



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Legal Affairs

JURI_PV (2012)1126

MINUTES

Meeting of 26 November 2012, from 15.00 to 18.30,
and 27 November 2012, from 09.00 to 12.30
BRUSSELS

The meeting opened at 15.05 on Monday 26 November 2012, with Klaus-Heiner Lehne (Chair) in the chair.

1. Adoption of agenda

JURI_OJ (2012)1126_1v01

The Chair announced that a consultation with the Legal Service on unitary patent protection and a consideration of a legal basis for the dossier on the fight against fraud to the Union's financial interests by means of criminal law had been added to the agenda, and that the exchange of views on the statute and funding of European political parties and European political foundations had been postponed. The agenda was adopted as amended.

2. Chair's announcements

The Chair announced that a joint vote with the LIBE committee on the Justice Programme would take place during the meeting.

3. Exchange of views with Michel Barnier, European Commissioner for the Internal Market and Services, on the state of play of the negotiations on the Treaty on copyright limitations and exceptions for visually impaired persons and persons with print disabilities

The following spoke: Klaus-Heiner Lehne, Vicky Christoforou (Presidency), Eva Lichtenberger, Christian Engström, Dimitar Stoyanov and Evelyn Regner.

4. Exchange of views with the Legal Service on unitary patent protection

The following spoke: Ullrich Rösslein (Legal Service), Eva Lichtenberger and Klaus-Heiner Lehne.

5. Improving access to finance for SMEs

JURI/7/09948

2012/2134(INI) COM(2011)0870

The following spoke: Rebecca Taylor.

Evelyn Regner (Vice-Chair) in the chair 16.00-16.10.

6. Hearing on a Statute for a European Foundation (FE)

JURI/7/08907

2012/0022(APP) COM(2012)0035

The following spoke: Rosa Gallego (DAFNE), Francis Charhon (EFC), John Riches (Withers Bergman), Achim Seifert (Freidrich-Schiller-University Jena), Fernando Moreno Cea (FAES), Martin Frohm (Commission), Evelyn Regner (rapporteur), Cristina Gueteres-Cortines, Luis De Grandes Pasquale, Alexandra Thein, Antonio Masip-Hidalgo and Klaus-Heiner Lehne.

7. 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

The following spoke: Alexandra Thein (rapporteur), Eva Lichtenberger and Klaus-Heiner Lehne.

8. Application of Directive 2004/25/EC on takeover bids

JURI/7/10977

2012/2262(INI)

The following spoke: Rebecca Taylor and Francis Gilbert (Commission).

The meeting continued in camera from 17.40.

9. Disputes involving Parliament (Rule 128)

Case C-453/12, Commission v Council and Case T-458/12, MDRGF v Commission.

The following spoke: Klaus-Heiner Lehne (rapporteur), Maria Gómez-Leal (Legal Service) and Eva Lichtenberger.

The Committee decided unanimously to recommend to the President that Parliament should intervene in both cases.

10. Verification of credentials (Rule 3)

No announcements had been made in plenary necessitating the verification of credentials.

The following spoke: Klaus-Heiner Lehne (rapporteur).

11. Request for the waiver of the parliamentary immunity of Malgorzata Handzlik
JURI/7/10696
2012/2238(IMM)

The following spoke: Dimitar Stoyanov (rapporteur) and Klaus-Heiner Lehne.

The meeting ended at 17.50.

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Coordinators' meeting

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The joint meeting with LIBE started at 9:15.

12. Justice Programme for 2014-2020
***I 2011/0369(COD) COM(2011)0759 – C7-0439/2011

The following amendments were adopted: AMs 8, 77, 78, 9, 81, 10, 82, 11, 12, FEMM 11, 13, 14, 15, 16, AMCs 7, 8, 9, AM 94, FEMM 15, AM 21, AMC 10, AM 97, AMC 11, AMs 24, 25, FEMM 17, AMs 26, 27, 100 (first part), 28, 102, FEMM 20, BUDG 8, AMC 12, AMs 107, 30, 31, 32, BUDG 9, BUDG 10, AM 110 with oral amendment, AMs 33, 34, 35, 113, BUDG 11, AM 36, BUDG 12, AMC 13, AM 114 (first part), AMs 116, 37, 38, 39, 40, FEMM 24, AMs 41, 42, 44, 45, AMC 1, AMs 2, 48, FEMM 3, AM 50, AMC 2, AMs 49, 52, BUDG 3, AM 61, AMC 3, AM 57, AMC 4, AM 63 (first part), AMs 62, 66, 69, BUDG 4, BUDG 5, BUDG 6, AMs 5, 6, FEMM 6, AMC 5, FEMM 7, AMCs 6, 14, AMs 74, 75, 1 and 2. All other amendments and suggestions fell or were covered, rejected or withdrawn.

