



Brussels, 3 March 2015

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Summary record of the meeting of the European Parliament Committee on Legal Affairs (JURI), held in Brussels on 23-24 February 2015

The highlights of the meeting were the exchange of views with the Council Presidency on the reform of the General Court of the European Union and the discussion on the own-initiative report of Ms REDA (Greens, DE) on the so-called "InfoSoc" directive, during which her approach was criticised. There was also an exchange of views on the future JURI opinion on the TTIP, a hearing on administrative procedures in the EU and the US, and a presentation of the state of play concerning the implementation of the Patent Package. Opinion 2/13 of the Court of Justice on the accession of the EU to the ECHR, identifying problems with regard to its compatibility with EU law, was briefly presented but will be discussed later.

The meeting was chaired by Mr SVOBODA (EPP, CZ) and Mr CAVADA (ALDE, FR).

Item 4 on the agenda

The possible extension of geographical indication (GI) protection of the European Union to non-agricultural products

2015/2053(INI)

Rapporteur: Ms ROZIÈRE (S&D, FR)

- Consideration of working document

The rapporteur Ms ROZIÈRE (S&D, FR) presented her working document on the Commission's Green Paper concerning a possible extension of EU geographical indication protection to non-agricultural products. She welcomed the publication of the Green Paper and supported a single EU-level protection scheme for non-agricultural GIs that includes a registration scheme recognised at EU level, a scheme that would keep costs and red tape to a minimum for businesses whilst offering sufficient guarantees for consumers, as well as a mechanism that would make it possible to recognise the link between the product and the geographical area. She said that further discussion was needed on modalities, following the adoption of a report by IMCO.

Item 5 on the agenda

The implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society

2014/2256(INI)

Rapporteur: Ms REDA (Greens/EFA, DE)

Responsible: JURI

Opinions: ITRE, IMCO, CULT

- Consideration of draft report

The rapporteur, Ms REDA (Greens/EFA, DE), presented her own-initiative report and recalled the objective of helping the Commission to set up the Digital Single Market, as well as the importance of copyright reform. She reported that she had sent the committee members an additional explanatory note in order to clarify her draft report, as she had received several questions. Ms REDA acknowledged the necessity for authors and performers to be provided with legal protection for their creative and artistic work and the need for appropriate remuneration for all categories of rightholders. She called for improvements to the contractual position of authors and performers in relation to other rightholders and intermediaries. In this context, Ms REDA considered that the best solution to the fragmentation of copyright in the EU was the introduction of a single European Copyright Title, as a long-term goal.

Ms REDA also advocated making the exceptions and limitations outlined in the InfoSoc directive mandatory across all Member States. She recalled that exceptions and limitations have been tested and have proved not to be detrimental to authors' interests.

MEPs were rather critical of the proposals made by Ms REDA and considered that the objective of the report - to assess the implementation of the InfoSoc directive - had not been achieved. Ms LE GRIP (EPP, FR) said that the draft report was marked by an ideology working against the interests of authors and only taking into account the interests of end users. She advocated better protection of cultural diversity, and was supported by Mr HONEYBALL (S&D, UK), Mr KÖSTER (S&D, DE), Ms ROZIERE (S&D, FR), and Ms NIEBLER (EPP, DE). Mr MARINHO E PINTO (ALDE, PT) said that the main issue was whether the EU should foster access to culture or the enrichment of the intermediaries, while Mr CAVADA (ALDE, FR), shadow rapporteur, recalled that freedom to create was fundamental for citizens and should be protected. All speakers announced their intention to table amendments.

PRELIMINARY TIMETABLE:

Deadline for amendments: 03/03/2015

Consideration of amendments: 23/03/2015

Vote in JURI: 16/04/2015

Plenary vote: 20/05/2015

Item 6 on the agenda

Presentation of a study on legal instruments and the practice of arbitration in the EU (Brunel University London)

Mr Tony Cole, Senior Lecturer at the Brunel Centre (London), and Mr Pietro Ortolani, from Luiss Guido Carli University (Rome), presented their study on arbitration across the European Union and Switzerland, prepared at the request of the JURI Committee. The study addressed arbitration in all its primary forms (commercial, consumer, online, investment), as well as both the formal regulatory structure in which arbitration operates in every Member State and Switzerland, and the realities of arbitral practice. The authors also presented measures taken at EU level regarding arbitration (including investment arbitration), and potential future measures.

Item 7 on the agenda

Single-member private limited liability companies

***I 2014/0120(COD) COM(2014)0212

Rapporteur: Mr DE GRANDES PASCUAL (EPP, ES)

Responsible: JURI

Opinions: ECON, EMPL, ITRE, IMCO

- Consideration of a working document

The rapporteur, Mr DE GRANDES PASCUAL (EPP, ES), presented his working document on the Commission's proposal and considered that this proposal had potential as a motor for growth and employment. He mentioned that some issues were to be discussed, such as the separation of the registered office and the central administration or principal place of business (Article 10) and the uniform template for articles of association (Article 11). Mr DE GRANDES PASCUAL considered that the Member States should put forward solutions in order to reduce the administrative burden and costs for Union companies, while at the same time preserving the necessary legal safeguards.

