



- EUROPEAN LEGAL MONITORING -

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Brief Title	Date	Topic	Summary	Comments
Bulgarian EU Council Presidency aims for agreement on Posted Workers Directive	05/01/2018	Posted workers	<p>The Bulgarian Presidency of the Council of the EU, whose six-month mandate began on 1 January, will endeavour to "bring to a successful conclusion" the interinstitutional negotiations on the Posting of Workers Directive, as set out in its programme. It will also seek agreement on the European Act on accessibility for people with disabilities.</p> <p>In its programme, the Bulgarian Presidency states that it wants "above all" to bring the negotiations on the Posting of Workers Directive to a successful conclusion. Some European observers had thought it possible to reach an agreement under the Estonian Presidency in 2017, but several difficulties remain to be overcome, in particular the maximum period of long-term secondment - 12 months with the possibility of an extension of 6 months after reasoned notification, as proposed by the Council, against 24 months for the European Parliament.</p>	
Other dossiers for the Bulgarian Presidency	05/01/2018	Employment	<p>The Bulgarian Presidency will also seek an interinstitutional agreement on the Accessibility Directive for people with disabilities, on which agreement was reached in December in the Council under the Estonian Presidency. An unambitious agreement, according to the European Commission, which had issued a press release with bitter accents. As a reminder, Member States agreed to exclude micro enterprises and emergency services from the scope of the Directive, as did the European Parliament, which also excluded micro enterprises, but extended its scope to the built environment where a service is provided.</p> <p>The Presidency also intends to make progress on the Regulation on the coordination of social security schemes. This particularly technical dossier is progressing in small steps: two partial agreements have been reached in the Council and the European Parliament is just starting legislative work on the text.</p> <p>The Bulgarian Presidency also expects to achieve "positive results" on the European Parliament and Council Directive on work-life balance for parents and carers.</p> <p>The Bulgarian Presidency also intends to make progress on the development of the social economy and social entrepreneurship and on the fight for equality between women and men, particularly in the digital sector. Similarly, for the protection of workers from carcinogens and mutagens at work, the Presidency wants to make progress on the second revision. In the EP, Claude Rolin (EPP, Belgian) wants to introduce the principle of a "permanent revision" and include among the agents concerned diesel exhaust gases.</p> <p>Sofia also wants to organise a high-level international conference on the future of work on 21 March. On the basis of this conference, the Presidency will submit conclusions to the Council on demographic challenges and the future of work, the development of practical knowledge and skills from an early age - the Bulgarian Presidency indicates in its programme that it wants to encourage the implementation of the concept of early childhood development - but also the development of new skills. The conference will also focus on new forms of work organisation and job security.</p>	
Two EP opinions call for rejection of the 'services' electronic card	05/01/2018	Internal market	<p>In two opinions, the Committee on Industry, Research and Energy (ITRE) and the Committee on Economic and Monetary Affairs (ECON) called on the Committee on the Internal Market and Consumer Protection (IMCO) to propose rejecting the European Commission's proposal for an electronic services card. For both committees, the proposal risks, inter alia, compromising the social dimension of the internal market and the fight against fraud and does not take sufficient account of Member States' concerns. In the Council, the proposal is also pending, according to a note from the French authorities, which considers it "unlikely" that it will be adopted in the Council in the "short or medium term".</p>	

<p>EP wants more transparency in Europe on regulated professions</p>	<p>18/01/2018</p>	<p>Internal market</p>	<p>The EP wants Member States to be more transparent about their national rules for certain professions and calls on them to better implement Directive 2005/36/EC on the recognition of professional qualifications, in an own-initiative report adopted on Thursday 18 January.</p> <p>While recognising that the need for regulated professions is justified to ensure a high level of general interest objectives, MEPs believe that Member States lack transparency when it comes to assessing the proportionality of these regulations.</p> <p>MEPs therefore call for greater efforts to improve the transparency of their professional regulations and to better apply Directive 2005/36/EC, in particular Article 59 thereof for the mutual evaluation process. Under this Article, revised in 2013 (Directive 2013/55/EU), Member States must communicate a list of regulated professions before 18 January 2016. Finally, every two years, Member States must send the Commission a report (a national action plan) on the state of play of the requirements imposed on regulated professions.