The Committees adopted the draft opinion by 43 votes in favour, 1 against and 2 abstentions.

The joint meeting concluded at 9:40 and the meeting resumed at 9:45.

13. Chair's announcements concerning coordinators' decisions

The following decisions were approved following the coordinators' meeting:

(1) Evelyn Regner was appointed (a) rapporteur for Improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures and (b) rapporteur for opinion for Enforcement of Directive 96/71/EC

concerning the posting of workers in the framework of the provision of services.

(2) A letter were to be sent to the President of Parliament informing him that the request for waiver of Mr Emil Stoyanov's immunity had lapsed and that the request for defence of immunity of Mr Viktor Uspaskich was now to no purpose in view of the fact that they are no longer members of the European Parliament.

(3) The committee would consider on its own initiative the legal basis of the proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law as any other business.

(4) A letter were to be sent to LIBE formally asking for JURI to be invited to attend the LIBE meeting on 17-18 December for the point relating to the mid-term review of the Stockholm Programme in the presence of Vice-President Reding. A request would be made for the application of Rule 51 to the mid-term review.

(5) The joint committee procedure (Rule 51) would be applied in respect of the proposal for a directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures.

(6) It was decided not to request a written opinion from the Legal Service on the compromise proposed for the patent package.

(7) Authorisation would be sought to hold a hearing on collective rights management in February 2013.

14. Award of concession contracts

JURI/7/08524

***I 2011/0437(COD) COM(2011)0897 – C7-0004/2012

The following amendments were adopted: AM 78, AMC 1, AM 83, AMC 6, AMs 96, 16, 17, AMC 2, AMs 137, 140, 145, 147, 148, 149, 151, 152, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 159, 44, 45, 46, 47, 48, 50, 1, 2, 3, 4, AMC 3, AM 5, AMC 4, AMs 7, 8, 62, 9, 10, 67, 69, 11, 12, 13, AMC 5 and AM 15. All other amendments and suggestions fell or were covered, rejected or withdrawn.

Final vote: 14 in favour, 3 against, 2 abstentions.

The following spoke: Françoise Castex.

15. Securities settlement in the EU and central securities depositories (CSDs), and amendment of Directive 98/26/EC

JURI/7/09124

***I 2012/0029(COD) COM(2012)0073 – C7-0071/2012

The following amendments were adopted: AMs 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11. The other amendments were rejected.

Final vote: 17 in favour, 2 against, 0 abstentions.

16. Improving access to finance for SMEs

JURI/7/09948

2012/2134(INI) COM(2011)0870

The following amendments were adopted: AMs 1, 3, 4, 5, 7, 8, AMC 1, AMs 11, 12, 13, 14 and AMC 2. All other amendments and suggestions fell or were covered or rejected.

The draft opinion was adopted unanimously with 19 votes in favour.

Legal basis (Rule 37a)

17. European Globalisation Adjustment Fund (2014 - 2020)

JURI/7/10293

***I 2011/0269(COD) COM(2011)0608 – C7-0319/2011

The following spoke: Eva Lichtenberger (rapporteur).

The Committee decided, by 16 votes in favour and 1 abstention, to recommend the legal basis of Article 175 TFEU rather than Article 175 TFEU in conjunction with Articles 42 and 43 TFEU.

18. The fight against fraud to the Union's financial interests by means of criminal law

JURI/7/10180

2012/0193(COD)

The Committee decided unanimously, with 16 votes in favour, to recommend to change the legal basis from Article 325(4) TFEU to Article 83(2) TFEU.

The following spoke: Eva Lichtenberger (rapporteur) and Raffaele Baldassarre.

19. Recommendation from the Committee on Legal Affairs concerning the interpretation of the scope of the principle of subsidiarity in relation to the European Parliament's right of inquiry

The Committee agreed unanimously, with 16 votes in favour, that the Chair should respond to the request from the President for an interpretation of the scope of the principle of subsidiarity for the purposes of replying to the letter by the Spanish Congress and Senate asking the European Parliament to set a start date for the eight-week timeframe for the subsidiary check in relation to the proposal for a European Parliament regulation on the detailed provisions governing the exercise of the European Parliament's right of inquiry.

The following spoke: Alexandra Thein (rapporteur) and Klaus-Heiner Lehne.

20. Proposal for a Council Decision authorising the Member States which are Contracting Parties to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 ('Vienna Convention') to ratify the Protocol amending that Convention in the interest of the EU, or to accede to it

JURI/7/10774

*** 2012/0262(NLE) COM(2012)0550

The following spoke: Alajos Mészáros (rapporteur) and Elvira Morkyte (Commission).

