ifieri, id-dritt li wie ed jippretendi li jkun mag ruf b ala l-artist (g ajr meta tali ommissjoni tkun dettata mill-mod tal-u u tal-interpretazzjoni u tal-e ekuzzjoni); u d-dritt li jo ezzjona g al kwalunkwe distorsjoni, qtug jew modifika o ra li tkun ta' pre udizzju g ar-reputazzjoni tal-artist, b'kunsiderazzjoni g an-natura tar-re istrazzjonijiet awdjovi ivi.

Fl-4 ta' Marzu 2013, il-Kummissjoni fittxet awtorizzazzjoni mill-Kunsill biex tiffirma t-Trattat ta' Pekin fisem l-UE¹⁴⁶. L-awtorizzazzjoni ng atat u t-Trattat ie ffirmat fid-19 ta' unju 2013. ie ffirmat ukoll mill-ma oranza tal-Istati Membri.

Il-protezzjoni tal-artisti awdjovi ivi hija prin ipalment armonizzata fil-livell tal-UE u, fil-prin ipju, ir-ratifika ma te tie x bidla fl-*acquis* e istenti tal-UE. It-Trattat je tie li ji i ffirmat u rratifikat mill-UE u mill-Istati Membri. Il-konklu joni tat-Trattat se te tie l-approvazzjoni tal-Parlament li jmiss.

Riforma tad-drittijiet tal-awtur

Il-Kummissjoni Ewropea nediet konsultazzjoni pubblika f'Di embru 2013. Il-konsultazzjoni tistieden lill-partijiet interessati jikkondividu l-fehmiet tag hom dwar l-oqsma identifikati fil-komunikazzjoni dwar il-Kontenut fis-Suq Uniku Di itali, ji ifieri t-territorjalità fis-Suq Uniku, l-armonizzazzjoni, il-limitazzjonijiet u l-e ezzjonijiet g ad-drittijiet tal-awtur fl-epoka di itali; frammentazzjoni tas-suq copyright UE; u kif tista' tittejjeb l-effettività u l-

¹⁴⁵ Proposta g al De i joni tal-Kunsill dwar l-iffirmar, fisem l-Unjoni Ewropea, tat-Trattat ta' Marakexx biex ti i ffa iliat l-Aess g al Xog lijet Pubblikati g al Persuni Gomja, b'Di abbiltà fil-Vista jew b'xi mod ie or g andhom Diffikultà biex Jaqraw Materjal Stampat COM(2013)926

¹⁴⁶ Proposta g al de i joni tal-Kunsill dwar l-iffirmar, fisem l-Unjoni Ewropea, tat-Trattatt tal-WIPO dwar il-Prestazzjonijiet Awdjovi ivi COM(2013)0109.

effi jenza tal-infurzar filwaqt li tiszejjes il-le ittimità tag ha fil-kuntest usa' tar-riforma tad-drittijiet tal-awtur. Riforma wiesg a tad-drittijiet tal-awtur hi mistennija g at-terminu li jmiss.

4.3. Mi uri mmirati g all-infurzar tad-drittijiet tal-proprietà intellettuali

Rapport fuq inizjattiva propria dwar l-infurzar tal-IPR



Marielle Gallo, PPE, FR, rapporteur dwar l-infurzar tad-drittijiet tal-proprietà intellettuali fis-suq intern

Ir-rapport tal-Kumitat g all-Affarijiet Legali dwar *l-infurzar tad-drittijiet tal-proprietà intellettuali fis-suq intern* (Rapporteur: Marielle Gallo)¹⁴⁷ jikkostitwixxi risposta g all-komunikazzjoni mill-Kummissjoni dwar it-tis i tal-infurzar tad-drittijiet tal-proprietà intellettuali (IPR) fis-suq intern¹⁴⁸. Ir-rapport enfasizza li l-prin ipju ta' territorjalità g andu jinqara u jinfiehem minn perspettiva dida li tqajmet mill- olqien tas-suq intern u sforz il-progress teknolo iku. I - ieda enormi fil-kondivi joni tal-fajls mhux awtorizzata ta' xog lijet li j orru drittijiet tal-awtur u ta' ekuzzjonijiet irrekordjati u n-nuqqas

ta' offerti legali onlajn ew identifikati b ala problema li qed ti died g all-ekonomija Ewropea f'termini ta' opportunitajiet ta' impieg u d ul g all-industrija kif ukoll g all-gvern.

It-territorjalità kkostitwiet aktar g all-ba i tal-immani jar kollektiv tad-drittijiet tal-awtur fl-UE, li tradizzjonalment kien jevolvi fuq arran amenti ta' ur ta' li enzji monotorrjali, i da b'repertorju multiplu, b'mod partikolari fis-settjur tal-mu ika, u fil-prattika jfixkel i - irkolazzjoni ta' xog lijet b al dawn fitl-territorju tal-UE kollu u kkontribwixxa g all-konsolidament tal-po izzjonijiet monopolisti i nazzjonali li jgawdu minnhom is-so jetajiet kollettri i fl-UE.

Fir-rapport, il-Parlament g alhekk talab b'ur enza lill-Kummissjoni tindirizza l-kwistjoni tal-li enzji multiterritorjali u biex tirrevedi l-immanni jar transkonfinali tad-drittijiet tal-awtur sabiex tipprovd ertezza tad-dritt, filwaqt li tenfasizza li s-sistema g all-g oti tal-li enzji g andha tittejjeb fuq il-ba i tan-newtralità teknika b'tali mod li l-Istati Membri jkollhom disponibbli sistema flessibbli, effika i u trasparenti li tista' ti i adattata g at-teknolo iji l- odda.

Il-Parlament talab ukoll lill-Kummissjoni tinforma bis-s i lill-Parlament dwar in-negoziati tal-Ftehim Kummer jali Kontra l-Falsifikazzjoni (ACTA) u biex ti gura li d-dispo izzjonijiet jikkonformaw bis-s i mal-acquis dwar l-IPR u d-drittijiet fundamentali.

UASI

Il-Kumitat g all-Affarijiet Legali huwa responsabbli g all-monitora tal-aktivitajiet tal-Uffi ju g all-Armonizzazzjoni fis-Suq Intern (UASI) - l-a enzija tal-UE responsabbli g arre istazzjoni tat-trademarks u d-disinji li huma validi fl-Istati Membri kollha. Fis-seba'

¹⁴⁷ Ri oluzzjoni tal-Parlament Ewropew tat-22 ta' Settembru 2010 dwar l-infurzar tad-drittijiet tal-proprietà intellettuali fis-suq intern (2009/2178(INI)).

¹⁴⁸ COM(2009)467.

le i latura l-Kumitat kelly diversi skambji ta' fehmiet ma' António Campinos, il-President tal-UASI, li a orna lill-Membri bl-i viluppi fil-qasam tal-attivitajiet tal-UASI. Id-diskussionijiet iffukaw b'mod partikolari fuq l-espansjoni ta' servizzi onlajn u l-kompjuterizzazzjoni, it-titjib tal-kwalità tal-metodi ta' xog ol, it-tnaqqis tad-drittijiet, it-trasferiment tal-Osservatorju Ewropew tal-falsifikazzjoni u l-piraterija lill-UASI u r-riforma tat-Trademark tal-UE. Fil-25 ta' Novembru 2013 is-Sur Campinos ppre enta lill-Kumitat studju mill-UASI bl-isem: "*I - ittadini Ewropej u l-proprietà intellettuali*: il-per ezzjoni, is-sensibilizzazzjoni u l-im iba".

Il-membri tal-Kumitat aru lill-UASI fuq jara ta' xog ol, f'Alicante (Spanja), fis-17 ta' Ottubbru 2011.

Osservatorju Ewropew tal-Ksur tad-Drittijiet tal-Proprietà Intellettuali

L-Osservatorju Ewropew tal-falsifikazzjoni u l-piraterija ie stabbilit fl-2009 bil-g an li tin abar u ti i rappurtata data dwar l-implikazzjonijiet ekonomi i u fuq is-so jetà tal-falsifikazzjoni u l-piraterija u biex tin oloq pjattaforma g ar-rappre entanti mill-awtoritajiet nazzjonali u l-partijiet interessati biex jag mlu skambju ta' ideat u kompetenzi fir-rigward tal-a jar prattiki. Fir-rapport tieg u dwar l-infurzar tad-drittijiet ta' proprietà intellettuali fis-suq intern¹⁴⁹ il-Kumitat g all-Affarijiet Legali kien talab lill-Kummissjoni tikkjarifika l-kompliti fdati fidejn l-Osservatorju tal-UE tal-falsifikazzjoni u l-piraterija u biex tittrasforma l-Osservatorju f'g odda g all- bir u l-iskambju tad-data u informazzjoni dwar ksur tal-IPR g al tfassil tal-politika orjentat lejn ir-ri ultati u l-provi.

Fl-24 ta' Mejju 2011 il-Kummissjoni ppre entat proposta mmirata lejn l-espansjoni tal-kompliti tal-Osservatorju¹⁵⁰, biex tinkludi wkoll id-disinn u l-organizzazzjoni ta' kampanji ta' sensibilizzazzjoni pubblika, l-g oti ta' mi uri xierqa ta' ta ri g all-awtoritajiet tal-infurzar, it-twettiq ta' ri erka dwar is-sistemi innovattivi ta' infurzar u ta' kxif u l-koordinament tal-kooperazzjoni internazzjonali dwar bini tal-kapa ità ma' organizzazzjonijiet internazzjonali u pajji i terzi. Peress li dawn il-kompliti odda jin tie u struttura sostenibbli ftermini ta' kompetenzi, ri orsi u tag mir tekniku, il-Kummissjoni pproponej li tafda lill-UASI bil-kompliti tal-Osservatorju.

In-negozzjati bejn il-Parlament (*rapporteur: Antonio Masip Hidalgo, S&D, Spanja*) u l-Presidenza Pollakka saru b' effa kbira u wasslu g al ftehim f'Di embru 2011. Wie ed mill-elementi tal-ftehim kien li l-isem tal-Osservatorju jinbidel minn Osservatorju Ewropew tal-falsifikazzjoni u l-piraterija g al Osservatorju tal-Ksur tad-Drittijiet tal-Proprietà Intellettuali.

Ir-Regolament ie ppubblikat fir-rebbieg a tal-2012¹⁵¹ u l-attivitajiet tal-Osservatorju issa huma operattivi, b' ieda kemm fil-g add tal-laqg at kif ukoll fin-numru ta' oqsma ta' attivitajiet. Flimkien mal-laqg at tar-rappre entanti privati u pubbli i, li jinkludu l-Membri mill-Kumitat g all-Affarijiet Legali, ew stabbiliti erba' gruppi ta' idma g al kwistjonijiet uridi i, l-infurzar, l-istatistika u l-ekonomija, u s-sensibilizzazzjoni pubblika, rispettivament

¹⁴⁹ Ara hawn fuq

¹⁵⁰ Proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill li tafda l-Uffi ju g all-Armonizzazzjoni fis-Suq Intern (Trade marks u Disinji) b' erti kompliti relatati mal-protezzjoni tad-drittijiet tal-Proprietà Intellettuali, inklu it-tlaqqig ta' rappre entanti mis-settur pubbliku u privat b ala Osservatorju Ewropew dwar il-Falsifikazzjoni u l-Piraterija. (COM(2011) 0288)

¹⁵¹ Regolament (UE) Nru 386/2012 tal-Parlament Ewropew u tal-Kunsill li tafda l-Uffi ju g all-Armonizzazzjoni fis-Suq Intern (Trade marks u Disinji) b' erti kompliti relatati mal-protezzjoni tad-drittijiet tal-Proprietà Intellettuali, inklu it-tlaqqig ta' rappre entanti mis-settur pubbliku u privat b ala Osservatorju Ewropew dwar il-Falsifikazzjoni u l-Piraterija.

Ftehim Kummer jali dwar il- lieda Kontra l-Falsifikazzjoni (ACTA)

L-ACTA huwa trattat multinazzjonali bl-g an li jistabbilixxi standards internazzjonali g all-infurzar tad-drittijiet ta' proprijetà intellettuali. In-negozzjati dwar il-Ftehim Kummer jali dwar il- lieda kontra l-Falsifikazzjoni bejn 1-UE u 1-Istati Membri tag ha, 1-Australja, il-Kanada, il- appun, ir-Repubblika tal-Korea, il-Messiku, il-Marokk, New Zealand, Singapor, 1-Svizzera u 1-Istati Uniti (ACTA) tnedew fit-3 ta' unju 2008. Il-ftehim ie konklu fil-15 ta' Novembru 2010 u t-test ie ffirmat fil-25 ta' Novembru, wara 11-il iklu ta' negozjati.

L-UE ffirmat il-ftehim fis-6 ta' Jannar 2012. Fit-2 ta' Frar 2012, il-Kunsill fittex l-approvazzjoni tal-Parlament g all-konklu joni tat-Trattat.

L-ACTA kien kontroversjali kemm f'termini tal-pro ess kif ukoll tas-sustanza tan-negozzjati. Id-de i joni li tin amm is-segretezza sakemm ir-rilaxx tal-abbozz ta' test f'nofs 1-2010 swiet ta' vanta sinifikanti g all-fehim pubbliku u l-appo g at-trattat¹⁵².

Oqsma sostantivi ta' t assib koprew firxa wiesg a ta' kwistjonijiet inklu i kwistjonijiet b all-effett negattiv potenzjali tal-ACTA fuq il-libertajiet fundamentali tal-bniedem u l-privatezza; il-possibbiltà tal- tie a li konsumaturi li jkunu fi ksur tal-ftehim jinqatag lhom l-a ess g all-internet; l-impo izzjoni tar-responsabbiltà fuq il-fornituri tas-servizz tal-internet li j orru kontenut li jkun fi ksur l-ftehim u l-effett negattiv potenzjali tal-ACTA dwar l-a ess g al medi ini fl-Ewropa u fpajji i terzi.

L-isforzi biex tin amm is-segretezza ma waqqfux dibattitu akkanit dwar l-ACTA, i enerat min abba l-kxif gradwali ta' testi proposti, evalwazzjonijiet u abbozz ta' trattati u komplew jixprunaw is-suspett li l-ACTA kien se jinvolvi bidla sinifikanti fil-li ijiet tal-pajji i ACTA u se jmur lil hinn sew mill-Ftehim TRIPS.

Il-Kumitat g all-Affarijiet Legali kien wie ed mill-kumitati li ta l-opinjoni tieg u (*rapporteur: Marielle Gallo, PPE, França*) lill-Kumitat g all-Kummer Internazzjonali dwar il-konklu joni tal-ACTA mill-Kunsill fisem 1-UE. L-opinjoni inizjali rrakkmandat il-proposta li l-kumitat ewlieni g andu jinkludu de i joni po ittiva fir-rapport tieg u. Madankollu, ir-rapporteur tilfet ir-rakkmandazzjoni tag ha b'10 vot favur, 12 kontra u 2 astensjonijiet.

Matul id-dibattitu dwar jekk l-ACTA g andux ji i approvat, il-Parlament Ewropew esperjenza lobbying dirett ming ajr pre edent minn eluf ta' ittadini tal-UE li talbuh jirrifjuta l-ACTA, fdimostrazzjonijiet fit-toroq, e-mails lill-Membri Parlamentari u telefonati lill-uffi ji tag hom. Il-Parlament ir ieva wkoll petizzjoni, iffirmata minn 2.8 miljun ittadin madwar id-dinja, li e itu biex jirrifjuta l-ftehim.

Fit-22 ta' Frar 2012, il-Kummissjoni Ewropea talbet lill-Qorti Ewropea tal- ustizzja g al opinjoni dwar il-kompatibbiltà tal-ACTA mad-Dritt tal-Unjoni, b'mod partikolari l-libertajiet u-drittijiet fundamentali tal-bniedem tal-UE.

Madankollu, ming ajr ma g ad jistenna l-opinjoni tal-Qorti, il-Parlament Ewropew irrifjuta l-ACTA b'ma oranza kbira fl-4 ta' Lulju 2013¹⁵³. Din kienet l-ewwel darba li l-Parlament e er ita s-setg a li ng atatlu mit-Trattat ta' Lisbona li jirrifjuta ftehim ta' kummer

¹⁵² Ara 1-istudju "Il-Ftehim Kummer jali dwar il- lieda Kontra l-Falsifikazzjoni (ACTA): valutazzjoni" - Il-Parlament Ewropew, Dipartiment ta' politika B.

¹⁵³ Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-4 ta' Lulju 2012 dwar l-abbozz ta' de i joni tal-Kunsil dwar il-konklu joni tal-Ftehim Kummer jali Kontra l-Falsifikazzjoni bejn 1-Unjoni Ewropea u 1-Istati Membri tag ha, 1-Australja, il-Kanada, il- appun, ir-Repubblika tal-Korea, 1-Istati Messikani Uniti, ir-Renju tal-Marokk, New Zealand, ir-Repubblika ta' Singapor, il-Konfederazzjoni Svizzera u 1-Istati Uniti tal-Amerika (2011/0167 (NLE))

internazzjonalni. Il-Membri Parlamentari li vvutaw kontra l-ACTA kienu 478, 39 ivvutaw favur u 165 astjenew

Konvenzjoni Ewropea dwar il-protezzjoni legali tas-servizzi b'a ess kundizzjonali u ta' a ess kundizzjonali

Fl-20 ta' Novembru 1998, il-Kunsill u l-Parlament Ewropew adottaw id-Direttiva 98/84/KE *dwar il-protezzjoni legali ta' servizzi bba ati fuq, jew li jikkonsistu minn, a ess kondizzjonali*. Id-Direttiva olqot qafas uridiku komuni applikabbli fl-Unjoni Ewropea kollha g all- lied a kontra mezzi ille iti li jippermettu a ess mhux awtorizzat g al servizzi tat-televi joni offruti bi las, u g all-protezzjoni effettiva ta' dawn is-servizzi. Din il-protezzjoni tkopri kemm is-servizzi tat-televi joni u tax-xandir bir-radju u tra missjoni bl-Internet. L-objettiv ewlieni tad-Direttiva kien li jipprovdi protezzjoni legali g as-servizzi kollha li g alihom il- las jiddependi fuq l-a ess kundizzjonali, ji ifieri li l-a ess g as-servizz protett ikun kundizzjonali fuq l-awtorizzazzjoni individwali li ting ata minn qabel.

Fl-1998, il-Kunsill tal-Ewropa beda jfassal abbozz ta' konvenzjoni Ewropea dwar il-protezzjoni legali ta' servizzi bba ati fuq, jew li jikkonsistu minn, a ess kondizzjonali. Protezzjoni effettiva u estensiva, g al dawk is-servizzi tidher li hija partikolarment me tie a. Fil-fatt, afna Stati Ewropej li mhumiey membri tal-Unjoni Ewropea jistg u jipprovdu oasi g all-i vilupp jew distribuzzjoni ta' apparat g al hacking f'servizzi ta' a ess kondizzjonali jekk is-sistema uridika tag hom ma tipprevedix sanzionijiet kontra din l-attività ta' hacking spe ifika afna. G alhekk kien me tie li d-dispo izzjonijiet tad-Direttiva 98/84/KE jkunu esti i u jin oloq qafas komuni u effettiv fil-livell Ewropew g all-protezzjoni ta' dawn is-servizzi. Il-Kunsill g alhekk awtorizza lill-Kummissjoni, permezz tad-De i joni tat-22 ta' unju 1999 biex tirrappre enta l-Komunità Ewropea fin-negojzjati dwar il-Konvenzjoni. L-istruzzjonijiet ta' negozjar lill-Kummissjoni kienu ma suba biex ji guraw li l-Konvenzjoni Ewropea kienet tinklej d-definizzjonijiet u l-mi uri li kienu jaqblu ma' dawk tad-Direttiva 98/84/KE, u li jkun hemm kompatibilità massima bejn i - ew strumenti uridi i.

In-negojzjati kienu ta' su ess u l-Konvenzjoni, adottata fl-24 ta' Jannar 2001, hija kompatibbli bis-s i mad-Direttiva 98/84/KE. Tabil aqq li l-Konvenzjoni prin ipalment se tie u kontroll tad-dispo izzjonijiet tad-Direttiva 98/84/KE, u b'hekk tipprote i s-sistemi abba i ta', jew bl-involvement ta', a ess kondizzjonali mill-attivitàajiet illegali elenkti fid-Direttiva 98/84/KE. F'xi postijiet, il-kliem ta - ew testi huwa xi fit differenti. Pere empju, il-Konvenzjoni mhux biss tiddefinixxi b ala reat kriminali l-manifattura ta' apparat illegali, i da wkoll il-produzzjoni tag hom. Hija tag ti wkoll definizzjoni aktar ara tas-sanzjonijiet stabiliti g al attivitàajiet definiti b ala illegali, peress li tiddeskrivihom b ala penali, amministrativi jew tip ie or. Madankollu, hekk kif in huma fid-Direttiva 98/84/KE, is-sanzjonijiet g andhom ikunu proporzjonati, disswa ivi u effettivi. Fil-qosor, il-kliem differenti tal-Konvenzjoni tal-Kunsill tal-Ewropa bl-ebda mod ma hu differenti f'termini ta' kontenut jew skop mid-Direttiva Komunitarja. Il-Konvenzjoni hija miftu a biex ti i ffirmata mill-Unjoni Ewropea. Barra minn hekk, l-Artikolu 11(4) jiddisponi espli itament li, fir-relazzjonijiet re ipro i tag hom, il-Partijiet li huma Membri tal-Komunità Ewropea g andhom japplikaw ir-regoli Komunitarji u ma g andhomx g alhekk japplikawx ir-regoli li jirri ultaw mill-Konvenzjoni sakemm ma jkunx hemm l-ebda regola Komunitarja li tirregola s-su ett partikolari kkon ernat. Din il-klawsola ta' skonnessjoni favur l-Istati Membri tal-Unjoni Ewropea ti gura s-supremazija tar-regoli tal-UE. Fit-tieni rapport ta' evalwazzjoni

tag ha dwar id-Direttiva 98/84/KE adottata fit-30 ta' Settembru 2008¹⁵⁴, il-Kummissjoni indikat li l-iffirmar tal-Konvenzjoni mill-Unjoni Ewropea g andha tinkora ixxi r-ratifika usa' mill-Istati Membri tal-Kunsill tal-Ewropa u b'hekk jag mluha possibbli li testendi l-protezzjoni legali g al servizzi bba ati fuq a ess kundizzjonali lil hinn mill-fruntieri tal-UE.

G aldaqstant, il-Kummissjoni rrakkomandat li l-Kunsill jiffirma l-Konvenzjoni u ressjet proposta g al de i joni tal-Kunsill g al dan il-fini fil-15 ta' Di embru 2010 Id-de i joni proposta kienet ibba ata fuq l-Artikolu 207(4) tat-TFUE, flimkien mal-Artikolu 218(5) tat-TFUE.

Il-Kunsill adotta d-de i joni tieg u li ju a¹⁵⁵, flimkien mal-Artikolu 218 (5) tat-TFUE, l-Artikolu 114 tat-TFUE u mhux l-Artikolu 207(4) tat-TFUE, kif propost mill-Kummissjoni. Il-po izzjoni tal-Kunsill kienet tikkonsisti mill-fatt li dik il-Konvenzjoni kienet ma suba biex tقارب il-le i lazzjoni tal-partijiet kontraenti, inklu a l-le i lazzjoni tal-Istati Membri tal-Unjoni Ewropea, sabiex ji i mi ieled b'mod aktar effika i l-a ess illegali g as-servizzi involuti.

Il-Kummissjoni, bl-appo tal-Parlament, ressjet rikors g all-annullament ta' dik id-de i joni, billi sostniet li, fid-dawl tal-g an u l-kontenut tal-Konvenzjoni, id-de i joni kkontestata taqa' primarjament ta t il-politika kummer jali komuni u biss in identalment ta t il-politika tas-suq intern. L-u u tal-Artikolu 207(4) tat-TFUE kien ifisser ukoll li l-Konvenzjoni tkun ftehim esklussiv, u g aldaqstant g andha ti i ffirmita biss mill-Unjoni, g all-kuntrarju ta' ftehim im allat li irid ji u approvat mill-Istati Membri wkoll.

Id-de i joni tal-Qorti¹⁵⁶, li ng atat fit-22 ta' Ottubru 2013, kienet li tannulla d-De i joni tal-Kunsill 2011/853/UE u li omm l-effetti tag ha sad-d ul fis-se , fi mien ra onevoli li ma g andux je edi sitt xhur, ta' de i joni dida bba ati fuq il-ba ijiet uridi i xierqa.F'konformità mas-sentenza, il-Kunsill adotta de i joni dida fl-14 ta' April 2014 u issa qed ifitdex l-approvazzjoni tal-Parlament. Din g andha tkun wa da mill-ewwel de i jonijiet li g andha tittie du mill-membri odda tal-Kumitat g all-Affarijiet Legali.

¹⁵⁴ It-tieni rapport tat-30 ta' Settembru 2008 dwar l-implimentazzjoni tad-Direttiva 98/84/KE tal-Parlament Ewropew u tal-Kunsill tal-20 ta' Novembru 1998, dwar il-protezzjoni legali ta' servizzi bba ati fuq, jew li jikkonsistu minn, a ess kondizzjonali COM(2008) 593.

¹⁵⁵ De i joni tal-Kunsill 2011/853/UE tad-29 ta' Novembru 2011, dwar l-iffirmar, fisem l-Unjoni, tal-Konvenzjoni Ewropea dwar il-protezzjoni legali ta' servizzi bba ati fuq, jew li jikkonsistu minn, a ess kondizzjonali

¹⁵⁶ Kaw a C-137/12 *Commission v. Council* ECLI:EU:C:2013:675.

Sigrieti kummer jali

B'mod enerale, kwalunkwe informazzjoni kummer jali kunfidenzjali li tipprovdil lil impri a b'venta kompetittiv tista' titqies b'ala sigriet kummer jali. Is-sigrieti kummer jali jinkludu sigrieti ta' manifattura jew industrijali u dawk ta' natura purament kummer jali. L-u u ta' din l-informazzjoni minn persuni g'ajr is-sid huwa meqjus b'ala prattika leali u ksur tas-sigriet kummer jali.

Skont l-ordinament uridiku, il-protezzjoni ta' sigrieti kummer jali hija parti mill-kun ett enerale ta' protezzjoni kontra l-kompetizzjoni in usta, jew inkella hija bba ata fuq dispo izzjonijiet spe ifi i jew fuq urisprudenza relatata mal-protezzjoni ta' informazzjoni kunfidenzjali. Xi Stati Membri ma g'andhomx li ijiet spe ifi i dwar din il-kwistjoni.

B'differenza minn ka ijiet ta' invenzionijiet bi privattiva jew rumanzi protetti mid-dritt talawtur, id-detentur ta' sigriet kummer jali mhuwiex il-proprietarju ta' dritt esklussiv fuq il-olqien tieg u. G' aldaqstant, kompetituri u partijiet terzi o'ra jistg u jiskopru, ji viluppaw u ju aw l-istess formula liberament. Is-sigrieti kummer jali huma biss legalment protetti f'ka ijiet fejn persuna tkun kisbet l-informazzjoni kunfidenzjali b'mod ille ittimu (pere empju permezz ta' serq jew tix im).

Is-sigrieti kummer jali huma g'alhekk sostanzjalment differenti mid-drittijiet ta' proprietà intellettuali, li jag tu l-esklussività. Madankollu, je tie li ji u protetti g'all-istess ra unijiet li g' alihom je istu d-drittijiet ta' proprietà intellettuali, ji ifieri sabiex jin entivaw l-innovazzjoni billi ji guraw li l-allieqa jkunu f'po izzjoni li ji u ppremjati g'all-isforzi tag hom.

Fit-28 ta' Novembru 2013 il-Kummissjoni ppre entat proposta dwar is-sigrieti kummer jali¹⁵⁷ Il-proposta tintrodu i definizzjoni komuni g'al sigrieti kummer jali, kif ukoll hija mezz li permezz tieg u vittmi ta' mi appropriazzjoni ta' sigrieti kummer jali jistg u jiksbu rimedju. Din tipprova tag milha aktar fa li g'all-qrati nazzjonali li jittrattaw il-mi appropriazzjoni ta' informazzjoni kummer jali kunfidenzjali, li jitne ew prodotti mis-suq li jiksru sigrieti kummer jali, u tag milha aktar fa li g'all-vittmi biex jir ievu kumpens g'al azzjonijiet illegali.

Peress li l-le i latura kienet waslet fi tmiemha, ir-rapporteur ma tura g'al din il-kwistjoni (*Marielle Gallo, PPE, FR*) g'a let li ma tabbozza l-ebda proposta, i da li tillimita l-e ami tat-test mill-kumitat g'al skambju ta' fehmiet. Madankollu, il-Presidenza Griega kienet attiva afna fil-Kunsill u rnexxielha ti gura Approenerali, adottat fis-26 ta' Mejju 2014¹⁵⁸

Dan se jkun wie ed mill-kompliti ewlenin fil-qasam tal-proprietà intellettuali g'all-Membri l- odda u huwa partikolarment rilevanti fil-kuntest tan-negożjati attwali tas-S' ubija Trans-Atlantika ta' Kummer u ta' Investiment (TTIP) mal-Istati Uniti.

¹⁵⁷ Proposta g'al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar il-protezzjoni ta' informazzjoni ta' kompetenza u tan-negożju (sigrieti kummer jali) kontra l-ksib, l-u u u l-i velar illegali tag hom COM(2013)0813.

¹⁵⁸ Dokument tal-Kunsill 9870/14.

5. Id-dritt amministrattiv

Fit-23 ta' Marzu 2010 l-Kumitat g all-Affarijiet Legali waqqaf grupp ta' idma dwar id-Dritt Amministrattiv tal-UE bil-g an li jie u kont tal-panorama tad-dritt amministrattiv e istenti tal-UE, u b ala t-tieni pass, jipproponi interventi kif iqis xieraq fid-dawl ta' ba i uridika dida relatata mal-"*amministrazzjoni miftu a, effi jenti u indipendentii*" introdotta mit-Trattat ta' Lisbona u d-dritt g al amministrazzjoni tajba li jinsab fl-Artikolu 41 tal-Karta tad-Drittijiet Fundamentalii.

Wara li dde ieda li jillimita l- idma tieg u g ad-dritt amministrattiv dirett tal-Unjoni mill-istituzzjonijiet, il-korpi, l-uffi ji u l-a enziji tal-Unjoni, il-Grupp e amina d-dispo izzjonijiet tad-dritt amministrattiv tal-UE li huma eneralment applikabbi, b ar-regoli dwar l-a ess g ad-dokumenti, i da wkoll regoli settorjali aktar spe ifi i, b al pere empju l-pro eduri antitrust. Instab li matul is-snin, l-Unjoni viluppat serje ta' pro eduri amministrattivi *ad hoc*, kemm fil-forma ta' li i jew li i mhux vinkolanti, ming ajr ma ne essarjament adet kont tal-koerenza tal-kwistjoni kollha, xi drabi b'diskrepanzi u inkonsistenzi, u ming ajr ma l-le i latura tal-Unjoni kellha vu i fil-kwistjoni.

Il-grupp ta' idma bbenefika mill- id ta' parir espert orali u bil-miktub minn prattikanti, akkademi i, NGOs u membri u uffi jali minn istituzzjonijiet, a enziji, korpi u uffi ji o ra li ppre entaw u ddiskutew in-noti ta' tg arrif tag hom waqt il-laqq at tal-grupp ta' idma.

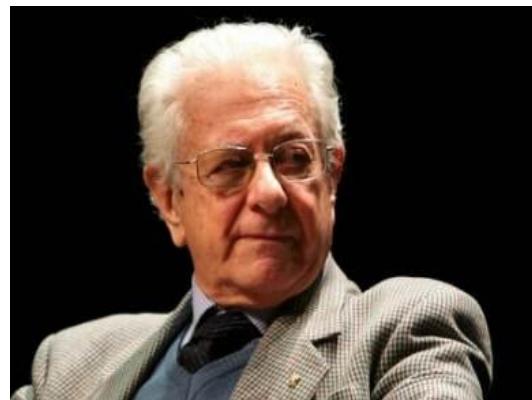
Dawn id-dokumenti u d-diskussionijiet sussegwenti mal-esperti fil-grupp ta' idma, flimkien mar-ri ultati ta' konferenza organizzata b'mod kon unt mill-Parlament Ewropew u l-Università ta' León (27-28 ta' April 2011), wasslu g al dokument ta' idma, imfassal ta t id-direzzjoni ta' Luigi Berlinguer.

B'mod partikolari, id-dokumenti ta' idma ssu erew il-possibilità li tit ejja inizjattiva le i lattiva g al li i amministrattiva enerali vinkolanti fuq l-istituzzjonijiet, il-korpi, l-a enziji u l-uffi ji tal-Unjoni, ibba ata fuq l-Artikolu 298 tat-TFUE, li tiffoka fuq il-pro edura amministrattiva u tipprovdi xibka ta' sikurezza minima ta' garanziji g a - ittadini u n-negozji fir-relazzjonijiet diretti tag hom mal-amministrazzjoni tal-UE.

Id-dokument ta' idma ie approvat mill-Kumitat g all-Affarijiet Legali fil-laqq a tieg u tal-21 ta' Novembru 2011. Wara li sema' r-rakkomandazzjonijiet tal-Grupp ta' idma, il-kumitat idde ieda li jitlob rapport le i lattiv fuq inizjattiva propria dwar il-kwistjoni.

Fir-rapport fuq inizjattiva propria tieg u dwar "*Li i ta' Pro edura Amministrattiva tal-Unjoni Ewropea (2012/2024(INI))*" (rapporteur: Luigi Berlinguer), il-Parlament jitlob lill-Kummissjoni biex tissottometti, abba i tal-Artikolu 298 tat-TFUE, proposta g al regolament dwar il-pro eduri amministrattivi li japplikaw g all-amministrazzjoni diretta minn kwalunkwe istituzzjoni, korp, uffi ju jew a enzija tal-UE ("l-amministrazzjoni tal-UE")..

Din il-li i g andha tkun limitata g all-Amministrazzjoni diretta tal-UE u applikabbi, b ala *lex generalis*, g all-istituzzjoniet kollha tal-Unjoni u l-oqsma kollha ta' attività tal-Unjoni.



Luigi Berlinguer, S&D, IT, rapporteur tar-rapport fuq inizjattiva propria dwar il-Li i tal-Unjoni Ewropea dwar il-Pro edura Amministrattiva

Ir-rapport jirrakkomanda l-kodifikazzjoni ta' sett ta' prin ipji eneralei ta' amministrazzjoni tajba li g andhom jiggwidaw l-azzjonijiet tal-amministrazzjoni tal-Unjoni u jistabbilixxu numru minimu ta' regoli pro edurali ba i i li g andhom ji u segwiti mill-amministrazzjoni tal-Unjoni meta tittratta ka ijiet individwali li persuna fi ika jew uridika tkun parti fihom, u sitwazzjonijiet o ra fejn individwu jkollu kuntatt dirett jew personali mal-amministrazzjoni tal-Unjoni. Dawk ir-regoli, b'mod partikolari, jippromwovu t-trasparenza u r-responsabilità u j idu l-fidu ja ta - ittadini fl-amministrazzjoni tal-UE.

Dan is-sett ta' prin ipji eneralei g andu ja ixxi b ala regoli *de minimis* fejn ma je istix *lex specialis* u l-garanziji pprovduti lil persuni fl-strumenti settorjali ma g andhom qatt ikunu inqas minn dawk previsti fir-regolament.

Fir-risposta tag ha g ar-ri oluzzjoni tal-Parlament, il-Kummissjoni wieg det li tniedi e er izzju ta' rendikont dettaljat. G andha tevalwa s-sitwazzjoni attwali – g all-istituzzjonijiet kollha tal-UE – u f'dan l-isfond te amina biex tara li ma je istux e empij ta' amministrazzjoni a ina li jirri ultaw mid-diskrepanzi u d-dg jufijiet fil-qafas legali e istenti u, jekk iva, tara kif dawn is-sitwazzjonijiet jistg u ji u evitati b'mod effettiv, jew b'mod eneralei jew permezz ta' azzjoni aktar spe ifika f'istituzzjoni jew o ra. B ala parti minn dan l-e er izzju, il-Kummissjoni g andha tevalwa l-appro i me uda fl-Istati Membri u g andha tikkonsulta akkademi i, praktikanti u l-komunità uridika sabiex twettaq anali i fil-fond tal-aspetti kollha ta' din il-kwistjoni. Il-Kummissjoni se tqis l-g a liet kollha biex tinforza l-amministrazzjoni miftu a, effi jenti u indipendentni tal-UE. Barra minn hekk, il-Kummissjoni impenjat ru ha li ti bor il-corpus e istenti tad-dritt amministrativ tal-UE f'post wie ed fuq is-sit elettroniku tag ha.

Komunikazzjoni mill-Kummissjoni hija mistennija fix-xhur li ejjin.

Id-dritt amministrativ huwa qasam li l-Kumitat x'aktarx ikompli jesplora matul it-tmien le i latura.

6. Ir-responsabilità ambjentali u s-sanzjonijiet applikablli g al reati ambjentali



Skont l-Anness VII, Taqsima XVI, punt 7, tar-Regoli ta' Pro edura, il-Kumitat g all-Affarijiet Legali huwa responsabbli g ar-responsabilità ambjentali u g as-sanzjonijiet kontra reati ambjentali. Wara ew de i jonijiet ewlenin tal-Qorti tal- ustizzja¹⁵⁹ u rapporti importanti tal-kumitat matul is-sitt le i latura¹⁶⁰, dan is-su ett re a' ng ata momentum wara d-d ul fis-se tat-Trattat ta' Lisbona, fejn l-idea tal-i vilupp sostenibbli tal-ambjent – li kienet di à fil-qalba ta' Trattati pre edenti – adet postha fost l-g anijiet fundamentali tal-UE.

Tabil aqq, skont l-Artikolu 3(3) tat-TUE, l-UE g andha ta dem g all-i vilupp sostenibbli tal-Ewropa, ibba at, fost affarijiet o ra, fuq "livell g oli ta' protezzjoni u ta' titjib tal-kwalità tal-ambjent". L-Artikolu 3(5) tat-TUE j id li fir-relazzjonijiet tag ha mal-bqija tad-dinja, l-Unjoni g andha tikkontribwixxi g all- "i vilupp sostenibbli tal-pjaneta". Il-arsien ambjentali jikkostitwixxi wie ed mill-oqsma ta' kompetenza kondivi a bejn l-Unjoni u l-Istati Membri f'konformità mal-Artikolu 4 tat-TFUE, u g andu ji i integrat fid-definizzjoni u l-implimentazzjoni tal-politiki u l-attivitajiet tal-Unjoni, b'kunsiderazzjoni partikolari g al dawk li jippromwovu l-i vilupp sostenibbli skont l-Artikolu 11 tat-TFUE. It-Titolu XX (l-Artikoli 191 sa 193) tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea huwa kollu ddedikat g all-politika ambjentali. B'mod partikolari, l-Artikolu 192(2) jindika l-prin ipji ewlenin li jsejsu l-azzjoni tal-Unjoni f'dan il-qasam: il-prin ipju ta' prekawzjoni, il-prin ipju ta' azzjoni preventiva, il-prin ipju li l- sara lill-ambjent g andha, b'ala priorità, tissewwa f'ras il-g ajn u l-prin ipju li "min ini es g andu j allas". Aktar importanti minn hekk, l-Artikolu 192 tat-TFUE jirrikonoxxi r-rwol aktar in i iv tal-Parlament fl-istabbiliment tal-politika ambjentali tal-Unjoni peress li l-pro edura le i lattiva ordinarja tapplika sabiex jintla aq l-g an tal-preservazzjoni, tal-arsien u tat-titjib tal-kwalità tal-ambjent. Bl-istess mod, il-pro edura le i lattiva ordinarja tapplika bil-g an li ji u adottati programmi ta' azzjoni energetici li jistabbilixxu g anijiet prioritarji. Il-mi uri me tie a g all-implimentazzjoni ta' dawn il-programmi g andhom ji u adottati ta t l-istess pro edura.

L-Artikolu 83(2), filwaqt li jibni fuq il- urisprudenza tal-Qorti tal- ustizzja, jippermetti sanzjonijiet kriminali bil- sieb li l-implimentazzjoni tal-politiki tal-Unjoni, inklu a l-politika ambjentali, tkun aktar effettiva. Din id-dispo izzjoni tg id hekk: "*Jekk l-approssimazzjoni tal-li ijiet u r-regolamenti tal-Istati Membri fmaterji kriminali tkun indispensabbli sabiex ti i assigurata l-implimentazzjoni effi jenti ta' politika tal-Unjoni f'qasam li kien su ett g all-mi uri ta' armonizzazzjoni, jistg u jsiru direttivi li jistabbilixxu r-regoli minimi firrigward tad-definizzjoni ta' reati kriminali u sanzjonijiet fil-qasam ikkon ernat. Dawn id-direttivi g andhom ji u adottati skont il-pro edura le i lattiva ordinarja jew spe jali b al dik u ata g all-adozzjoni tal-mi uri ta' armonizzazzjoni in kwistjoni, ming ajr pre udizzju g all-Artikolu 76*". Din id-dispo izzjoni tirrappre enta l-ba i uridika dida li tippermetti

¹⁵⁹ C-176/03 *Il-Kummissjoni vs Il-Kunsill* [2005] ECR I-7879 u C-440/05 *Il-Kummissjoni vs Il-Kunsill* [2007] ECR I-9097.

¹⁶⁰ Rapport tal-kumitat A6-0154/2008 (Ri oluzzjoni le i lattiva tal-Parlament Ewropew tal-21 ta' Mejju 2008; Direttiva 2008/99/KE tal-Parlament Ewropew u tal-Kunsill tad-19 ta' Novembru 2008 dwar il-arsien tal-ambjent permezz tal-li i kriminali, U 2008 L 328, p. 28); Rapport tal-kumitat A6-0172/2006 (Ri oluzzjoni tal-Parlament tal-14 ta' unju 2006 dwar il-konsegwenzi tas-sentenza tal-Qorti tat-13 ta' Settembru 2005 (C-176/03 *Il-Kummissjoni vs Il-Kunsill*) (2006/2007(INI)).

wkoll lill-Unjoni ssa a il-koe joni le i lattiva tal-Istati Membri fil-qasam tad-dritt kriminali, meta dan ikun me tie , sabiex ittejjeb ir-ri ultati tal-politiki tal-Unjoni. Dan jg odd b'mod partikolari g all-qasam tas-sanzjonijiet applikabbi g al reati ambjentali.

Matul is-seba' le i latura, il-Kumitat g all-Affarijiet Legali adotta ew opinjonijiet fil-qasam tal- arsien ambjentali indirizzati lill-Kumitat g all-Industrija, ir-Ri erka u l-Ener ija.

Fl-ewwel opinjoni¹⁶¹, minbarra li ibed l-attenzjoni g all-prin ipju ta' prekawzjoni hekk kif imsemmi fl-Artikolu 191(2) tat-TFUE, il-Kumitat indika li responsabilità s i a rigward kwalunkwe sara kkaw ata minn operaturi fir-rigward tal-esplorazzjoni u l-estrazzjoni ta - ejt u l-gass kellha tkun ibba ata fuq il-prin ipju li "min ini es g andu j allas". Min abba r-rata g olja ta' nuqqasijiet fil-le i lazzjoni attwali tal-UE dwar ir-responsabilità ambjentali, il-kumitat talab lill-Kummissjoni biex twettaq rie ami komprensiv tar-rekwi iti ta' li enzjar g all-esplorazzjoni u l-estrazzjoni tal-idrokarbonju fil-ba ar u, jekk xieraq, tippre enta proposti g all-armonizzazzjoni ta' rekwi iti minimi fil-livell tal-UE. Il-Kumitat laqa' wkoll l-intenzjoni tal-Kummissjoni li tipproponi emendi g ad-Direttiva dwar ir-Responsabilità Ambjentali (id-Direttiva 2004/35/KE) sabiex tkopri l- sara ambjentali fl-ilmijiet marini kollha kif definit fid-Direttiva Kwadru dwar l-Istrate ija Marina (id-Direttiva 2008/56/KE), kif ukoll l-isforzi tal-Kummissjoni biex testendi l-parte ipazzjoni dwar din l-istess kwistjoni fl-A enzija Ewropea g as-Sigurtà Marittima (EMSA). Fl-a arnett, l-opinjoni rrakkomandat li fid-Direttiva dwar ir-Responsabilità Ambjentali ti i introdotta sigurtà finanzjarja obbligatorja g all-operatur, flimkien ma' dispo izzjonijiet rigward l-assigurazzjoni ta' partijiet terzi me tie a mill-Istati Membri meta jilli enzjaw l-esplorazzjoni u l-esplojtazzjoni ta - ejt.

It-tieni opinjoni¹⁶² iet adottata fil-kuntest ta' pro edura le i lattiva u l-emendi ewlenin tag ha kienu jikkon ernaw: (i) l-implimentazzjoni tal-prin ipju li "min ini es g andu j allas", kif imsemmi fl-Artikolu 191(2) tat-TFUE; (ii) l-identifikazzjoni ara tar-responsabilità ta' a identi offshore qabel il-bidu ta' kwalunkwe operazzjoni ta' esplorazzjoni/esplojtazzjoni; (iii) l-istabbiliment ta' livell og la ta' trasparenza fir-rigward tal-kopertura finanzjarja tal-operatur fil-ka ta' responsabilità g al a ident kbir – li g andhom ji u kkontrollati mill-awtoritajiet tal-li enzji fl-Istati Membri – kif ukoll g al kwalunkwe tip ta' informazzjoni li l-operatur jipprovdi lill-Istati Membri, pajji i terzi u l-pubbliku enerale; (iv) l-obbligu tal-EMSA li tipprovdi lill-Kummissjoni u l-Istati Membri b'assistenza teknika u xjentifika fil-valutazzjoni u l-evalwazzjoni tar-riskji ambjentali u biex tg in lill-Istati Membri fil-preparazzjoni u l-e ekuzzjoni ta' pjanijiet ta' reazzjoni g al emer enza u tindif; (v) l-inklu joni tal-opinjonijiet tal- addiema u ta' grupperi ambjentali fl-abbozzar tar-Rapport dwar Perikli Kbar li huwa me tie sabiex operatur jing ata l-awtorizzazzjoni g al installazzjonijiet tal-produzzjoni u mhux tal-produzzjoni.

Fil-kuntest ta' rapport fuq inizjattiva prorrja tal-Kumitat g all-Ambjent, is-Sa a Pubblika u s-Sikurezza tal-Ikel, il-Kumitat g all-Affarijiet Legali adotta opinjoni dwar l-impatti ambjentali ta' attivitajiet ta' estrazzjoni ta' gass u ejt tax-shale¹⁶³. Fl-opinjoni tieg u, il-Kumitat enfasizza d-dritt ta' kull Stat Membru skont l-Artikolu 194 tat-TFUE li jiddetermina l-kundizzjonijiet g all-esplojtazzjoni tar-ri orsi tal-ener ija tieg u, l-g a la tieg u bejn sorsi differenti ta' ener ija u l-istruttura enerale tal-provvista tal-ener ija tieg u, sakemm l-acquis

¹⁶¹ Opinjoni dwar l-isfida tas-sikurezza tal-attivitajiet ta - ejt u l-gass fil-ba ar (2011/2072(INI)). Rapporteur: Eva Lichtenberger.

¹⁶² Opinjoni tal-kumitat PE492.595; Ri oluzzjoni le i lattiva tal-Parlament Ewopew tal-21 ta' Mejju 2013 dwar proposta g al regolament tal-Parlament Ewopew u tal-Kunsill dwar is-sikurezza tal-attivitajiet tal-ipprospettar, l-esplorazzjoni u l-produzzjoni ta - ejt u tal-gass offshore (2011/0309(COD)). Rapporteur: Eva Lichtenberger.

¹⁶³ 2011/2308(INI). Rapporteur: Eva Lichtenberger

communautaire, spe jalment fil-qasam tal-le i lazzjoni ambjentali, ji i rispettat bis-s i . L-opinjoni talbet ukoll lill-Kummissjoni tag mel rie ami komprensiv tal-le i lazzjoni e istenti u, jekk xieraq, tressaq proposti biex ti gura l-kopertura adegwata tal-ispe ifi itajiet tal-esplorazzjoni u l-estrazzjoni ta' gass tax-shale (partikolarment fir-rigward tal-fratturazzjoni idrawlika). Il-Kumitat ikkunsidra wkoll li huwa ta' importanza kbira li jsir appell lill-industriji biex dawn jikkooperaw mal-korpi regolatorji nazzjonali, mal-gruppi ambjentali u l-komunitajiet, sabiex jittie du l-mi uri me tie a biex jipprevjenu l-korpi rilevanti ta' ilma ta' ta t l-art milli jiddeterjoraw. Il-prin ipju tat-trasparenza ie enfasizzat fid-dawl ta' ftehim re iproku g an-nuqqas ta' divulgazzjoni rigward danni g as-sa a tal-ambjent, tal-bniedem u tal-annimali, sakemm il-kumitat kien jikkunsidra li dawn il-prattiki – li huma komuni bejn sidien tal-art fil-vi in ta' bjar tal-gass tax-shale u operaturi tal-gass tax-shale fl-Istati Uniti – mhumix konformi mal-obbligi tal-UE u tal-Istati Membri skont il-Konvenzjoni ta' Aarhus, id-Direttiva dwar l-A ess g at-Tag rif (2003/04/EC) u d-Direttiva dwar ir-Responsabilità Ambjentali (2004/35/EC).

7. Kwistjonijiet eti i relatati ma' teknolo iji odda

Il-Kumitat g all-Affarijiet Legali huwa kompetenti biex jag ti opinjonijiet dwar kwistjonijiet eti i relatati ma' teknolo iji odda billi japplika l-pro edura b'kumitati asso jati mal-kumitati rilevanti (Regoli ta' Pro edura, Anness VII, punt 9).

Matul is-seba' le i latura l-Kumitat g amel u u minn din il-kompetenza billi e amina l-kwistjoni tal-etika u t-teknolo iji odda fid-dawl tal-opinjoni li ssottometta lill-Kumitat g all-Ambjent, is-Sa a Pubblika u s-Sikurezza tal-Ikel dwar proposta g al Direttiva dwar l-istands tal-kwalità u s-sikurezza ta' organi umani ma suba g al trapjanti¹⁶⁴.

L-opinjoni tal-Kumitat kienet partikolarment motivata mix-xewqa li jirrispetta l-varjetà ta' po izzjonijiet u fehmiet eti i fl-Istati Membri, filwaqt li fl-istess in jikkontribwixxi g attitjib tas-sitwazzjoni ta' pazjenti fil-b onn ta' organi xierqa. Fir-rigward tal-kunsens tad-donaturi, il-Kumitat e e lill-Istati Membri jkollhom sistemi fis-se li jirre istraw u jikkomunikaw ix-xewqa li wie ed isir donatur u ji guraw li din ix-xewqa ti i rispettata b ala priorità. Bil- sieb li ti i indirizzata l-kwistjoni tal-kunsens ta' donaturi prospettivi, il-Kumitat talab lill-Kummissjoni biex, flimkien mal-Istati Membri, il-partijiet interessati u l-Parlament Ewropew, te amina l-possibilità li, fl-Istati Membri kollha fejn hu possibbli, ti i viluppata sistema li permezz tag ha jittie ed kont tax-xewqat espressi mi - ittadini li jag tu l-kunsens tag hom g ad-donazzjoni ta' organi wara mewthom Barra minn hekk, il-Kumitat ippropoña li jissa a id-dritt ta' anonimità tad-donaturi jew tar-ri evituri filwaqt li tin amm il-possibilità ta' rintra ar fejn dan ikun me tie g al ra unijiet medi i, billi ji i stipulat li l-a ess g al sistemi li jippermettu l-identifikazzjoni ta' donatur jew ri evituri ikun kemm jista' jkun ristrett, u wkoll billi l-Istati Membri jkunu me tie a jintrodu u penali g al a ess g addata jew tiflix mhux i ustifikat minn finijiet medi i me tie a. G add ta' emendi jfittxu li jimminimizzaw ir-riskju ta' traffikar ta' organi u attivitajiet o ra mhux eti i u illegali, b'mod partikolari billi l-Istati Membri jintalbu jie du r-responsabilità u l-mi uri me tie a g all-lieda kontra t-traffikar ta' organi, ti i intensifikata l-kooperazzjoni ta t l-awspi ji tal-Europol u l-Interpol u ti i limitata d-domanda g al attivitajiet illegali permezz ta' promozzjoni effettiva favur id-donazzjoni u ji i pprovdut qafas uridiku strett.

Il-Kumitat ikkunsidra wkoll il-kwistjoni ta' teknolo iji odda u l-etika fl-opinjoni tieg u lill-Kumitat g all-Industrija, ir-Ri erka u l-Ener ija fil-kuntest tal-proposta g al regolament li

¹⁶⁴ Opinjoni tal-Kumitat g all-Affarijiet Legali tad-29 ta' Jannar 2010 lill-Kumitat g all-Ambjent, is-Sa a Pubblika u s-Sikurezza tal-Ikel dwar proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar l-istands tal-kwalità u s-sikurezza ta' organi umani ma suba g al trapjanti.

jistabbilixxi l-Orizzont 2020 – Il-Programm Qafas g ar-Ri erka u l-Innovazzjoni (2014-2020)¹⁶⁵. Il-Kumitat identifika r-ri erka dwar elloli staminali tal-embrijoni tal-bniedem b ala l-kwistjoni etika ewlenija u fittex li jindirizza din il-problema waqt li jimmira g al aktar ertezza tad-dritt. Il-Kumitat appella biex ri erka li tinvolvi l-qedra ta' embrijuni umani jew li tu a elloli staminali tal-embrijuni tal-bniedem ti i esku a minn finanzjament mill-UE, li jfisser li se jkun fidejn l-Istati Membri jidde iedu, skont ir-regoli eti i tag hom, dwar jekk g andhomx jiffinanzjaw tali ri erka mill-ba its tag hom stess.

Il-Kumitat g all-Affarijiet Legali adotta wkoll ew opinjonijiet dwar rapporti fuq inizjattiva proprja tal-Kumitat g all-Ambjent, is-Sa a Pubblika u s-Sikurezza tal-Ikel: dwar *il-Komunikazzjoni mill-Kummissjoni bit-titolu "Pjan ta' Azzjoni dwar id-Donazzjoni tal-Organi u t-Trapjanti (2009-2015): Kooperazzjoni aktar b'Sa itha bejn l-Istati Membri"*¹⁶⁶ u dwar *id-donazzjoni volontarja u b'xejn ta' tessuti u elloli*¹⁶⁷. Fir-rigward tal-Pjan ta' Azzjoni tal-Kummissjoni dwar id-Donazzjoni ta' Organi u t-Trapjanti, l-opinjoni tal-Kumitat talbet lill-Kummissjoni tivverifika jekk id-diver enzi bejn il-li ijiet nazzjonali jikkostitwixxostaklu g ad-donazzjoni ta' organi, talbet lill-Istati Membri janalizzaw il-benefi ji mill-implimentazzjoni ta' sistema ta' donazzjoni b'"kunsens pre unt" u enfasizza l-importanza tas-sensibilizzazzjoni tal-pubbliku. Kompla jenfasizza l- tie a g al kooperazzjoni aktar mill-qrib bejn l-Istati Membri kemm rigward id-donazzjoni u t-trapjanti kif ukoll bil-sieb li ji i mi ieled it-traffikar tal-organi, filwaqt li jikkundanna dan tal-a ar, flimkien mal-kummer jalizzazzjoni tat-trapjanti u t-turi mu tat-trapjanti, g all-ksur tal-prin ipji ta' ekwità, ustizzja u rispett g ad-drittijiet tal-bniedem. Fl-opinjoni tieg u dwar id-donazzjoni volontarja u b'xejn ta' tessuti u elloli, il-Kumitat enfasizza l- tie a li ji i infurzat il-prin ipju etiku li d-donazzjoni ta' tessuti u elloli g andha tkun b'xejn u volontarja, u talab lill-Istati Membri jistabbilixxu regoli vinkolanti li jwasslu g al dan il-g an, u ji guraw li kwalunkwe kumpens li jit allas ikun kompatibbli mal-prin ipji eti i. Il-Kumitat kompla jippromwovi l-istabbiliment ta'ba i ta' data fl-Ewropa u, g al darb'o ra, stieden lill-Istati Membri jesploraw l-g a la tal-kunsens pre unt filwaqt li, fl-istess in, jippromwovu l-kun ett tad-dikjarazzjoni tal-kunsens.

Fl-a ar nett, fuq il-ba i tal-kompetenza tieg u g al kwistjonijiet eti i relatati ma' teknolo iji odda, il-Kumitat g all-Affarijiet Legali organizza, flimkien mal-Kumitat g all-Industrija, ir-Ri erka u l-Ener ija u l-Kumitat g all-I vilupp, f'asso jazzjoni mal-Kumitat g all-Petizzjonijiet, seduta ta' smig dwar it-tieni inizjattiva ta - ittadini bit-titolu "Wie ed Minna". L-inizjattiva titlob il-probjizzjoni ta' finanzjament mill-UE g al attivitajiet li jinvolvu l-qedra ta' embrijuni umani, b'mod partikolari fl-oqsma tar-ri erka, tal-kooperazzjoni g all-i vilupp u s-sa a pubblika. Ir-Regolament (UE) Nru 211/2011¹⁶⁸, fl-Artikolu 11 tieg u, jipprevedi li "l-organizzaturi [ta' inizjattivi ta - ittadini] g andhom jing ataw l-opportunità li jippre entaw l-inizjattiva ta - ittadini waqt smig pubbliku. Il-Kummissjoni u l-Parlament Ewropew g andhom ji guraw li dan is-smig ji i organizzat fil-Parlament Ewropew, jekk ikun xieraq flimkien ma' istituzzjonijiet u korpi o ra tal-Unjoni li

¹⁶⁵ Opinjoni tal-Kumitat g all-Affarijiet Legali tat-18 ta' Settembru 2012 g all-Kumitat g all-Industrija, ir-Ri erka u l-Ener ija dwar proposta g al regolament tal-Parlament Ewropew u l-Kunsill li jistabbilixxi l-Orizzont 2020 – Il-Programm Qafas g ar-Ri erka u l-Innovazzjoni (2014-2020)

¹⁶⁶ Opinjoni tal-Kumitat g all-Affarijiet Legali tad-29 ta' Jannar 2010 lill-Kumitat g all-Ambjent, is-Sa a Pubblika u s-Sikurezza tal-Ikel dwar ir-Rapport dwar Komunikazzjoni mill-Kummissjoni bit-titolu "Pjan ta' azzjoni dwar id-Donazzjoni tal-Organi u t-Trapjanti (2009-2015): Kooperazzjoni aktar b'sa itha bejn l-Istati Membri (2009/2104(INI))

¹⁶⁷ Opinjoni tal-Kumitat g all-Affarijiet Legali tas-26 ta' April 2012 lill-Kumitat g all-Ambjent, is-Sa a Pubblika u s-Sikurezza tal-Ikel dwar id-donazzjoni volontarja u b'xejn ta' tessuti u elloli (2001/2193(INI))

¹⁶⁸ Regolament (UE) Nru 211/2011 tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Frar 2011 dwar l-inizjattiva ta - ittadini (U L 65, 11.3.2011, p. 1).

juru x-xewqa li jipparte ipaw, u li l-Kummissjoni tkun rappre entata f'livell xieraq." Innatura kumplessa ta' din il-kwistjoni kienet te tie l-involviment ta' tliet kumitati biex ti i organizzata s-seduta ta' smig . L-organizzazzjoni tas-seduta ta' smig kienet partikolarment ta' sfida min abba l-fatt li l-perjodu ta' tliet xhur wara li tintlaqa' l-Inizjattiva ta - ittadini li fih, skont ir-Regolament (UE) Nru 211/2011, g andu jkun organizzat is-smig , ma kkunsidrax il-waqfa tal-Parlament min abba l-elezzjonijiet. I - mien disponibbli g all-organizzazzjoni tas-seduta ta' smig kien g alhekk naqas g al madwar xahar biss. Finalment, is-seduta iet organizzata fl-10 ta' April 2014, fl-a ar img a tal-kumitati tal-Parlament uxxenti. Kwistjoni kontroversjali o ra kienet dwar jekk l-experti g andhomx jinstemg u waqt is-seduta. Peress li r-Regolament jiddefinixxi seduta ta' smig b Ala forum g all-organizzaturi tal-inizjattiva u jelenka numru ta' parte ipanti o ra ming ajr ma jsemmi esperti, u anke fid-dawl ta - mien limitat disponibbli, eventwalment ie miftiehem fil-Parlament biex ma ji ux mistiedna esperti g as-seduta, po izzjoni li l-Kumitat g all-Affarijiet Legali kien a mill-bidunett. Madankollu, dawn huma kwistjonijiet li ser je tie u segwitu billi ji u organizzati aktar seduti ta' smig dwar l-inizjattivi ta - ittadini. Is-seduta nnifisha qajjmet interess pubbliku kbir, b'212-il parte ipant irre istrat u kopertura s i a permezz tal-istreaming fuq l-internet. Il-Kummissjoni mistennija tadotta l-komunikazzjoni dwar il-konklu jonijiet legali u politi i tag ha dwar l-inizjattiva ta - ittadini u l-azzjoni li bi siebha tie u sal-a ar ta' Mejju.

III. ATTIVITAJIET ORIZZONTALI

1. It-tfassil a jar tal-li ijet

1.1. Sfond

Din il-kompetenza orizzontali importanti g andha afna ismijiet u afna aspetti: it-tfassil a jar tal-li ijet, ir-regolamentazzjoni intelli enti u l-idoneità regolatorja, biex inkunu semmejna xi w ud. Din tittratta l-aspetti pratti i u tekni i kollha relatati mal-pro eduri le i lattivi u - ikli tal-politika, mill-preparazzjoni u l-valutazzjoni tal-proposti, permezz tal-abbozzar u l-addozzjoni effettiva u inklu iva tal-le i lazzjoni, sas-segwitu u l-evalwazzjoni tar-ri ultati. L-g an ewlieni hu li ji u ssimplifikati l-pro essi u l-pro eduri u li jitnaqqsu l-pi ijet biex jing ata lok g al metodi ta' idma miftu a u trasparenti li jie du kont ta' kemm jista' jkun opinjonijiet differenti u li jippermettu s-sejba ta' soluzzjonijiet a ettabbli li jgawdu appo wiesa', ming ajr ela ta' in u ta'ri orsi.

Peress li f'dan il-qasam dejjem hemm lok g at-titjib, id-diskussjoni li g adha g addejja u qed tinbidel dwar il-bilan interistituzzjonal primarjament bejn il-Parlament, il-Kunsill u l-Kummissjoni – u t-tqeg id ta' entri tal-gravità differenti skont is-setg at politi i u istituzzjonal ta' dawn l-atturi fi minijiet differenti u foqsma differenti – qed ti i kontinwament riflessa fl-istat attwali ta' tfassil a jar tal-li ijet.

Fil-pre ent l-istrument ewlieni huwa l-Ftehim Interistituzzjonal (FII) dwar it-Tfassil A jar tal-Li ijet.¹⁶⁹ Dan ie adottat fl-2003 u g aldaqstant xi w ud jistg u jqisu li g adda mienu wara li d-d ul fis-se tat-Trattat ta' Lisbona fl-2009 u l-implimentazzjoni sussegwenti tieg u illum olqu xenarju le i lattiv differenti afna. Wie ed mill-objettivi ewlenin tal-Parlament f'dan il-qasam g alle i latura 2014-2019, jista' g alhekk ikun li ji gura l-konklu joni b'su ess tan-negojzjati g al FII did li jikkonsolida l-kisbiet u l-ftehimiet mag mula matul l-a ar le i laturi u ji gura li jittie ed kont tal-po izzjonijiet tal-Parlament foqsma partikolari differenti tat-tfassil a jar tal-li ijet.

Il-Kumitat g all-Affarijiet Legali jadotta rapport annwali dwar it-tfassil a jar tal-li ijet li g al dawn l-a ar tliet snin kellu lil Sajjad Karim b'ala rapporteur¹⁷⁰.



Sajjad Karim, ECR, UK, rapporteur tar-rapporti annwali dwar le i lazzjoni a jar

¹⁶⁹ U C 321, 31.12.2003, p. 1.

¹⁷⁰ Ri oluzzjoni tal-Parlament Ewropew tal-14 ta' Settembru 2011 dwar it-Tfassil A jar tal-Li ijet, is-Sussidjarjetà u l-Proporzjonalità u r-Regolamentazzjoni Intelli enti (U C 51 E, 22.2.2013, p. 87); Ri oluzzjoni tal-Parlament Ewropew tat-13 ta' Settembru 2012 dwar it-18-il rapport dwar it-Tfassil A jar tal-Li ijet - Applikazzjoni tal-prin ipji tas-sussidjarjetà u tal-proporzjonalità (2010) (U C 353 E, 3.12.2013, p. 117); Ri oluzzjoni tal-Parlament Ewropew tal-4 ta' Frar 2014 dwar l-Idoneità Regolatorja tal-UE, Sussidjarjetà u Proporzjonalità - id-19-il rapport dwar it-Tfassil A jar tal-Li ijet li jkopri s-sena 2011 (P7_TA(2014)0061, g adha mhix ippubblikata fil- U).

1.2. L-a enda g al regolamentazzjoni intelli enti u l-idoneità regolatorja

Fil-Konklu jonijiet tal-Presidenta fi tmiem il-Kunsill Ewropew tar-Rebbieg a 2007, l-Istati Membri u l-istituzzjonijiet tal-UE ntalbu jimplimentaw l-Istrate ija l-dida ta' Lisbona g at-Tkabbir u l-Impjegi billi jtejbu l-a enda g at-tfassil a jar tal-li ijiet biex jin oloq ambient tan-negozju aktar dinamiku. Il-President tal-Kummissjoni Barroso wie eb g al dan fil-Linji Gwida Politi i g all-Kummissjoni li Jmiss tat-3 ta' Settembru 2009 fejn issu erixxa li l-Istrate ija ta' Lisbona ssir l-istrate ija "UE-2020". Dawn il-linji gwida kellhom jenfasizzaw il-kompetittività u anqas pi ijiet amministrattivi permezz tar-regolamentazzjoni intelli enti biex is-swieq jiffunzjonaw g an-nies, u b'enfasi ara fuq il-konsultazzjonijiet pubbli i, il-valutazzjonijiet tal-impatt, il-komitolo ija u s-simplifikazzjoni tal-le i lazzjoni e istenti.

Il-komunikazzjoni dwar Regolamentazzjoni Intelli enti fl-UE (COM(2010)0543) espandiet fuq dan billi elenkat il-mi uri li l-Kummissjoni kien bi siebha tie u biex ti gura l-kwalità tar-regolamentazzjoni matul i - iklu politiku, mit-tfassil tal-politika sal-evalwazzjoni u r-revi joni tag ha. Kellhom isiru diversi sforzi u inizjattivi biex jinkiseb iklu politiku aktar issimplifikat bi t ejjija g al le i lazzjoni bba ata fuq konsultazzjonijiet wiesg a u valutazzjonijiet tal-impatt, u bl-implimentazzjoni tag ha tkun so etta g al valutazzjonijiet tal-idoneità *ex-post*, bl-g an kumplessiv li ji u ssimplifikati u mnaqqsa l-pi ijiet regolatorji u amministrattivi.

