



Brussels, 16 February 2018

CM 1630/18

JAI
JUSTCIV
CONSOM
DIGIT
AUDIO
DAPIX
DATAPROTECT
CODEC

COMMUNICATION

NOTICE OF MEETING AND PROVISIONAL AGENDA

Contact:	barbara.makal@consilium.europa.eu frederic.grillet@consilium.europa.eu
Tel./Fax:	+32.2-281.47.16 +32.2-281.38.41
Subject:	JHA Counsellors meeting (Contract Law)
Date:	21 February 2018
Time:	10.00
Venue:	COUNCIL EUROPA BUILDING Rue de la Loi 155, 1048 BRUSSELS

1. Adoption of the agenda
2. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain aspects concerning contracts for the supply of digital content
WK 1863/2018
 - **Debriefing about the 3rd trilogue and preparation of the 4th trilogue - exchange of views and, where possible, confirmation of a compromise wording on the following issues:**

- (a) **Obligations of the supplier** to return/refrain from using ‘user-generated’ content:
Article 13a(3) and (4) (rows 300-311)
- (b) **Right to damages:** Article 14 (row 323) and recital 44
WK 1388/2018
- (c) **Modification of the digital content:** Article 15 (rows 327-339);
- (d) **Right to terminate long-term contracts:**
 - (i) Article 16(1) (row 341)
WK 1300/2018
 - (ii) (poss) Information about discussions on the Telecom CODE
- (e) **Liability of the supplier:** Article 9(1a) (row 244) and Article 3(9) (row 156) of EP text
- (f) **Right of redress:** Article 17 (row 352)
- (g) **Enforcement:** Article 18(1) and (2)(ca) (rows 354 and 359)
- (h) **Transposition:** Article 21(1) and (1a) (rows 381 and 382)
- (i) **Review clause:** Article 22 (row 386)
- (j) **Terminology:** ‘trader’ versus ‘supplier’
- (k) **Definitions:** Article 2
 - (i) ‘digital content’ and ‘digital service’: Article 2(1) points (1) and (1a)
(rows 112 - 116)
 - (ii) ‘price’: Article 2(1) point (6) (row 122)
 - (iii) ‘digital environment’: Article 2(1)(8) (row 125)
 - (iv) ‘compatibility’: Article 2(1)(9) (row 126)

(l) Data protection issues:

- (i) Scope: recitals 13 and 14

WK 1888/2018

- (ii) (poss) Recital relating to EP idea expressed in Article 6a(1)(a) (row 195)

WK 1922/2018

(m) Other open issues:

- (i) Pre-contractual information obligation: Article 4a (row 161-163) of EP text

- (ii) Commercial guarantees: Article 8b (rows 217-224) of EP text

- (iii) Third party rights: Article 8

WK 1889/2018

- (iv) (poss) Security updates: Article 6a(4) (row 207)

WK 1890/2018

3. Any other business

NB: Council documents are available on Delegates Portal. Room attendants will provide copies on request at the earliest opportunity.

NB: Delegates requiring day badges to attend meetings should consult document 14387/1/12 REV 1 on how to obtain them.