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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 March 2015

The highlight of the meeting was the exchange of views on the reform of the General Court of the European Union, when the rapporteur criticised again the proposal agreed in the Council, but was in a minority. The controversial own-initiative report by Ms REDA (Greens, DE) on the so-called "InfoSoc" directive, on which 556 amendments were tabled, was briefly discussed. There was also a presentation of the draft JURI opinion on the TTIP and a Commission Presentation on the 2015 EU Justice Scoreboard. The draft report on REFIT was discussed, but it will be modified after the presentation by the Commission of its "better regulation package" on 28 April. There were also votes, including on JURI's opinion on the presumption of innocence.

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

Item 4 on the agenda

Commission Presentation on the 2015 EU Justice Scoreboard

The representative of the Commission presented the new edition of the EU Justice Scoreboard, pointing out that this tool provides an overview of the quality, independence and efficiency of member states' justice systems. He also stated that many member states were currently reforming their justice systems and the Commission supported these reforms through the European Semester. He underlined the special attention paid by the 2015 scoreboard to the quality of justice systems. The scoreboard presents new information on the quality of small claims procedures online, on gender balance in the judiciary, on how courts communicate and on alternative dispute resolution in consumer disputes. The 2015 scoreboard identified, for the first time, trends in the functioning of justice systems. The conclusion was that member states' efforts to render their national justice systems more effective should be recognised, but that the analysis revealed that more commitment and determination were indispensable to achieve more effective justice.

Item 5 on the agenda

Proposal for a regulation of the European Parliament and of the Council amending the Statute of the Court of Justice of the European Union by increasing the number of judges at the General Court

JURI/8/01093

Rapporteur: Mr MARINHO E PINTO (ALDE, PT)

- Exchange of views

The rapporteur, Mr MARINHO E PINTO (ALDE, PT), outlined the past developments in the file and confirmed his opposition to the proposal to increase the number of judges by 28, mainly because of costs - expected, according to him, at more than one million euro per additional judge. He regretted the proposed suppression of the Civil Service Tribunal and called for other solutions to be found to improve the General Court's efficiency - i.e. by streamlining procedures and increasing the productivity of judges. Mr MARINHO E PINTO also deplored the absence of a real dialogue between the EP and judges. He mentioned a letter (that he had received through informal channels), dated September 2014 and signed - according to him - by the President of the General Court and all judges, in which they opposed the reform as it was currently proposed. He regretted that this letter had not been circulated to JURI members. Mr MARINHO E PINTO requested a hearing to be organised by JURI with the judges' participation.

Overall, the Rapporteur's criticism was not shared by speakers. Ms HAUTALA (Greens, FI) underlined the need to guarantee the good functioning of the Court and considered that the proposal to increase the number of judges to 56 would be positive for the gender balance, provided that each Member State undertook to nominate a male and a female judge. Mr ZWIEFKA (EPP, PL) also highlighted the need to finalise the reform of the Court and pointed out that a number of contacts and meetings had been held with the EUCJ president and judges. He said that the EP should not now have a negative approach, when an agreement had been reached in the Council. Mrs REGNER (S&D, AT) also supported the need to find a solution rapidly, as did Ms DELVAUX-STEHRER (S&D, LU) who called for a compromise number of judges to be discussed with the Council. She underlined the fact that the Court of Justice should be consulted, and not the General Court (Article 281 TFEU). Mr CAVADA (ALDE, FR) said that the dialogue with the Council should be on a "win-win" basis, and mentioned the extension of the duration of the judges' mandate as a possible means to increase their productivity, while Mr CHRYSOGONOS (GUE, EL) stressed the importance of the independence of judges. No question was put to the Court's representative (President Skouris' head of cabinet) nor to the Presidency of the Council.

The Chair announced the coordinators' decision to hold a meeting on this issue with the Commission, the Council and the Court during the next EP plenary in Strasbourg on Tuesday 28 April in the afternoon.

Item 6 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

Rapporteur: Ms LE GRIP (EPP, FR)

Opinions: EMPL, ITRE, IMCO

- Consideration of draft report

The rapporteur, Ms LE GRIP (EPP, FR), presented her draft report, pointing out that she had not wished to introduce substantial modifications to the Commission's proposal. Her main objective was to add clarification to some aspects of the proposal, for instance in respect of the definition of trade secrets, while trying to ensure a maximum level of harmonisation and a balance between the need to protect businesses from unfair commercial practices and to ensure respect for freedom of expression.

A single deadline (three years, and not one or two years, as laid down in the proposal) should be set up for actions for the application of the measures, procedures and remedies provided for in the Directive. Ms LE GRIP also suggested some amendments in order to protect the right to a fair trial and the principle of an adversarial process.