PRELIMINARY TIMETABLE:

Presentation of a draft report: 16.4.2015

Deadline for amendments: 29.04.2015

Consideration of amendments: 15-16.06.2015

Vote JURI: 14.07.2015

Item 8 on the agenda

Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)

2014/2228(INI)

Rapporteur for opinion: Mr VOSS (EPP, DE)

Rapporteur for the responsible Committee (INTA): Mr LANGE (S&D, DE)

Opinions: AFET, DEVE, ECON, EMPL, ENVI, ITRE, IMCO, TRAN, AGRI, CULT, JURI, LIBE, AFCO

- Exchange of views

The rapporteur, Mr VOSS, recalled that JURI was primarily responsible for the TTIP subject matters being negotiated in the chapters on intellectual property rights, regulatory coherence and transparency, and dispute settlement/arbitration, and that its opinion should be limited to these issues. The exchange of views was therefore focused on the dispute settlement mechanism. Mr VOSS expressed the opinion that the arbitration mechanism had proved its efficiency and should therefore be included in TTIP, but that further reflection was needed on its improvement. He also said that he would make some recommendations concerning regulatory coherence.

Speakers from the S&D and ALDE groups did not support this approach. Mr KÖSTER (S&D, DE), Ms ROZIÈRE (S&D, FR) and Mr MARINHO E PINTO (ALDE, PT) expressed strong concerns on procedures of private arbitration which, in their opinion, would undermine democracy and the rule of law. They were supported - in a more moderate way - by Ms NIEBLER (EPP, DE), who questioned the need for an arbitration procedure and considered the use of national courts to be a more appropriate tool to address investment disputes.

A draft opinion will be presented by the rapporteur in March. The deadline for tabling amendments is 1 April 2015.

Item 9 on the agenda

Annual reports 2012-2013 on subsidiarity and proportionality

2014/2252(INI) COM(2014)0506

Rapporteur: Mr KARIM (ECR, UK)

Responsible: JURI

Opinions: AFET, DEVE, INTA, BUDG, CONT, ECON, EMPL, ENVI, ITRE, IMCO, TRAN, REGI, AGRI, PECH, CULT, LIBE, AFCO, FEMM, PETI

- Exchange of views

The rapporteur, Mr KARIM (ECR, UK), said that a positive development concerning subsidiarity and proportionality within the EU should be welcomed, given the new Commission's aim to focus its activity on the essential issues. He said that, nevertheless, the EU should improve its law-making and impact assessment and strengthen the cooperation with national parliaments.

Speakers broadly supported the rapporteur's approach (Ms DELVAUX-STEHRRES (S&D, LU), Ms KAUFMANN (S&D, DE), Ms NIEBLER (EPP, DE) and Ms HAUTALA (Greens, FI)). The draft report will be presented in March.

PRELIMINARY TIMETABLE:

Draft report: 23.03.2015

Deadline for amendments: 14.04.2015

Adoption JURI: 16.06.2015

Item 10 on the agenda

30th and 31st annual reports on monitoring the application of EU Law (2012-2013)

2014/2253(INI) COM(2014)0612

Rapporteur: Mr CHRYSOGONOS (GUE/NGL, EL)

Responsible: JURI

Opinion: ECON, ENVI, IMCO, TRAN, LIBE, AFCE, PETI

- Exchange of views

Postponed.

Item 11 on the agenda

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

JURI/8/00435

***I 2014/0121(COD)COM(2014)0213 – C7-0147/2014

Rapporteur: Mr COFFERATI (S&D, IT)

Responsible: JURI

Opinions: ECON, IMCO, LIBE

- Consideration of amendments

The S&D coordinator, Ms REGNER (AT), presented some remarks on behalf of the rapporteur Mr COFFERATI (S&D, IT). She reported that, in addition to the 83 amendments included in the rapporteur's draft report, 404 amendments had been tabled by MEPs. Ms REGNER stressed that a compromise should be found with the shadow rapporteurs of political groups before the vote on 23 March, namely on the issues of the transmission of information by the company to the shareholder, the support for long-term shareholding and the remuneration policy for directors. She stressed that an ambitious and efficient final result should be found.

During the discussion, Mr TOTI (EPP, IT) expressed some objections to the rapporteur's approach, e.g. on the proposals concerning the remuneration policy for directors. The competitiveness of EU companies should be supported and they should not be weighed down by a supplementary administrative burden. Mr CAVADA (ALDE, FR) expressed concerns on the country-by-country reporting and mentioned a possible negative impact on competitiveness, while Mr DURAND (Greens, FR) disagreed with these concerns. On behalf of ECR, Mr KARIM (UK) supported the Commission's objectives and said that further discussions were needed on the quality of corporate governance reporting ("comply or explain" principle).