Din l-a enda g al regolamentazzjoni intelli enti kellha ti i segwita fl-2012, u dan sar fil-forma ta' Komunikazzjoni tal-Kummissjoni dwar l-Idoneità Regolatorja tal-UE (COM(2012)0746), li s-su eriment ewlieni tag ha kien it-tnedija ta' Programm dwar l-Idoneità u l-Prestazzjoni tar-Regolamentazzjoni (REFIT), li jfittekk li jidentifika l-pi ijiet, l-inkonsistenzi, in-nuqqasijiet u l-mi uri ineffettivi. Permezz ta' REFIT, il-Kummissjoni tkun tista' tidentifika, tivvaluta, tadotta u tissorvelja l-implimentazzjoni ta' inizjattivi u dan g andu jirri ulta fi tnaqqis jew simplifikazzjoni sinifikanti tal-ispi a regolatorja. REFIT kella jinkludi wkoll Programm ta' Azzjoni g at-Tnaqqis tal-Pi ijiet Amministrattivi (ABR), li kella l-g an li jnaqqas il-pi ijiet g an-negozji li ejjin mil-le i lazzjoni tal-UE b'25 % sal-2012.

1.3. Il-futur tat-tfassil a jar tal-li ijiet

Il-kapitolu dwar il-koerenza regolatorja fin-negozjati g al Subija Trans-Atlantika ta' Kummer u Investiment (T-TIP) huwa f'waqtu afna mhux biss min abba l-intensifikazzjoni attwali tan-negozjati dwar is-su ett, il-konsultazzjonijiet u d-diskussionijiet dwar Soluzzjonijiet g at-Tilwim bejn l-Investitur u l-Istat jew l-a enda tal-Parlament g at-tfassil a jar tal-li ijiet, i da spe ifikament fl-isfond tar-rapport Karim dwar ir-Tfassil a jar tal-Li i u l-Idoneità Regolatorja (li jkompli wkoll fuq ir-rapport Niebler dwar il-garanzija g al valutazzjonijiet tal-impatt indipendent), ir-rapport Lichtenberger dwar il-monitora tal-applikazzjoni tal-li i tal-UE, ir-rapporti Szájer dwar atti delegati u ta' implimentazzjoni u rapport Berlinguer dwar Li i ta' Pro edura Amministrattiva Ewropea, li kollha jipprovdu punti ta' riflessjoni fid-diskussjoni dwar l-aspetti regolatorji tat-T-TIP. Bla dubju dawn il-kwistjonijiet ser ikollhom post prominenti fuq l-a enda tal-le i latura li jmiss.

1.4. Is-sussidjarjetà

It-Trattat ta' Lisbona sa a ir-rwol tal-Parlamenti nazzjonali tal-Istati Membri fl-istruttura istituzzjonal u uridika tal-Unjoni. Fejn skont l-Artikolu 2 tal-Protokoll Nru 1 tat-TFUE, il-proposti le i lattivi kollha g andhom jintbag tu lill-Parlamenti nazzjonali, il-Protokoll Nru 2 jistabbilixxi mekkani mu ta' valutazzjoni g all-Parlamenti nazzjonali fir-rigward ta' le i lazzjoni proposta li ma taqax ta t il-kompetenza esklu iva tal-Unjoni Ewropea. Skont l-

Artikolu 6 tal-Protokoll, il-parlamenti nazzjonali – u, f'parlamenti bikamerali, kull Kamra – jistg u jag tu "opinjoni motivata" jekk iqisu li l-abbozz tal-att le i lattiv tal-UE ma jikkonformax mal-prin ipju tas-sussidjarjetà. F'dan il-ka l-opinjoni tal-Parlament nazzjonali/tal-Kamra g andha tintbag at bil-miktub lill-Presidenti tal-Parlament, il-Kunsill u l-Kummissjoni fi mien tmien img at mit-trasmissjoni tal-a ar ver joni lingwistika tal-abbozz tal-att le i lattiv ikkon ernat. ew pro eduri, mag rufa b ala l-karta "safra" u l-karta "oran jo", huma previsti (g al din tal-a ar, l-obbligi huma aktar stretti) g ar-rie ami obbligatorju ta' proposta le i lattiva mill-awtur, u f' afna ka ijiet mill-Kummissjoni, meta l-opinjonijiet motivati li jaslu je edu l-limiti stabbiliti.¹⁷¹

Skont l-Artikolu 38a (3) tar-Regoli ta' Pro edura, l-opinjonijiet motivati kollha ji u riferiti lill-kumitat(i) responsabqli g all-abbozz tal-att le i lattiv u jintbag tu g all-informazzjoni lill-"kumitat responsabqli mill-osservanza tal-prin ipju ta' sussidjarjetà", li hu l-Kumitat g all-Affarijiet Legali. Fl-14 ta' Di embru 2010, il-Konferenza tal-Presidenti tal-Kumitati approvat xi prin ipji gwida li g andhom l-g an ji guraw it-trattament xieraq, fil-livell ta' kumitat, ta' opinjonijiet motivati mill-Parlamenti nazzjonali. G aldaqstant, l-opinjonijiet motivati kollha huma tradotti fil-lingwi uffi jali kollha¹⁷² u jridu jitqassmu lill-membri tal-kumitati kkon ernati, kif ukoll jidda lu fil-fajls rispettivi tag hom u ssir referenza g alihom fir-ri oluzzjoni le i lattiva dwar il-proposta in kwistjoni. B'rispett g all-perjodu ta' tmien img at li fih jistg u jin ar u l-opinjonijiet motivati, il-kumitat responsabqli fil-Parlament Ewropew ma jistax jivvota dwar proposta qabel tg addi l-iskadenza g all-Parlamenti nazzjonali biex jo or u opinjonijiet motivati.

Ir-rwol tal-Kumitat

Fil-fatt, il-Kumitat g all-Affarijiet Legali g andu ew funzionijiet distinti rigward opinjonijiet motivati mill-Parlamenti nazzjonali. L-ewwel nett, il-Kumitat irid jivverifika jekk dawn l-opinjonijiet humiex enwinament "opinjonijiet motivati" u jekk intbag tux fil-in sabiex jidde iedi liema minnhom se ji u tradotti. Fil-verità, afna mill-komunikazzjonijiet mill-Parlamenti nazzjonali ma jqajmuk kwistjonijiet relatati man-nuqqas ta' konformità mal-prin ipju ta' sussidjarjetà, i da ba ikament jippre entaw l-opinjoni politika tal-Parlamenti nazzjonali dwar is-sutanza tal-proposta. Filwaqt li dawn l-opinjonijiet jinkitbu bil-lingwa uffi jali tal-Istat Membru kkon ernat, l-opinjonijiet motivati jridu ji u tradotti sabiex il-Parlament Ewropew ikun jista' jie u kont tag hom, kif me tie mill-Protokoll Nru 2¹⁷³. Madankollu, kontribuzzjonijiet o ra mill-Parlamenti nazzjonali ji u trasmessi lill-kumitati kkon ernati bil-lingwa ori inali tag hom.

Barra minn hekk, il-Kumitat huwa responsabqli mir-rapport annwali dwar is-sussidjarjetà, li l-Artikolu 9 tal-Protokoll Nru 2 jobbliga lill-Kummissjoni tippre enta lill-Kunsill Ewropew, lill-Parlament Ewropew, lill-Kunsill u lill-Parlamenti nazzjonali. Matul is-seba' le i latura l-Kumitat inkluda l-opinjonijiet tieg u dwar ir-rapporti annwali dwar is-sussidjarjetà fir-rapport tieg u dwar it- "Tfassil a jar tal-li ijiet".

¹⁷¹ "Karta safra" ting ata meta terz tal-parlamenti nazzjonali jivvutaw kontra proposta, jew kwart g all-kwistjonijiet fil-qasam tal-ustizzja u l-Affarijiet Interni. "Karta oran jo" te tie ma oranza sempli i tal-voti tal-parlamenti nazzjonali kollha. Kull Parlament nazzjonali g andu ew voti fil-pro edura, maqsuma bejn il-Kamar f'parlamenti bikamerali.

¹⁷² Bl-e ezzjoni tal-Malti u l-Gaeliku. Il-PE huwa l-unika istituzzjoni tal-UE li titradu i l-opinjonijiet motivati kollha mill-Parlamenti nazzjonali fil-lingwi l-o ra tal-UE. Il-Kummissjoni dde idiet li ma titradu ix l-opinjonijiet motivati fil-lingwi kollha ta' idma, tal-anqas mhux sakemm jintla qu l-limiti g all-karti sofor u oran jo.

¹⁷³ Skont l-Artikolu 7(1) tal-Protokoll Nru 2 il-Parlament Ewropew "[g andu jqis] l-opinjonijiet motivati tal-Parlamenti nazzjonali jew ta' kamra ta' parlament nazzjonali".

L-opinjonijiet motivati li waslu

Mid-d ul fis-se tat-Trattat ta' Lisbona l-Kumitat ivverifika aktar minn 300 opinjoni motivata li r ieva l-Parlament¹⁷⁴. Dawn kienu dwar bosta oqsma ta' politika differenti, mill-agrikoltura, it-trasport¹⁷⁵, l-ambjent¹⁷⁶ u s-sa a¹⁷⁷ g all-politika so jali¹⁷⁸, il- ustizza u affarijiet interni¹⁷⁹, is-servizzi finanzjarji¹⁸⁰, it-telekomunikazzjoni¹⁸¹ u d-drittijiet ta' proprjetà intellettuali¹⁸². L-o ezzonijiet li tqajmu mill-Parlamenti nazzjonali kontra proposti partikolari jvarjaw skont is-settur ikkon ernat u s-sustanza u l-forma tal-proposta. Madankollu jistg u ji u identifikati xi aspetti komuni. afna mill-opinjonijiet motivati argumentaw li att g andu jkollu l-forma ta' direttiva aktar milli dik ta' regolament, kif ipproponiet il-Kummissjoni¹⁸³. Karatteristika komuni o ra, u forsi aktar sinifikanti, ta' afna opinjonijiet motivati huma l-o ezzonijiet li tqajmu kontra dak li afna Parlament nazzjonali raw b ala u u ejed ta' atti delegati mill-Kummissjoni.¹⁸⁴

¹⁷⁴ Intbag tu 472 abbozzi ta' atti le i lattivi lill-Parlamenti nazzjonali g al e ami skont it-termini tal-Protokoll Nru 2 tat-Trattat ta' Lisbona. 468 minn dawk l-abbozzi ta' atti le i lattivi huma proposti tal-Kummissjoni, filwaqt li l-erbg a l-o ra huma inizjattivi tal-Kunsill. Sa Mejju 2014 il-Parlament Ewropew kien ir ieva 1723 sottomissjoni mill-Parlamenti nazzjonali b'rispons g all-proposti. Minn dawn, 282 kienu opinjonijiet motivati filwaqt li l-1441 l-o ra kienu kontribuzzjonijiet.

¹⁷⁵ Ara, pere empu, il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill li jemenda r-Regolament (KE) Nru 1370/2007 fir-rigward tal-ftu tas-suq tas-servizzi tat-trasport ferrovjarju domestiku tal-passi ieri (COM(2013)0029), li kienet is-su ett ta' sitt opinjonijiet motivati, mill-Bundesrat Awstrijak, il-Parlament Lussemburgi , il-Parlament Svedi , it-Tweede Kamer u l-Eerste Kamer Olandi u l-Parlament Litwan.

¹⁷⁶ Il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar l-A ess g al Ri orsi eneti i u l-Qsim Ekwu ta' Benefi ji li Jirri ultaw mill-U u tag hom fl-Unjoni (COM(2012)0576), li kienet is-su ett ta' tliet opinjonijiet motivati, mis-Senat Taljan, il-Parlament Svedi u s-Senat Fran i , li fil-fatt, minbarra l-ambjent, kienet tikkon erna wkoll il-qasam tal-kooperazzjoni g all-i vilupp.

¹⁷⁷ Il-proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar l-approssimazzjoni tal-li ijiet, ir-regolamenti u d-dispo izzjonijiet amministrativi tal-Istati Membri rigward il-manifattura, il-pre entazzjoni u l-bejg tat-tabakk u prodotti relatati (COM(2012) 0788) r eviet tmien opinjonijiet motivati, mill-Parlament Svedi , il-Kamra tad-Deputati Taljana, is-Senat Taljan, il-Kamra tad-Deputati eka, il-Parlament Grieg, il-Parlament Portugi , il-Kamra tad-Deputati Rumena u l-Parlament Dani .

¹⁷⁸ Il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar il-fond g al G ajnuna Ewropea g all-Persuni l-Aktar fil-B onn (COM(2012)0617), li r eviet erba' opinjonijiet motivati, mill-Parlament Svedi , mill-Bundestag ermani u l-House of Commons u l-House of Lords tar-Renju Unit.

¹⁷⁹ Bl-aktar notevoli tkun il-proposta g al Regolament tal-Kunsill dwar it-twaqqif tal-Uffi ju tal-Prosekutur Pubbliku Ewropew (COM(2013)0534) li wasslet g al karta safra, ara hawn ta t.

¹⁸⁰ Pere empu l-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar ir-rekwi iti prudenziali g all-istituzzjonijiet tal-kreditu u d-ditti tal-investiment firms (COM(2011)0452), li r eviet opinjonijiet motivati mill-Parlament Svedi , mis-Senat Fran i u mill-House of Commons tar-Renju Unit.

¹⁸¹ Il-proposta g al-Regolament tal-Parlament Ewropew u tal-Kunsill dwar mi uri biex tonqos l-ispi a biex isiru netwerks tal-komunikazzjoni elettronika b'velo ità g olja (COM(2013)147). Din ir eviet ames opinjonijiet motivati mill-House of Common u l-House of Lords tar-Renju Unit, mill-Kamra tad-Deputati Rumena, it-Tweede Kamer Olandi u l-Parlament Svedi .

¹⁸² Il-proposta g al Direttiva tal-Parlament Ewropew u tal-Kunsill dwar l-immani jar kollettiv tad-drittijiet tal-autur u drittijiet relatati u ru ta' li enzji multiterritoriali ta' drittijiet f'xog lijet mu ikali g al u i online fis-suq intern (COM(2012)372) ir eviet erba' opinjonijiet motivati mis-Sejm Pollakk, mill-Parlament Svedi , mis-Senat Fran i u mill-Parlament Lussemburgi .

¹⁸³ Ara, pere empu, l-opinjoni motivata mill-Parlament Svedi dwar il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill li jistabbilixxi qafas fuq l-a ess g as-suq g as-servizzi portwarji u t-trasparenza finanzjarja tal-portijiet (COM(2013)0296) u l-opinjoni motivata tal-House of Commons tar-Renju Unit dwar il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar mi uri biex tonqos l-ispi a biex isiru netwerks tal-komunikazzjoni elettronika b'velo ità g olja (COM(2013)0147).

¹⁸⁴ Ara l-opinjoni motivata mis-Senat Taljan dwar il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar il-kondizzjonijiet ootekni i enealo i i g all-kummer u l-importazzjoni fl-Unjoni ta' animali g at-tnissil u tal-prodotti erminali tag hom (COM (2014)005 finali) li tg id li "billi l-proposta g al regolament fiha bosta setg at li huma delegati lill-Kummissjoni u li l-atti sussegwenti, li mhumiex atti le i lattivi, g alhekk jistg u ma ji ux skrutinizzati mill-parlamenti nazzjonali skont il-prin ipju ta'

Fl-2012, g all-ewwel darba mid-d ul fis-se tat-Trattat ta' Lisbona, proposta tal-Kummissjoni wasslet g all-hekk imsej a pro edura ta' "karta safra". Fil-21 ta' Marzu 2012 il-Kummissjoni ppre entat proposta g al regolament tal-Kunsill dwar "l-e er izzju tad-dritt li tittie ed azzjoni kollettiva fil-kuntest tal-libertà tal-istabbiliment u l-libertà li tag ti servizz". Il-proposta ta' spiss tissejja il-proposta "Monti II", g alien kienet issegwi rrakkomandazzjonijiet tal-ex Kummissarju Monti. Kienet ippre entata mill-Kummissjoni b'reazzjoni g as-sentenzi tal-Qorti tal- ustizzja fil-ka ijiet *Viking-Line* u *Laval*.¹⁸⁵ Il-ba i uridika tal-proposta kienet l-Artikolu 352 tat-TFUE, l-hekk imsej a klawsola ta' flessibilità.

Sat-22 ta' Mejju 2012, l-iskadenza g all-opinjonijiet motivati mill-Parlamenti nazzjonali, il-proposta tal-Kummissjoni kienet is-su ett ta' 12-il opinjoni motivata.¹⁸⁶ Fost il-kwistjonijiet prin ipali li tqajmu mill-Parlamenti nazzjonali kien hemm l-adegwatezza tal-ba i uridika, il-possibilità ta' impatt negattiv fuq is-sistema ta' relazzjonijiet industrijali fl-Istati Membri, kwistjonijiet mal-li i nazzjonali tax-xog ol u l- ustifikazzjoni insuffi jenti tal- tie a u l-g anijiet g al azzjoni tal-UE. F'daqqa, l-opinjonijiet motivati kienu jirrappre entaw 19-il vot minn total ta' 54 vot allokat i all-Parlamenti nazzjonali, ji ifieri aktar minn terz. G aldaqstant, f'konformità mat-Trattat ta' Lisbona, il-Kummissjoni kienet obbligata tirrevedi l-proposta tag ha u tidde iedi jekk g andhiex i ommha, timmodifikaha jew tirtiraha.

Il-Kumitat kelli skambju ta' fehmiet dwar il-ba i uridika u l-karta s-safra fl-10 ta' Lulju 2012 abba i tan-noti m ejjija mir-rapporteurs rispettivi g all-ba i uridika (Axel Voss) u g as-sussidjarjetà (Sajjad Karim). Fit-12 ta' Settembru 2012 il-Kummissjoni dde idiet li tirtira l-proposta tag ha, g alkemm dan ma kienx min abba nuqqas ta' konformità mal-prin ipju ta' sussidjarjetà, i da g alien ikkonkludiet li probabbi ma kienx se jin abar l-appo politiku me tie fil-PE u l-Kunsill biex tkun tista' ti i adottata.

It-tieni karta safra ng atat fl-2013 kontra proposta g al Regolament dwar it-twaqqif tal-Uffi ju tal-Prosekutur Pubbliku Ewropew (UPPE).¹⁸⁷ Da lu 13-il opinjoni motivata mill-Parlamenti/kmamar nazzjonali.¹⁸⁸ L-opinjonijiet motivati kienu jirrappre entaw 18-il vot minn total ta' 56, b'hekk inqabe il-limitu ta' kwart tal-voti li huma me tie a g al abbozzi ta' atti le i lattivi li jaqg u fil-kamp ta' applikazzjoni tal-qasam tal-libertà, is-sigurtà u l-ustizzja abba i tal-Artikolu 76 tat-TFUE. L-opinjonijiet motivati qajmu g add ta' o ezzjonijiet g all-proposta, inklu in-nuqqas ta' prova suffi jenti tal-valur mi jud mill-istabbiliment tal-UPPE vis à vis il-prestazzjoni tas-sistemi udizzjarji tal-Istati Membri; it-twemmin li l-"mudell sovranazzjonali" tal-UPPE se jillimita b'mod sproporzjonat is-

sussidjarjetà" u, pere empu, l-opinjoni motivata mis-Senat Fran i dwar il-proposta g al Regolament tal-Parlament Ewropew u tal-Kunsill dwar mi uri strutturali li jtejbu r-re iljenza ta' istituzzjonijiet ta' kreditu tal-UE (COM(2014)0043) o ezzjonat espli itament dwar l-ammot u l-kamp ta' applikazzjoni tal-atti delegati proposti mill-Kummissjoni.

¹⁸⁵ Kaw a C-438/05 International Transport Workers' Federation and Finnish Seamen's Union v Viking Line ABP and OÜ Viking Line Eesti [2007] ECR I-10779 u l-Kaw a C-341/05 Laval un Partneri Ltd v Svenska Byggnadsarbetareförbundet, Svenska Byggnadsarbetareförbundets avdelning 1, Byggettan and Svenska Elektrikerförbundet, [2007] ECR I-11767.

¹⁸⁶ Dawn l-opinjonijiet motivati kienu mid-Danimarka, il-Latvja, il-Finlandja, il-Portugall, Franzia, il-Bel ju, il-Pajji i l-Baxxi, l-Isvezja, il-Lussemburgu, Malta u r-Renju Unit.

¹⁸⁷ COM (2013)0534.

¹⁸⁸ Mis-Senat ek, it-Tweede Kamer u l-Eerste Kamer Olandi i, il-House of Commons u l-House of Lords tar-Renju Unit, il-Parlament Irlandi, il-Parlament Ungari, il-Kamra tad-Deputati Rumena, l-Assemblea Nazzjonali Slovena, is-Senat Fran i, il-Parlament iprijott, il-Parlament Svedi u l-Parlament Malti. L-opinjonijiet motivati kienu jirrappre entaw 18-il vot minn total ta' 56 vot, b'hekk inqabe il-limitu ta' terz tal-voti li huma me tie a g al abbozzi ta' atti le i lattivi li jaqg u ta t il-kamp ta' applikazzjoni tal-qasam tal-libertà, is-sigurtà u l-ustizzja abba i tal-Artikolu 76 tat-TFUE.

sovranità e istenti tal-Istati Membri fil-qasam tad-dritt kriminali, u l-preferenza li jissa u l-forom e istenti ta' kooperazzjoni b all-OLAF, jew li ji u introdotti mi uri preventivi fil-punt ta' applikazzjoni tal-fondi tal-UE.

Fis-26 ta' Novembru l-Kumitat kelly skambju ta' fehmiet dwar il-karta safra abba i ta' pre entazzjoni mir-rapporteur g as-sussidjarjetà, Sajjad Karim. Fis-27 ta' Novembru 2013 il-Kummissjoni ppubblikat Komunikazzjoni bl-anali i tag ha tal-opinjonijiet motivati,¹⁸⁹ fejn ikkonkludiet li l-proposta kienet tikkonforma mal-prin ipju ta' sussidjarjetà. G aldaqstant il-Kummissjoni qieset li ma kellhiex b onn tirtira jew temenda l-proposta u g alhekk ammet il-proposta i da iedet li matul il-pro ess le i lattiv ser tie u kont tal-opinjonijiet motivati. Fil-laqq a tieg u tas-16 ta' Di embru 2013 il-Kumitat iddiskuta r-rispons tal-Kummissjoni g all-karta safra fil-kuntest ta' skambju ta' fehmiet dwar l-opinjoni tal-Kumitat dwar il-proposta (rapporteur Evelyn Regner), adottat fil-11 ta' Frar 2014.¹⁹⁰

Peress li l-iskrutinju tal-pro edura ta' sussidjarjetà mill-Parlamenti nazzjonali sar biss parti mill-istruttura istituzzjonal tal-UE fl-2009, wie ed jista' jg id li s-seba' le i latura, sa ertu punt dan kien perjodu ta' tag lim g all-atturi kollha kkon ernati. Filwaqt li l-Parlament, b ala istituzzjoni, fittex li jtejjeb il-vi ibilità u l-po izzjoni tal-opinjonijiet motivati permezz tal-introduzzjoni ta' pro eduri mtejba g all-immani jar tekniku u amministrativ tag hom, fil-futur il-Kumitat g all-Affarijiet Legali se jkollu l-opportunità li jtejjeb ir-rispons tieg u g all-opinjonijiet motivati. Pere empju titjib fid-disponibilità ta' fa ilitajiet tal-vidjokonferenzi jista' jipprovd i possibilità li jin amm kuntatt mal-Parlamenti nazzjonali kull meta l-Kumitat jidhirlu li l-opinjonijiet motivati jqajmu kwistjonijiet li ji ustifikaw dibattitu komuni mal-membri tal-Parlamenti nazzjonali kkon ernati. Barra minn hekk, issu erimenti u r-rakkmandazzjoni ippre entati mill-Kumitat fir-rapporti tieg u dwar is-sussidjarjetà jistg u jipprovdu ideat g al viluppi ulterjuri matul it-tmien le i latura.

Rapporti annwali

F'konformità mal-Artikolu 9 tal-Protokoll 2, il-Kummissjoni kull sena trid tippre enta rapport dwar l-applikazzjoni tal-Artikolu 5 tat-Trattat tal-Unjoni Ewropea lill-Kunsill Ewropew, il-Parlament Ewropew, il-Kunsill u l-Parlamenti nazzjonali. Dan ir-rapport annwali g andu jintbag at ukoll lill-Kumitat Ekonomiku u So jali Ewropew u lill-Kumitat tar-Re juni.

Fl-ewwel rapport annwali adottat mill-Kumitat wara d-d ul fis-se tat-Trattat ta' Lisbona, ir-rapporteur, Lidia Joanna Geringer de Oedenberg, enfasizzat li l-prin ipji ta' sussidjarjetà u proporzjonalità jikkostitwixxu r-rekwi iti ba i i tal-li i primarja u li l-applikazzjoni korretta tag hom g andha tg in ti gura li l-li i Ewropea tissodisfa l-aspettattivi ta - ittadini. Ir-rapporteur enfasizzat ukoll li t-Trattat ta' Lisbona kien sa a ir-rwol tal-Parlamenti nazzjonali b'mod sinifikanti fir-rigward tal-prin ipju ta' sussidjarjetà u esprimiet it-tama li, fil-futur qrib, il-Parlamenti nazzjonali ji u m e a jid lu f'kooperazzjoni u jie du vanta minn opportunitajiet odda.¹⁹¹

Il-fehmiet tal-Kumitat fil-bi a l-kbira tag hom ew segwiti mill-Parlament, li firri oluzzjoni tieg u kkonkluda li "l-applikazzjoni korretta tal-prin ipji tas-sussidjarjetà u l-

¹⁸⁹ COM(2013)851.

¹⁹⁰ Opinjoni tal-Kumitat g all-Affarijiet Legali g al Kumitat g al-Libertajiet ivili, il-ustizzja u l-Intern dwar proposta g al Regolament tal-Kunsill dwar it-twaqqif tal-Uffi ju tal-Prosekutur Pubbliku Ewropew ((COM(2013)0534 – C7-0000/2014 – 2013/0255(APP)).

¹⁹¹ Ara n-nota spjegattiva mal-abbozz ta' rapport dwar it-tfassil a jar tal-li ijiet – il-15-il rapport annwali tal-Kummissjoni skont l-Artikolu 9 tal-Protokoll dwar l-applikazzjoni tal-prin ipji ta' sussidjarjetà u proporzjonalità (2009/2142(INI)).

proporzjonalità hija me tie a g all-funzjonament tajjeb tal-Unjoni Ewropea kif ukoll g all-adattament xieraq tal-attivitajiet tal-istituzzjonijiet tag ha skont l-aspettattivi ta - ittadini tag ha, tal-kumpaniji li joperaw fis-suq intern kif ukoll tal-amministrazzjonijiet nazzjonali u lokali, u biex ji i gurat li d-de i jonijiet jittie du kemm jista' jkun qrib i - ittadin."¹⁹²

Fir-rapport ta' warajh, g as-sena 2009, ir-rapporteur, Sajjad Karim, innota li sakemm t ejja rapport, il-Parlament Ewropew kien ir ieva aktar minn 300 sottomissjoni mill-Parlamenti nazzjonali. Ir-rapporteur irrimarka li l-modalitajiet e atti ta' kif g andhom ji u mmani jati l-opinjonijiet motivati u l-kontribuzzjonijiet kien g adhom iridu jin admu biex ji i gurat il-funzjonament effika i tas-sistemi implementati fil-Parlament biex jakkomodaw din l-innovazzjoni, u biex ji i identifikat kwalunkwe nuqqas u ji i ssu erit titjib.¹⁹³

Ir-Ri oluzzjoni tal-Parlament dwar ir-rapport laqg et "l-involviment akbar tal-parlamenti nazzjonali fil-pro ess le i lattiv Ewropew, b'mod partikolari fil-pro ess tal-ivverifikar tal-konformità tal-proposti le i lattivi mal-prin ipju tas-sussidjarjetà". Enfasizzat li "fil-kuntest tal-u u li jsir tal-strumenti g at-tqajjim ta' o ezzjonijiet u azzjonijiet g al ra unijiet ta' sussidjarjetà" kien hemm "nuqqas ta' kriterji materjali biex ji i stabbilit li jkun sar ksur tal-prin ipju tas-sussidjarjetà u tal-prin ipju tal-proporzjonalità" u, g alhekk tkompli tenfasizza "l-b onn li l-kundizzjonijiet materjali g all-applikazzjoni ta' dawk il-prin ipji ji u definiti b'mod spe ifiku fil-livell tal-UE." Ir-ri oluzzjoni kompliet i id li "l-parlamenti nazzjonali se jkunu aktar kapa i jikkonformaw mar-responsabilità tag hom skont it-Trattat li jittestjaw il-konformità tal-proposti le i lattivi mal-prin ipji tas-sussidjarjetà u tal-proporzjonalità jekk il-Kummissjoni, min-na a tag ha, tirrispetta g alkollox l-obbligu tag ha, kif stipulat fl-Artikolu 5 tal-Protokoll dwar l-applikazzjoni tal-prin ipji ta' sussidjarjetà u proporzjonalità, li tag ti ra unijiet dettaljati u komprensibbli g ad-de i jonijiet tag ha".¹⁹⁴

Sajjad Karim kien ukoll ir-rapporteur tal-Kumitat g ar-rapport annwali tas-sena ta' wara, li fih huwa nnota li "l-kritika li saret mill-Bord tal-Valutazzjoni tal-Impatt dwar il-kunsiderazzjoni tas-sussidjarjetà saret ukoll minn numru ta' parlamenti nazzjonali fis-sottomissjoni tag hom ta t il-mekkani mu ta' kontroll tas-sussidjarjetà ie introdott fit-Trattat ta' Lisbona".¹⁹⁵

Dawn il-kwistjonijiet kienu wkoll inklu i fir-ri oluzzjoni adottata mill-plenarja, li ssu eriet li "g andha ssir valutazzjoni biex ji i determinat jekk g andhomx ji u stipulati kriterji xierqa, fil-livell tal-UE, g all-evalwazzjoni tal-konformità mal-prin ipji tas-sussidjarjetà u tal-proporzjonalità" u qieset li "l-iskadenzi attwali stabbiliti fit-Trattati g all-parlamenti nazzjonali biex iwettqu l-kontroli tas-sussidjarjetà g andhom ji u riveduti biex ji i determinat jekk humiex suffi jenti." Barra minn hekk, ir-ri oluzzjoni ssu eriet "li l-PE, il-Kummissjoni u r-rappre entanti tal-parlamenti nazzjonali jinvestigaw kif jista' jitnaqqas kwalunkwe ostaklu g all-parte ipazzjoni tal-parlamenti nazzjonali fil-mekkani mu ta' kontroll tas-sussidjarejetà". B'mod partikolari, e et lill-Kummissjoni "ttejjeb u tirregolarizza d-dikjarazzjonijiet li ji ustifikaw l-inizjattivi le i lattivi tag ha fuq il-ba i tas-sussidjarjetà".¹⁹⁶

Fid-diskussjoni dwar il-mekkani mu tas-sussijarjetà g all-parlamenti nazzjonali, fl-a ar rapport adottat matul dik il-le i latura, ir-rapporteur stqarr li "je tie issir diskussjoni usa'

¹⁹² P7_TA(2010)0311, adottat fid-9 ta' Settembru 2010.

¹⁹³ Ara n-nota spjegattiva mal-abbozz ta' rapport dwar it-Tfassil A jar tal-Li ijiet, is-Sussidjarjetà u l-Proporzjonalità u r-Regolamentazzjoni Intelli enti (2011/2029(INI)).

¹⁹⁴ P7_TA(2011)0381, adottat fl-14 ta' Settembru 2011.

¹⁹⁵ Abbozz ta' rapport dwar it-18-il rapport dwar it-Tfassil A jar tal-Li ijiet - Applikazzjoni tal-prin ipji tas-sussidjarjetà u tal-proporzjonalità (2010) (2011/2276(INI)).

¹⁹⁶ P7_TA(2012)0341, adottat fit-13 ta' Settembru 2012.

dwar l-evoluzzjoni tas-setg a mog tija lill-parlamenti nazzjonali, l-allinjament tal-in entivi biex ji i e er itat skrutinju b'effetti fil-livell Ewropew, filwaqt li jitqies li l-pressjoni fuq i - mien u r-ri orsi li jiffa aw il-parlamenti nazzjonali fir-rispons tag hom g al abbozzi ta' le i lazzjoni tikkontribwixxi g ad-'defi it demokratiku' fi dan l-UE". Madankollu, ir-rapporteur ied ukoll li "filwaqt li diskussjoni ta' dan it-tip tkun parti mid-dibattitu eneralli dwar il-passi ejjiema tal-pro ett tal-integrazzjoni Ewropea, hemm afna titjib prattiku fil-pro ess ta' skrutinju tal-parlamenti nazzjonali li di à jista' jsir, pere empju rigward it -tixrid tal-informazzjoni, il-provvediment ta' linji gwida u l-istipular ta' kriterji g al opinjonijiet motivati".¹⁹⁷

Ir-ri oluzzjoni adottata, fost affarijiet o ra, qieset li "l-mekkani mu ta' verifika tal-prin ipju tas-sussidjarjetà g andu jitfassal u jintu a b ala strument ewlioni ta' kollaborazzjoni bejn istituzzjonijiet Ewropej u istituzzjonijiet nazzjonali" u nnotat b'sodisfazzjon li dan l-istrument qed jintu a b ala mezz ta' komunikazzjoni u ta' djalogu kooperativ fost il-livelli istituzzjonali differenti ta' sistema Ewropea fuq diversi livelli. Esprimiet "t assib li erti opinjonijiet motivati mill-parlamenti nazzjonali jenfasizzaw il-fatt li, f'numru ta' proposti le i lattivi tal-Kummissjoni, il-ustifikazzjoni tas-sussidjarjetà hija insuffi jenti jew lanqas biss te isti" u rrakkomandat li "ji u e aminati r-ra unijiet g alienx jitressaq g add tant g ir ta' opinjonijiet formali u motivati ming and il-parlamenti nazzjonali u ji i ddeterminat jekk dan huwiex dovut g all-fatt li l-prin ipju tas-sussidjarjetà huwa osservat min-na at kollha, jew g all-fatt li l-parlamenti nazzjonali mhumiex kapa i jinfurzaw dan il-prin ipju min abba nuqqas ta' ri orsi jew ir-ri idità tal-iskadenzi".¹⁹⁸

2. L-applikazzjoni tad-dritt Komunitarju

2.1. Raport annwali dwar il-monitora tal-applikazzjoni tad-dritt Komunitarju

Introduzzjoni

Skont l-Artikolu 4 tat-TUE l-Istati Membri g andhom l-obbligu primarju li ji guraw l-applikazzjoni korretta tad-dritt tal-UE. L-Artikolu 17(1) tat-TUE jistabbilixxi r-rwol tal-Kummissjoni b ala gwardjan tat-Trattati, li jirrifletti r-responsabilità tal-Kummissjoni li ti gura l-applikazzjoni tad-dritt tal-UE. L-Artikoli 258 u 260 tat-TFUE jikkon ernaw l-awtorità li l-Kummissjoni g andha biex tressaq pro edimenti ta' ksur kontra l-Istati Membri li jonqsu milli jikkonformaw mad-dritt tal-UE. L-Artikolu 258 tat-TFUE jirrigwarda l-pro edura li tistabbilixxi li se ksur, jekk dan ikun me tie, permezz ta' rikors ippre entat mill-Kummissjoni kontra Stat Membru quddiem il-Qorti tal-ustizzja, filwaqt li l-Artikolu 260 tat-TFUE jistipula l-pro edura li permezz tag ha l-Kummissjoni tista' titlob lill-Istati Membri li jkunu wettqu ksur biex i allsu penali.

Bidliet introdotti mit-Trattat ta' Lisbona

It-Trattat ta' Lisbona ied ew elementi odda mal-Artikolu 260 tat-TFUE: il-Kummissjoni tista' titlob direttament lill-Qorti tal-ustizzja biex timponi sanzjonijiet finanzjarji fuq Stat Membru li jkun g adu ma ttrasponiex direttiva adottata skont il-pro edura le i lattiva meta l-ka jin ieb quddiem il-Qorti tal-ustizzja f'konformità mal-Artikolu 258 tat-TFUE. G alhekk, il-pro edura li skont l-Artikolu 260(2) tat-TFUE te tie ew referenzi lill-Qorti tal-ustizzja g all-impo izzjoni, skont l-Artikolu 258, ta' pagamenti ta' penali wara l-ewwel de i joni, iet issimplifikata.

¹⁹⁷ Ara l-abbozz ta' rapport dwar l-Idoneità Regolatorja tal-UE, Sussidjarjetà u Proporzjonalità - id-19-il rapport dwar it-Tfassil A jar tal-Li ijiet li jkopri s-sena 2011 (2013/2077(INI)), rapporteur Saïjad Karim.

¹⁹⁸ P7_TA(2014)0061, adottat fl-4 ta' Frar 2014.

Ir-rapport annwali dwar l-applikazzjoni tad-dritt tal-UE

Il-Kummissjoni tippubblika rapport annwali dwar l-applikazzjoni tad-dritt tal-UE mill-Istati Membri u dwar pro eduri ta' ksur u mi uri o ra li jittie du sabiex ji i evitat u jitwaqqaf l-ksur. L-anali i tal-Kumitat dwar il-monitora tal-Kummissjoni rigward l-applikazzjoni tad-dritt Komunitarju g alhekk huwa wkoll e er izzju annwali, ibba at fuq ir-rapport tal-Kummissjoni tas-sena ta' qabel. Fost il-prin ipji sottostanti ta' dan l-e er izzju hemm il-konvinzjoni li - ittadinanza enwina tal-UE u l-kundizzjonijiet indaqs g an-negozji je tie u li d-dritt tal-UE ji i applikat kif xieraq fl-Istati Membri u mill-Istati Membri, u li l-implimentazzjoni korretta u rapida tad-dritt tal-UE hija parti integrali u essenziali g at-tfassil a jar tal-li ijiet". Eva Lichtenberger kienet ir-rapporteur tal-Kumitat g al dawn ir-rapporti annwali kollha matul il-le i latura.

Is-26 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2008)¹⁹⁹

Ir-rapport evalwa l-monitora tal-Kummissjoni tal-applikazzjoni tad-dritt tal-Unjoni Ewropea fl-2008.²⁰⁰ Dan iffoka l-anali i tieg u fuq ir-Rapport ta' Evalwazzjoni tal-Kummissjoni dwar l-EU Pilot, fejn il-Kummissjoni pproponiet l-evalwazzjoni tal-prestazzjoni tal-pro ett "EU Pilot" wara 22 xahar ta' operazzjoni. Il-Kumitat qajjem xi kwistjonijiet fundamentali dwar il-funzjonament tal-EU Pilot, li ba ikament ifittek li jevita pro eduri ta' ksur formali permezz ta' kuntatti informali mal-Istati Membri.

Il-Kumitat enfasizza wkoll ir-rwol ta - ittadini fl-i gurar tal-konformità mad-dritt tal-Unjoni f'pjalli hom u esprima t assib dwar in-nuqqas ta' informazzjoni mog tija li - ittadini fil-kuntest tal-EU Pilot u saqsa lill-Kummissjoni biex tiprovo di-data rilevanti li tippermetti anali i tal-valur mi jud tal-EU Pilot g all-pro ess ta' ksur e istenti. Il-Kumitat talab ukoll lill-Kummissjoni tiproponi "kodi i pro edurali" dwar il-pro edura ta' ksur skont il-ba i uridika dida tal-Artikolu 298 tat-TFUE, biex tinforza d-drittijiet ta - ittadini u t-trasparenza.



Eva Lichtenberger, Verts, AT,
kienet ir-rapporteur tal-Kumitat g al dawn ir-rapporti annwali kollha matul il-le i latura.

Is-27 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2010)²⁰¹

Fir-rapport tieg u l-Kumitat b'mod partikolari nnota li l-Kummissjoni kienet qed tippjana li tirrevedi l-politika enerġali tag ha dwar ir-re istazzjoni tal-ilmenti fid-dawl tal-esperjenza miksuba mill-metodi odda li kienu qed ji u t-testjati²⁰² u esprima t-t assib tieg u dwar idde i joni tal-Kummissjoni li tabbanduna l-u u tal-pro edura ta' ksur b ala g odda essenziali li ti gura li l-Istati Membri japplikaw id-dritt tal-Unjoni f'waqtu u b'mod korrett.

B'mod partikolari, il-Kumitat enfasizza l- tie a li ji u re istrati l-ilmenti kollha li jaslu b'mod konsistenti. e e lill-Kummissjoni biex ma tag milx u u minn li i mhux vinkolanti

¹⁹⁹ A7-0219/2010. Ara wkoll ir-Ri oluzzjoni tal-Parlament Ewropew dwar is-26 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2008), T7-0437/2010, adottata fil-25 ta' Novembru 2010.

²⁰⁰ Is-26 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2008) tal-15 ta' Di embru 2009, COM(2009) 675 finali.

²⁰¹ A7-0249/2011. Ara wkoll ir-Ri oluzzjoni tal-Parlament Ewropew dwar is-27 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2008), T7-0437/2010, adottata fil-25 ta' Novembru 2010.

²⁰² Is-27 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2009) tal-1 ta' Ottubru 2010, COM(2010) 538 finali.

meta tittratta pro eduri ta' ksur i da minflok tiproponi regolament sabiex il-Parlament ikun involut bis-s i b ala kole i latur f'element tant essenziali tal-ordinament uridiku tal-UE. Il-Kumitat laqa' l-element did li jinsab fl-Artikolu 260 tat-TFUE li jippermetti lill-Kummissjoni titlob lill-Qorti tal- ustizzja timponi sanzjonijiet finanzjarji fuq l-Istati Membri g at-traspo izzjoni tard ta' direttiva meta tressaq ka quddiem il-Qorti skont l-Artikolu 258 tat-TFUE u qies li huwa importanti li l-Kummissjoni tu a dan b ala mezz biex tiggarantixxi li l-Istati Membri jittrasponu d-dritt tal-UE f'waqtu u b'mod rapidu.

It-28 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2010)²⁰³

Minbarra t-28 Rapport Annwali dwar il-monitora tal-applikazzjoni tad-dritt tal-Unjoni Ewropea g as-sena 2010²⁰⁴, il-Kumitat analizza wkoll ew komunikazzjonijiet relatati mill-Kummissjoni, li kienu it-Tieni Rapport ta' Evalwazzjoni dwar l-EU Pilot²⁰⁵ u l-komunikazzjoni dwar l-a ornament tal-immani jar tar-relazzjonijiet mal-kwerelant rigward l-applikazzjoni tal-li i tal-Unjoni.²⁰⁶ Il-Kumitat tenna l-fehma tieg u li l-Kummissjoni, minflok tu a l-li i mhux vinkolanti g all-pro edura ta' ksur, b al fi - ew komunikazzjonijiet imsemmija hawn fuq, g andha tiproponi regolament skont l-Artikolu 298 tat-TFUE. Dan ir-regolament g andu jistabbilixxi diversi aspetti tal-pro edura ta' ksur u tal-pro edura ta' qabel il-ksur, inklu i notifikasi, limiti ta - mien obbligatorji, id-dritt li wie ed ji i mismug , l-obbligu li jing ataw ra unijiet u li kull persuna jkollu/ha a ess g all-fajl tieg u/tag ha, sabiex jissa u d-drittijiet ta - ittadini u ti i garantita t-trasparenza.

Meta wie ed iqis r-rwol essenziali tal-qrati nazzjonali fl-applikazzjoni tad-dritt tal-UE, il-Kumitat enfasizza l- tie a li jissa u l-isforzi u l-koordinazzjoni tat-ta ri udizzjarju g all-im allfin nazzjonali, il-professionisti legali, uffi jali u impiegati ta - ivil fl-amministrazzjonijiet nazzjonali sabiex il-kun ett ta' Unjoni bba ata fuq l-istat tad-dritt jintla aq bis-s i .

Id-29 rapport annwali dwar l-applikazzjoni tal-li i tal-UE (2011)²⁰⁷

Waqt li jinnota li, skont ir-rapport annwali tag ha²⁰⁸, matul dawn l-a ar snin il-Kummissjoni naqqset in-numru ta' ka ijiet ta' ksur, wara li fl-2009 fet et 2900 pro edura, 2100 fl-2010 u 1775 fl-2011, u li r-rapport annwali wera li matul is-snин kien hemm ieda f'ka ijiet ta' traspo izzjoni tard (1185 fl-2011, 855 fl-2010, 531 fl-2009), il-Kumitat esprima l-fehma li l-istatisti i ma pprovdewx riflessjoni pre i a tad-defi it fil-konformità reali tal-li i tal-UE imma kienu jirrappre entaw biss l-aktar ksur serju jew l-ilmenti tal-aktar individwi jew entitajiet vokali.

Skont studju kkummissjonat mill-Kumitat, il-Kummissjoni la kellha l-politika u lanqas ir-ri orsi biex sistematikament tidentifika u tinforza l-ka ijiet kollha ta' nuqqas ta' implimentazzjoni.²⁰⁹ G alhekk il-Kumitat talab lill-Kummissjoni biex tag mel il-konformità mad-dritt tal-UE l-priorità politika reali tag ha, li g andha ti i segwita b'kollaborazzjoni

²⁰³ A7-0330/2012. Ara wkoll ir-Ri oluzzjoni tal-Parlament Ewropew dwar it-28 rapport annwali dwar l-applikazzjoni tad-dritt tal-UE (2010), T7-0442/2010, adottata fil-21 ta' Novembru 2012.

²⁰⁴ It-28 rapport annwali dwar il-monitora tal-applikazzjoni tal-li i tal-UE (2010) tad-9.9.2011 COM(2011) 588 finali.

²⁰⁵ It-Tieni Rapport ta' Evalwazzjoni tal-Kummissjoni dwar l-EU Pilot (SEC(2011)1626).

²⁰⁶ Komunikazzjoni dwar l-a ornament tal-immani jar tar-relazzjonijiet mal-kwerelant rigward l-applikazzjoni tal-li i tal-Unjoni (COM(2012) 0154).

²⁰⁷ A7-0055/2014. Ara wkoll ir-Ri oluzzjoni tal-Parlament Ewropew dwar id-29 rapport annwali dwar il-monitora tal-applikazzjoni tal-li i tal-UE T70051/2014, adottata fl-4 ta' Frar 2014.

²⁰⁸ Rapport mill-Kummissjoni, id-29 rapport annwali dwar il-monitora tal-applikazzjoni tal-li i tal-UE (2011) Id-29 rapport annwali dwar l-applikazzjoni tal-li i tal-UE (2011), COM(2012) 714 finali, p. 2-3.

²⁰⁹ Studju kkummissjonat mill-Parlament Ewropew, Dipartiment Tematiku C, 'Tools for Ensuring Implementation and Application of EU Law and Evaluation of their Effectiveness', Brussell 2013, p. 11.

mill-qrib mal-Parlament, filwaqt li enfasizza li l-Parlament g andu d-dmir li j omm lill-Kummissjoni politikament responsabbi u, b ala kole i latur, ji gura li hu stess ikun infurmat b'mod s i bil-problemi ta' implementazzjoni u applikazzjoni tad-dritt tal-UE bil-sieb li l- idma le i lattiva tieg u tibqa' kontinwament tittejjeb.

2.2. Rapporti ta' implementazzjoni dwar it-traspo izzjoni tal-le i lazzjoni Komunitarja fil-li i nazzjonali u l-implementazzjoni u l-infurzar tag ha fl-Istati Membri

Sabiex ikompli ji viluppa l-apro stabbilit fil-le i latura pre edenti, il-Kumitat kien ukoll involut b'mod attiv fit-t ejjija ta' rapport dwar l-implementazzjoni tad-dritt tal-Unjoni mill-Istati Membri matul is-seba' le i latura. Dawn ir-rapporti jikkon ernaw l-implementazzjoni ta' atti legali spe ifi i, mag ula minn fost dawk li jaqg u ta t il-kompetenza tal-Kumitat. Dawn juru l-importanza kru jali tat-traspo izzjoni s i a u korretta tad-dritt tal-UE bil-sieb li d-drittijiet u l-obbligi li jistabbilixxi ji u infurzati.

F'dan l-isfond, il-Kumitat adotta rapport dwar l-implementazzjoni tad-Direttiva 2008/52/KE dwar il-medjazzjoni fl-Istati Membri, l-impatt tag ha fuq il-medjazzjoni u l-adozzjoni tag ha mill-qrati²¹⁰. L-g an tad-Direttiva 2008/52/KE kien li tippromwovi r-ri oluzzjoni amikevoli ta' tilwim billi t e e l-u u tal-medjazzjoni u billi ti gura relazzjoni bilan jata bejn il-medjazzjoni u l-pro edimenti udizzjarji. Ir-rapport ares lejn kif l-Istati Membri ttrasponew id-dispo izzjonijiet ewlenin tad-Direttiva fir-rigward tal-possibilità li l-qrati jissu erixxu l-medjazzjoni direttament lill-partijiet (l-Artikolu 5), l-i gurar tal-kunfidenzjalità (l-Artikolu 7), l-e egwibilità ta' ftehimiet li jirri ultaw mill-medjazzjoni (l-Artikolu 6) u l-effett tal-medjazzjoni fuq il-perjodi ta' limitazzjoni u ta' preskrizzjoni (l-Artikolu 8). Ir-rapport sab li fil-bi a l-kbira tag hom, l-Istati Membri kienu fi triqithom biex jimplimentaw id-Direttiva 2008/52/KE sal-21 ta' Mejju 2011. Filwaqt li l-Istati Membri kienu qed ju aw appro i regolatorji differenti u xi w ud kien g adhom ftit lura, il-fatt jibqa' li afna mill-Istati Membri ma kinux biss konformi i da kienu waslu aktar 'il quddiem mir-rekwi iti tad-Direttiva, partikolarment fi - ew oqsma tal-in entivi finanzjarji g all-parte ipazzjoni f-medjazzjoni u r-rekwi iti ta' medjazzjoni obbligatorja. ie osservat li xi Stati Ewropej ippordew g add ta' inizjattivi fil-forma ta' in entivi finanzjarji lil partijiet li jirreferu ka ijiet g all-medjazzjoni: fil-Bulgarija dawn il-partijiet jir ievu rifu joni ta' 50 % tat-tariffa statali li jkunu allsu biex ippre entaw it-tilwima quddiem il-qorti jekk isolvu din it-tilwima b'su ess bil-medjazzjoni, u l-le i lazzjoni Rumena tipprovidi g ar-rimbor s i tat-tariffa tal-qorti jekk il-partijiet isolvu tilwima legali pendenti permezz tal-medjazzjoni. Flimkien mal-in entivi finanzjarji, xi Stati Membri li s-sistema udizzjarja tag hom hija mg obbija ejjad irrikorrew g al regoli li jag mlu l-medjazzjoni obbligatorja. L-aktar e empju ar ta' dan huwa d-Digriet Le i lattiv Taljan Nru 28, li g andu l-g an li jbiddel radikalment l-ordinament uridiku u jpatti g all-qrati notorjament kon estjonati fl-Italja billi jnaqqas il-volum ta' ka ijiet u - mien medju ta' disa' snin biex titlesta litigazzjoni f'ka ivili. Inizjattivi nazzjonali ta' dan it-tip jg inu biex ikun hemm ri oluzzjoni tat-tilwim aktar effika i u biex jitnaqqas l-ammont tax-xog ol tal-qrati. Ir-ri ultati miksuba, b'mod partikolari fl-Italja, il-Bulgarija u r-Rumanija juru li l-medjazzjoni tista' twassal g al ri oluzzjoni extra udizzjarja kosteffi jenti u rapida permezz ta' pro essi mfassla g all- ti ijiet tal-partijiet. G aldaqstant, il-Kumitat sejja g all-pre entazzjoni fil-pront ta' proposta le i lattiva dwar ir-ri oluzzjoni alternattiva ta' tilwim mill-Kummissjoni billi enfasizza l-karatteristi i li jag mlu skemi alternattivi ta' ri oluzzjoni ta' tilwim fa li g all-konsumaturi u li joffru soluzzjoni prattika mfassla g al kull ka . Il-Kumitat irrikonoxxa wkoll l-importanza

²¹⁰ 2011/2026(INI). Rapporteur: Arlene McCarthy

li ji u stabbiliti standards komuni g all-a ess g all-professjoni ta' medjatur, sabiex ti i promossa kwalità a jar ta' medjazzjoni u ji u gurati standards g oljin ta' ta ri professjoni u akkreditament madwar l-Ewropa.

Aktar re enti, il-Kumitat adotta rapport dwar l-implementazzjoni tad-Direttiva 2001/84/KE dwar id-Dritt tal-Bejg mill- did²¹¹. L-g anijiet ewlenin wara din id-Direttiva kienu tnejn: wie ed li "jassigura li l-awturi ta' xog lijiet tal-arti figurattivi jaqsmu s-su ess ekonomiku tax-xog lijiet ori inali tal-arti tag hom" u, l-ie or, li jarmonizza l-applikazzjoni tad-dritt tal-bejg mill- did fl-UE. Ir-rapport e amina l-impatt tad-Direttiva fuq is-swieq interni u l-effett tal-introduzzjoni tad-dritt g all-bejg mill- did f'dawk l-Istati Membri li ma kellhomx dan id-dritt fil-li i nazzjonali tag hom qabel id-d ul fis-se tad-Direttiva. Ir-rapport enfasizza li ma kienx hemm rabta b'sa itha bi ejjad bejn it-telf tas-sehem tas-suq tal-arti tal-UE g al xog lijiet ta' artisti ajjin (innotat matul il-perjodu bejn 1-2008 u 1-2010) u t-traspo izzjoni tad-Direttiva fil-le i lazzjoni nazzjonali. Fil-fatt, dan wera li s-swieq tal-arti madwar l-UE jvarjaw fin-natura u fl-g amla tag hom. Barra minn hekk, hemm fatturi o ra li jaffettwaw l-i vilupp tas-swieq tal-arti. L-applikazzjoni tal-VAT, il-kummissjoni u l-ispejje amministrattivi (inklu dawk relatati mal-amministrazzjoni tad-dritt g all-bejg mill- did) u kif ukoll il-gosti u l-per ezzjoni tal-investimenti fl-arti tax-xerrejja li dejjem jinbidlu: kollha g andhom rwol sinifikanti fil-fluttwazzjoni tas-swieq tal-arti. Fid-dawl ta' dan, u billi d-Direttiva iet implementata bi s i fl-Istati Membri kollha fl-1 ta' Jannar 2012, il-Kummissjoni iet mistiedna biex fir-rapport ta' valutazzjoni g all-2015 ter a' tivvaluta d-Direttiva sabiex tirrikunsidra r-rati applikablli, il-limiti u r-rilevanza ta' kategoriji ta' benefi jarji. Barra minn hekk, il-Kummissjoni ntalbet ta dem mill-qrib mal-partijiet interessati sabiex issa a il-po izzjoni tas-suq tal-arti Ewropew u biex tindirizza l-isfidi u l-problemi fil-futur.

3. Atti delegati u ta' implementazzjoni

3.1. Sfond

Peress li l-Komunitajiet Ewropej kisbu aktar u aktar setg at estensivi, sar dejjem aktar importanti li dawn is-setg at jibbenefikaw minn livell suffi jenti ta' le ittimità demokratika. Dan l-i vilupp, b'mod enerali, wassal g at-tis i mill- did tar-rwol tal-Parlament Ewropew u, partikolarment, wassal g all-introduzzjoni tal-pro edura ta' kode i joni. Il-Komunitajiet Ewropej viluppaw fl-Unjoni Ewropea, u bit-Trattat ta' Lisbona l-pro edura ta' kode i joni saret il-pro edura le i lattiva ordinaria. Madankollu, it-tfassil tar-regoli fl-Unjoni Ewropea g al mien twil kien isir ukoll ta t il-livell le i lattiv permezz tal-atti ta' implementazzjoni ta t is-sistema ta' komitolo ija²¹². Dawn ir-regoli afna drabi iedu dettalji mat-tifsira tal-politika stabbilita fl-atti le i lattivi. G alhekk kien ukoll je tie li ji i gurat livell suffi jenti ta' le ittimità demokratika g al dawn ir-regoli.

F'dan l-isfond, l-Artikoli 290 u 291 tat-Trattat ta' Lisbona biddlu s-sistema antika ta' komitolo ija b'atti delegati u ta' implementazzjoni. Peress li l-pro edura ta' komitolo ija pre edenti matul is-snин imxiet minn sistema li iet viluppata biex jittie du de i jonijiet tekni i malajr u b'mod effi jenti g al sistema li qed tinvolvi dejjem aktar de i jonijiet politi i, il-Parlament fittex li jikseb aktar kontroll fuq il-mod kif din il-pro edura kienet qed tintu a mill-Kummissjoni. Fl-2006 din wasslet g all-introduzzjoni tal-Pro edura Regolatorja bi Skrutinju (RPS), li tipprovdi g all-possibilità ta' u u ta' mi uri ta' veto. Bl-introduzzjoni ta'

²¹¹ 2012/2038(INI). Rapporteur: Marielle Gallo

²¹² Ibba ata fuq id-De i joni tal-Kunsill 1999/468//KE li tipprovdi l-pro eduri g all-e er izzju tas-setg at ta' implementazzjoni konferiti lill-Kummissjoni (U L 184, 17.7.1999, p. 23), kif emendat mid-De i joni 2006/512/KE (U L 200, 22.7.2006, p. 11).

atti delegati skont it-Trattat ta' Lisbona, il-Parlament u l-Kunsill issa jistg u jo ezzjonaw g all-atti delegati, ming ajr ma' din l-o ezzjoni tkun so etta g al erti kriterji, kif kien il-ka fil-Pro edura Regolatorja bi Skrutinju. Barra minn hekk, il-Parlament u l-Kunsill jistg u jiddefinixxu b'mod espli itu l-g anijiet, il-kamp ta' applikazzjoni u d-durata ta' kull delega spe ifika ta' setg a fl-att ba iku u jistg u jirrevokaw id-delega jekk dan ikun me tie , biex b'hekk ji died il-kontroll tal-le i latur.

Filwaqt li l-Artikolu 290 tat-TFUE dwar atti delegati je egwixxi lilu nnifsu, fl-Artikolu 291 tat-TFUE hemm ba i uridika li tipprovdi g all-adozzjoni ta' regolamenti skont il-pro edura le i lattiva ordinarja sabiex ji u stabbiliti regoli u prin ipji enerale li jikkon ernaw mekkani mi ta' kontroll mill-Istati Membri fuq l-e er izzju tas-setg at ta' implementazzjoni mill-Kummissjoni.

Madankollu, mid-d ul fis-se tat-Trattat ta' Lisbona kien hemm dibattitu considerevoli fil-Parlament u bejn l-istituzzjonijiet fir-rigward tal-applikazzjoni prattika ta' dawn l-Artikoli, spe jalment peress li l-Parlament huwa determinat li jiprovdi g all-adozzjoni ta' atti delegati aktar milli atti ta' implementazzjoni min abba li s-setg at u l-influwenza tal-atti delegati huma afna aktar estensivi minn dawk tal-a ar. Dan id-dibattitu huwa mistenni jkompli u jintensifika matul it-tmien le i latura. Fil-Parlament, il-Kumitat g all-Affarijiet Legali jikkoordina b'mod estensiv mal-korpi politi i u l-kumitati u s-servizzi l-o ra, spe jalment mal-Unità CODE u s-Servizz Legali, sabiex ji gura appro komuni mal-Kummissjoni u l-Kunsill dwar dawn il-kwistjonijiet, bl-g an a ari li jkun hemm qbil dwar id-dispo izzjonijiet dwar atti delegati u ta' implementazzjoni li g andhom ji u inklu i fl-a ornament futur tal-Ftehim Interistituzzjonalis dwar it-Tfassil A jar tal-Li ijiet.

Id-distinzjoni bejn atti delegati u ta' implementazzjoni

L-att ba iku huwa l-ewwel istrument li jiddefinixxi l-politika tal-Unjoni stabbilita fl-ordinament uridiku fit-Trattat. L-att delegat huwa strument komplimentarju u at biex jiddefinixxi ulterjorment il-kontenut tal-att ba iku. Huwa limitat g al elementi tal-att ba iku li mhumieks essenziali. L-elementi essenziali jibqg u ta t il-kompetenza tal-le i latura u la jistg u ji u inklu i f'att delegat u lanqas f'att ta' implementazzjoni²¹³. L-att ta' implementazzjoni huwa strument li jag ti effett lir-regoli li jinsabu fl-att ba iku, fejn jin tie u kundizzjonijiet uniformi g all-implementazzjoni tal-att ba iku.

Il-klassifikazzjoni ta' att b ala delegat jew ta' implementazzjoni g andha tkun ibba ata fuq fatturi o ettivi li g andhom jippermettu st arri udizzjarju tas-soluzzjoni adottata.

Re entement il-Qorti tal- ustizzja adet de i joni dwar il-kwistjoni tad-demarkazzjoni²¹⁴. Il-Kummissjoni ressjet ka kontra l-Parlament u l-Kunsill g all-annullament ta' Artikolu fir-Regolament dwar Prodotti Bijo idali li jiprovdi g all-adozzjoni ta' mi uri li jistabbilixxu mi ati pagabbli lill-A enzija Ewropea g as-Sustanzi Kimi i (ECHA) permezz ta' att ta' implementazzjoni minflok att delegat. Il-Kummissjoni sostniet li l-Artikolu kon ernat kien se jissupplimenta erti elementi mhux essenziali tal-att le i lattiv, u argumentat li g alhekk att b al dan g andu ji i adottat skont il-pro edura stabbiliti fl-Artikolu 290 tat-TFUE u mhux permezz tal-pro eduri stabbiliti fl-Artikolu 291 tat-TFUE. Madankollu, il-Qorti a det irrikors u argumentat li l-le i latur kien ieles li jiprovdi g all-adozzjoni ta' atti ta'

²¹³ Il- urisprudenza stabbilita dwar id-distinzjoni bejn l-elementi essenziali u mhux essenziali re entement iet affermata mill- did u arata ulterjorment mill-Ka dwar il-Kodi i tal-Frontieri ta' Schengen: Kaw a C-355/10 *Il-Parlament vs Il-Kunsill* ECLI:EU:C:2012:516.

²¹⁴ Sentenza tal-Qorti tal- ustizzja tat-18 ta' Marzu 2014 fil-Kaw a C-427/12 il-Kummissjoni vs il-Parlament Ewropew u l-Kunsill ECLI:EU:C:2014:170.

implimentazzjoni, filwaqt li dan jag ti lill-Kummissjoni s-setg a, mhux li tissupplimenta erti elementi mhux essenziali tal-att le i lattiv, i da li tipprovdi aktar dettalji b'rabta mal-kontenut normattiv ta' dak l-att.

3.2. L-involviment tal-Parlament fit-twettiq fil-prattika tal-Artikoli 290-291 tat-TFUE

Peress li l-Kumitat JURI huwa responsabbi, skont ir-Regoli ta' Pro edura, g all-interpretazzjoni, l-applikazzjoni u l-monitora tad-dritt tal-Unjoni u l-konformità tal-atti tal-Unjoni mal-li i primarja, il-kwistjonijiet orizzontali kollha relatati mal-atti delegati u ta' implementazzjoni jaqg u ta t il-kompetenza tal-Kumitat JURI. Mid-d ul fis-se tat-Trattat ta' Lisbona fl-2009, il-Kumitat JURI fassal erba' ri oluzzjonijiet le i lattivi²¹⁵, ew rapporti fuq inizjattiva proprija²¹⁶ u dokument ta' idma li r-rapporteur g alihom kien József Szájer. Barra minn hekk, il-Kumitat JURI adotta ames opinjonijiet dwar id-delega ta' setg a le i lattiva li tikkon erna proposti le i lattivi spe ifi i, fuq talba ta' kumitati o ra jew fuq inizjattiva tieg u stess²¹⁷.

It-tamiet kbar li kienu ori inarjament marbuta mal-Artikoli 290 u 291 tat-TFUE rigward it-titjib ulterjuri tal-kontroll mill-le i latur g at-tfassil sekondarju tar-regoli biex b'hekk tissa a il-le ittimità demokratika tal-atti li jirri ultaw, filwaqt li titjeb l-effika ja u tkompli s-simplifikazzjoni tal-le i lazzjoni fil-livell Ewropew, ma mmaterjalizzawx kif kien inizjalment previst. Minflok tqajmu g add ta' kwistjonijiet konkreti dwar l-applikazzjoni prattika ta' dawn l-artikoli.

L-ewwel nett, l-g a la bejn l-u u ta' atti delegati jew ta' implementazzjoni tikkaw a diffikultajiet f' afna negozjati dwar proposti le i lattivi odda mill-Kummissjoni u proposti li jallinjaw il-le i lazzjoni e istenti mat-Trattat ta' Lisbona.

It-tieni, hemm bosta kwistjonijiet relatati mat-t ejjija u l-adozzjoni mill-Kummissjoni ta' atti delegati u ta' abbozzi ta' atti ta' implementazzjoni u l-estjoni tag hom mill-Parlament Ewropew, inklu i l-modi differenti kif il-Parlament je er ita s-setg a ta' skrutinju tieg u, l-involviment ta' esperti u l-olqien ta' fluss ta' informazzjoni effika i u effi jenti bejn l-istituzzjonijiet u fil-Parlament.

3.3. Opinjonijiet skont l-Artikolu 37a

L-Artikolu 37a tar-Regoli ta' Pro edura jiprovvdì g all-possibilità li l-Kumitat g all-Affarijiet Legali jag ti opinjonijiet dwar l-u u ta' atti delegati fil-kuntest ta' proposti partikolari g al atti le i lattivi. Din id-dispo izzjoni hija simili g all-Artikolu 37 dwar opinjonijiet li jikkon ernaw il-ba i uridika, li jfisser li kumitati parlamentari o ra jistg u jitolbu lill-Kumitat g all-Affarijiet Legali biex jidde iedi dwar id-delega ta' setg at le i lattivi, b'mod partikolari g all-objettivi, il-kontenut, il-kamp ta' applikazzjoni u d-durata tad-delega, u l-kundizzjonijiet li tkun so etta g alihom. Il-Kumitat jista' wkoll jadotta opinjoni b al din fuq inizjattiva proprija.

Mill-introduzzjoni ta' dan l-Artikolu fl-2010, il-Kumitat g all-Affarijiet Legali adotta ames opinjonijiet fil-kuntest ta' pro eduri le i lattivi, wa da minnhom fuq inizjattiva tieg u stess:

1. *Ikel did (2008/0002(COD))*
2. *Produzzjoni organika (2010/0364(COD))*

²¹⁵ 2010/0051(COD), 2013/0218(COD), 2013/0220(COD) u 2013/0365(COD).

²¹⁶ 2010/2021(INI) u 2012/2323(INI).

²¹⁷ Ara t-taqSIMA 3.3 hawn ta t.

3. *Batteriji (2012/0066(COD))*
4. *Tabakk (2012/0366(COD))*
5. *Marki kummer jali (2013/0088(COD))*

Ma' kull opinjoni adottata, dawn saru dejjem itwal u aktar komprensivi. Fl-opinjoni fil-ka tat-tabakk, iet mehmu a tabella mal-opinjoni b'anali i individwali tad-dispo izzjonijiet kollha b'delegazzjonijiet issu eriti jew dispo izzjonijiet dwar atti ta' implantazzjoni. L-a ar opinjoni li iet ippre entata, fil-ka tal-marki kummer jali, kienet ta' 46 pa na.

Huwa mistenni li matul it-tmien le i latura se jintalbu dejjem aktar opinjonijiet u l-Kumitat JURI g alhekk qed jistenna li jistabbilixxi mod aktar strutturat g all-immani jar ta' dawn l-opinjonijiet, pere empju billi j e e pro edura li fiha l-proposti le i lattivi ewlenin ji u analizzati sabiex ting ata opinjoni skont l-Artikolu 37a, anke fin-nuqqas ta' talba mill-kumitat responsablli.

IV. FUNZJONI ISTITUZZJONALI

Wara li ew trattati l-oqsma ta' politika li l-Kumitat g all-Affarijiet Legali huwa kompetenti g alihom, issa nistg u nag tu arsa lejn il-funzjonijiet istituzzjonal li l-Kumitat iwettaq fil-Parlament.