21. European account preservation order

JURI/7/06629

***I 2011/0204(COD) COM(2011)0445 – C7-0211/2011

The following spoke: Raffaele Baldassarre (rapporteur), Alexandra Thein, Sergio Cofferati, Sebastian Valentin Bodu, Angelica Niebler, Klaus-Heiner Lehne, Guiseppe Gargani and Katja Lenzing (Commission).

Joint debate

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

JURI/7/09590

2012/2098(INI) COM(2011)0681[02]

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

JURI/7/09587

2012/2097(INI) COM(2011)0681[01]

The following spoke: Raffaele Baldassarre (rapporteur), Richard Howitt (EMPL rapporteur), Rebecca Taylor, Sergio Cofferati, Alexandra Thein, Angelica Niebler, Klaus-Heiner Lehne.

Joint debate

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

JURI/7/08047

***I 2011/0389(COD) COM(2011)0778 – C7-0461/2011

25. Specific requirements regarding statutory auditing of public-interest entities

JURI/7/08135

***I 2011/0359(COD) COM(2011)0779 – C7-0470/2011

The following spoke: Sajjad Karim (rapporteur), Antonio Masip-Hidalgo, Sebastian Valentin Bodu, Klaus-Heiner Lehne, Evelyn Regner, Alexandra Thein and Guiseppe Gargani.

26. Subsidiarity (Rule 38a)

Since 6 November 2012 Parliament had received the following reasoned opinions from National Parliaments raising concerns about subsidiarity:

Reasoned opinion

by the Swedish Parliament on the proposal for a Council regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (COM(2012)0511 – C7-0314/2012 – 2012/0242(CNS))

by the Luxembourg Chamber of Deputies on the proposal for a directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market (COM(2012)0372 – C7-0183/2012 – 2012/0180(COD))

by the French Senate on the proposal for a directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market (COM(2012)0372 – C7-0183/2012 – 2012/0180(COD))

27. Any other business

There were none.

28. Next meeting(s)

- 17 December 2012, 15.00 – 18.30
- 18 December 2012, 9.00 – 12.30

The meeting closed at 12:40.

**ПРИСЪСТВЕН ЛИСТ/LISTA DE ASISTENCIA/PREZENČNÍ LISTINA/DELTAGERLISTE/
ANWESENHEITSLISTE/KOHALOLLJATE NIMEKIRI/KATAΣΤΑΣΗ ΠΑΡΟΝΤΩΝ/RECORD OF ATTENDANCE/
LISTE DE PRÉSENCE/ELENCO DI PRESENZA/APMEKLĒJUMU REĢISTRS/DALYVIŲ SĄRAŠAS/JELENLÉTI ÍV/
REGISTRU TA' ATTENDENZA/PRESENTIELIJST/LISTA OBECNOŚCI/LISTA DE PRESENÇAS/LISTA DE PREZENȚĂ/
PREZENČNÁ LISTINA/SEZNAM NAVZOČIŮ/LÄSNÄOLOLISTA/DELTAGARLISTA**

Бюро/Mesa/Předsednictvo/Formandskabet/Vorstand/Juhatus/Προεδρείο/Bureau/Ufficio di presidenza/Prezidijs/Biuras/Elnökség/ Prezydium/Birou/Predsedníctvo/Predsedstvo/Puheenjohtajisto/Presidiet (*)
Raffaele Baldassarre, Sebastian Valentin Bodu (2), Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Sajjad Karim (2), Klaus-Heiner Lehne, Antonio Masip Hidalgo, Alajos Mészáros (2), Evelyn Regner, Dimitar Stoyanov (1), Keith Taylor, Alexandra Thein, Cecilia Wikström (2),
Членове/Diputados/Poslanci/Medlemmer/Mitglieder/Parlamendiliikmed/Μέλη/Members/Députés/Deputati/Deputāti/Nariai/Képviselek/ Membri/Leden/Posłowie/Deputados/Deputați/Jäsenet/Ledamöter
Sergio Gaetano Cofferati (2), Luis de Grandes Pascual (1), Eva Lichtenberger, Angelika Niebler (2), József Szájer (2), Axel Voss (2)
Заместници/Suplentes/Náhradníci/Stedfortrædere/Stellvertreter/Asendusliikmed/Αναπληρωτές/Substitutes/Suppléants/Supplenti/ Aizstājēji/Pavaduojantys nariai/Póttagok/Sostituti/Plaatsvervangers/Zastępcy/Membros suplentes/Supleanți/Náhradníci/Namestniki/ Varajäsenet/Suppleanter

