



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 November 2012

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**PE 503
JUR 573**

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 6 November 2012

The meeting was chaired by Ms REGNER (S&D, AT).

Item 4 on the agenda

Disputes involving Parliament (Rule 128)

In camera.

Item 5 on the agenda

Verification of credentials (Rule 3)

In camera.

Item 6 on the agenda

Request for the waiver of the parliamentary immunity of Ewald Stadler

JURI/7/10698

Rapporteur for opinion: Mr ZWIEFKA (EPP, PL)

In camera.

Item 7 on the agenda

Presentation of European Added Value Assessment on the Law of Administrative Procedure of the European Union

A representative of the European Added Value Unit of the Directorate for Impact Assessment and European Added Value (DG Internal Policies) presented the European Added Value Assessment (EAVA) on the Law of Administrative Procedure. JURI had requested this assessment in March 2012, to support the work on Mr BERLINGUER's legislative initiative report on this subject. The EAVA conclusion was that a Regulation based on Article 298 TFEU on a single, general European Law of Administrative Procedure would have obvious practical advantages: it would result in clearer standards and more open, better quality administration that delivered results more efficiently and at a lower cost. The EAVA considered that such a Regulation would have clear benefits for both citizens and the administration.

Item 8 on the agenda

European Account Preservation Order

JURI/7/06629

Rapporteur: Mr BALDASSARRE (EPP, IT)

- Exchange of views

Mr BALDASSARRE explained that the Commission had proposed a new Regulation to facilitate cross-border debt recovery in civil and commercial matters. He underlined the protective nature of the future European Account Preservation Order (EAPO) and the fact that the procedure should be *ex parte*: in order to ensure the surprise effect of the EAPO, the debtor should not be informed about the application, be heard prior to its issue or notified of the order prior to its implementation by the bank. Mr BALDASSARRE considered that the surprise effect proposed by the Commission should be supported, but felt that some forms of justification should be introduced in this regard. He also stressed that a balanced approach should be adopted in order to preserve both the creditor's interests and the debtor's rights, and asked for the costs of the procedure to be taken into account. Mr BALDASSARRE noted that the Council had adopted a rather cautious approach on the new instrument at this stage.

The Commission representative welcomed the positive approach of the rapporteur and underlined the importance of the new instrument. He insisted on the need to keep the surprise effect in the proposal, and suggested that Member States needed to be convinced about its usefulness.

In the ensuing discussion, Mr BUŞOI (ALDE, RO) supported the Commission proposal on behalf of his political group and indicated that special attention should be paid to the role of the banks and to the conditions for delivering an EAPO. On behalf of Mr COFFERATI (S&D, IT) (absent), Mr BERLINGUER expressed a positive opinion on the Commission proposal and the rapporteur's approach and noted the need to preserve the surprise effect and to take the debtor's situation into account.

Timetable: Consideration of working document – 26-27.11.2012

Item 9 on the agenda

Award of concession contracts

JURI/7/08524

Rapporteur for opinion: Mr BALDASSARRE (EPP, IT)

Rapporteur for the responsible committee (IMCO): Mr JUVIN (EPP, FR)

- Consideration of amendments

The rapporteur Mr BALDASSARRE (EPP, IT) indicated that 162 amendments had been tabled on the Commission proposal for a Directive and said that his own amendments aimed to provide clarity about the legal framework applicable to the awarding of concessions and to define clearly the scope of this framework. He proposed to improve some definitions, to simplify the calculation of the estimated value of concessions and to limit clearly the duration of the concession, and expressed his readiness to reach compromise texts on the majority of the amendments tabled, with the exception of those concerning services of general economic interest.

Divergent opinions were expressed during the discussion, mainly concerning the services of general economic interest. On behalf of ALDE rapporteur Mr BUŞOI (RO), Ms TAYLOR pointed out that his amendments did not contradict the rapporteur's approach and had aimed to clearly define some concepts (i.e. "works concession", "services concession", as well as the horizontal cooperation),

Ms CASTEX (S&D, FR) stressed that the key objective was to guarantee that the specificity of services of general economic interest would be duly taken into account in the Directive, and to help local authorities to overcome the existing legal uncertainty in this area, but this view was not supported by the rapporteur. Ms REGNER (S&D, AT) stated that the issue was apparently controversial within the Parliament. Ms LICHTENBERGER (Greens/ALE, AT) declared, however, that she was in favour of the adoption of a legal act at EU level and called to try to find common principles and rational procedures, taking into account the fact that the rules and practices concerning concession contracts clearly differed between the Member States.