1. L-g a la ta' ba i uridika g all-atti legali tal-Unjoni Ewropea

L-istat tad-dritt huwa wie ed mill-prin ipji ba i i li l-Unjoni Ewropea hi mibnija fuqhom.²¹⁸ Skont il-prin ipju tal-g oti tal-kompetenzi, is-setg a tal-Unjoni li tintrodu i le i lazzjoni tal-UE hija limitata g al dawk l-oqsma previsti fit-Trattati u g andhom ikunu e er itati biex jintla qu l-g anijiet stabbiliti fihom.²¹⁹ G aldaqstant, l-atti legali vinkolanti adottati mill-istituzzjonijiet tal-UE g andhom ikunu bba ati fuq dispo izzjoni wa da jew aktar tat-Trattati, li jag tu s-setg a espli ita lill-Unjoni biex tille i la f'qasam spe ifiku, jew f'att legali adottat abba i tat-Trattati li jipprovd i al aktar atti ta' implementazzjoni fi dan limiti irkoskritt.

Il-ba i uridika ma tiddefinixxix biss il-kompetenza sostantiva tal-UE li tille i la i da tispe ifika wkoll kif din il-kompetenza g andha ti i e er itata. Skont l-Artikolu 13(2) tat-TUE, kull istituzzjoni g andha ta ixxi fil-limiti tal-kompetenzi mog tija lilha mit-Trattati.²²⁰ G alhekk, l-g a la ta' ba i uridika hija ta' importanza ba ika, b'mod partikolari g all-Parlament, g ax tiddetermina x-setg at g andu l-Parlament fil-pro ess le i lattiv.

1.1. Il- urisprudenza tal-Qorti tal- ustizzja

Fil- urisprudenza tag ha l-Qorti tal- ustizzja enfasizzat li l-g a la ta' ba i uridika korretta hija ta' importanza kostituzzjonal fid-dawl tal-konsegwenzi tag ha fuq il-kompetenza u l-pro edura.²²¹ Il-Qorti enfasizzat li l-g a la ta' ba i uridika g al mi ura tal-Unjoni g andha tkun ibba ata fuq elementi o ettivi, partikolarment l-g an u l-kontenut tal-mi ura, sabiex ikun possibbli st arri udizzjarju ta' din l-g a la.²²²

B'mod enerale att g andu jkollu biss ba i uridika wa da, ji ifieri dik me tie a mill-g an jew komponent ewlieni jew predominant tal-att involut.²²³ Ba i uridika doppja jew multipla g andha tintu a biss jekk mi ura tkun simultanjament til aq diversi g anijiet jew ikollha bosta komponenti marbutin ma' xulxin, ming ajr l-ebda wie ed minnhom ma jkun sekondarju jew indirett meta pparagunat mal-bqija,²²⁴ bil-kundizzjoni li l-pro eduri stabbiliti g al kull ba i uridika ma jkunux inkompatibbli.²²⁵

²¹⁸ L-Artikolu 2 tat-TUE.

²¹⁹ L-Artikolu 5(2) tat-TUE.

²²⁰ Kaw a C-403/13 *Il-Parlament vs Il-Kummissjoni* [2007] E.C.R. I-9045, para. 49, u l- urisprudenza msemmija fih.

²²¹ Opinjoni 2/00 *Protokoll ta' Cartagena* [2001] E.C.R. I-9713, para. 5; Kaw a C-370/07 *Il-Kummissjoni vs. il-Kunsill E.C.R. I-8917*, para. 46-49; Opinjoni 1/08, Ftehim enerale dwar il-Kummer fis-Servizzi [2009] ECR I-11129, para. 110.

²²² Aktar re entement ara l-Kaw a C-137/12 *Il-Kummissjoni vs il-Kunsill* ECI:EU:C:2013/675.

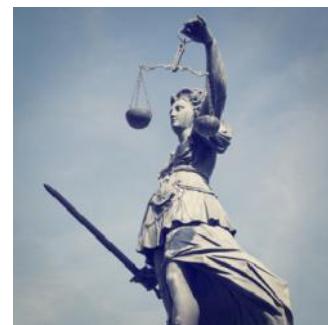
²²³ Ara, *ibid*, para. 53 u l- urisprudenza msemmija fih.

²²⁴ Kaw a C-441/06 *Il-Kummissjoni vs il-Parlament u l-Kunsill*, [2007] ECR I-8887, para. 47.

²²⁵ Kaw a C-300/89 *Il-Kummissjoni vs il-Kunsill* ("Diossidu tat-titanju") [1991] ECR I-2867, para. 17-25.

1.2. Ir-rwol tal-Kumitat g all-Affarijiet Legali

Skont ir-Regoli ta' Pro edura tal-Parlament²²⁶, il-kumitat permanenti li jikkontesta l-ba i uridika ta' abbozz ta' att irid jirreferi l-kwistjoni lill-Kumitat g all-Affarijiet Legali, fin-nuqqas ta' dan l-emenda inti a li timmodifika l-ba i uridika tkun inammissibbli. Wara dan, ir-rapporteur fil-Kumitat g all-Affarijiet Legali, ma tur g al sitt xhur abba i ta' sistema ta' rotazzjoni fost il-gruppi politi i, se jfassal nota lill-Membri tal-Kumitat bil-g an li jiffa ilita l-produzzjoni ta' opinjoni informata u o ettiva li tqis l-argumenti kompetenti mqajma u li tie u kont tal-corpus dejjem ikbar ta' urisprudenza tal-Qorti tal-ustizzja.



Il-Kumitat jista' wkoll jie u fïdejh kwistjonijiet dwar il-ba i uridika fuq inizjattiva tieg u stess²²⁷. L-opinjonijiet tal-Kumitat JURI jistg u u, meta jkun xieraq, iridu jqisu l-impatt li aktarx ikollhom l-emendi tal-Parlament fuq il-ba i uridika ta' abbozz ta' att, fi kliem ie or, sa liema punt dawn jistg u jbiddlu l-g an u l-kontenut tal-att. Il-Kumitat jista' wkoll je amina l-ba i uridika tar-rapporti fuq inizjattiva proprja le i lattivi bil-g an li ja ertaw li l-inizjattiva tissejjes fuq pedament uridiku sod.

1.3. viluppi matul is-seba' le i latura

Il-Kumitat g all-Affarijiet Legali adotta 64 opinjoni dwar kwistjonijiet relatati mal-ba i uridika matul is-seba' le i latura tal-Parlament direttament elett, fosthom sitta fuq inizjattiva proprja, meta mqabbla mat-48 opinjoni matul is-sitt le i latura, fosthom tmienja fuq inizjattiva proprja. Ra uni wa da g an-numru dejjem ikbar ta' talbiet ming and kumitati o rajn g al opinjoni dwar il-ba i uridika t-tajba g al proposta g al att le i lattiv kienet, bla dubju, il-bidliet sostanziali fil-kompetenzi u fil-pro eduri introdotti mit-Trattat ta' Lisbona.

Fost dawn il-bidliet kien hemm l-applikazzjoni tal-pro edura le i lattiva ordinarja ("kode i joni") g all-ma oranza wiesg a tal-le i lazzjoni kollha, inklu i setturi b all-agrikoltura u s-sajd, il-politika ener etika, l-immigrazzjoni u l-fondi tal-UE, kif ukoll it-talba g all-approvazzjoni min-na a tal-Parlament g all-ma or parti tal-ftehimiet internazzjonali. Il-fatt li l-proposti fis-setturi msemmijin hawn fuq kienu s-su ett tal-opinjonijiet tal-Kumitat JURI dwar il-ba i uridika t-tajba jirrifletti l-fehmiet differenti rigward l-applikazzjoni korretta tat-Trattati riveduti, inklu fir-rigward tal-kamp ta' applikazzjoni reali tas-setg at il- odda tal-Parlament.

Il-Kumitat interpreta b'mod strett l-Artikolu 352 tat-TFUE, li jippermetti l-adozzjoni ta' erti dispo izzjonijiet fil-ka ijiet li fihom it-Trattat ma jkunx stabbilixxa s-setg at me tie a g al dan l-g an band'o ra. F'g add ta' ka ijiet, il-Kumitat wasal g all-konklu joni li di à kienet te isti ba i uridika rilevanti fit-Trattat, b'hekk invalida r-rikors g all-Artikolu 352 tat-TFUE (li jipprevedi l-approvazzjoni tal-Parlament biss). Pere empu, il-Kumitat irrakkomanda li l-ba i uridika adegwata g all-proposta g al regolament li jistabbilixxi l-programm "L-Ewropa g a - ittadini" g all-perjodu bejn l-2014 u l-2020 g andha tkun l-Artikoli 167 u 352 tat-TFUE billi kkonkluda li l-programm segwa wkoll l-objettivi tal-kultura u tal-istorja stabbiliti fl-Artikolu 167 tat-TFUE²²⁸. Mil-lat pro edurali, din il-ba i uridika doppja kienet

²²⁶ Artikolu 37 tar-Regoli ta' Pro edura.

²²⁷ Artikolu 37(3) tar-Regoli ta' Pro edura.

²²⁸ Opinjoni tat-28.3.2012 dwar il-ba i uridika tal-proposta g al regolament tal-Kunsill li jistabbilixxi l-programm "L-Ewropa g a - ittadini" g all-perjodu bejn l-2014 u l-2020 (COM(2011)0884 – 2011/0436(APP)).

twassal g all-applikazzjoni tal-pro edura le i lattiva ordinarja (fl-ambitu tal-Artikolu 167 tat-TFUE) flimkien mal-unanimità (fl-ambitu tal-Artikolu 352 tat-TFUE) inkwantu l-Qorti awtorizzat dan it-tag qid²²⁹ bil-g an li ji u salvagwardati l-prerogattivi tal-Parlament²³⁰.

Ka ie or li fih l-Kumitat ikkontesta r-rikors g all-Artikolu 352 tat-TFUE b ala ba i uridika kien il-proposta g al de i joni tal-Kunsill dwar l-adattament tal-ftehim ta' kooperazzjoni ma' San Marino g all-ade joni tal-Kroazja²³¹. F'dan il-ka il-Kumitat oppona l-ba i uridika doppja tal-Artikoli 207 u 352 tat-TFUE li pproponiet il-Kummissjoni billi sostna li l-komponent fi dan il-ftehim relatat mal-kooperazzjoni ma' pajji i terzi mar lil hinn mill-politika kummer jali komuni kif prevista fl-Artikolu 207 tat-TFUE minn mindu da al fis-se it-Trattat ta' Lisbona u g aldaqstant ma kienx me tie ir-rikors g all-Artikolu 352 tat-TFUE, i da ddetermina l-ba i uridika spe ifika g all-kooperazzjoni ma' pajji i terzi prevista fl-Artikolu 212 tat-TFUE.

Ka li fih il-Kumitat, fuq inizjattiva propria, kien bi siebu jiddefinixxi l-kamp ta' applikazzjoni ta' ba i uridika dida introdotta mit-Trattat ta' Lisbona kien jirrigwarda l-proposta g al direttiva dwar il- liedha kontra l-frodi li jaffettaww l-interessi finanzjarji tal-Unjoni permezz tal-li i kriminali. Filwaqt li l-Kummissjoni kienet ipproponiet tali direttiva abba i tal-Artikolu 325(4) tat-TFUE – dwar mi uri fil- liedha kontra l-frodi/protezzjoni tal-qasam tal-interessi finanzjarji tal-UE – il-Kumitat wasal g all-konklu joni li l-Artikolu 83(2) tat-TFUE rigward l-armonizzazzjoni tal-li i kriminali sostantiv bil-g an li ti i gurata l-implementazzjoni effettiva tal-politiki tal-UE li ew su etti g all-mi uri ta' armonizzazzjoni jikkostitwixxi *lex specialis* u g alhekk il-proposta kellha tkun ibba ata fuq tali dispo izzjoni²³².

Il-Kumitat, g al darb'o ra fuq inizjattiva propria, e amina wkoll il-ba i uridika tal-proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill dwar it-titjib tal-bilan bejn is-sessi fost diretturi mhux e ekuttivi ta' kumpaniji elenkati f'bor a billi g add ta' mistoqsijiet tqajmu partikolarment mill-Istati Membri. Il-Kumitat wasal g all-konklu joni li l-Artikolu 157(3) tat-TFUE ("mi uri li jassiguraw l-applikazzjoni tal-prin pju ta' opportunitajiet indaq u trattament uguali tal-ir iel u n-nisa f'materji ta' impjiegi u xog ol") hekk kif imressaq mill-Kummissjoni kien il-ba i uridika xierqa. G alhekk huwa kkuntrasta t-tentattivi biex il-Parlament ji i esklu milli jkun kole i latur (pere empju billi ddefenda l-Artikolu 19 tat-

²²⁹ Kaw a C-166/07 *Il-Parlament vs Il-Kunsill*, para. 69.

²³⁰ Finalment il-Parlament qabel li jadotta r-regolament inkwistjoni abba i tal-Artikolu 352 tat-TFUE, i da, fdikjarazzjoni apparti, insista li l-ba i uridika kellha tkun l-Artikoli 167 u 352 tat-TFUE, u li eda l-po izzjoni tieg u rigward il-ba i uridika doppja u b'hekk id-dritt tieg u g all-applikazzjoni tal-kode i joni biss bil-g an li jevita stall pro edurali totali u l-konseguenza ta' ttardjar tad-d ul fis-se tal-Programm [traduzzjoni mhux uffi jali]: dikjarazzjoni li takkumpanja r-ri oluzzjoni le i lattiva tal-Parlament Ewropew tad-19 ta' Novembru 2013 dwar ir-regolament tal-Kunsill li jistabbilixxi l-programm "L-Ewropa g a - ittadini" g all-perjodu bejn l-2014 u l-2020 (12557/2013 – C7-0307/2013 -- 2011/0436(APP)) (P7_TA(2013)0462).

²³¹ Opinjoni tal-20.3.2014 dwar il-ba i uridika tal-proposta g al de i joni tal-Kunsill dwar il-konklu joni, fisem l-Unjoni Ewropea u l-Istati Membri tag ha, tal-Protokoll g all-Ftehim dwar il-Kooperazzjoni u l-Unjoni Doganali bejn il-Komunità Ewropea u r-Repubblika l-Istati Membri tag ha, min-na a l-wa da, u r-Repubblika ta' San Marino, min-na a l-o ra, rigward il-partie ipazzjoni, b ala parti kontraenti, tar-Repubblika tal-Kroazja, wara l-ade joni tag ha mal-Unjoni Ewropea (COM(2013)0568 – 2013/0273(NLE)).

²³² Opinjoni tad-29.11.2012 dwar il-ba i uridika tal-proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill dwar il- liedha kontra l-frodi li jaffettaww l-interessi finanzjarji tal-Unjoni permezz tal-li i kriminali (COM(2012)0363 – C7-0192/2012 – 2012/0193(COD)). Il-Parlament segwa din l-opinjoni, ara r-ri oluzzjoni le i lattiva tal-Parlament Ewropew tas-16 ta' April 2014 dwar il-proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill dwar il- liedha kontra l-frodi li taffettwa l-interessi finanzjarji tal-Unjoni permezz tal-li i kriminali (COM(2012)0363 – C7-0192/2012 – 2012/0193(COD))(P7_TA(2014)0427).

TUE b ala ba i uridika) kif ukoll l-affermazzjoni skont liema t-Trattat ma jipprevedi l-ebda ba i uridika g all-proposta²³³.

Fir-rigward tal-ispezju ta' libertà, sigurtà u ustizzja, il-Kumitat g all-Affarijiet Legali ntalab je amina l-b onn li ji died l-Artikolu 80 tat-TFUE – dispo izzjoni introdotta g all-ewwel darba mit-Trattat ta' Lisbona li tistabbilixxi l-prin ipju tas-solidarjetà u t-tqassim ust tar-responsabbiltà, inklu l-implikazzjonijiet finanzjarji, bejn l-Istati Membri – b ala ba i uridika tad-de i joni li tistabbilixxi l-Fond Ewropew g ar-Rifu jati. Madankollu l-Kumitat wasal g all-konklu joni li l-Artikolu 78(2)(g) tat-TFUE (dwar il-kooperazzjoni ma' pajji i terzi g all-amministrazzjoni tal-flussi ta' persuni li japplikaw g al asil jew g al protezzjoni sussidjarja jew temporanja) iforni l-ba i uridika xierqa, sabiex ma kienet me tie a l-ebda anali i ulterjuri fir-rigward tal-Artikolu 80.

Eneralment, il-Kumitat g all-Affarijiet Legali qies li kien a jar jekk ikun evitat l-u u ta' ba ijiet uridi i multipli g ajr meta, skont il-Qorti tal-ustizzja, mi ura jkollha bosta obiettivi kontemporanji li huma marbutin indissolubbilment ma' xulxin ming ajr ma wie ed ikun sekondarju jew indirett fir-rigward tal-ie or²³⁴. Fi kliem ie or, meta objettiv wie ed jitqies predominant, allura ba i uridika unika tkun ippreferuta. Pere empju, il-Kumitat g all-Affarijiet Legali ma qiesx ne essarju li l-Artikolu 349 tat-TFUE dwar il-mi uri spe ifi i g ar-re juni ultraperiferi i ji died mal-ba i uridika ta' ew regolamenti li jimplimentaw il-klawsola ta' salvagwardja bilaterali u l-mekkani mu ta' stabilizzazzjoni g all-banana tal-Ftehim Kummer jali bejn l-Unjoni Ewropea u l-Kolombja u l-Perù²³⁵ u bejn l-Unjoni Ewropea u l-Amerika entrali²³⁶, rispettivament. Minkejja li l-mi uri kienu jikkon ernaw, sa ertu punt, ir-re juni ultraperiferi i, partikolarment il-G ejjer Kanarji, il-Kumitat qies li r-regolamenti inkwistjoni kienu totalment koperti mill-Artikolu 207(2) tat-TFUE b ala l-ba i uridika g ar-regolamenti li jimplimentaw il-politika kummer jali komuni. Wasal g al konklu joni simili, ji ifieri dik li ma j idx lill-Artikolu 349 tat-TFUE mal-ba i uridika g all-proposta g al regolament tal-Parlament Ewropew u tal-Kunsill dwar il-Fond Ewropew g all-Affarijiet Marittimi u s-Sajd²³⁷. Ikkonferma t-t assir tal-Artikolu 114 tat-TFUE ("funzionament tas-suq intern") mill-ba i uridika tal-proposta g al direttiva li temenda d-Direttiva dwar ir-Rikonoxximent ta' Kwalifikasi Professjonal u r-Regolament dwar il-kooperazzjoni amministrattiva permezz tas-Sistema ta' Informazzjoni tas-Suq Intern billi ma deherlux li d-Direttiva kien fiha komponent awtonomu tas-suq intern²³⁸. Irrifjuta - ieda tal-Artikolu 168 tat-TFUE ("sa a pubblica") mal-ba i uridika tad-direttiva dwar it-trasparenza ta' mi uri li jirregolaw il-prezzijiet ta' prodotti medi inali g all-u u mill-

²³³ G al aktar dettalji dwar il-proposta ara t-taqsima dwar id-dritt so jetarju.

²³⁴ Kaw a 165/87 *Il-Kummissjoni vs. Il-Kunsill* [1988] abra 5545, para. 11.

²³⁵ Opinjoni tal-1.6.2012 dwar il-ba i uridika tal-proposta g al regolament tal-Parlament Ewropew u tal-Kunsill li jimplimenta l-klawsola ta' salvagwardja bilaterali u l-mekkani mu ta' stabilizzazzjoni g all-banana tal-Ftehim Kummer jali bejn l-Unjoni Ewropea u l-Kolombja u l-Perù (COM(2011)0600 – C7-0307/2011 – 2011/0262(COD)).

²³⁶ Opinjoni tal-1.6.2012 dwar il-ba i uridika tal-proposta g al regolament tal-Parlament Ewropew u tal-Kunsill li jimplimenta l-klawsola ta' salvagwardja bilaterali u l-mekkani mu ta' stabilizzazzjoni g all-banana tal-Ftehim li jistabbilixxi Asso jazzjoni bejn l-Unjoni Ewropea u l-Istati Membri tag ha, minn na a, u l-Amerika entrali min-na a l-o ra (COM(2011)0599 – C7-0306/2011 – 2011/0263(COD)).

²³⁷ Opinjoni tat-12.8.2013 dwar il-ba i uridika tal-proposta g al regolament tal-Parlament Ewropew u tal-Kunsill dwar il-Fond Ewropew g all-Affarijiet Marittimi u s-Sajd [li j assar ir-Regolament tal-Kunsill (KE) Nru 1198/2006 u r-Regolament tal-Kunsill (KE) Nru 861/2006 u r-Regolament tal-Kunsill Nru XXX/2011 dwar il-politika marittima integrata] (COM(2011)0804 – C7-0460/2011 – 2011/0380(COD)).

²³⁸ Opinjoni tal-10.7.2013 dwar il-ba i uridika tal-proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttiva 2005/36/KE dwar ir-Rikonoxximent ta' Kwalifikasi Professjonal u r-Regolament dwar il-kooperazzjoni amministrattiva permezz tas-Sistema ta' Informazzjoni tas-Suq Intern (COM(2011)0883 – C7-0612/2011 – 2011/0435(COD)).

bniedem, g ax ikkwalifikat b ala mi ura tas-suq intern ming ajr dimensjoni spe ifika tas-sa a²³⁹.

B'mod regolari, il-Kumitat kien pjuttost skjett li ma j id l-ebda dispo izzjoni tat-Trattat malba i uridika ta' proposta li tistabbilixxi sempli ement objettivi, i da tali dispo izzjonijiet ma jipprevedu l-ebda mi ura jew pro edura spe ifika g al dan il-g an, u b'hekk ma jikkostitwixxux ba i uridika (e . la l-Artikolu 13 tat-TFUE ma kellu ji died malba i uridika ta' proposta g al regolament dwar is-sa a tal-annimali²⁴⁰ u lanqas l-Artikolu 191 tat-TFUE ma kellu ji died malba i uridika ta' proposta g al regolament dwar il-mi uri protettivi kontra l-pesti tal-pjanti²⁴¹).

Finalment, il-Kumitat g all-Affarijiet Legali kellu je amina erti kwistjonijiet interessanti rigward id-delimitazzjoni bejn it-Trattat Euratom u t-Trattat dwar il-Funzjonament tal-Unjoni Ewropea. G all-ba i uridika ta' direttiva li tistabbilixxi rekwi iti g all-protezzjoni tas-sa a tal-pubbliku enerali fir-rigward ta' sustanzi radjuattivi fl-ilma ma sub g all-konsum mill-bniedem, il-Kumitat qies li kien xieraq li l-ba i uridika mit-Trattat Euratom (Artikoli 31 u 32 tal-Euratom) imressqa mill-Kummissjoni ti i sostitwita mill-Artikolu 192(1) tat-TFUE inkwantu identifika d-direttiva inkwistjoni b ala mi ura biex jintla aq l-objettiv tal-protezzjoni tas-sa a tal-bniedem.²⁴² B'hekk da al il-proposta inkwistjoni fl-ambitu tal-pro edura le i lattiva ordinarja. G al dak li g andu x'jaqsam malba i uridika ta' direttiva dwar il-qafas g as-sikurezza nukleari ta' installazzjonijiet nukleari, il-Kumitat, madankollu, qies li ma kinitx xierqa s-sostituzzjoni ta' dawk l-istess Artikoli 31 u 32 tal-Euratom bl-Artikoli 153, 191 u 192 tat-TFUE, billi l-proposta inkwistjoni sempli ement temenda direttiva e istenti adottata abba i tal-Artikoli 31 u 32 tal-Euratom u l-objettiv u l-iskop tal-proposta baqg u invarjati sa tali punt li ba i uridika alternattiva tkun ustifikata.²⁴³

²³⁹ Opinjoni tat-23.1.2013 dwar il-ba i uridika tal-proposta g al direttiva tal-Parlament Ewropew u tal-Kunsill dwar it-trasparenza ta' mi uri li jirregolaw il-prezzijiet ta' prodotti medi inali g all-u u mill-bniedem u l-inklu joni tag hom fil-kamp ta' applikazzjoni ta' sistemi pubbli i tal-assigurazzjoni tas-sa a (COM(2012)0084 – C7-0056/2012 – 2012/0035(COD)).

²⁴⁰ Opinjoni tat-22.1.2014 dwar il-ba i uridika tal-proposta g al regolament tal-Parlament Ewropew u tal-Kunsill dwar is-Sa a tal-Annimali (COM(2013)0260 – C7-0124/2013 – 2013/0136(COD)).

²⁴¹ Opinjoni tat-22.1.2014 dwar il-ba i uridika tal-proposta g al regolament tal-Parlament Ewropew u tal-Kunsill dwar il-mi uri protettivi kontra l-pesti tal-pjanti (COM(2013)0267 – C7-0122/2013 – 2013/0141(COD)).

²⁴² Opinjoni tas-7.11.2012 dwar il-ba i uridika tal-proposta g al direttiva tal-Kunsill li tistabbilixxi rekwi iti g all-protezzjoni tas-sa a tal-pubbliku enerali fir-rigward ta' sustanzi radjuattivi fl-ilma ma sub g all-konsum mill-bniedem (COM(2012)0147 – C7-0105/2012 – 2012/0074(NLE)).

²⁴³ Opinjoni tal-21.3.2014 dwar il-ba i uridika tal-proposta g al direttiva tal-Kunsill li temenda d-Direttiva 2009/71/EURATOM li tistabbilixxi qafas Komunitarju g as-Sikurezza Nukleari ta' installazzjonijiet nukleari (COM(2013)0715 – C7-0385/2013 – 2013/0340(NLE)).

2. Drittijiet u prerogattivi tal-Parlament: affarijiet kontenzju i

Ir-Regoli ta' Pro edura tal-Parlament jag mlu distinzjoni bejn, minn na a, ir-rikorsi ppre entati mill-Parlament u, min-na a l-o ra, il-pre entazzjoni ta' osservazzjonijiet u l-interventi f'kaw i min-na a tal-Parlament. Il-Kumitat g all-Affarijiet Legali ji vol i rwol kru jali fi - ew sitwazzjonijiet li se ji u e aminati wa da wara l-o ra.

2.1. Rikorsi ppre entati mill-Parlament



Mit-Trattat ta' Nizza, il-Parlament g andu dritt assolut li jippre enta rikors g al annullament²⁴⁴. L-Artikolu 128(1) tar-Regoli ta' Pro edura jesi i li l-Parlament "je amina l-le i lazzjoni tal-Unjoni u l-mi uri ta' implimentazzjoni sabiex ji gura li d-drittijiet tieg u ew rispettati kompletament". L-Artikolu 128(3) jistabbilixxi li "[I]-President g andu jippre enta rikors quddiem il-Qorti tal- ustizzja f'isem il-Parlament skont ir-rakkomandazzjoni tal-kumitat responsabbl". Il-President jista' jressaq id-de i joni dwar it-tkomplija tal-azzjoni quddiem sessjoni plenarja sussegwenti. Meta l-Kumitat jirrakkomanda li ma jippre entax rikors, il-President jista' xorta wa da jidde iedi li jippre entah, su ett g al vot obbligatorju ta' sostenn fil-plenarja fil-bidu tas-sessjoni parzjali wara l-pre entazzjoni tar-rikors.

Il-Kumitat g all-Affarijiet Legali rrakkomanda spiss azzjoni legali fil-ka ijiet li fihom esprima dubji dwar il-validità tal-ba i uridika li sussegwentement intu at mill-Kunsill, pere empju meta l-Kunsill adotta att wa du, filwaqt li l-Kumitat qies li l-Parlament kellu jkun involut. Orjentamenti odda wara t-Trattat ta' Lisbona kienu spiss fil-qalba tat-tilwima jew, almenu, iddeterminaw il-qafas tag ha.

Pere empju, bl-isparizzjoni formali tal-hekk imsej a pilastri minn mindu da al fis-se it-Trattat ta' Lisbona, il-kampijiet ta' applikazzjoni rispettivi tad-diversi politiki tal-Unjoni g adhom je tie u delimitazzjoni. Fil-qasam tal-Politika Esteru u ta' Sigurtà Komuni (PESK), ng idu a na, id-definizzjoni ta' jekk l-att inkwistjoni kienx esklu ivament relatat mal-PESK irri ultat impenjattiva, f'liema ka il-Kunsill kien jag mel sew kieku a ixxa wa du, jew le. Fid-19 ta' Lulju 2012 il-Qorti adet de i joni dwar ka li kien jirrigwarda t-terrori mu internazzjonali²⁴⁵. Dan kien jittratta rikors ippre entat mill-Parlament dwar rakkomandazzjoni tal-Kumitat g all-Affarijiet Legali, kontra r-Regolament tal-Kunsill (UE) Nru 1286/2009 li jemenda r-Regolament (KE) Nru 881/2002 li jimponi erti mi uri spe ifi i restrittivi diretti kontra erti persuni u entitajiet asso jati ma' Usama bin Laden, in-netwerk ta' Al-Qaida u t-Taliban²⁴⁶. Fost wejje o ra l-Parlament qies li r-Regolament ma kellux ikun adottat abba i tal-Artikolu 215(2) tat-TFUE dwar mi uri restrittivi kontra persuni fi i i jew uridi i, gruppi jew entitajiet mhux Statali fl-isfera tal-PESK i da abba i tal-Artikolu 75 tat-TFUE dwar il-lieda kontra t-terrori mu u l-finanzjament tieg u. Il-Qorti madankollu dde idiet li anki jekk l-Artikoli 75 u 215 tat-TFUE jirrigwardaw politiki differenti tal-Unjoni li jsegwu objettivi li, minkejja kumplementari, ma g andhomx l-istess kamp ta' applikazzjoni, l-Artikolu 215(2) tat-TFUE jkun l-ba i uridika t-tajba.

²⁴⁴ L-Artikolu 230(2) fil-ver joni tat-Trattat ta' Amsterdam ippermettilu jippre enta rikors g al annullament biss biex jissalvagwardja l-prerogattivi tieg u.

²⁴⁵ Kaw a C-130/10 *Il-Parlament vs Il-Kunsill*. ECLI:EU:C:2012:472.

²⁴⁶ U L 346, 23.12.2009, p. 42.

F'ka su essiv²⁴⁷, il-Parlament ppre enta rikors kontra d-De i joni tal-Kunsill 2011/640/PESK tat-12 ta' Lulju 2011²⁴⁸ dwar ftehim bejn l-UE u l-Mawrizju dwar it-trasferiment ta' pirati ssuspettati u proprietà ssekwestrata asso jata abba i tal-fatt li d-de i joni ma kellix tkun adottata fuq il-ba i tal-Artikolu 37 tat-TFUE u tal-Artikolu 218(5) u (6) tat-TFUE, i da fuq il-ba i tal-Artikolu 218(6)(a) tat-TFUE wara li tkun inkisbet l-approvazzjoni tal-Parlament billi ma kienx jikkon erna esklu ivament il-PESK i da oqsma politi i o rajn b all-kooperazzjoni tal-pulizija u l-kooperazzjoni g all-i vilupp. Fl-opinjoni tieg u fformulata fit-30 ta' Jannar 2014 l-Avukat enerali Bot madankollu osserva, fidde i joni kkontestata, att tal-PESK inti li ji ieled theddida g all-pa i u g as-sigurtà internazzjonali, ming ajr konnessjoni diretta mas-sigurtà interna tal-UE jew ma' komponent ta' politika tal-i vilupp.

F'ka barra mill-ambitu tal-PESK²⁴⁹, li fih il-Parlament, fuq rakkmandazzjoni tal-Kumitat g all-Affarijiet Legali, ikkontesta de i joni tal-Kunsill relatata ma' opportunitajiet tas-sajd flilmijiet tal-UE abba i tal-fatt li kellha tkun adottata wara li tkun inkisbet l-approvazzjoni tal-Parlament fuq il-ba i tal-Artikolu 43(2) tat-TFUE u tal-Artikolu 218(6) tat-TFUE, l-Avukat enerali Sharpston, fl-opinjoni tag ha li fformulat fil-15 ta' Mejju 2014, sostniet il-po izzjoni tal-Parlament li l-Artikolu 43(3) tat-TFUE ma kienx jikkostitwixxi l-ba i uridika xierqa. F'ka ie or, il-Kumitat g all-Affarijiet Legali rrifjuta wkoll l-Artikolu 43(3) tat-TFUE dwar is-sempli i ffissar tal-prezzijiet jew tal-kwantitajiet b ala l-ba i uridika g al regolament li jistabbilixxi pjan g al perijodu fit-tul g all-istokkijiet tal-merluzz, u rrakkonda li ji i ppre entat rikors abba i tal-fatt li l-att kelleu jkun ibba at fuq l-Artikolu 43(2) tat-TFUE²⁵⁰.

Bil-g an li ji u delimitati l-kompetenzi le i lattivi mal-Kunsill il-Kumitat g all-Affarijiet Legali g al darb'o ra rrakkonda f' ew ka ijiet o ra²⁵¹ l-pre entazzjoni ta' rikors kontra de i joni tal-Kunsill li tissotponi sustanza psikoattiva g al mi uri ta' kontroll²⁵² li l-Kunsill sostna li seta' jibba a fuq de i joni tal-Kunsill o ra (pre edenti g at-Trattat ta' Lisbona) b'riferiment g al ba i uridika tat-Trattat (ex Artikolu 34(2)(c) tat-Trattat dwar l-Unjoni Ewropea). Din id-dispo izzjoni pre edenti g at-Trattat ta' Lisbona ppermettiet lill-Kunsill jadotta, b'ma oranza kwalifikata, il-mi uri ne essarji g all-implementazzjoni tadde i jonijiet tal-Kunsill adottati fl-ambitu tat-tielet pilastru fil-livell tal-Unjoni, i da iet revokata mit-Trattat ta' Lisbona. G aldaqstant, l-unika ba i uridika disponibbi kienet tkun l-Artikolu 83(1) tat-TFUE (li jipprevedi l-pro edura le i lattiva ordinarja).

Fil-qasam il-did tal-atti delegati u ta' implementazzjoni skont it-Trattat ta' Lisbona, il-Kumitat g all-Affarijiet Legali rrakkonda²⁵³ l-kontestazzjoni tal-validità ta' de i joni li pre umibbilment timplimenta r-Regolament (UE) Nru 492/2011 fir-rigward tal-approvazzjoni ta' postijiet tax-xog ol battala u applikazzjonijiet g all-imprieg u l-istabbiliment mill-did tal-EURES²⁵⁴ billi argumenta li tali de i joni marret lil hinn mis-

²⁴⁷ Kaw a C-658/11 *Il-Parlament vs Il-Kunsill* ECLI:EU:C:2014:2025.

²⁴⁸ U L 254, 30.09.2011, p. 1.

²⁴⁹ Kaw i mag quda C-103/12 u C-165/12.

²⁵⁰ Rakkmandazzjoni JURI D(2013)3743. Kaw a C-124/13 *Il-Parlament vs Il-Kunsill*.

²⁵¹ Rakkmandazzjoni JURI D(2013)22587, kaw a C-317/13; Rakkmandazzjoni JURI D(2013)55699, kaw a C-679/13.

²⁵² De i joni tal-Kunsill 2013/129/UE tas-7 ta' Marzu 2013 li tissotponi lill-4-metilamfetamina g al mi uri ta' kontroll (U L 72, 15.3.2013, p. 1) u De i joni tal-Kunsill 2013/496/UE tas-7 ta' Ottubru 2013 dwar l-issu ettar ta' 5-(2-aminnopropil)indol g al mi uri ta' kontroll (U L 272, 12.10.2013, p. 44).

²⁵³ Rakkmandazzjoni JURI D(2013)3525. Kaw a C-65/13 *Il-Parlament vs Il-Kunsill*.

²⁵⁴ De i joni tal-Kunsill 2012/733/UE tas-26 ta' Novembru 2012 li timplimenta r-Regolament (UE) Nru 492/2011 fir-rigward tal-approvazzjoni ta' postijiet tax-xog ol battala u applikazzjonijiet g all-imprieg u l-istabbiliment mill-did tal-EURES (U L 328, 28.11.2012, p. 21).

setg at ta' implantazzjoni konferiti lill-Kummissjoni billi kien fiha elementi li jiissupplementaw l-att ba iku. Il-Kumitat irrakkomanda²⁵⁵ wkoll il-pre entazzjoni ta' rikors kontra att delegat li jemenda anness ta' regolament dwar il-Fa ilità Nikkollegaw l-Ewropa²⁵⁶ abba i tal-fatt li l-Kummissjoni qab et id-delega konferita lilha fir-regolament ba iku inkwantu l-att delegat inkwistjoni ma tax dettalji, ji ifieri ma ssupplementax, i da emenda r-regolament ba iku billi ied parti dida fl-Anness I. Tali t assib ie espress mhux permezz ta' o ezzjoni formali, i da f'korrispondenza mal-Kummissjoni Ewropea.

Finalment, il-Kumitat ma ammx lura milli jippre enta rikors quddiem il-Qorti b ala segwitu mog ti lid-de i jonijiet tag ha dwar il-ba ijiet uridi i xierqa ta' att le i lattiv: dan kien il-ka tad-direttiva li tistabbilixxi rekwi iti g all-protezzjoni tas-sa a tal-pubbliku enerale fir-rigward ta' sustanzi radjuattivi fl-ilma ma sub g all-konsum mill-bniedem²⁵⁷ li l-Kunsill adotta fuq il-ba i tal-Artikoli 31 u 32 tat-Trattat Euratom (meta l-Parlament ji i kkonsultat biss) filwaqt li l-Kumitat qies li g andu japplika l-Artikolu 192(1) tat-TFUE (li jipprevedi l-pro edura le i lattiva ordinarja)²⁵⁸. Il-Kumitat g all-Affarijiet Legali rrakkomanda wkoll il-pre entazzjoni ta' rikors f'isem il-Parlament quddiem il-Qorti tal-ustizzja kontra ew atti uridi i²⁵⁹ dwar il-bidla fl-istatus tal-Majott minn territorju extra-Ewropew g al re jun ultraperiferiku abba i tal-fatt li dawn ma kellhomx ji u adottati fuq il-ba i tal-Artikolu 349 tat-TFUE u b'hekk il-Parlament ie sempli ement ikkonsultat²⁶⁰.

Min-na a l-o ra, il-Kumitat astjena milli jippre enta rikors²⁶¹ (kif ukoll milli jintervjeni fil-ka wara kontestazzjoni uridika mressqa mill-Kunsill²⁶²) kontra d-de i joni tal-Kummissjoni li tirtira l-proposta tag ha g al Regolament tal-Parlament Ewropew u tal-Kunsill li jistabbilixxi dispo izzjonijiet enerale g all-assistenza makrofinanzjarja lil pajji i terzi. Qies li d-dritt ta' rtirar tal-proposta rri ulta mid-dritt ta' inizjattiva le i lattiva li tgawdi minnu l-Kummissjoni bis-sa a tal-Artikolu 17(2) tat-TUE u ma osserva l-ebda ksur, minna a tal-Kummissjoni, tad-dmir tal-kooperazzjoni leali kif stabbilit fl-Artikolu 4(3) tat-TUE. B'konsegwenza ta' dan il-Kumitat ass li l-Parlament ma deher li kellu l-ebda ra uni spe ifika biex jikkontesta d-de i joni tal-Kummissjoni li tirtira l-proposta inkwistjoni, la kienu friskju l-prerogattivi tieg u, inkwantu kellu l-opportunità jadotta po izzjoni tieg u stess fl-ewwel qari.

²⁵⁵ Rakkmandazzjoni JURI D(2014)19280.

²⁵⁶ Regolament ta' Delega tal-Kummissjoni (UE) Nru 275/2014 tas-7 ta' Jannar 2014 li jemenda l-Anness I tar-Regolament (UE) Nru 1316/2013 tal-Parlament Ewropew u tal-Kunsill li jistabbilixxi l-Fa ilità Nikkollegaw l-Ewropa (U L 80, 19.3.2014, p. 1).

²⁵⁷ Direttiva tal-Kunsill 2013/51/Euratom tat-22 ta' Ottubru 2013 li tistabbilixxi rekwi iti g all-protezzjoni tas-sa a tal-pubbliku enerale fir-rigward ta' sustanzi radjuattivi fl-ilma ma sub g all-konsum mill-bniedem (U L 272, 12.10.2013, p. 44).

²⁵⁸ Rakkmandazzjoni JURI D(2013)60404. Kaw a C-48/14 *Il-Parlament vs Il-Kunsill*.

²⁵⁹ Direttiva tal-Kunsill 2013/64/UE tas-17 ta' Di embru 2013 li temenda d-Direttivi tal-Kunsill 91/271/KEE u 1999/74/KE, u Direttivi 2000/60/KE, 2006/7/KE, 2006/25/KE u 2011/24/UE tal-Parlament Ewropew u tal-Kunsill, wara l-emenda tal-istatus tal-Majott fir-rigward tal-Unjoni Ewropea (U L 353, 28.12.2013, p. 8) u Regolament tal-Kunsill (UE) Nru 1385/2013 tas-17 ta' Di embru 2013 li jemenda r-Regolamenti tal-Kunsill (KE) Nru 850/98 u (KE) Nru 1224/2009, u Regolamenti (KE) Nru 1069/2009, (UE) Nru 1379/2013 u (UE) Nru 1380/2013 tal-Parlament Ewropew u tal-Kunsill, wara l-emenda tal-istatus tal-Majott fir-rigward tal-Unjoni Ewropea (U L 354, 28.12.2013, p. 86).

²⁶⁰ Rakkmandazzjoni JURI D(2014)8025. Kaw i C-132/14 u C-136/14.

²⁶¹ Rakkmandazzjoni JURI D(2013)36727.

²⁶² Rakkmandazzjoni JURI D(2013)46003.

2.2. Pre entazzjoni ta' osservazzjonijiet u interventi mill-Parlament

Skont l-Artikolu 23 tal-Istatut tal-Qorti tal-ustizzja, ir-rinviji g al de i joni preliminari ji u nnotifikati lill-Parlament jekk l-att li l-validità jew l-interpretazzjoni tieg u tkun kontestata ie adottat b'mod kon unt mill-Parlament u mill-Kunsill, il-Parlament jista' mbag ad jippre enta osservazzjonijiet bil-miktub fi mien xahrejn.

L-Artikolu 40 tal-Istatut tal-Qorti tal-ustizzja jag ti lill-Parlament id-dritt li jintervjeni fil-kaw i quddiem il-Qorti u ji ara li t-talbiet fir-rikors g al intervent iridu jkollhom biss b ala su ett is-sostenn tat-talbiet ta' wa da mill-partijiet.

Skont l-Artikolu 128(4) tar-Regoli ta' Pro edura tal-Parlament, il-President "g andu jippre enta osservazzjonijiet jew jintervjeni f'isem il-Parlament fi pro eduri quddiem il-qorti wara konsultazzjoni mal-kumitat responsablli". Il-President g andu jirreferi l-kwistjoni lill-Konferenza tal-Presidenti jekk ikun bi siebu jitbieg ed mar-rakkomandazzjoni tal-Kumitat. F'ka e ezzjonali wie ed, il-Konferenza tal-Presidenti trid tressaq ulterjorment il-kwistjoni fil-plenarja²⁶³.

Pre entazzjoni ta' osservazzjonijiet

Fis-seba' le i latura, il-Kumitat g all-Affarijiet Legali rrakkomanda kostantement il-pre entazzjoni ta' osservazzjonijiet fir-rinviji g al de i joni preliminari bil-g an li jiddefendi l-validità tal-le i lazzjoni li tag ha hu (ko)awtur. Fid-dawl tal-kompetenzi msa a tal-Parlament bis-sa a tat-Trattat ta' Lisbona u r-rwol dejjem akbar tieg u b ala kole i latur fl-ambitu tal-pro edura le i lattiva ordinarja, l-g add ta' tali ka ijiet li fihom il-Parlament ippre enta osservazzjonijiet b ala difi a tal-le i lazzjoni proprja ied konsiderevolment meta mqabbel mas-sitt le i latura.

Il-Kumitat g all-Affarijiet Legali rrakkomanda²⁶⁴ wkoll li ji u ppre entati osservazzjonijiet dwar rinviju g al de i joni preliminari li fih il-validità ta' att adottat bil-kode i joni²⁶⁵ iet ikkontestata fil-ka li erta interpretazzjoni tad-Direttiva iet ikkonfermata mill-Qorti tal-ustizzja. G all-kuntrarju, astjena milli jirrakkomanda l-pre entazzjoni ta' osservazzjonijiet meta l-kwistjonijiet rinvijati lill-Qorti tal-ustizzja g andhom x'jaqsmu biss mal-interpretazzjoni ta' regolament adottat bil-kode i joni billi qies li l-validità ta' tali regolament ma kinitx friskju²⁶⁶.

Il-Kumitat, barra minn dan, irrakkomanda l-pre entazzjoni ta' osservazzjonijiet fil-kaw a C-163/10, *Patricello*²⁶⁷, de i joni preliminari storika dwar l-interpretazzjoni tal-Artikolu 8 tal-Protokoll dwar il-privilegi u l-immunitajiet tal-Unjoni Ewropea. Il-ka huwa importanti billi l-Qorti ddefiniet il-kamp ta' applikazzjoni tal-Artikolu 8 billi dde idiet li dikjarazzjoni mag mula minn Membru Parlamentari Ewropew barra mill-Parlament Ewropew ma tikkostitwixx opinjoni expressa fil-qadi tad-dmirijiet parlamentari tal-Membru koperta bl-immunità stipulata fl-Artikolu 8 lief meta din id-dikjarazzjoni hija "evalwazzjoni su ettiva li g andha rabta diretta u ovvja mal-qadi ta' tali dmirijiet".

²⁶³ Il-ka e ezzjonali jikkonsisti meta l-Konferenza tal-Presidenti tkun tal-fehma li l-Parlament, b'mod e ezzjonali, m'g andux iressaq osservazzjonijiet jew jintervjeni quddiem il-Qorti tal-ustizzja f'sitwazzjoni fejn ikun hemm dubji dwar il-validità legali ta' att tal-Parlament.

²⁶⁴ Rakkomandazzjoni JURI D(2014)16028.

²⁶⁵ Direttiva 2002/22/KE tal-Parlament Ewropew u tal-Kunsill tas-7 ta' Marzu 2002 dwar servizz universali u drittijiet tal-utenti li jirrelataw ma' networks u servizzi ta' komunikazzjonijiet elettronici (Direttiva Servizz Universali) (U L 108, 24.4.2002, p. 51).

²⁶⁶ D(2012)18191.

²⁶⁷ [2011] abra I-07565.

Il-Kumitat g all-Affarijiet Legali rrakkomanda wkoll il-pre entazzjoni ta' osservazzjonijiet f'g add ta' ka ijiet li fihom il-Qorti ntalbet tesprimi opinjoni li tikkon erna kwistjonijiet ta' importanza fundamentali. Fl-2009 l-Kunsill talab lill-Qorti tal- ustizzja tesprimi opinjoni dwar il-kompatibilità mat-Trattat tal-abbozz ta' ftehim internazzjonali li jo loq sistema unifikata g al-litigazzjoni dwar il-privattivi. Il-Kumitat g all-Affarijiet Legali rrakkomanda l-pre entazzjoni ta' osservazzjonijiet fid-dawl tal-interess tal-Parlament fil-pro ess le i lattiv li g addej, ir-responsabilitajiet tieg u b ala le i latur fl-adozzjoni ta' ftehimiet internazzjonali u b ala kole i latur f'oqsma relatati²⁶⁸. Dak i - mien il-Qorti waslet g all-konklu joni li l-abbozz ta' ftehim internazzjonali inkwistjoni ma kienx kompatibbli mat-Trattati²⁶⁹.

It-tieni ka li fih l-Kumitat g all-Affarijiet Legali rrakkomanda l-pre entazzjoni ta' osservazzjonijiet kien jikkon erna l-Ftehim Kummer jali dwar il- lied Kontra l-Falsifikazzjoni (ACTA). Il-Parlament ma kienx ikkon eda l-approvazzjoni tieg u g all-ftehim fl-4 ta' Lulju 2012 i da l-Kummissjoni stqarret f'dik l-istess sessjoni plenarja li xtaqet i omm it-talba tag ha g al opinjoni. Il-Kumitat qies li, huwa u ma jikkon edix l-approvazzjoni tieg u, il-Parlament kien stqarr li l-ftehim ACTA ma g andux ikun vinkolanti g all-Unjoni u g alhekk irrakkomanda li l-osservazzjonijiet g andhom ikunu ppre entati, i da limitati g all-fatt li l-ftehim ma kienx g adu "ftehim ma sub" skont l-Artikolu 218(11) tat-TFUE²⁷⁰. Fl-a ar, il-Kummissjoni rtirat it-talba tag ha g al opinjoni.²⁷¹

Il-Kumitat irrakkomanda wkoll il-pre entazzjoni ta' osservazzjonijiet fir-rigward tat-talba tal-Kummissjoni g al opinjoni tal-Qorti²⁷² dwar il-kompetenza tal-UE g all-a ettazzjoni talade joni fil-Konvenzjoni tal-1980 dwar is-Sekwestru ta' Minuri. L-opinjoni kienet tirrigwarda tmien proposti tal-Kummissjoni g al de i jonijiet inti i li jistiednu lill-Istati Membri ja ettaw, f'isem l-Unjoni, l-ade joni ta' tmien pajji i terzi fil-Konvenzjoni. Il-Kunsill imblokka dawn il-fajls billi kkontesta l-kompetenza tal-Unjoni. Il-Parlament qabel mal-Kummissjoni li l-Unjoni kienet kisbet kompetenza esklu iva fil-qasam tas-sekwestru internazzjonali ta' minuri, i da kellha mezzi limitati biex te er ita pressjoni g al progress min abba li kienet biss iet ikkonsultata (dritt dwar il-familja). Flimkien mal-mezzi politi i – l-adozzjoni ta' ri oluzzjoni²⁷³ li fiha stieden lill-Kunsill jippro edi minnufih bil-pro edura g all-adozzjoni tad-de i jonijiet inkwistjoni – il-Parlament g aldaqstant g a el il-mezzi uridi i, il-pre entazzjoni ta' osservazzjonijiet quddiem il-Qorti. L-opinjoni tal-Qorti g adha pendenti.

Finalment, il-Kumitat irrakkomanda li l-Parlament jippre enta osservazzjonijiet fir-rigward tal-opinjoni 2/13 dwar l-Ade joni tal-Unjoni Ewropea fil-Konvenzjoni g all-Protezzjoni tad-Drittijiet tal-Bniedem u tal-Libertajiet Fundamentalni. Billi l-Parlament se jintalab jikkon edi l-approvazzjoni tieg u g all-konklu joni tal-abbozz ta' ftehim skont l-Artikolu 218 tat-TFUE u billi l-abbozz ta' ftehim iqajjem g add kbir ta' kwistjonijiet ta' natura istituzzjonali relatati mal-funzjonament tal-istituzzjonijiet tal-UE, inkl u r-rwol u l-prerogattivi tal-Parlament, deher fundamentali li l-Parlament jag ti kontribut permezz tal-fehmiet tieg u bil-g an li l-Qorti tal- ustizzja tkun tista' tag ti opinjoni informata.

²⁶⁸ Rakkmandazzjoni JURI D(2009)46921.

²⁶⁹ Opinjoni tal-Qorti (Seduta Plenarja) tat-8 ta' Marzu 2011, [2011] abra I-01137.

²⁷⁰ Rakkmandazzjoni JURI D(2012)37007.

²⁷¹ Ordni tal-President tal-Qorti tat-18 ta' Frar 2013 dwar l-opinjoni 1/12.

²⁷² Opinjoni 1/13.

²⁷³ Ri oluzzjoni tal-Parlament Ewropew tat-22 ta' Novembru 2012 dwar id-dikjarazzjoni ta' a ettazzjoni mill-Istati Membri, fl-interess tal-Unjoni Ewropea, tal-ade joni ta' tmien pajji i terzi mal-Konvenzjoni tal-Aja tal-1980 dwar l-Aspetti ivili tal- tif Internazzjonali tat-Tfal (2012/2791(RSP)).

Jist oqqlu li jissemma ka importanti ie or mil-lat istituzzjonali li fih il-Parlament ippre enta osservazzjonijiet: il-Qorti Kostituzzjonali Federali ermani a talbet de i joni preliminari fil-kuntest tal-e ami tag ha ta' sensiela ta' rikorsi mressqa minn diversi individwi kontra d-de i joni tal-Kunsill Governattiv tal-Bank entrali Ewropew tas-6 ta' Settembru 2012 dwar it-Tran azzjonijiet Monetarji Definitivi (OMTs) u x-xiri ma jaqta' qatt ta' bonds tal-gvern abba i ta' tali de i joni u kontra n-nuqqas min-na a tal-Gvern Federali li jippre enta rikors g al annullament ta' tali De i joni skont l-Artikolu 263 tat-TFUE. Fid-dawl tal-importanza istituzzjonali tal-kwistjonijiet imqajma, il-Kumitat idde ieda li jirrakkomanda l-pre entazzjoni ta' osservazzjonijiet lill-Qorti tal-ustizzja.

Interventi

Analogament g all-pre entazzjoni ta' osservazzjonijiet, il-Parlament, bala regola, jintervjeni fil-pro eduri tal-qorti bil-g an li jiddefendi l-validità tal-le i lazzjoni li tag ha huwa koawtur fil-ka ijiet li fihom din ti i kkontestata fkaw a quddiem il-qrati tal-Unjoni Ewropea. Madankollu, g all-kuntrarju tal-osservazzjonijiet fil-kuntest tad-de i jonijiet preliminari u tal-opinjonijiet statutorji tal-Qorti tal-ustizzja, l-intervent jiusta' jimmira wkoll li jiddefendi d-drittijiet u l-prerogattivi tal-Parlament b'tali mod u manjiera li jixbah sitwazzjonijiet meta ji i ppre entat rikors g al annullament, fliema ka il-partijiet tal-kaw a jkunu, tipikament, ew istituzzjonijiet o rajn involuti fil-pro ess le i lattiv, ng idu a na, il-Kummissjoni u l-Kunsill jew bejn wie ed minn dawn tal-a ar u Stat Membru. Mhuwiex sorprendenti li l-g add ta' interventi died matul is-seba' le i latura, fatt li jirrifletti erta kompetizzjoni fir-rigward tal-interpretazzjoni tas-setg at u tal-kompetenzi ridistribwiti matul, tal-anqas, l-ewwel snin wara d-d ul fis-se tat-Trattat ta' Lisbona.

Bil-g an li ti i difi a l-validità tal-le i lazzjoni adottata mill-Parlament bala kole i latur, il-Kumitat irakkomanda, pere empju, li jsir intervent fil-kaw a T-671/13, *Pesticide Action Network and Others vs Il-Kummissjoni*.²⁷⁴ Ir-rikors ippre entat quddiem il-Qorti eneralli mmira lejn l-annullament ta' de i joni tal-Kummissjoni li bis-sa a tag ha l-Kummissjoni ddikjarat bala inammissibbli ew talbiet g ar-revi joni tar-Regolament ta' Implementazzjoni tal-Kummissjoni (UE) Nru 485/2013²⁷⁵, li jimplimenta att dwar il-kundizzjonijiet g all-approvazzjoni u l-u u tas-sustanzi attivi klotjanidin, tijametossam u imidakloprid g all-finijiet tal-protezzjoni tal-pjanti.

Il-talbiet g al revi joni saru fuq il-ba i tal-Artikolu 10 tar-Regolament (KE) Nru 1367/2006, li japplika d-dispo izzjonijiet tal-Konvenzjoni ta' Aarhus dwar l-A ess g all-Informazzjoni, il-Parte ipazzjoni tal-Pubbliku fit-Te id ta' De i jonijiet u l-A ess g all-ustizzja fi Kwistjonijiet Ambjentali²⁷⁶ g all-istituzzjonijiet u l-korpi Komunitarji.²⁷⁷ Ir-rikors sostna li r-Regolament Nru 1367/2006 kien illegali fid-dawl tal-Artikolu 9(3) tal-Konvenzjoni ta' Aarhus. Ir-rakkmandazzjoni tal-Kumitat kienet konformi mal-interventi pre edenti tal-

²⁷⁴ Rakkmandazzjoni JURI D(2014)19280.

²⁷⁵ Regolament ta' Implementazzjoni tal-Kummissjoni (UE) Nru 485/2013 tal-24 ta' Mejju 2013 li jemenda r-Regolament ta' Implementazzjoni (UE) Nru 540/2011 fir-rigward tal-kundizzjonijiet g all-approvazzjoni tas-sustanzi attivi klotjanidin, tijametossam u imidakloprid u li jipprobixxi l-u u u l-bejg ta - errieg a trattata bi prodotti g all-protezzjoni tal-pjanti li fihom dawk is-sustanzi attivi, U L 139, 25.05.2013, p. 12-26.

²⁷⁶ Il-Konvenzjoni dwar l-A ess g all-Informazzjoni, il-Parte ipazzjoni tal-Pubbliku fit-Te id ta' De i jonijiet u l-A ess g all-ustizzja fi Kwistjonijiet Ambjentali tal-Kummissjoni Ekonomika g all-Ewropa tan-Nazzjonijiet Uniti (NU/KEE) iet adottata fil-25 ta' unju 1998 fil-belt Dani a ta' Aarhus. Da let fis-se fit-30 ta' Ottubru 2001.

²⁷⁷ Regolament (KE) Nru 1367/2006 tal-Parlament Ewropew u tal-Kunsill tas-6 ta' Settembru 2006 dwar l-applikazzjoni g all-istituzzjonijiet u l-korpi tal-Komunità tad-disposizzjonijiet tal-Konvenzjoni ta' Aarhus dwar l-A ess g all-Informazzjoni, il-Parte ipazzjoni tal-Pubbliku fit-Te id ta' De i jonijiet u l-A ess g all-ustizzja fi Kwistjonijiet Ambjentali, U L 264, 25.09.2006, p. 13-19.

Parlament f'kaw i dwar, essenzjalment, l-istess kwistjonijiet. G alhekk il-Parlament u l-Kunsill intervenew b'sostenn tal-Kummissjoni fil-kaw a T-396/09 u t-tliet istituzzjonijiet irrikorrew fl-appell quddiem il-Qorti tal- ustizzja kontra s-sentenza tal-Qorti enerali. Il-Qorti tal- ustizzja g aqdet il-kaw a ma' appell kontra s-sentenza fil-kaw a T-338/08²⁷⁸.

Il-Kumitat irrakkomanda wkoll intervent meta kienet me tie a l-approvazzjoni tieg u g al att adottat mill-Kunsill u l-le ittimità ta' tali att iet ikkontestata mill-Istati Membri. Dan ara fil-kaw i C-274/11 *Ir-Renju ta' Spanja vs Il-Kummissjoni* u C-295/11 *L-Italja vs il-Kunsill*. I - ew rikorsi g al annullament ikkontestaw il-validità tad-De i joni tal-Kunsill 2011/167/UE²⁷⁹ li awtorizzat 25 Stat Membru jistabbilixxu kooperazzjoni msa a fil-qasam tal- olqien ta' protezzjoni tal-privattiva unitarja.²⁸⁰

F'xi ka ijiet il-Kumitat irrakkomanda interventi b ala difi a tal-le i lazzjoni minkejja li l-Parlament ma kienx koawtur tag ha. G alhekk, il-Kumitat qies li intervent kien rakkmandabbi fil-kaw a C-660/13 P *Rusal Armenal ZAO*²⁸¹ b ala sostenn tal-Kummissjoni. Il-Kummissjoni appellat kontra sentenza tal-Qorti enerali²⁸² li annullat ir-Regolament tal-Kunsill (KE) Nru 925/2009 tal-24 ta' Settembru 2009 li jimponi dazju anti-dumping definitiv fuq l-importazzjonijiet ta' erta fuljetta tal-aluminju li jori inaw mill-Armenja, mill-Bra il u mir-Repubblika Popolari ta - ina²⁸³.

Fis-sentenza kkontestata, il-Qorti enerali sostniet li huma l-Qrati tal-Unjoni Ewropea li g andhom jist arr u l-legalità tal-mi ura tal-Unjoni inkwistjoni fid-dawl tar-regoli tad-WTO²⁸⁴.

Il-Kumitat qies li, filwaqt li j omm ukoll quddiem g ajnejh il-fatt li, mit-Trattat ta' Lisbona, il-Parlament huwa kole i latur fir-rigward tar-regolament ba iku dwar l-anti-dumping, il-ka su ett g all-appell qajjem mistoqsijiet ta' rilevanza notevoli g all-ordinament uridiku u g all-ekwilibriju istituzzjonali tal-Unjoni fdik li hi r-relazzjoni bejn l-interpretazzjoni udizzjarja u l-g a liet politi i tal-le i latur tal-Unjoni.

Min-na a l-o ra, anki jekk is-setg at tal-Parlament intlaqtu potenzjalment, il-Kumitat irrakkomanda kontra l-intervent meta l-Parlament seta' a ixxa ffa i aktar bikrija. G alhekk il-Kumitat irrakkomanda li l-Parlament ma g andux jintervjeni b ala sostenn g at-talbiet tar-rikorrenti, ir-Repubblika eka, fil-kaw i T-659/13 and T-660/13 *Ir-Repubblika eka vs Il-Kummissjoni* li kienu diretti lejn ew regolamenti delegati adottati mill-Kummissjoni fuq il-ba i tad-Direttiva 2010/40/UE²⁸⁵, billi la kien oppona l-atti delegati kontra liema r-

²⁷⁸ Kaw i mag quda C-404/12 P, C-405/12 P. Il-Kunsill intervjeta wkoll quddiem il-Qorti enerali fil-kaw a T-338/08. Il-Parlament u l-Kunsill intervenew ukoll fil-kaw a T-458/12 li, sostanzjalment, ikkon ernat ukoll l-istess kwistjoni.

²⁷⁹ De i joni tal-Kunsill tal-10 ta' Marzu 2011 li tawtorizza l-kooperazzjoni msa a fil-qasam tal- olqien ta' protezzjoni tal-privattiva unitarja (U L 76, 22.3.2011, p. 53).

²⁸⁰ Rakkmandazzjoni JURI D(2011)311890.

²⁸¹ Rakkmandazzjoni JURI D(2014)16036.

²⁸² Il-Kummissjoni rrikorriet f'appell fis-16 ta' Jannar 2014 kontra s-sentenza tal-Qorti enerali maqtug a fil-5 ta' Novembru 2013 fil-kaw a T-512/09 *Rusal Armenal ZAO vs Il-Kunsill* ECLI:EU:T:2013:571.

²⁸³ Regolament tal-Kunsill (KE) Nru 925/2009 tal-24 ta' Settembru 2009 li jimponi dazju anti-dumping definitiv u ji bor b'mod definitiv id-dazju provvi orju impost fuq l-importazzjonijiet ta' erta fuljetta tal-aluminju li jori inaw mill-Armenja, mill-Bra il u mir-Repubblika Popolari ta - ina (U L 262, 6.10.2009, p. 1).

²⁸⁴ Sentenza tal-Qorti enerali tal-5 ta' Novembru 2013 fil-kaw a T-512-09, *Rusal Armenal ZAO vs Il-Kunsill* ECLI:EU:T:2013:571, para. 36.

²⁸⁵ Direttiva 2010/40/UE tal-Parlament Ewropew u tal-Kunsill tas-7 ta' Lulju 2010 dwar il-qafas g all-varar ta' Sistemi ta' Trasport Intelli enti fil-qasam tat-trasport bit-triq u g all-interkonnessjonijiet ma' modi o rajn ta' trasport (U L 207, 6.8.2010, p. 1).

Repubblika eka ppre entat rikors u lanqas kien talab hu stess l-annullament ta' tali mi uri quddiem il-Qorti.²⁸⁶

F'xi ka ijiet il-Kumitat qies l-e itu tat-tilwima dwar l-interpretazzjoni tad-dritt tal-UE bi ejed importanti li jist oqqlu intervent fir-rikors ippre entat minn partijiet privati kontra istituzzjoni anki jekk la l-validità ta' att adottat mill-Parlament b ala kole i latur u lanqas il-prerogattivi tieg u ma kienu kkontestati, G aldaqstant, fuq rakkmandazzjoni tal-Kumitat, il-Parlament intervjeta fil-kaw a C-280/11 P *Access Info Europe vs Il-Kunsill* b ala sostenn ta' Access Info u kontra l-appell ippre entat mill-Kunsill kontra s-sentenza tal-Qorti enerli²⁸⁷.

It-tilwima kienet tikkon erna l-interpretazzjoni tar-Regolament Nru 1049/2001 dwar l-a ess pubbliku g ad-dokumenti tal-istituzzjonijiet tal-UE²⁸⁸ u partikolarment jekk il-Kunsill setax jirrifjuta li ji vela dawk il-partijiet ta' nota mibg uta mis-Segretarjat tal-Kunsill lill-grupp ta' idma tal-Kunsill li kienet tidentifika l-po izzjonijiet tal-Istati Membri abba i tal-fatt li, billi "m'hemmx interess pubbliku akbar fl-i velar tieg u", "l-i velar [...] serjament idg ajjeff il-pro ess tat-te id ta' de i jonijiet". Id-dokumenti mitluba minn Access Info kelhom, fil-fatt, x'jaqsmu mal-pro edura g al revi joni li g addejja b alissa pre i ament tar-Regolament Nru 1049/2001.²⁸⁹

Wara e ami bir-reqqa tal-appell tal-Kunsill, u minkejja l-fatt li l-ka ma kienx jinvolti l-validità ta' att adottat mill-Parlament, il-Kumitat qies li r-rilevanza uridika u politika usa' tieg u kienet ti ustifika intervent tal-Parlament quddiem il-Qorti tal-ustizzja b ala sostenn ta' Access Info Europe bil-g an li, kemm jista' jkun, ji i garantit li l-pro ess le i lattiv tal-Unjoni jkun trasparenti u l-le i lazzjoni tal-Unjoni fil-qasam tal-a ess g ad-dokumenti tkun interpretata b'mod korrett konformement mal-aktar ri oluzzjonijiet re enti fil-materja²⁹⁰.

Prassi konswetudinarja tal-Kumitat

Il-Kumitat g all-Affarijiet Legali dejjem jikkoopera mill-qrib mal-kumitati kompetenti u jisma' l-pariri tas-Servizz Legali tal-Parlament qabel ma jag mel rakkmandazzjoni. Barra minn hekk, il-Kumitat jipro edi kwa i dejjem b'mod unanimu fil-qadi ta' dmirijietu fir-rigward tal-ba i uridika u tal-affarijiet kontenzju i, bir-rwol ta' rapporteur idur b'sistema ta' rotazzjoni darbtejn fis-sena bejn il-gruppi politi i. Din il-prattika ta' rapporteurs "b'sistema ta' rotazzjoni" aktarx sa et l-effetti awtorevoli tal-opinjonijiet tieg u fi dan u tabil aqq barra l-istituzzjoni.

eneralment, rigward id-de i joni fil-mertu ta' jekk il-Parlament g andux jipparte ipa fil-pro eduri tal-qorti, il-Kumitat ovvjament g andu diskrezzjoni illimitata. B'danakollu, jekk dak li jkun josserva l-Kumitat huwa u jifformula rakkmandazzjoni fis-seba' le i latura, jista' ji i affermat fi - gur li rrakkonda lill-Parlament jintervjeni jew jippre enta osservazzjoni fi pro eduri li fihom il-validità ta' att adottat mill-Parlament (fil-ma or parti tal-ka ijiet b ala kole i latur fl-ambitu tal-pro edura le i lattiva ordinarja) kienet

²⁸⁶ Rakkmandazzjoni JURI D(2014)16042.

²⁸⁷ Kaw a T-233/09 *Access Info Europe vs Il-Kunsill* ECLI:EU:T:2011:105.

²⁸⁸ Regolament (KE) Nru 1049/2001 tal-Parlament Ewropew u tal-Kunsill (KE) Nru 1049/2001 tat-30 ta' Mejju 2001 dwar l-a ess pubbliku g ad-dokumenti tal-Parlament Ewropew, tal-Kunsill u tal-Kummissjoni, UL 145/43, 31.5.2001.