187 (2)
193 (3)
Cristina Gutiérrez-Cortines, Richard Howitt
49 (6) (Точка от дневния ред/Punto del orden del día/Bod pořadu jednání (OJ)/Punkt på dagsordenen/Tagesordnungspunkt/Päevakorra punkt/Ημερήσια Διάταξη Σημείο/Agenda item/Point OJ/Punto all'ordine del giorno/Darba kārtības punkts/Darbotvarkės punktas/ Napirendi pont/Punt fuq l-aġenda/Agendapunt/Punkt porządku dziennego/Ponto OD/Punct de pe ordinea de zi/Bod programu schôdze/ Točka UL/Esityslistan kohta/Föredragningslista punkt)

Наблюдатели/Observadores/Pozorovatelé/Observatører/Beobachter/Vaatlejad/Παρατηρητές/Observers/Observateurs/Osservatori/ Novērotāji/Stebėtojai/Megfigyelők/Osservatori/Waarnemers/Observatorzy/Observadores/Observatori/Pozorovatelia/Opazovalci/ Tarkkailijat/Observatörer

Присъствал на/Presente el/Přítomný dne/Til stede den/Anwesend am/Viibis(id) kohal/Παρόν στις/Present on/Présent le/Presente il/Piedalījās/
Dalyvauja/Jelen volt/Prezenti fi/Aanwezig op/Obecny dnia/Presente em/Prezent/Přítomný dňa/Navzoči dne/Läsnä/Närvarande den:

- (1) 26.11.2012
(2) 27.11.2012

По покана на председателя/Por invitación del presidente/Na pozvání předsedy/Efter indbydelse fra formanden/Auf Einladung des Vorsitzenden/Εσimehe kutsel/Με πρόσκληση του Προέδρου/At the invitation of the Chair(wo)man/Sur l'invitation du président/Su invito del presidente/Pēc priekšsēdētāja uzaicinājuma/Pirmininkui pakvietus/Az elnök meghívására/Fuq stedina tal-President/Op uitnodiging van de voorzitter/Na zaproszenie Przewodniczącego/A convite do Presidente/La invitația președintelui/Na pozwanie predsedu/Na povabilo predsednika/Puheenjohtajan kutsusta/På ordförandens inbjudan

Съвет/Consejo/Rada/Rådet/Rat/Nōukogu/Συμβούλιο/Council/Conseil/Consiglio/Padome/Taryba/Tanács/Kunsill/Raad/Conselho/Consiliu/Svet/Neuvosto/Rådet (*)
Комисия/Comisión/Komise/Kommissionen/Kommission/Euroopa Komisjon/Επιτροπή/Commission/Commissione/Komisija/Bizottság/Kummissjoni/Commissie/Komisja/Comissão/Comisie/Komisja/Komissio/Kommissionen (*)
Други институции/Otras instituciones/Ostatní orgány a instituce/Andere institutioner/Andere Organe/Muud institutsioonid/Άλλα θεσμικά όργανα/Other institutions/Autres institutions/Altre istituzioni/Citas iestādes/Kitos institucijos/Más intézmények/Istituzzjonijiet ohra/Andere instellingen/Inne instytucje/Outras Instituições/Alte instituții/Iné inštitúcie/Druge institucije/Muut toimeilimet/Andra institutioner/organ

Други участници/Otros participantes/Ostatní účastníci/Endvidere deltog/Andere Teilnehmer/Muud osalejad/Επίσης Παρόντες/Other participants/Autres participants/Altri partecipanti/Citi klātesošie/Kiti dalyviai/Más résztvevők/Partecipanti ohra/Andere aanwezigen/Inni uczestnicy/Outros participantes/Alți participanți/Ini účastníci/Drugi udeleženci/Muut osallistujat/Övriga deltagare
#
Секретариат на политическите групи/Secretaría de los Grupos políticos/Sekretariát politických skupin/Gruppernes sekretariat/Sekretariat der Fraktionen/Fraktsioonide sekretariaat/Γραμματεία των Πολιτικών Ομάδων/Secretariats of political groups/Secrétariat des groupes politiques/Segreteria gruppi politici/Politisko grupu sekretariāts/Frakcijų sekretoriai/Képviseletcsoportok titkársága/Sekretarjat gruppi politici/Fractiesecretariaten/Sekretariat Grup Politycznych/Secr. dos grupos políticos/Secretariate grupuri politice/Sekretariát politických skupin/Sekretariat političnih skupin/Poliitisten ryhmien sihteeristöt/Gruppernas sekretariat
PPE S&D ALDE ECR Verts/ALE GUE/NGL EFD NI

