



**COUNCIL OF
THE EUROPEAN UNION**

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INST 92**

NOTE

from :	General Secretariat of the Council
to :	Delegations
Subject:	Summary of the meeting of the European Parliament Committee on Legal Affairs (JURI) , held in Brussels on 25 and 26 January 2012

The meeting was chaired by Mr Berlinguer (S&D, IT), and then by Mr Lehne (EPP, DE).

1. Election of Chair and of Vice Chairs

The Committee elected by acclamation:

- Mr Klaus-Heiner Lehne (EPP, DE) as Chair,
- Mr Luigi Berlinguer (S&D, IT) as 1st Vice Chair,
- Mr Raffaele Baldassarre (EPP, IT) as 2nd Vice Chair,
- Ms Evelyn Regner (S&D, AT) as 3rd Vice Chair,
- Mr Sebastian Valentin Bodu (EPP, RO) as 4th Vice Chair.

**2. Exchange of views with Morten Bødskov, Minister for Justice,
and
with Ole Sohn, Minister for Business and Growth,
on the priorities of the Danish Presidency
ITEMS 16 and 17**

Mr Morten Bodskov, the Danish Minister for Justice, speaking on the priorities of the Presidency, addressed an open invitation to the JURI members to stay in contact and to cooperate closely with the Danish Presidency and reiterated the importance of cooperation with the EP.

As for the list of priorities, the Minister underlined that, although it was not exhaustive, it included the proposal for a Regulation on the recognition and enforcement of judgements in civil and commercial matters (recast) (Brussels I), 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 the European Certificate of Succession, the proposal for a Regulation on a common European sales law, the proposal for a mutual recognition of protective measures in civil law cases and the proposal for new EU data protection rules.

On the Brussels I Regulation, the Minister noted that the Council was pleased with the constructive approach of the rapporteur and said that the intention was to reach a first-reading agreement during the Danish Presidency. The Minister considered it important that all stakeholders took part in the dialogue on the revision of the Regulation.

Concerning the proposal for a succession Regulation, the Minister outlined the constructive EP approach, mentioned that many informal contacts with the EP had already taken place and noted that a first-reading agreement could be reached during Danish Presidency.

On the proposal for a common European sales law, the Minister welcomed the Commission proposal and on the proposal for mutual recognition of protective measures in civil cases, the Minister expressed the intention of the Danish Presidency to reach a first-reading agreement during its term.

Finally, on the proposal for new EU data protection rules, the Minister recalled that the Commission had tabled two instruments, a Regulation and a Directive and noted that the Council expected the EP to come forward with some very comprehensive compromise proposals.

Mr Zwiefka (EPP, PL), rapporteur for the Brussels I proposal, said that the EP was waiting for the Council's next moves in order to set the schedule for informal meetings with the Council. According to the rapporteur, the EP's intention was to go beyond the framework set by the Commission.

Mr Sohn, Danish Minister for Business and Growth, highlighted the importance of cooperation with the EP and thanked the Commission for its 12 key initiatives. Among Denmark's priorities, the Minister listed the Unified Patent Protection Regulation, the revision of the Accounts Directive and the importance of digital internal market. On the European private company statute, the Minister expressed the wish to take this file forward.

Mr Masip Hidalgo (S&D, ES) underlined that the issue of patents was vital, and Mr Lechner (EPP, DE) considered that a first-reading agreement should be reached as soon as possible.

3. Permitted uses of orphan works

ITEM 12

JURI/7/06115, 2011/0136(COD)

Responsible: JURI –

Opinions: ITRE, IMCO, CULT

Ms Geringer de Oedenberg (S&D, PL), rapporteur, asked for the positions of the shadows on the compromise proposals she had suggested on Articles 3 and 7. Concerning Article 3, she argued that the diligent search that had to be conducted in order to establish whether a work was an orphan work could not possibly concern each work, as stated in the original Commission proposal, as this would make it too difficult for the librarians and archives to make such works accessible. She referred in particular to the search concerning embedded works such as illustrations and pictures. As for Article 7, she insisted that libraries or archives should be able to make commercial use of such orphan works in pursuance of their public interest mission (for instance digitalisation).