²⁸⁹ Proposta g al regolament tal-Parlament Ewropew u tal-Kunsill dwar l-a ess pubbliku g ad-dokumenti tal-Parlament Ewropew, il-Kunsill u l-Kummissjoni, COM/2008/0229 final - COD 2008/0090.

²⁹⁰ B'mod partikolari ara r-Rapport dwar l-a ess pubbliku g ad-dokumenti (rapporteurs: Hautala, Sargentini) (Artikolu 104(7)) tar-Regoli ta' Pro edura g as-snin 2009-2010 (2010/2294(INI)), partikolarment il-paragrafu 15 ff (ri oluzzjoni mressqa g all-votazzjoni fid-data 14.9.2011).

friskju. Il-Kumitat a ixxa anki biex jiddefendi l-prerogattivi tal-Parlament. Madankollu, meta l-ebda wa da minn dawn ir-ra unijiet ma kienet rilevanti, il-Kumitat ikkunsidra bir-reqqa dwar jekk kienx me tie jew adegwat li jippre enta osservazzjonijiet f'dan il-ka u partikolarment f'kull ka individwali wie en jekk kienx hemm interess g all-Parlament (ta' natura istituzzjonali jew ta' xort'o ra) li ji ustifika l-parte ipazzjoni fil-pro eduri tal-qorti jew – g all-kuntrarju – jekk kienx hemm interess li jaf ikun preferibbli n-nuqqas ta' parte ipazzjoni fil-pro eduri tal-qorti inkwistjoni.

3. Statut g all-Membri tal-Parlament Ewropew

Il-Kumitat g all-Affarijiet Legali huwa responsabbli mill-Istatut g all-Membri tal-Parlament Ewropew.

L-Istatut g all-Membri ie rivedut f'Settembru 2005²⁹¹ u da al fis-se fl-ewwel jum tas-seba' le i latura. L-Istatut jiddefinixxi l-prin ipji essenziali li jirregolaw il-qadi tad-dmirijiet tal-Membri u, partikolarment, il-libertà, l-indipendenza, id-dritt ta' inizjattiva, l-a ess g all-informazzjoni fil-pusess tal-Parlament, id-dritt li jitkellmu u jiktbu bil-lingwa tag hom stess u d-dritt ta' asso jazzjoni ma'o rajn fi gruppi politi i. Il-bqija tad-dispo izzjonijiet tal-Istatut jikkon ernaw is-sistema unika ta' regoli finanzjarji g all-Membri, inklu i r-regoli tat-taxxa applikabbbli.

4. Approvazzjoni tal-Kummissarji

L-approvazzjoni ta' kummissarju did te tie valutazzjoni mill-Parlament tal-Kummissarju nominat abba i tal-kompetenza enerale, tal-impenn Ewropew u tal-indipendenza personali tieg u. Il-Parlament jivvaluta wkoll l-g arfien tal-Kummissarju nominat tal-portafoll futur tieg u kif ukoll il-kapa itajiet komunikattivi tieg u.

Barra mill-g arbiel tal-elementi pre edenti fil-valutazzjoni tal-Kummissarju nominat li jittrattaw portafoll fi dan il-kompetenzi tieg u, il-Kumitat g all-Affarijiet Legali g andu l-kompliku li jifli d-dikjarazzjonijiet ta' interess tal-Kummissarji nominati.

5. Regolamenti tal-Persunal g all-Uffi jali u l-Kondizzjonijiet tal-Impjieg ta' A enti O ra tal-Unjoni Ewropea

Il-Kumitat g all-Affarijiet Legali huwa responsabbli wkoll mir-Regolamenti tal-Persuni g all-Uffi jali l-Kondizzjonijiet tal-Impjieg ta' A enti O ra tal-UE. Wara d-d ul fis-se tat-Trattat ta' Lisbona, il-pro edura le i lattiva ordinarja tapplika g al kwalunkwe emenda ta' tali regoli tal-persunal. Ir-Regolamenti tal-Persunal g addew minn tliet riformi differenti matul is-seba' le i latura. L-ewwel wa da saret b ala konsegwenza tal- olqien tas-Servizz Ewropew g all-Azzjoni Esterna, it-tieni wa da min abba l-ade joni tal-Kroazja u fl-a ar nett, riforma aktar fil-fond li da let fis-se fl-1 ta' Jannar 2014.

5.1. Servizz Ewropew g all-Azzjoni Esterna

L-Artikolu 27(3) jipprevedi li "ir-Rappre entant G oli g andu ji i assistit minn Servizz Ewropew g all-Azzjoni Esterna. Dan is-servizz (...) g andu jkun mag mul minn uffi jali mid-dipartimenti rilevanti tas-Segretarjat enerale tal-Kunsill u tal-Kummissjoni kif ukoll minn persunal issekondat mis-servizzi diplomati i nazzjonali".

²⁹¹ U 2005 L 262, p. 1.

Fis-26 ta' Lulju 2010, il-Kunsill adotta de i joni skont l-Artikolu 27(3) li tistabbilixxi s-Servizz Ewropew g all-Azzjoni Esterna (SEAE) u ddefiniet l-organizzazzjoni u l-funzjonament tieg u, wara li kkonsulta lill-Parlament u kiseb l-approvazzjoni tal-Kummissjoni.

Kienu ne essarji bosta bidliet le i lattivi o rajn biex is-servizz ikun jista' ja dem, fosthom aspetti ba itarji u emenda tar-regoli tal-personal attwali (kemm tar-Regolamenti tal-Persunal kif ukoll tal-Kondizzjonijiet tal-Impjieg ta' A enti O ra). Fost affarijiet o ra, dawn l-emendi kellhom x'jaqsmu mal-kategorija l-dida tal-"persunal issekondat mis-servizzi diplomati i nazzjonali", liema kondizzjonijiet japplikaw g alihom, kif jintg a lu u x'in huma drittijiethom u dmirijiethom.

Wara tliet trilogi informali ta t il-Presidenza Bel jana tal-Kunsill, ir-rapporteur (Bernard Rapkay) irnexxielu jil aq qbil fl-ewwel qari.

5.2. Ade joni tal-Kroazja

Konformement mal-prattika konsolidata meta Stati Membri odda jaderixxu mal-Unjoni, kienu ne essarji mi uri temporanji ta' "diskriminazzjoni po ittiva" favur i - ittadini Kroati b'rabta mal-ade joni tal-Kroazja fil-forma ta' deroga g ar-regoli eneralli dwar il-rekluta ta' persunal tal-Unjoni Ewropea.

Din id-darba ir-rapporteur kienet Dagmar Roth-Behrendt.

5.3. Ir-riforma tal-2013

It-tielet riforma kienet twila u diffi li biex tinkiseb. Il-Kummissjoni ressjet proposta fl-14 ta' Di embru 2011 u l-ftehim finali mal-Kunsill se biss f'Mejju 2013. Dan ka un tad-diffikultajiet fil-Kunsill, fejn l-Istati Membri sabuha bi tqila jil qu qbil dwar po izzjoni kif ukoll tal-fatt li r-riforma kienet marbuta man-negojzjati dwar il-Qafas Finanzjarju Pluriennali 2014-2020 li kienu g addejjin.

Wara negojaxi intensi u ames trilogi ta t il-Presidenza Irlandi a, intla aq qbil. It-tim tal-Parlament fin-negojaxi kien immexxi minn Dagmar Roth-Behrendt, dak tal-Kunsill mill-Ambaxxatur Irlandi, Rory Montgomery, u dak tal-Kummissjoni mill-Vi i President Šef ovi .

Il-ftehim finali kien jinkludi metodu did g all-a ustament tas-salarji u tal-pensjonijiet, tibdil fl-istruttura tal-karrieri, ir-reintroduzzjoni ta' imposta ta' solidarjetà, tibdil fl-irtirar u fil-pensjonijiet u aktar in tax-xog ol, fost wejje o rajn.

F'dan il-kuntest fil-Ftehim Interistituzzjonal li jakkumpanja r-Regolament MDFF, l-istituzzjonijiet qablu dwar tnaqqis ta' 5 % tal-personal sal-2018.

6. Verifika ta' kredenzjali

Skont it-termini tal-Artikolu 12 tal-Att li jikkon erna 1-elezzjoni tal-Membri tal-Parlament Ewropew b'vot universali dirett (l-"Att tal-1976")²⁹², il-Parlament huwa me tie jiiverifika l-kredenzjali tal-Membri tieg u.



Skont l-Anness VII, Taqsima XVI, punt 10, tar-Regoli ta' Pro edura, il-Kumitat g all-Affarijiet Legali huwa responsabbi g all-verifika tal-kredenzjali tal-Membri tal-Parlament Ewropew. Fir-rispett tal-prassi konsolidata, fit-2 ta' Settembru 2009 l-koordinaturi tal-Kumitat qablu li l-President ikun ir-rapporteur "b'sistema ta' rotazzjoni" g all-fajls kollha relatati mal-verifika matul is-seba' le i latura.

L-ewwel u qabel kollox, il-Kumitat ivverifika l-kredenzjali tal-Membri li kienu g adhom kemm ew eletti f'rapport li adotta b'unanimità fid-9 ta' Novembru 2009 u li ie sostnut mill-Plenarja fis-16 ta' Di embru 2009²⁹³. Ir-rapport irrefera g ar-ri ultati tal-elezzjonijiet diretti tal-Parlament Ewropew li saru mill-4 sas-7 ta' unju 2009 u kien ibba at fuq in-notifikasi uffi jali tal-Istati Membri kollha tar-ri ultati elettorali inklu i l-ismijiet tal-Membri eletti u l-eventuali sostituti flimkien mal-ordni tag hom skont ir-ri ultati tal-votazzjoni.

Madankollu, billi erti Stati Membri ma ttra mettux – jew ittra mettuha tard – il-lista tas-sostituti, fir-rapport tieg u il-Kumitat irrepeta lill-awtoritajiet nazzjonali kompetenti t-talba tieg u mhux biss biex jinnotifikaw minnufih lill-Parlament l-ismijiet kollha tal-kandidati eletti i da wkoll biex jittra mettu l-ismijiet tas-sostituti flimkien mal-ordni tag hom skont ir-ri ultat tal-votazzjoni, kif me tie mill-Artikolu 3(4), l-ewwel subparagrafu tar-Regoli ta' Pro edura tal-Parlament.

Mis-seba' le i latura, il-kariga ta' Membru tal-Parlament Ewropew hija inkompatibbli ma' dik ta' membru ta' parlament nazzjonali ta' kwalunkwe Stat Membru. Dan jg odd sa ansitra aktar minn mindu d-deroga temporanja mog tija lir-Renju Unit mill-Artikolu 7(2), it-tieni subparagrafu, it-tieni in i , tal-Att tal-1976 ma g adhiex tapplika.

Jixraq li jitfakk li, fid-dawl ta' dak li ntqal hawn fuq, l-awtoritajiet tar-Renju Unit adottaw ir-Regolamenti tal-2008 dwar il-Parlament Ewropew (Skwalifika mill-House of Lords) ("European Parliament (House of Lords Disqualification) Regulations 2008"), li, skont dawn, il-Membri tal-House of Lords fil-kariga ta' pari g all- ajja huma skwalifikati milli jpo u jew jivvutaw fil-House of Lords jew f'kumitat tieg u fil-perjodu ta' mien li matulu jibqg u Membri tal-Parlament Ewropew, u l-ebda itazzjoni ma tista' tin are lilhom fil-perjodu li fih ikunu skwalifikati skont it-termini ta' dawk ir-Regolamenti. B'danakollu, fir-rapport tieg u, il-Kumitat talab lill-Kummissjoni tivverifika jekk ir-Regolamenti tal-2008 dwar il-Parlament Ewropew (Skwalifika mill-House of Lords), u partikolarment l-Artikolu 4 tag hom, humiex kompatibbli fl-intier tag hom mal-Att tal-20 ta' Settembru 1976, u, jekk dan ma jkunx il-ka , biex tag ti bidu g al kwalunkwe pro edura xierqa²⁹⁴.

²⁹² Att tal-20 ta' Settembru 1976, kif emendat mid-De i joni tal-Kunsill 2002/772/KE tal-25 ta' unju u tat-23 ta' Settembru 2002 (U L 278, 8.10.1976, p. 5).

²⁹³ Rapport A7-0073/2009 tal-Kumitat; De i joni tal-Parlament Ewropew tas-16 ta' Di embru 2009 dwar il-verifika tal-kredenzjali (2009/2091(REG)).

²⁹⁴ Sal-lum g adha ma nbdiet l-ebda pro edura ta' din ix-xorta. Id-dispo izzjonijiet attwali tar-Regolamenti tal-2008 dwar il-Parlament Ewropew (Skwalifika mill-House of Lords) ma jkoprux is-sitwazzjoni tal-pari ereditarji. Milli jidher, il-le i lazzjoni Britannika ma tipprevedix il-possibilità li l-pari ereditarji jissospendu l-kariga tag hom b ala membri tal-House of Lords, analogament g all-pari g all- ajja. G aldaqstant il-pari Kumitat g all-Affarijiet Legali

Ir-rapport tal-2009 ddikjara validu, b'riserva g al kwalunkwe de i joni adottata mill-awtoritajiet kompetenti tal-Istati Membri li fihom ir-ri ultati tal-elezzjoni ew ikkontestati, il-mandat tal-Membri tal-Parlament Ewropew elenkti fl-Anness tieg u li l-elezzjoni tag hom iet notifikata mill-awtoritajiet nazzjonali kompetenti u li g amlu ddidkarazzjonijiet bil-miktub skont l-Artikolu 7(1) u (2) tal-Att tal-20 ta' Settembru 1976 u l-Anness I tar-Regoli ta' Pro edura Il-Kumitat g alhekk stieden lill-awtoritajiet kompetenti tal-Istati Membri jlestu mill-aktar fis possibbli l-e ami tal-o ezzjonijiet imressqa lilhom u jinfurmaw lill-Parlament Ewropew bl-e itu tal-pro ess.

Il-Parlament ukoll g andu s-setg a jidde iedi dwar kontestazzjonijiet dwar il-validità tal-mandat tal-Membri tieg u. Madankollu, skont l-Artikolu 12 tal-Att tal-1976, din il-prerogattiva tista' tikkon erna biss il-kontestazzjonijiet li jistg u jinqalg u mid-dispo izzjonijiet tal-istess Att barra dawk li jinqalg u mid-dispo izzjonijiet nazzjonali li g alihom jirreferi l-Att²⁹⁵. Skont id-data disponibbli sal-lum, l-ebda kontestazzjoni ma tressqet quddiem il-Parlament Ewropew b'rabta mal-elezzjonijiet tal-4-7 ta' unju 2009. Min abba l-fatt, i da, li l-kontestazzjonijiet jistg u jinqalg u aktar tard, l-Artikolu 3(4), it-tielet subparagraphu, jistabbilixxi li "*[f]luq il-ba i ta' rapport tal-kumitat, il-Parlament jista' f'kull in jie u de i joni dwar xi kontestazzjoni tal-validità tal-mandat ta' xi wie ed mill-Membri tieg u*".

Fit-12 ta' Di embru 2011 u fis-16 ta' Jannar 2012 il-President tal-Parlament abbar li, b'segwitu g ad-d ul fis-se tal-Protokoll li jemenda l-Protokoll (Nru 36) dwar id-dispo izzjonijiet tran itorji, partikolarment l-Artikolu 2 tieg u dwar il-kompo izzjoni tal-Parlament Ewropew, il-Parlament kellyu 18-il si u ie or g all-bqija tas-seba' le i latura. Il-Kumitat ivverifika l-kredenzjali ta' dawk il-Membri l- odda fil-25 ta' Jannar 2012²⁹⁶.

Il-Kumitat ivverifika wkoll il-kredenzjali tat-12-il Membru Kroat li ew eletti fl-14 ta' April 2013 u li ismijiehom ew innotifikati mill-awtoritajiet nazzjonali tag hom wara l-ade joni tal-pajji i mal-Unjoni Ewropea fl-1 ta' Lulju 2013²⁹⁷.

Barra minn dawk eletti fl-2009, fl-2011 u fl-2013, il-Kumitat ivverifika l-kredenzjali tal-Membri ma tura mill-awtoritajiet nazzjonali kompetenti biex jissostitwixxu lil dawk il-

ereditarji ma jkunux jit allew, skont ir-regoli dwar l-incompatibilità tal-Att tal-1976, ipo u fis-si ijiet tal-Parlament Ewropew f'ka li jkunu eletti bala Membru. Dan imur kontra l-prin ipju tal-universalità tal-elezzjoni tal-Parlament Ewropew, minqux fl-Artikolu 1(3) tal-Att tal-1976. Il-Kummissjoni g amlet kuntatt mal-awtoritajiet kompetenti tar-Renju Unit biex tistaqsi g al aktar kjarifikasi bil-g an li tivverifika l-kompatibilità tal-le i lazzjoni Brittanika mal-Att tal-1976 li jikkon erna l-elezzjoni tal-membri tal-Parlament Ewropew firrigward tal-kwistjoni tal-pari ereditarji.

²⁹⁵ Il-Qorti tal-ustizzja stabbiliet li jidher ar mit-termini stess tal-Artikolu 12 li tali artikolu ma jikkonferix lill-Parlament is-setg a li jidde iedi l-kontestazzjonijiet imqajma mid-dritt tal-Unjoni fl-intier tieg u. Skont it-termini ari ta' tali artikolu, japplika biss g all-"*"kwistjoni li ... tingala' mid-disposizzjonijiet ta' dan l-Att"*": ara sentenza tat-30 ta' April 2009 fil-kaw i mag quada C-393/07 u C-9/08 *L-Italja vs Il-Parlament* [2009] abra I-03679, para. 54.

²⁹⁶ Billi t-Trattat ta' Lisbona ma kienx da al fis-se qabel l-elezzjonijiet Ewropej tal-2009, dawn tal-a ar saru skont id-dispo izzjonijiet tat-Trattat ta' Nizza, skont liema l-Parlament kellyu 736 Membru. Wara d-d ul fis-se tat-Trattat ta' Lisbona fl-1 ta' Di embru 2009, in-numru ta' si ijiet ie ffissat g al 751 bil-ermanja ti i allokata tliet si ijiet inqas meta mqabbel mat-Trattat ta' Nizza. Madankollu, skont l-Artikolu 5 tal-Att tal-1976, mhuwiex possibbli tqassar il-mandat ta' Membru matul il-le i latura u, g alhekk, tnaqqas in-numru ta' Membri fid-delegazzjoni ermani a. B'konsegwenza ta' dan, sabiex din tal-a ar tibqa' invarjata, in-numru totali ta' Membri ttella' bi 18 sal-elezzjonijiet tal-2014 permezz ta' emenda tal-Protokoll (Nru 36) dwar id-dispo izzjonijiet tran itorji. Fuq proposta tal-Parlament fir-ri oluzzjoni tieg u tat-13 ta' Marzu 2013, il-Kunsill adotta de i joni dwar it-tqassim tas-si ijiet wara l-elezzjonijiet tal-2014. It-tqassim tas-si ijiet se jer a' ji i rivedut bi ejjad qabel l-elezzjonijiet tal-2019.

²⁹⁷ Bl-ade joni tal-Kroazja, in-numru ta' si ijiet fil-Parlament ittella' provvi orjament g al 766 skont l-Artikolu 19 tal-Att li jikkon erna l-kundizzjonijiet ta' ade joni tar-Repubblika tal-Kroazja.

Membri li l-kariga tag hom intemmet matul l-istess perjodu min abba ra unijiet ta' inkompatibilità, ri enja jew mewt²⁹⁸. B'mod partikolari, il-Kumitat ivverifika l-kredenzjali ta' numru ta' Membri segwenti: 3 fl-2009, 9 fl-2010, 19 fl-2011, 27 fl-2012, 18 fl-2013 u 9 fl-2014²⁹⁹. Skont l-Artikolu 4 tar-Regoli ta' Pro edura, il-Kumitat kelly wkoll jiddetermina jekk ir-ri enja tal-Membri kinitx skont l-ispirtu u l-kelma tal-Att tal-20 ta' Settembru 1976 u e amina n-numru ta' ka ijiet segwenti: 13 fl-2011, 9 fl-2012, 4 fl-2013 u 1 fl-2014.

Ka interessanti dwar il-verifika tal-kredenzjali kien jikkon erna lis-Sur Michel Dantin, Membru Fran i tal-Parlament Ewropew li l-kredenzjali tieg u ew ivverifikati fir-rapport tal-2009, flimkien ma' dawk tal-Membri li kienu g adhom kemm ew eletti. Is-Sur Dantin in atar biex jissostitwixxi lis-Sa Nora Berra, li ppre edietu fil-lista tal-kandidati i da, billi huwa membru tal-gvern nazzjonali, kelly kariga inkompatibbli. Il-le i lazzjoni Fran i a tippermetti lill-membri tal-gvern nazzjonali li ew eletti fil-Parlament Ewropew "jiffri aw" il-mandat parlamentari tag hom g all-perjodu li fih jaqdu dmirijiethom b ala membri tal-gvern. Malli l-mandat tag hom b ala membri tal-gvern ji i fi tmiemu, jistg u jissuktaw bil-mandat tag hom fi dan il-Parlament Ewropew. Is-Sa Berra ssuktat il-mandat parlamentari tag ha biex tissostitwixxi lis-Sur Dantin b'effett li jiddekorri mis-16 ta' unju 2012. Kontemporanjament, Membru Fran i ie or, is-Sur Damien Abad, in atar b ala membru tal-gvern nazzjonali b'dekorrenza mis-17 ta' unju 2012 u s-Sur Dantin, li skont it-testi fis-se fi Franz, tqieg ed fuq quddiem tal-lista tal-kandidati wara li s-Sa Berra ssuktat bil-mandat parlamentari tag ha, in atar biex jissostitwixxi lis-Sur Abad b ala Membru tal-Parlament Ewropew b'dekorrenza mis-17 ta' unju 2012. F'dawn i - irkostanzi, il-Kumitat ittratta ttieni atra tas-Sur Dantin kon untament mal-verifika tal-kredenzjali tas-Sa Berra.

Skont l-Artikolu 4(5), il-Kumitat e amina l-kwistjoni tal-kompatibilità ta' kariga esterna li l-awtoritajiet nazzjonali kompetenti bi siebhom jag tu lil Bogusław migielski. Fit-23 ta' unju 2010 l-Kumitat ikkonkluda li l-kariga proposta (membru ta' Kumitat Onorarju g at-twaqqif ta' monument fit-Tempju tal-Providenza Divina f'Varsayja b ala oma lill-vittmi tal-in ident tal-ajru ta' Smolensk) ma kinitx inkompatibbli mal-kelma u mal-ispirtu tal-Att tal-1976.

²⁹⁸ G al dak li g andu x'jaqsam mal-inkompatibilità, hemm ukoll l-emenda tal-Artikolu 3 adottata mill-Plenarja fit-12 ta' Ottubru 2006, fejn huwa stabbilit minn fatti vverifikabbi minn sorsi disponibbli g all-pubbliku li Membru g andu kariga inkompatibbli ma' dik ta' Membru tal-Parlament Ewropew, fis-sens tal-Artikolu 7(1) u (2) tal-Att tal-20 ta' Settembru 1976, il-Parlament, fuq il-ba i ta' tag rif provdut mill-President tieg u, g andu jistabbilixxi li hemm post vakanti. Fi kliem ie or, il-Parlament jista' jiddikjara li l-post huwa vakanti ming ajr ma jistenna notifika mill-awtoritajiet nazzjonali kompetenti, li xorta wa da huma marbutin li jinnotifikaw l-isem tal-membri/i sostitut(i). Il-Parlament applika dan l-Artikolu f'bosta okka jonijiet matul is-seba' le i latura.

²⁹⁹ Billi l- atriet rilevanti ew innotifikati fitit mien qabel it-tmiem tal-le i latura, il-kredenzjali tas-Sa Katrin Sakss u tas-Sa Christine Revault D'Allones Bonnefoy kellhom ji u verifikati bi pro edura bil-miktub.



7. Privele i u immunitajiet

7.1. Qafas uridiku u urisprudenza applikabbbli

Skont l-Anness VII, Taqsima XVI, punt 10, tar-Regoli ta' Pro edura, il-Kumitat g all-Affarijiet Legali huwa responsabbbli g all-privile i u l-immunitajiet tal-Membri.

Il-qafas uridiku g all-immunità tal-Membri tal-Parlament Ewropew huwa partikolarment kumpless. Id-dritt sostantiv – li kien inklu fl-Artikoli 8, 9 u 10 tal-Protokoll dwar il-privile i u l-immunitajiet tal-Komunitajiet Ewropej tat-8 ta' April 1965 – issa jinsab fl-Artikolu 7, 8 u 9 tal-Protokoll (Nru 7) dwar il-Privile i tal-Unjoni Ewropea anness mat-Trattat dwar l-Unjoni Ewropea, mat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea u Trattat li jistabbilixxi l-Komunità Ewropea tal-Ener ija Atomika. Il-Protokoll, li hemm riferiment g alih ukoll fl-Artikolu 343 tat-TFUE, g andu, g aldaqstant, l-istatus ta' dritt primarju tal-UE.

Il-pro edura applikabbbli fil-Parlament tinsab fl-Artikoli 5-7 tar-Regoli ta' Pro edura. Kif muri hawn ta t, ir-Regoli ta' Pro edura ew emendati konsiderevolment lejn tniem is-seba' le i latura.

Il-qafas uridiku g all-immunità huwa kkomplementat mill- urisprudenza tal-Qorti tal-ustizzja li saret ta' importanza fundamentali fil-kors tal-le i latura.

Qabel xejn, l-ambitu tal-immunità tal-Membri huwa definit mid-distinzjoni bejn l-hekk imsej a l-“insindikabilità” [immunità assoluta] prevista mill-Artikolu 8 tal-Protokoll³⁰⁰ u l-invjolabilità” [immunità relativa] prevista mill-Artikolu 9 tal-istess³⁰¹.

L-Artikolu 8 tal-Protokoll jiddisponi li l-“*Membri tal-Parlament Ewropew m'g andhom ikunu su etti g al ebda forma ta' investigazzjoni, detenzjoni jew pro eduri legali, fir-rigward ta' opinjonijiet espressi jew voti mog tija minnhom fil-qadi ta' dmirijiethom*”. Din l-insindikabilità tikkorrispondi g all-immunità mog tija lill-membri tal-parlamenti nazzjonali mid-dritt kostituzzjonali nazzjonali³⁰². Timmira lejn l-g an le ittimu li ti i protetta l-libertà tal-kelma fil-Parlament³⁰³.

Il-Qorti tal-Prim'Istanza ta' dak i - mien – illum il-Qorti enerale – sostniet li l-privile i u l-immunitajiet mog tija mill-Protokoll g andhom natura funzjonali biss sa fejn huma inti i

³⁰⁰ "Absolute immunity, "irresponsabilité", "insindicabilità", "Immunität".

³⁰¹ "Relative immunity", "inviolabilité", "inviolabilità", "Unverletzlichkeit".

³⁰² Ara, pere empju, l-Artikolu 26 tal-Kostituzzjoni Fran i a ("L-ebda Membru tal-Parlament ma g andu jkun sottopost g al prosekuzzjoni, investigazzjoni, arrest, detenzjoni jew pro ess fir-rigward tal-opinjonijiet espressi jew tal-voti mitfug a fil-qadi tad-dmirijiethom"), l-Artikolu 68(1) tal-Kostituzzjoni Taljana "Il-Membri tal-Parlament ma jistg ux ikunu msej a jirrispondu g all-opinjonijiet espressi u g all-voti mitfug a fil-qadi ta' dmirijiethom", l-Artikolu tal-Karta tad-Drittijiet (Bill of Rights) tal-1689 (... il-libertà tal-kelma u dibattitu jew il-pro eduri fil-Parlament ma g andhomx ikunu sottoposti g al akku i jew kontestazzjonijiet f'qorti jew f'post barra mill-Parlament") u l-Artikolu 83 tal-Kostituzzjoni Slovena ("L-ebda deputat tal-Assemblea Nazzjonali muhuwa responsabbbli penalment g all-opinjonijiet espressi jew g all-voti mitfug a waqt is-sessjonijiet tal-Assemblea Nazzjonali jew tal-organi ta' idma tag ha"). Prin ipju simili, b'e ezzjoni importanti rigward id-dikjarazzjoni ta' malafama, huwa wkoll minqux fl-Artikolu 46(1) tal-Kostituzzjoni ermani a ("Fl-ebda mument ma jista' Membru jkun sottopost g al pro eduri tal-qorti jew sanzjoni dixxiplinari jew inkella msejja jirrispondi barra mill-Bundestag g al vot mitfug jew g al diskors jew dibattitu fil-Bundestag jew fi kwanlunkwe kumitat tieg u. Tali dispo izzjoni ma tapplikax g all-insulti ta' malafama").

³⁰³ Sentenza tal-Qorti tad-Drittijiet tal-Bniedem fil-kaw a ta'A. vs Ir-Renju Unit [2002] QEDB 35373/97.

sabiex jevitaw li jkun hemm ostakolu g all-funzionament u g all-indipendenza tal-Komunitajiet³⁰⁴.

G al dak li g andu x'jaqsam mal-pro eduri li l-Kumitat g all-Affarijiet Legali g andu japplika huwa u jittratta ka ijiet ta' immunità, id-distinżjoni bejn l-insindakabilità u l-invjalibilità hija ta' importanza kru jali. Ladarba jkun ie stabbilit li l-ka jikkon erna opinjoni expressa jew vot mitfug minn Membru fil-qadi ta' dmirijietu, l-attività tal-Membri kkon ernat tkun koperta mill-Artikolu 8 tal-Protokoll u l-immunità tieg u ma tistax titne a³⁰⁵.

G al dak li g andu x'jaqsam mal-kontenut sostantiv tal-Artikolu 8, il-Kumitat g all-Affarijiet Legali viluppa prassi konsistenti, inkwantu, kif osservat il-Qorti tal-ustizzja, il-portata tal-immunità rilevanti g andha ti i stabbilita sempli ement fuq il-ba i tad-dritt Komunitarju³⁰⁶.

Sentenza storika o ra arat l-kun ett ta' "opinjoni expressa fil-qadi tad-dmirijiet parlamentari"³⁰⁷. Il-Qorti kkunsidrat li l-Artikolu 8 tal-Protokoll g andu jkun interpretat fis-sens li, minkejja li l-immunità parlamentari essenzjalment tkopri dikjarazzjonijiet mag mula barra mill-konfini tal-Parlament Ewropew, ma huwiex esklu li dikjarazzjoni mag mula barra minn dan il-konfini tista' tikkostitwixxi opinjoni expressa fl-qadi tad-dmirijiet parlamentari. L-e istenza ta' tali opinjoni g andha, g alhekk, ti i determinata fid-dawl tan-natura u tal-kontenut tag ha u mhux tal-post li fih tkun saret³⁰⁸.

Fis-sens tal-Artikolu 8 tal-Protokoll, il-kun ett ta' "opinjoni" g andu ji i mifhum f'sens wiesa', b ala li jkopi l-proposti jew id-dikjarazzjonijiet li, min abba l-kontenut tag hom, jikkorrispondu g al dikjarazzjonijiet li jikkostitwixxu evalwazzjonijiet su ettivi³⁰⁹. Barra minn hekk, sabiex tkun koperta bl-immunità, opinjoni g andha ti i mog tija minn deputat parlamentari Ewropew "fil-qadi ta' dmirijiet[u]", u dan jimplika r-rekwi it ta' rabta bejn l-opinjoni expressa u d-dmirijiet parlamentari³¹⁰. Il-Qorti g amlitha ara wkoll li r-rabta bejn l-opinjoni expressa u d-dmirijiet parlamentari g andha tkun diretta u ovvja³¹¹ u li hija l-qorti nazzjonali li trid tiddetermina jekk il-kundizzjonijiet stabbiliti fid-de i joni tal-Qorti ewx sodisfatti f'ka partikolari³¹².

³⁰⁴ Sentenza tal-Qorti tal-Prim'Istanza tal-15 ta' Ottubru 2008 fil-kaw a T-345/05 *Mote* [2008] abra II-2849, para. 27. F'din il-kaw a ie affermat li l-projbizzjoni tar-restrizzjonijiet g all-moviment ta' Membru stabbiliti fl-Artikolu 8 (illum 7) tal-Protokoll ma tistax twassal g al protezzjoni superjuri mill-immunità mog tija mill-Artikolu 9 (illum 8). Tali privile huwa "inti li jiggarrantixxi l-e er izzju mill-Membri tal-Parlament tal-libertà tag hom li jivva aw lejn u mill-post fejn jiltaqa' l-Parlament".

³⁰⁵ Ara s-sentenza tal-21 ta' Ottubru 2008 fil-kaw i mag quda C-200/07 u C-201/08 *Marra* [2009] abra I-7929, para. 44. Ara wkoll l-para. 27: l-immunità skont l-Artikolu 8 g andha "ti i kkunsidrata [...] b ala immunità assoluta li ma tippermettix li jitressqu pro eduri legali kontrihom min abba opinjoni expressa jew vot mitfug fil-qadi ta' dmirijethom b ala Membri Parlamentari".

³⁰⁶ Sentenza tal-kaw a *Marra*, i itata hawn fuq, para. 26.

³⁰⁷ Ara s-sentenza tas-6 ta' Settembru 2011 fil-kaw a C-163/10 *Patriciello* [2011] abra I-7565.

³⁰⁸ Sentenza tal-kaw a *Patriciello*, i itata hawn fuq, para. 30.

³⁰⁹ Sentenza tal-kaw a *Patriciello*, i itata hawn fuq, para. 32.

³¹⁰ Sentenza tal-kaw a *Patriciello*, i itata hawn fuq, para. 33.

³¹¹ Sentenza tal-kaw a *Patriciello*, i itata hawn fuq, para. 35.

³¹² Sentenza tal-kaw a *Patriciello*, i itata hawn fuq, para. 37. Ara wkoll is-sentenza tal-kaw a *Marra*, i itata hawn fuq, para. 32-34, li fihom il-Qorti sostniet li l-evalwazzjoni dwar jekk ka ta' immunità fis-sens tal-Artikolu 8 jaqax ta t il-urisdizzjoni esklu iva tal-qrati nazzjonali msej a japplikaw dispo izzjoni b al din, u li jistg u jiddedu u l-konsegwenzi ta' din l-immunità fil-ka biss li jikkonstataw li l-opinjonijiet inkwistjoni ew espressi u l-voti ntefg u fil-qadi tad-dmirijiet parlamentari. Jekk, fl-applikazzjoni tal-Artikolu 8, il-qrati nazzjonali jkollhom dubji dwar l-interpretazzjoni ta' tali artikolu, huma jistg u (jew, fil-ka tal-qrati tal-a ar istanza, g andhom l-obbligu) jag mlu domanda lill-Qorti tal-ustizzja g al de i joni preliminari.

Il- urisprudenza ta' hawn fuq hija wkoll ta' importanza enormi billi ti ara li l-pro edura g ad-difi a tal-immunità parlamentari ta' Membru stabbilit fir-Regoli ta' Pro edura tal-Parlament³¹³ tista' tapplika wkoll g all-Artikolu 8 tal-Protokoll³¹⁴. Madankollu, il-Qorti dde idiet li kwalunkwe de i joni tal-Parlament Ewropew g ad-"*difi a*" tal-immunità ta' Membru skont l-Artikolu 8 tal-Protokoll tikkostitwixxi sempli ement "*opinjoni*" ming jar effett vinkolanti fuq il-qrati nazzjonali³¹⁵.

Kif juri fir-rapporti tieg u, il-Kumitat g all-Affarijiet Legali adegwa rapidament il-prattika tieg u g all- urisprudenza tal-Qorti fir-rigward tal-Artikolu 8.

L-Artikolu 9 tal-Protokoll huwa partikolarment kumpless u ta lok g al bosta problemi ta' natura prattika. Dan jg id:

Waqt is-sessjonijiet tal-Parlament Ewropew, il-membri tieg u, g andhom igawdu:

- a) *fit-territorju tal-Istat tag hom stess, l-immunitajiet mog tija lil membri tal-parlament tag hom;*
- b) *fit-territorju ta' kull Stat Membru ie or, l-immunità minn kull tip ta' detenzjoni u minn pro eduri legali.*

L-immunità bl-istess mod tkun tg odd g all-Membri waqt li jkunu qed jivvja aw lejn u mill-post fejn jiltaqa' l-Parlament Ewropew.

L-immunità ma tistax tintalab meta membru jinqabad fil-fatt ta' reat u ma tipprekludix lill-Parlament Ewropew milli je er ita d-dritt tieg u li jirrinunzja g all-immunità ta' xi wie ed mill-membri tieg u.

Kif sostniet il-Qorti tal-Prim'Istanza, l-Artikolu 9 tal-Protokoll huwa inti sabiex "ji gura l-indipendenza tal-Membri tal-Parlament billi jiprojbixxi li xi pressjoni, fil-forma tar-riskju ta' arrest jew ta' pro eduri legali, tkun e er itata fuqhom waqt il-perijodu tas-sessjonijiet tal-Parlament"³¹⁶.

Il-formulazzjoni tal-Artikolu 9 tirrifletti s-sitwazzjoni li fiha l-Membri tal-Parlament Ewropew jin atru minn fost il-membri tal-parlamenti nazzjonali u mhux direttament eletti. Mill-ewwel elezzjoni diretta tal-Parlament fl-1979 nibet il-b onn g aldaqstant g al qafas uridiku differenti inti li jqis il-le itimizzazzjoni demokratika tal-Membri. Bosta drabi l-Parlament sa aq fuq tali b onn³¹⁷, u fl-2005 l-Kunsill qabel li je amina l-kwistjoni bil-g an

³¹³ Ara l-ex Artikolu 6(3) u l-Artikolu 6a l- did tar-Regoli ta' Pro edura.

³¹⁴ Ara s-sentenza tal-kaw a *Marra*, i itata hawn fuq, para. 37. "[L-Artikolu 6a] tar-Regoli ta' Pro edura jistabbilixxi pro edura g ad-difi a tal-immunità u tal-privile i li jista' jiskatta l-Membri Parlamentari Ewropew, pro edura li tikkon erna wkoll l-immunità g all-opinjoni espressi u l-voti mitfug in fil-qadi tad-dimirijiet tal-Membri Parlamentari".

³¹⁵ Sentenza tal-kaw a *Marra*, i itata hawn fuq, para. 39, u sentenza tal-kaw a *Patriciello*, i itata hawn fuq, para. 39. Madankollu, il-Qorti ddikjarat li l-obbligu ta' kooperazzjoni leali bejn l-istituzzjonijiet Ewropej u l-awtoritajiet nazzjonali tapplika f'dan il-kuntest. Konsegwentement, meta titressaq kaw a kontra Membru quddiem qorti nazzjonali u din ti i informata li g addejja pro edura ta' difi a tal-privile i u tal-immunitajiet ta' dan l-istess Membru, kif prevista fir-Regoli ta' Pro edura tal-Parlament, l-imsemmija qorti g andha tissospendi l-pro eduri legali quddiemha u titlob lill-Parlament jag ti l-opinjoni tieg u mill-iktar fis possibbli: ara s-sentenza tal-kaw a *Marra*, i itata hawn fuq, para. 43.

³¹⁶ Sentenza tal-kaw a *Mote*, i itata hawn fuq, para. 50, li ji ita d-digriet fil-kaw a T-17/00 R *Rothley et vs Il-Parlament* [2000] abra II-2085, para. 90.

³¹⁷ L-ewwel darba kienet fir-ri oluzzjoni tal-Parlament tal-15 ta' Settembru 1983 (U C 277, 17.10.1983, p. 135). L-aktar okka joni re enti kienet ir-ri oluzzjoni tal-Parlament tas-6 ta' Lulju 2006 dwar il-modifika tal-Protokoll dwar il-Privile i u l-Immunitajiet (U C 303 E, 13.12.2006, p. 830). Jixraq li ji i nnotat ukoll li fi Frar 2012 il-Kumitat g all-Affarijiet Kostituzzjonali ressaq it-tieni rapport dwar proposta g al emenda tal-Att tal-20 ta' Settembru 1976 rigward l-elezzjoni tal-Membri tal-Parlament Ewropew b'vot dirett universali (2009/2134(INI)) li tenna t-talba li ilu jag mel li l-Protokoll dwar Privile i u Immunitajiet ji i emendat sabiex

li jie u de i joni dwar il-Protokoll³¹⁸, i da sal-lum g adu ma sar xejn. L-akbar difett tal-qafas uridiku attwali jikkonsisti mill-fatt li l-applikazzjoni tad-dispo izzjonijiet nazzjonali imposta mill-Artikolu 9 twassal g al varjetà kbira ta' regoli, jekk mhux fdisparità ta' trattament bejn il-Membri. Fil-fatt, meta l-Membri jinsabu fpajji hom, igawdu mill-immunitajiet mog tija lill-Membri tal-parlament nazzjonali, li f'erti pajji i tfisser l-ebda immunità affattu³¹⁹. Jekk ji i stabbiliti re im sovranazzjonali uniformi, dan, g aldaqstant, ikun jirrappre enta l-a jar soluzzjoni.

Analogament g all-Artikolu 8, l-Artikolu 9 kien fil-qalba ta' de i jonijiet importanti. B'mod partikolari, il-Qorti enerali affermat li d-dispo izzjonijiet tal-ewwel subparagraphu tal-Artikolu 9 tal-Protokoll jimplikaw li l-estensjoni u l-portata tal-immunità li jgawdu minnha d-deputati tal-Parlament Ewropew fit-territorju nazzjonali tag hom ji u ddeterminati mid-diversi le i lazzjonijiet nazzjonali li tirreferi g alihom din id-dispo izzjoni³²⁰.

Il-Qorti tal-ustizzja arat li l-Artikolu 9 tal-Protokoll "jikkon erna l-immunità fi pro eduri legali li s-su ett tag hom ikun att differenti minn dawk li jsir riferiment g alihom fl-imsemmi Artikolu 9 [illum l-Artikolu 8]"³²¹. Konsegwentement, bl-ebda mod ma jista' Membru jirrivendika li jgawdi, skont l-Artikolu 9, mid-dispo izzjonijiet nazzjonali dwar il-libertà tal-kelma, billi din hija di à koperta fl-intier tag ha u b'mod esklu iv mill-insindikabilità fl-ambitu tal-Artikolu 8. G all-kuntrarju tal-immunità fis-sens tal-Artikolu 8, kull immunità li te isti fl-ambitu tal-ewwel subparagraphu tal-ewwel paragrafu tal-Artikolu 9 tista' titne a mill-Parlament Ewropew skont l-a ar paragrafu tal-Artikolu 9, fil-ka li awtorità nazzjonali titlob li dan isir.

Il-Membri jistg u jressqu talbiet g ad-difi a tal-immunità tag hom fil-qafas tal-Artikolu 9. I da l-Qorti enerali affermat b'mod ar li l-Parlament g andu setg a diskrezzjonali wiesg a fir-rigward tal-orientazzjoni li kellu intenzjoni jag ti lid-de i joni fir-rigward ta' talba g ad-difi a tal-immunità relatata mal-Artikolu 9 tal-Protokoll³²².

Il-pro edura fil-fa i tal-kumitat u tal-plenarja hija regolata mill-Artikoli 5-7 tar-Regoli ta' Pro edura.

Fil-qosor, it-talbiet g at-tne ija jew g ad-difi a [arsien] tal-immunità ta' Membru jew ta' ex Membru jit abbru fil-plenarja u huma ttrattati bil-mag luq mill-Kumitat g all-Affarijiet Legali. It-talbiet iridu jo or u mill-"awtorità kompetenti" tal-Istat Membru kkon ernat³²³. Il-Kumitat g andu g add ta' rapporteurs "b'sistema ta' rotazzjoni", u r-regola hija li r-rapporteur ma g andux ikollu l-istess ittadinanza jew ej mill-istess grupp politiku b all-Membri

ti i stabbilita sistema uniformi sopranazzjonali g all-Membri tal-Parlament Ewropew, i da dan qatt ma kien ippogrammat g all-adozzjoni fil-Plenarja.

³¹⁸ Ara d-Dikjarazzjoni mir-Rappre entanti tal-Istati Membri, li ltaqg u fi dan il-Kunsill, tat-3 ta' unju 2005 (dok. tal-Kunsill 9737/05).

³¹⁹ Dan, pere empju, huwa l-ka fir-Renju Unit: ara l-Ewwel Rapport tal-Kumitat Kon unt dwar il-Privile i Parlamentari tad-9 ta' April 1999, HC 214-I 1998-99, para. 242: *"If a member is charged with a criminal offence, no waiver of immunity is required. If one of their members is imprisoned and cannot attend the House, the two Houses expect only to be informed of the fact"* (Jekk membru jkun akku at b'reat kriminali, l-ebda tne ija tal-immunità ma tkun me tie a. Jekk wie ed mill-membri tag hom jittie ed il-abs u ma jistax jipparte ipa fil-Kamra, i - ew t Ikmamar jistennew li ji u informati biss bil-fatt).

³²⁰ Sentenza tal-Qorti enerali tad-19 ta' Marzu 2010 fil-kaw a T-42/06 *Gollnisch vs Il-Parlament Ewropew* [2010] abra II-1135, para. 106.

³²¹ Sentenza tal-kaw a *Marra*, i itata hawn fuq, para. 45.

³²² Sentenza tal-kaw a *Gollnisch*, i itata hawn fuq, para. 101.

³²³ Minkejja l-fatt li tali possibilità mhijiex esklu a espli itament mill-a ar paragrafu tal-Artikolu 9, huwa minnu li, skont ir-Regoli ta' Pro edura tal-Parlament, l-ebda immunità ta' Membru ma tista' titne a fuq inizjattiva tal-Parlament, i da biss fuq talba tal-awtorità kompetenti.

kkon ernat. Il-Membru g andu d-dritt li jinstema' u li jippre enta dokumenti u l-Kumitat jista' jitlob informazzjoni mill-awtorità nazzjonali kompetenti. Ir-rapport tal-Kumitat jista' jirrakkomanda biss li l-immunità tal-Membru titne a jew ma titne iex, ti i difi a jew ma ti ix. Il-Kumitat ma jista', fl-ebda irkostanza, la jesprimi ru u dwar jekk il-Membru huwiex ati jew a a o ra, u lanqas jekk l-opinjonijiet jew l-atti attribwiti lilu ji ustifikawx prosekuzzjoni.

Il-qafas uridiku attwali ie modifikat konsidervolment matul is-seba' le i latura biex isir konformi mal- urisprudenza msemmija hawn fuq u mal-i viluppi fil-prattika tal-Kumitat g all-Affarijiet Legali, u, b'mod aktar eneralli, biex itejjeb 1-istruttura u l-le ibilità tar-regoli e istenti³²⁴. Fost l-aktar bidliet importanti nsibu l-kodifikazzjoni tal-prin ipju – li l-Kumitat iddefenda kostantement – skont liema l-immunità parlamentari mhijiex privile personali tal-Membri i da garanzija tal-indipendenza tal-Parlament fl-intier tieg u u tal-Membri tieg u (Artikolu 5(2) tar-Regoli ta' Pro edura), l-introduzzjoni ta' regoli spe ifi i odda dwar il- arsien tal-immunità (Artikolu 6a tar-Regoli ta' Pro edura) u dwar l-azzjoni ur enti mill-President g all-asserzjoni tal-immunità (Artikolu 6b tar-Regoli ta' Pro edura) u dispo izzjoni aktar dettaljata dida dwar is-smig tal-Membri (Artikolu 7(5) tar-Regoli ta' Pro edura). L-emendi tar-Regoli ta' Pro edura re g u affermaw ukoll il-prin ipju skont liema, fl-e er izzju tas-setg at tieg u f'dak li g andu x'jaqsam ma' privile i u immunitajiet, il-Parlament ja ixxi biex i ares l-integrità tieg u b ala assemblea le i lattiva demokratika u ji gura l-indipendenza tal-Membri tieg u fil-qadi ta' dmirijethom (Artikolu 6(1)) tar-Regoli ta' Pro edura u ara li l-Kumitat g all-Affarijiet Legali g andu jikkunsidra ming ajr dewmien, imma billi titqies il-komplexità relativa tag hom, it-talbiet g at-tne ija tal-immunità jew it-talbiet g all- arsien tal-privile i u tal-immunitajiet (Artikolu 7(2) tar-Regoli ta' Pro edura). Fl-a ar i da mhux l-anqas fl-importanza, id-dispo izzjonijiet il- odda taw rwol spe jali afna lill-Kumitat g all-Affarijiet Legali, billi dan tal-a ar g andu jfassal prin ipji g all-applikazzjoni tar-regola li tiddefinixxi l-pro edura dwar l-immunitajiet (Artikolu 7(12) tar-Regoli ta' Pro edura).

Ma - mien, il-Kumitat g all-Affarijiet Legali viluppa g add ta' prin ipji li japplika konsistentement. B'mod partikolari, ma jne ix l-immunità fejn hemm *fumus persecutionis*, ji ifieri, suspect fondat sew li l-pro eduri legali nbew bl-intenzjoni li jikka unaw dannu politiku lill-Membri kkon ernat. Barra minn dan, mill-ka tas-Sur Sakellariou³²⁵, il-Parlament huwa lest li jne i l-immunità anki fkaw i ivili meta t-talba g ad-danni hija punittiva jew l-azzjoni titqies b ala parapenali fin-natura tag ha³²⁶.

³²⁴ Ara d-de i joni tal-Parlament Ewropew tas-16 ta' Jannar 2014 dwar l-emenda tar-Regoli ta' Pro edura tal-Parlament dwar it-tne ija u l- arsien tal-immunità parlamentari (P7_TA-PROV(2014)0035). Jixraq li ji i nnotat li r-rapport tal-Kumitat g all-Affarijiet Kostituzzjonal, appo at mill-Parlament b'votazzjoni unika u ming ajr emendi, kien fih l-emendi kollha ssu eriti mill-Kumitat g all-Affarijiet Legali fl-opinjoni tieg u tad-9 ta' Lulju 2013.

³²⁵ Rapport A5-0309/2003 tal-Kumitat; De i joni tal-Parlament Ewropew tat-23 ta' Settembru 2003 dwar it-talba g all- arsien tal-immunità u l-privile i parlamentari mressqa minn Jannis Sakellariou.

³²⁶ F'dan is-sens, il-Kumitat kien tal-fehma li l-immunitajiet tal-Membri g andhom ikunu m arsa fil-pro eduri ivili fil-ka ijiet li ejjin: De Magistris (rapport A7-0152/2011 tal-Kumitat; de i joni tal-Parlament Ewropew tal-10 ta' Mejju 2011), De Magistris (rapport A7-0412/2011 tal-Kumitat; de i joni tal-Parlament Ewropew tal-1 ta' Di embru 2012), De Magistris (rapport A7-0070/2012 tal-Kumitat; de i joni tal-Parlament Ewropew tal-29 ta' Marzu 2012), Comi (rapport A7-0067/2014 tal-Kumitat; de i joni tal-Parlament Ewropew tal-4 ta' Frar 2014), Mirsky (rapport A7-0273/2014 tal-Kumitat; de i joni tal-Parlament Ewropew tal-15 ta' April 2014).

7.2. viluppi fis-seba' le i latura

Matul is-seba' le i latura, il-Kumitat g all-Affarijiet Legal adotta 43 rapport marbut mal-immunità ta' Membru: 26 talba g al tne ija u 17-il talba g all-arsien (difi a) tal-immunità parlamentari³²⁷. U ud minn dawn il-fajls qajmu kwistjonijiet li vallapena jissemew.

Fil-ka tat-talbiet g all-arsien tal-immunità u tal-privile i ta' *Tobias Pflüger*, ex Membru ermani, il-Kumitat g all-Affarijiet Legal adotta rapport li jirrakkomanda li l-immunità tieg u ma g andhiex tkun im arsa. Il-Parlament di à kien fil-fatt ittratta l-istess g add ta' fatti fl-2006. Dak i - mien, idde ieda li jirrakkomanda t-tne ija tal-immunità tas-Sur Pflüger fid-dawl tal-fatt li l-ka jid ol fl-ambitu tal-Artikolu 9 tal-Protokoll u li l-attività politika tieg u ma ntlaqtix negattivament mill-pro eduri kriminali inkwistjoni. Fil-fehma tal-Kumitat, ma kien hemm, g alhekk, l-ebda ra uni g ala l-Parlament kelli jie u po izzjoni dwar l-istess g add ta' fatti. Madankollu, il-Kumitat e amina wkoll jekk il-prerogattivi tal-Parlament setg ux kienu mhedda mill-pro ess kriminali li kien g addej – partikolarment, verdett fl-ewwel istanza u l-appell sussegwenti tal-prosekutur pubbliku – u kkonkluda li - ew atti jikkostitwixxu applikazzjonijiet o ettivi ta' prin ipju tad-dritt nazzjonali dwar l-g oti ta' verdetti, fejn il-fatt li persuna jkolla po izzjoni pubblika hija fattur fost o rajn li qed jitqiesu biex ji i ddeterminat il-verdett. Fil-fatt, l-im allef fl-ewwel istanza, filwaqt li rrefera g all-kwalità ta' Tobias Pflüger b ala Membru tal-Parlament Ewropew, rabat b'mod ar il-kwalità enerika ta' rappre entant pubbliku mal-fatt li r-reati saru fil-pubbliku. Barra minn hekk, l-appell mill-prosekutur pubbliku kien biss l-ewwel stadju fi pro edura udizzjarja attwali u li matulha muwiex xieraq li jkun hemm ind il. Billi wie ed i omm dan f'mo u, il-Kumitat idde ieda li ma jiddefendix l-immunità u l-privile i ta' Tobias Pflüger³²⁸.

Fil-ka dwar it-talba biex titne a l-immunità ta' *Miloslav Ransdorf*, il-Kumitat adotta b'unanimità rapport li fih irakomanda li l-Parlament ine i l-immunità tal-Membri kkon ernat. Huwa mfakkar li fid-9 ta' Lulju 2008 l-President tal-Parlament g adda lill-President tal-Kumitat g all-Affarijiet Legal ittra mill-Pulizija tar-Repubblika eka li fiha kien hemm talba g at-tne ija tal-immunità parlamentari tas-Sur Ransdorf g all-iskopijiet ta' prosekuzzjoni kriminali. Matul il-le i latura pre edenti, il-Parlament di à kien idde ieda, fit-3 ta' Frar 2009, li jne i l-immunità tas-Sur Ransdorf g all-iskopijiet tal-istess prosekuzzjoni kriminali³²⁹. Billi s-Sur Ransdorf re a' ie elett u li, skont id-dritt ek, f'ka ta' rielezzjoni ta' Membru tal-Parlament, g andha titressaq talba dida g at-tne ija tal-immunità tieg u lill-Parlament il-did, il-Kumitat qies li l-immunità tas-Sur Ransdorf g andha titne a g all-istess ra unijiet tal-2009³³⁰.

Fl-okka joni tal-adozzjoni tar-rapport dwar it-talba ta' difi a tal-immunità ta' *Valdemar Tomaševski*, il-Kumitat talab lill-Kummissjoni tintervjeni mal-awtoritajiet Litwani bil-g an li tinforza r-rispett g ad-dritt tal-Unjoni Ewropea filwaqt li, jekk ikun me tie, tag ti bidu g all-pro edura ta' ksur skont l-Artikolu 258 tat-TFUE. Huwa mfakkar li fit-

³²⁷ Dawn i - ifri jikkonfermaw l-andament tas-sitt le i latura, meta l-Kumitat g all-Affarijiet Legal adotta 42 rapport dwar talbiet g at-tne ija jew il-arsien tal-immunità parlamentari. Fis-seba' le i latura, il-Kumitat idde ieda li ma jintervjenix fir-rigward tat-talbiet g all-arsien tal-immunità parlamentari ta' Clemente Mastella u ta' Brice Hortefeux, tat-talba g at-tne ija tal-immunità parlamentari ta' Richard Seeber. Dawn il-ka ijiet mhumixx inklu i fi - ifri msemmija.

³²⁸ Rapport A7-0054/2009 tal-Kumitat; De i joni tal-Parlament Ewropew tal-24 ta' Novembru 2009 dwar it-talba g all-arsien tal-immunità u l-privile i ta' Tobias Pflüger.

³²⁹ Rapport A6-0008/2009 tal-Kumitat; De i joni tal-Parlament Ewropew tat-3 ta' Frar 2009 dwar it-talba g at-tne ija tal-immunità ta' Miloslav Ransdorf.

³³⁰ Rapport A7-0107/2010 tal-Kumitat; De i joni tal-Parlament Ewropew tal-5 ta' Mejju 2010 dwar it-talba g at-tne ija tal-immunità ta' Miloslav Ransdorf.

22 ta' Jannar 2010 l-Kummissjoni Prin ipali tal-Etika Uffi jali tal-Litwanja adottat de i joni ta' twiddiba pubblika fil-konfront ta' Valdemar Tomaševski fuq il-ba i tal-Kodi i ta' Kondotta g all-Politi i Statali (li japplika anki g all-Membri tal-Parlament Ewropew) firrigward tal-attivitajiet politi i li wettaq is-Sur Tomaševski b ala Membru tal-Parlament Ewropew. Billi l-Kummissjoni Prin ipali tal-Etika Uffi jali ma kinitx tribunal u billi g alhekk ma jistax jitqies li s-Sur Tomaševski kien qed jiffa ja pro eduri legali fis-sens tal-Artikolu 8 tal-Protokoll, il-Kumitat wasal g all-konklu joni li l-fatti ma jikkostitwixxu ka ta' immunità parlamentari. Madankollu, il-Kumitat qies li d-de i joni tal-awtoritajiet Litwani u l-le i lazzjoni nazzjonali li fuqha kienet ibba ata jikkostitwixxu ksur tal-prin ipji talsien u tal-indipendenza tal-Membri tal-Parlament Ewropew stabbilit mill-Artikolu 2(1) tal-Istatut g all-Membri tal-Parlament Ewropew³³¹ u stieden lill-Kummissjoni tintervjeni f'dan is-sens³³².

Fil-ka tat-talba g at-tne ija tal-immunità ta' *Elmar Brok*, il-Kumitat idde ieda b'unanimità li ma jne ix l-immunità tieg u abba i tal-fatt li kien qieg ed jinsab quddiem ka ar ta' *fumus persecutionis*. It-talba g at-tne ija hija spjegata f'ittra tal-Prosekutur Pubbliku ta' Bielefeld u kienet tirrigwarda kwisjoni dwar id-dikjarazzjoni tat-taxxa fuq l-introjtu tas-Sur Brok. Kontrieh in iebu akku i kriminali li, fil-ka ta' ittadin ordinarju, kienu jattiraw biss pro edimenti amministrattivi. Billi, barra minn hekk, il-prosekutur pubbliku mhux biss ipprova ma ji velax lis-Sur Brok tag rif dwar l-akku a g al ra unijiet artifi jali u derogatorji u ming ajr ebda ba i, i da gura ru u wkoll li l-ka ikollu pubbli ità kbira fil-midja, hekk li kkaw a l-akbar sara possibbli lill-Membri kon ernat. F'dawn i - irkostanzi, il-Kumitat qies li kien jidher ar li dan kien ka ta' *fumus persecutionis* billi jidher li l-pro edimenti saru bliskop wa dieni li ssir sara g ar-reputazzjoni tas-Sur Brok. B'ri ultat ta' dan, il-Kumitat talab lill-Parlament Ewropew ma jne ix l-immunità parlamentari ta' Elmar Brok³³³.

Fil-ka tat-talba g all-arsien tal-immunità u l-privile i ta' *Bruno Gollnisch*, il-Kumitat adotta rapport li jirrakkomba li l-Parlament ma g andux i ares l-immunità tal-Membri kkon ernat. It-talba tas-Sur Gollnisch ikkon ernat mi uri applikati mill-awtoritajiet Fran i i b ala parti mill-investigazzjoni udizzjarja ta' azzjoni u talba g all-kumpens (*plainte avec constitution de partie civile*) imressqa mil-Lega Internazzjonal Kontra r-Razzi mu u l-Antisemiti mu (minn hawn 'il quddiem "LICRA") fis-26 ta' Jannar 2009 kontra persuna mhux imsemmija b'isimha g al in itament g all-mibeg da razzjali. Ir-rikors sar fid-dawl tarrimarki mog tija fi stqarrija g all-istampa tal-partit fil-Kunsill Re jonali tar-Rhône-Alpes. Is-Sur Gollnisch talab lill-Parlament Ewropew i ares l-immunità tieg u billi l-ka f'e ami kkon erna, skont hu, il-kwistjoni tal-libertà ta' espressjoni tal-opinjonijiet politi i tieg u. Il-Kumitat qies i da li l-ka ma jaqax fl-ambitu tal-attivitajiet politi i ta' Bruno Gollnisch b ala Membru tal-Parlament Ewropew. Jikkon erna attivitajiet ta' natura purament re jonali u lokali li s-Sur Gollnisch ji vol i fil-kapa ità tieg u ta' kunsillier re jonali g ar-Rhône-Alpes, mandat li ie elett g alih b'suffra ju universali dirett u li jing a el minn dak ta' Membru tal-Parlament Ewropew. Konsegwentement, il-Kumitat irrakkomba li l-Parlament ma g andux i ares l-immunità parlamentari tas-Sur Gollnisch. Kontemporanjament il-Kumitat qies li huwa ksur deplorevoli tal-prerogattivi tal-Parlament il-fatt li l-awtoritajiet Fran i i adottaw erti mi uri li jidhru li jirrestrin u l-libertà ta' Bruno Gollnisch qabel ma talbu t-tne ija tal-immunità tieg u. Madankollu, fil-mument tad-de i joni tal-Parlament, l-

³³¹ Skont l-Artikolu 2(1) tal-Istatut g all-membri tal-Parlament Ewropew, "Il-Membri g andhom ikunu ielsa u indipendenti".

³³² Rapport A7-0214/2010 tal-Kumitat; De i joni tal-Parlament Ewropew tas-6 ta' Lulju 2010 dwar it-talba ta' difi a tal-immunità parlamentari ta' Valdemar Tomaševski.

³³³ Rapport A7-0047/2011 tal-Kumitat; De i joni tal-Parlament Ewropew tat-8 ta' Marzu 2011 dwar it-talba g at-tne ija tal-immunità ta' Elmar Brok.

awtoritajiet Fran i i talbu formalment it-tne ija tal-immunità tas-Sur Gollnisch sabiex jadottaw tali mi uri fil-futur, u ma kienx me tie aktar li l-immunità tas-Sur Gollnisch tit ares aktar f'dak ir-rigward³³⁴. B'rabta mal-istess pro eduri legali, il-Kumitat qies ukoll talba g at-tne ija tal-immunità tas-Sur Gollnisch ippre entata mill-Prosekutur fi dan il-Qorti tal-Appell ta' Lyon bil-g an li l-ilment imressaq mil-LICRA jkun jista' ji i investigat u, jekk ikun il-ka, is-Sur Gollnisch ikun jista ji i pro essat quddiem qrati kompetenti. Konsistentement mad-de i joni tieg u dwar it-talba g all-arsien, il-Kumitat irrakkomanda li jne i l-immunità parlamentari tas-Sur Gollnisch³³⁵.

Fil-ka tat-talba g at-tne ija tal-immunità ta' *Adrian Severin*, il-Kumitat ma sab l-ebda prova ta' *fumus persecutionis* u rrakkomanda li l-Parlament Ewropew g andu jne i l-immunità parlamentari tal-Membri. Madankollu, il-Kumitat ikkunsidra li, sakemm ma jkun hemm sentenza li tkun g addiet f'udikat kontra s-Sur Severin, ma tista' tittie ed l-ebda mi ura ta' arrest jew ta' limitazzjoni tal-libertà tieg u jew mi ura o ra li timpedixxi lili milli je er ita l-funzjonijiet tal-mandat tieg u³³⁶.

Fil-ka ta - ew talbiet g all-arsien tal-immunità tieg u mressqa minn *Viktor Uspaskich* fil-5 u fil-11 ta' April rispettivament, il-Kumitat ikkunsidra li jkun xieraq li dawn ji u trattati flimkien peress li huma relatati mal-istess pro edimenti legali. Huwa mfakkar li s-Sur Uspaskich kien akku at essenzjalment b'offi i ta' kontabilità falsifikata fir-rigward tal-iffinanzjar ta' partit politiku matul perjodu qabel ma ie elett g all-Parlament Ewropew. F'dan ir-rigward, jixraq li ji i nnotat li fis-7 ta' Settembru 2010 l-Parlament kien di à ne a l-immunità ta' Viktor Uspaskich, billi qies li ma n abet l-ebda evidenza konvin enti dwar l-e istenza ta' xi *fumus persecutionis* u li l-offi i li bihom huwa akku at Viktor Uspaskich ma kellhom xejn x'jaqsmu mal-attivitajiet tieg u b'ala Membri tal-Parlament Ewropew. Fit-28 ta' Ottubru 2010 Viktor Uspaskich g amel kaw a g all-annullament tad-de i joni tal-Parlament tas-7 ta' Settembru 2010 fil-Qorti enerale biex imbag ad irtiraha f'Lulju 2011. Fit-talba tieg u g all-arsien iddatata 5 ta' April 2011 is-Sur Uspaskich jafferma li l-pro edimenti kriminali li nbdew mill-awtoritajiet Litwani j ommuh milli jaqdi d-dmirijiet parlamentari tieg u billi jirrestrin u l-libertà ta' moviment tieg u, a a li tmur kontra l-Artikolu 7 tal-Protokoll. L-Artikolu 7 tal-Protokoll g andu l-funzjoni li j ares lill-Membri kontra restrizzjonijiet fuq il-libertà ta' moviment tag hom, minbarra restrizzjonijiet udizzjarji, u konsegwentement fih mhux immunità imma privile , u ma jipprote ix kontra restrizzjonijiet udizzjarji fuq il-libertà tal-moviment tal-Membri. Konsegwentement, huwa impossibbi li l-Parlament jilqa' t-talba ta' Viktor Uspaskich tal-5 ta' April 2011 biex jiddefendi l-immunità tieg u fuq il-ba i tal-Artikolu 7 tal-Protokoll. Fit-talba g all-arsien tieg u tal-11 ta' April 2011, is-Sur Uspaskich talab lill-Parlament jer a' jattiva l-immunità tieg u u b'hekk jannulla d-de i joni pre edenti tieg u li a f'Settembru 2010. Is-Sur Uspaskich argumenta li fatti odda – nota diplomatika ppubblikata online minn WikiLeaks – urew li l-pro ess tieg u g al kontabilità falsifikata kelli motivazzjonijiet politi i u g aldaqstant ji ustifikaw l-attivazzjoni mill- did tal-immunità tieg u. Il-Kumitat qies li, b'danakollu, ma hemm l-ebda konnessjoni bejn l-istqarrija li allegatament saret mill-Ministeru tal-Affarijiet Barranin Litwan u l-pro edimenti legali u b'hekk ma hemm l-ebda ustifikazzjoni g all-affermazzjoni li tissussisti persekuzzjoni politika kontra s-Sur

³³⁴ Rapport A7-0154/2011 tal-Kumitat; De i joni tal-Parlament Ewropew tal-10 ta' Mejju 2011 dwar it-talba g all-arsien tal-immunità u l-privile i ta' Bruno Gollnisch.

³³⁵ Rapport A7-0155/2011 tal-Kumitat; De i joni tal-Parlament Ewropew tal-10 ta' Mejju 2011 dwar it-talba g all-arsien tal-immunità ta' Bruno Gollnisch.

³³⁶ Rapport A7-0242/2011 tal-Kumitat; De i joni tal-Parlament Ewropew tat-23 ta' unju 2011 dwar it-talba g at-tne ija tal-immunità ta' Adrian Severin.

Uspaskich. Abba i ta' dan, il-Kumitat idde ieda li ma j arisx l-immunità tas-Sur Uspaskich³³⁷.