During the exchange of views, Mr COFFERATI (S&D, IT) called for the adoption of a cautious approach and said it was important not to transform the protection of trade secrets into a tool against fair competition. He considered that the Commission's proposal on deadlines for actions should not be changed. He was supported on this point by Ms REDA (Greens, DE) who estimated that a number of elements should be carefully reviewed. Mr RADEV (EPP, BG) called for the elaboration of a legislative text, that was clear and easier to implement, while Mr MARINHO E PINTO (ALDE, PT) expressed the view that the concept of "public interest" should be more clearly defined.

The Commission representative welcomed the rapporteur's overall approach, but said that some amendments (i.e. 4 and 17) could be problematic for the Commission.

Timetable:

Deadline for amendments: 26.3.2015

Consideration of amendments: 16.4.2015

Adoption JURI: 7.5.2015

Item 7 on the agenda

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

2014/2228(INI)

Rapporteur for the 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, PETI

- Consideration of draft opinion

Mr VOSS (EPP, DE) presented his draft opinion and focused on two main issues - the dispute settlement mechanism and regulatory coherence. Mr VOSS expressed the opinion that the arbitration mechanism had proved its efficiency, but that further reflection was needed on its improvement, i.e. in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, etc.

As regards regulatory coherence, he called on the Commission to ensure that clearly defined rules are comprehensively incorporated in TTIP.

Mr KÖSTER (S&D, DE) expressed reservations on both issues. He was concerned about procedures of private arbitration which, in his view, were not the right solution, and he was concerned, too, about regulatory coherence. Ms HAUTALA (Greens, FI) called for cautious approach and further discussion on all aspects of both issues.

Timetable:

Deadline for amendments: 26 March

Vote JURI on the opinion: 16 April

Adoption INTA of the report: 6-7 May

Plenary vote: 18-21 May

Item 8 on the agenda

Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook

2014/2150(INI) COM(2014)0368

Rapporteur: Ms KAUFMANN (S&D, DE)

Opinions: ECON, EMPL, ENVI, IMCO, TRAN

- Consideration of draft report

Ms KAUFMANN (S&D, DE) referred to the past developments: in June 2014, the former Commission had presented a communication entitled "Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook". This was a follow-up to its first report on REFIT from October 2013. She also recalled that the First Vice-President of the new Commission Mr Timmermans had announced that a "better regulation package" would be presented on 22 April 2015, in order to update the measures announced in the 2014 REFIT, to take account of the priorities of the new Commission, its work programme for 2015 and the upcoming renegotiation of the 2003 IIA on Better Law-making. Ms KAUFMANN welcomed the renewed support announced by the Commission for the better regulation agenda. She expressed the view that it was important to ensure that a solid new IIA could be agreed by the institutions, with the Parliament's views and concerns effectively taken on board. The main issues dealt with in her draft report furthermore included stakeholder consultations, impact assessments and European added value, SMEs and the Think Small First principle, ex-post evaluations of legislation and the implementation of EU legislation by Member States, in particular measures to counter the practice of gold plating whereby additional administrative burden is created.

Ms KAUFMANN expressed concerns on the large number of withdrawals of legislative proposals in the Commission's work programme for 2015, made with reference to the principle of political discontinuity and on the basis of the Commission's estimation that agreements would not be possible in the Council. Ms KAUFMANN also said that she would modify her draft report in the light of the future "better regulation package", after its presentation by the Commission.

During the exchange of views, the rapporteur's approach was supported and her concerns on the withdrawals of legislative proposals were shared by S&D and Greens speakers (Ms HAUTALA (Greens, FI), Ms GUTELAND (S&D, SE), Ms HONEYBALL (S&D, UK), Ms REGNER (S&D, AT)). EPP members expressed nuanced support (Ms NIEBLER (DE) and stated that, pursuant to the Treaty, the Commission was fully entitled to withdraw legislative proposals (Mr SVOBODA (CZ)).

The Commission representative announced a change in the timing for the presentation of the "better regulation package". It will be presented on 28 April. Ms KAUFMANN therefore requested that timing as regards her report should be changed.

Item 9 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)

Opinions: ITRE, IMCO, CULT, LIBE

- Consideration of draft report

The Chair Mr SVOBODA (EPP, CZ), rapporteur on this issue, stated that in July 2014 the Commission had presented an action plan for Intellectual Property Rights (IPR) enforcement. This included ten actions with a special focus on a 'follow the money' approach, designed to deprive commercial-scale infringers of revenue. Mr SVOBODA expressed his support for this action plan. He stressed the need to have a comprehensive IPR strategy. This should include a complete legal framework, adapted to the online environment. It was necessary to go further on issues such as consumer information and the development of new business models. The rapporteur also expressed the view that better consideration of SMEs was important, particularly as regards access to justice.

S&D speakers (M. KÖSTER (DE), Ms DELVAUX-STEHRÉS (LU)) considered that a more balanced text would be needed. They announced that they would table amendments, as did Mr ANDERSSON (Greens, SE).