</p> <p>They also invite the Commission to improve the database of regulated professions and to improve the comparability of the different professions and, above all, "to define a common basis of activities for each profession indicated in the database" in order to facilitate "voluntary harmonisation" between Member States.</p> <p>MEPs welcome the restrictiveness indicator for professional regulation introduced by the European Commission, but insist that it should remain indicative and not become binding. This indicator is based on the Organisation for Economic Co-operation and Development (OECD) indicator on product market regulation (PMR) and the case law of the EU Court of Justice, and aims to judge the restrictiveness of a national regulatory framework for professionals.</p> <p>Furthermore, MEPs stress the importance of improving the comparability of the level of professional qualifications in order to "reinforce homogeneity".</p>	<p>Currently, the European Parliament and the Council are in inter-institutional negotiations on the Directive to improve the system for the notification of draft national laws in the field of services and on another Directive on the assessment of the proportionality of national rules applicable to professional services. (Cf. previous editions of the European Legal Watch of the OGE).</p>
<p>GNSS Committee chooses Spain to relocate Galileo Security Monitoring Centre</p>	<p>18/01/2018</p>	<p>Space</p>	<p>Spain was chosen "by a very large majority" on Thursday 18 January by the GNSS Committee to relocate the "back up" infrastructure of the Galileo Security Monitoring Centre, currently located in Swanwick, UK.</p> <p>The European Commission will formally endorse the comitology decision at the College's next meeting on Wednesday 24 January. Six Member States were still in the running. These were Belgium, Italy, Slovenia, Portugal, Romania and Spain. Poland and Germany would have withdrawn from the procedure.</p> <p>The infrastructure will be relocated to Madrid. The actual transfer, which remains at the discretion of the European GNSS Agency (GSA), should be completed by April 2018 at the latest.</p>	
<p>Me Marius Kohler, new president of the notaries of Europe</p>	<p>19/01/2018</p>	<p>Notaries</p>	<p>On Friday 19 January, the German notary Marius Kohler took over the reins of the Council of Notariats of the European Union (CNUE) for the year 2018, succeeding the Spanish notary José Manuel García Collantes.</p> <p>In line with the work started under the Spanish Presidency, the German CNUE Presidency will focus on the role of the notary in company law, with a focus on the presentation by the European Commission in February 2018 of a legislative package on company law aimed at establishing a more modern and reliable legal framework for European companies.</p> <p>"The main challenge for CNUE will be to help the European legislator to implement today's digital world acquis within the EU legal framework while avoiding any disruption within this sensitive and current system of company law and registration in Member States," he said in a statement.</p> <p>Another crucial deadline for CNUE in 2018 is to prepare notaries for the entry into force, from January 2019, in 17 EU Member States, of the new European regulations on matrimonial property regimes and the property consequences of registered partnerships.</p> <p>Mr Kohler intends to carry out his mission bearing in mind that "Europe is not only what we are given by the European institutions, but what we do with it ourselves".</p>	<p>For a reminder of the objectives of the legislative package on company law, see the September edition of the Legal monitoring.</p>
<p>Interinstitutional negotiations on the Posting of Workers Directive to continue on 7 February</p>	<p>23/01/2018</p>	<p>Posted workers (continued)</p>	<p>Negotiators from the European Parliament and the Council of the EU gave an overview of the issues still to be addressed under the Posting of Workers Directive on Monday 22 January until late in the evening and set the next trilogue interinstitutional negotiating session for 7 February in Strasbourg in the margins of the EP plenary session.</p> <p>No progress was made during this trilogue, which consisted rather in drawing up an inventory of positions. We have discussed the posting of workers in the framework of subcontracting activities, cooperation between Member States against fraud and abuse, international road transport, the extension of the legal basis of the legislative text, the question of the transposition and implementation of the directive, the review clause and, according to our information, the partial posting clause for temporary employment agencies.</p> <p>Two themes would be considered for the next interinstitutional meeting, namely long-term secondment - a real bone of contention - and allowances in the context of secondments.</p> <p>As a reminder, several provisional agreements were reached under the Estonian EU Council Presidency, notably on the definition of pay, the single national official website on the constituent elements of posted workers' pay and collective agreements. The Bulgarian Presidency has made this legislative dossier one of its top priorities and hopes to reach an interinstitutional agreement before the summer.</p>	