Ms HAUTALA (Greens, FI) suggested paying more attention to the transparency principle. All speakers agreed that further intensive work would be needed in order to reach a compromise.

PRELIMINARY TIMETABLE

Adoption JURI: 24.3.2015

Item 12 on the agenda

**Written question P-009085/14 (Rule 130(4))
(Request by Ms Sophia IN 'T VELD)**

Discussion on a concrete family case linked to the application of "Brussels II".

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

Item 14 on the agenda

European Small Claims Procedure and European order for payment procedure

JURI/8/00263

***I 2013/0403(COD)COM(2013)0794 – C7-0414/2013

Rapporteur: Ms GERINGER DE OEDENBERG (S&D, PL)

Adoption of the draft report

Postponed at the request of the rapporteur.

Item 15 on the agenda

European Public Prosecutor's Office (interim report)

2013/0255(APP) COM(2013)0534

Rapporteur for the opinion: Mr NEGRESCU (S&D, RO)

Rapporteur for the responsible Committee (LIBE): Ms MACOVEI (EPP, RO)

Opinions: BUDG, CONT, JURI

- Exchange of views
- Adoption of draft opinion

The opinion was adopted with 16 votes in favour, 3 against and 4 abstentions.

Item 16 on the agenda

Request under Rule 139 from Mr SULIK to the Office for Harmonisation in the Internal Market (OHIM)

Adoption of draft opinion in letter form

The opinion was adopted by unanimity.

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

Items 17-23 - in camera:

Item 17 on the agenda

Verification of credentials (Rule 3)

Item 18 on the agenda

Disputes involving Parliament (Rule 141)

Item 19 on the agenda

Request for the waiver of the parliamentary immunity of Viktor Uspaskich

2014/2203(IMM)

Rapporteur: Ms FERRARA (EFDD, IT)

Responsible: JURI

- Exchange of views

Item 20 on the agenda

Request for the waiver of the parliamentary immunity of Viktor Uspaskich

2014/2095(IMM)

Rapporteur: Ms REGNER (S&D, AT)

Responsible: JURI

- Hearing
- Exchange of views

Item 21 on the agenda

Request for the defence of the parliamentary immunity of Gabriele Albertini

2014/2096(IMM)

Rapporteur: Mr DUDA (ECR, PL)

Responsible: JURI

- Hearing
- Exchange of views

Item 22 on the agenda

Request for the waiver of the parliamentary immunity of António Marinho e Pinto

2014/2191(IMM)

Rapporteur: Mr CHRYSOGONOS (GUE/NGL, EL)

Responsible: JURI

- Hearing (to be confirmed)
- Exchange of views

Item 23 on the agenda

Request for the waiver of the parliamentary immunity of Béla Kovács

2014/2044(IMM)

Rapporteur: Mr ZWIEFKA (EPP, PL)

Responsible: JURI

- Exchange of views

Item 24 on the agenda

Hearing on administrative procedures in the EU and the US

The purpose of the hearing was to consider the impact of international norms on both EU and US administrative procedures, as well as that of EU norms on Member States' administrative procedures. Prof. Matthias Goldmann (Max Planck Institute for Comparative Public Law and International Law) spoke on the interaction and mutual impact of international law and national (supranational) administrative procedure; Prof. Joana Mendes (University of Amsterdam) discussed the impact of international rules on EU administrative procedures. Prof. Richard B. Stewart (New York University School of Law) dealt with the same subject concerning US administrative procedures. Prof. Marek Wierzbowski (University of Warsaw) explained the situation in Poland, while Ian Harden, Secretary-General of the European Ombudsman, spoke on the administrative procedure act under Article 298 TFEU.

Item 25 on the agenda

Presentation by Margot Fröhlinger, European Patent Office, on the state of play of the Patent Package

Ms Margot FRÖHLINGER, Principal Director for Patent Law and Multilateral Affairs at the European Patent Office, explained the Unitary Patent, namely its legal framework, the concept itself and its implementation. She recalled that the so-called 'Patent Package' was a legislative initiative which lays the foundations for the creation of unitary patent protection in the EU and consists of two regulations and an international agreement. The two regulations (Unitary Patent Regulation (EU) No 1257/2012 and Transitional Regulation (EU) No 1260/2012) will be applicable to 25 Member States on the date of entry into force of the Agreement on the Unified Patent Court (UPC). Ms FRÖHLINGER said that this agreement, setting up a single and specialised patent jurisdiction, would enter into force four months after the 13th instrument of ratification or accession is deposited; currently that number stands at 6.