Timetable:

Deadline for amendments: 26.03.2015

Consideration of amendments: 16.04.2015

Adoption JURI: 06-07.05.2015

Item 10 on the agenda

Statute for a European Foundation (FE)

Rapporteur: M. KÖSTER (S&D, DE)

- Exchange of views

The rapporteur, M. KÖSTER (S&D, DE), stated that in the last term, under the rapporteurship of Ms REGNER, the EP had adopted an interim report. In this it stated its point of view on the proposed statute. EP had voted in support of the proposal. However, as the proposal has been withdrawn by the Commission (because of the impossibility to reach unanimity in the Council), this item should be removed from JURI agenda.

In camera - items 11 and 12:

Item 11 on the agenda

Verification of credentials (Rule 3)

Item 12 on the agenda

Disputes involving Parliament (Rule 141)

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

Item 14 on the agenda

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

***** 2010/0361(NLE) 05651/2012**

Rapporteur: Mr SVOBODA (EPP, CZ)

Responsible: JURI

- Adoption of the draft report

Adopted with 21 votes in favour and 2 against.

Item 15 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)

Responsible: JURI

- Adoption of the draft report

Postponed.

Item 16 on the agenda

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

JURI/8/00268

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

Rapporteur for the opinion: Mr DURAND (Verts/ALE, FR)

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

- Adoption of the draft opinion

Adopted with 23 votes in favour and 2 against (with numerous amendments).

Item 17 on the agenda

Petition 0502/2014 on access to the legal profession in Spain

JURI/8/03026

Rapporteur: Mr SVOBODA (EPP, CZ)

- Adoption

Adopted by unanimity.

Legal basis (Rule 39)

Item 18 on the agenda

Maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency

* 2013/0451(NLE) COM(2013)0943 - C7-0045/2014

Rapporteur for the opinion: Ms HAUTALA (Verts/ALE, FI)

Rapporteur for the responsible Committee (ENVI): Ms HERRANZ GARCÍA (EPP, ES)

- Adoption of draft opinion in letter form

Adopted by majority.

*** *End of vote* ***

In camera - items 19-25:

Item 19 on the agenda

Request for the waiver of the parliamentary immunity of Viktor Uspaskich

2014/2095(IMM)

Rapporteur: Ms REGNER (S&D, AT)

- Adoption of the draft report

Item 20 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)

- Adoption of draft report

Item 21 on the agenda

Request for waiver of immunity of Ivan Jakovčič

2014/2169(IMM)

Rapporteur: Mr ZWIEFKA (EPP, PL)

- Adoption of draft report

Item 22 on the agenda

Request for the defence of the parliamentary immunity of Gabriele Albertini

2014/2096(IMM)

Rapporteur: Mr DUDA (ECR, PL)

- Adoption of draft report

Item 23 on the agenda

Request for the waiver of the parliamentary immunity of Sotirios Zarianopoulos

2015/2015(IMM)

Rapporteur: Ms FERRARA (EFDD, IT)

- Hearing
- Exchange of views

Postponed.

Item 24 on the agenda

Request for the waiver of the parliamentary immunity of Viktor Uspaskich

2014/2203(IMM)

Rapporteur: Ms FERRARA (EFDD, IT)

- Hearing (to be confirmed)
- Exchange of views

Item 25 on the agenda

Request for the waiver of the parliamentary immunity of Jérôme Lavrilleux

2015/2014(IMM)

Rapporteur: Ms HAUTALA (Verts/ALE, FI)

- Hearing
- Exchange of views

Item 26 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 (Verts/ALE, DE)

Responsible: JURI

Opinions: ITRE, IMCO, CULT

- Consideration of amendments

The rapporteur, Ms REDA (Verts/ALE, DE), stated that 556 amendments had been tabled and, therefore, it would be impossible to vote on the report in April, due to the need to discuss amendments and to find a compromise. She said that amendments could be regrouped, as they concern the same issues - "geoblocking" (territorial restrictions on copyright), exceptions, lack of harmonisation, libraries, etc. Ms REDA expressed readiness to work with shadow rapporteurs on compromise texts.

Mr CAVADA (ALDE, FR) confirmed his critical opinion, which he had expressed unambiguously during the previous discussion, and advocated a fair remuneration for authors. He said that any ideology should be avoided and expressed his determination not to allow measures that would destroy European cultures. All speakers expressed a willingness to discuss further all controversial issues and to try to find compromises - Ms HONEYBALL (S&D, UK), Ms COMODINI (EPP, IT), Ms GERINGER DE OEDENBERG (S&D, PL), Mr KÖSTER (S&D, DE).

On 14 April the shadow rapporteurs will examine the amendments and the possible compromise texts.

Item 27 on the agenda

Promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the EU

JURI/8/01096

Rapporteur: Ms DELVAUX (S&D, LU)

- Exchange of views

Postponed.

Public hearing

Item 28 on the agenda

Time to revisit summer time?

pm

Item 30 on the agenda

Next meetings

- 16 April 2015, 9.00-12.30 and 15.00-18.30 (Brussels)
- 27 April - extraordinary meeting in Strasbourg