Mr BALDASSARRE reiterated that he did not support the thrust of the amendments tabled by Ms CASTEX and considered that rules on services of general economic interest were necessary, though not in the context of the present proposal for a Directive.

The Commission representative considered that the draft opinion was a good basis for a compromise but several amendments needed further discussion.

Timetable: adoption of the opinion by JURI - 27.11.2012

Joint debate on items 10 and 11:

Item 10 on the agenda

Corporate Social Responsibility: accountable, transparent and responsible business behaviour and sustainable growth

JURI/7/09590

Rapporteur: Mr BALDASSARRE (EPP, IT)

- Exchange of views

Item 11 on the agenda

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

JURI/7/09587

Rapporteur for opinion: Mr BALDASSARRE (EPP, IT)

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

- Exchange of views

Mr BALDASSARRE pointed out that the JURI and EMPL committees had agreed to an arrangement under Rule 50 of the Rules of Procedure (on a procedure with associated committees) to draw up two initiative reports concerning corporate social responsibility, in order to make the best use of their respective competences. He presented the Commission communication of October 2011 concerning the renewed EU strategy 2011-2014 for Corporate Social Responsibility (CSR), in which the Commission had put forward a new definition of CSR: "*the responsibility of enterprises for their impacts on society*". He welcomed the Commission's aim to create conditions favourable to sustainable growth, responsible business behaviour and durable employment. Mr BALDASSARRE explained that the Commission intended to clarify what was expected from enterprises under this renewed CSR policy, and to make the EU definition of CSR consistent with international principles and guidelines. He also emphasised that greater attention by business to human rights and responsible business conduct were factors to consider in the CSR policy, and stated that the most novel aspect was action to increase company transparency and accountability on social and environmental issues.

In the ensuing discussion, the Commission proposal was supported by the S&D group (Mr BERLINGUER (IT), Ms REGNER (AT)) but criticised by ALDE (Ms THEIN (DE)), who stressed that in the current situation the most important concern for business was competitiveness and that this was not the right time for new constraints on enterprises.

Timetable: consideration of the draft report and draft opinion - 26.11.2012

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

Item 12 on the agenda

Introduction, on the occasion of the accession of Croatia, of special temporary measures for the recruitment of officials and temporary staff of the European Union

JURI/7/10240

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

- Adoption of draft report

The report was adopted by unanimity.

Item 13 on the agenda

Law of Administrative procedure of the European Union

JURI/7/08737

Rapporteur: Mr BERLINGUER (S&D, IT)

- Adoption of draft report

The report was adopted by unanimity.

Item 14 on the agenda

Development aspects of intellectual property rights on genetic resources: the impact on poverty reduction in developing countries

JURI/7/09953

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

Rapporteur for the responsible committee (DEVE): Ms GRÈZE (Verts/ALE, FR)

- Adoption of draft opinion

The opinion was adopted by unanimity.

Item 15 on the agenda

Amendment to Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) No .../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions

JURI/7/10651

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

Rapporteur for the responsible committee (ECON): Mr GIEGOLD (Verts/ALE, DE)

- Adoption of draft opinion in letter form

and

Item 16 on the agenda

Conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions

JURI/7/10656

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

Rapporteur for the responsible committee (ECON): Ms THYSSEN (EPP, BE)

- Adoption of draft opinion in letter form

The opinion was adopted with 22 votes in favour and one abstention.

Legal basis (Rule 37)

Item 17 on the agenda

Health protection: Radioactive substances in water intended for human consumption

JURI/7/10859

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

Rapporteur for the responsible committee (ENVI): Ms RIVASI (Verts/ALE, FR)

- Consideration of legal basis

The opinion was adopted with 22 votes in favour and one against.

Recast(s) (Rule 87)

Item 18 on the agenda

Insurance mediation (recast)

JURI/7/10013

Rapporteur for opinion: Mr SPERONI (EFD; IT)

Rapporteur for the responsible committee (ECON): Mr LANGEN (EPP, DE)

- Adoption

The opinion was adopted by unanimity.

Item 19 on the agenda

Harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (Recast)

JURI/7/07933

Rapporteur for opinion: Mr SPERONI (EFD; IT)

Rapporteur for the responsible committee (IMCO): Ms ROITHOVA (EPP, CZ)

- Adoption

The opinion was adopted by unanimity.

