



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 December 2012

18009/12

**PE 608
JUR 646**

NOTE

from:	General Secretariat
to:	Delegations
Subject:	Summary record of the meeting of the Committee on Legal Affairs (JURI) of the European Parliament, held in Brussels on 17 and 18 December 2012

The meeting was chaired by Mr LEHNE (EPP, DE).

Item 4 on the agenda

Exchange of views with Mr Loucas LOUCA, Minister of Justice and Public Order, on the stock taking of the Cyprus Presidency

Mr LOUCA presented the outcome of the Cyprus Presidency of the Council, focused on the creation of a Europe closer to its citizens. He analysed particularly the achievements in respect of some priority dossiers.

Mr LOUCA welcomed the first-reading agreement with the European Parliament on the Recast version of the Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("Brussels I") and recalled that the adopted text was signed on 12 December 2012. He recalled that the Presidency remained convinced that the new regulation would improve the circulation of judgments within the Union and thereby facilitate contacts between businesses and citizens from different Member States.

Concerning the proposal for a Regulation on mutual recognition of protection measures in civil matters, Mr LOUCA underlined that it had been a priority of the Cyprus Presidency to work on the completion of the legal framework protecting victims of violence. He reported that the Council had adopted a general approach on this important proposal and that the Presidency was confident that a compromise for a first-reading agreement with the EP could be reached very soon.

Mr LOUCA considered that a historic breakthrough had been achieved on the patent package and expressed his gratitude to the European Parliament and to the JURI committee and its rapporteurs, in particular, who had contributed to success on this politically sensitive and technically complex package. He said that after the positive vote in the plenary of the European Parliament on 11 December, the Regulations on Unitary Patent Protection and on the applicable translation arrangements would be adopted by the Council on 17 December. With regard to the Unified Patent Court agreement, Mr LOUCA recalled that the text of this international agreement - outside the legal framework of the EU - had been politically endorsed by Council on 10 December and would probably be signed by participating Member States in February 2013.

Mr LOUCA also explained the achievements and the state of play on the dossiers concerning the European Account Preservation Order, the proposals for Regulations on decisions in matters of matrimonial property regimes and on property consequences of registered partnerships, as well as on the Common European Sales Law. He considered too that the work on the use of information and communication technologies in the field of justice (*e-Justice*) had advanced considerably during the Cyprus Presidency. Mr LOUCA mentioned also the "Justice" programme and the European Year of Citizens, and highlighted the excellent cooperation with the European Parliament and the JURI committee.

The Cyprus Presidency was very warmly congratulated by the members of the JURI committee. The representatives of different political groups unanimously underlined its important achievements and the excellent spirit of cooperation with the European Parliament (Mr LEHNE, Mr ZWIEFKA (EPP, PL), Ms THEIN (ALDE, DE), Ms WIKSTRÖM (ALDE, SE)).

Item 5 on the agenda

Staff Regulations of Officials and Conditions of Employment of Other Servants of the EU

Rapporteur: Ms ROTH-BEHRENDT (S&D, DE)

- Exchange of views - state of play

Ms ROTH-BEHRENDT informed the JURI members on the state of play on this dossier. She regretted that there had not been significant progress on it and that the Cyprus Presidency had not received a mandate for negotiations from the Council, which was waiting for the finalisation of the Multiannual Financial Framework. She mentioned that the progress report of the CY Presidency was on the agenda of Coreper and that this report showed the lack of a clear majority in the Council on this file.

Ms ROTH-BEHRENDT also reported that Coreper had examined the Commission proposal on the 2012 adjustment of remunerations and pensions, but that the necessary majority had not been reached because only two delegations had expressed themselves in favour, several delegations had opposed its adoption and the majority of delegations had abstained from taking any position. She regretted that Member States had not respected the legal rules they had adopted themselves in 2004 and considered that an action before the Court of Justice would probably be taken once more.

She also regretted that Coreper had not reached a unanimous decision on the Commission proposal from 30 November to extend provisions on the special levy and on the adjustment method of remunerations, expiring at the end of 2012, and that the Member States had been ready to support the extension of the levy but not of the method.

During the exchange of views all speakers criticised the Council's approach. Ms LICHTENBERGER (Greens, AT) said that the Parliament's position should not be circumvented by artifices, supported by Ms THEIN (ALDE, DE). Mr LEHNE (EPP, DE) stressed that Member States should respect the European legislation and that they would be responsible for the expiration of the special levy as from January 2013. He considered that the revision of Staff Regulations should not be linked with the decision on the Multiannual Financial Framework. Mr LEHNE regretted the "envy complex" from Member States, supported by Ms ROTH-BEHRENDT who underlined that several Member States had increased the salaries of their own national officials but refused the same measures for EU officials. Ms ROTH-BEHRENDT stressed also that competent and motivated officials were necessary for the EU institutions and that savings were possible in other areas.

The representative of the European Commission expressed the Commission's strong concern at the delay with this dossier and called for trilogues to start.