Item 26 on the agenda

Presentation of the Legal Service on Opinion 2/13 of the Court of Justice

The EP Legal service presented the main aspects of Opinion 2/13 of the Court of Justice on the draft agreement on the accession of the EU to the European Convention for the Protection of Human Rights, which identified problems with regards to its compatibility with EU law. It was agreed that the JURI committee would come back to this issue later.

Item 27 on the agenda

European Convention on the legal protection of services based on, or consisting of, conditional access

*** 2010/0361(NLE) 05651/2012 – C7-0069/2012

Rapporteur: Mr SVOBODA (EPP, CZ)

Responsible: JURI

Opinions: ITRE, IMCO, CULT, LIBE

- Consideration of the draft report

The item was not discussed. The Chair announced that the deadline for amendments was 2 March.

Item 28 on the agenda

Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU

Action Plan 2014/2151(INI) COM(2014)0392

Rapporteur: Mr SVOBODA (EPP, CZ)

Responsible: JURI

Consideration of draft report

Postponed.

Item 29 on the agenda

Protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure

***I 2013/0402(COD) COM(2013)0813 – C7-0431/2013

Rapporteur: Ms LE GRIP (EPP, FR)

Responsible: JURI

Opinions: EMPL, ITRE, IMCO

- Consideration of draft report

Postponed.

Item 30 on the agenda

Strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceeding

***I 2013/0407(COD) COM(2013)0821 – C7-0427/2013

Rapporteur for the opinion: Mr DURAND (Greens/EFA, FR)

Rapporteur for the responsible Committee (LIBE): Ms GRIESBECK (ALDE, FR)

Opinions: JURI

- Consideration of draft opinion

The item was not discussed. The Chair announced that the deadline for amendments was 2 March.

Item 31 on the agenda

Any other business

JURI held an exchange of views with the Council Presidency on the reform of the General Court of the European Union. The item was not included on the agenda and was discussed at the request of JURI under AOBs. Mr Kalniņš, Deputy State Secretary at the Ministry of Justice of Latvia, presented the state of play of the dossier in the Council and stressed that since December last year the Council had made considerable progress. He recalled that on 11 December 2014, Coreper had reached an agreement in principle on the basis of the proposal presented by the Court in October.

He summarised the main elements of the suggested reform, notably the increase in the number of judges at the General Court to 56, in three stages (September 2015: 12 additional judges; September 2016: dissolution of the Civil Service Tribunal and integration of the 7 posts of its judges into the General Court; September 2019: 9 additional judges), which should be set out in a legally binding manner in the Statute of the Court of Justice.

Mr Kalniņš said that there had been large support among delegations for the reform, which would finally provide an urgently needed solution to the problem of the General Court's constantly increasing caseload. He expressed conviction that this reform was justified and necessary. He also informed JURI members that the Presidency had presented a method for selecting those member states which may designate candidates for the General Court in the first and second phase, whereby these candidates would be screened as usual by the Article 255 panel. Mr Kalniņš expressed the Council's readiness to hold further discussions soon on the draft amendments to the Statute of the Court of Justice in "quadrilogue" format.

The rapporteur Mr MARINHO E PINTO (ALDE, PT) mainly opposed the increase in the number of judges by 28 because of its costs expected according to him at more than one million euro per additional judge. He stressed that several Member States - including his own - were compelled to drastically reduce their public spending and, therefore, it was not justified to spend taxpayers' money in this way. He insisted that the efficiency of the General Court should be increased and that the productivity of its judges should be compared with the productivity of judges in other courts, adding that this comparison should be a precondition for taking a decision on the reform.

Without rejecting the proposed reform, in the discussion speakers questioned some of its aspects and modalities. On behalf of EPP, Mr ZWIEFKA (PL) stressed the importance of faster legal proceedings and welcomed the progress achieved by the Council. Ms REDA (Greens, DE) supported this approach and said that a higher number of judges would allow better representation of different legal traditions and gender equality. Mr KÖSTER (S&D, DE) deplored the length of proceedings and called for gender quotas for new judges, while Mr BUDA (EPP, RO) considered that more attention should be paid to the Court's efficiency and questioned the number of additional judges.

Mr LEBRETON (NI, FR) expressed his clear hostility to the reform because of its cost and the possible violation of national sovereignty. He questioned the dissolution of the Civil Service Tribunal. The Chair, Mr SVOBODA (EPP, CZ), while in principle positive towards the reform, asked in which way the proposal not to recruit additional legal secretaries as from phase 3 would affect the work of the General Court.

In his conclusive remarks, Mr Kalniņš reiterated the Council's readiness to hold further discussions on the reform of the General Court with the EP.

Item 32 on the agenda

Next meetings

- 9 March 2015 (Strasbourg)
 - 17 March 2015 (Brussels)
 - 23-24 March 2015 (Brussels)
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