Fil-ka tat-talba g all- arsien tal-immunità ta' *Gabriele Albertini*, il-Kumitat irrakkomanda li l-immunità tal-Membri kkon ernat g andha tit ares³³⁸. I da ffit xhur wara, is-Sur Albertini ressaq talba g al rie ami tat-talba g all- arsien tal-immunità tieg u, b'dokumenti ta' prova odda. Wara li e amina d-dokumenti fornuti mis-Sur Albertini, qies il-kwistjoni f'diversi okka jonijet u talab u kiseb kjarifikasi mill-Kunsill Suprem tal- udikatura tal-Italja u mill-Qorti u mill-Uffi ju tal-Prosekuratur inkarigat mill-pro eduri legali f'e ami, il-Kumitat g all-Affarijiet Legali rrakkomanda li l-pro eduri g all- arsien tal-immunità ta' Gabriele Albertini ma g andhomx jer g u jinfet u billi ma kien hemm l-ebda ra uni g ala kellha ti i riveduta d-de i joni tal-Parlament tal-21 ta' Mejju 2013 li bis-sa a tag ha dde ieda li ma j arisx l-immunità tal-Membri. Fit-talba tieg u g al rie ami, is-Sur Albertini bba a l-argumenti tieg u fuq fatt li di à kien qajjem fil-pro edura inizjali. Id-dokumenti ta' prova l- odda u l-kjarifikasi sussegwenti li taw l-awtoritajiet Taljani stabbilixxew il-fatt b' ertezza, i da l-fatt insè di à tqies b ala li ma jurix l-e istenza ta' *fumus persecutionis* jew inkella ji ustifika l- arsien tal-immunità tas-Sur Albertini fil-pro eduri ori inali. Il-forniment ta' provi ulterjuri ta' dan il-fatt, g alhekk, ma jikkostitwixxix ra uni g al rie ami tat-talba g all- arsien tal-immunità tieg u.

Fil-ka tat-talba g all- arsien tal-immunità ta' *Corneliu Vadim Tudor*, il-Kumitat adotta b'unanimità rapport li jirrakkomanda li l-Parlament ma g andux i ares l-immunità u l-privile i tal-Membri. It-talba tas-Sur Tudor hi relatata ma' pro eduri kriminali li fihom ie mixli li hedded uffi jal amministrativ u xi uffi jali tal-pulizija, li wettaq atti ta' vjolenza kontrihom, li insultahom u li b'mod enerali pprova jostakola l-e ekuzzjoni ta' de i joni legali fil-kuntest tat-tke ija tal-partit România Mare mill-bini tieg u f'Bukarest fl-4 ta' Jannar 2011. F'ittra tat-8 ta' unju 2011 il-President tal-Kumitat g all-Affarijiet Legali kiteb lill-awtoritajiet Rumeni u talabhom aktar informazzjoni dettaljata dwar il-pro eduri kontra s-Sur Tudor. L-awtoritajiet Rumeni wie bu li "*min abba li s-Sur Tudor ma iex mi mum jew arrestat u lanqas ma saret tfittxija fuqu, il- tie a li jintalab il-qbil mal-Parlament Ewropew ma te istix. Min abba li l-fatti tal-ka mhumiex konnessi mal-voti tieg u u lanqas mal-opinjonijiet politi i espressi fl-e er izzju tal-kariga tieg u u li ma iex mi mum jew arrestat u lanqas ma saret tfittxija fuqu, ma kien meqjus me tie li tintalab it-ne ija tal-immunità tas-Sur Tudor*". Il-Kumitat ikkunsidra li t-tke ija tal-partit România Mare u - irkostanzi tas-sitwazzjoni fil-fatt jikkostitwixxu kwistjonijiet ivili u kriminali li m'g andhomx konnessjoni diretta u ovvja mal-prestazzjoni tad-dmirijiet tas-Sur Tudor b ala Membri tal-Parlament Ewropew. Is-Sur Tudor, barra dan, m'g amilx u u mill-opportunità li jispjega lill-awtoritajiet kompetenti t-talba tieg u g al arsien tal-immunità tieg u, b'mod partikolari fid-dawl tal-ittra ming and l-awtoritajiet Rumeni. B'rì ultat ta' dan, il-Kumitat idde ieda li ma j arisx l-immunità tas-Sur Tudor³³⁹.

Fil-ka tat-talba g at-tne ija tal-immunità ta' *Małgorzata Handzlik*, il-Kumitat adotta rapport li jirrakkomanda li l-Parlament ma g andux ine i l-immunità tag ha. Huwa mfakkli li l-Prosekuratur Pubbliku tar-Repubblika Pollakka talab it-tne ija tal-immunità

³³⁷ Rapport A7-0411/2011 tal-Kumitat; De i joni tal-Parlament Ewropew tal-1 ta' Di embru 2011 dwar it-talba g all- arsien tal-immunità u l-privile i ta' Viktor Uspaskich; Rapport A7-0413/2011 tal-Kumitat; De i joni tal-Parlament Ewropew tal-1 ta' Di embru 2011 dwar it-talba g all- arsien tal-immunità u l-privile i ta' Viktor Uspaskich.

³³⁸ Rapport A7-0149/2013 tal-Kumitat; De i joni tal-Parlament Ewropew tal-21 ta' Mejju 2013 dwar it-talba g all- arsien tal-immunità u l-privile i ta' Gabriele Albertini.

³³⁹ Rapport A7-0151/2012 tal-Kumitat; De i joni tal-Parlament Ewropew tal-10 ta' Mejju 2012 dwar it-talba g all- arsien tal-immunità u l-privile i ta' Cornelius Vadim Tudor.

parlamentari tas-Sa Handzlik b'rabta ma' investigazzjoni u azzjoni legali possibbli rigward reat allegat skont il-Kodi i Kriminali Pollakk. Is-Sa Handzlik iet akku ata li talbet lill-Parlament Ewropew ir-rimbor tal-ispejje tal-attendenza ta' kors tal-lingwa meta, fil-fatt, ma attendietx l-imsemmi kors. Is-Sa Handzlik instemg et darbtejn f'dawn il-pro edimenti, u kellha l-opportunità li tle en it-t assib tag ha dwar il-pro edura. Il-Kumitat sema' wkoll lil Giovanni Kessler, Direttur enerale tal-Uffi ju Ewropew Kontra l-Frodi, u lil Roger Vanhaeren, Direttur enerale g all-Finanzi tal-Parlament Ewropew. I - irkostanzi li fihom ie trattat il-ka kontra s-Sa Handzlik mid-diversi awtoritajiet involuti, meta nqisu l-ammont g ir ta' flus kon ernat u l-istatus u l-provenjenza in erti tal-evidenza, iqajmu dubji serji dwar din il-pro edura u b'hukk il-Kumitat wasal g all-konklu joni li dan kien ka fejn wie ed jista' jassumi l-e istenza ta' *fumus persecutionis*. Abba i ta' dawn il-kunsiderazzjonijiet, il-Kumitat irrakkomanda li l-Parlament ma g andux ine i l-immunità parlamentari tas-Sa Handzlik³⁴⁰.

Fil-ka tat-talba g at-tne ija tal-immunità ta' *Marine Le Pen*, il-Kumitat irrakkomanda li l-Parlament g andu jne i l-immunità tag ha. Huwa mfakkar li l-Kap Prosekutur tal-Qorti tal-Appell ta' Lyon bag at talba lill-Parlament g at-tne ija tal-immunità parlamentari ta' Marine Le Pen fil-kuntest ta' pro ediment legali dwar reat allegat ta' tixwix biex to loq mibeg da, dikriminazzjoni jew vjolenza kontra grupp ta' persuni abba i tal-affilazzjoni reli ju a tag hom. Abba i tal- urisprudenza fil-kaw i *Patriciello* u *Gollnisch*, il-Kumitat ikkunsidra li l-fatti tal-ka ma allewx li ti i stabbilita r-rabta diretta u ovvja me tie a bejn l-opinjonijiet espressi u l-qadi tad-dmirijiet parlamentari. Tabil aqq, il-ka ma g amilx parti mill-ambitu tal-aktivitajiet politi i tas-Sa Le Pen b ala Membru tal-Parlament Ewropew g ax irrigwarda attivitajiet ta' natura purament nazzjonali jew re jonali. Id-diskors sar lill-eletturi f'Lyon b ala parti mill-kampanja tag ha biex ti i eletta president tal-Front National u g aldaqstant hu distint mill-attività tag ha ta' Membru tal-Parlament Ewropew. Konsegwentement, l-azzjoni allegata ma kellhiex rabta diretta jew ovvja mat-twettiq ta' dmirijetha b ala Membru tal-Parlament Ewropew u ma kkostitwietx opinjoni expressa minnha fit-twettiq ta' dmirijetha b ala Membru tal-Parlament Ewropew. Barra minn hekk, abba i tal-ispiegazzjonijiet mog tija lill-Kumitat, m'hemmx ra uni biex tkun issuspettata l-e istenza ta' *fumus persecutionis*. Abba i tal-kunsiderazzjonijiet ta' hawn fuq, il-Kumitat idde ieda li jne i l-immunità parlamentari tas-Sa Le Pen³⁴¹.

Fil-ka tat-talba g at-tne ija tal-immunità ta' *Zbigniew Ziobro*, il-Kumitat irrakkomanda li l-immunità tal-Membru titne a. Huwa mfakkar li l-Prosekutur Pubbliku tar-Repubblika tal-Polonja talab it-tne ija tal-immunità ta' Zbigniew Ziobro b'rabta ma' azzjoni legali dwar reat allegat so ett g al prosekuzzjoni privata skont it-termini tal-Kodi i Kriminali Pollakk, wara ka ta' libell fil-kuntest ta' intervista mal-ex Ministru g all-Biedja tal-Polonja. Filwaqt li fakkar li d-de i joni dwar jekk l-immunità titne iex jew le f'ka partikolari tista' tittie ed biss mill-Parlament, il-Kumitat qies li l-allegat reat ma kellux konnessjoni diretta jew ovvja ma' Zbigniew Ziobro g ar-rigward tal-qadi ta' dmirijietu b ala Membru tal-Parlament Ewropew, u lanqas ma kkostitwixxa opinjoni expressa jew vot mitfug fil-qadi ta' dmirijietu b ala Membru tal-Parlament Ewropew g all-finijiet tal-Artikolu 8. Billi ma nstabett l-ebda evidenza ta' *fumus persecutionis* u li d-de i joni li ma titne iex l-immunità ta' Membru tipprevjeni lill-parti privata l-o ra milli tmexxi l-ka quddiem il-qorti b ala parti mid-difi a

³⁴⁰ Rapport A7-0195/2013 tal-Kumitat; De i joni tal-Parlament Ewropew tal-11 ta' unju 2013 dwar it-talba g at-tne ija tal-immunità ta' Małgorzata Handzlik.

³⁴¹ Rapport A7-0236/2013 tal-Kumitat; De i joni tal-Parlament Ewropew tat-2 ta' Lulju 2013 ar it-talba g at-tne ija tal-immunità ta' Marine Le Pen.

tal-istess parti, il-Kumitat idde ieda li jne i l-immunità ta' Zbigniew Ziobro³⁴². Vallapena li jitfakkil il-ka tas-Sur Ziobro billi talba pre edenti g at-tne ija tal-immunità tressqet lill-Parlament fJannar 2013. Minkejja dan, tali talba saret mill-qorti li quddiemha l-kwistjoni kienet pendenti, fuq talba tal-parti privata u mhux, kif indikat mill-awtoritajiet Pollakki f'okka joni pre edenti b'ittra ddatata 26 ta' Lulju 2011, ming and l-uffi ju tal-Prosekuratur Pubbliku. Il-Kumitat g all-Affarijiet Legali kien tal-fehma li t-talba g at-tne ija tal-immunità ma kinitx, g aldaqstant, indirizzata lill-Parlament Ewropew mill-awtorità kompetenti u tqieset inammissibbli³⁴³.

Ka interessanti ie or g andu x'jaqsam mat-talba g all-arsien tal-immunità ta' *Karmelo Landa Mendibe*. Is-Sur Landa Mendibe, Membru bejn 1-1990 u 1-1994, talab il-arsien tal-immunità tieg u fi pro eduri li fihom huwa stqarr li kien akku at li jag mel parti minn grupp armat. L-ewwel il-Kumitat a nota li l-mandat tas-Sur Landa kien jiskadi fl-1994. Konsegwentement is-Sur Landa ma seta' jibba a l-ebda talba g all-immunità fuq l-Artikolu 9 tal-Protokoll. Sussegwentement il-Kumitat e amina jekk it-talba tas-Sur Landa setg etx tid ol fl-ambitu tal-Artikolu 8 tal-Protokoll. Skont it-talba tas-Sur Landa, huwa kien akku at li kien jag mel parti minn grupp armat. Je tie li ji i nnotat li - itazzjoni mill-Prosekuratur Pubbliku, li t-totalità tag ha ma ntbag titx lill-Parlament, ma spe ifikatx il-kapi tal-akku a, i da ddeskriviet l-attivitajiet tas-Sur Landa favur il-front istituzzjonali tal-organizzazzjoni terroristika ETA, imwettqa mill-"*ambaxxata*" mwaqqfa fil-Bel ju u f'postijiet o ra mill-1990 sal-2007. L-istatus tieg u ta' Membru ssemma biss in identalment. Il-Kumitat qies li l-allegati azzjonijiet ma kkostitwixx opinjonijiet espressi jew voti mitfug a fil-qadi tad-dmirijiet tal-Membru tal-Parlament Ewropew fis-sens tal-Artikolu 8 u kkonkluda li s-Sur Landa ma gawda minn ebda immunità parlamentari li l-Parlament seta' j ares. G aldaqstant it-talba tieg u iet iddikjarata inammissibbli u l-President tal-Kumitat g arraf lill-President tal-Parlament b'din id-de i joni b'ittra³⁴⁴.

³⁴² Rapport A7-0045/2014 tal-Kumitat; De i joni tal-Parlament Ewropew tal-4 ta' Frar 2014 dwar it-talba g at-tne ija tal-immunità ta' Zbigniew Ziobro.

³⁴³ Tul is-snin, kwistjoni li spiss kienet rikorrenti hija dik tal-"awtorità kompetenti" fis-sens tal-Artikolu 7(1) tar-Regoli ta' Pro edura li g andha d-dritt li tippre enta talba g at-tne ija tal-immunità lill-Parlament. Fil-fatt, di à fil-bidu tas-sitt le i latura, il-President tal-Parlament kien bag at ittri li fihom talab lill-Istati Membri jispe ifikaw l-awtorità kompetenti tag hom, i da kienu biss 16 l-Istati Membri li wie bu. Il-kwistjoni waslet g al darb'o ra g al kri i de i iva meta l-Kumitat kelli j abbat wi u ma' talbiet g at-tne ija tal-immunità mag mula direttament minn ittadini Pollakki bis-sa a tad-dritt Pollakk. Il-kwistjoni iet trattata fir-rapport A6-0205/2009 tal-Kumitat, ri oluzzjoni tal-Parlament Ewropew tal-24 ta' April 2009 dwar l-immunità parlamentari fil-Polonja (2008/2232(INI)). Il-punt ewlien kien li l-lo ika tal-Artikolu rilevanti huwa li ji i ggarantit li l-Parlament jir ievi biss talbiet fi pro eduri li jkunu r evew l-attenzjoni tal-awtoritajiet ta' Stat Membru alli ji i gurat li t-talbiet g at-tne ija tal-immunità jkunu konformi mad-dritt nazzjonali fir-rigward kemm tas-sustanza u l-pro edura, konformità li min-na a tag ha sservi ta' garanzija ulterjuri li, meta jkunu qed jie u d-de i joni tieg u fil-pro eduri tieg u dwar l-immunitajiet, il-Parlament ikun qed josserva kemm id-dritt nazzjonali ta' Stat Membru u kemm il-prerogattivi tieg u. Il-Parlament talab g alhekk, mhux biss lill-Polonja, i da lill-Istati Membri kollja ji guraw li ji u implementati l-mi uri pro edurali biex ji i gurat li t-talbiet g at-tne ija tal-immunità ji u dejjem tra messi mill-"*awtorità kompetenti*" bi qbil mal-Artikolu 7(1) (l-Artikolu 6(2) tar-Regoli ta' Pro edura ta' dak i - mien) sabiex ji i garantit li jit arsu d-dispo izzjonijiet tad-dritt nazzjonali sustantiv u pro edurali, inklu i d-drittijiet pro edurali ta' persuni privati, kif ukoll il-prerogattivi tal-Parlament.

³⁴⁴ Ittra tal-20.12.2013 (D(2013)65385).

Il-ka tat-talba g all- arsien tal-immunità ta' *Mario Borghezio* relatata mal-investigazzjonijiet kriminali fil-konfront tieg u b'rabta mad-dikjarazzjonijiet li g amel dwar il-karatteristi i pre unti tal-grupp etniku Rom. Il-Kumitat irrakkomanda li l-immunità tieg u ma g andhiex tit ares abba i tal-fatt li l-iskop tal-Artikolu 8 tal-Protokoll huwa li l-Membri tal-Parlament Ewropew, b ala prin ipju, igawdu mil-libertà ta' espressjoni, i da filwaqt li dan id-dritt g al-libertà ta' espressjoni libera ma jawtorizzax il-kalunnja, il-libell, tixwix g al mibeg da jew it-tqeg id fdubju tal-unur ta' o rajn u kwalunkwe espressjoni o ra li tmur kontra l-Artikolu 21 tal-Karta dwar id-Drittijiet Fundamentali tal-Unjoni Ewropea. Il-Kumitat ikkunsidra li d-dikjarazzjonijiet f'e ami marru lilhinn mit-ton li eneralfent jintu a fdibattiti politi i u huma, barra minn hekk, ta' natura profondament inadegwata g ad-dinjità tal-Parlament. Il-Membri qablu li dawn id-dikjarazzjonijiet imorru kontra l-Artikolu 21 tal-Karta tad-Drittijiet Fundamentali u g ahekk ma jistg ux jitqiesu li saru fil-qadi tad-dmirijiet ta' Membru tal-Parlament Ewropew. Ir-rapport adottat ibed l-attenzjoni wkoll g all-fatt li kieku saru f'seduta tal-Parlament, dikjarazzjonijiet b al dawk mag mula mis-Sur Borghezio setg u jirri ultaw f'pieni ta t l-Artikolu 153 tar-Regoli ta' Pro edura u li l-immunità parlamentari ma g andhiex tkorpi tali dikjarazzjonijiet meta mag mula barra mill-Parlament. G alhekk il-Kumitat idde ieda li ma j arisx l-immunità tas-Sur Borghezio³⁴⁵.

It-talba g all- arsien tal-immunità ta' *Alexander Mirsky* saret fil-qafas tal-pro ediment ivili pendenti quddiem il-Qorti Suprema tar-Repubblika tal-Latvja fir-rigward tad-de i joni tal-Qorti Distrettuali ta' Riga li titlob lis-Sur Mirsky jirritratta dikjarazzjoni mag mula matul intervent ta' minuta fis-seduta plenarja tal-Parlament Ewropew u j allas kumpens g al dannu morali lir-rikorrenti allegatament le i. Il-Kumitat ikkunsidra li m'hemmx dubju li d-dikjarazzjonijiet inkwistjoni g andhom ikunu inklu i fil-ka ijiet koperti bl-Artikolu 8 tal-Protokoll. Mill-istess natura, kuntest u finijiet tag hom, dikjarazzjonijiet mag mula minn Membri tal-Parlament Ewropew f'seduta plenarja ma jistg u jikkostitwixxu xejn g ajr opinjonijiet espressi '*fil-qadi ta' dmirijethom*'. G aldaqstant huma koperti bl-immunità parlamentari b ala l-aktar ka tipiku ta' attività parlamentari msemmija fl-Artikolu 8 tal-Protokoll. Il-Kumitat g alhekk appo a l-fehma tal-Qorti tal- ustizzja li l-Artikolu 8 huwa essenzjalment inti sabiex japplika g ad-dikjarazzjonijiet mag mula minn dawk il-Membri fil-konfini stess tal-Parlament Ewropew³⁴⁶ u kkunsidra l-Qorti Distrettuali ta' Riga injorat kompletament l-applikabbiltà ta' dik id-dispo izzjoni minkejja d-dmir tag ha li tapplika d-dritt primarju tal-UE. Il-Kumitat irrikonoxxa li l-pro ediment udizzjarju mressaq kontra Alexander Mirsky g adu pendenti u s-sentenza finali tista' tinqata' favur tieg u. Madankollu, jekk is-sentenza tal-Qorti Distrettuali ta' Riga tkun ikkonfermata mill-Qorti Suprema, dan ikun jikkostitwixxi ksur tad-dritt primarju tal-UE mill-awtoritajiet Latviani. G aldaqstant, il-Kumitat irrakkomanda li l-immunità tas-Sur Mirsky tit ares u li l-Kummissjoni iet mistiedna tintervjeni mal-awtoritajiet Latviani sabiex jinforzaw id-dritt primarju tal-UE – ji ifieri, l-Artikolu 8 tal-Protokoll – u, jekk ne essarju, tistitwixxi pro ediment ta' ksur skont l-Artikolu 258 tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea³⁴⁷.

³⁴⁵ Rapport A7-0245/2014 tal-Kumitat; De i joni tal-Parlament Ewropew tat-2 ta' April 2014 dwar it-talba g all- arsien tal-immunità u l-privile i ta' Mario Borghezio.

³⁴⁶ Sentenza tal-kaw a *Patriciello*, i itata hawn fuq, para. 29.

³⁴⁷ Rapport A7-0273/2014 tal-Kumitat; De i joni tal-Parlament Ewropew tal-15 ta' April 2014 dwar it-talba g all- arsien tal-immunità u l-privile i ta' Alexander Mirsky.

8. Organizzazzjoni u statut tal-Qorti tal- ustizzja

Il-Kumitat g all-Affarijiet Legali kien ukoll relativament attiv fir-rigward tal-kwistjonijiet istituzzjonali pertinenti g all-Qorti tal- ustizzja.

Fl-2011 il-Qorti tal- ustizzja fformulat diversi propositi³⁴⁸ li jimmiraw lejn il-modernizzazzjoni tat-t addim tat-tliet qrati tal-Unjoni Ewropea.

G al dak li g andu x'jaqsam mal-**Qorti tal- ustizzja** stess, il-bidliet approvati³⁴⁹ jikkon ernaw l-istituzzjoni fi danha tal-po izzjoni tal-Vi i President u l-emenda tar-regoli rigward il-kompo izzjoni tal-Awla Manja.

Fir-rigward tat-**Tribunal g as-Servizz Pubbliku**, il-proposta tal-Qorti³⁵⁰ mmirat li tawtorizza l- atra ta' m allfin *ad interim* biex jissostitwixxu lill-im allfin permanenti li ma jkunux, temporanjament, f'kundizzjoni li jaqdu dmirijethom.

Ir-regolament li segwa³⁵¹ jipprevedi li l-Kunsill tal-Unjoni Ewropea g andu jistabbilixxi lista ta' tliet persuni ma turin b ala m allfin *ad interim* li g andhom jintg a lu minn fost ex membri tal-Qorti tal- ustizzja tal-Unjoni Ewropea li jistg u j ommu ru hom disponibbli g at-Tribunal g as-Servizz Pubbliku.

Fl-a ar nett, fir-rigward tal-**Qorti eneralei**, il-Qorti tal- ustizzja waslet g all-konklu joni li kien ne essarju li n-numru ta' m allfin ji died bil-g an li tkun tista' tla aq man-numru dejjem og la ta' kaw i quddiem tali qorti. B'danakollu, billi l-ebda qbil politiku ma seta' jintla aq fi dan il-Kunsill fir-rigward tas-sistema tal- atra tal-im allfin addizzjonali, l-istituzzjonijiet qablu li jisseparaw il-propositi u j allu l-kwistjoni tal-im allfin addizzjonali tal-Qorti eneralei g al fa i su essiva.

Ir-rapport tal-Kumitat, kif propost mis-Sa Thein u approvat mill-Parlament fil-plenarja ta' Di embru 2013³⁵², inkluda proposta dida li fiha - ittadinanza ma kellhiex tkun kriterju g all- atra tal-im allfin addizzjonali – huwa l-mertu pjuttost li g andu jkun l-uniku kriterju.

Il-Kumitat organizza ew seduti ta' smig , wa da fl-24 ta' April 2013 ma' Vassilios Skouris, President tal-Qorti tal- ustizzja u l-o ra fit-30 ta' Mejju 2013 ma' Jean-Marc Sauvé, Presidenti tal-kumitat tal-Artikolu 255 inkarigat mill-valutazzjoni tal-kandidati g all- atra fil-qrati tal-Unjoni Ewropea. Fi Frar 2014 imbag ad intla aq qbil provvi orju mal-Kunsill, ta t il-Presidenza Griega. Minkejja dan, l-Istati Membri ma setg ux jaqblu fuq id-dettalji tal-



Rapporteur dwar ir-rapport
dwar il-Qorti tal- ustizzja,
Alexandra Thein, ALDE, DE.

³⁴⁸ 02074/2011.

³⁴⁹ Regolament (UE, Euratom) Nru 741/2012 tal-Parlament Ewropew u tal-Kunsill tal-11 ta' Awwissu 2012 li jemenda l-Protokoll dwar l-Istatut tal-Qorti tal- ustizzja tal-Unjoni Ewropea u l-Anness I tieg u, U L 228, 23.8.2012, p. 1.

³⁵⁰ 01923/2011.

³⁵¹ Regolament (UE, Euratom) Nru 979/2012 tal-Parlament Ewropew u tal-Kunsill tal- 25 ta' Ottubru 2012 dwar l-Im allfin ad interim tat-Tribunal g as-Servizz Pubbliku tal-Unjoni Ewropea , U L 303, 31.10.2012, p. 83.

³⁵² Emendi adottati mill-Parlament Ewropew fit-12 ta' Di embru 2013 dwar l-abbozz ta' regolament tal-Parlament Ewropew u tal-Kunsill li jemenda l-Protokoll dwar l-Istatut tal-Qorti tal- ustizzja tal-Unjoni Ewropea billi j id in-numru ta' M allfin fil-Qorti eneralei, Testi adottati, P7_TA(2013)0581.

pro edura ta' selezzjoni tal-im allfin addizzjonali. It-tieni qari aktarx isir fil-le i latura 1-dida.

B'rabta mal-funzjonament **tal-kumitat tal-Artikolu 255** g all-valutazzjoni tal-kandidati g all- atra fil-qrati tal-Unjoni Ewropea, ta' min ji i nnotat ukoll li l-Kumitat g all-Affarijet Legali ji vol i rwol fil- atra ta' dan il-kumitat, billi wie ed mis-seba' membri tieg u huwa propost mill-Parlament. Il-Kumitat innomia lil Luigi Berlinguer biex jin atar fil-kumitat tal-Artikolu 255 g all-mandat tieg u tal-2010-2014, biex jissostitwixxi lil Ana Palacio.

ANNEXES

Stocktaking of parliamentary committee activities during the 7th legislature

Committee on Legal Affairs

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ANNEX I - Fields of competence

A. Field of powers and responsibilities (Annex VII of the Rules of Procedure of the European Parliament)

The Committee on Legal Affairs is responsible for:

1. the interpretation and application of Union law and compliance of Union acts with primary law, notably the choice of legal bases and respect for the principles of subsidiarity and proportionality;
2. the interpretation and application of international law, in so far as the European Union is affected;
3. the simplification of Union law, in particular legislative proposals for its official codification;
4. the legal protection of Parliament's rights and prerogatives, including its involvement in actions before the Court of Justice of the European Union;
5. Union acts which affect the Member States' legal order, namely in the fields of:
 - civil and commercial law,
 - company law,
 - intellectual property law,
 - procedural law;
6. measures concerning judicial and administrative cooperation in civil matters;
7. environmental liability and sanctions against environmental crime;
8. ethical questions related to new technologies, applying the procedure with associated committees with the relevant committees;
9. the Statute for Members and the Staff Regulations of the European Union;
10. privileges and immunities as well as verification of Members' credentials;
11. the organisation and statute of the Court of Justice of the European Union;
12. the Office for Harmonisation in the Internal Market.

B. Extracts of the Rules of Procedure of the European Parliament

Field of powers of the Committee on Legal Affairs

Rule 3: Verification of credentials

1. Following elections to the European Parliament, the President shall invite the competent authorities of the Member States to notify Parliament without delay of the names of the elected Members so that all Members may take their seats in Parliament with effect from the opening of the first sitting following the elections.

At the same time, the President shall draw the attention of those authorities to the relevant provisions of the Act of 20 September 1976 and invite them to take the

necessary measures to avoid any incompatibility with the office of Member of the European Parliament.

2. Members whose election has been notified to Parliament shall declare in writing, before taking their seat in Parliament, that they do not hold any office incompatible with that of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976. Following general elections, the declaration shall be made, where possible, no later than six days prior to Parliament's constitutive sitting. 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 shall take their seat in Parliament and on its bodies and shall enjoy all the rights attaching thereto.

Where it is established from facts verifiable from sources available to the public that a Member holds an office incompatible with that of Member of the European Parliament, within the meaning of Article 7(1) and (2) of the Act of 20 September 1976, Parliament, on the basis of the information provided by its President, shall establish that there is a vacancy.

3. On the basis of a report by the committee responsible for the verification of credentials, Parliament shall verify credentials without delay and rule on the validity of the mandate of each of its newly elected Members and also on any dispute referred to it pursuant to the provisions of the Act of 20 September 1976, except those based on national electoral laws.
4. The committee's report shall be based on the official notification by each Member State of the full results of the election specifying the names of the candidates elected and those of any substitutes together with their ranking in accordance with the results of the vote.

The validity of the mandate of a Member may not be confirmed unless the written declarations required under this Rule and Annex I to these Rules have been made.

On the basis of a report by the committee, Parliament may at any time rule on any dispute as to the validity of the mandate of any of its Members.

5. Where the appointment of a Member is due to the withdrawal of candidates from the same list, the committee shall ensure that the withdrawals in question have taken place in accordance with the spirit and the letter of the Act of 20 September 1976 and Rule 4(3).
6. The committee shall ensure that any information which may affect the performance of the duties of a Member of the European Parliament or the ranking of the substitutes is forwarded to Parliament without delay by the authorities of the Member States or of the Union, with an indication of the date of effect in the case of an appointment.

Should the competent authorities of the Member States initiate a procedure which might lead to the disqualification of a Member from holding office, the President shall ask them to keep him regularly informed of the stage reached in the procedure and shall refer the matter to the committee responsible. On a proposal from that committee, Parliament may adopt a position on the matter.

Rule 4: Term of office of Members

1. A Member's term of office shall begin and end as laid down in the Act of 20 September 1976. It shall also end on death or resignation.
2. Every Member shall remain in office until the opening of the first sitting of Parliament following the elections.
3. Members who resign shall notify the President of their resignation and of the date on which that resignation is to take effect, which may not be more than three months after notification. This notification shall take the form of an official record drawn up in the presence of the Secretary-General or his representative, signed by the latter and by the Member concerned and immediately submitted to the committee responsible, which shall enter it on the agenda of its first meeting following receipt of the document.

If the committee responsible considers that the resignation is not in accordance with the spirit or the letter of the Act of 20 September 1976 it shall inform Parliament to this effect so that Parliament can decide whether or not to establish the vacancy.

Otherwise, the vacancy shall be established with effect from the date indicated by the resigning Member in the official record. There shall be no vote in Parliament on the subject.

A simplified procedure has been introduced for certain exceptional circumstances, in particular where one or more part-sessions are held between the effective date of the resignation and the first meeting of the committee responsible and where, as the vacancy has not been established, the political group to which the resigning Member belongs is not able to obtain a replacement Member during those part-sessions. Under this procedure, the rapporteur of the committee responsible entrusted with these cases has the power to examine immediately any resignation duly notified and, where any delay in considering the notification would be prejudicial, to refer the matter to the committee chair, requesting, pursuant to paragraph 3:

- either that the President be informed on behalf of the committee that the vacancy may be established; or
 - that an extraordinary meeting of the committee be convened to examine any specific difficulties noted by the rapporteur.
4. Where the competent authority of a Member State notifies the President of the end of the term of office of a Member of the European Parliament pursuant to the provisions of the law of that Member State, as a result either of incompatibilities within the meaning of Article 7(3) of the Act of 20 September 1976 or withdrawal of the mandate pursuant to Article 13(3) of that Act, the President shall inform Parliament that the mandate ended on the date communicated by the Member State and shall invite the Member State to fill the vacant seat without delay.

Where the competent authorities of the Member States or of the Union or the Member concerned notify the President of an appointment or election to an office incompatible with the office of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976, the President shall inform Parliament, which shall establish that there is a vacancy.

5. The authorities of the Member States or of the Union shall inform the President of any assignment they intend to confer on a Member. The President shall refer to the committee responsible the question of the compatibility of the proposed assignment with the letter and the spirit of the Act of 20 September 1976 and shall inform Parliament, the Member and the authorities concerned of the conclusions reached by that committee.
6. The following shall be considered as the date of the end of the term of office and the effective date of a vacancy:
 - in the case of resignation: the date on which the vacancy is established by Parliament, in accordance with the notification of resignation;
 - in the case of appointment or election to an office incompatible with the office of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976: the date notified by the competent authorities of the Member States or of the Union or by the Member concerned.
7. When Parliament has established that a vacancy exists, it shall inform the Member State concerned and invite it to fill the seat without delay.
8. Any dispute concerning the validity of the appointment of a Member whose credentials have already been verified shall be referred to the committee responsible, which shall report to Parliament without delay and no later than the beginning of the next part-session.
9. Parliament shall reserve the right, where acceptance or termination of office appears to be based on material inaccuracy or vitiated consent, to declare the appointment under consideration to be invalid or refuse to establish the vacancy.

Rule 5: Privileges and immunities

1. Members shall enjoy privileges and immunities in accordance with the Protocol on the Privileges and Immunities of the European Union.
2. Parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members.
3. Passes allowing Members to circulate freely in the Member States shall be issued to them by the President of Parliament as soon as he has been notified of their election.
4. Members shall be entitled to inspect any files held by Parliament or a committee, other than personal files and accounts which only the Members concerned shall be allowed to inspect. Exceptions to this rule for the handling of documents to which public access may be refused pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents are laid down in Annex VIII to the Rules of Procedure.

Rule 6: Waiver of immunity

1. In the exercise of its powers in respect of privileges and immunities, Parliament acts to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties. Any request for

waiver of immunity shall be evaluated in accordance with Articles 7, 8 and 9 of the Protocol on the Privileges and Immunities of the European Union and with the principles referred to in this Rule.

2. Where Members are required to appear as witnesses or expert witnesses, there is no need to request a waiver of immunity, provided:

- that they will not be obliged to appear on a date or at a time which prevents them from performing their parliamentary duties, or makes it difficult for them to perform those duties, or that they will be able to provide a statement in writing or in any other form which does not make it difficult for them to perform their parliamentary duties; and
- that they are not obliged to testify concerning information obtained confidentially in the exercise of their mandate which they do not see fit to disclose.

Rule 7: Defence of privileges and immunity

1. In cases where the privileges and immunities of a Member or former Member are alleged to have been breached by the authorities of a Member State, a request for a Parliament decision as to whether there has, in fact, been a breach of those privileges and immunities may be made in accordance with Rule 7(1).
2. In particular, such a request for the defence of privileges and immunities may be made if it is considered that the circumstances constitute an administrative or other restriction on the free movement of Members travelling to or from the place of meeting of Parliament or on an opinion expressed or a vote cast in the performance of their duties, or that they fall within the scope of Article 9 of the Protocol on the Privileges and Immunities of the European Union.
3. A request for the defence of the privileges and immunities of a Member shall not be admissible if a request for the waiver or defence of that Member's immunity has already been received in respect of the same legal proceedings, whether or not a decision was taken at that time.
4. No further consideration shall be given to a request for the defence of the privileges and immunities of a Member if a request for the waiver of that Member's immunity is received in respect of the same legal proceedings.
5. In cases where a decision has been taken not to defend the privileges and immunities of a Member, the Member may make a request for reconsideration of the decision, submitting new evidence. The request for reconsideration shall be inadmissible if proceedings have been instituted against the decision under Article 263 of the Treaty on the Functioning of the European Union, or if the President considers that the new evidence submitted is not sufficiently substantiated to warrant reconsideration.

Rule 8: Urgent action by the President to assert immunity

1. As a matter of urgency, in circumstances where a Member is arrested or has his or her freedom of movement curtailed in apparent breach of his or her privileges and immunities, the President, after consulting the chair and rapporteur of the committee responsible, may take an initiative to assert the privileges and immunities of the

Member concerned. The President shall notify the committee of that initiative and inform Parliament.

2. When the President makes use of the powers conferred on him by paragraph 1, the committee shall take cognisance of the President's initiative at its next meeting. Where the committee deems it necessary, it may prepare a report for submission to Parliament.

Rule 9: Procedures on immunity

1. Any request addressed to the President by a competent authority of a Member State that the immunity of a Member be waived, or by a Member or a former Member that privileges and immunities be defended, shall be announced in Parliament and referred to the committee responsible.

The Member or former Member may be represented by another Member. The request may not be made by another Member without the agreement of the Member concerned.

2. The committee shall consider without delay, but having regard to their relative complexity, requests for the waiver of immunity or requests for the defence of privileges and immunities.
3. The committee shall make a proposal for a reasoned decision which recommends the adoption or rejection of the request for the waiver of immunity or for the defence of privileges and immunities.
4. The committee may ask the authority concerned to provide any information or explanation which the committee deems necessary in order for it to form an opinion on whether immunity should be waived or defended.
5. The Member concerned shall be given an opportunity to be heard, may present any documents or other written evidence deemed by that Member to be relevant and may be represented by another Member.

The Member shall not be present during debates on the request for waiver or defence of his or her immunity, except for the hearing itself.

The chair of the committee shall invite the Member to be heard, indicating a date and time. The Member may renounce the right to be heard.

If the Member fails to attend the hearing pursuant to that invitation, he or she shall be deemed to have renounced the right to be heard, unless he or she has asked to be excused from being heard on the date and at the time proposed, giving reasons. The chair of the committee shall rule on whether such a request to be excused is to be accepted in view of the reasons given, and no appeals shall be permitted on this point.

If the chair of the committee grants the request to be excused, he or she shall invite the Member to be heard at a new date and time. If the Member fails to comply with the second invitation to be heard, the procedure shall continue without the Member having been heard. No further requests to be excused, or to be heard, may then be accepted.

6. Where the request seeks the waiver of immunity on several counts, each of these may be the subject of a separate decision. The committee's report may, exceptionally, propose that the waiver of immunity should apply solely to prosecution proceedings

and that, until a final sentence is passed, the Member should be immune from any form of detention or remand or any other measure which prevents that Member from performing the duties proper to the mandate.

7. The committee may offer a reasoned opinion as to the competence of the authority in question and the admissibility of the request, but shall not, under any circumstances, pronounce on the guilt or otherwise of the Member nor on whether or not the opinions or acts attributed to him or her justify prosecution, even if, in considering the request, it acquires detailed knowledge of the facts of the case.
8. The committee's report shall be placed at the head of the agenda of the first sitting following the day on which it was tabled. No amendments may be tabled to the proposal(s) for a decision.

Discussion shall be confined to the reasons for and against each proposal to waive or uphold immunity, or to defend a privilege or immunity.

Without prejudice to Rule 151, the Member whose privileges or immunities are under consideration shall not speak in the debate.

The proposal(s) for a decision contained in the report shall be put to the vote at the first voting time following the debate.

After Parliament has considered the matter, a separate vote shall be taken on each of the proposals contained in the report. If a proposal is rejected, the contrary decision shall be deemed adopted.

9. The President shall immediately communicate Parliament's decision to the Member concerned and to the competent authority of the Member State concerned, with a request that the President be informed of any developments in the relevant proceedings and of any judicial rulings made as a consequence. When the President receives this information, he shall transmit it to Parliament in the way he considers most appropriate, if necessary after consulting the committee responsible.
10. The committee shall treat these matters and handle any documents received with the utmost confidentiality.
11. The committee, after consulting the Member States, may draw up an indicative list of the authorities of the Member States which are competent to present a request for the waiver of a Member's immunity.
12. The committee shall lay down principles for the application of this Rule.
13. Any inquiry as to the scope of Members' privileges or immunities made by a competent authority shall be dealt with in accordance with the above rules.

Rule 39 : Verification of legal basis

1. In the case of all proposals for legislative acts and other documents of a legislative nature, the committee responsible for the subject-matter shall first verify the legal basis.
2. If that committee disputes the validity or the appropriateness of the legal basis, including in the context of the verification under Article 5 of the Treaty on European Union, it shall request the opinion of the committee responsible for legal affairs.

3. The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis of the proposals for legislative acts. In such cases it shall duly inform the committee responsible for the subject-matter.
4. If the committee responsible for legal affairs decides to dispute the validity or the appropriateness of the legal basis, it shall report its conclusions to Parliament. Parliament shall vote on this before voting on the substance of the proposal.
5. Amendments tabled in Parliament to change the legal basis of a proposal for a legislative act without the committee responsible for the subject-matter or the committee responsible for legal affairs having disputed the validity or appropriateness of the legal basis shall be inadmissible.
6. If the Commission does not agree to modify its proposal to conform to the legal basis approved by Parliament, the rapporteur or the Chair of the committee responsible for legal affairs or of the committee responsible for the subject-matter may propose that the vote on the substance of the proposal be postponed to a subsequent sitting.

Rule 40 : Delegation of legislative powers

1. When scrutinising a proposal for a legislative act which delegates powers to the Commission as provided for in Article 290 of the Treaty on the Functioning of the European Union, Parliament shall pay particular attention to the objectives, content, scope and duration of the delegation, and to the conditions to which it is subject.
2. The committee responsible for the subject-matter may at any time request the opinion of the committee responsible for the interpretation and application of Union law.
3. The committee responsible for the interpretation and application of Union law may also, on its own initiative, take up questions concerning the delegation of legislative powers. In such cases it shall duly inform the committee responsible for the subject-matter.

Rule 42: Examination of respect for the principle of subsidiarity

1. During the examination of a proposal for a legislative act, Parliament shall pay particular attention to respect for the principles of subsidiarity and proportionality.
2. The committee responsible for respect of the principle of subsidiarity may decide to make recommendations for the attention of the committee responsible for the subject-matter in respect of any proposal for a legislative act.
3. If a national parliament sends the President a reasoned opinion in accordance with Article 3 of the Protocol on the role of national parliaments in the European Union and Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality, that document shall be referred to the committee responsible for the subject-matter and forwarded for information to the committee responsible for respect of the principle of subsidiarity.
4. Except in the cases of urgency referred to in Article 4 of the Protocol on the role of national parliaments in the European Union, the committee responsible for the subject-matter shall not proceed to its final vote before the expiry of the deadline of eight weeks laid down in Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality.

5. Where reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least one third of all the votes allocated to the national parliaments or a quarter in the case of a proposal for a legislative act submitted on the basis of Article 76 of the Treaty on the Functioning of the European Union, Parliament shall not take a decision until the author of the proposal has stated how it intends to proceed.
6. Where, under the ordinary legislative procedure, reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least a simple majority of the votes allocated to the national parliaments, the committee responsible for the subject-matter, having considered the reasoned opinions submitted by the national parliaments and the Commission, and having heard the views of the committee responsible for respect of the principle of subsidiarity, may recommend to Parliament that it reject the proposal on the grounds of infringement of the principle of subsidiarity or submit to Parliament any other recommendation, which may include suggestions for amendments related to respect of the principle of subsidiarity. The opinion given by the committee responsible for respect of the principle of subsidiarity shall be annexed to any such recommendation.

The recommendation shall be submitted to Parliament for a debate and vote. If a recommendation to reject the proposal is adopted by a majority of the votes cast, the President shall declare the procedure closed. Where Parliament does not reject the proposal, the procedure shall continue, taking into account any recommendations approved by Parliament.

Rule 103 : Codification

1. When a proposal for codification of Union legislation is submitted to Parliament, it shall be referred to the committee responsible for legal affairs. The latter shall examine it in accordance with the arrangements agreed at interinstitutional level in order to ascertain that it is a straightforward codification, with no changes of a substantive nature.
2. The committee which was responsible for the acts to be codified may, at its own request or at the request of the committee responsible for legal affairs, be asked to deliver an opinion on the desirability of codification.
3. Amendments to the text of the proposal shall be inadmissible.

However, at the rapporteur's request, the Chair of the committee responsible for legal affairs may submit for the latter's approval, amendments relating to technical adaptations, provided that those adaptations are necessary in order to ensure that the proposal complies with the codification rules and that they do not involve any substantive change to the proposal.

4. If the committee responsible for legal affairs concludes that the proposal does not entail any substantive change to Union legislation, it shall refer it to Parliament for approval.

If the committee takes the view that the proposal entails a substantive change, it shall propose that Parliament reject the proposal.

In either case, Parliament shall take a decision by means of a single vote, without amendment or debate.

Rule 104: Recasting

1. When a proposal recasting Union legislation is submitted to Parliament, that proposal shall be referred to the committee responsible for legal affairs and to the committee responsible for the subject-matter.
2. The committee responsible for legal affairs shall examine 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.

For the purpose of that examination, amendments to the text of the proposal shall be inadmissible. However, the second subparagraph of Rule 86(3) shall apply to provisions which remain unchanged in the recasting proposal.

3. If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal.

4. If the committee responsible for legal affairs considers that the proposal entails substantive changes other than those which have been identified as such in the proposal, it shall propose that Parliament reject the proposal and shall inform the committee responsible for the subject-matter that it has done so.

In such a case the President shall ask the Commission to withdraw the proposal. If the Commission does so, the President shall hold the procedure to be superfluous and shall inform the Council accordingly. If the Commission does not withdraw its proposal, Parliament shall refer the matter back to the committee responsible for the subject-matter, which shall consider it in accordance with the normal procedure.

Rule 141: Proceedings before the Court of Justice of the European Union

1. Parliament shall, within the time limits specified by the Treaties and the Statute of the Court of Justice of the European Union for action by the institutions of the Union and by natural or legal persons, examine Union legislation and its implementing measures in order to ensure that the Treaties have been fully complied with, in particular where Parliament's rights are concerned.
2. The committee responsible shall report to Parliament, orally if necessary, if it suspects a breach of Union law.
3. The President shall bring an action on behalf of Parliament in accordance with the recommendation of the committee responsible.

At the start of the following part-session, the President may ask the plenary to decide whether the action should be maintained. Should plenary rule against the action by a majority of the votes cast, he shall withdraw it.

Should the President bring an action contrary to the recommendation of the committee responsible, he shall, at the start of the following part-session, ask the plenary to decide whether the action should be maintained.

4. The President shall submit observations or intervene in court proceedings on behalf of Parliament after consulting the committee responsible.

If the President intends to depart from the recommendation of the committee responsible, he shall inform the committee accordingly and shall refer the matter to the Conference of Presidents, stating his reasons.

If the Conference of Presidents takes the view that Parliament should, exceptionally, not submit observations or intervene before the Court of Justice of the European Union where the legal validity of an act of Parliament is being questioned, the matter shall be submitted to plenary without delay.

In urgent cases, the President may take precautionary action in order to comply with the time-limits prescribed by the court concerned. In such cases, the procedure provided for in this paragraph shall be implemented at the earliest opportunity.

Nothing in the Rules prevents the committee responsible from deciding on appropriate procedural arrangements for the timely transmission of its recommendation in urgent cases.

Rule 90(6) of the Rules of Procedure lays down a specific procedure by means of which Parliament can take a decision on whether to exercise its prerogative, pursuant to Article 218(11) TFEU, to seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties; that provision constitutes a “lex specialis” which takes precedence over the general provision laid down in Rule 128 of the Rules of Procedure.

When a decision must be taken as to whether Parliament should exercise its rights vis-à-vis the Court of Justice of the European Union, and the act in question is not covered by Rule 128 of the Rules of Procedure, the procedure provided for in this rule should apply, mutatis mutandis.

ANNEX II - Index of acts and cases

REPORTS

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2003/0132B(NLE) A7-0341/2011 T7-0479/2011	Draft Council decision concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as regards Articles 10 and 11 thereof	LEHNE
2009/0048(COD) A7-0036/2009 T7-0083/2009	Proposal for a regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny - Adaptation to the regulatory procedure with scrutiny - Part Five	SZÁJER
2009/0034(CNS) A7-0056/2009 T7-0078/2009	Proposal for a Council decision amending Decision 2006/325/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters	GERINGER DE OEDENBERG
2009/0023(CNS) A7-0062/2009 T7-0081/2009	Proposal for a Council Decision on the conclusion by the European Community of the Protocol on the Law Applicable to Maintenance Obligations	WALLIS
2009/0031(CNS) A7-0058/2009 T7-0077/2009	Proposal for a Council decision amending Decision 2006/326/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters	GERINGER DE OEDENBERG
2009/0100(NLE) A7-0005/2010 T7-0027/2010	Proposal for a Council decision on the conclusion by the European Community of the convention on the international recovery of child support and other forms of family maintenance	MAŠTÁLKA
2009/0035(COD) A7-0393/2011 T7-0563/2011	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities	LEHNE
2009/0157(COD) A7-0045/2012 T7-0068/2012	Jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession	LECHNER
2009/0035(COD) A7-0011/2010 T7-0563/2011	Amendment of Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities	LEHNE
2010/0051(COD) A7-0355/2010 T7-0488/2010	Proposal for a regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers	SZÁJER

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2010/0066(NLE) A7-0194/2010 T7-0216/2010	Proposal for Council Decision No .../2010/EU authorising enhanced cooperation in the area of the law applicable to divorce and legal separation	ZWIEFKA
2010/0171(COD) A7-0288/2010 T7-0369/2010	Proposal for a regulation of the European Parliament and of the Council amending the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of those Communities	RAPKAY
2010/0067(CNS) A7-0360/2010 T7-0477/2010	Proposal for a Council regulation (EU) implementing enhanced cooperation in the area of the law applicable to divorce and legal separation	ZWIEFKA
2010/0198(CNS) <i>Procedure lapsed or withdrawn</i>	Translation arrangements for the European Union patent	
2010/0361(NLE) <i>Awaiting committee decision</i>	European Convention on the legal protection of services based on, or consisting of, conditional access	LEHNE
2010/0384(NLE) A7-0021/2011 T7-0054/2011	Enhanced cooperation in the area of the creation of unitary patent protection	LEHNE
2011/0094(CNS) A7-0002/2012 T7-0475/2012	Proposal for a Council Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements	BALDASSARRE
2011/0136(COD) A7-0055/2012 T7-0349/2012	Certain permitted uses of orphan works	GERINGER DE OEDENBERG
2011/0093(COD) A7-0001/2012 T7-0474/2012	Proposal for a regulation of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection: implementation	RAPKAY
2011/0038(COD) A7-0022/2012 T7-0033/2012	Proposal for a Directive of the European Parliament and of the Council amending Directives 89/666/EEC, 2005/56/EC and 2009/101/EC as regards the interconnection of central, commercial and companies registers	LECHNER
2011/0135(COD) A7-0003/2012 T7-0032/2012	Entrusting the Office for Harmonisation in the Internal Market (Trade Marks and Designs) with certain tasks related to the protection of intellectual property rights, including the assembling of public and private sector representatives as a European Observatory on Counterfeiting and Piracy	MASIP HIDALGO
2011/0902(COD) A7-0184/2012 T7-0295/2012	Proposal for a regulation of the European Parliament and of the Council relating to temporary judges of the European Union civil service tribunal	THEIN
2011/0901A(COD) A7-0185/2012 T7-0294/2012	Proposal for a regulation of the European Parliament and of the Council amending the Statute of the Court of Justice of the European Union	THEIN
2011/0455(COD) A7-0156/2012 T7-0287/2013	Proposal for a Regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union	ROTH-BEHRENDT

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/0441(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Gabon to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0451(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Morocco to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0447(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Russian Federation to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0448(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Albania to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0450(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Singapore to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0451(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Morocco to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0452(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Armenia to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0444(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Seychelles to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0443(NLE) <i>Preparatory phase in Parliament</i>	Proposal for a Council Decision on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Andorra to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	LICHENBERGER
2011/0070(APP) A7-0087/2012 T7-0150/2012	Proposal for a Council Regulation on electronic publication of the Official Journal of the European Union	ZIOBRO
2011/0308(COD) A7-0278/2012 T7-0261/2013	Proposal for a Directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings	LEHNE

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/0307(COD) A7-0292/2012 T7-0262/2013	Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and Commission Directive 2007/14/EC	MCCARTHY
2011/0060(CNS) A7-0254/2013 T7-0337/2013	Proposal for a Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships	THEIN
2011/0059(CNS) A7-0253/2013 T7-0338/2013	Proposal for a Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes	THEIN
2011/0389(COD) A7-0171/2013 T7-0284/2014	Amendment of Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts	KARIM
2011/0359(COD) A7-0177/2013 T7-0283/2014	Specific requirements regarding statutory audit of public-interest entities	KARIM
2011/0204(COD) A7-0227/2013 T7-0367/2014	European Account Preservation Order to facilitate cross-border debt recovery in civil and commercial matters	BALDASSARRE
2011/0284(COD) A7-0301/2013 T7-0159/2014	Common European Sales Law	LEHNE BERLINGUER
2011/0901B(COD) A7-0252/2013 T7-0358/2014	Amendment of the Statute of the Court of Justice of the European Union by increasing the number of Judges at the General Court	THEIN
2011/0130(COD) A7-0126/2013 T7-0210/2013	Mutual recognition of protection measures in civil matters	LÓPEZ-ISTÚRIZ WHITE
2012/0011(COD) A7-0402/2013 T7-0212/2014	Protection of individuals with regard to the processing of personal data, and the free movement of such data (General Data Protection Regulation)	GALLO
2012/0224(COD) A7-0359/2012 T7-0414/2012	Proposal for a Regulation of the European Parliament and of the Council introducing, on the occasion of the accession of Croatia, special temporary measures for the recruitment of officials and temporary staff of the European Union	ROTH-BEHRENDT
2012/0262(NLE) A7-0198/2013 T7-0288/2013	Authorising certain Member States to ratify, or to accede to, the Protocol amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, in the interest of the European Union, and to make a declaration on the application of the relevant internal rules of Union law	MÉSZÁROS
2012/0180(COD) A7-0281/2013 T7-0056/2014	Collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market	GALLO

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2012/0022(APP) A7-0223/2013 T7-0293/2013	Statute for a European Foundation (FE)	REGNER
2012/0360(COD) A7-0481/2013 T7-0093/2014	Amendment of Council Regulation (EC) No 1346/2000 on insolvency proceedings	LEHNE
2013/0019(NLE) A7-0091/2013 T7-0172/2013	Approval, on behalf of the European Union, of The Hague Convention of 23 November 2007, on the International Recovery of Child Support and Other Forms of Family Maintenance	LÓPEZ-ISTÚRIZ WHITE
2013/0088(COD) A7-0031/2014 T7-0118/2014	Community trade mark	WIKSTRÖM
2013/0110(COD) A7-0006/2014 T7-0368/2014	Disclosure of non-financial and diversity information by certain large companies and groups	BALDASSARRE
2013/0119(COD) A7-0017/2014 T7-0054/2014	Promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the EU	RAPKAY
2013/0177(NLE) <i>Preparatory phase in Parliament</i>	Accession of Austria and Malta to the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters	THEIN
2013/0184(NLE) <i>Preparatory phase in Parliament</i>	Convention on international interests in mobile equipment on matters specific to railway rolling stock	LICHTENBERGER
2013/0220(COD) A7-0480/2013 T7-0113/2014	Adapting to Article 290 of the TFEU a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny	SZÁJER
2013/0218(COD) A7-0010/2014 T7-0114/2014	Adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Article 290 of the TFEU	SZÁJER
2013/0268(COD) A7-0052/2014 T7-0391/2014	Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters	ZWIEFKA
2013/0365(COD) A7-0011/2014 T7-0112/2014	Adapting to Article 290 and 291 of the TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny	SZÁJER
2013/0403(COD) <i>Awaiting committee decision</i>	European Small Claims Procedure and European order for payment procedure	GERINGER DE OEDENBERG
2013/0402(COD) <i>Awaiting committee decision</i>	Protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure	GALLO
2013/0438(COD) A7-0165/2014 T7-0186/2014	Adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the European Union and the correction coefficients applied thereto	ROTH-BEHRENDT

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2013/0439(COD) A7-0164/2014 T7-0187/2014	Adjusting with the effect from 1 July 2012 the remuneration and pensions of the officials and other servants of the European Union and the correction coefficients applied hereto	ROTH-BEHRENDT
2014/0021(NLE) <i>Preparatory phase in Parliament</i>	Approval on behalf of the European Union of the Hague Convention of 30 June 2005 on Choice of Court Agreements	REGNER
2014/0121(COD) <i>Preparatory phase in Parliament</i>	Amendment to Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement and to Directive 2013/34/EU as regards certain elements of the corporate governance statement	<i>Awaiting 8th legislative term for appointment</i>
2014/0120(COD) <i>Preparatory phase in Parliament</i>	Single-member private limited liability companies	<i>Awaiting 8th legislative term for appointment</i>

IMMUNITIES

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2009/2244(IMM) A7-0301/2010 P7_TA(2010)0392	Request for waiver of the parliamentary immunity of Krzysztof Lisek	LICHTENBERGER
2010/2047(IMM) A7-0214/2010 P7_TA(2010)0252	Request for waiver of the parliamentary immunity of Valdemar Tomaševski	RAPKAY
2009/2147(IMM) A7-0244/2010 P7_TA(2010)0296	Request for waiver of the parliamentary immunity of Viktor Uspaskich	RAPKAY
2010/2097(IMM) A7-0154/2011 P7_TA(2011)0189	Request for waiver of the parliamentary immunity of Bruno Gollnisch	RAPKAY
2009/2055(IMM) A7-0054/2009 P7_TA(2009)0082	Request for waiver of the parliamentary immunity of Tobias Pflüger	ZWIEFKA
2010/2122(IMM) A7-0152/2011 P7_TA(2011)0188	Request for waiver of the parliamentary immunity of Luigi de Magistris	RAPKAY
2010/2123(IMM) A7-0015/2011 P7_TA(2011)0029	Request for waiver of the parliamentary immunity of Tamás Deutsch	SPERONI
2010/2213(IMM) A7-0196/2011 P7_TA(2011)0247	Request for waiver of the parliamentary immunity of Ágnes Hankiss	WALLIS

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/2000(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for the defence of immunity and privileges of Nigel Farage	ZWIEFKA
2010/2285(IMM) A7-0050/2012 P7_TA(2012)0067	Request for waiver of the parliamentary immunity of Krisztina Morvai	LICHTENBERGER
2010/2283(IMM) A7-0047/2011 P7_TA(2011)0075	Request for waiver of the parliamentary immunity of Elmar Brok	SPERONI
2011/2070(IMM) A7-0242/2011 P7_TA(2011)0278	Request for waiver of the parliamentary immunity of Adrian Severin	SPERONI
2011/2104(IMM) A7-0267/2011 P7_TA(2011)0343	Request for waiver of the parliamentary immunity of Hans-Peter Martin	ZWIEFKA
2011/2057(IMM) A7-0410/2011 P7_TA(2011)0524	Request for waiver of the parliamentary immunity of Georgios Toussas	ZWIEFKA
2011/2064(IMM) A7-0070/2012 P7_TA(2012)0100	Request for the defence of immunity and privileges of Luigi de Magistris (Catanzaro)	RAPKAY
2011/2076(IMM) A7-0412/2011 P7_TA(2011)0525	Request for the defence of immunity and privileges of Luigi de Magistris (Napoli)	RAPKAY
2011/2097(IMM) A7-0073/2012 P7_TA(2012)0101	Request for the defence of immunity and privileges of Luigi de Magistris (Cosenza)	RAPKAY
2011/2098(IMM) A7-0074/2012 P7_TA(2012)0102	Request for the defence of immunity and privileges of Luigi de Magistris (Milano)	RAPKAY
2011/2099(IMM) A7-0413/2011 P7_TA(2012)0541	Request for the defence of immunity and privileges of Viktor Uspaskich	RAPKAY
2011/2189(IMM) A7-0075/2012 P7_TA(2012)0103	Request for the defence of immunity and privileges of Luigi de Magistris (Lamezia Terme)	RAPKAY
2009/2196(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for the defence of immunity and privileges of Clemente Mastella	WALLIS
2011/2304(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for the defence of immunity and privileges of Dimitar Stoyanov	ZWIEFKA

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2012/2112(IMM) A7-0230/2012 P7_TA(2012)0307	Request for waiver of the parliamentary immunity of Jarosław Leszek Wałęsa	WIKSTRÖM
2012/2128(IMM) A7-0229/2012 P7_TA(2012)0308	Request for waiver of the parliamentary immunity of Birgit Collin-Langen	SPERONI
2012/2146(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for the defence of immunity and privileges of Clemente Mastella	LICHENBERGER
2012/2152(IMM) A7-0332/2012 P7_TA(2012)0358	Request for waiver of the parliamentary immunity of Martin Ehrenhauser	RAPKAY
2012/2239(IMM) A7-0120/2013 P7_TA(2013)0108	Request for waiver of the parliamentary immunity of Ewald Stadler	ZWIEFKA
2012/2238(IMM) A7-0195/2013 P7_TA(2013)0237	Request for waiver of the parliamentary immunity of Małgorzata Handzlik	STOYANOV
2012/2240(IMM) A7-0149/2013 P7_TA(2013)0195	Request for the defence of immunity and privileges of Gabriele Albertini	RAPKAY
2012/2241(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for the defence of immunity and privileges of Viktor Uspaskich	LICHENBERGER
2012/2326(IMM) A7-0106/2013 P7_TA(2013)0106	Request for waiver of the parliamentary immunity of Hans-Peter Martin	ZWIEFKA
2012/2325(IMM) A7-0236/2013 P7_TA(2013)0292	Request for waiver of the parliamentary immunity of Marine Le Pen	WIKSTRÖM
2013/2014(IMM) A7-0159/2013 P7_TA(2013)0196	Request for waiver of the parliamentary immunity of Spyros Danellis (I)	LICHENBERGER
2013/2016(IMM) A7-0107/2013 P7_TA(2013)0107	Request for waiver of the parliamentary immunity of Jürgen Creutzmann	SPERONI
2013/2028(IMM) A7-0160/2013 P7_TA(2013)0197	Request for waiver of the parliamentary immunity of Spyros Danellis (II)	LICHENBERGER
2013/2019(IMM) A7-0187/2013 P7_TA(2013)0236	Request for waiver of the parliamentary immunity of Jacek Olgierd Kurski	WIKSTRÖM

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2013/2106(IMM) A7-0188/2013 P7_TA(2013)0238	Request for waiver of the parliamentary immunity of Alexander Alvaro	LICHTENBERGER
2013/2191(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for the defence of immunity and privileges of Gabriele Albertini	RAPKAY
2013/2190(IMM) A7-0469/2013 P7_TA(2014)0001	Request for the defence of immunity and privileges of Lara Comi	LICHTENBERGER
2013/2189(IMM) A7-0045/2014 P7_TA(2014)0053	Request for waiver of the parliamentary immunity of Zbigniew Ziobro	WIKSTRÖM
2013/2271(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for the defence of immunity and privileges of Karmelo Landa Mendibe	ZWIEFKA
2013/2278(IMM) A7-0099/2014 P7_TA(2014)0110	Request for waiver of the parliamentary immunity of Tadeusz Cymański	STOYANOV
2013/2279(IMM) A7-0245/2014 P7_TA(2014)0257	Request for the defence of immunity and privileges of Mario Borghezio	RAPKAY
2013/2280(IMM) <i>Procedure withdrawn/ended without suite</i>	Request for waiver of the parliamentary immunity of Richard Seeber	MESSERSCHMIDT
2014/2026(IMM) A7-0273/2014 T7-0348/2014	Request for the defence of the parliamentary immunity of Alexander Mirsky	GALLO

INITIATIVES

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2009/2239(INI) A7-0012/2010 <i>Awaiting Parliament's 1st reading</i>	Application de l'article 2 du Statut des fonctionnaires de l'Union européenne: politique de recrutement du personnel des institutions et des autres organes de l'Union européenne	LEHNE
2009/2178(INI) A7-0175/2010 T7-0340/2010	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: Enhancing the enforcement of intellectual property rights in the internal market	GALLO

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2009/2169(INI) A7-0147/2011 T7-0193/2011	Proposed interim measures for the freezing and disclosure of debtors' assets in cross-border cases	MCCARTHY
2009/2152(INI) A7-0057/2010 T7-0154/2010	Commission White Paper: "Adapting to climate change: Towards a European framework for action"	LICHENBERGER
2009/2169(INI) A7-0147/2011 T7-0193/2011	Proposed interim measures for the freezing and disclosure of debtors' assets in cross-border cases	MCCARTHY
2009/2170(INI) A7-0152/2012 T7-0200/2012	Amendment of Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations (Rome II)	WIKSTRÖM
2009/2142(INI) A7-0215/2010 T7-0311/2010	Report from the Commission on subsidiarity and proportionality - (15th report on Better Lawmaking, 2007)	GERINGER DE OEDENBERG
2009/2177(INI) A7-0135/2010 T7-0165/2010	Deontological questions related to companies' management	LEHNE
2009/2140(INI) A7-0219/2010 T7-0304/2010	Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters	ZWIEFKA
2009/2158(INI) A7-0028/2010 T7-0129/2010	Europeana - the next steps	GALLO
2009/2104(INI) A7-0103/2010 T7-0183/2010	Report on the Commission communication " Action plan on organ donation and transplantation (2009-2015): Strengthened cooperation between Member States	LICHENBERGER
2009/2224(INI) A7-0154/2010 T7-0207/2010	Internet of Things	LICHENBERGER
2009/2178(INI) A7-0175/2010 T7-0340/2010	Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: Enhancing the enforcement of intellectual property rights in the internal market	GALLO
2009/2229(INI) A7-0185/2010 T7-0208/2010	Internet governance: the next steps	WIKSTRÖM
2010/2021(INI) A7-0110/2010 T7-0127/2010	Power of legislative delegation	SZÁJER
2010/2080(INI) A7-0252/2010	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Delivering an	BERLINGUER

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
T7-0426/2010	area of freedom, security and justice for Europe's citizens - action plan implementing the Stockholm Programme	
2010/2076(INI) A7-0291/2010 T7-0437/2010	Report from the Commission : 26th annual report on monitoring the application of European Union Law (2008)	LICHTENBERGER
2010/2016(INI) A7-0159/2011 T7-0259/2011	Guaranteeing independent impact assessments	NIEBLER
2010/2055(INI) A7-0218/2010 T7-0298/2010	Green Paper: The interconnection of business registers	LECHNER
2010/2012(INI) A7-0226/2010 T7-0320/2010	Completing the Internal Market for e-Commerce	BODU
2010/2006(INI) A7-0213/2010 T7-0276/2010	Cross-Border Crisis Management in the Banking Sector	BODU
2010/2245(INI) A7-0162/2011 T7-0236/2011	Innovation Union: Transforming Europe for a post-crisis world	WIKSTRÖM
2010/2156(INI) A7-0143/2011 T7-0240/2011	Unlocking the potential of cultural and creative industries	WIKSTRÖM
2010/2302(INI) A7-0081/2011 T7-0258/2011	Credit rating agencies	REGNER
2010/2278(INI) A7-0072/2011 T7-0145/2011	Single market for Europeans	MANDERS
2010/2277(INI) A7-0071/2011 T7-0146/2011	Single market for enterprises and growth	BORYS
2010/2289(INI) A7-0083/2011 T7-0144/2011	Governance and Partnership in the Single market	LEHNE
010/2303(INI) A7-0074/2011 T7-0223/2011	Corporate governance in financial institutions	THEIN
2010/2076(INI) A7-0291/2010 T7-0437/2010	26th Annual Report on monitoring the application of European Union Law (2008)	LICHTENBERGER
2010/2311(INI) A7-0286/2011 T7-0577/2011	The EU Counter-Terrorism Policy: main achievements and future challenges	DE GRANDES PASCUAL