Item 6 on the agenda

Presentation of Policy Department study on a European framework of private international law: current gaps and future perspectives

The authors of the study explained that it identified the existing gaps in the current European framework of private international law and suggested a road map towards a more comprehensive codification of EU private international law. They considered that for the time being, legislative efforts should be directed at creating separate instruments for well-defined problems of private international law, in order to create, in the long term, a code of EU private international law.

In camera – items 7-11:

Item 7 on the agenda

Disputes involving Parliament (Rule 128)

Item 8 on the agenda

Verification of credentials (Rule 3)

Item 9 on the agenda

Request for the waiver of the parliamentary immunity of Malgorzata Handzlik

Rapporteur: Mr STOYANOV (NI, BG)

Item 10 on the agenda

Request for the waiver of the parliamentary immunity of Ewald Stadler

Rapporteur: Mr ZWIEFKA (EPP, PL)

Item 11 on the agenda

Request for defence of the immunity of Gabriele Albertini

Rapporteur: Mr RAPKAY (S&D, DE)

****** Voting time ******

Item 13 on the agenda

Corporate Social Responsibility: promoting society's interests and a route to sustainable and inclusive recovery

JURI/7/09587

Rapporteur for the opinion: Mr BALDASSARRE (EPP, IT)

Rapporteur for the responsible committee (EMPL): Mr HOWITT (S&D, UK)

- Adoption of draft opinion

The opinion was adopted by unanimity (12 votes in favour).

Item 14 on the agenda

Petition No. 1097/2011 by Albert Jan de Haan (Dutch), on behalf of the Fédération de la Fonction Publique Européenne, supported by approximately 60 co-signatories, on the granting of educational allowance for staff of the European Patent Office

JURI/7/11412

Rapporteur: Mr LEHNE (EPP, DE)

- Adoption of draft opinion in letter form

The opinion was adopted by unanimity (12 votes in favour).

***** End of vote *****

Joint debate (items 15 and 16):

Item 15 on the agenda

Decisions in matters of matrimonial property regimes

JURI/7/05680

Rapporteur: Ms THEIN (ALDE, DE)

- Exchange of views

Item 16 on the agenda

Decisions regarding the property consequences of registered partnerships

JURI/7/05683

Rapporteur: Ms THEIN (ALDE, DE)

- Exchange of views

Ms THEIN reported on recent developments in relation to these two files in consultation procedure, particularly on the informal trilogue held on 7 November. She pointed out the progress of the examination of these proposals during the Cyprus Presidency. Ms THEIN welcomed the possibility of a choice of law for registered partnerships which had been included (as a footnote) in the Presidency text and reiterated that this must not be linked with any constraint for the Member States concerning a recognition of registered partnerships, if this institution had not existed in their legal order.

JURI vote : 20-21.2.2013

Item 17 on the agenda

Application of Directive 2004/25/EC on takeover bids

JURI/7/10977

Rapporteur: Mr LEHNE (EPP, DE)

- Consideration of draft report

Mr LEHNE presented his draft report on the issues raised in the Commission's report of June 2012 reviewing the application of the Directive on takeover bids. He noted that the Directive's transposition date coincided with the start of the crisis, which had led to a decline in the number of takeover bids. The rapporteur considered that in the current circumstances the application of the Directive could not be properly assessed, and called for a new assessment once takeover activities had returned to a more usual volume. He estimated that for the time being it would not be recommended to open a debate on a revision of the Directive.

Ms REGNER (S&D, DE) partly agreed with the rapporteur's conclusions and believed that a different approach would be also possible, in particular in order to take into account the issue of the social responsibility of enterprises. Ms TAYLOR (ALDE, UK) considered that some medium-term modifications of the Directive could be possible, while Mr RAPKAY (S&D, DE) supported the rapporteur and called for a broader, and not an academic, approach.

Deadline for amendments: 31.01.2013

Joint debate (items 18 and 19):

Item 18 on the agenda

Amendment of Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts

JURI/7/08047

Rapporteur: Mr KARIM (ECR, UK)

- Consideration of amendments

Item 19 on the agenda

Specific requirements regarding statutory auditing of public-interest entities

JURI/7/08135

Rapporteur: Mr KARIM (ECR, UK)

- Consideration of amendments

The debate on items 18 and 19 was postponed.

Item 20 on the agenda

Statute and funding of European political parties and European political foundations

JURI/7/10673

Rapporteur for the opinion: Mr BERLINGUER (S&D, IT)

Rapporteur for the responsible committee (AFCO): Ms GIANNAKOU (EPP, EL)

Opinions: BUDG, JURI

- Consideration of draft opinion

On behalf of the rapporteur Mr BERLINGUER (S&D, IT, absent), Ms REGNER (S&D, DE) welcomed the Commission proposal. She considered that the aim was to avoid "double standards" in the Member States between rules applying to national parties and other criteria addressed to the European parties. Ms REGNER highlighted that, taking into account the competences of the JURI committee, according to the rapporteur the rules on internal governance were very important, as were the suggestions concerning the guarantee of a democratic internal functioning of parties, such as rights and duties of membership, functioning of a general assembly, etc. She underlined that the timeframe was short and the rapporteur recommended the adoption of the EP position in due time for the preparation of the European elections of 2014.