Mr Wieland (EPP, DE), on behalf of his group, supported the political work done on orphan works to make them accessible to the general public and said that EPP was in favour of a broad scope but not in favour of any commercial use. He was in favour of deleting Article 7 and considered that the amendment regarding commercial use put forward by the rapporteur was misleading.

Ms Thein (ALDE, DE) agreed with Mr Wieland on deleting Article 7. Ms Thein noted that the aim of the Directive was to make cultural goods accessible and not to serve any commercial purposes.

The representative of the Commission explained the scope of Article 7 and that the working party within the Council had also proposed the deletion of that article. She added that the Commission would take a position on Article 7 only once the EP and the Council had given a clear view of their intentions on the scope of the provision. On Article 3 (1), the representative of the Commission insisted that the diligent search should be carried out for the whole work, included the embedded works (illustrations and pictures).

The vote in JURI is scheduled to take place on 1 March.

4. Amendment of Regulation (EC) No 1060/2009 on credit rating agencies

ITEM 27

JURI/7/07816, 2011/0361(COD)

Responsible: ECON – M Domenici (S&D, IT)

Opinions: IMCO, JURI

Ms Wikstrom (ALDE, SE), rapporteur, explained that the Commission had put forward a proposal for amendment of the Regulation suggesting more transparency and less investment reliance, more diversity and stricter independence of agencies. The aim of the proposal was to make agencies more accountable for the work they provide.

Mr Bodu considered that in order for the ratings agencies' responsibility to be triggered, the injured party needed to prove and demonstrate the offence.

Mr Masip Hidalgo noted that agencies should be independent and that it was important to move beyond the status quo in this case. According to Ms Lichtenberger (EPP, AT), there was a lack of accountability and issues of responsibility and liability of agencies should be taken into account.

The representative of the Commission highlighted that civil liability was one of the key elements of the Commission proposal, along with the proposal to change the burden of proof.

Calendar:

Vote in JURI : April 2012

Vote in plenary: May 2012.

Deadline for amendments: 20 March 2012.

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

ITEM 13

JURI/7/08217, 2011/0455(COD)

Responsible: JURI –

Opinions: BUDG, CONT, AFCO

Ms Roth-Behrendt (S&D, DE), rapporteur, recalled the aim of having a proper legislative system in place in 2013. Concerning the annual method of adjustment of salaries, the rapporteur considered that there should be a link with the salaries of public officials of Member States. The rapporteur was in favour of a very limited reform and pointed out that if there were no amendments of the Staff Regulations by 1 January 2013, the adjustment system would expire. Ms Roth-Behrendt expressed the view that it would be wrong to apply a reduction of staff by 2018 to all institutions without taking into account their special needs. On the careers of assistants, the rapporteur noted that changes were necessary and that the Commission proposal to replace secretaries with contract agents was not acceptable. On contract agents' status, the rapporteur was also opposed to extending their contracts from three to six years. The rapporteur insisted on the need to recruit staff taking into account the geographical balance. On reducing the maximum time for travelling for annual leave from six to two days, the rapporteur proposed three days instead of two, depending on the distance. On the proposal to eliminate flexitime, the rapporteur was reluctant and considered that flexitime was beneficial. She recalled that the aim of the new reform of the staff regulations of officials was to save 8 billion euro by 2020. Setting the timetable for the proposal, Ms Roth-Behrendt proposed a second exchange of views on 1 March, a deadline for amendments on 8 March and an additional discussion on 26-27 March before voting in JURI. The rapporteur expressed the intention to enter into discussions with the Council in order to advance work on this file.

Mr Baldassarre (EPP, IT) recalled that only 3% of the total EU budget is spent on staff and considered that the Commission proposal was a balanced one, given that there was still room for improvement. Mr Baldassarre suggested further evaluation before taking any decision to cut staff and to support an automatic system of career promotion for officials.