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/2013(INI) A7-0164/2011 T7-0262/2011	Green Paper from the Commission on policy options for progress towards a European contract law for consumers and businesses	WALLIS
2011/2037(INI) A7-0200/2011 T7-0359/2011	Green Paper: Audit policy - lessons from the crisis	MASIP HIDALGO
2011/2029(INI) A7-0251/2011 T7-0381/2011	Better legislation, subsidiarity and proportionality and smart regulation	KARIM
2011/2025(INI) A7-0244/2011 T7-0323/2011	A comprehensive approach on personal data protection in the European Union	CASTEX
2011/2036(INI) A7-0293/2011 T7-0402/2011	The European Schools' system	WIKSTRÖM
2011/2072(INI) A7-0290/2011 T7-0366/2011	Safety of offshore oil and gas activities	LICHENBERGER
2011/2026(INI) A7-0275/2011 T7-0361/2011	The implementation of the directive on mediation in the Member States, its impact on mediation and its take-up by the courts	MCCARTHY
2011/2006(INI) A7-0355/2011 T7-0484/2011	Insolvency proceedings in the context of EU company law	LEHNE
2011/2117(INI) A7-0343/2011 T7-0449/2011	Alternative dispute resolution in civil, commercial and family matters	WALLIS
2011/2027(INI) A7-0249/2011 T7-0377/2011	Report from the Commission: 27th annual report on monitoring the application of EU law (2009)	LICHENBERGER
2011/2089(INI) A7-0012/2012 T7-0021/2012	Towards a Coherent European Approach to Collective Redress	LEHNE
2011/2026(INI) A7-0275/2011 T7-0361/2011	The implementation of the directive on mediation in the Member States, its impact on mediation and its take-up by the courts	MCCARTHY
2011/2176(INI) A7-0009/2012 T7-0476/2012	Jurisdictional system for patent disputes	LEHNE
2011/2046(INI) A7-0008/2012 T7-0019/2012	14th company law directive on the cross-border transfer of company seats	REGNER
2011/2117(INI) A7-0343/2011 T7-0449/2011	Alternative dispute resolution in civil, commercial and family matters	WALLIS

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/2087(INI) A7-0385/2011 T7-0025/2012	The European dimension in sport	MANDERS
2011/2046(INI) A7-0008/2012 T7-0019/2012	14th company law directive on the cross-border transfer of company seats	REGNER
2011/2181(INI) A7-0051/2012 T7-0118/2012	A corporate governance framework for European companies	BODU
2011/2276(INI) A7-0251/2012 T7-0340/2012	Report from the Commission on subsidiary and proportionality (18th report on better lawmaking covering the year 2010)	KARIM
2011/2275(INI) A7-0330/2012 T7-0442/2012	Report from the Commission - 28th annual report on monitoring the application of EU law (2010)	LICHTENBERGER
2011/2178(INI) A7-0083/2012 T7-0140/2012	A competitive digital single market - eGovernment as a spearhead	CAVADA
2011/2193(INI) A7-0223/2012 T7-0320/2012	Voluntary and unpaid donation of tissues and cells	MAŠTÁLKA
2011/2084(INI) A7-0342/2011 T7-0492/2011	Online gambling in the internal market	KARIM
2011/2308(INI) A7-0283/2012 T7-0443/2012	The environmental impacts of shale gas and shale oil extraction activities	LICHTENBERGER
2011/2087(INI) A7-0385/2011 T7-0025/2012	The European dimension in sport	MANDERS
2012/2030(INI) A7-0341/2012 T7-0468/2012	Completing the digital single market	NIEBLER
2012/2028(INI) A7-0402/2012 T7-0018/2013	The feasibility of introducing stability bonds	BALDASSARRE
2012/2132(INI) A7-0055/2013 T7-0215/2013	Implementation of the Audiovisual Media Services Directive	CASTEX
2012/2134(INI) A7-0001/2013 T7-0036/2013	Improving access to finance for SMEs	TAYLOR

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2012/2253(INI) A7-0147/2013 T7-0278/2013	Recommendation to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS	RAPKAY
2012/2322(INI) A7-0218/2013 T7-0348/2013	Online gambling in the internal market	BORYS
2012/2135(INI) A7-0423/2012 T7-0007/2013	Development aspects of intellectual property rights on genetic resources: the impact on poverty reduction in developing countries	CASTEX
2012/2044(INI) A7-0310/2012 T7-0395/2012	20 main concerns of European citizens and business with the functioning of the Single Market	REGNER
2012/0029(INI) A7-0039/2013 T7-0388/2014	Securities settlement in the EU and central securities depositories (CSDs), and amendment of Directive 98/26/EC	STOYANOV
2012/2038(INI) A7-0326/2012 T7-0421/2012	Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee: Report on the Implementation and Effect of the Resale Right Directive (2001/84/EC)	GALLO
2012/2024(INI) A7-0369/2012 T7-0004/2013	Law of Administrative procedure of the European Union	BERLINGUER
2012/2039(INI) A7-0018/2013 T7-0094/2013	Statute for a European mutual society	BERLINGUER
2012/2098(INI) A7-0017/2013 T7-0049/2013	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A renewed EU strategy 2011-14 for Corporate Social Responsibility	BALDASSARRE
2012/2262(INI) A7-0089/2013 T7-0198/2013	Application of Directive 2004/25/EC on takeover bids	LEHNE
2012/2323(INI) A7-0435/2013 T7-0127/2014	Follow-up on the delegation of legislative powers and the control by Member States of the Commission's exercise of implementing powers	SZÁJER
2012/2097(INI) A7-0023/2013 T7-0050/2013	Corporate Social Responsibility: promoting society's interests and a route to sustainable and inclusive recovery	BALDASSARRE
2012/2101(INI) A7-0161/2013 T7-0240/2013	Improving access to justice: legal aid in cross-border civil and commercial disputes	ZWIEFKA
2013/2063(INI) A7-0353/2013 T7-0535/2013	Unleashing the potential of cloud computing in Europe	GERINGER DE OEDENBERG
2013/2077(INI)	EU regulatory fitness and subsidiarity and proportionality -	KARIM

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
A7-0056/2014 T7-0061/2014	19th Report on better lawmaking covering the year 2011	
2013/2024(INI) A7-0153/2014 T7-0276/2014	Mid-Term review of the Stockholm Programme	BERLINGUER
2013/2023(INI) A7-0291/2013 T7-0396/2013	Improving private international law: jurisdiction rules applicable to employment	REGNER
2013/2119(INI) A7-0055/2014 T7-0051/2014	29th Annual Report on monitoring the application of EU law (2011)	LICHENBERGER
2013/2122(INI) A7-0311/2013 T7-0436/2013	Misleading advertisement practices	BALDASSARRE
2013/2130(INI) A7-0120/2014 T7-0249/2014	Implementation of the Treaty of Lisbon with respect to the European Parliament	LICHENBERGER
2013/2180(INI) A7-0057/2014 T7-0232/2014	Preparing for a fully converged audiovisual world	CASTEX
2013/2116(INI) A7-0474/2013 T7-0063/2014	The implementation of the Unfair Commercial Practices Directive 2005/29/EC	BALDASSARRE
2013/2114(INI) A7-0114/2014 T7-0179/2014	Private copying levies	CASTEX
2013/2117(INI) A7-0442/2013 T7-0064/2014	The EU Justice Scoreboard - civil and administrative justice in the Member States	ZWIEFKA
2014/2006(INI) A7-0122/2014 T7-0231/2014	Evaluation of justice in relation to criminal justice and the rule of law	ZWIEFKA

OPINIONS

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2003/0132A(NLE) A7-0356/2011 T7-0478/2011	Athens Convention on carriage of passengers and their luggage by sea - excluding Articles 10 and 11	LEHNE
2004/0148(COD) <i>Awaiting committee decision</i>	Special conditions for trade with those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control <i>Opinion on legal base</i>	LECHNER
2008/0196(COD) A7-0038/2011 T7-0293/2011	Consumer rights	WALLIS
2008/0090(COD) A7-0426/2011 T7-0580/2011	Public access to European Parliament, Council and Commission documents	LICHTENBERGER
2008/0238(COD) A7-0106/2010 T7-0181/2010	Standards of quality and safety of human organs intended for transplantation	WIKSTRÖM
2008/0193(COD) A7-0032/2010 T7-0373/2010	Improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding <i>Opinion on legal base</i>	LECHNER
2009/0106(CNS) A7-0016/2010 T7-0034/2010	Investment projects in energy infrastructure within the European Community <i>Opinion on legal base</i>	LECHNER
2009/0055(CNS) <i>Procedure lapsed or withdrawn</i>	Specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban <i>Opinion on legal base</i>	BERLINGUER
2009/0064(COD) A7-0171/2010 T7-0393/2010	Alternative investment fund managers	REGNER
2009/0025(COD) <i>Procedure lapsed or withdrawn</i>	Long stay visas and alerts in the Schengen Information System	BORYS
2009/0127(COD) A7-0063/2012 T7-0104/2012	European Refugee Fund for the period 2008 to 2013 <i>Opinion on legal base</i>	LECHNER
2009/0009(CNS) A7-0065/2010 T7-0092/2010	Common system of value added tax as regards the rules on invoicing	THEIN
2009/0153(COD) A7-0184/2010 T7-0423/2010	Use of alien and locally absent species in aquaculture <i>Opinion on legal base</i>	LECHNER

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2009/0028(COD) A7-0015/2010 T7-0049/2010	Movement of persons with a long-stay visa	WIKSTRÖM
2009/0028(COD) A7-0015/2010 T7-0049/2010	Movement of persons with a long-stay visa <i>Opinion on legal base</i>	LECHNER
2009/0076(COD) A7-0336/2011 T7-0010/2012	The placing on the market and use of biocidal products <i>Opinion on legal base</i>	LECHNER
2009/0096(COD) A7-0050/2009 T7-0106/2009	European Microfinance Facility for Employment and Social Inclusion (Progress)	CASTEX
2009/0101(CNS) <i>Procedure lapsed or withdrawn</i>	Right to interpretation and to translation in criminal proceedings	WIELAND
2009/0099(COD) A7-0205/2010 T7-0274/2010	Capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies	LEHNE
2009/0143(COD) A7-0170/2010 T7-0334/2010	European Insurance and Occupational Pensions Authority	CASTEX
2009/0142(COD) A7-0166/2010 T7-0337/2010	European Banking Authority	LEHNE
2009/0132(COD) A7-0102/2010 T7-0227/2010	Securities to be offered to the public and harmonisation of transparency requirements (amendment of Directives 2003/71/EC and 2004/109/EC)	BODU
2009/0161(COD) A7-0163/2010 T7-0336/2010	Powers of the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority (amendment of Directives 1998/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC, and 2009/65/EC)	KARIM
2009/0089(COD) A7-0241/2011 T7-0304/2011	Agency for the management of large scale IT systems in the area of freedom, security and justice <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2009/0110(COD) A7-0030/2010 T7-0124/2010	Community guidelines for the development of the trans-European transport network (recast)	GERINGER DE OEDENBERG
2009/0130(CNS) <i>Procedure lapsed or withdrawn</i>	Requests for comparisons with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes	MASIP HIDALGO
2009/0144(COD) A7-0169/2010 T7-0339/2010	European Securities and Markets Authority	BALDASSARRE

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2009/0140(COD) A7-0168/2010 T7-0335/2010	Macro-prudential oversight of the financial system and establishment of a European Systemic Risk Board	REGNER
2010/0312(NLE) A7-0215/2013 T7-0260/2013	Establishment of an evaluation mechanism to verify application of the Schengen <i>acquis</i> <i>Opinion on legal base</i>	VOSS
2010/0210(COD) A7-0428/2013 T7-0072/2014	Conditions of entry and residence of third-country nationals for the purposes of seasonal employment <i>Opinion on legal base</i>	MAŠTÁLKA
2010/0209(COD) A7-0170/2014 T7-0369/2014	Conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer <i>Opinion on legal base</i>	MAŠTÁLKA
2010/0392(NLE) <i>Act adopted by Council on 15.12.2011</i>	Access by fishing vessels flying the flag of Venezuela to the exclusive economic zone off the coast of the French department of Guyana <i>Opinion on legal base</i>	MAŠTÁLKA
2010/0256(COD) A7-0321/2011 T7-0035/2013	Specific measures for agriculture in the outermost regions of the Union <i>Opinion on legal base</i>	MAŠTÁLKA
2010/0306(NLE) A7-0214/2011 T7-0295/2011	Spent fuel and radioactive waste	GERINGER DE OEDENBERG
2010/0160(COD) A7-0340/2010 T7-0478/2010	Credit rating agencies	LEHNE
2010/0199(COD) A7-0167/2011 T7-0313/2011	Investor-compensation schemes	BODU
2010/0199(COD) A7-0167/2011 T7-0313/2011	Investor-compensation schemes <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0215(COD) A7-0408/2011 T7-0551/2011	Right to information in criminal proceedings	ALBRECHT
2010/0232(COD) A7-0097/2011 T7-0311/2011	Supplementary supervision of financial entities in a financial conglomerate	BODU
2010/0251(COD) A7-0055/2011 T7-0486/2011	Short selling and certain aspects of credit default swaps	LEHNE
2010/0250(COD) A7-0223/2011 T7-0106/2012	Derivatives, central counterparties and trade repositories	BOWLES

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2010/0039(COD) A7-0278/2011 T7-0344/2011	Amendment of Council Regulation (EC) No 2007/2004 establishing European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0279(COD) A7-0182/2011 T7-0423/2011	Enforcement measures to correct excessive macroeconomic imbalances in the euro area <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0278(COD) A7-0180/2011 T7-0422/2011	Budgetary surveillance in euro area <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0276(CNS) A7-0179/2011 T7-0425/2011	Implementation of excessive deficit procedure <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0280(COD) A7-0178/2011 T7-0421/2011	Surveillance of budgetary positions and surveillance and coordination of economic policies <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0278(NLE) A7-0180/2011 T7-0422/2011	Requirements for budgetary frameworks of the Member States <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0208(COD) A7-0170/2011 T7-0314/2011	Possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0257(COD) A7-0163/2011 T7-0508/2011	Programme to support the further development of an integrated maritime policy <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0281(COD) A7-0183/2011 T7-0424/2011	Prevention and correction of macroeconomic imbalances <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0326(COD) A7-0031/2012 T7-0036/2012	Vaccination against bluetongue <i>Opinion on legal base</i>	GERINGER DE OEDENBERG
2010/0802(COD) A7-0435/2011 T7-0560/2011	European Protection Order <i>Opinion on legal base</i>	LICHTENBERGER
2010/0097(CNS) A7-0057/2011 T7-0135/2011	Imports from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods <i>Opinion on legal base</i>	LICHTENBERGER
2010/0220(NLE) A7-0324/2010 T7-0424/2010	State aid to facilitate the closure of uncompetitive coal mines <i>Opinion on legal base</i>	LICHTENBERGER
2010/0065(CNS) A7-0348/2010 T7-0471/2010	Trafficking in human beings <i>Opinion on legal base</i>	LICHTENBERGER

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/0006(COD) A7-0077/2012 T7-0189/2014	Amendment of Directives 2003/71/EC and 2009/138/EC in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority	STOYANOV
2011/0062(COD) A7-0202/2012 T7-0541/2013	Credit agreements relating to residential property	THEIN
2011/0167(NLE) A7-0204/2012 T7-0287/2012	Anti-Counterfeiting Trade Agreement between the EU and its Member States, Australia, Canada, Japan, the Republic of Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the USA	REGNER
2011/0177(APP) A7-0313/2012 T7-0360/2012	Multiannual financial framework for the years 2014-2020	ROTH-BEHRENDT
2011/0154(COD) A7-0228/2013 T7-0340/2013	The right of access to a lawyer in criminal proceedings and the right to communicate upon arrest	ALBRECHT
2011/0129(COD) A7-0244/2012 T7-0327/2012	Minimum standards on the rights, support and protection of victims of crime	LÓPEZ-ISTÚRIZ WHITE
2011/2116(INI) A7-0432/2011 T7-0071/2012	The Statute for a European cooperative society with regard to the involvement of employees	REGNER
2011/0297(COD) A7-0344/2012 T7-0057/2014	Criminal sanctions for insider dealing and market manipulation	THEIN
2011/0295(COD) A7-0347/2012 T7-0342/2013	Insider dealing and market manipulation (market abuse)	THEIN
2011/0340(COD) A7-0214/2012 T7-0005/2014	Consumer programme 2014-2020	WIKSTRÖM
2011/0360(COD) A7-0220/2012 T7-0013/2013	Amendment of Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings of collective investment in transferable securities (UCITS) and Directive 2011/61/EU on Alternative Investment Funds Managers in respect of the excessive reliance on credit ratings	BODU
2011/0361(COD) A7-0221/2012 T7-0012/2013	Amendment of the Regulation (EC) No 1060/2009 on credit rating agencies	WIKSTRÖM
2011/0344(COD) A7-0397/2013 T7-0520/2013	Establishing the Rights and Citizenship Programme 2014 - 2020	LEHNE
2011/0309(COD) A7-0121/2013 T7-0200/2013	Safety of offshore oil and gas prospection, exploration and production activities	LICHTENBERGER

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/0400(NLE) A7-0407/2012 T7-0469/2013	Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing Horizon 2020 – The Framework Programme for Research and Innovation	BORYS
2011/0402(CNS) A7-0002/2013 T7-0504/2013	Specific Programme Implementing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)	BORYS
2011/0374(COD) A7-0236/2012 T7-0065/2013	Online dispute resolution for consumer disputes (Regulation on consumer ODR)	BERLINGUER
2011/0384(COD) A7-0403/2012 T7-0502/2013	Amendment of Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology	MÉSZÁROS
2011/0387(COD) A7-0422/2012 T7-0501/2013	Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe	MÉSZÁROS
2011/0401(COD) A7-0427/2012 T7-0499/2013	Establishment of Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)	BORYS
2011/2313(INI) A7-0262/2012 T7-0324/2012	Online distribution of audiovisual works in the EU	BORYS
2011/0417(COD) A7-0193/2012 T7-0071/2013	European Venture Capital Funds	STOYANOV
2011/0418(COD) A7-0194/2012 T7-0072/2013	European Social Entrepreneurship Funds	STOYANOV
2011/0432(CNS) A7-0288/2012 T7-0394/2012	Consular protection for citizens of the Union abroad	ZWIEFKA
2011/0430(COD) A7-0404/2012 T7-0275/2013	Amendment of Directive 2003/98/EC on re-use of public sector information	GALLO
2011/0437(COD) A7-0030/2013 T7-0024/2014	Award of concession contracts	BALDASSARRE
2011/0438(COD) A7-0007/2013 T7-0025/2014	Public procurement	GARGANI
2011/0439(COD) A7-0034/2013 T7-0026/2014	Procurement by entities operating in the water, energy, transport and postal services sectors	GARGANI
2011/0177(APP) A7-0313/2012 T7-0360/2012	Interim report in the interests of achieving a positive outcome of the Multiannual Financial Framework 2014-2020 approval procedure (2011/0177(APP))	ROTH-BEHRENDT

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2011/0269(COD) A7-0005/2013 T7-0572/2013	European Globalisation Adjustment Fund (2014-2020)	LICHTENBERGER
2011/0272(COD) A7-0309/2013 T7-0487/2013	Amendment of regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and implementation of such groupings	VOSS
2011/0051(COD) A7-0206/2013 T7-0264/2013	Amendment of Schengen border code and Convention Implementing the Schengen Agreement <i>Opinion on legal base</i>	VOSS
2011/0363(NLE) A7-0119/2013 T7-0471/2013	Nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia <i>Opinion on legal base</i>	SPERONI
2011/0373(COD) A7-0280/2012 T7-0066/2013	Alternative dispute resolution for consumer disputes and amending regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)	BUSOI
2011/0373(COD) A7-0280/2012 T7-0066/2013	Alternative dispute resolution for consumer disputes and amending regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) <i>Opinion on legal base</i>	LICHTENBERGER
2011/0254(NLE) A7-0303/2013 T7-0452/2013	Basic safety standards for protection against the dangers arising from exposure to ionising radiation <i>Opinion on legal base</i>	VOSS
2011/0380(COD) A7-0282/2013 T7-0443/2014	European Maritime and Fisheries Fund <i>Opinion on legal base</i>	VOSS
2011/0435(COD) A7-0038/2013 T7-0408/2013	Amendment of Directive 2005/36/EC on the recognition of professional qualifications and of Regulation ... on administrative cooperation through the Internal Market Information System <i>Opinion on legal base</i>	SPERONI
2011/0302(COD) A7-0021/2013 T7-0463/2013	Connecting Europe Facility	SPERONI
2011/0195(COD) A7-0409/2013 T7-0537/2013	Common Fisheries Policy <i>Opinion on legal base</i>	LICHTENBERGER
2011/0369(COD) A7-0396/2013 T7-0519/2013	Justice Programme for 2014-2020	BERLINGUER
2011/0282(COD) A7-0361/2013 T7-0491/2013	Support for rural development by the European Agricultural Fund for Rural Development (EAFRD)	VOSS
2011/0153(COD) A7-0419/2013 T7-0586/2013	Amendment of certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures	SZÁJER

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2011/0138(COD) A7-0139/2013 T7-0370/2013	Customs enforcement of intellectual property rights	GALLO
2011/0225(NLE) A7-0385/2013 T7-0574/2013	System for registration of carriers of radioactive materials	VOSS
2011/0262(COD) A7-0249/2012 T7-0480/2012	Implementation of the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the EU and Colombia and Peru <i>Opinion on legal base</i>	VOSS
2011/0263(COD) A7-0237/2012 T7-0477/2012	Implementation of the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the EU and Central America <i>Opinion on legal base</i>	VOSS
2011/0286(COD) A7-0163/2012 T7-0288/2012	Amendment of Council regulation (EC) No 73/2009 as regards the application of direct payments to farmers in respect of the year 2013 <i>Opinion on legal base</i>	VOSS
2011/0285(COD) A7-0203/2012 T7-0316/2012	Amendment of Council regulation (EC) No 1234/2007 as regards the regime of the single payment scheme and support to vine-growers <i>Opinion on legal base</i>	LEHNE
2011/0436(APP) A7-0424/2012 T7-0462/2013	Establishing programme "Europe for citizens" for the period 2014-2020 <i>Opinion on legal base</i>	LEHNE
2011/0058(CNS) A7-0080/2012 T7-0135/2012	Common Consolidated Corporate tax Base (CCCTB) <i>Opinion on legal base</i>	MAŠTÁLKA
2011/0400(NLE) A7-0407/2012 T7-0469/2013	Research and Training Programme of the European Atomic Energy Community (014-2020) complementing Horizon 2020 - the Framework Programme for research and Innovation	BORYS
2012/0341A(COD) A7-0026/2013 P7_TA(2013)0509	Establishment of an action programme for customs in the European Union for the period 2014-2020 (CUSTOMS) and repeal of Decision No 624/2007/EC	VOSS
2012/0011(COD) A7-0402/2013 T7-0212/2014	Protection of individuals with regard to the processing of personal data, and the free movement of such data (General Data Protection Regulation)	GALLO
2012/0010(COD) A7-0403/2013 T7-0219/2014	Protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (Directive)	VOSS
2012/0060(COD) A7-0454/2013 T7-0027/2014	Access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries	BALDASSARRE

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2012/0150(COD) A7-0196/2013 T7-0354/2014	Framework for the recovery and resolution of credit institutions and investment firms and amendment of Council Directives 77/91/EEC and 82/891/EC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EC and Regulation (EU) No 1093/2010	STOYANOV
2012/0146(COD) A7-0365/2013 T7-0282/2014	Electronic identification and trust services for electronic transactions in the internal market	MÉSZÁROS
2012/2170(DEC) A7-0090/2013 T7-0127/2013	2011 discharge: EU general budget, Court of Justice	LICHENBERGER
2012/0193(COD) A7-0251/2014 T7-0427/2014	Fight against fraud to the Union's financial interests by means of criminal law	ZWIEFKA
2012/0193(COD) A7-0251/2014 T7-0427/2014	Fight against fraud to the Union's financial interests by means of criminal law <i>Opinion on legal base</i>	LICHENBERGER
2012/0237(COD) A7-0140/2013 T7-0421/2014	Statute and funding of European political parties and European political foundations	BERLINGUER
2012/0061(COD) A7-0249/2013 T7-0415/2014	Enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services	LEHNE
2012/0299(COD) A7-0340/2013 T7-0488/2013	Gender balance among non-executive directors of companies listed on stock exchanges	REGNER
2012/0364(COD) A7-0315/2013 T7-0245/2014	Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020	STOYANOV
2012/0364(COD) A7-0315/2013 T7-0245/2014	Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020	STOYANOV
2012/0061(COD) A7-0249/2013 T7-0415/2014	Enforcement of directive 96/71/EC concerning the posting of workers in the framework of the provision of services	LEHNE
2012/0074(NLE) A7-0033/2013 T7-0068/2013	Health protection: Radioactive substances in water intended for human consumption <i>Opinion on legal base</i>	LICHENBERGER
2012/0180(COD) A7-0281/2013 T7-0056/2014	Collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market <i>Opinion on legal base</i>	VOSS
2012/0066(COD) A7-0131/2013 T7-0417/2013	Amendment of directive 2006/66/EC (placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools) <i>Opinion on legal base</i>	SPERONI

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2012/0066(COD) A7-0131/2013 T7-0417/2013	Amendment of directive 2006/66/EC (placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools) <i>Opinion on delegation of legislative powers</i>	STOYANOV
2012/0366(COD) A7-0276/2013 T7-0160/2014	Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products	LEHNE
2012/0366(COD) A7-0276/2013 T7-0160/2014	Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products <i>Opinion on legal base</i>	REGNER
2012/0366(COD) A7-0276/2013 T7-0160/2014	Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products <i>Opinion on delegation on legislative powers</i>	STOYANOV
2012/0035(COD) A7-0015/2013 T7-0039/2013	Transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of public health insurance systems <i>Opinion on legal base</i>	SPERONI
2013/0005(NLE) A7-0342/2013 T7-0479/2013	Agreement between the European Union and the Russian Federation on drug precursors	ZBIGNIEW
2013/2017(BUD) <i>Procedure lapsed or withdrawn</i>	2014 Budget - Mandate for the Trilogue	LICHENBERGER
2013/0185(COD) A7-0089/2014 T7-0451/2014	Rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the EU	RAPKAY
2013/0049(COD) A7-0355/2013 T7-0383/2014	Consumer product safety	MAŠTÁLKA
2013/0340(NLE) A7-0252/2014 T7-0274/2014	Amendment to Council Directive 2009/71/EURATOM of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations	REGNER
2013/0141(COD) A7-0147/2014 T7-0382/2014	Protective measures against pests of plants <i>Opinion on legal base</i>	REGNER
2013/0136(COD) A7-0129/2014 T7-0381/2014	Animal health <i>Opinion on legal base</i>	REGNER
2013/0202(COD) A7-0072/2014 T7-0435/2014	Enhanced cooperation between Public Employment Services (PES) <i>Opinion on legal base</i>	REGNER

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2013/0240(NLE) A7-0105/2014 T7-0373/2014	Innovative Medicines Initiative 2 Joint Undertaking	VOSS
2013/0255(APP) A7-0141/2014 T7-0234/2014	European Public Prosecutor's office	REGNER
2013/0408(COD) <i>Awaiting committee decision</i>	Procedural safeguards for children suspected or accused in criminal proceedings	THEIN
2013/0409(COD) <i>Awaiting committee decision</i>	Legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings	ZBIGNIEW
2013/0400(CNS) A7-0243/2014 T7-0275/2014	Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States	GERINGER DE OEDENBERG
2013/0139(COD) A7-0398/2013 T7-0356/2014	Payment accounts	STOYANOV
2013/0280(CNS) A7-0405/2013 T7-0582/2013	Amending Directives 2006/112/EC and 2008/118/EC as regards the French outermost regions and Mayotte in particular <i>Opinion on legal base</i>	VOSS
2013/0191(COD) A7-0425/2013 T7-0591/2013	Amending regulations in the fields of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union <i>Opinion on legal base</i>	VOSS
2013/0192(COD) A7-0399/2013 T7-0589/2013	Amending Directives in the fields of environment, agriculture, social policy and public health by reason of the change of status of Mayotte with regard to the Union <i>Opinion on legal base</i>	VOSS
2013/0189(NLE) A7-0414/2013 T7-0583/2013	Amendment to Council directive 2010/18/EU because of the change in status of Mayotte <i>Opinion on legal base</i>	VOSS
2013/0088(COD) A7-0031/2014 T7-0118/2014	Community trade mark Opinion on delegation of legislative powers	MAŠTÁLKA
2013/0185(COD) A7-0089/2014 T7-0451/2014	Rules governing actions for damages under national law for infringements of the competition law provisions of the Member states and of the EU	RAPKAY
2013/0273(NLE) <i>Awaiting committee decision</i>	Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the participation, as a contracting party, of the Republic of Croatia, following its accession to the EU	REGNER
2013/0407(COD) <i>Awaiting committee decision</i>	Strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings	THEIN

Procedure no. A7 = tabled text P7 = adopted text	Title	Rapporteur
2013/0309(COD) A7-0190/2014 T7-0281/2014	European single market for electronic communications	GALLO
2013/0253(COD) A7-0478/2013 T7-0341/2014	Uniform rules and procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund	STOYANOV
2013/0256(COD) <i>Awaiting committee decision</i>	EU Agency for Criminal Justice Cooperation (Eurojust)	BERLINGUER
2013/0255(APP) A7-0141/2014 T7-0234/2014	European Public Prosecutor's Office	REGNER
2013/0264(COD) A7-0169/2014 T7-0280/2014	Payment services in the internal market	STOYANOV
2013/0024(COD) A7-0140/2014 T7-0190/2014	Information accompanying transfers of funds	ZWIEFKA
2013/0025(COD) A7-0150/2014 T7-0191/2014	Prevention of the use of the financial system for the purpose of money laundering and terrorist financing	LÓPEZ-ISTÚRIZ WHITE
2014/0002(COD) <i>Awaiting committee decision</i>	European network of Employment services workers' access to mobility services and the further integration of labour markets	CASTEX
2014/0124(COD) <i>Awaiting committee decision</i>	Establishment of a European Platform to enhance cooperation in the prevention and deterrence of undeclared work	<i>Awaiting 8th legislative term for appointment</i>

ANNEX III - Codifications

CODIFICATIONS AND RECASTS

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
00003	CODIFICATION Marketing of seed potatoes COM(2009)0299 - 2009/0080(COD)	16.07.2009	07.10.2009	Replaced by a recast	
00075	CODIFICATION: Protection of workers from the risks related to exposure to asbestos at work COM(2009)0071 - 2006/0222(COD)	09.03.2009 07.10.2009	28.04.2009	06.10.2009 Geringer	20.10.2009
00076	CODIFICATION: Pure-bred breeding animals of the bovine species COM(2009)0235 - 2006/0250(CNS)	14.07.2009	09.07.2009	06.10.2009 Geringer	20.10.2009
00087	CODIFICATION : Appliances burning gaseous fuels COM(2007)0633 - 2007/0225(COD)	13.11.2007	26.06.2009	06.10.2009 Geringer	20.10.2009
00130	CODIFICATION : Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States COM(2008)0691 - 2008/0206(CNS)	20.11.2008 19.10.2009	31.08.2009	Replaced by a recast: 2010/0387(CNS)	
00131	CODIFICATION : Combat African horse sickness COM(2008)0697 - 2008/0204(COD)	15.12.2008	04.03.2009	Replaced by a recast	
00132	CODIFICATION : List of the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement COM(2008)0761 - 2008/0225(COD)	09.03.2009	04.03.2009	Replaced by a recast	

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
00136	RECAST : Restriction of the use of certain hazardous substances in electrical and electronic equipment COM(2008)0809 - 2008/0240(COD)	12.03.2009	26.03.2009	10.11.2009 Geringer	24.11.2010
00138	RECAST : Waste electrical and electronic equipment (WEEE) COM(2008)0810 - C6-0472/2008 - 2008/0241(COD)	13.01.2009	04.03.2009	31.03.2009 Geringer	19.01.2012
00165	CODIFICATION : A uniform format for visas COM(2008)0891 - 2008/0265(COD)	03.02.2009	Proposal withdrawn by the Commission 30.07.2011		
00166	CODIFICATION : Principles governing the organisation of veterinary checks on animals entering the Community from third countries COM(2008)0873 - 2008/0253(COD)	03.02.2009	28.04.2009	06.10.2009 Geringer	20.10.2009
00274	CODIFICATION : Setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community COM(2009)0125 - 2009/0040(CNS)	14.07.2009	04.05.2009	06.10.2009 06.10.2010 Geringer	20.10.2009
00276	CODIFICATION : Conservation of wild birds COM(2009)0129 - 2009/0043(COD)	24.03.2009	04.06.2009	06.10.2009 Geringer	20.10.2009
00291	RECAST : Combating late payment in commercial transactions COM(2009)0126 - 2009/0054(COD)	14.09.2009	07.05.2009	17.05.2010 Geringer	20.10.2009
00293	CODIFICATION : Audiovisual Media Services Directive COM(2009)0185 - 2009/0056(COD)	14.07.2009	22.06.2009	06.10.2009 Geringer	20.10.2009

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
00299	CODIFICATION : General rules for the granting of Community financial aid in the field of trans-European networks COM(2009)0113 - 2009/0037(COD)	14.07.2009	12.10.2009 04.11.2009	10.11.2009 Geringer	24.11.2009
00306	CODIFICATION : Animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and eggs for hatching COM(2009)0227 - 2009/0067(CNS)	14.07.2009	09.07.2009	06.10.2009 Geringer	20.10.2009
00354	CODIFICATION : Introduction of the euro COM(2009)0323 - 2009/0083(CNS)			PE not consulted by Council	/
	CODIFICATION : Protection against dumped imports from countries not members of the European Community COM(2009)0168 - 2009/0052(CNS)		16.06.2009	PE not consulted by Council	/
00734	RECAST : Guidelines for the development of the trans-European transport network COM(2009)0391 - 2009/0110(COD)	14.09.2009	24.09.2009	10.11.2009 Geringer	05.05.2010
0773	RECAST : Administrative cooperation and combating fraud in the field of value added tax COM(2009)0427 - 2009/0118(CNS)	07.10.2009	07.10.2009	10.11.2009 Geringer	05.05.2010
00846	CODIFICATION : Uniform procedures for checks on the transport of dangerous goods by road COM(2009)0446 - 2009/0123(COD)	14.09.2009		Replaced by a recast	

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
01144	RECAST : Establishment of 'EURODAC' for the comparison of fingerprints for the effective application of Regulation (EU) No [...] (establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person) and to request comparisons with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice COM(2009)0342 - 2008/0242(COD)	07.10.2009 19.10.2010	12.10.2009 18.07.2012	10.11.2009 Geringer	12.06.2013
01269	CODIFICATION : Statistical returns in respect of the carriage of goods by road COM(2009)0530 - 2009/0149(COD)	22.10.2009		Replaced by a recast 2010/0258(COD)	/
01338	CODIFICATION : Waste statistics COM(2009)0535 - 2009/0151(COD)	22.10.2009	21.06.2010 Negative opinion	Replaced by a recast	
01360	CODIFICATION : Radio interference (electromagnetic compatibility) of vehicles COM(2009)0546 - 2009/0154(COD)	24.11.2009		Replaced by a recast	
01413	RECAST : Common procedures for granting and withdrawing international protection COM(2009)0554 - 2009/0165(COD)	12.11.2009	23.11.2009	28.01.2010 Geringer	12.06.2013
01496	RECAST : Minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted COM(2009)0551 - 2009/0164(COD)	12.11.2009	23.11.2009	28.01.2010 Geringer	27.10.2011

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
01647	CODIFICATION : Common rules for the allocation of slots at Community airports COM(2009)0634 - 2009/0176(COD)	24.11.2009	13.07.2010 Negative opinion	Withdrawn	
02789	CODIFICATION : Procedure for the provision of information in the field of technical regulations and of rules on Information Society services COM(2010)0179 - 2010/0095(COD)		07.07.2010	Replaced by a recast	
	CODIFICATION : Amended proposal for a Directive of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (COM(2013)0932 - C7-0006/2014 - 2010/0095(COD))	13.01.2014	28.02.2014	20.03.2014	15.04.2014
02811	RECAST : Maximum permitted levels of radioactive contamination of foodstuffs and of feeding stuffs following a nuclear accident or any other case of radiological emergency COM(2010)0184 - 2010/0098(CNS)	15.06.2010	08.06.2010	23.06.2010 Geringer	15.02.2011
02875	CODIFICATION : Freedom of movement for workers within the Union COM(2010)0204 - 2010/0110(COD)	19.05.2010	08.06.2010	23.06.2010 Geringer	07.09.2010
03243	RECAST : Revision of the Financial Regulation applicable to the general budget of the European Union COM(2010)0260 - 2010/0154(COD)	07.09.2010		Replaced by procedure 2010/0395(COD)	
03375	RECAST : Marketing of material for the vegetative propagation of the vine COM(2010)0359 - 2010/0194(COD)	08.07.2010	29.09.2010	Withdrawn	

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
03636	CODIFICATION : Mergers of public limited liability companies COM(2010)0391 - 2008/0009(COD)	07.09.2010	12.10.2010	02.12.2010 MAŠTÁLKA	18.01.2011
03637	CODIFICATION : Public limited liability companies: coordination of safeguards in respect of their formation and the maintenance and alteration of their capital COM(2010)0388 - 2008/0173(COD)	07.09.2010	12.10.2010	Replaced by a recast 2011/0011(COD)	
03844	RECAST : Establishing a single European railway area COM(2010)0475 - 2010/0253(COD)	23.09.2010	15.11.2010	24.05.2011	16.11.2011
03909	CODIFICATION : Indications or marks identifying the lot to which a foodstuff belongs COM(2010)0506 - 2010/0259(COD)	07.10.2010	15.11.2010	22.03.2011 Karim	11.05.2011
03912	CODIFICATION : Approximation of the laws of the Member States relating to units of measurement COM(2010)0507 - 2010/0260(COD)	07.10.2010	15.11.2010	22.03.2011 Karim	11.05.2011
03916	RECAST : Statistical returns in respect of the carriage of goods by road COM(2010)0505 - 2010/0258(COD)	07.10.2010	02.12.2010	12.04.2011 Karim	01.12.2011
03918	CODIFICATION : Permissible sound level and the exhaust system of motor vehicles COM(2010)0508 - 2010/0261(COD)	07.10.2010	15.11.2010	22.03.2011 Karim	11.05.2011
04086	CODIFICATION : Rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors COM(2010)0510 - 2010/0264(COD)	07.10.2010	15.11.2010	22.03.2011 Karim	11.05.2011

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
04392	CODIFICATION : Roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors COM(2010)0610 - 2010/0302(COD)	10.11.2010	03.01.2011	22.03.2011 Karim	11.05.2011
04456	CODIFICATION : Establishing a system for the identification and registration of ovine and caprine animals COM(2010)0635 - 2010/0309(COD)	23.11.2010	08.06.2011		
04743	CODIFICATION : Denominations and technical specifications of euro coins intended for circulation COM(2010)0691 - 2010/0338(NLE)	03.02.2011	19.01.2011	22.03.2011 Karim	11.05.2011
04783	CODIFICATION : Structure and rates of excise duty applied to manufactured tobacco COM(2010)0641 - 2007/0206(CNS)	13.12.2010	03.01.2011	22.03.2011 Karim	11.05.2011
04798	CODIFICATION : Installation, location, operation and identification of the controls of wheeled agricultural or forestry tractors COM(2010)0717 - 2010/0348(COD)	18.01.2011	19.01.2011	22.03.2011 Karim	11.05.2011
04861	CODIFICATION : Braking devices of wheeled agricultural or forestry tractors COM(2010)0729 - 2010/0349(COD)	16.12.2010	19.01.2011	22.03.2011 Karim	11.05.2011
04883	CODIFICATION : Operating space, access to the driving position and the doors and windows of wheeled agricultural or forestry tractors COM(2010)0746 - 2010/0358(COD)	16.12.2010	19.01.2011	22.03.2011 Karim	11.05.2011

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
04888	RECAST : Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters COM(2010)0748 - 2010/0383(COD)	18.01.2011	08.03.2011	Zwiefka	10.12.2012
05219	RECAST : Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States COM(2010)0784 - 2010/0387(CNS)	03.02.2011	03.02.2011	22.03.2011 Karim	26.10.2011
05268	RECAST : Coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty on the Functioning of the European Union, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent COM(2011)0029 - 2011/0011(COD)	14.02.2011	05.07.2011	11.10.2011 Lehne	15.11.2011
05594	RECAST : Deposit Guarantee Schemes COM(2010)0368 - 2010/0207(COD)	07.09.2010	29.09.2010	22.03.2011 Karim	15.04.2014
05626	CODIFICATION : Relating to tyres for motor vehicles and their trailers and to their fitting COM(2011)0120 - 2011/0053(COD)	24.03.2011	18.07.2011	Lopéz-Istúriz White 11.10.2011	25.10.2011
05831	CODIFICATION : On the assessment of the effects of certain public and private projects on the environment COM(2011)0189 - 2011/0080(COD)	10.05.2011	08.06.2011	11.07.2011 Karim	13.09.2011

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
06006	RECAST Concerning the export and import of dangerous chemicals COM(2011)0245 - 2011/0105(COD)	10.05.2011	18.07.2011	López-Istúriz White 22.11.2011	10.05.2012
06228	RECAST On common procedures for granting and withdrawing international protection COM(2011)0319 - COM(2009)0554 - 2009/0165(COD)	23.06.2011	18.07.2011	López-Istúriz White 11.10.2011	12.06.2013
06230	RECAST Standards for the reception of applicants for international protection COM(2011)0320 - 2008/0244(COD)	23.06.2011	08.08.2011	López-Istúriz White 11.10.2011	12.06.2013
06474	RECAST On the methods and procedure for making available the traditional, VAT and GNI-based own-resources and on the measures to meet cash requirements COM(2011)0512 - 2011/0185(CNS)	13.09.2011	14.10.2011	López-Istúriz White 01.03.2012	16.04.2014
06509	RECAST On roaming on public mobile communications networks within the Union COM(2011)0402 - 2011/0187(COD)	13.09.2011	14.10.2011	López-Istúriz White 22.11.2011	11.06.2012
06977	RECAST On the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers COM(2011)0566 - 2011/0243(COD)	29.09.2011	14.10.2011	López-Istúriz White 22.11.2011	11.06.2012
07645	RECAST Markets in financial instruments repealing Directive 2004/39/EC of the European Parliament and of the Council COM(2011)0656 - 2011/0298(COD)	15.11.2011		López-Istúriz White 01.03.2012	15.04.2014

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
07753	RECAST : Proposal for a Council directive on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States COM(2011)0714 - 2011/0314(CNS)			López-Istúriz White 01.03.2012	11.09.2012
07933	RECAST : Harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles COM(2011)0764 - 2011/0358(COD)	30.11.2011	08.10.2012	Francesco Enrico Speroni 6.11.2012	22.05.2013
07936	RECAST : Harmonisation of the laws of the Member States relating to electromagnetic compatibility COM(2011)0765 - 2011/0351(COD)	30.11.2011		López-Istúriz White 26.04.2012	05.02.2014
07939	RECAST : Harmonisation of the laws of the Member States relating to making available on the market of non-automatic weighing instruments COM(2011)0766 - 2011/0352(COD)	30.11.2011		López-Istúriz White 26.04.2012	05.02.2014
07942	RECAST : Harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels COM(2011)0768 - 2011/0350(COD)	30.11.2011		López-Istúriz White 26.04.2012	05.02.2014
07945	RECAST : Harmonisation of the laws of the Member States relating to making available on the market of measuring instruments COM(2011)0769 - 2011/0353(COD)	30.11.2011	08.10.2012	Francesco Enrico Speroni 6.11.2012	05.02.2014
07948	RECAST : Harmonisation of the laws of the Member States relating to lifts and safety components for lifts COM(2011)0770 - 2011/0354(COD)	30.11.2011		López-Istúriz White 26.04.2012	05.02.2014

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
07951	RECAST : Harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses COM(2011)0771 - 2011/0349(COD)	30.11.2011		López-Istúriz White 26.04.2012	05.02.2014
07954	RECAST : Harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres COM(2011)0772 - 2011/0356(COD)	30.11.2011		López-Istúriz White 26.04.2012	05.02.2014
07957	RECAST : Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits COM(2011)0773 - 2011/0357(COD)	30.11.2011		López-Istúriz White 26.04.2012	05.02.2014
08025	RECAST : Allocation of slots at European Union airports COM(2011)0827 - 2011/0391(COD)			López-Istúriz White 26.04.2012	12.12.2012
08925	RECAST: Proposal for a regulation of the European Parliament and of the Council laying down the Union Customs Code COM(2012)0064 - 2012/0027(COD)	11.06.2012		López-Istúriz White 10.07.2012	11.09.2013
09447	RECAST: Migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) COM(2012)0081 - 2012/0033(NLE)	22/05/2012		Francesco Enrico Speroni 10.10.2012	21.11.2012
10174	RECAST: Protection of species of wild fauna and flora by regulating trade therein COM(2012)0403 - 2012/0196(COD)		14.10.2013	Francesco Enrico Speroni 05.11.2013	16.04.2014

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
10013	RECAST: Insurance mediation COM (2012)0360 - 2012/0175 (COD)	11.09.2012	12.09.2012	Francesco Enrico Speroni 06.11.2012	16.01.2013
08690	RECAST: Classification, packaging and labelling of dangerous preparations COM(2012)0008 - 2012/0007(COD)	02.02.2012	08.10.2012	Francesco Enrico Speroni 06.11.2012	16.01.2013
11843	RECAST: Railway safety. 4th Railway Package COM(2013)0031 - 2013/0016(COD)	07.02.2013	26.11.2013	Francesco Enrico Speroni 16.12.2013	26.02.2014
11947	RECAST: Interoperability of the rail system within the European Union. 4th Railway Package COM(2013)0030 - 2013/0015(COD)	07.02.2013	26.11.2013	Francesco Enrico Speroni 16.12.2013	26.02.2014
12351	RECAST: Conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training , voluntary service and au pairing COM(2013)0151 - 2013/0081(COD)			Francesco Enrico Speroni 17.09.2013	25.02.2014
12476	RECAST: Denominations and technical specifications of euro coins intended for circulation COM(2013)0184 - 2013/0096(NLE)			Francesco Enrico Speroni 16.12.2013	15.01.2014
12377	RECAST: Approximate the laws of the Member States relating to trade marks COM(2013)0162 - 2013/0089(COD)		17.06.2013	Francesco Enrico Speroni 05.11.2013	25.02.2014
12868	RECAST: Return of cultural objects unlawfully removed from the territory of a Member State COM(2013)0311 - 2013/0162(COD)		24.09.2013	Francesco Enrico Speroni 05.11.2013	16.04.2014

JURI/7/	Title of act	Date of announcement in Plenary	Opinion date	Date of adoption by Committee	Date of Plenary vote
13017	RECAST: Implementation of the Single European Sky COM(2013)0410 - 2013/0186(COD)		23.10.2013	Francesco Enrico Speroni 26.11.2013	12.03.2014
13233	RECAST: Harmonisation of the laws of the Member States relating to making available on the market of pressure equipment COM(2013)0471 - 2013/0221(COD)		28.11.2013	Francesco Enrico Speroni 16.12.2013	15.04.2014

ANNEX IV - Hearings

HEARINGS & WORKSHOPS



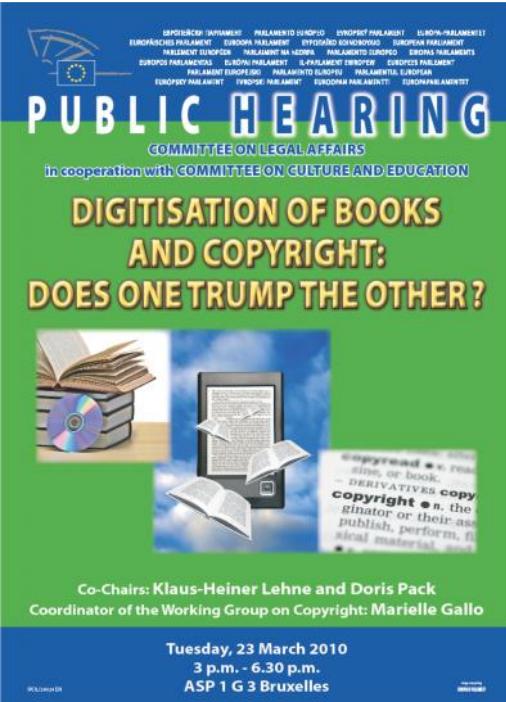
Workshop on Legal aspects of free and open source software (FOSS), in the European Parliament on 9 July 2013.
Rapporteur Eva Lichtenberger

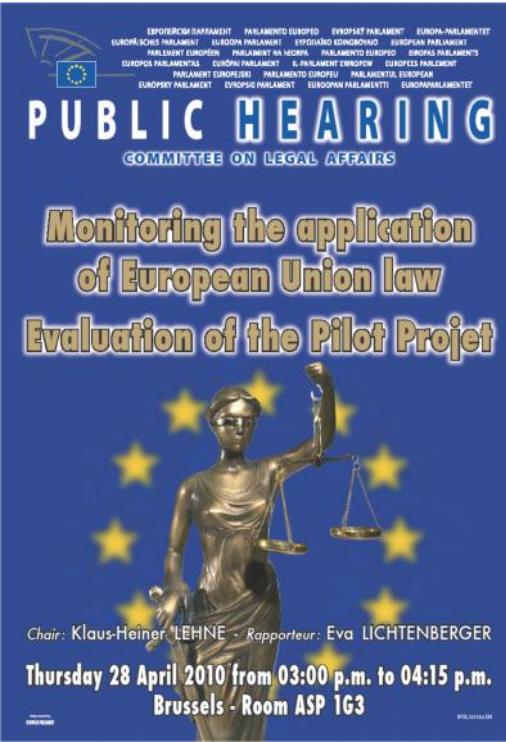


Hearing	Date	Experts	Rapporteur
2009			
Brussels I	05.10.2009	Professor Burkhard Hess, Institut für ausländisches und internationales Privat- und Wirtschaftsrecht der Ruprecht-Karls-Universität Heidelberg Professor Marie-Laure Niboyet, Université Paris X-Nanterre Professor Horatia Muir-Watt, Institut d'Etudes politiques de Paris Professor Luigi Mari, Università degli Studi di Urbino "Carlo Bo" Alexander Layton, qc of the Bar of England and Wales	Tadeusz ZWIEFKA
Workshop on copyright - tackling orphan works and improving access to works for visually impaired persons	10.11.2009	Karin Pilsäter, Chairman of the Committee on Industry and Trade, Swedish Parliament Magnus G. Graner, State Secretary, Swedish Ministry of Justice Elisabeth Niggemann, Representative of Europeana, Director General of the German National Library (Deutsche Nationalbibliothek), Member of the High Level Expert Group on European Digital Libraries (HLG) Tarja Koskinen-Olsson, Honorary President of the International Federation of Reproduction Rights Organisations (IFFRO), Member of HLG Antoine Aubert, European Copyright Policy Counsel, Google Jean-François Debarnot, Legal Director, 'Institut National de l'Audiovisuel' (INA), France Pirjo Hiidenmaa, President of the European Writers' Congress (EWC) Mihaly Ficsor, Vice- President of the Hungarian Patent Office Tilman Lueder, Head of unit 'Copyright and Knowledge-based Economy', Internal Market and Services Directorate-General, European Commission Michael Keplinger, Deputy Director General, World Intellectual Property Organisation (WIPO) Christopher Friend, Strategic Objective Leader - Accessibility,	

Hearing	Date	Experts	Rapporteur
		World Blind Union (WBU), Chair WBU Global Right to Read Campaign Francisco Martinez Calvo, Technical Advisor, Section of Culture and Sports for the Blind, Spanish National Organisation of the Blind (ONCE), Board Member of Daisy Consortium Anne Bergman-Tahon, Director of the Federation of European Publishers (FEP))	
2010			
Hearing of the Commissioner-designate Viviane Reding	12.01.2010		
Alternative Investment Funds Managers: how to regulate best?	27.01.2010	Anthony BYRNE, Deutsche Bank Global co-Head Prime Brokerage, United Kingdom Sony KAPOOR, Managing Director, Re-Define (Rethinking Development, Finance & Environment) - an International Think Tank, United Kingdom	Evelyn REGNER
Hearing on rights relating to personality, in particular in relation to defamation, in the context of private international law, particularly the Rome II Regulation	28.01.2010	Mr William BENNETT, Barrister at Law, London Prof. Michael HELLNER, Uppsala University Prof. Dr. Gerhard WAGNER, Bonn University Dr Jeremy HEYMANN, Université Paris-Est (Paris XII) M. Jean QUATREMER, Journalist at "Libération".	Diana WALLIS Tadeusz ZWIEFKA

Hearing	Date	Experts	Rapporteur
Workshop on the proposed regulation on wills and succession and national law	22.03.2010	<p>William Binchy, Barrister-at-Law, Regius Professor of Laws, School of Law, Trinity College of Dublin</p> <p>Eva Lein, Herbert Smith Senior Research Fellow in Private International Law, British Institute of International and Comparative Law</p> <p>Rembert Süß, Rechtsanwalt, Deutsches Notarinstitut (Institute of German Notaries)</p> <p>Sara Godechot-Patris, Professor of Law, Université François Rabelais de Tours</p> <p>Elisabeth Scheuba, Rechtsanwalt, Lecturer (Succession Law, Vienna University), Head of Austrian Bar Delegation to the CCBE (Council of Bar and Law Societies of Europe)</p> <p>Riitta Leppiniemi, President of the Finnish Bar Association (Suomen Asianajajaliitto)</p>	Kurt LECHNER

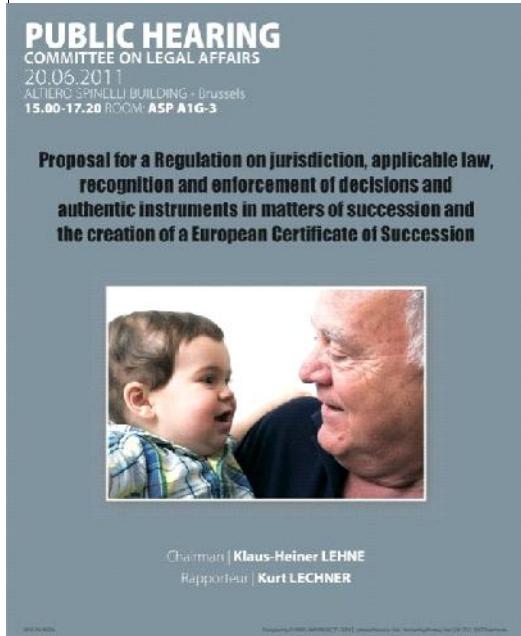
Hearing	Date	Experts	Rapporteur
Hearing on digitisation of books and copyright: does one trump the other? 	23.03.2010	Santiago de la Mora, EMEA Print Content Partnerships Director, Google Jonathan Nowell, President of Nielsen Book Bruno Galindo, Spanish writer and spoken word artist Alban Cerisier, Senior Adviser to the CEO of Gallimard, France Friederieke Nielsen, spokesperson of Books on Demand GmbH Françoise Dubruille, Director of the European Booksellers Federation and International Booksellers Federation Prof. Alain Strowel, professor at Saint-Louis University (Brussels), University of Liege and K.U. Leuven Piotr Marciszuk, President of the Polish Chamber of Books Rosa Maiello, Italian Library Association	Marielle GALLO

Hearing	Date	Experts	Rapporteur
Monitoring the application of European Union law: Evaluation of the Pilot Project 	28.04.2010	<p>Prof. Ludwig KRÄMER, former Head of Unit of Environmental Governance in DG ENVI, visiting professor at the Faculty of Law in University College, London</p> <p>Ms Marta BALLESTEROS, Director of Brussels office of ClientEarth</p>	Eva LICHTENBERGER

Hearing	Date	Experts	Rapporteur
Workshop on one or more optional instruments for European contract law	29.04.2010	Evelyne Terryn, Professor at K.U.Leuven University Jérôme Kullmann, Président Aida France, Professeur à l'Université Paris Dauphine, Directeur de l'Institut des Assurances de Paris Helmut Heiss, Professor at the University of Zurich William Vidonja, Head of Single Market & Social Affairs, CEA, Brussels Jean-Paul Coteur, Coordinateur assurances, Test-Achats, Brussels	
Workshop on an optional instrument for EU contract law	27.10.2010	Hans Schulte-Nölke, European Legal Studies Institute, University of Osnabrück Leena Linnainmaa, Director of Legal Affairs at the Central Chamber of Commerce of Finland Živa Drol-Novak, Slovenian Consumers' Organisation Thomas Klink, Judge, Regional Court of Stuttgart Martijn Hesselink, Centre for the Study of European Contract Law, University of Amsterdam Marc Frilet, Frilet Société d'Avocats Christoph Busch, European Legal Studies Institute, University of Osnabrück Martine Behar-Touchais, University of Paris Descartes, Trans Europe Experts Monika Jagielska, Judge, Court of Arbitration, Katowice Eva Lein, British Institute of International and Comparative Law	
Ensuring the independence of impact assessments	27.10.2010		Angelika NIEBLER
Workshop on civil justice: How to facilitate the life of European families and citizens?	30.11.2010	Melchior Wathelet, Belgium's State Secretary for the Budget, Migration and Asylum Policy, Family Policy and Federal Cultural Institutions Katharina Boele-Woelki, Professor of Private International Law, Comparative Law and Family Law, University of Utrecht Sjef van Erp, Professor of civil law and European private law,	

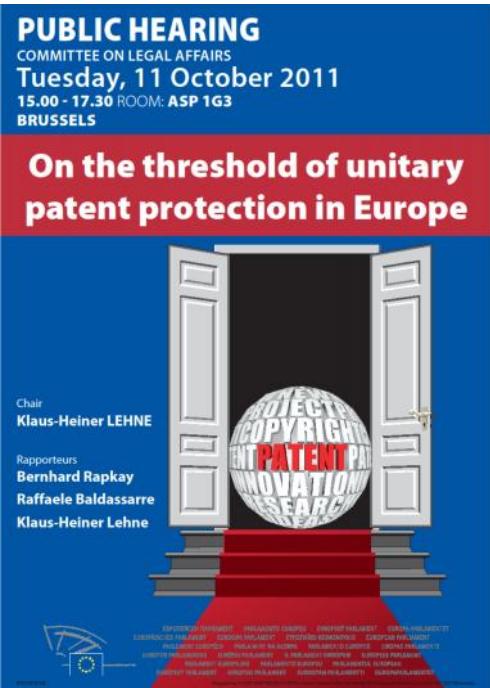
Hearing	Date	Experts	Rapporteur
		<p>Maastricht European Private Law Institute (MEPLI), Maastricht University; Deputy-Justice, Court of Appeals 's-Hertogenbosch</p> <p>Eva Becker, Lawyer, Junggeburth & Becker, Berlin</p> <p>Béatrice Weiss-Gout, Chair of the Committee on Family and Succession Law, The Council of Bars and Law Societies of Europe, lawyer at the Paris bar</p> <p>Charles Hyde QC, Barrister, Member of QEB Chambers, London</p> <p>Maria da Conceição Oliveira, Lawyer and Mediator, Council of Europe expert, Portugal</p> <p>Arcadio Díaz Tejera, Member of the Senate of Spain</p>	
2011			
Workshop on harmonisation of insolvency proceedings at EU level	22.03.2011	<p>Nora Wouters, McKenna Long & Aldridge LLP, Brussels</p> <p>Anna Maria Pukszto, Salans law firm, Warsaw</p> <p>Daniel F Fritz, Hermann Rechtsanwälte, representative Deutsche Anwaltverein</p> <p>Neil Cooper, Zolfo Cooper LLP, London and Life President of Insol Europe</p> <p>Robert van Galen, NautaDutilh, Amsterdam</p>	
Workshop on mediation in civil and commercial matters : Before and after the EU mediation directive	23.05.2011	<p>Ferenc Zombor, Deputy State Secretary, Ministry of Public Administration and Justice</p> <p>Giuseppe De Palo, President, ADR Center, Italy</p> <p>Ivan Verougstraete, former President of the Belgian Court of Cassation</p> <p>Maciej Bobrowicz, President of the National Council of Legal Advisers, President of the Polish Association of Commercial Mediation</p> <p>Christian Duve, Partner, Freshfields</p> <p>Vincent Tilman, Senior Advisor European Affairs with</p>	

Hearing	Date	Experts	Rapporteur
		<p>Eurochambres</p> <p>Andrew Leakey, Partner Stephensons Solicitors LLP</p> <p>Bojana Jovin-Hrastnik, District Court Judge and President of the Council for ADR, Ministry of Justice, Slovenia</p> <p>Augusta Iannini, Head of the Law Department, Ministry of Justice, Italy</p> <p>Margarita Garcia Tomé, Director of the Master "Mediation", Universidad Pontificia Salamanca, ES.</p> <p>Bogdan Matei, Lawyer and Mediator, Manager of Craiova Mediation Center Association, Romania</p> <p>Tsisana Shamlikashvili, President of the Scientific and Methodological Centre for Mediation and Law (Russia), Chair of Subcommittee on ADR and Mediation in the Russian Association of Lawyers.</p>	

Hearing	Date	Experts	Rapporteur
<p>Hearing on the proposal for a regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession</p>  <p>PUBLIC HEARING COMMITTEE ON LEGAL AFFAIRS 20.06.2011 ANTONIO SPINELLI BUILDING - Brussels 15.00-17.20 ROOM: ASP A1G-3</p> <p>Proposal for a Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession</p> <p>Chairman Klaus-Heiner LEHNE Rapporteur Kurt LECHNER</p> <p>CONFIDENTIAL - PUBLIC RELEASED UNDER EXEMPTION 10 (CONFIDENTIAL) - PUBLIC RELEASED UNDER EXEMPTION 10 (CONFIDENTIAL) EUROPEAN PARLIAMENT - EUROPA-PARLAMENT - EUROPÄISCHE VOLKSVEREINIGUNG - PARLAMENT EUROPÉEN - PARLAMENTO EUROPEO - EUROPEES PARLEMENT EUROPEAN PARLIAMENT - PARLAMENT OF THE EUROPEAN UNION - PARLAMENTUL EUROPEU - PARLAMENTO EUROPEO - PARLAMENTUL EUROPEU EUROPEAN PARLIAMENT - PARLAMENTUL EUROPEU - PARLAMENTO EUROPEO - PARLAMENTUL EUROPEU</p>	20.06.2011	<p>Prof. Ludwig Bittner, President of the Austrian Chamber of Civil Law Notaries</p> <p>Maître Pascal Chassaing, Notary, Paris, and chair of the working group on law of succession of the CNUE</p> <p>Patricia García Mediero, Partner, Avantia Asesoramiento Fiscal y Legal</p> <p>Richard Frimston, Solicitor and Notary Public, Partner with Russell-Cooke LLP, Chairman – STEP / AETPF EU Committee</p> <p>Daniel Lehmann, Partner in Rölf's RP Rechtsanwaltsgesellschaft, Munich, Chairman – STEP / AETPF Germany</p> <p>Beatrice Puoti-ffiske, Solicitor, Partner with Burges Salmon LLP</p>	Kurt LECHNER

Hearing	Date	Experts	Rapporteur
Hearing on Smart Regulation 	21.06.2011	Sir Stephen Laws QC, First Parliamentary Counsel, Head of the legal drafters in London and Adviser to the UK government on legislative matters Mr Artur Mi kiewicz - Legislator at the Government Legislation Centre in Poland Dr Claudio Radaelli - Professor of Political Science, University of Exeter, UK Dr Helen Xanthaki - Director of the Sir William Dale Centre for Legislative Studies at the Institute of Advanced Legal Studies in London, UK.	Sajjad KARIM

Hearing	Date	Experts	Rapporteur
Hearing on a horizontal instrument for collective redress in Europe?	12.07.2011	Gerard McDermott QC, of the Bar of England and Wales Mestre Paula Meira Lourenço, Presidente da comissão para a eficácia das execuções, Lisbon Dr Anke Sessler, Chief Counsel Litigation, Siemens AG Malcolm Carlisle, European Justice Forum	Klaus-Heiner LEHNE
Workshop on the proposal for a regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I)	04.10.2011	Professor Burkhard Hess, Institut für ausländisches und internationales Privat- und Wirtschaftsrecht der Ruprecht-Karls-Universität Heidelberg Professor Marie-Laure Niboyet, Université Paris X-Nanterre Dr Jérémie Heymann, Université Paris I - Sorbonne Professor Ilaria Pretelli, Università degli Studi di Urbino "Carlo Bo" Alexander Layton QC of the Bar of England and Wales Florian Horn, partner and attorney at law, Brauneis Klauser Prändl law firm	Tadeusz ZWIEFKA

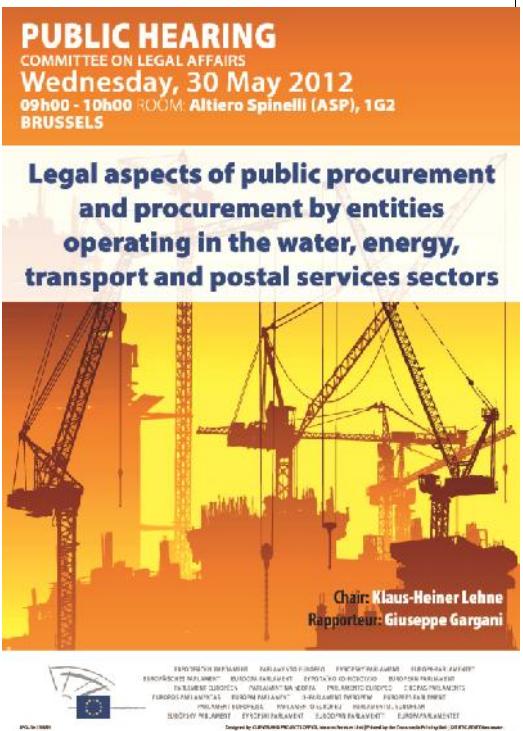
Hearing	Date	Experts	Rapporteur
<p>Hearing on "the threshold of unitary patent protection in Europe"</p> 	11.10.2011	<p>Benoît Battistelli, the President of EPO Stephen F. Jones, partner and head of the Patents Group at Baker&McKenzie LLP Judge Dr. Thomas Kühnen, the Appeals Court of Düsseldorf Pierre Véron - avocat au Barreau de Paris, professor of the Centre d'Etudes Internationales de la Propriété Industrielle de l'Université Robert Schuman de Strasbourg Prof. Bruno Van Pottelsberghe, Dean, Solvay Brussels School of Economics and Management, SBS-EM, ULB; and Bruegel Thierry Sueur, Chairman of BUSINESSEUROPE's "Patents" Working Group</p>	<p>Bernhard RAPKAY, Raffaele BALDASSARRE, Klaus-Heiner LEHNE</p>

Hearing	Date	Experts	Rapporteur
Presentation by the working group on EU Administrative law of the working document on state of play and future prospects for EU administrative law followed by a workshop.	22.11.2011	Dr. Mercedes Fuertes, Catedrática de derecho administrativo, Facultad de Derecho, Universidad de León Dr. Melanie Smith, Cardiff Law School, University of Cardiff Prof. Jacques Ziller, Università degli Studi di Pavia	Luigi BERLINGUER
2012			
Hearing on the proposal for a Common European Sales Law	01.03.2012	David Hertzell, Law Commissioner for commercial and common law Professor Hector MacQueen, Scottish Law Commissioner Professor Dr. Stefan Leible, University of Bayreuth Professor Carlo Castronovo, Università Cattolica del Sacro Cuore, Milan Tina Sommer, Chairman for International Affairs, Federation of Small Businesses, UK Dr. Marc Zgaga (German Federation of Buying and Marketing Groups), Union of Groups of Independent Retailers of Europe Marc Frilet, Frilet Société d'Avocats	Klaus-Heiner LEHNE
The European Law Institute	26.03.2012	Sir Francis Jacobs, ELI Benedicte Fauvarque-Cosson, ELI Irmgard Griss, ELI Christiane Wendehorst, ELI Tobias Schulte in den Bäumen, ELI	