Кабинет на председателя/Gabinete del Presidente/Kancelář předsedy/Formandens Kabinet/Kabinett des Präsidenten/Presidendi kantslei/Γραφείο Προέδρου/President's Office/Cabinet du Président/Gabinetto del Presidente/Priekšsēdētāja kabinets/Pirmininko kabinetas/Elnöki hivatal/Kabinett tal-President/Kabinet van de Voorzitter/Gabinet Przewodniczącego/Gabinete do Presidente/Cabinet Președinte/Kancelária predsedu/Urad predsednika/Puhemiehen kabinetti/Talmannens kansli	
Кабинет на генералния секретар/Gabinete del Secretario General/Kancelář generálního tajemníka/Generalsekretærens Kabinet/Kabinett des Generalsekretärs/Peasekretäri büroo/Γραφείο Γενικού Γραμματέα/Secretary-General's Office/Cabinet du Secrétaire général/Gabinetto del Segretario generale/Generalsekretära kabinets/Generalinio sekretoriaus kabinetas/Főtitkári hivatal/Kabinett tas-Segretarju Ġenerali/Kabinet van de secretaris-generaal/Gabinet Sekretarza Generalnego/Gabinete do Secretário-Geral/Cabinet Secretar General/Kancelária generálneho tajomníka/Urad generalnega sekretarja/Pääsihteerin kabinetti/Generalsekreterarens kansli	
Генерална дирекция/Dirección General/Generální ředitelství/Generaldirektorat/Generaldirektion/Peadirektoraat/Γενική Διεύθυνση/Directorate-General/Direction générale/Direzione generale/Generāldirektorāts/Generalinis direktoratas/Főigazgatóság/Direttorat Ġenerali/Direktoraten-generaal/Dyrekcja Generalna/Direcção-Geral/Direcții Generale/Generálne riaditeľstvo/Generalni direktorat/Pääosasto/Generaldirektorat	
DG PRES DG IPOL DG EXPO DG COMM DG PERS DG INLO DG TRAD DG INTE DG FINS DG ITEC	
Правна служба/Servicio Jurídico/Právní služba/Juridisk Tjeneste/Juristischer Dienst/Öigusteenistus/Νομική Υπηρεσία/Legal Service/Service juridique/Servizio giuridico/Juridiskais dienests/Teisės tarnyba/Jogi szolgálat/Servizz legali/Juridische Dienst/Wydział prawny/Servíço Jurídico/Serviciu Juridic/Právny servis/Pravna služba/Oikeudellinen yksikkö/Rättstjänsten	
Секретариат на комисията/Secretaría de la comisión/Sekretariat výboru/Udvalgssekretariatet/Ausschusseksretariat/Komisjoni sekretariaat/Γραμματεία επιτροπής/Committee secretariat/Secrétariat de la commission/Segreteria della commissione/Komitejas sekretariāts/Komiteto sekretoriatas/A bizottság titkársága/Segretarjat tal-kumitat/Commissiesecretariaat/Sekretariat komisji/Secretariado da comissão/Sekretariat comisie/Sekretariat odbora/Valiokunnan sihteeristö/Utskottssekretariatet	
Сътрудник/Asistente/Asistent/Assistent/Assistentz/Βοηθός/Assistant/Assistente/Palīgs/Padējējas/Asszisztens/Asystent/Pomočnik/Avustaja/Assistenten	

- * (P) = Председател/Presidente/Předseda/Formand/Vorsitzender/Esimees/Πρόεδρος/Chair(wo)man/Président/Priekšsēdētājs/Pirmininkas/Elnök/President/Voorzitter/Przewodniczący/Președinte/Predsedá/Predsednik/Puheenjohtaja/Ordförande
- (VP) = Заместник-председател/Vicepresidente/Mistopředseda/Næstformand/Stellvertretender Vorsitzender/Aseesimees/Αντιπρόεδρος/Vice-Chair(wo)man/Vice-Président/Priekšsēdētāja vietnieks/Pirmininko pavaduotojas/Alelnök/Víci President/Ondervoorzitter/Wiceprzewodniczący/Vice-Présidente/Vicepreședinte/Podpredseda/Podpredsednik/Varapuheenjohtaja/Vice ordförande
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- (F) = Длъжностно лице/Funcionario/Úředník/Tjenestemand/Beamter/Ametnik/Υπάλληλος/Official/Fonctionnaire/Funzionario/Ierēdnis/Pareigūnas/Tisztviselő/Ufficial/Ambtenaar/Urzędnik/Funcionário/Functionar/Úradník/Uradnik/Virkamies/Tjänsteman