Ms Lichtenberger (Verts, AT) highlighted the position of female staff and asked whether there should be any quota for recruitment of people with disabilities. Ms Lichtenberger also commented that the entry level salary should not be brought down, and that it was very important to promote multinationalism in secretarial work.

Ms Thein asked for information on the net remunerations of EU officials and considered that six days for travelling time were not necessary.

Mr Gargani (EPP, IT) referred to the obligation to restructure the EU institutions and suggested carrying out a survey on civil servants in all 27 Member States in order to obtain a balanced picture.

Mr Masip Hidalgo commented that disabled candidates should have access to EU competitions on the same basis as other candidates. He also referred to the problem of speed of translation, especially in the Court of Justice, and stressed that a 5% reduction on EU staff should apply to all institutions on a case-by-case basis.

The representative of the Commission recalled the two groups of AST levels: 1 to 9 and 10 to 11. The Commission proposal was that the entry grade should be lower. As for the reduction of annual leave for travelling, she explained that this was accompanied by a reduction in the reimbursement of EU officials for travel.

6. 18th report on Better legislation - Application of the principles of subsidiarity and proportionality (2010)

ITEM 14

JURI/7/07630, 2011/2276(INI)

Responsible: JURI –

Opinions: AFCO

Mr Karim (ECR, UK), rapporteur, stressed two aspects of the report, namely subsidiarity and proportionality on the one hand, and minimising regulatory burdens that affected SMEs on the other. As for subsidiarity, he considered that the Commission should address the lack of subsidiarity justification in its memoranda, and suggested that feedback from the impact assessment board could provide some useful information. Regarding regulatory burdens, he acknowledged that some work had already been done but raised some issues, such as the proper implementation of the SMEs test within the Commission, and the application of the one in one out rule to reduce the number of regulatory acts. Ms Lichtenberger noted that there had to be a compromise between the subsidiarity principle and the need for things to be done centrally.

The representative of the Commission referred to the recent publication of a report on small businesses and how to increase growth and jobs. In this context, the Commission had assessed that the tests were not carried out correctly and that they should not apply to smaller businesses. He added that the Commission was committed to providing a revision of the impact assessment of these tests. The Commission representative also announced that the Commission was committed to revising some ten regulations that had received criticism from SMEs, in order to make legislation proportionate.

7. Minimum standards on the rights, support and protection of victims of crime
ITEM 15
JURI/7/06074, 2011/0129(COD)

Responsible: LIBE, FEMM – Ms Jiménez-Becerril Barrio (PPE, ES)
Ms Parvanova (ALDE, BG)
Opinions: JURI

Mr López-Istúriz White (EPP, ES), rapporteur, commented that for years victims' rights had been overlooked. The rapporteur presented his amendments relating to various aspects of victims' protection, such as mediation, registers, gradual compensation of victims and training for lawyers. The rapporteur also underlined the problem of terrorism and organised crime, stating that victims needed better protection. Mr López-Istúriz White stressed that victims should be provided with support services and information regarding their cases.

Ms Barrio (EPP, ES) rapporteur on behalf of LIBE and FEMM, noted that Member States' legal systems lacked proper protection for victims and so there was a need to provide more clarity and benefits for the victims.

Ms McCarthy (S&D, UK) agreed with the rapporteur's approach and considered that the criminal justice system should support victims. She supported, in particular, the amendments on training and hotlines for victims and stressed that there should be coherent legislation on compensation and Article 17. Ms Wikström (ALDE, SE) was pleased that victims of terrorism and trafficking were included in the proposal.

Ms Lichtenberger was in favour of the Council's general approach.

Calendar:
Deadline for amendments: 7 March
Vote in JURI: 26 March.