<p>For David Davis, the post-Brexit transition period is a bridge to the future</p>	<p>26/01/2018</p>	<p>Brexit</p>	<p>The UK's chief Brexit negotiator, David Davis, praised the merits for both his country and the EU of a "strictly time-limited" post-Brexit transition period, which will allow both partners to determine and organise their future relations after 2020, Friday 26 January, during a speech at Teesport in north-east England. Without such a period, companies will delay their investment decisions or take hasty precautionary measures in the face of the prospect of a Brexit without agreement on future relations, said the British minister.</p> <p>On the other hand, a transition period, which the EU-27 envisage until the end of 2020, will enable British companies to gradually prepare for new trading conditions with the continent while retaining access to the internal market and membership of the customs union.</p> <p>Mr Davis acknowledged that, in return, European legislation, which will also be that of the United Kingdom when it leaves the EU, as well as the case law of the Court will continue to apply on British territory. London will also honour its financial commitments, he promised. He nevertheless noted that discussions should begin on the fate to be reserved for European legislative texts drafted after Brexit and which would be contrary to British interests.</p> <p>During this transitional period, which will be set at the March European Summit, the United Kingdom will continue to be a party to the international aviation, trade and security agreements it has signed. The UK negotiator also stressed that the UK will use this period to negotiate and sign trade agreements with third countries, which will however only apply after the transition period. He praised his country's renewed ability to negotiate trade agreements "for the first time in 40 years" with high-growth economies such as China and Brazil on its own. And to promise his country's commitment to high international standards.</p> <p>This transition period is therefore, for Mr Davis, "a bridge to the UK's future relations" with the EU, which will not provide for access to the single market or customs union, and with the rest of the world.</p>	
<p>Michel Barnier, the European Commission's favourite</p>	<p>29/01/2018</p>	<p>Brexit (continued)</p>	<p>The Brexit negotiator is more than pampered. Expanded practice, unlimited access to administrations, nothing should be missing to manage a file out of the ordinary." It's kind of a super commissioner," says one public servant.</p> <p>Since the beginning of 2017, the Frenchman has surrounded himself with around sixty European civil servants - de facto his cabinet. This team is there to coordinate and centralise the European Commission's work on the ongoing negotiations. A luxury, while some Commissioners complain about the lack of staff in the cabinets. Usually no more than ten people...</p> <p>But this preferential treatment can easily be explained by the magnitude of the task. Budgetary matters, internal market, agriculture or financial services, relations with the Council and Parliament, practical organisation of negotiations. The work is titanic. That is why about 100 other officials, scattered throughout the Commission, are actually working on the UK's exit from the EU. One instruction even circulated internally: discreetly give priority to Brexit-related issues.</p> <p>In addition to the regular meetings between Michel Barnier and the general managers concerned, each department has set up Brexit referents. Their role is to dispatch the work in the services and to send back notes and impact studies to feed the European negotiating positions, with the occasional contribution of other civil servants, specialized on a subject.</p> <p>The subjects are varied and regulated by the progress of the negotiations. They range from assessing the risks of leaving the United Kingdom for the various sectors of the economy to the architecture of existing agreements with third countries and the possible impact on current legislative dossiers. A working method similar to the systems used for trade negotiations, but deployed here on a large scale.</p> <p>The last notes requested by Barnier thus made it possible to sketch out the first scenarios of the future relationship between Brussels and London. The participation of the services is also seen with the first publications of notices on the expected impacts of Brexit, in transport for example. This intensive use of Commission resources will increase in the coming months. By October 2018, the details of the divorce will have to be determined, as well as the premises of the future relationship and the conditions of the transition period.</p> <p>However, one official warns from the outset: it is complicated for the rest of the Commission to know what Barnier and his team are working on. The return on the work provided is also almost non-existent. Few minutes of the negotiations were distributed internally, including to commissioners and cabinet members. Jean-Claude Juncker's chief of staff says that his boss spends no more than 30 minutes a week on Brexit. For the rest of the services, this is far from being the case.</p>	<p>The only tool that escapes the control of Michel Barnier, the "group for the preparation of Brexit", headed by the Belgian Pascal Leardini - a director of the General Secretariat, on whom he still depends. Set up in the autumn of 2017, this circle of lawyers and economists is to prepare for the post-March 2019 period, when the United Kingdom will become a third state. It's about anticipating the consequences of Brexit... working on an agreement, just as working on a no-deal involves preparations on many points," says an official close to the group's current work.</p>