Item 20 on the agenda

Classification, packaging and labelling of dangerous preparations

JURI/7/08690

Rapporteur for opinion: Mr SPERONI (EFD; IT)

Rapporteur for the responsible committee (ENVI): Ms KORHOLA (EPP, FI)

- Adoption

The opinion was adopted by unanimity.

Item 21 on the agenda

Harmonisation of the laws of the Member States relating to making available on the market of measuring instruments (Recast)

JURI/7/07945

Rapporteur for opinion: Mr SPERONI (EFD; IT)

Rapporteur for the responsible committee (IMCO): Ms ROITHOVA (EPP, CZ)

- Adoption

The opinion was adopted by unanimity.

*** *End of vote* ***

Item 22 on the agenda

Collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market

JURI/7/10141

Rapporteur: Ms GALLO (EPP, FR)

- Exchange of views

Ms GALLO (EPP, FR) outlined the Commission proposal for a Directive, presented in July 2012, and suggested the approach to be taken. She pointed out that the proposal addressed two main issues: the collective management of rights administered by collective societies on behalf of right holders and the multi-territorial licensing of the rights of authors in their musical works by collecting societies representing authors for the provision of online services. She outlined that the EP objective should be to guarantee the best possible remuneration for authors, to promote the diffusion of musical works and to encourage cultural diversity. Ms GALLO considered that a hearing should be organised with experts and stakeholders in order to provide MEPs with more precise information on this technical dossier.

In the ensuing exchange of views all speakers supported the Commission proposal but underlined the complexity of the issues and the need to have sufficient time for discussion (Ms WIKSTRÖM (ALDE, SE), Mr ENSTRÖM (Greens/ALE, SE), Ms CASTEX (S&D, FR)). Mr BERLINGUER (S&D, IT) considered that the Commission proposal should be welcomed, though developed further, since it represented a clear political message for a recent - but already existing - convergence of views.

Timetable: consideration of working document - January 2013

Item 23 on the agenda

Protection of individuals with regard to the processing of personal data, and the free movement of such data (General Data Protection Regulation)

JURI/7/09147

Rapporteur for opinion: Ms GALLO (EPP, FR)

Rapporteur for the responsible committee (LIBE): Mr ALBRECHT (Verts/ALE, DE)

- Consideration of draft opinion

Ms GALLO (EPP, FR) presented the draft opinion in detail. She made comments and proposals on several issues, i.e. the definition of personal data and the principle of explicit consent as grounds for the lawfulness of processing; the strengthening of the protection of children; the right to data portability introduced by the proposal (to which she was opposed); the general principle of the responsibility of the controller (which she suggested introducing). Ms GALLO welcomed the fact that the provisions concerning the transfer of data to third countries or international organisations had been significantly developed and clarified and proposed introducing the system of mutual recognition of binding corporate rules that had already been established by the Article 29 Working Party on the protection of individuals with regard to the processing of personal data.

The speakers broadly supported the rapporteur's approach. Ms CASTEX (S&D, FR) said that special attention should be paid to the use of personal data within enterprises, Ms TAYLOR (ALDE, UK) called for more flexibility and to take into account the specificities of SMEs, while Mr VOSS (EPP, DE) considered that the right to information should be clearly defined. Ms REGNER (S&D, AT) welcomed the reference to the Charter of Fundamental Rights made by the rapporteur. The rapporteur for the responsible committee (LIBE), Mr ALBRECHT (Verts/ALE, DE), considered that the draft opinion was a good basis for discussion and pointed out that further discussion should take place with the Commission on delegated and implementing acts.

Timetable: deadline for amendments - 28.11.2012

Item 24 on the agenda

Improving access to finance for SMEs

JURI/7/09948

Rapporteur for opinion: Ms TAYLOR (ALDE, UK)

Rapporteur for the responsible committee (ECON): Mr DE BACKER (ALDE, BE)

- Consideration of draft opinion

This item was not discussed, though the timetable was given by the chairperson.

Timetable: deadline for amendments – 7.11.2012; adoption of the JURI opinion – 27.11.2012

Item 25 on the agenda

Statute and funding of European political parties and European political foundations

JURI/7/10673

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

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

- Exchange of views

The discussion on this item was postponed.

Item 28 on the agenda

Next meeting(s):

- 26 November 2012, 15.00 – 18.30 (Brussels)
- 27 November 2012, 9.00 – 12.30 (Brussels)