8. Proposal for a regulation of the European Parliament and of the Council amending the Statute of the Court of Justice of the European Union
ITEM 9
JURI/7/05776, 2011/0901(COD)

Responsible: JURI –
Opinions: BUDG, AFCD

and

Proposal for a regulation of the European Parliament and of the Council relating to temporary judges of the European Union civil service tribunal
ITEM 10
JURI/7/05777, 2011/0902(COD)

Responsible: JURI –

Ms Wallis (ALDE, UK), announcing what would be her last intervention in JURI before she stepped down as an MEP, recalled that many of the amendments that had been tabled focused on how additional judges should be appointed. Ms Wallis urged starting negotiations with the Council and the Commission. She wished Ms Thein - her successor as rapporteur - the best of luck and added that this was a broad mandate and that political discussions might be difficult.

Mr Zwiefka (EPP, PL), rapporteur on behalf of AFCO, stated that in this reform the EP should go further and so national judges should be able to be active in the European Court of Justice.

Mr Masip Hidalgo and Ms Lichtenberger expressed their gratitude to Ms Wallis and expressed their hopes for a successful conclusion to the file.

Ms Thein underlined that JURI should decide officially on the mandate.

Calendar:

Vote in JURI : March 2012.

9. Presentation of a Study on The implementation of optional instruments in the field of civil law in Europe, by Bénédicte Fauvarque-Cosson, professor at the University Panthéon-Assas (Paris II), Co-President of Trans Europe Experts (TEE)
ITEM 35

Ms Bénédicte Fauvarque-Cosson, Professor at the University Panthéon-Assas (Paris II) and Co-President of Trans Europe Experts (TEE), gave a presentation of her study in the area of civil procedural law and international private law. She explained the methodology of her study and provided for an evaluation of how these legal instruments could be implemented and used in other areas of law.

10. Voting time

The following ITEMS were adopted by the Committee:

- **Amendment to Directives 89/666/EEC, 2005/56/EC and 2009/101/EC as regards the interconnection of central, commercial and companies registers**
ITEM 29
JURI/7/05464, 2011/0038(COD)
Rapporteur: Mr Lechner (EPP, DE)
Responsible: JURI –
Opinions: ECON – Mr Martin (NI, AT)
IMCO – Decision: no opinion

- **Customs enforcement of intellectual property rights**
ITEM 31
 JURI/7/06139, 2011/0137(COD)
 Rapporteur for the opinion: Ms Gallo
 Responsible: IMCO* – Mr Creutzmann (ALDE, DE)

- **A competitive digital single market - eGovernment as a spearhead**
ITEM 32
 JURI/7/06782, 2011/2178(INI)
 Rapporteur
 for the opinion: Mr Cavada
 Responsible: ITRE – Ms Țicău (S&D, RO)

- **Common Consolidated Corporate Tax Base (CCCTB)**
ITEM 33
 JURI/7/08620, 2011/0058(CNS)
 Rapporteur
 for the opinion: Mr Maštálka
 Responsible: ECON – Ms Thyssen

- **Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 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 Four**
ITEM 34
 Rapporteur: Mr Lehne

11. The vote on the following ITEM was postponed

Jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession and on the item 30 on a corporate governance framework for European companies has been postponed
 ITEM 28

12. Discussion of the following items was postponed:

- Amendment of Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations (Rome II)

ITEM 11

JURI/7/01255, 2009/2170(INI)

Rapporteur: Ms Wallis

Responsible: JURI –

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

ITEM 24

JURI/7/08047, 2011/0389(COD)

Rapporteur: Mr Kamall (ECR)

Responsible: JURI –

Opinions: ECON, ITRE, IMCO

- Specific requirements regarding statutory auditing of public-interest entities

ITEM 25

JURI/7/08135, 2011/0359(COD)

Rapporteur: Mr Kamall (ECR)

Responsible: JURI –

Opinions: ECON, ITRE, IMCO

- Statute for a European mutual society

ITEM 26

JURI/7/08491

Rapporteur: Mr Berlinguer

13. Rule 38a: Subsidiarity

ITEM 36

This item was not discussed.

14. Any other business

Mr Lechner (EPP, DE) provided a short information point about his report on registers and the dialogues taking place so far. Mr Lechner noted that all political issues had been discussed, including data protection issues. New technical issues had been added and a decision had been made not to adopt a formal deadline.

15. Next meeting(s)

1 March 2012, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)