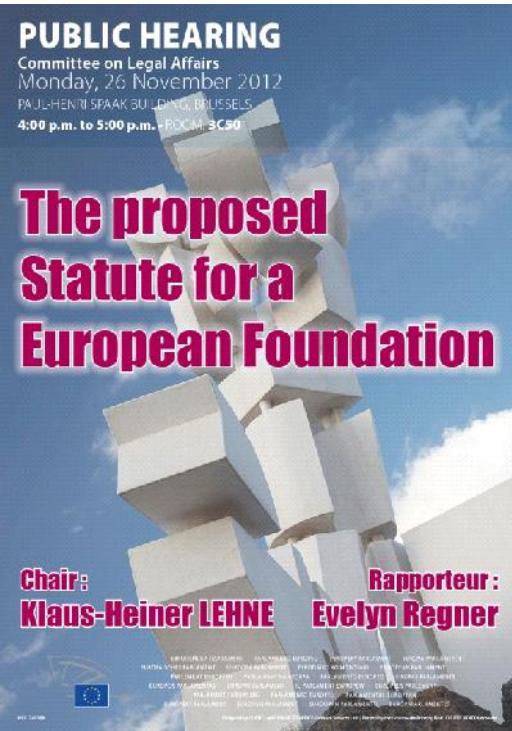
Hearing	Date	Experts	Rapporteur
Workshop on civil protection measures	27.03.2012	Nikolay Angelov, judge at the Regional Court of Plovdiv (Bulgaria) Vigintas Višinskis, judge at the Appeal Court (Lithuania) Leticia Mata Mayrand, Fundación ANAR (Spain)	Antonio LÓPEZ-ISTÚRIZ WHITE
Hearing on "Improving audit quality across the European Union"	27.03.2012	Liz Murrall, Director, Corporate Governance and Reporting, Investment Management Association, UK Philip Johnson, Chairman, Federation of European Accountants (FEE) Andrew Brown, Chairman, European Group of International Accounting Networks and Associations (EGIAN) Pr. Dr. Theo Siegert, Managing Partner of Haen Carstanjen & Söhne and member of several audit committees (Deutsche Bank AG, E.ON AG, Henkel AG & Co. KGaA and Merck KGaA) Francis Desmarchelier, Financial Affairs Director, Association Française des Entreprises Privées (AFEP)	Sajjad KARIM
The 1980 Abduction Convention	27.03.2012	Professor Louise Ellen Teitz, First Secretary, Hague Conference on Private International Law	Eva LICHTENBERGER

Hearing	Date	Experts	Rapporteur
<p>Workshop on Smart Regulation and EU Administrative Law : Making the Union more accessible to citizens</p> 	25.04.2012	<p>Vibeke Pasternak Jørgensen, Head of EU law Unit, Danish Ministry of Foreign Affairs</p> <p>Pascale Berteloot, Head of Unit "Legal and documentary issues, consolidation and copyright", Publications Office of the European Union</p> <p>William Robinson, Former legal reviser at the Commission, now at the Sir William Dale Centre for Legislative Studies at the Institute of Advanced Legal Studies in London</p> <p>Paul Mollerup, Member of the High Level Group of Independent Stakeholders on Administrative Burdens ('Stoiber Group')</p> <p>Dr Stine Andersen, Academic and legal advisor to the Danish government</p> <p>Marta Ballesteros, ClientEarth, Law firm</p> <p>Prof Linda Senden, Utrecht University</p> <p>Prof Bernardo Giorgio Mattarella, Scuola superiore della pubblica amministrazione, Rome</p> <p>Prof emeritus Hans Ragnemalm, Former EUCJ Judge, Chief Justice of the Supreme Administrative Court of Sweden and Swedish Parliamentary Ombudsman</p>	Luigi BERLINGUER, Sajjad KARIM, Eva LICHTENBERGER

Hearing	Date	Experts	Rapporteur
<p>Hearing on the review of the Accounting and Transparency Directives: the new country by country reporting requirements</p> <div style="background-color: black; color: white; padding: 10px;"> <p>PUBLIC HEARING COMMITTEE ON LEGAL AFFAIRS Thursday, 26 April 2012 9h00 - 10h00 ROOM: Paul-Henri Spaak (PHS) 4B001 BRUSSELS</p> <p>Review of the Accounting and Transparency Directives: the new country-by-country reporting requirements</p>  <p>Chair: Klaus-Heiner LEHNE Rapporteurs: Klaus-Heiner LEHNE - Arlene McCARTHY</p> <p><small>REPORTER: PARLIAMENT - PPE REPORTER: LIBE/LF - REPUBLIC OF CYPRUS - REPUBLIC OF CROATIA - CZECH REPUBLIC - GREECE - HUNGARY - IRELAND - ITALY - LATVIA - LITHUANIA - MALTA - POLAND - PORTUGAL - ROMANIA - SLOVAKIA - SLOVENIA - SPAIN - SWEDEN - UNITED KINGDOM - BELGIUM - FRANCE - GERMANY - NETHERLANDS - UNITED KINGDOM EUROPEAN PARLIAMENT - EUROPEAN INSTITUTE - EUROPEAN INSTITUTE INSTITUTE FOR DEMOCRATIC INNOVATION - INSTITUTE FOR DEMOCRATIC INNOVATION INSTITUTE FOR DEMOCRATIC INNOVATION - EUROPEAN PARLIAMENT - GROWING INSTITUTION - OPEN INNOVATION</small></p> </div>	26.04.2012	<p>Steve Manteaw, Chairman of the Publish What You Pay Africa Steering Committee</p> <p>Alexander Woolcombe, Acting Brussels Director, ONE</p> <p>Vicky Bowman, Global Policy Leader, External Affairs, Rio Tinto</p> <p>Alan McLean, Executive Vice-President Tax, Shell</p>	<p>Klaus-Heiner LEHNE, Arlene McCARTHY</p>

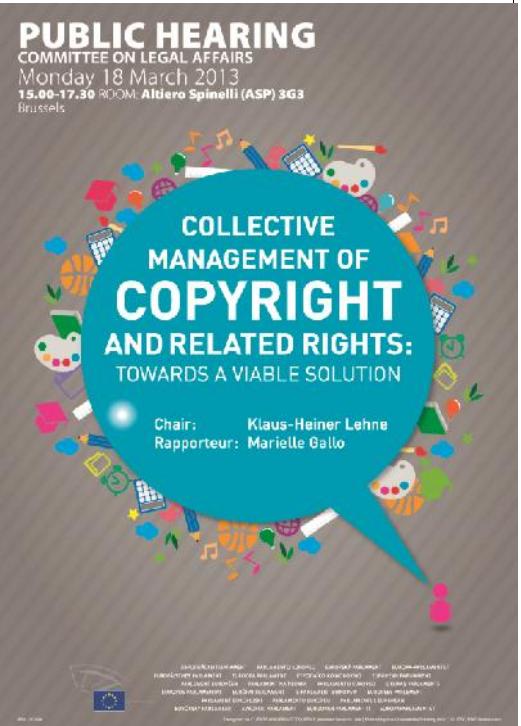
Hearing	Date	Experts	Rapporteur
<p>Hearing on the legal aspects of public procurement and procurement by entities operating in the water, energy, transport and postal services sectors</p> 	30.05.2012	<p>Martina Beneventi, Director of the Legal Service, Italian Public Procurement Agency</p> <p>Eva Sveman, Swedish Association of Local Authorities and Regions</p> <p>Kathleen Walker-Shaw, European Officer, GMB - Britain's General Union</p> <p>Alessandra Fratini, PostEurop, Public Procurement WG Chair</p>	Giuseppe GARGANI

Hearing	Date	Experts	Rapporteur
Workshop on Common European Sales Law (CESL)	31.05.2012	Martijn HESSELINK, University of Amsterdam, Netherlands Ms Ursula PACHL, BEUC Ms Tiziana POMPEI, UnionCamere, Italy Mr Gerard Patrick McMEEL, Guildhall Chambers, United Kingdom	Luigi BERLINGUER Klaus-Heiner LEHNE
Workshop on the Common European Sales Law (CESL): Remedies	19.06.2012	Prof. Hans Schulte-Nölke, University of Osnabrück, Germany Prof. Marco Loos, University of Amsterdam, Netherlands Dora Szentpaly-Kleis, UEAPME, Brussels Anne-Laure Constanza, Envie de Fraises, on behalf of the French Business Confederation (MEDEF) Alice Wagner, AK Wien Burghard Piltz, German Bar	Luigi BERLINGUER Klaus-Heiner LEHNE
Workshop on Common European Sales Law (CESL): Restitution and Prescription	10.07.2012	Prof. Christiane Wendehorst, University of Vienna, Austria Prof. Antoni Vaquer, University of Lleida, Spain	Luigi BERLINGUER Klaus-Heiner LEHNE

Hearing	Date	Experts	Rapporteur
<p>The proposed Statute for a European Foundation</p>  <p>PUBLIC HEARING Committee on Legal Affairs Monday, 26 November 2012 PAUL-HENRI SPAAK BUILDING, BRUSSELS 4:00 p.m. to 5:00 p.m. - ROOM 3C50</p> <p>The proposed Statute for a European Foundation</p> <p>Chair: Klaus-Heiner LEHNE Rapporteur: Evelyn Regner</p>	26.11.2012	<p>Rosa Gallego, Chair of DAFNE, the Donors and Foundations Networks in Europe, Madrid</p> <p>Francis Charhon, Chair of the European Foundation Centre (EFC) Advocacy Committee, Paris</p> <p>John Riches, Partner at Withers Bergman LLP, London</p> <p>Professor Achim Seifert, Faculty of Law, Friedrich-Schiller-University Jena</p> <p>Fernando Moreno Cea, Foundation for Social Studies and Analysis (FAES), Madrid</p>	Evelyn REGNER

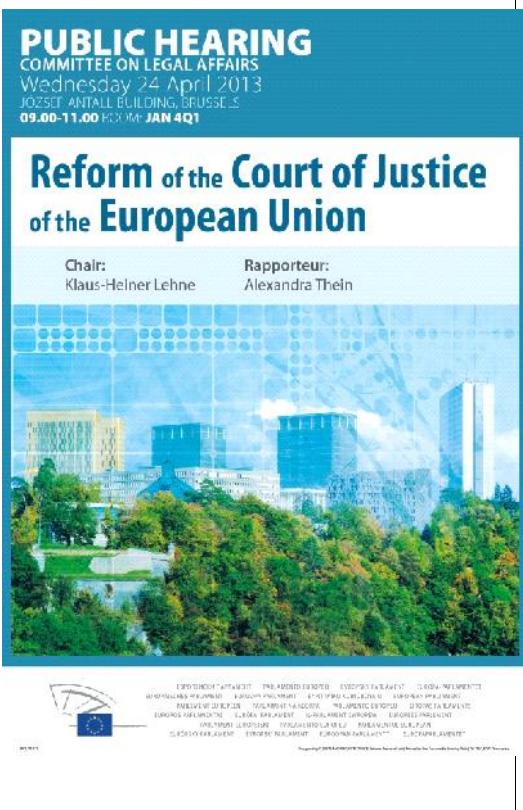
Hearing	Date	Experts	Rapporteur
The proposal for a Common European Sales Law: taking stock after a year	27.11.2012	<p>Professor Symeon Symeonides, Cyprus Council Presidency</p> <p>Lord Bowness, Chair of the Legal Affairs and Consumer Protection Sub-Committee, UK House of Lords</p> <p>Diana Wallis, former Vice-President of the European Parliament and co-Rapporteur on CES</p> <p>The Right Honourable Sir John Thomas, President of the Queen's Bench Division, UK, Chair of the Working Party of the European Law Institute on a Common European Sales Law</p> <p>Professor Verica Trstenjak, Advocate-General of the Court of Justice</p> <p>Professor Hans Schulte-Nölke, University of Osnabrück</p> <p>Professor Martine Behar-Touchais, University Paris I</p> <p>Professor Patrick Sensburg, Chair of the Sub-Committee on European Law, German Bundestag</p> <p>Professor Stefan Vogenauer, Professor of Comparative Law at the University of Oxford and Fellow of Brasenose College</p> <p>Hanne Melin, Ebay</p> <p>Francesco Sciaudone, Grimaldi e Associati</p> <p>Bernd Krieger, European Consumer Centre Germany</p>	Klaus-Heiner LEHNE and Luigi BERLINGUER

Hearing	Date	Experts	Rapporteur
<p>Workshop on Civil Law and Justice: Do EU citizens enjoy free movement?</p>  <p>The poster features a map of Europe with the title 'INTERPARLIAMENTARY COMMITTEE MEETING' and 'European Parliament - National Parliaments'. It also includes 'Committee on Legal Affairs' and 'Policy Department C - Citizens' Rights and Constitutional Affairs'. The main event title is 'Workshop on Civil Law and Justice: Do EU citizens enjoy free movement?'. It is chaired by Mr Klaus-Heiner LEHNE, Chair of the Legal Affairs Committee. The location is 'Room: József Antall building (JAN) 402, European Parliament'. The date is 'Wednesday 23 January 2013' with times '9:30-13:00' and '15:00-18:30'. It is organized 'With the support of the Directorate for Relations with National Parliaments'.</p>	23.01.2013	<p>Professor Koen Lenaerts, Vice-President of the Court of Justice of the European Union</p> <p>Alan Shatter, Minister for Justice and Equality, Ireland</p> <p>Professor Xandra Kramer, Department of Private International and Comparative Law at the Erasmus University, Rotterdam</p> <p>Nick Bozeat, ICF GHK, Birmingham</p> <p>Dr Stephan Prayer, Notary, Gesellschaft für Mediation im Notariat, Vienna</p> <p>Professor Ansgar Staudinger, Bielefeld University, Faculty of Law</p> <p>Jenny Papettas, PhD candidate and postgraduate teaching assistant, University of Birmingham</p> <p>Professor Burkhard Hess, Director, Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law</p> <p>Dr Albin Dearing, European Union Agency for Fundamental Rights, Vienna</p> <p>Laurence Brunet, London School of Economics</p> <p>Carlos de Melo Marinho, Judge in the Court of Appeal, Lisbon</p> <p>Phillipe Lortie, First Secretary, Maja Groff, Senior Legal Officer, Hague Conference on Private International Law</p> <p>Richard Frimston, Solicitor, Russell-Cook Solicitors, Member of the Society of Trust and Estate Practitioners (STEP)</p> <p>Aude Fiorini, Dundee Law School</p> <p>Senator Katherine Zappone, Houses of the Oireachtas</p> <p>Dr Mariolina Eliantonio, Associated Legal Advisor, Milieu, Brussels</p> <p>Duncan Macniven, President, The International Commission on Civil Status, former Registrar General for Scotland</p> <p>Dr Bojana Zadravec, Vice-President of European Association of Registrars</p>	<p>Antonio LÓPEZ-ISTÚRIZ WHITE,</p> <p>Antonyia PARVANOVA (FEMM)</p>

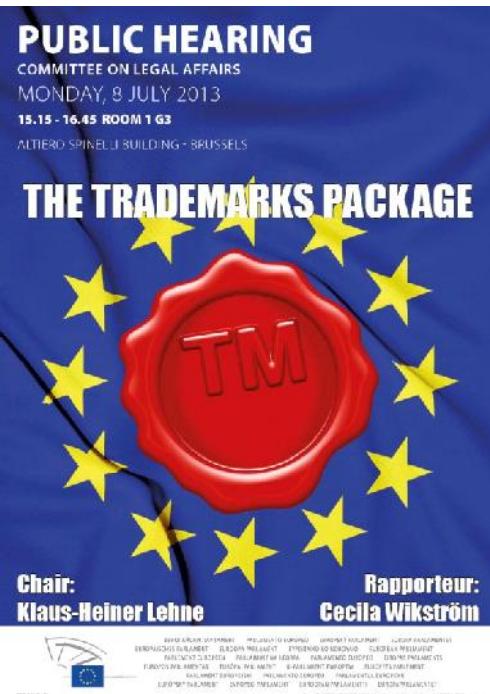
Hearing	Date	Experts	Rapporteur
Collective management of copyright and related rights: Towards a viable solution 	18.03.2013	Jean Martin, author of the Report on governance and transparency of collecting societies commissioned by the French Conseil supérieur de la propriété littéraire et artistique Dr. Tobias Holzmüller, General Counsel, GEMA (Society for Musical Performing and Mechanical Reproduction Rights) Janine Lorente, Chair of the Board of Directors, SAA (Society of Audiovisual Authors) Wes Himes, Director, EDiMA (European Digital Media Association) Declan Rudden, Director of Distribution and IT, IMRO (Irish Music Rights Organisation) Peter Marx, Rights Agency Ltd (RAL) Bogusław Pluta, Director of ZPAV (The Polish Society of the Phonographic Industry) and Jerzy Badowski, Deputy Director General of ZAIKS (Polish Society of Authors and Composers) Thierry Desurmont, Deputy Director General and Legal Director of SACEM (Society of Authors, Composers and Music Publishers) Olivia Regnier - Director, European Office & European Regional Counsel of IFPI (International Federation of the Phonographic Industry) Nicola Frank - Head of European Affairs of EBU (European Broadcasting Union) Petra Hansson - Associate General Counsel for content and distribution of SPOTIFY Kelvin Smits, Director, Younison Pierre Gerard, Managing Director, Jamendo Kostas Rossoglou - Senior Legal Officer of BEUC (European Consumer Organisation)	Marielle GALLO

Hearing	Date	Experts	Rapporteur
<p>Proposal for a Common European Sales Law: work in progress</p> <p>PUBLIC HEARING COMMITTEE ON LEGAL AFFAIRS Tuesday, 19 March 2013 9.00 - 10.30 ROOM: Altiero Spinelli (ASP) 3G3 BRUSSELS</p> <p>The proposal for a Common European Sales Law: work in progress</p> <p>Chair: Klaus-Heiner LEHNE</p>  <p>Co-rapporteurs: Klaus-Heiner Lehne and Luigi Berlinguer</p> <p><small>REPORTERAT PARLAMENTU MELIENDÈS DIAUDI - GANDER PARLAMENT - ESTATUA PARLAMENTU L'UNIONE DELLA PARLAVENTO - EUROPA PARLAMENT - ETTERNO KOMMISSION - JÄRJESTÖN PARLAMENT UNIONE EUROPEA - PARLAMENTO NAZIONALE - PARLAMENTO NATIONAAL - PARLAMENTUL NAȚIONAL EUGÉNI PARLAMENT - KUNDE - PARLAMENT - PARLAMENT - PARLAMENT - PARLAMENT TÄVÄRÄT LÄPPÄRI - PARLAMENTEUROPE - PARLAMENTEUROPE EUROPARLAMENT - UNIÓN PARLAMENT - PARLAMENTO EUROPEO - PARLAMENTO EUROPEO</small></p> <p><small>Designed by GERT VAN DER HORST, Member Services Unit - Friend of the Committee on Legal Affairs (FOLCA) Committee</small></p>	<p>19.03.2013</p>	<p>Dora Szentpaly-Kleis, Legal Adviser, UEAPME, European Association of Craft, Small and Medium-sized Enterprises</p> <p>Ursula Pachl, Deputy Director General, BEUC, The European Consumer Organisation</p> <p>Léon Mölenberg (Senior Policy Consultant – Legal Counsellor, Thuiswinkel.org), Ecommerce Europe</p> <p>Prof. Dr. Friedrich Graf von Westphalen, Chair of the European Private Law Committee of the CCBE, Council of Bars and Law Societies of Europe</p> <p>Professor Hugh Beale, Professor of Law, University of Warwick</p>	<p>Klaus-Heiner LEHNE, Luigi BERLINGUER</p>

Hearing	Date	Experts	Rapporteur
Workshop on gender balance	20.03.2013	Zubia Hawcroft, Director (EMEA), MSC Headhunting Dr. Elaine Dewhurst, Lecturer in Law, University of Manchester Dr Kim Peters, University of Exeter Sylvia Walby, UNESCO Chair in Gender Research, Lancaster University, UK	
Reform of the Court of Justice of the European Union	24.04.2013	Vassilios Skouris, President of the Court of Justice Maura McGowan QC, Chairman of the Bar of England and Wales Michael Patchett-Joyce, Barrister, Outer Temple Chambers, London	Alexandra THEIN

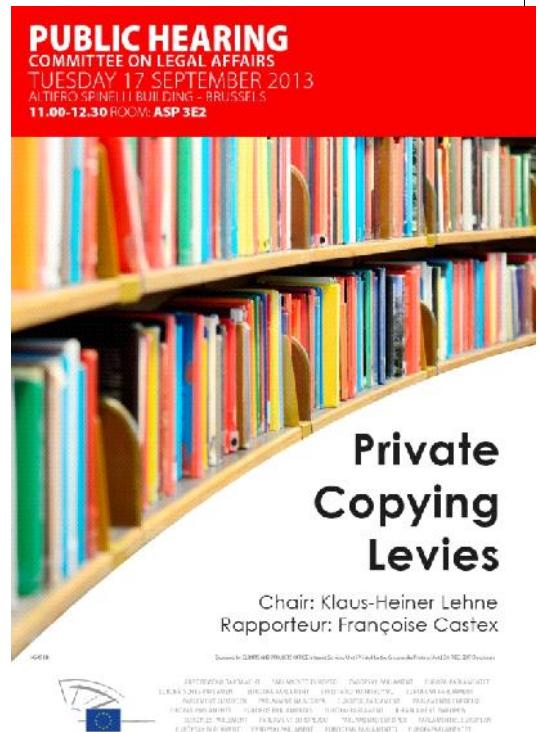


Hearing	Date	Experts	Rapporteur
The law protecting children in Europe and worldwide: Provisions facilitating adoptions and resolving abductions	25.04.2013	Laura Martínez-Mora, Hague Conference on Private International Law Dr Jinske Verhellen, University of Gent Prof Louise Ellen Teitz, Hague Conference on Private International Law	Alexandra THEIN, Eva LICHTENBERGER
The operation of the article 255 panel for the screening of candidates for appointment to the courts of the European Union	30.05.2013	Jean-Marc Sauvé, President of the Article 255 Panel Ana Palacio, Member of the panel	Alexandra THEIN
Interparliamentary meeting with national parliaments on civil and criminal law	20.06.2013	David STANTON, Chair of the Joint Committee on Justice, Defence and Equality of the Irish Houses of the Oireachtas Agustín DIAZ DE MERA, MEP Lord HANNAY OF CHISWICK, Chair of the EU Sub-Committee F - Home Affairs, Health and Education of the UK House of Lords Dietrich NEUMANN, Head of business corporate services Europol Peter HUSTINX, European Data Protection Supervisor Françoise LE BAIL, Director-General for Justice in the European Commission Cecilia MALMSTRÖM, EU Home Affairs Commissioner Marietta KARAMANLI, Vice-Chair of the European Affairs Committee of the French National Assembly Carlos ZEYEN, Vice-President of Eurojust Giovanni KESSLER, Director General of OLAF Holger MATT, Chair of the European Criminal Bar Association Tadeusz ZWIEFKA, MEP Alexandra THEIN, MEP Kurt LECHNER, former Member of the Committee on Legal Affairs, Rapporteur for the Successions Regulation	Juan Fernando LÓPEZ AGUILAR

Hearing	Date	Experts	Rapporteur
		Aude FIORINI, University of Dundee Ruud WINTER, Senior Coordinating Vice-President of the Administrative High Court for Trade and Industry in the Netherlands Luis PEREIRA, Secretary General of the European Judicial Training Network Emmanuel CRABIT, Head of Unit DG Justice	
Public hearing on the Trademarks package 	08.07.2013	Mr António Campinos, President of OHIM Dr Christoph Ernst - Deputy Director General, Federal Ministry of Justice of Germany Ms Susanne Ås Sivborg - President and Director General Swedish Patent and Registrations Office Ms Dawn Franklin, European Brands Association (AIM) - Chairman of Trade Mark Committee Mr José Monteiro - Senior legal director L'Oréal	Cecilia WIKSTRÖM

Hearing	Date	Experts	Rapporteur
Workshop on Legal aspects of free and open source software	09.07.2013	Professor Eben Moglen, Columbia Law School Patrice-Emmanuel Schmitz, Developer of the EUPL Avv. Carlo Piana, Lawyer Professor Lawrence Lessig, Harvard Law School Rishab Ghosh, UNU-MERIT Jutta Kreyss, Landeshauptstadt München	
Interparliamentary Committee Meeting on "The proposal for a Common European Sales Law: the way forward"	10.07.2013	Françoise Le Bail, Director General, DG Justice, European Commission Juozas Bernatonis, Lithuanian Minister of Justice Julius Sabatauskas, Chair of the Committee on Legal Affairs, Seimas of the Republic of Lithuania Pauliine Koskelo, President, Supreme Court of Finland Professor Schulte-Nölke, University of Osnabrück Sir John Thomas/Christiane Wendehorst, European Law Institute Professor Elise Poillot, University of Luxembourg David Hertzell, Law Commission, UK Diana Wallis, former Vice-President of the European Parliament and co-Rapporteur on CESL	Klaus-Heiner LEHNE and Luigi BERLINGUER

Hearing	Date	Experts	Rapporteur
Private copying levies	17.09.2013	José Antonio Suárez, EGEDA Alain Chamfort Irena Bednarchik, Digital Europe Xavier Blanc, AEPO-ARTIS Kostas Rossoglou, BEUC	Françoise CASTEX



Hearing	Date	Experts	Rapporteur
Implementation of the Unitary Patent Package: State of play	05.11.2013	Pierre Delsaux, Deputy Director General, DG MARKT Jerome Debrulle, Chair of the Select Committee Margot Froehlinger, European Patent Office Paul van Beukering, Chair of the Preparatory Committee of the Unified Patent Court Johannes Karcher, Coordinator of the Legal Framework Group of the Unified Patent Court Winfried Tilmann, member of the Drafting Committee of the Rules of Procedure Thierry Sueur, BusinessEurope	Bernhard RAPKAY

Hearing	Date	Experts	Rapporteur
Workshop on judicial training "The training of legal practitioners: teaching EU law and judgecraft"	28.11.2013	Viviane Reding, Vice-President of the European Commission Judge Antonio Tizzano, President of the First Chamber of the Court of Justice Reinier van Zutphen, Dutch Network of Court Coordinators for European law Rosa Jansen, the Dutch Training and Study Centre for the Judiciary Valerio Onida, Presidente della Scuola Superiore della Magistratura Fernando de Rosa Torner, Vicepresident of the CGPJ - Consejo General del Poder Judicial Xavier Ronsin, Director of the École Nationale de la Magistrature Edith Van Den Broeck, The Belgian Institut de Formation Judiciaire (IFJ) Wojciech Postulski, Head of the International Cooperation Department. Katalin Kiszely, Deputy State Secretary for EU and International Judicial Cooperation Dr. Rainer Hornung, Director of The Deutsche Richterakademie Wolfgang Heusel, Director of The European Law Academy (ERA) Professor Jeremy Cooper Jonathan Goldsmith, Secretary General of the Council of Bars and Law Societies of Europe (CCBE) Amélie Leclercq, Project leader, EIPA Judge John Phillips, Director of Studies for the Courts' Judiciary - UK Judicial College Gracieuse Lacoste, former member of the CSM and of the Working Group of the European Network of Councils of the Judiciary Prof. Guido Neppi Modona, Substitute Member of the Venice Commission, Council of Europe Stéphane Leyenberger, Head of the Division for the independence and efficiency of justice, CEPEJ Emmanuel Crabit, DG Justice, European Commission	Luigi BERLINGUER

Hearing	Date	Experts	Rapporteur
<p>EU law on successions and the protection of vulnerable adults</p> 	11.02.2014	<p>Kurt Lechner, Notary, rapporteur for the Successions Regulation Karen Vandekerckhove, DG Justice, European Commission Filip Switala, DG Taxation and Customs Union, European Commission Professor Paul Lagarde, University of Paris I (emeritus), 2011 laureate of the Hague Prize for International Law Professor Paul Lagarde, University of Paris I (emeritus), 2011 laureate of the Hague Prize for International Law Richard Frimston, Solicitor and Notary Public in London</p>	Klaus-Heiner LEHNE

Hearing	Date	Experts	Rapporteur
<p>Regulatory coherence and the implementation of EU law in the context of the Transatlantic Trade and Investment Partnership</p> 	11.02.2014	<p>Mr Joseph Burke, Regulatory, Trade and Consumer Affairs Officer, United States Mission to the European Union, Brussels</p> <p>Mr James R.M. Killick,, Partner, White and Case, Brussels</p> <p>Mr Dirk Vantyghem, Director International Affairs Eurochambres, Brussels</p> <p>Dr Alberto Alemanno, Jean Monnet Professor of EU Law & Risk Regulation, Hautes études commerciales de Paris (HEC Paris)</p>	Françoise CASTEX

ANNEX V - Delegations

DELEGATIONS



Delegation to China on 28-31st October 2013

Raffaele Baldassarre (chair), Tadeusz Zwiefka, Marielle Gallo, Cecilia Wikström, Sajjad Karim, Eva Lichtenberger, Bernhard Rapkay, Francesco Enrico Speroni; from the political groups, Franziska Neher, Corina Daniela Popa, Ramona Ionela Ivan, Francesca Beltrame, Marco Campomenosi; from the Secretariat Robert Bray and Magnus Nordanskog

Place	Date	Subject	Participants
2009			
Stockholm, Sweden	15-17.07.2009	Informal meeting of ministers for justice and home affairs	Robert BRAY, Secretariat of the Committee
Stockholm, Sweden	24-25.09.2009	Meeting with chair/members of the committees of the Swedish Parliament Meeting with Ms Beatrice Ask, Minister for Justice Meeting with Justices of the Supreme Court Meeting with the Parliamentary Ombudsman Meeting with judges of the Svea Court of Appeal, Division 2 Meeting with the Swedish Copyright Society and the Confederation of Swedish Enterprise	Sebastian Valentin BODU, EPP Tadeusz ZWIEFKA, EPP Luigi BERLINGUER, S&D Christian ENGSTRÖM, GREENS Alexandra THEIN, ALDE Maria-José MARTINEZ-IGLESIAS, Secretariat of the Committee Ewa WOJTOWICZ, Secretariat of the Committee Francesca BELTRAME, GREENS, Advisors of the political groups Ursa PONDELEK, ALDE, Advisor of the political groups Francesco CERASANI, S&D, Member's assistant
2010			
Toledo, Spain	21-22.01.2010	Informal meeting of ministers for justice and home affairs	Maria-José MARTINEZ-IGLESIAS, Secretariat of the Committee
Luxembourg, Luxembourg	23.02.2010	Visit to the Court of Justice	Klaus-Heiner LEHNE, Diana WALLIS, Evelyn REGNER, Sebastian Valentin BODU, Tadeusz ZWIEFKA Bernhard RAPKAY, Françoise CASTEX

Place	Date	Subject	Participants
			Marielle GALLO, Lidia Joanna GERINGER DE OEDENBERG, Gerald HÄFNER, Alexandra THEIN, Zbigniew ZIOBRO, Jan Philipp ALBRECHT, Sajjad KARIM Maria-José MARTINEZ IGLESIAS, Robert BRAY Edouard DIRRIG Elfriede KRETSCHMER, Ewa WOJTOWICZ, Christian PENNERA, Ezio PERILLO, Ulrich RÖSSLEIN, Julia FELDMANN (S&D) Francesca BELTRAME (Verts/ALE) Regina O'CONNOR (ALDE) Jacek CZABANSKI (ECR) Rebecca AMORENA
Madrid, Spain	04-05.03.2010	Meeting with the Spanish Minister of Justice, Mr Francisco Caamaño Domínguez Meeting at the Congreso de los Diputados Meeting at the Consejo General de la Abogacía Española (National Council of Spanish Bars) Meeting with the Consejo General del Poder Judicial (General Council for the Judiciary) Meeting with the main Spanish copyright management societies	Raffaele BALDASSARRE (EPP) Sebastian Valentin BODU (EPP) Marielle GALLO (EPP) Antonio LÓPEZ-ISTÚRIZ WHITE (EPP) Antonio MASIP HIDALGO (S&D) Alexandra THEIN (ALDE) Sajjad KARIM (ECR) Francesco Enrico SPERONI (EFD)

Place	Date	Subject	Participants
			María José MARTINEZ IGLESIAS Leticia ZULETA DE REALES
Madrid, Spain	20.05.2010	Meeting of the Heads of JHA Committee of the national parliaments of the Member States and of the Head of the Legal Affairs Committee of the European Parliament	Sebastian Valentin BODU, Vice-president
The Hague, the Netherlands	02.06.2010	Attendance to The Hague Conference Discussion with Secretary General Mr. J.H.A. (Hans) Van Loon Visit to Eurojust Visit to International Criminal Tribunal for the former Yugoslavia	Luigi BERLINGUER Diana WALLIS Toine MANDERS Alexandra THEIN Sebastian Valentin BODU Tadeusz ZWIEFKA Robert BRAY Edouard DIRRIG Leticia ZULETA DE REALES Tomasz BA KA Regina O'CONNOR Kim BOGTE Mélodie BAILLIF Diarmuid LAFFAN Eleni MANARIDOU
Washington D.C., The United States of	28.09-01.10.2010	Regulatory, impact assessment and copyright visit	Klaus-Heiner LEHNE, Evelyn REGNER,

Place	Date	Subject	Participants
America		Visit to The George Washington University Regulatory Studies Center Visit to The Office of Information and Regulatory Affairs (OIRA) Meeting with Cass Sunstein Michael Fitzpatrick, Deputy Victoria Espinel, IP Enforcement Coordinator Meeting with Congresswoman Zoe Lofgren, Member, House Judiciary Committee Congressman Lamar Smith, Ranking Member House Judiciary Committee David Whitney, Counsel for Copyright & IP Sub-Committee Richard Hertling, Legislative Director U.S. Copyright Office Meeting with Maria Pallante, Associate Register for Policy and International Affairs U.S. Chamber of Commerce Meeting with David Hirschmann, President and CEO, Global IP Center Meeting with Rick Cotton, Chair of the Board, Global IP Center, Executive Vice-President and General Counsel at NBC Universal Meeting with Gina Vetere, Senior Director Global IP Center Meeting with Steven Tepp, Senior Director, Global IP Center Meeting with Bill Kovacs, Senior Vice-President, Environment, Technology & Regulatory Affairs Meeting with Sean Heather, Executive Director, Global Regulatory Cooperation Project	Marielle GALLO, Angelika NIEBLER, Bernhard RAPKAY, Alexandra THEIN Jan Philipp ALBRECHT Sajjad KARIM, Barbara WEILER, Robert BRAY Jan TYMOWSKI Danai PAPADOPOULOU Boglarka BOLYA Matilda SISATTO Regina O'CONNOR Francesca BELTRAME Cameron SMITH Ouarda BENSOUAG

Place	Date	Subject	Participants
		<p>Congressional Budget Office</p> <p>Meeting with Congressman Rick Boucher, Chairman Sub-Committee on Communications, Technology and the Internet, House Energy & Commerce Committee and Member, Sub-Committee on Courts and Competition Policy, House Judiciary Committee</p> <p>Google</p> <p>Meeting with Fred von Lohmann, Senior Copyright Counsel</p> <p>Congressional Research Service (CRS)</p> <p>Meeting with Curtis Copeland, Specialist in American National Government, Executive Branch Operations Section, Government and Finance Division and Brian Yeh, Legislative Attorney Business Section, American Law Division</p> <p>U.S. Senate</p> <p>Meeting with Amber Cottle, Staff of Senator Max Baucus, Chairman, Senate Finance Committee</p> <p>Motion Picture Association of America (MPAA)</p> <p>Meeting with Anissa Whitten, Vice-President for International Affairs and Trade Policy</p> <p>Meeting with Greg Frazier, Executive Vice-President and Chief Policy Officer</p> <p>Meeting with Jane Saunders, Senior Vice President Rights Management Policy & Relations</p> <p>Meeting with Fritz Attaway, Executive Vice President Special Policy Advisor</p> <p>Meeting with Dede Lea, Paramount/Viacom, EVP Government Relations</p> <p>Meeting with Stacey Dansky, Paramount/Viacom, Director Government Relations</p> <p>Meeting with Chris Israel, PCT Government Relations (representing Paramount), Co-Founder and Managing</p>	

Place	Date	Subject	Participants
		<p>Partner</p> <p>Meeting with David Green, NBC Universal, Senior Counsel for Public Policy Development</p> <p>Meeting with Janet O'Callaghan, Fox/News corp, Director Government Relations</p> <p>Meeting with Alicia Smith, Smith-Free Group (representing Sony)</p> <p>Meeting with Kathy Garmezy, Associate Executive Director for Government and International Affairs of the Directors Guild of America (DGA),</p> <p>Meeting with Scott Harbinson, International Representative of the IATSE (International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada)</p> <p>Meeting with Tom Carpenter, General Counsel/Director of Legislative Affairs at the American Federation of Television and Radio Artists (AFTRA)</p> <p>Meeting with Nancy Fox, National Director of Policy and Strategic Planning at the Screen Actors Guild (NY Branch)</p> <p>EU/EPLO Office</p> <p>Meeting with Paul Aiken, Executive Director, The Authors' Guild</p> <p>Government Accountability Office (GAO)</p> <p>Meeting with Timothy P. Bowling, Chief Quality Officer, Denise Fantone, Director, Strategic Issues, Andre Levine, Senior Attorney, Regulatory Issues</p>	
Budapest, Hungary	06-07.12.2010	<p>Meeting with Enik Gy ri, Minister of State for European Affairs, Ministry for Foreign Affairs</p> <p>Lunch with Members of the Hungarian National</p>	Klaus-Heiner LEHNE József SZÁJER Marielle GALLO

Place	Date	Subject	Participants
		Assembly Meeting and reception with the Budapest Bar Association (Budapesti Ügyvédi Kamara), László Réti - President Meeting with the Hungarian Patent Office, Mihály Ficsor, Vice-President responsible for legal affairs Meeting with László Parragh, President of the Hungarian Chamber of Commerce and Industry ELTE Bibó István Szakkollégium, Zoltán Pozsár-Szentmiklós - Director Pázmány Péter Catholic University (PPKE), Faculty of Law, Marcell Szabó - Head of EU Affairs, Working lunch with Zoltán Cséfalvay, Minister of State for Strategic Affairs, Ministry of National Economy	Alexandra THEIN Gerald HÄFNER María-José MARTÍNEZ-IGLESIAS Ewa WOJTOWICZ Zsuzsanna HERCZEG, Assistant to Mr SZÁJER Georgios MAVROS, Assistant to Mrs GALLO Boglarka BOLYA Corina POPA Regina O'CONNOR
2011			
León, Spain	27-28.04.2011	Conference on EU administrative law: state of play and future prospects	Eva LICHTENBERGER Francesco Enrico SPERONI Maria José MARTINEZ IGLESIAS Edouard DIRRIG Danai PAPADOPOULOU Franziska NEHER Melanie KOELLER Francesca BELTRAME Valeria GHILARDI
Düsseldorf, Germany	24-25.05.2011	Visit to the patent court in Düsseldorf and to attend some patent proceedings	Klaus- Heiner LEHNE (Chair) Tadeusz ZWIEFKA Sebastian Valentin BODU

Place	Date	Subject	Participants
			Françoise CASTEX Christian ENGSTRÖM Susanne KNÖFEL Ewa WOJTOWICZ Andrea LASKAVA Corina Daniela POPA Erik JOSEFSSON Cameron SMITH
Warsaw, Poland	16-17.06.2011	Preparation for the Polish Presidency in the second half of 2011 Meeting with the Undersecretary of State Mr Igor Dzialuk Meeting with the Civil Law Codification Commission Meeting with representatives of the Ministry of Economy, the Patent Office and the Ministry of Culture Meetings with the Committees of the Sejm and Senat of the Republic of Poland (respectively, the Lower and the Upper Chamber of the Polish Parliament) Meeting with the Social Council for Alternative Methods of Dispute Resolution	Raffaele BALDASSARRE Piotr BORYS Tadeusz ZWIEFKKA Marielle GALLO Bernhard RAPKAY Lidia Joanna GERINGER OEDENBERG Gerald HÄFNER Zbigniew ZIOBRO Robert BRAY Ewa WOJTOWICZ Jacek CZABA SKI Georgios MAVROS Zofia ULATOWSKA
Sopot, Poland	18-19.07.2011	Informal meeting of ministers for justice and home affairs	Tadeusz ZWIEFKKA Ewa WOJTOWICZ

Place	Date	Subject	Participants
Karlsruhe, Germany	15.09.2011	Visit to the Federal Constitutional Court in Karlsruhe and to meet for an exchange of views with the President and Members of the Court	Kurt LECHNER Klaus-Heiner LEHNE Evelyn REGNER Alexandra THEIN Jan Philipp ALBRECHT Gerald HÄFNER Christian PENNERA Susanne KNÖFEL Franziska NEHER (EVP) Georg BECKER
Alicante, Spain	17.10.2011	Visit to OHIM in Alicante	António MASIP HIDALGO Cecilia WIKSTRÖM Magnus NORDANSKOG Leticia ZULETA DE REALES Cameron SMITH Daniel SJÖBERG
Warsaw, Poland	09-10.11.2011	Conference on "European Contract Law - unlocking the internal market potential for growth	Klaus-Heiner LEHNE
Copenhagen, Denmark	24-25.11.2011	Preparation for the Danish Presidency in the first half of 2012 Meeting with Mr Uffe Elbæk, Minister for Culture Meeting with Mr Nicolai Wammen, Minister for European Affairs Meeting with the Legal Committee of the Danish Parliament Meeting with the Danish Patent and Trademark Office Meeting with the European Committee of the Danish Parliament Meeting with Carlsberg Breweries A/S	Marielle GALLO Sebastian Valentin BODU Bernhard RAPKAY Luigi BERLINGUER Lidia GERINGER DE OEDENBERG Françoise CASTEX Eva LICHTENBERGER Robert BRAY Magnus NORDANSKOG

Place	Date	Subject	Participants
		Meeting with the Confederation of Danish Industry (DI) Meeting with Mr Morten Bødskov, Minister for Justice meeting with Ole Sohn, Minister for Business and Growth	
2012			
Copenhagen, Denmark	22-23.03.2012	Conference on Collective Redress	Evelyn REGNER
Nicosia, Cyprus	16-18.07.2012	Preparing for the Cypriot Presidency in the second half of 2012 Meeting with Audit office of the Republic of Cyprus Joint Meeting with Members of the Standing Committee on Legal Affairs and the Committee on Institutions, Values and the Ombudsman Meeting with the Minister of Justice, Mr Loukas LOUKA Meeting with members of the Cyprus Bar Association Meeting with senior Cypriot judges from the Supreme Court	Antonio LÓPEZ-ISTÚRIZ WHITE Cecilia WIKSTRÖM Sajjad KARIM Ji í MAŠTÁLKA Magnus NORDANSKOG Alexander KEYS
Nicosia, Cyprus	23-24.07.2012	Informal meeting of ministers for justice and home affairs	Evelyn REGNER Robert BRAY
Nicosia, Cyprus	23-24.09.2012	Conference of Justice and Home Affairs Committee Chairs (COHAC)	Evelyn REGNER
2013			
Dublin, Ireland	16-18.01.2013	Informal meeting of ministers for justice and home affairs	Robert BRAY

Place	Date	Subject	Participants
Luxembourg, Luxembourg	17.01.2013	Visit to the Court of Justice	Alexandra THEIN
Zagreb, Croatia	28-29.01.2013	Information exchange and cooperation programme: Workshop in the Croatian Parliament (Sabor) on Scrutiny procedures of EU legislation and policies in the national Parliaments	Alexandra THEIN Robert BRAY
Strasbourg, France	23.05.2013	Visit to the European Court of Human Rights	Sebastian Valentin BODU (EPP) Giuseppe GARGANI (EPP) Gerald HÄFNER (V) Axel VOSS (EPP) Eva LICHTENBERGER (Verts) Alexandra THEIN (ALDE) Françoise CASTEX (S&D) Cecilia WIKSTRÖM (ALDE) Margarethe RICHTER Michael BOLLMANN Daniel SJOBERG Franziska NEHER (EPP) Corina POPA (S&D) Francesca BELTRAME (Verts) Melanie KÖLLER (S&D) Regina O'CONNOR Robert BRAY Sonata JOCAITE Silvia JURIGOVA Alexander KEYS Magnus NORDANSKOG Susanne KNÖFEL Leticia ZULETA DE REALES ANSALDO

Place	Date	Subject	Participants
Vilnius, Lithuania	16-18.07.2013	Preparing for the Lithuanian Presidency in the second half of 2013 Meeting with President of the Republic of Lithuania Ms Dalia Grybauskait Meeting with Mr Juozas Bernatonis, Minister of Justice Meeting with Mr Evaldas Gustas, Minister of Economy Meeting with Mr Vytautas Leškevi ius, Vice-minister of Foreign Affairs Visit to the Lithuanian Parliament (Seimas) Meeting with Mr Šar nas Birutis, Minister of Culture Informal meeting of ministers for justice and home affairs	Klaus-Heiner LEHNE Sebastian Valentin BODU Tadeusz ZWIEFKA Raffaele BALDASSARRE Antonio MASIP HIDALGO Lidia GERINGER DE OEDENBERG Sajjad KARIM Francesco Enrico SPERONI Dimitar STOYANOV Corina Daniela POPA Boglarka BOLYA Susanne KNÖFEL Robert BRAY
Beijing, China	28-31.10.2013	Visit to China Meeting with the National People's Congress Meeting with the Supreme People's Court Meeting with the State Administration of Industry and Commerce Meeting with the European Union Chamber of Commerce Meeting with the Beijing Arbitration Commission Meeting with the Quality Brands Protection Committee Meeting with the Ministry of Commerce Meeting with the Ministry of Finance Meeting with the Music Copyright Society of China Meeting with the State Intellectual Property Office	Raffaele BALDASSARRE (Chair) Tadeusz ZWIEFKA Marielle GALLO Cecilia WIKSTRÖM Sajjad KARIM Eva LICHTENBERGER Bernhard RAPKAY Francesco Enrico SPERONI Franziska NEHER (EPP) Corina Daniela POPA Ramona Ionela IVAN Francesca BELTRAME Marco CAMPOMENOSI

Place	Date	Subject	Participants
			Robert BRAY Magnus NORDANSKOG
2014			
Athens, Greece	23-24.01.2014	Informal Meeting of the Justice and Home Affairs Council	Jose Manuel DE FRUTOS GOMEZ Robert BRAY
Athens, Greece	26-28.03.2014	Visit to Greece Meeting with the Minister of Justice, Transparency and Human Rights, Mr Charalambos ATHANASSIOU Meeting with Members of the Standing Committee on Public Administration, Public Order and Justice Meeting with Members of the Hellenic Notary Association Meeting with Members of the Conference of Presidents of the Greek Bar Associations Meeting with Members of the Union of Judges and Prosecutors of Greece	Sebastian Valentin BODU Alajos MÉSZÁROS Lidia GERINGER DE OEDENBERG Alexandra THEIN Robert BRAY Alexander KEYS Boglárka BÓLYA (EPP) Miriam SCHÖPS (ALDE)

ANNEX VI - Studies

Publications Catalogue - 2004-2009 / 6th Legislative Period - Policy Department C (AFCO, FEMM, LIBE, JURI, PETI)

PE 419.598 EN 15-06-2009

Handbook on the Incompatibilities and Immunity of the Members of the European Parliament

This handbook provides the Committee on Legal Affairs with a practical tool aimed at simplifying its tasks when verifying the credentials of the newly elected Members of the European Parliament, when ruling on the validity of their mandate or when considering requests for the waiver or defence of parliamentary immunity. The handbook is intended for internal use only and does not purport to be an exhaustive study on the incompatibilities and immunity of the Members

PE 419.602 EN 15-06-2009

The Potential Impact of the Consumer Rights Directive on Member States' Contract Law - Side Effects on Member States' General Contract Law or General Sales Law

This study identifies and analyses the side effects that the "full harmonisation approach" of the proposed Consumer Rights Directive could have on national general contract laws or general sales laws. In particular, the study analyses the reasons for side effects of the proposed directive and provides concrete examples of such effects on national contract laws. Furthermore, it contains recommendations on possible action to be undertaken in order to avoid unwanted side effects.

PE 419.606 EN 15-10-2009

How to Deal with Orphan Works in the Digital World? An Introduction to the New Hungarian Legislation on Orphan Works

This briefing note provides a contribution to the "Workshop on Copyright - Tackling orphan works and improving access to works for visually impaired persons", which took place at the Legal Affairs Committee's meeting on 10 November 2009. This paper is intended to give a brief overview of the relevant Hungarian legislation and the first steps taken to implement it. Describing, in a factual but somewhat critical manner, the current Hungarian legal framework for tackling orphan works may contribute to eventually finding solutions to the problem of orphan works at European level as well. The basic aim of the present note is to describe the Hungarian scheme for licensing certain uses of orphan works. In addition, it also gives some insights into the legislative history and the institutional framework of that scheme. An outline of some other provisions which may be of relevance to orphan works is also included. Furthermore, this note renders an account of the implementing measures introduced and the experience gained thus far. It concludes with a first assessment of the new Hungarian legislation on licensing certain uses of orphan works.

PE 419.607 EN 15-10-2009

A Comparison between the Provisions of the Draft Common Frame of Reference and the European Commission's Proposal for a Consumer Rights Directive - How the CFR can improve the Consumer Rights Directive

This study provides an in-depth and detailed comparison between the draft Common Frame of Reference and the Commission's proposal for a Consumer Rights Directive. Furthermore, it identifies those provisions of the CFR which could be used when amending the Proposal for a Consumer Rights Directive in the framework of the legislative procedure. In this regard, the study suggests some amendments based on the CFR. A correlation table between the provisions of the CFR and the provisions of the proposed Consumer Rights Directive is provided in the annex of the study.

PE 419.608 EN 15-10-2009

Improving Access to Works for Visually Impaired Persons

This briefing note provides a contribution to the "Workshop on Copyright - Tackling orphan works and improving access to works for visually impaired persons", which took place at the Legal Affairs Committee's meeting on 10 November 2009. Blind, partially sighted and other print disabled people face a "book famine". International legislation is needed to complement cooperation between specialist agencies and rights holders in order to increase the amount of accessible format books such as audio, large print and braille, from the current level of five per cent.

PE 419.609 EN 15-10-2009

From Better to Full Access to Works for Print-Disabled Persons

This briefing note provides a contribution to the "Workshop on Copyright - Tackling orphan works and improving access to works for visually impaired persons", which took place at the Legal Affairs Committee's meeting on 10 November 2009. Works available in a format that blind and visually impaired persons can read represent five per cent of the total amount of books published. In the short term, improving this situation requires both an extensive cooperation with content producers, and an inclusive legislation that allows for cross-border interchange and promotes the implementation of exceptions in the law of the country. In the long term, in order to guarantee full access to information, accessibility needs to be part of the standard publication workflows.

PE 419.610 EN 15-10-2009

How to Deal with Orphan Works in the Digital World?

This briefing note provides a contribution to the "Workshop on Copyright - Tackling orphan works and improving access to works for visually impaired persons", which took place at the Legal Affairs Committee's meeting on 10 November 2009. Orphan works are a serious issue for digital libraries. The digitisation progress is slow and only brings out-of-copyright material to the Web. If there are exceptions to this rule, they are either disputed or they are highly time-consuming and therefore extremely expensive, because of the necessary rights clearance procedures that have to be worked through before digitisation. There are not too many existing solutions in the Member States. The best example is the extended collective licensing in the Nordic countries. Against this background, there is absolutely a need for a

European-wide solution. Legal certainty across Europe is indeed required to provide a strong basis for libraries to digitise orphan works.

PE 419.611 EN 10-11-2009

How to Deal with Orphan Works in the Digital World?

This briefing note provides a contribution to the "Workshop on Copyright - Tackling orphan works and improving access to works for visually impaired persons", which took place at the Legal Affairs Committee's meeting on 10 November 2009. Works are called orphan when rightsholders cannot be identified or located. Substantial groundwork has been done in the High Level Expert Group on Digital Libraries. Practical tools to facilitate rights clearance are implemented in projects where rightsholders and cultural institutions partner. Some Member States have addressed the issue by stand-alone norms or by measures supporting collective licensing. As digital uses often take place across borders, mutual recognition of national solutions that meet generally accepted criteria is needed on European level.

PE 419.613 EN 10-11-2009

Orphan Works in the Digital Era

This briefing note provides a contribution to the "Workshop on Copyright - Tackling orphan works and improving access to works for visually impaired persons", which took place at the Legal Affairs Committee's meeting on 10 November 2009. There are different practices in Europe: no legislation on orphan works, extended collective licensing that includes orphan works, and registers that are used for the search of authors. Legislation is needed. The extended collective licensing seems to be the best system. To make the licensing effective, there is need for the registers and search systems to find authors as well as possible.

PE 419.614 EN 10-11-2009

Improving Access to Works for Visually Impaired Persons

This briefing note provides a contribution to the "Workshop on Copyright - Tackling orphan works and improving access to works for visually impaired persons", which took place at the Legal Affairs Committee's meeting on 10 November 2009. Organisations representing Visually Impaired Persons and publishers have a long standing tradition of working together to improve access to the written word for people suffering a visual impairment. Within the legal framework set by the European legislation, stakeholders undertake initiatives that take advantage of the developments in ICT but have also to face their challenges. Against the background of aiming to mainstream accessibility within content creation and production processes, solutions are provided as access through technology and through trusted intermediaries.

PE 419.615 EN 10-11-2009

How to Tackle Copyright Issues Raised by Mass-Scale Digitisation?

As information and communication technology revolutionise the world, fundamental questions still remain on how to ensure European citizens have appropriate access to the world's knowledge. Plans for sustainable mass digitisation of cultural material should be

welcomed, whilst ensuring that markets are competitive, the importance of information to the public interest is reflected, and that copyright law remains an effective system for balancing the needs of knowledge creators and users.

PE 419.619 EN 05-12-2009

Towards an Intellectual Property Rights Strategy for Innovation in Europe

On October 13, 2009 the Science and Technology Options Assessment Panel (STOA) together with Knowledge4Innovation/The Lisbon Forum, supported by Technopolis Consulting Group and TNO, organised a half-day workshop entitled 'Towards an Intellectual Property Rights Strategy for Innovation in Europe'. This workshop was part of the 1st European Innovation Summit at the European Parliament which took place on 13 October and 14 October 2009. It addressed the topics of the evolution and current issues concerning the European Patent System as well as International Protection and Enforcement of IPR (with special consideration of issues pertaining to IP enforcement in the Digital Environment). Conclusions drawn point to the benefits of a comprehensive European IPR strategy, covering a broad range of IP instruments and topics.

PE 424.762 EN 05-12-2009

Current Policy Issues in the Governance of the European Patent System

The European Parliament has been working towards building a discussion platform and a resource for further policy actions in the field of intellectual property rights. The Science and Technology Options Assessment Panel has set the goal of further enlarging the area of investigation in light of recent policy developments at the European level. In particular, the current study covers current policy issues in the governance of the European patent system, such as the backlog issue, the enhancement of patent awareness within the European Parliament, patent enforcement, the regional dimension of intellectual property in Europe, patents and standardisation, the use of existing patents, and patents and competition. These issues were discussed in the conference with stakeholders from European to national patent offices, from private to public sector actors. As a result of the conference, it was stated the need for an IP strategy for Europe.

PE 424.763 EN 05-12-2009

Copyright Territoriality in the European Union

In the European Union, despite almost twenty years of harmonisation of copyright, copyright has remained essentially national law. Each Member States has its own national regime on copyright and neighbouring (related) rights. Taking into consideration the territorial nature of copyright in the EU, this briefing note provides an analysis of the impacts of copyright territoriality on the main stakeholders concerned, on the Internal Market at large as well as on the emerging knowledge economy in the European Union. In addition, this briefing note suggests some recommendations and solutions aiming at tackling problems raised by copyright territoriality, such as: the fragmented structure of the market; the competitive disadvantage faced by European content providers in comparison with competitors in the United States; as well as denials to access to content services on geographical grounds experienced by consumers. In its conclusion, the briefing note proposes, as an ambitious

solution, the introduction of a unified European Copyright Law on the basis of Article 118 of the Treaty on the Functioning of the European Union.

PE 419.621 EN 05-02-2010

Legal Consequences of the Decision by the UK Not to Take Part in the Adoption of an EU Regulation on Succession

This briefing note identifies and examines the legal consequences of the decision by UK not to opt in the proposed EU Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession. In particular, it analyses key concerns of the Regulation from the viewpoint of the UK. Lastly, the note assesses the impacts that a decision by UK not to take part in the adoption of the proposed Regulation could have on nationals of other EU Members States residing in UK and owning assets and property in other Member States and on UK nationals considered as habitually resident abroad or holding assets and property in other Member States. (See also documents n° PE 419.629 et PE 419.630 including other notes prepared for the Workshop on the Proposal for a Regulation on Succession.)

PE 419.626 EN 15-03-2010

Workshop on the Proposal for a Regulation on Succession - Some National Analysis - 22 March 2010

The notes identify and analyse the legal problems, which the proposed EU Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession raises as regards German, French, Austrian and Finnish succession laws. (See also documents n° PE 419.626 et PE 419.630 including other notes prepared for the Workshop on the Proposal for a Regulation on Succession.)

PE 419.629 EN 15-03-2010

Legal Consequences of the Decision by Ireland not to Take Part in the Adoption of an EU Regulation on Succession

This note identifies and examines the legal consequences of the decision by Ireland not to opt in the proposed EU Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession. In particular, the note assesses the impacts that a decision by Ireland not to take part in the adoption of the proposed Regulation could have on nationals of other EU Members States residing in Ireland and owning assets and property in other Member States and on Irish nationals considered as habitually resident abroad or holding assets and property in other Member States. (See also documents n° PE 419.626 et PE 419.629 including other notes prepared for the Workshop on the Proposal for a Regulation on Succession.)

PE 419.630 EN 15-03-2010

Harmonisation of insolvency law at EU level

This note identifies and outlines disparities between national insolvency laws, which can create obstacles, competitive advantages and/or disadvantages and difficulties for companies having cross-border activities or ownership within the EU. In particular, it provides a list of problems which might occur in the absence of common rules on insolvency, such as problems related to insolvency of corporate groups, liability of shareholders being nationals of different Member States, reference to national laws for the insolvency of 'Community' companies and strategic cross-border movements for insolvency purposes. In addition, the note identifies a number of areas of insolvency law where harmonisation at EU level is worthwhile and achievable. Lastly, it evaluates to what extent harmonisation of insolvency law could facilitate further harmonisation of company law in the EU.

PE 419.633 EN 15-04-2010

Towards Restatements and Best Practice Guidelines on EU Administrative Procedural Law

ReNEUAL is a network of scholars and practitioners from across the Member States, addressing the potential and the substantial need for simplification of EU administrative law (as body of rules and principles governing implementation of EU policies by EU and Member States' institutions). It intends to establish draft 'restatements' and proposals for best-practice guidelines which may serve as template or frame of reference for future case-law and general or policy-specific legislation.

PE 425.652 EN 15-10-2010

Extent of Harmonisation in Consumer Contract Law

This note seeks to offer guidance on the appropriate extent of harmonisation of consumer contract law. It considers the case law of the European Court of Justice and the draft Schwab Report and Wallis Opinion and analyses the justifications for harmonisation. It then applies this to the areas of information and formalities, right of withdrawal, sale of goods and unfair terms.

PE 432.728 EN 15-10-2010

The Proposal for Enhanced Cooperation in the Area of Cross-Border Divorce (Rome III)

This note provides an in-depth analysis of the main provisions of the Rome III Proposal of 2010 implementing enhanced cooperation for 14 Member States in the area of the law applicable to divorce and legal separation. It further identifies some difficulties of future application of the proposed provisions and suggests to reconsider in particular the following issues: the scope of application, the question as to when the spouses may designate the applicable law, the desirability of legal counselling, the use of the last habitual residence as a connecting factor, dual nationality, the conversion of legal separation into divorce, the (non-)application of foreign law and the "Malta" provisions.

PE 432.730 EN 15-10-2010

Recognition of Parental Responsibility: Biological Parenthood v. Legal Parenthood, i.e. Mutual Recognition of Surrogacy Agreements: What is the Current Situation in the MS? Need for EU Action?

The note presents the main challenges to the national jurisdictions in the EU resulting from the advance in medicine, free movement and children's rights as well as the current legal position across EU member states on legal parenthood with a focus on surrogacy arrangements. Their cross-border implications are addressed with a view on possible EU action.

PE 432.738 EN 15-10-2010

Towards an EU Regulation on Administrative Procedure?

This paper will address four main issues in a concise manner: o The features of the European Administrative Law o The constitutional basis of the European Administrative Law now provided by the Lisbon Treaty, and their major consequences o The possibility of an European legislation framework of the administrative procedure o The limitations of the current European system of legal guarantees facing the development of European Administrative Law.

PE 432.743 EN 22-10-2010

The Public-Policy Exception and the Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction, Applicable Law, Recognition and Enforcement of Decisions and Authentic Instruments in Matters of Succession and the Creation of a European Certificate of Succession (COM(2009)154)

This note analyses the content and scope of the public policy provisions in the Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession. It then proposes recommendations for amending the wording of those provisions.

PE 432.741 EN 15-11-2010

Recognition and Registration of Civil Status Documents in Cross-Border Cases

The right of every citizen of the Union to move and reside freely within the territory of the Member States, as laid down by Article 21 of the Treaty on the Functioning of the European Union, implies the right to have their civil identity recognised, i.e., in legal terms, to have their status recognised, as formalised by civil status documents. This firstly means that citizens must be able to easily prove their civil status when exercising their right of movement. Secondly, they must be able to have their civil status events occurring abroad registered in civil status registers. Finally, this status must itself be recognised. The aim of this note is to review these three problematic areas and indicate, for each one, the solutions envisaged by the International Commission on Civil Status, in which the European Union could participate under terms to be defined.

PE 425.653 EN 30-11-2010

The Movement of Notarial Instruments in the European Legal Area

Europeans often need to use notarial instruments for successions. When a succession involves people or assets located in different Member States, there is an obvious need to use such instruments coming from another Member State. This note highlights the main difficulties arising from the cross-border movement of notarial instruments. It concludes by making some proposals concerning the contents of the proposal for a European regulation on international successions, with the aim of simplifying and clarifying the cross-border use of notarial instruments.

PE 425.656 EN 30-11-2010

Matrimonial Property Regimes and Patrimonial Aspects of Other Forms of Union: What Problems and Proposed Solutions? (Proposal for Rome IV Regulation)

This note provides an objective analysis of the property law aspects of living together in situations where the relationship has connections with more than one EU Member State. The analysis focuses on couples, whether opposite-sex or same-sex relationships, living together either in the form of a marriage, a registered partnership or who de facto live together. The note identifies main problems related to the matrimonial property regimes and patrimonial aspects of other forms of union with a cross-border dimension and concludes by making some recommendations.

PE 425.657 EN 30-11-2010

The Franco-German Agreement on an Elective ‘Community of Accrued Gains’ Matrimonial Property Regime

On 4 February 2010 Germany and France concluded an agreement on an elective ‘community of accrued gains’ matrimonial property regime. The ratification of this agreement will mean that for the first time a uniform set of substantive family law provisions will enter into force in both countries. The agreement is of European significance because in the past substantive family law did not seem susceptible of harmonisation at European level, even though the growing number of family relationships with a multi-national dimension means that there is a need for greater uniformity in substantive family law.

PE 425.658 EN 30-11-2010

The Current State of Family Mediation in the European Union

This note traces the development of family mediation in the European Union and the existing opportunities in the light of the Mediation Directive and other European provisions to render this amicable means of solving disputes more effective for the benefit of the users and society in general.

PE 432.732 EN 30-11-2010

Content and Effects of the European Certificate of Succession as Proposed in the Proposal for a Regulation on Succession and Wills

This note analyses the provisions on the content and effects of the European Certificate of Succession, laid down in the Proposal for a Regulation on Succession and Wills. The main

purpose of the European Certificate is to constitute a proof of the capacity of heir or legatee and the powers of the executors of wills or thirdparty administrators. There is close link between the content and the effects of the European Certificate of succession. They follow from the purpose for which the certificate is issued. Following the note's conclusions, the European Certificate cannot constitute a title for entries in public registers.

PE 432.734 EN 30-11-2010

Cross-Border Exercise of Visiting Rights

The right of access is a key aspect of the basic right of contact between parents and children. The inadequacy, in many cases, of relevant means of enforcement throws up major problems with regard to cross-border rights of access in particular. Multilateral conventions are concerned primarily with the recognition and efficient implementation of decisions by national courts. The EU considers that it needs to enact its own legislation in the realm of family and succession law, as elsewhere: legislation which, in its field of application, will supersede the multilateral conventions. As well as being concerned with the recognition of decisions, this legislation should place more emphasis on the establishment of international institutions and machinery to assist in negotiating and making arrangements for cross-border visiting rights.

PE 432.735 EN 30-11-2010

Illegal Removal of Children: Brussels II a and the Hague Convention

This report focuses on the Brussels II bis Regulation as the basis for EU provisions dealing with the illegal removal of children. It highlights recent Court of Justice cases of note and gives the perspective from the jurisdiction of England and Wales.

PE 432.736 EN 30-11-2010

Protection of Children in Proceedings

Children's rights are heard and protected in proceedings in all European Member States. Although a child's rights are heard in all Member States, there are substantial differences in the provisions governing how these rights are heard. Recent changes have been major, particularly regarding children's involvement in legal proceedings. The ways children are represented and how their views are considered have made a difference, though much remains to be done. Social and family structure changes have evolved quickly; the law has had to develop alongside it.

PE 432.737 EN 30-11-2010

Mutual Recognition of Same-Sex Marriage, of Civil Partnerships of Same-Sex and Opposite Sex Couples: Current Situation in Member States. Need for EU action?

This paper focuses upon the UK, common law perspective of mutual recognition of same-sex marriage, of civil partnerships of same-sex and opposite sex couples, covering matters relating to marriage/civil partnership, divorce/dissolution, ancillary relief/financial provision and issues relating to children.

PE 432.739 EN 30-11-2010

Relevant Provisions of the Lisbon Treaty on EU Administrative Law

The aim of this paper is to contribute to the debate on whether EU law needs a regulation on a common administrative procedure and, if so, on what its content and scope could be. If an EU administrative procedure regulation is adopted under the legal basis contained by Article 298 (2) TFEU, it shall answer in the first place to the principles of Article 298 (1) TFEU: to an open, efficient and independent European administration. In doing so it will develop mainly the right to good administration but also the rights of access to documents and to protection of personal data. In my opinion procedural rules contained under the right to good administration and their development by the Code of Good Administrative Behaviour constitute grosso modo the guidelines for a future Regulation on Administrative Procedure.

PE 432.744 EN 01-12-2010

EU Administrative Law - The Acquis -

The *acquis communautaire* that constitutes EU Administrative law has always been eclectic, in the sense that it is composed of legal principles and rules that are derived from a variety of sources. This paper provides an overview of the relevant material and the way in which the various provisions that comprise EU administrative law interact.

PE 432.745 EN 01-12-2010

Report of Findings on US System of Impact Assessment Legal Affairs Committee Delegation to Washington DC (28 September - 1 October 2010)

This paper summarises findings obtained during a delegation of the Legal Affairs Committee to Washington DC (28th September – 2nd October 2010) in the field of impact assessment. The US system is briefly set out through a presentation of the relevant institutional structures and bodies, as well as procedures and methods, applied by the Congress during the legislative process and, in a much more systematic manner, by the administration (agencies) during the adoption of implementing regulations.