Deadline for amendments: 18.12.2012, 17.30

JURI vote : 22.1.2013

AFCO vote: 19.2.2013

Item 21 on the agenda

Implementation of the Audiovisual Media Services Directive

JURI/7/09942

Rapporteur for the opinion: Ms CASTEX (S&D, FR)

Rapporteur for the responsible committee (CULT): Mr BORYS (EPP, PL)

- Consideration of draft opinion

The rapporteur Ms CASTEX (S&D, FR) welcomed the Commission's report on the application of the Directive and supported its conclusion that the regulatory framework for audiovisual media services had struck the right balance and served citizens and business. She stressed that it would be important to assess whether the Member States had implemented the Directive in such a way as to preserve the balance between, on the one hand, safeguarding the principle of freedom of access to information, and, on the other, protecting right-holders' property. Ms CASTEX also considered that it should be possible to take more action through alternative means of regulation, notably self- and co-regulatory initiatives.

Ms WIKSTRÖM (ALDE, SE) supported the rapporteur's approach and suggested adding the issue of the social responsibility of enterprises.

Deadline for amendments: 04.01.2013

Item 22 on the agenda

2011 discharge: EU general budget, Court of Justice

JURI/7/10374

Rapporteur for the opinion: Ms LICHTENBERGER (Greens/ALE, AT)

Rapporteur for the responsible committee (CONT): Mr CZARNECKI (ECR, PL)

- Consideration of draft opinion

The rapporteur Ms LICHTENBERGER (Greens/ALE, AT) presented her draft opinion. She suggested proposing to the Committee on Budgetary Control that it incorporate some additions to its motion for a resolution. In this context, Ms LICHTENBERGER welcomed the fact that the rate of implementation of appropriations for the Section IV – Court of Justice had remained very high in 2011 and supported the initiative taken by the Court of Justice to reform its Statute and Rules of Procedure in view of the challenges it faces in connection with the increased number of cases.

Deadline for amendments: 20.12.2012

Item 23 on the agenda

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)

JURI/7/09256

Rapporteur for the opinion: Mr VOSS (EPP, DE)

Rapporteur for the responsible committee (LIBE): Mr DROUTSAS (S&D, EL)

- Exchange of views

The rapporteur for the opinion, Mr VOSS (EPP, DE), presented the Commission proposal and the context. He said that the current Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters did not provide a comprehensive framework of data protection by law enforcement and judicial authorities in criminal matters, as it addressed only cross-border situations and not the issue of parallel existing provisions on data protection in different EU instruments.

He recalled that the goal of the EP was to have a comprehensive single instrument on data protection, but the Commission was not proposing a single instrument but instead two - a Regulation and a Directive - such that the criminal law area would be covered by the proposed Directive. Mr VOSS considered that the Directive, if adopted, would bring several improvements, such as the protection of individuals in purely internal situations, but underlined that a Regulation would have been preferable, as the level of protection and harmonisation provided by a directive is always inferior. He stressed that in this context he would insist on the package approach for both instruments. Mr VOSS stressed the need to avoid any unrealistic and unworkable division of areas between the two instruments and mentioned several issues to be addressed, *inter alia* on the justification of every exception to the principle of protection, on the clear definition of the data protection principles and on an mechanism for proper evaluation of necessity and proportionality. He recalled that the necessity of such evaluation had recently been highlighted in the framework of the TFTP and PNR debates. Mr VOSS also noted that a clear definition of profiling was missing and that the proposed regime for transferring personal data to third countries was weak. He indicated that he would propose amendments for the purpose of raising the standards of protection included in the Directive to a level similar to those of the Regulation.

In the ensuing exchange of views, Ms TAYLOR (ALDE, UK) said that several provisions in the proposal could be further improved and drew attention to the need to avoid overburdening the competent authorities. Mr SZAJER (EPP, HU) pointed out that levels of protection in Member States currently varied and warned against a possible lowering of this level in some Member States following the harmonisation of standards.

Consideration of the draft opinion: 21.01.2013

Item 24 on the agenda

Improving access to justice: legal aid in cross-border civil and commercial disputes

JURI/7/09608

Rapporteur: Mr ZWIEFKA (EPP, PL)

- Exchange of views

The rapporteur, Mr ZWIEFKA (EPP, PL), explained that the own-initiative report was the response to a Commission report on legal aid in cross-border disputes, which related to the implementation of Directive 2003/8/EC on access to justice in cross-border disputes.

He recalled that all Member States had systems to enable persons with insufficient funds to pay a lawyer and thus have access to justice but that the rules differed and access to justice was therefore more difficult in cross-border disputes. He pointed out that the implementation of Directive 2003/8/EC should be assessed and the scope for improvement should be considered, stressing in particular the issues of the training of legal practitioners and of the improvement of citizens' information concerning the legal aid available. In the same spirit, Ms TAYLOR (ALDE, UK) underlined that the Directive on legal aid was insufficiently well known and called for better information for the public.

Item 27 on the agenda

Next meeting(s)

- **21 January 2013, 15.30 – 18.30 (Brussels)**
 - **22 January 2013, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)**
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