PE 432.746 EN 15-12-2010

International / European Environmental Criminal Court - A Comment on the Proposal of the International Academy of Environmental Sciences

Different legal mechanisms can regulate actions that are dangerous to the environment in different ways. The IAES proposes the use of international and EU criminal jurisdictions to prevent and punish environmental crime, and puts forwards suggestions for relevant institutional reform. The two levels of the reform proposed by the IAES, that is European and international, would correspond to different rationalities, and could be complementary to each other. However, a reflection on the elements of an eventual definition of an environmental crime, at EU and international level, as well as procedural questions, including that of (collective) remedies, is still to be held, and remains central to holding polluters responsible both before international and EU judicial fora.

PE 432.748 EN 14-01-2011

Administrative Procedures Linked with Article 258 TFEU Proceedings: an Academic Perspective

This briefing note considers the administrative procedures of Article 258 TFEU and the relationship between the complainant and the European Commission. It sets out the legal framework for Article 258 TFEU, analysing it through the lens of good governance and legitimacy in the EU. It considers the potential for development of the administrative process in terms of the new legal landscape after Lisbon, and the challenges encountered by the European Parliament in holding the Commission accountable in relation to its ‘guardian’ function.

PE 432.752 EN 14-01-2011

Citizens and EU Administration - Direct and Indirect Links

This briefing note focuses on the legal and non-legal avenues by which transparency and participation have been ensured in EU law and practice. Transparency and participation have produced the main recent changes in the way the EU administration relates to its citizens. We provide an overview of the current law and practice and their strengths and weaknesses post-Lisbon. In addition, reference is made to the European Ombudsman and the right to petition the European Parliament.

PE 432.754 EN 14-01-2011

Administrative Procedure in Environment Files Linked with Article 258 TFEU Proceedings: A Lawyer’s Perspective

The administrative procedure related to Article 258 TFEU is guided by soft rules that may not be systematically applied and are subject to changes any time. This paper will illustrate some of the issues raised by this lack of legally binding rules through a series of real examples related to environment files. The role of complainants will be particularly considered.

PE 432.753 EN 15-03-2011

Administrative Proceedings in the Area of EU Competition Law

This study provides an overview of administrative proceedings in the area of EU competition law, more in particular, Articles 101 and 102 Treaty on the Functioning of the European Union and merger control, while focusing on different levels of procedural protection for complainants, interested third parties, and parties subject to investigation. It thereby aims to provide insight as to where – at a practical level – the prevailing procedural provisions provide an effective safeguard for the parties involved and where there is scope for improvement. The study concludes that the current body of procedural safeguards is a rich source of inspiration for any envisaged horizontal legislation concerning administrative procedures.

PE 432.757 EN 15-03-2011

Administrative Procedures in EU External Trade Law

This study provides an analysis of the current state of play as regards EU administrative law in the field of trade policy. This is an established area of EU policy, in which a range of administrative-type measures are adopted at central EU level. The study first attempts to define the scope of the EU's administrative law in trade matters. It subsequently explores whether there are any best practices in this field, which may be relevant to other areas of EU administrative law, or which may inspire horizontal, codifying legislation.

PE 432.758 EN 15-03-2011

Insolvency Proceedings in Case of Groups of Companies: Prospects of Harmonisation at EU Level

Groups of companies are the most important and commonly encountered business structure throughout Europe. However, there is no provision in any of the domestic or pan-European laws to deal with the insolvency or financial reorganisation of groups. This paper considers ways in which the courts can assist in the practical problems when an economic interest group gets into financial difficulty.

PE 432.762 EN 15-03-2011

The Application of EU Law: Relevant Aspects of European Administrative Procedure

Administrative procedure continues to gain prominence within European administrative law, going even further than its own application measures, whether they are adopted by the European institutions, the Member States or at both levels by means of composite administration. With regard to indirect or integrated application, the Member States' procedural autonomy has been unable to halt the increasing Europeanisation of procedures, to the point where there are highly ambitious plans to codify them. Meanwhile, European interventionism in procedural matters continues to take on indirect and direct, praetorian and regulatory characteristics, ranging from soft law to formal sources, and from the sectoral to the general.

PE 432.764 EN 15-03-2011

Administrative Procedures Prior to the Action for Failure to Fulfil an Obligation

This information note analyses the procedures prior to the litigation stage in the action for failure to fulfil an obligation, which are primarily carried out by the Commission and the Member States. The analysis distinguishes between actions for failure to fulfil an obligation covered by Articles 258, 259 and 260(1) and (2) TFEU, with the aim of discovering the particular features that these procedures have in each case. Finally, it analyses the role of the complainants in these procedures.

PE 432.765 EN 15-03-2011

Harmonisation of Insolvency Law at EU Level with Respect to Opening of Proceedings, Claims Filing and Verification and Reorganisation Plans

This briefing note refers to recommendations regarding the harmonisation of laws of Member States regulating insolvency proceedings, and, without being exhaustive, further explores arguments for harmonisation and potential difficulties that occur, or may occur, as a result of differences between laws in the following three areas: opening of insolvency proceedings; claims filing and verification; reorganisation plans.

PE 432.766 EN 15-03-2011

Harmonisation of Insolvency Law at EU Level: Avoidance Actions and Rules on Contracts

This note supplements the note “Harmonisation of Insolvency Law at EU Level”, dated April 2010 which had been requested by the European Parliament Committee on Legal Affairs. It is intended to serve as a further basis for the “Workshop on Harmonisation of Insolvency Proceedings at EU Level” on 22 March 2011, and, in accordance with the request, to provide a detailed statement on the insolvency law issues arising in respect of Avoidance Actions and Rules on Contracts (plus extended Retention of Title Clause). In this context, Avoidance Actions and Rules on Contract (plus extended Retention of Title Clause) are addressed with regard to their legal and economic effects under the different specific situations in the various national jurisdictions. The note shall in particular define the relevant differences, using various legal regimes as an example, and shall discuss whether this means that a further harmonisation of national insolvency law at EU level is reasonable and attainable.

PE 432.767 EN 15-03-2011

Public Procurement by the European Union Institutions

In awarding contracts the Community institutions are subject to the rules set out in Directive 2004/18/EC of 31 March 2004. The provisions of the directive are reproduced and adapted in Community Financial Regulations No 1605/2002 and No 2342/2002 of 25 June 2002. These provisions ensure that all economic operators in the EU have non-discriminatory access to European contracts.

PE 432.768 EN 15-03-2011

The Evolution of EU Administrative Law and the Contributions of Nordic Administrative Law

This note sheds light on EU administrative law and its Scandinavian inspirations in retrospect and for the future. EU Administrative law does not only draw on the case law of the CJEU and the principles of EU law but also on national laws as sources of inspiration. This note focuses on transparency and EU Ombudsman as concrete manifestations of Nordic inspirations. Moreover, the note discusses the duty to inform citizens of their EU rights as a future development in EU law on a Nordic backdrop.

PE 432.769 EN 15-03-2011

The Revision of the EU Insolvency Regulation

The review of the Council Regulation (EC) N° 1346/2000 of 29 May 2000 on insolvency proceedings is due for 1 June 2012. This note contains the most important issues that INSOL Europe's working group considers relevant for revision.

PE 432.770 EN 15-03-2011

Is a Law of Administrative Procedure for the Union Institutions Necessary? Introductory Remarks and Prospects

Four main purposes exist for a codification of EU administrative procedure: clarification of, and easier access to law; increasing the coherence of principles and procedures; setting up default procedures to fill gaps in existing law and establishing the functions of administrative procedure. In order to meet the needs for codification at EU level, a broad scope of application and an appropriate method would have to be chosen for innovative codification.

PE 432.771 EN 15-03-2011

Minding the Gap in European Administrative Law : on Lacunae, Fragmentation and the Prospect of a Brighter Future

A more comprehensive definition of 'good administration' is lacking in the EU. While the Treaties and the Charter establish a number of useful rights, these provisions ought to be developed and made more precise through horizontal rules applicable to all EU institutions in all policy fields. The existing policy-specific rules and soft law regulation have not proved satisfactory. A regulation on good administration applicable to the EU institutions, bodies and agencies ought to be adopted based on Article 298 TFEU.

PE 432.772 EN 15-03-2011

From Fragmentation to Increased Coherence: a User-Friendly EU Administrative Law

The EU has scattered rules and principles relating to the principle of good administration. To the benefit of both officials of the Union administration and of Union citizens, a comprehensive and user-friendly European Administrative law should be adopted. The law should codify the principles relating to good administration in the sense of an individual right and thus govern the obligations of the Union administration in its contacts with the citizens.

PE 432.773 EN 15-03-2011

European Union Civil Service Law

This briefing note analyses all of the legislative and executive acts forming European Union Civil Service Law, together with the main characteristics of this Civil Service and its contribution to the formation of a European Union Administrative Law.

PE 432.774 EN 15-03-2011

Arguments in Favour of a General Codification of the Procedure Applicable to EU Administration

After examining the current regulation and pointing out its main shortcomings, this briefing argues that a general codification of the procedure of the institutions, bodies, offices and agencies that make up the EU administration is the best way of fulfilling the mandate, imposed by Article 298 TFEU, of adopting the necessary provisions to achieve ‘an open, efficient and independent European administration’ and to duly develop the fundamental right to good administration laid down in Article 41 CFREU.

PE 432.776 EN 15-03-2011

European Administrative Law in the Light of the Treaty of Lisbon: Introductory Remarks

This contribution covers the development of European administrative law, in particular the changes which the Treaty of Lisbon has brought about. Next to a growing amount of secondary law EU administrative law has been mainly shaped by the Court of Justice of the European Union. However, it still lacks a coherent structure. The author, thus, pleads for the codification of the major rules on administrative procedures in particular in the field of indirect implementation of European law – on a yet to be established legal basis in the Treaties which – in his view – the Lisbon Treaty still does not provide for.

PE 432.777 EN 15-03-2011

Proceedings of the Workshop on "EU Administrative Law: State of Play and Future Prospects"

During a delegation of the Legal Affairs Committee, the Policy Department has organised a Workshop on EU administrative law at the University of León (27 - 28 April 2011). Several academic experts as well as law practitioners were invited to make contributions. The present collective edition contains all the briefing notes produced for the Workshop.

PE 453.215 EN 15-03-2011

Copyright in the EU - What Next? (Study and Options Brief)

On October 12, 2010 the Science and Technology Options Assessment Panel (STOA) together with Technopolis Consulting Group supported by Knowledge4Innovation/The Lisbon Forum, and TNO, organised a half-day workshop entitled ‘Copyright in the Single Market, Opportunities for Harmonisation and management of Rights’. This workshop was part of the 2nd European Innovation Summit at the European Parliament which took place on 11-14 October 2010. The workshop addressed in the first part the topic of the opportunities for further harmonising EU Copyright law. Despite a number of copyright related Directives, harmonisation of copyright law remains an area of controversy and a considerable number of issues arise where higher degree of harmonisation and also the level of protection to be granted are heavily debated. The second part focused on issues related to the management of rights, i.e. the means by which copyright and related rights are administered (licensed, assigned and remunerated), and whether current practices with a particular view on transparency and governance of copyright management hinder the development of the

Internal Market. Despite difficulties to reach consensus in the discussion, four areas for possible policy action were identified.

PE 460.342 EN 15-03-2011

Lessons Learnt from Implementation of the Mediation Directive the Judges' Point of View

Differences in application of Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters have brought to light varied loopholes from Member State to Member State. The main obstacles holding back the development of legal mediation are essentially to be found in the practical organisation of mediation and, to a lesser extent, in the overuse of the notion of public policy. This development has also suffered, particularly at cross-border level, from mismatches in the accreditation of the training of mediators. Debate has also raged over whether mediation should be made mandatory or whether financial incentives (such as obliging parties who refuse to enter into mediation to pay the cost of proceedings) should be introduced to encourage the use thereof.

PE 453.169 EN 15-04-2011

Mediation in the Neighbouring Countries: the Case of Russia

This Briefing Note presents a review and analysis of the current state of mediation in Russia and the relevant laws. It further shows the extent to which Russian mediation rules correspond to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters. It also considers issues related to the future development of mediation in the Russian Federation and proposes measures required to bring this process forward in a successful and efficient way.

PE 453.170 EN 15-04-2011

Administrative Procedure in EU Civil Service Law

Administrative procedure in the EU civil service is subject to the principles and rules which apply to all areas of EU law. It does, however, have specific characteristics as a result of the regulatory framework and case-law. This document explores certain key features of this field, with an emphasis on the elements which make it distinctive.

PE 453.171 EN 15-04-2011

The Slovenian Legislation Implementing the EU Mediation Directive

Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters imposes a duty on Member States to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive before 21 May 2011. The framework legislation on mediation addresses key aspects of civil procedure. The Slovenian legislation implementing the Directive goes beyond the minimum requirements laid down in the Directive.

PE 453.172 EN 15-04-2011

Lessons Learnt from the Implementation of the EU Mediation Directive: the Business Perspective

This briefing note deals with the use of mediation as a dispute resolution process by businesses. It analyses the impact of the Mediation Directive 2008/52/EC in the light of its three main objectives that are facilitation of access to alternative dispute resolution, promotion of mediation and balanced relationship between mediation and judicial proceedings. Moreover, recommendations are provided on how to enhance mediation uptake by SMEs.

PE 453.173 EN 15-04-2011

Family Mediation: Advantages, Drawbacks, Costs and Prospects

Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters provides an example of how to use EU policy to attempt to improve, standardise and harmonise the Member States' justice systems. The Member States have until May 2011 to transpose the directive. This paper intends to examine current Spanish legislation on family mediation – analysing its development and its strengths and weaknesses and focusing on its adaptation to Directive 2008/52/EC on mediation – to raise issues and make future suggestions with a view to introducing family mediation more widely and extending it to encompass civil mediation, within the framework of the EU.

PE 453.174 EN 15-04-2011

Italian legislation on mediation

This report analyses the Italian legislation transposing Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters. The Italian legislator has gone further than the requirements of the Directive: the possibility of using mediation is not restricted solely to cross-border disputes but applies to all disputes concerning alienable rights in civil and commercial matters. For certain disputes, mediation is a condition of admissibility of civil proceedings. The mediation service is run by public and private bodies supervised by the Ministry of Justice.

PE 453.175 EN 15-04-2011

Lessons Learnt from the Implementation of the EU Mediation Directive in Germany: the Point of View of Lawyers

Germany has to date not implemented the Mediation Directive. The government has drafted a mediation law. Both the Mediation Directive and the Mediation draft law merit approval as they retain mediation's inherent flexibility. The most significant problem in practice is how confidential information from the mediation can be excluded as evidence in subsequent proceedings.

PE 453.176 EN 15-04-2011

Quantifying the Cost of Not Using Mediation - A Data Analysis

This is a special moment for alternative dispute resolution in Europe. In recent years, the mediation law landscape, in particular, has undergone substantial changes in large part due to the 2008 “European Union Directive on Certain Aspects of Mediation in Civil and Commercial Matters”. Despite the fact that mediation saves both time and costs, mediation is far from being solidly established in Europe. In order to explore and quantify the impact that litigation has on the time and costs to the 26 Member States’ judicial systems, ADR Center implemented a study in the context of the European Commission-funded project “The Cost of Non ADR-Surveying and Showing the actual costs of Intra- Community Commercial Litigation”. The study measures the financial and time costs of not using mediation. This paper will focus on the final results of this study and suggest possible ways to make mediation happen in EU, namely through the discussion of various incentives and regulations which would make mass mediation implementation easier.

PE 453.180 EN 15-04-2011

File Sharing

‘File sharing’ has become generally accepted on the Internet. Users share files for downloading music, films, games, software etc. In this note, we have a closer look at the definition of file sharing, the legal and policy-based context as well as enforcement issues. The economic and cultural impact, too, is dealt with briefly.

PE 432.775 EN 11-05-2011

Comparative Study on the Purpose, Scope and Procedures of Impact Assessments Carried out in the Member States of the EU

The study looks at the purpose, scope and procedures of impact assessments carried out in the Member States of the EU. It aims to draw examples of best practice to feed into the discussion concerning Regulatory Impact Assessment (RIA) at EU level. The study examines the EU RIA system, as well as RIA systems in eight Member States: Denmark, France, Germany, Hungary, Italy, Poland, the Netherlands, and the United Kingdom. It combines document review and interviews to analyse the context, scope, role in the policy cycle, methods, governance, and outcomes of RIA, as well as the theory and evolution of the RIA concept.

PE 453.179 EN 16-05-2011

The Development of Mediation in Poland

This paper analyses the current status of mediation in civil and commercial matters in Poland, taking into account a variety of legal, psychological and sociological factors. In particular, it focuses on the most important factors which, in the author’s opinion, have a negative effect on the development of mediation in Poland. These factors include: negative socialisation, non-existence of authority figures, low level of public confidence and the lack of a conscious need to use mediation.

PE 453.183 EN 16-05-2011

The Consumer Experience of Mediation in England and Wales

This note provides an overview of the consumer's experience of mediation in England and Wales, including commentary upon the EU Mediation Directive and its implementation in the jurisdiction.

PE 453.184 EN 16-05-2011

Mediation in Family Matters: the Experience in Romania

This briefing note offers an overview of family mediation in Romania and of the compliance of the national legal framework with the provisions of the EU Mediation Directive. It analyses the legal framework, the advantages and disadvantages of mediation in comparison with court litigation and the impact of the EU Mediation Directive on the Romanian legislative framework enforcing mediation in family law matters. It identifies the issues regarding the compliance with the EU Mediation Directive.

PE 453.187 EN 16-05-2011

Interpretation of the Public Policy Exception as Referred to in EU Instruments of Private International and Procedural Law

This study, authored by Prof. Burkhard Hess and Prof. Thomas Pfeiffer, Heidelberg University, provides for a comprehensive analysis of the interpretation of the public policy exception in EU instruments. The assessment is based both on statistical data and the experience of stakeholders. Encompassing the relevant case-law of the ECJ as well as of civil courts in 23 EU Member States, the study evaluates the practical relevance as well as the content and scope of the public policy clauses. In practice, public policy is often invoked, but seldom applied. In procedural law, the difference between substantive and procedural public policy is recognised and the procedural public policy is much more often invoked and applied than substantial public policy. The content of the clause is determined by the fundamental guarantees of Articles 6 ECHR and 47 ChFR. In addition, there is a trend in the case-law that procedural irregularities must be remedied in the Member State of origin.

PE 453.189 EN 16-05-2011

The Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Recast) - Contributions by Horatia Muir Watt

This note analyses the main elements of reform laid down in the Commission's proposal for a recast Brussels I Regulation with a particular focus on the abolition of the exequatur. In addition, it sets out a number of proposals aiming at improving the proposed reform.

PE 453.199 EN 15-08-2011

The Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Recast) - Contributions by Andrew Dickinson

This note considers several aspects of the reforms proposed by the Commission (COM (2010) 748 final, 14 December 2010) to the current EU legal framework regulating the

jurisdiction of Member State courts, and the recognition and enforcement of judgments, in civil and commercial matters, as contained in Regulation (EC) No. 44/2001 (the “Brussels I” Regulation). It suggests possible amendments to the Commission’s Proposal, as set out in the Annex.

PE 453.200 EN 15-09-2011

The Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Recast) - Contributions by Burkhard Hess

This Note examines the most important provisions of the EU Commission’s proposal for a recast of the Regulation Brussels I (44/2001). Although the principal approach of the Commission deserves support, several improvements should be adopted, especially with regard to the safeguards to proposed regime on the free movement of judgments and the operation of the Regulation in the international legal order. The proposals on choice of court agreements and arbitration clauses should (with minor improvements) be adopted. The note equally addresses some additional issues as the proposed new Articles 5 no 3 and 85 and criticises that the proposal does not address the unsatisfactory reference to the domestic laws of EU-Member States with regard to the definition of domicile (Article 59 JR/73CP).

PE 453.201 EN 15-09-2011

The Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Recast) - Contributions by Florian Horn

This note examines the recast of Regulation (EC) N° 44/2001 (“Brussels I”) as proposed in COM (2010) 0748. Important issues include the abolition of exequatur, rules for third country defendants, rules for choice of court agreements, the interface with arbitration proceedings, a new head on jurisdiction on rights in rem, compatibility with the right to collective actions, and other topics as cooperation in the context of protective measures.

PE 453.202 EN 15-09-2011

The Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Recast) - Contributions by Alexander Layton

The Note examines a number of the provisions in the European Commission’s proposed recast of the Brussels I Regulation, identifies problems and makes recommendations. The principal provisions discussed concern the proposed abolition of exequatur, the operation of the Regulation in the international legal order, choice of court agreements, and the Regulation’s interface with arbitration proceedings.

PE 453.203 EN 15-09-2011

Proposal for a regulation of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) - Contributions of Marie-Laure Niboyet

In the mechanism proposed by the Commission for abolition of the procedure for recognition and enforcement of judgments (exequatur), the formalities associated with the exequatur process are indeed removed but the review process remains and is applied a posteriori in the event that a remedy is sought by the defendant in the Member State of enforcement. This position of compromise should be approved. Nonetheless, the system of remedies lacks clarity, is still insufficient in protecting the fundamental rights of the defendant and should be entirely located in the Member State of enforcement. With regard to the provisions intended to increase the efficiency of choice-of-court agreements, the proposed modifications remedy the serious shortcomings existing in the current system, as interpreted by the Court of Justice. However, it would be useful for a separate, more favourable Brussels I regime to be maintained for situations that are not governed by the Hague Convention. With regard to the two other points (the operation of the Regulation in the international legal order and the improvement of the interface with arbitration procedures), the debate is still raging. After having set out the issues and outcomes associated with the proposed choices, this note takes a position in favour of an extension of the regulation to all external disputes, subject to several additions, and a radical exclusion of arbitration from the scope of application of the regulation, subject to a valid and applicable *prima facie* clause being invoked. It is less certain whether new provisions on more specific innovations (Articles 5(3) and 85) would be useful.

PE 453.204 EN 15-09-2011

The Proposal for a Regulation of the European Parliament and of the Council on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Recast) - Contributions by Ilaria Pretelli

The effective development of mutual trust requires a solid foundation. Asserting such trust a priori could compromise relationships between different States rather than accelerating the process of integration. The abolition of the exequatur system entails a real risk of an increase of forum shopping and procedural frauds. Instead of reforming the architecture and foundations of the Brussels I Regulation, which has already been shown to operate effectively, it would be preferable to strengthen the efficacy of the Regulation by simplifying its rules and imposing mandatory deadlines and means to sanction instances of fraud. The associated economic benefits will follow *ipso facto*.

PE 453.205 EN 15-09-2011

Judicial Training in the European Union Member States

This study describes the state of judicial training in the European Union, particularly in EU law. It presents the results of a major survey of judges, prosecutors and court staff on their experiences of judicial training. It also includes the profiles of the judicial training actors at EU level and in all 27 Member States. It contains detailed recommendations on how to overcome obstacles to participation in judicial training and to promote best practice across the EU. It was compiled for the European Parliament by the Academy of European Law (ERA) in consortium with the European Judicial Training Network (EJTN).

PE 453.198 EN 14-10-2011

Alternatives in Drafting an EU Administrative Procedure Law

This note is based upon the work accomplished by the Working Group on EU Administrative Law of the Committee on Legal Affairs of the European Parliament. Having been invited to consider the Working Document drafted by the Group with critical observations and conclusions, the author wishes to acknowledge the excellent quality and usefulness of the Document, which gives a very accurate description of the State of Play in matters of EU administrative procedure law and makes clear and accurate recommendations. This note aims at highlighting those aspects where there are different options for drafting an Administrative Procedure Law for EU institutions, bodies, offices and agencies, while indicating and giving reasons to the author's preferred solutions.

PE 462.417 EN 15-11-2011

Legitimacy and EU Administrative Law: Future Prospects

This briefing note considers the concepts of good governance and legitimacy post Lisbon and the connection between these concepts and the evolution of EU Administrative Law. It provides an overview of the current EU Administrative Law landscape by drawing on the themes common to the sectoral reports: complexity, lacunae and inconsistency. It proposes some next steps for the Working Group on EU Administrative Law, including adopting a legally binding instrument containing basic administrative principles.

PE 462.418 EN 15-11-2011

The Importance of Keeping It Simple: Reflections on a Law on Administrative Procedure for EU Institutions

The author insists on the need to approve within a short period of time an EU Regulation on the formalities and actions that must be met by any administrative procedures of the European institutions. She provides examples drawn from the history of relevant Spanish legislation and makes proposals for the basic content of a new EU regulation, which would set out the rights of the interested parties in the procedures, as well as other provisions regarding the legal regime for administrative actions.

PE 462.419 EN 15-11-2011

Implementation of Optional Instruments within European Civil Law

This study examines how European optional instruments are implemented in the Member States. It covers civil law and provides a comprehensive analysis of this innovative method, which although adopted in various fields (civil procedure, intellectual property, companies), was not organised or even clearly identified as such by the European legislator until a proposal for a regulation on a Common European Sales Law (11 October 2011) revealed its full potential. The study, which is based on field surveys conducted using a detailed questionnaire, identifies the strengths and weaknesses of this method and poses thought-provoking questions for the future.

PE 462.425 EN 16-01-2012

Opinion on the Proposal for a European Regulation on the Right of Succession 2009/157(COD) - Version of 16 January 2012

This opinion deals with the consolidated text of the draft Regulation on succession law in the version dated 10/16 January 2012. The decisions underlying the draft appear to be sound: synchronisation of jurisdiction and applicable law, the decisive significance of the deceased's last place of residence, the principle that the same law is to govern the succession as a whole, and the establishment of a European Certificate of Succession. The draft makes significant improvements on previous versions, in particular as regards conflicts of laws, the enforcement of decisions, the provisions on the European Certificate of Succession, and the extended temporary arrangements. Other aspects, however, need improvement. These are listed individually in the Executive Summary.

PE 462.430 EN 15-02-2012

Checks and Balances of Soft EU Rule-Making

This report has been drafted upon the invitation of the European Parliament to perform a study on the provisions, instruments or areas of activity of EU institutions, bodies, offices and agencies, where judicial review is not possible. As the judicial reviewability of EU soft administrative and regulatory rule-making is particularly problematic, this type of rule-making has been put central. The report aims at highlighting the institutional, procedural and judicial framework within which soft rule-making is used and what actions may be required for a better design thereof.

PE 462.433 EN 08-03-2012

National Experiences in Applying Civil Protection Measures: The Case of Spain

In this document, we describe the activity of Fundación ANAR (Ayuda a Niños y Adolescentes en Riesgo, or Help for Children and Adolescents at Risk) and, in particular, the ANAR Help lines, which were launched in 1994. We then reflect how Spanish law regulates the protection order for victims of crime and, finally, we provide a number of contributions that, in our experience in child protection, we believe important to consider in the study and drafting of recent legislative proposals from the European Commission for strengthening the rights of victims of crime in the European Union.

PE 462.434 EN 15-03-2012

National Experiences in Applying Civil Protection Measures: The Case of Bulgaria

In civil and commercial matters, the provisional and protective measures are set to preserve the factual or legal situation, in a way to protect the rights whose recognition was claimed elsewhere by the court, having jurisdiction over the substance of the matter. Thus, protection measures shall surprise the defendant by depriving him/her of the possibility to make the protection sought useless. Talking about domestic violence, the protective measures are set to give immediate protection in cases where there exists a direct and immediate threat of continuation of domestic violence, whilst guaranteeing the rights of the offender to a fair trial.

PE 462.435 EN 15-03-2012

National Experiences in Applying Civil Protection Measures: The Case of Lithuania

This briefing note presents the experience of a judge of an ordinary court of the Republic of Lithuania of applying provisional protection measures in civil proceedings. The presentation is provided in the light of the Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (2011/0130 (COD) by analysing the rules set forth by this draft in the context of national law. It reveals the common features and the principles and procedure of application of provisional protection measures taken in civil proceedings in national courts; and provides examples and peculiarities of the application of provisional protection measures established in national law falling within the scope of the Proposal for a Regulation.

PE 462.436 EN 15-03-2012

Implementation and Enforcement of EU Environmental Law

The measures adopted by the Commission in the last 5 years defining the EU implementation and enforcement policy aim at improving the implementation rather than enforcement of EU law by enhancing Member States' role and capacity, including by delegating actions to the national level. The present note argues the need to strengthen the enforcement role of the Commission as the Guardian of the Treaties and proposes specific actions to be taken at EU level for the development of a strong policy for implementation and enforcement of EU environmental law.

PE 462.440 EN 16-04-2012

The Relationship between the Commission Acting as Guardian of the EU Treaties and Complainants: Selected Topics

This briefing note addresses three topics concerning the relationship between the Commission acting as Guardian of the EU Treaties and complainants. First, it investigates the link between non-contractual liability and the Commission's discretion under Article 258 TFEU. Secondly, it examines Article 258 TFEU and the introduction of EU Pilot (a confidential on-line database for communication between Commission services and Member State authorities concerning potential infringements). Finally, it discusses limitations of the procedure under Article 258 TFEU and the capability of mutual evaluation as a supplementary enforcement tool.

PE 462.441 EN 16-04-2012

Drafting European Union Legislation

The process of drafting Union legislation is long and complex, involving large numbers of interveners in a multilingual and multicultural environment. Strong rules and procedural safeguards are essential to ensure that Union legislation satisfies the needs and expectations of 500 million citizens and of businesses in the 27 Member States.

PE 462.442 EN 16-04-2012

The Concrete Options for a Law on Administrative Procedure Bearing on Direct EU Administration

This paper will address some of the main issues relating to the drafting of a law bearing on direct EU administration, pointing out the main options for each one of them. The first chapter deals with preliminary issues, in order to define the object of the paper. In the second chapter some fundamental features of the envisaged law are discussed. The third chapter is devoted to the scope of the law. The fourth chapter focuses on some of its possible contents.

PE 462.443 EN 16-04-2012

Towards an EU Administrative Procedure Act – The Swedish Experience

Based mainly on the reasoning and legislative proposal set out in the final report of the Swedish Inquiry on the Administrative Procedure Act, chaired by the author, this briefing note presents some approaches also relevant for the construction of an Act under Article 298 TFEU.

PE 462.444 EN 16-04-2012

Unfair Contract Terms Provisions in CESL

This Note addresses the provisions on Unfair Contract Terms in the proposed Common European Sales Law (CESL) for both “business to business” (B2B) and “business to consumer” (B2C) transactions, from the perspective of a lawyer who has both experience as a practitioner and a legal academic. It suggests that the provisions of CESL may be inappropriate in the B2B arena, being both too intrusive, and also failing to provide sufficient structure for the judicial review of potentially unfair terms.

PE 462.448 EN 15-05-2012

B2B and B2C Clauses and General Terms (Conditions) in Contracts: A Viewpoint from the Italian Companies

The CESL could be completed by a “toolbox”: a set of transparent and fair clauses and “well-balanced” standard contractual terms (standard clauses and contracts), translated into all official languages, will encourage new players all across the EU market as well as reinforcing competition, extending the range of choices available for consumers.

PE 462.449 EN 15-05-2012

Unfair Contract Terms in Business-to-Consumer Contracts in the Proposed Common European Sales Law: BEUC's Viewpoint

This note presents the perspective of consumer organisation across the EU on the proposed regulation on a Common European Sales Law and its rules on unfair contract terms. It identifies the problematic impact on individual consumers and on the future development of the EU consumer law acquis. It indicates general and specific issues in relation to the introduction of an optional regime on unfair contract terms that should be taken into account by the EU legislators and proposes alternative means for promoting cross border shopping in the EU.

PE 462.450 EN 15-05-2012

Unfair Contract Terms in B2C Contracts

Because of its textual similarity to the Unfair Terms Directive 1993, Chapter 8 of the proposed CESL, on ‘Unfair contract terms’, can benefit from two decades of interpretative experience which is likely to provide a comparably high degree of instant legal certainty to contracting parties.

PE 462.452 EN 15-05-2012

Relations between Company Supervisory Bodies and the Management - National Systems and Proposed Instruments at the European Level with a View to Improving Legal Efficiency

Proper functioning of the supervisory body and the quality of its relations with the management are among the essential conditions enabling a business to create value over the long term. The advances proposed in these two areas pertain, in particular, to the membership of the body, the training of its members and the functions of its committees, for which recommendations at the European level may be useful. They also involve the place of stakeholders (gender balance, employee involvement). These two issues are currently handled with a lack of uniformity in the 27 countries in the Union, which would benefit from the adoption of European directives.

PE 462.454 EN 15-05-2012

Remedies for Buyers in Case of Contracts for the Supply of Digital Content

The inclusion of provisions on digital content, including ‘gratuitous’ digital content, in the Common European Sales Law constitutes an improvement in respect to existing EU legislation on sales contracts. However, some amendments are necessary, given the fact that digital content differs from goods. This briefing note critically assesses the relevant provisions on conformity and remedies, and gives suggestions for tailoring them better to digital content.

PE 462.459 EN 15-05-2012

Rights and Obligations of Shareholders - National Regimes and Proposed Instruments at EU Level for Improving Legal Efficiency

Shareholders are both partners with voting rights, who can take part in collective decisions concerning the company, and owners of equity securities, who are entitled to profit from selling them on. In view of this dual aspect, it seemed that legal efficiency in terms of their rights and obligations could be improved by (i) recognising the primacy of corporate benefit and (ii) making concerted action possible.

PE 462.463 EN 15-05-2012

The Regime of Remedies in the CESL – Suitable and Balanced for SMEs?

This paper is based on the position of UEAPME members on the proposal for a regulation on the Common European Sales Law. It gives some general remarks on the proposal as such and focuses in the second part on the different remedies introduced from the point of view of SMEs, one of the main target groups of the proposal. If the aim to boost cross-border business activities is to be achieved, improvements in line with the remarks of this note are necessary.

PE 462.457 EN 15-06-2012

The Proposal for a Regulation on a Common European Sales Law: Focus on the Remedies Provisions

This briefing note provides general comments on the CESL and an overview of the level of consumer protection in the CESL, particularly the unfair contract terms. Furthermore, the note concentrates on the remedies provisions, analysing the legal guarantee provisions and other rights of the buyer from the viewpoint of a consumer organisation.

PE 462.458 EN 15-06-2012

Remedies for Buyers in B2C Contracts: General Aspects

This Briefing Paper deals with the remedies open to buyers in sale contracts between businesses and consumers under the Proposal for a Common European Sales Law (CESL). It includes a short overview of the types of remedies and their constituent elements following the structure of art. 106 CESL. The remedies of the CESL are compared, on the one hand, with those of various international instruments in the field and, on the other hand, with particular aspects of the law of the EU Member States. Finally, proposals for improving the current system of remedies under the Proposal are suggested.

PE 462.460 EN 15-06-2012

Remedies under the Proposal for a Regulation on a Common European Sales Law – The View of French Businesses

The substantive provisions of the Common European Sales Law, particularly on remedies, will be acceptable to businesses only if they meet certain conditions. The rules must be easily accessible and ensure legal certainty for transactions. They must also provide a balanced package that does not lead to excessive costs for businesses and that ensures a stable contractual relationship.

PE 462.461 EN 15-06-2012

The Proposal for a Regulation on a Common European Sales Law: Provisions on Remedies

This note contains an analysis of the remedial system under the proposal for a Regulation on a Common European Sales Law and some suggestions for possible amendments, focusing in particular on the delivery of goods not conforming to the contract, in line with the position of the German Federal Bar.

PE 462.462 EN 15-06-2012

Corporate Social Responsibility - Identifying What Initiatives and Instruments at EU Level Could Enhance Legal Certainty in the Field of Corporate Social Responsibility

After an analysis of the applicable law, it appears that the ‘Corporate Social Responsibility’ (CSR) approach as it is developing in the European Union calls for proposals for modifying substantive law. In addition to the existing texts, it may also be asked whether a law on CSR might not be enacted in order to protect corporate values and secure new markets relating to the emergence of the sustainable business. Once these values, supported by CSR law, are adopted by a corporate governance system, CSR may even allow the creation of a new type of intangible asset.

PE 462.464 EN 15-06-2012

Restitution in the Proposal for a Common European Sales Law

Chapter 17 on restitution should be redrafted, taking Articles 44 to 47 on withdrawal and Article 112 on replacement as a starting point and adapting them to the relevant conditions and tests in the context of termination or avoidance, as well as to the requirements of mass contracts concluded in the digital age. Some policy decisions concerning termination by consumers should be reconsidered. A separate rule on restitution for performance not otherwise due, e.g. where a party has delivered twice in error, would be desirable.

PE 462.465 EN 15-06-2012

Prescription in the Proposal for a Common European Sales Law

The rules on prescription in Part VIII, Chapter 18, of the CESL need clarification in order to ascertain whether they only apply to provisions on rights and claims resulting from a sale contract, or whether they are also applicable to any other (related?) right or claim, regardless of its contractual or non-contractual origin. One of the most problematic issues concerns general prescription periods. Furthermore, interpretation problems arise also because of missing definitions, or because the definitions are ambiguous or defective. The systematic approach demands clarification, too.

PE 462.466 EN 15-06-2012

Statutory Audits of Public Accounts and of Public-Interest Entities: Detailed Appraisal of the European Commission's Impact Assessment

This note seeks to provide a detailed analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the proposal for a Directive of the European Parliament and of the Council amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts, and the proposal for a Regulation of the European Parliament and of the Council on specific requirements regarding statutory audit of public-interest entities (PIEs). It does not attempt to deal with the substance of the proposal, but rather analyses whether the impact assessment provided by the Commission will help the JURI Committee's consideration of the proposal, in full knowledge of the facts, and whether the impact assessment meets, firstly, the standards which the Commission has laid down in its internal Impact Assessment Guidelines, and, secondly, the quality criteria which Parliament has defined in its resolutions on the subject.

PE 494.448 EN 16-07-2012

Standing Up for Your Right(s) in Europe - A Comparative Study on Legal Standing (Locus Standi) before the EU and Member States' Courts

The aim of this study is to provide an in-depth and objective comparative analysis of legal provisions, doctrine and case-law on locus standi before civil, criminal and administrative courts of selected legal systems, and before the EU courts. This analysis serves as the basis for several recommendations in this area.

PE 462.478 EN 15-08-2012

The Proposal for a Common European Sales Law: An e-Business Perspective

The Internet and new technologies transform commerce and allow traders and consumers to transact irrespective of time, place and device. This paper explains the mechanisms behind the new commerce developing and points to the opportunities it presents. The new commerce also presents new challenges. Traders need another set of expertise and tools, and often opt for partner solutions such as online marketplaces. Policymakers need to rapidly and effectively remove barriers to these evolving commerce patterns. Here, we will need smart and flexible policy to support a better functioning internal market, innovation and investment. The proposed Common European Sales Law is a promising example of an attempt to improve the internal market in a novel way. To ensure it is properly designed to support the new

commerce, this paper proposes improvements to the areas of language, user experience, dispute resolution, payment, and consumer obligations.

PE 462.471 EN 14-09-2012

Proposal for a Regulation on a Common European Sales Law: A Lawyer's Viewpoint

With reference to B2C transactions, the proposed CESL regulation seems to create unneeded complexity of the legal framework in which consumers and business have to operate, while establishing a burdensome procedure for the choice of CESL as applicable law in the contract. Apart from giving out a certain unease regarding the level of consumer protection afforded by the proposed regulation, such a procedure is likely to discourage both consumers and traders from opting in the system. As to B2B transactions, the CESL seems to overlap with the CISG. This international convention bears several similarities with the proposed CESL and has not proven to be a complete success. The reasons of this partial success may offer EU institutions important lessons for the purpose of avoiding the same problems in the CESL.

PE 462.472 EN 15-10-2012

Proposal for a Regulation on a Common European Sales Law: Making the Proposal Simpler and More Certain

This briefing note summarises the observations and recommendations set out in the European Law Institute's Statement on the CESL. It is divided into two parts. The first deals with the content of the proposed Regulation. The second deals with measures relating to effective implementation.

PE 462.473 EN 15-10-2012

The Drafting of the CESL: An Assessment and Suggestions for Improvement

The drafting of the Commission's current proposal for a CESL is analysed and assessed. Recommendations for improving the drafting are made. The most important recommendation is to allow for sufficient time during the legislative process in order to avoid the technical mistakes that can be found in the proposal in its current form.

PE 462.475 EN 15-10-2012

The Functioning of the CESL within the Framework of the Rome I Regulation

This study examines the relationship between the CESL and the Rome I Regulation and will attempt to ascertain to what extent this relationship will encourage cross-border B2C trade, by enabling traders wishing to do business throughout the EU to be subject to the CESL's mandatory provisions, rather than the national public policy laws of the 27 European Union Member States. This study will then make it possible to determine whether these overriding mandatory provisions of the CESL provide a high level of consumer protection, compared to the domestic consumer rights legislation in the countries of the European Union.

PE 462.477 EN 15-10-2012

Law of Administrative Procedure of the European Union: European Added Value Assessment (+ Annexes I-III)

Article 298 TFEU and the Charter of Fundamental Rights establish a right of citizens to good administration. However, the current legal framework is fragmented, patchy and uneven and the detailed provisions needed to enforce this right are lacking. This assessment argues that a Regulation constituting a general Law of Administrative Procedure would bring significant added value. ANNEXES: I- Enforcing citizens' right to good administration: time for action. II- Aspects relating to added value for citizens and economic operators. III- Aspects relating to the efficiency of the EU administration.

PE 494.457 EN 15-10-2012

Common European Sales Law: A Practical View

This paper provides a comment on the legislative history of the Common European Sales Law from the perspective of a former rapporteur. It deals particularly with the importance of many of the practical surrounding and related measures such as the provision of standard terms and conditions of trade and ADR and ODR necessary to make the proposal a success.

PE 462.474 EN 15-11-2012

Consumer Protection under the Proposal of a Common European Sales Law

This briefing note explains the problems which the Common European Sales Law (CESL) sets out to solve, to what extent it actually achieves those goals and where the proposal leaves room for improvement. The paper focuses on consumer contracts concluded between parties located within the EU. It intentionally leaves the many complicated and technical details of Private International Law aside in order to make the basic structures of the current system more visible so that the usefulness of a CESL can be better appraised.

PE 462.507 EN 15-11-2012

A European Framework for Private International Law: Current Gaps and Future Perspectives

This report identifies the gaps that exist in the current European framework of private international law and suggests a road map towards a more comprehensive codification of EU private international law. For the time being, legislative efforts should be directed at creating separate instruments for well-defined problems of private international law. The fruits of these efforts could in the long-term be combined in a code of EU private international law.

PE 462.487 EN 15-11-2012

Mutual Recognition of Protection Measures in Civil Matters

This document contains an analysis of the Proposal for a Regulation of the European Parliament and of the Council 2011/0130/COD on mutual recognition of protection measures in civil matters under a national judge's perspective.

PE 462.495 EN 15-11-2012

The Problem of Under-Compensation of Victims of Cross-border Road Traffic Accidents in the EU

The current acts in place – the Brussels I Regulation, the Lugano Convention and the parallel convention with Denmark – give the claimant several opportunities for forum shopping when lodging a direct claim against foreign liability insurance. Since the *lex fori* determines whether the Rome II Regulation or the Hague Convention is applicable in Common Market cases, the aforementioned possibility of forum shopping ultimately leads to law shopping. Between the claimant and the injuring party, the principle *lex loci delicti* should be maintained. Applying the law of the victim's residence would cause unforeseeable results and enormous costs for the offending party. The question, whether the claimant should generally be awarded a direct claim is a matter of secondary EU legislation, i.e. the question is treated equally in every Member State. For that reason, making this last question dependent on the *lex fori* is legitimate.

PE 462.491 EN 15-11-2012

Collective Rights Management: Initial Appraisal of the European Commission's Impact Assessment

This note, prepared by the Impact Assessment Unit for the Committee on Legal Affairs, analyses whether the principal criteria laid down in the Commission's own Impact Assessment Guidelines, as well as additional factors identified by Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

PE 496.734 EN 15-11-2012

Dissenting Opinions in the Supreme Courts of the Member States

This study examines the advantages and disadvantages of the practice of separate opinions. After an analysis of its diffusion in the Member States' Supreme and Constitutional Courts, it presents the practice of international tribunals. Finally, the reasons why the publication of separate opinions may, or may not, be suited for the CJEU are also taken into consideration.

PE 462.470 EN 15-11-2012

Which Legal Basis for Family Law? The Way Forward

Many of the current features of European family law can be linked to their particular legal basis. This paper evaluates the content and limits of the legal bases of EU family law rules with a view to establishing the optimum mechanism(s) for further legislative progress in view of the Union's aims in this field. Particular consideration is given to the possible use of the passerelle provision (Art 81(3)) and recourse to enhanced cooperation.

PE 462.498 EN 15-11-2012

Life in Cross-Border Situations in the EU - A Comparative Study on Civil Status

Perhaps one of the single greatest successes of the European Union is the creation of an area without borders in which people, goods and services move freely. In 2010 alone, there were almost 11 million citizens living in another Member State.

PE 462.489 EN 15-11-2012

Choice of Law for Cross-Border Road Traffic Accidents

A cross border road traffic accident occurring within the EU has the potential to attract the application of three legal regimes, all of which contain choice of law rules. The regimes are contained in Rome II Regulation, the Hague Convention on the Law Applicable to Traffic Accidents and the Motor Insurance Directive (MID).

PE 462.492 EN 15-11-2012

Civil Status Documents - Challenges for Civil Registrars to Circumvent Problems Stemming from the Legal Void

Since the regulation of the civil status area differs between Member States, EU citizens encounter many problems settling their legally obtained civil status in another Member State. This leads to discrimination, hinders the free movement of persons within the EU and prevents EU citizens from exercising this right as well as the right of residence in the territory of Member States. The solution to these problems is not complicated; however, it depends on the motivation of Member States.

PE 462.500 EN 15-11-2012

Fraud with Respect to Civil Status

The International Commission on Civil Status is an intergovernmental organisation including EU and non-EU member states which, for more than 60 years, has been facilitating international cooperation with respect to civil status and encouraging the exchange of information between registration officers. The ICCS, anxious to safeguard the reliability of the information contained in civil status registers, has been led to examine the problem of fraud with respect to civil status. The issue features systematically at its meetings and a permanent working group is responsible for evaluating new trends and the measures developed by member states to deal with them. Current work is focused on two areas: fraud linked to new technologies and identification and verification of foreign documentation.

PE 462.499 EN 15-11-2012

A Comparative Study of the Regime of Surrogacy in EU Member States

Surrogacy is an increasingly common reproductive practice. Today, stories about surrogacy regularly appear in popular culture and news outlets, while the number of organisations offering surrogacy services is clearly on the rise, as is the number of cases involving surrogacy in courts across the EU. Surrogacy raises important legal issues, such as whether surrogacy contracts should be enforceable, as well as questions pertaining to the legal parenthood of a child born to a surrogate mother and his/her citizenship and nationality. There are also significant policy and regulatory concerns relating to: payment; autonomy;

child welfare; gender, sexual orientation and socio-economic inequality; reproductive health; and globalisation.

PE 462.488 EN 15-11-2012

The Hague Convention of 13 January 2000 on the International Protection of Adults

European States which have not already done so are invited to join the Hague Convention of 13 January 2000 on the International Protection of Adults. States in Europe that have already signed, ratified or acceded to the 2000 Protection of Adults Convention are: Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Poland, Switzerland, and the United Kingdom of Great Britain and Ireland. The Convention provides an important complement to the 2006 United Nations Convention on the Rights of Persons with Disabilities.

PE 462.496 EN 14-12-2012

Regulation (EU) No 650/2012 of July 2012 on Jurisdiction, Applicable Law, Recognition and Enforcement of Authentic Instruments in Matters of Succession and on the Creation of a European Certificate of Succession

The newly adopted Regulation (EU) No 650/2012 is an ambitious instrument dealing exhaustively with every private international law aspects in regard to cross-border successions. The Regulation aims at harmonising private international law rules so as to enable individuals to organise more efficiently and more rapidly their successions within the area of freedom, security and justice. The present paper addressed the main innovations, advantages and pitfalls of the new Regulation.

PE 462.493 EN 14-12-2012

Current Gaps and Future Perspectives in European Private International Law: towards A Code on Private International Law?

Private international law is to a great extent regulated by EU rules. However, particular areas are still governed by national rules. This paper identifies the existing gaps in the EU regulatory framework, and discusses future perspectives. In the short and the mid-term, the focus should be on filling gaps by using separate instruments, while preserving coherence. In the long term a more comprehensive framework or code would be an option.

PE 462.476 EN 14-12-2012

Cross-Border Implications of the Legal Protection of Adults

Convention XXXV is of significant assistance in relation to cross-border capacity issues. However, it does have some weaknesses. Accordingly, Member States should be encouraged to ratify Convention XXXV. In addition the creation of a form of European Power of Representation would be extremely useful.

PE 462.497 EN 14-12-2012

Why is Mediation not used more often as a Means of Alternative Dispute Resolution?

This briefing paper tries to explore why mediation is not used more often as a means of dispute resolution. It identifies a number of reasons why mediation is not resorted to more frequently and presents proposals on how legislation could respond to these obstacles. The author wishes to highlight that, ideally, removing these obstacles will lead to an even less frequent use of mediation.

PE 462.490 EN 14-12-2012

Common European Sales Law - Detailed Appraisal by the EP Impact Assessment Unit of the European Commission's Impact Assessment

This note analyses the Impact Assessment (IA) accompanying the Commission Proposal for a Regulation on a Common European Sales Law from a methodological point of view, without dealing with the substance of the proposal. In general, the IA seems to respect the methodological requirements the Commission has imposed upon itself in its Impact Assessment Guidelines. The problems to be addressed by the proposed legislation are clearly explained, related to the underlying problem drivers and logically presented. The set of possible policy options is sufficiently wide and there is sufficient explanation of the baseline scenario. The Commission seems to have broadly consulted with stakeholders and presents stakeholder positions in the IA. It analyses a broad range of possible impacts for the policy options, with an emphasis on economic impacts (mainly administrative and transaction costs). The Commission attempts to make a quantitative estimation of the transaction costs, at the same time acknowledging that adequate quantitative data are not available. The transformation of the purely qualitative answers of economic operators in Eurobarometer studies and other surveys into quantitative estimations can be criticised as producing unreliable results.

PE 496.736 EN 15-01-2013

A Statute for European Mutual Societies: European Added Value Assessment

This European Added Value assessment aims at pointing out the main benefits of a statute for a European mutual society from a social, economic and legal perspective. It is calculated that today mutual societies provide healthcare and social services to 230 million European citizens and represent about 180 billion euros in insurance premiums. Almost 70% of the total number of insurance companies in Europe are mutual societies. There is a nearly unanimous agreement among stakeholders that a statute for European mutuals would increase the visibility and the recognition of mutual societies at European level and would unfold for them the advantages of the internal market.

PE 494.461 EN 15-01-2013

14th Company Law Directive on the Cross-Border Transfer of a Company's Registered Office: European Added Value Assessment

Two legislative own-initiative reports adopted by Parliament in 2009 (Lehne) and 2012 (Regner) call on the Commission to submit a proposal for a Directive on the cross-border transfer of company seats (14th Company Law Directive). The arguments in favour of this approach are set out in detail in this European Added Value Assessment, which draws on the

expert research commissioned specifically for the purpose of this assessment. ANNEX I: Legal effects of the requested legislative instrument (Catherine Cathiard/Jeantet Associés) ANNEX II: Economic and social effects of the requested legislative instrument (Patrice Muller et al/London Economics).

PE 494.460 EN 15-01-2013

Life in Cross-Border Situations in the EU - A Comparative Study on Civil Status (Study + 9 Tomes of Country Reports)

Starting from a comparative analysis of civil status rules in nine different legal systems (Bulgaria, France, Germany, Italy, Latvia, Scotland, Slovenia, Sweden and the Netherlands), with a view on European and international legislation and case law, this study identifies practical difficulties encountered by EU citizens exercising their rights when moving across Europe. The study also recommends possible solutions to be found at EU level and within the scope of EU competence to facilitate citizens' lives.

PE 474.395 EN 15-02-2013

Common European Sales Law: Research Paper on the Economic aspects of the European Commission's Impact Assessment

In recent years, an extensive debate has evolved on the need for harmonising European sales law, with the existing diversity of contract laws in Member States being perceived as a barrier to trade and hence as burdensome for the European internal market. In November 2010, the European Commission commissioned a study supporting its Impact Assessment (IA) preparation on this matter. This report suggests that differences in contract law between Member States (MS) do create barriers to trade, and the value of trade foregone each year between MS due to differences in contract law amounts to some tens of billions of euros. The aim of this paper is to assess the robustness and validity of the method used by the Commission to calculate opportunity and transaction costs, as well as the soundness of the economic model applied to the assessment of policy options; and to assess the reliability of the Commission's assumptions in this respect and whether they can stand up to scrutiny.

PE 496.741 EN 15-02-2013

National Practices with regard to Accessibility of Court Documents

This study examines national practices regarding access to court files. After presenting some national regimes giving the members of the public very broad access to court files, the study focuses on the accessibility of court files of the Court of Justice of the European Union. Finally, arguments in favour of greater access to the court files of the CJEU are analysed. Recommendations are developed on how to enable more files of the CJEU comprehensive access by the general public to be achieved to the court.

PE 474.406 EN 15-04-2013

A Comparative Study of the Regime of Surrogacy in EU Member States

This study provides a preliminary overview of the wide range of policy concerns relating to surrogacy as a practice at national, European and global level. It undertakes an extensive examination of national legal approaches to surrogacy. It also analyses existing European Union law and the law of the European Convention of Human Rights to determine what obligations and possibilities surround national and transnational surrogacy. The study concludes that it is impossible to indicate a particular legal trend across the EU, however all Member States appear to agree on the need for a child to have clearly defined legal parents and civil status.

PE 474.403 EN 15-05-2013

Insolvency Proceedings: Initial Appraisal of the Commission's Impact Assessment

This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the proposal for a revised Regulation on insolvency proceedings, submitted on 12 December 2012. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.

PE 507.499 EN 15-05-2013

European Code of Private International Law: Cost of Non-Europe Report

On 11 October 2012, the Committee on Legal Affairs (JURI) requested a Cost of Non-Europe report (CoNE) on the perspective of having a European Code on Private International Law. This Cost of Non-Europe report analyses the formal question of the code, and more particularly the question of 'gaps' in the Private International Law of the European Union which need to be filled, and the cost to citizens and businesses of not filling them. It also contains quantitative and qualitative arguments in favour of a European Code on Private International Law. This report has been drawn up by the European Parliament's European Added Value Unit, building on external expertise contributed by GHK and presented in a separate annex. ANNEX: The perspective of having a European Code on Private International Law. Research paper by Nick Bozeat (GHK).

PE 504.468 EN 14-06-2013

Tools for Ensuring Implementation and Application of EU Law and Evaluation of their Effectiveness

The problems of implementation and enforcement of EU law have been longstanding. This report analyses the trends regarding the transposition of EU law and the reasons for failure to transpose on time. It assesses different tools developed at EU level to promote compliance, looking across the board at the EU Pilot and infringement procedure alongside correlation tables, scoreboards, committees, transposition and implementation plans, package meetings or national and EU inspections. As a result, recommendations on ways to improve their use are proposed.

PE 493.014 EN 15-07-2013

Security of eGovernment Systems

The project 'Security of eGovernment systems' aimed at assisting policymakers in discerning policy options for meeting future challenges in securing eGovernment systems. The project focused on upcoming challenges of eGovernment security in delivering public services across borders. Through identifying key security barriers and enablers, the project points to promising avenues of policy development in an environment of rapidly changing ICTs and changing socio-economic concerns in the EU. The most important contribution of the project is the development and assessment of 11 policy options. Policy Option 1: Develop a policy strategy for improving the security of IT-systems used in Europe ; Policy Option 2: Stimulate development and use of security checklists (short-term) ; Policy Option 3: Encourage the development and use of highly secure components (mid-term) ; Policy Option 4: Encourage the development and use of highly secure systems (long-term) ; Policy option 5: Create stronger institutional supervision and oversight of security ; Policy option 6: Build a 'Privacy by Design' knowledge base ; Policy option 7: Substantiate the data minimisation principle by using anonymisation techniques in all European eGovernment systems ; Policy option 8: Stimulate technical and legal solutions that avoid or limit privacy risks caused by re-identification of previously anonymised data; Policy option 9: Make Privacy Impact Assessments of eGovernment systems mandatory and public ; Policy option 10: Use gateways to achieve interoperability of different national eGovernment security tools, but aim at Europe-wide availability and usability of tools ; Policy option 11: Ensure open and transparent evaluations of the trade-offs between privacy, security, usability, interoperability and costs of an eGovernment system.

PE 513.510 EN 15-07-2013

Proceedings of the workshop on "Legal Aspects of Free and Open Source Software"

Proceedings of the workshop on "Legal Aspects of Free and Open Source Software", held on 9 July 2013 in Brussels.

PE 474.400 EN 15-07-2013

Proceedings of the workshop on "The Proposal for a Common European Sales Law: The Way Forward"

Proceedings of the workshop on "The Proposal for a Common European Sales Law: The Way Forward", held on 10 July 2013 in Brussels.

PE 474.401 EN 15-07-2013

EU Trademark Regime: Initial Appraisal of the Commission's Impact Assessment

This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the following proposals, submitted on 27 March 2013: Commission proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark (COM (2013) 161; and Commission proposal for a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (recast) (COM (2013) 162).

PE 508.971 EN 15-07-2013

Proceedings of the Workshop on "The Training of Legal Practitioners: Teaching EU Law and Judgecraft - Improving Mutual Trust"

Proceedings of the Workshop on "The Training of Legal Practitioners: Teaching EU Law and Judgecraft - Improving Mutual Trust" (Session II), held on 28 November 2013 in Brussels.

PE 493.023 EN 15-11-2013

Proceedings of the workshop on "The Training of Legal Practitioners: Teaching EU Law and Judgecraft - Learning and Accessing EU Law: Some Best Practices"

Proceedings of the workshop on "The Training of Legal Practitioners: Teaching EU Law and Judgecraft - Learning and Accessing EU Law: Some Best Practices" (Session I), held on 28 November 2013 in Brussels.

PE 493.022 EN 15-11-2013

Promoting the Free Movement in the EU by Simplifying the Acceptance of Public Documents: Cost of Non-Europe Report

Cost of Non Europe Reports are intended to evaluate the possibilities for gains and the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. In particular, this study analyses the cost for citizens and businesses of the formalities which are currently necessary in order to make certain public documents acceptable in different Member States. The study concludes that the abolition of legalisation and Apostille, the simplified certification of copies and translations, the establishment of multilingual forms in all official languages concerning birth, death, marriage, registered partnership, and legal status and representation of a company would greatly reduce the current costs associated with authenticating national public documents. Citizens and businesses would be able to more freely exercise their right of free movement and freedom of establishment in another Member State without facing disproportionate obstacles.

PE 510.980 EN 16-12-2013

Rebooting the Mediation Directive: Assessing the Limited Impact of its Implementation and Proposing Measures to Increase the Number of Mediations in the EU

Five and a half years since its adoption, the Mediation Directive (2008/52/EC) has not yet solved the 'EU Mediation Paradox'. Despite its proven and multiple benefits, mediation in civil and commercial matters is still used in less than 1% of the cases in the EU. This study, which solicited the views of up to 816 experts from all over Europe, clearly shows that this disappointing performance results from weak promediation policies, whether legislative or promotional, in almost all of the 28 Member States. The experts strongly supported a number of proposed nonlegislative measures that could promote mediation development. But more fundamentally, the majority view of these experts suggests that introducing a 'mitigated' form of mandatory mediation may be the only way to make mediation eventually happens in the EU. The study therefore proposes two ways to "reboot" the Mediation Directive: amend it, or, based on the current wording of its Article 1, request that each Member State commit to, and reach, a simple "balanced relationship target number" between civil litigation and mediation.

PE 493.042 EN 15-01-2014

Contractual Arrangements Applicable to Creators: Law and Practice of Selected Member States

This report discusses the legal framework applicable to copyright contracts as well as the practices in artistic sectors. A careful revision of the copyright provisions, contractual law principles and case law in 8 Member States is presented together with a more specific analysis of a set of issues particularly relevant nowadays, such as collective bargaining, digital exploitation, imbalanced contracts, and reversion rights, among others. A set of recommendations aiming at improving the level of fairness in copyright contracts is proposed at the end of the study.

PE 493.041 EN 15-01-2014

Simplifying the Acceptance of Certain Public Documents in the EU: Initial Appraisal of the Commission's Impact Assessment

This note seeks to provide an initial analysis of the European Commission's Impact Assessment (IA) accompanying its proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) 1024/2012 (COM (2013) 228), which was submitted in April 2013. It analyses whether the principal criteria laid down in the Commission's own Impact Assessment Guidelines, as well as additional factors identified by Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

PE 514.079 EN 15-01-2014

National Constitutional Avenues for further EU Integration

This study investigates national constitutional limits to further EU integration and explores ways to overcome them. It includes an in-depth examination of the constitutional systems of 12 Member States (Croatia, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, the Netherlands, Poland, and the United Kingdom) and a bird's eye view of all Member States. EU integration can be advanced by avoiding substantive constitutional obstacles in various ways. Overcoming the substantive obstacles requires managing national procedural constitutional hurdles. This is possible to the extent that the required broad political consensus exists.

PE 493.046 EN 14-02-2014

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

Upon request by the JURI Committee, this study provides an analysis of improvements to European rules on jurisdiction and enforcement of judgments. It concerns, in particular, disputes connected to third (non-EU) States by virtue of the domicile of the defendant or as a result of a connecting factor that the European Union considers as a ground for exclusive jurisdiction where it points towards the courts of a Member State. In summary, the research is aimed at determining the external boundaries of the European Union's jurisdiction. Moreover, the study explores the possibilities open to the European Union for achieving the best possible coordination in the exercise of jurisdiction with its economic partners. More

specifically, a two-step progression is suggested: first, the unilateral introduction of specific rules of coordination - via the adoption of legislation setting out specific jurisdiction rules for non-EU disputes – and, secondly, the promotion of international conventions with third States, so as to coordinate EU and non-EU private international law systems and in order to attain a higher degree of legal certainty for EU and non-EU litigators.

PE 493.024 EN 14-03-2014

Trade Secrets

This document provides an analysis of the nature of a trade secret, its legal protection and the European Commission's recent proposal. While protection is afforded under several jurisdictions, such as EU law, international law, criminal law, civil law, labour law or simply tort law, no uniform instrument exists. As case law is very important for that kind of a relatively new concept, some examples from jurisprudence are provided.

PE 493.055 EN 15-04-2014

ANNEX VII - Members

Members

MEMBERS	Political groups	Country	Mandate within JURI
Baldassarre Raffaele <i>Vice-Chair from to 14.09.2009 to 30.06.2014</i>	EPP	Italy	16.07.2009 - 30.06.2014
Berlinguer Luigi <i>Coordinator Vice-Chair from to 16.07.2009 to 29.02.2012</i>	S&D	Italy	16.07.2009 - 30.06.2014
Bodu Sebastian Valetin <i>Vice-Chair from 16.07.2009 to 30.06.2014</i>	EPP	Romania	16.07.2009 - 30.06.2014
Castex Françoise <i>Vice-Chair from 01.03.2012 to 30.06.2014</i>	S&D	France	16.07.2009 - 30.06.2014
Gallo Marielle	EPP	France	16.07.2009 - 30.06.2014
Gargani Giuseppe	EPP	Italy	19.01.2012 - 30.06.2014
Geringer de Oedenberg Lidia Joanna	S&D	Poland	16.07.2009 - 30.06.2014
Engström Christian	Greens	Sweden	16.07.2009 - 30.06.2014
Häfner Gerald	Greens	Germany	16.07.2009 - 30.06.2014
Karim Sajjad	ECR	UK	08.06.2011 - 30.06.2014
Koewius Annette	EPP	Germany	13.03.2014 - 30.06.2014
Lehne Klaus-Heiner <i>Chair from 16.07.2009 to 28.02.2014</i>	EPP	Germany	16.07.2009 - 28.02.2014
López-Istúriz White Antonio	EPP	Spain	16.07.2009 - 30.06.2014
Masip Hidalgo Antonio	S&D	Spain	16.07.2009 - 30.06.2014
Maštálka Ji í	EUL/NGL	Czech Republic	16.07.2009 - 30.06.2014
Mészáros Alajos	EPP	Slovakia	16.07.2009 - 30.06.2014
Rapkay Bernhard	S&D	Germany	16.07.2009 - 30.06.2014
Regner Evelyn <i>Vice-Chair from 16.07.2009 to 30.06.2014</i>	S&D	Austria	16.07.2009 - 30.06.2014
Speroni Francesco Enrico	EFD	Italy	16.07.2009 - 02.04.2014
Stoyanov Dimitar	NI	Bulgaria	16.07.2009 - 30.06.2014
Taylor Rebecca	ALDE	United Kingdom	14.03.2012 - 30.06.2014
Thein Alexandra	ALDE	Germany	16.07.2009 - 30.06.2014
Wallis Diana	ALDE	United Kingdom	16.07.2009 - 31.01.2012
Wieland Rainer	EPP	Germany	16.07.2009 - 30.06.2014
Wikström Cecilia	ALDE	Sweden	16.07.2009 - 30.06.2014
Ziobro Zbigniew	EFD	Poland	16.07.2009 - 30.06.2014
Zwiefka Tadeusz	EPP	Poland	16.07.2009 - 30.06.2014

Alternates

ALTERNATES	Political groups	Country	Mandate JURI
Albrecht Jan Philip	Greens	Germany	16.07.2009 - 30.06.2014
Batten Gerard	EFD	United Kingdom	16.07.2009 - 30.06.2014
Borys Piotr	EPP	Poland	16.07.2009 - 30.06.2014
Bowles Sharon	ALDE	United Kingdom	16.07.2009 - 30.06.2014
Buoi Christian Silviu	ALDE	Romania	08.11.2011 - 30.06.2014
Cavada Jean-Marie	EPP	France	16.07.2009 - 30.06.2014
Cofferati Sergio Gaetano	S&D	Italy	16.07.2009 - 30.06.2014
Crowley Brian	ALDE	Ireland	16.07.2009 - 30.06.2014
Hellvig Eduard-Raul	ALDE	Romania	05.09.2013 - 30.06.2014
de Grandes Pascual Luis	EPP	Spain	16.07.2009 - 30.06.2014
Honeyball Mary	S&D	United Kingdom	20.09.2010 - 30.06.2014
Kožušník Edvard	ECR	Czech Republic	21.07.2009 - 30.06.2014
Lansbergis Vytautas	EPP	Lithuania	16.07.2009 - 30.06.2014
Lechner Kurt	EPP	Germany	16.07.2009 - 16.03.2012
Lichtenberger Eva	Greens	Austria	16.07.2009 - 30.06.2014
López Aguilar Juan Fernando	S&D	Spain	16.07.2009 - 30.06.2014
Manders Toine	ALDE	The Netherlands	16.07.2009 - 29.11.2011
Mastella Clemente	EPP	Italy	19.01.2012 - 30.06.2014
McCarthy Arlene	S&D	United Kingdom	16.09.2009 - 30.06.2014
Messerschmidt Morten	EFD	Denmark	19.01.2012 - 30.06.2014
Niebler Angelika	EPP	Germany	16.07.2009 - 30.06.2014
Omarjee Younous	GUE/NGL	France	10.01.2012 - 30.06.2014
Rangel Paulo	EPP	Portugal	20.10.2010 - 30.06.2014
Roth-Behrendt Dagmar	S&D	Germany	16.07.2009 - 30.06.2014
Szájer József	EPP	Hungary	16.07.2009 - 30.06.2014
Voss Axel	EPP	Germany	26.03.2012 - 30.06.2014
Weber Henri	S&D	France	16.07.2009 - 30.06.2014