



Europaneews

Regulatory & Governmental Affairs

Issue 18/2019, 20 – 24 May 2019

/ Content

Law.....	1
Politics/General	3
Decisions.....	3
From the OJEU.....	4
Brussels intern	4
Contact	5

/ Main Topics

- General ■ Bank/Insurance/Tax ■ Environment ■ Media/Telecom ■ Competition/SA
- Healthcare ■ Aviation/Transport ■ Foreign Trade ■ Energy ■ Compliance ■ Food/Tobacco

/ Law

■ Clean Energy

The Council adopted the four remaining files of the Clean Energy for all Europeans package, completing the energy policy framework. The new laws include the regulation on the internal market for electricity, the directive on common rules for the internal market for electricity, the regulation on risk-preparedness in the electricity sector and the regulation establishing a European Union Agency for the Cooperation of Energy Regulators (ACER). This is the final step in the legislative process. The regulations and directive will enter into force following their publication in the EU Official Journal.

[Electricity Directive – Electricity Regulation – Regulation on Risk Preparedness in the Electricity Sector – ACER Regulation](#)

■ Single-use Plastics

The Council adopted the directive which introduces new restrictions on certain single-use plastic products. In particular, the new rules will introduce a ban on selected single-use products made of plastic for which alternatives exist on the market but also measures to reduce consumption and extended producer responsibility schemes. The directive will enter into force 20 days after its publication in the EU Official Journal. The Member States will then have two years to transpose the legislation into their national law.

[Directive on the reduction of the impact of certain plastic products on the environment](#)

■ Environmental Legislation

The Council adopted a series of amendments that will apply to environmental legislation in order to make environmental reporting obligations more coherent.

Among the pieces of legislation affected by this measure there are the environmental liability directive, the EU timber regulation, the European pollutant release and transfer register, the sewage sludge directive and the noise directive. The new regulation will enter into force on the day following that of its publication in the EU Official Journal and it will be directly applicable in all Member States.

[EC Regulation on the alignment of reporting obligations in the field of legislation related to the environment](#)

■ Fertilisers

The Council adopted new rules for placing fertilizing products on the EU market, amending Regulations 1069/2009 and 1107/2009 and repealing Regulation 2003/2003. In particular, the new regulation aims at harmonizing the requirements for fertilizers produced from phosphate minerals and from organic or secondary raw materials in the EU. The new rules will enter into force on the twentieth day following the publication in the Official Journal of the EU and will start applying three years from the entry into force.

[Regulation laying down rules on the making available on the market of EU fertilizing products](#)

■ Aviation Strategy

The EU and China signed a bilateral agreement on civil aviation safety (BASA) and a horizontal aviation agreement to strengthen their cooperation. The European Commission and the Chinese Transport Administration will now proceed with their respective internal procedures to finalize the conclusion of the agreements. The main aim of the BASA is to remove unnecessary duplication of evaluation and certification activities for aeronautical products by the civil aviation authorities.

[EC dedicated page](#)

■ Drones

The EC adopted advanced rules for the operation of unmanned aircraft, which aim to ensure safe operation of drones across Europe. In addition to that, the Commission is also developing a regulatory framework for the provision of U-space services. The European Union Aviation Safety Agency (EASA)

together with the Commission will soon publish guidelines for drone operations.

[EC Implementing Regulation – Annex](#)

■ Excise Duties

EU Ministers had an exchange of views on the Presidency compromise proposals on the directive on the structures of excise duty on alcohol and alcoholic beverages; the directive on general arrangements for excise duty and the regulation on administrative cooperation on the content of electronic registers. In particular, they discussed measures to improve the business environment for excise duties on alcohol and alcoholic beverages. Work will continue at technical level with a view to reaching a compromise in short term.

[Proposal for a Directive on the structures of excise duties on alcohol – Proposal for a Directive on general arrangements for excise duties – Proposal for a Regulation on administrative cooperation on the content of electronic registers](#)

■ Tobacco Traceability and Security System

The European system of tobacco traceability and security became operational. The EU-wide system aims at fighting illicit trade in tobacco products. The EC is responsible to ensure that the system is fully operational across the entire Union as soon as possible.

[EC dedicated page](#)

■ RAPEX System

The EC published its information note to the Council on the state of play of the Rapid Alert System for dangerous non-food products.

[EC note](#)

■ RAPEX Weekly Report

The EC published its weekly report for all dangerous consumer products, with the exception of food, pharmaceutical and medical devices.

[Weekly Overview Report](#)

/ Politics/General

■ Environment Action Programme

The EC published its report on the evaluation of the 7th Environment Action Programme, which provides guidance to the European environment and climate policy and runs until the end of 2020.

[EC report](#)

■ Capital Requirements Regulation

The Joint Committee of the three European Supervisory Authorities (EBA, EIOPA and ESMA) published a second amendment to the Implementing Technical Standards (ITSs) on the mapping of credit assessments of External Credit Assessment Institutions for credit risk under the Capital Requirements Regulation.

[Dedicated page](#)

■ Financial Conglomerates

The European Supervisory Authorities (the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities Markets Supervisory Authority) launched a consultation on draft Implementing Technical Standards (ITSs) on the reporting of intra-group transactions and risk concentration for Financial Conglomerates. Contributions can be submitted until 15 August.

[Consultation paper – Annex](#)

/ Decisions

EC Decision of 23 May – Clearlake / Insight / Appriss

■ Computer programming, consultancy and related activities

The EC approved the acquisition of joint control over Appriss Holdings Inc. by affiliates of Clearlake Capital Group L.P. and Insight Venture Management LLC.

[Case information](#)

EC Decision of 22 May – Stoa / InfraVia II Invest / SBI Crypto Investment / Tiger Infrastructure Europe / Etix Group

■ Information technology and computer service activities

The EC approved the acquisition of joint control of Etix Groupe S.A. by Stoa S.A., InfraVia II Invest S.A., SBI

Crypto Investment Co. Ltd and Tiger Infrastructure Europe S.A.R.L.

[Case information](#)

EC Decision of 17 May – Tyson Foods / European and Thai Businesses of BRF

■ Processing and preserving of meat and production of meat products

The EC approved the acquisition of European and Thai Businesses of BRF S.A. by Tyson Foods Inc.

[Case information](#)

/ From the OJEU

■ Non-opposition to concentrations

Non-opposition to the notified concentration TDR Capital / NKD Group – Case M.9329 has been published.

[Document 2019/C 176/02 – Case information](#)

Non-opposition to the notified concentration Triton / Luxinva / IFCO Systems – Case M.9335 has been published.

[Document 2019/C 176/01 – Case information](#)

Non-opposition to the notified concentration First State Investment International / Iren Mercato / OLT Offshore LNG Toscana – Case M.9341 has been published.

[Document 2019/C 174/02 – Case information](#)

Non-opposition to the notified concentration Macquarie / China Investment Corporation / Allianz / Dalmore / INPP / Gas Distribution Business of National Grid – Case M.9296 has been published.

[Document 2019/C 174/01 – Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration DP World / P&O Group – Case M.9319 has been published.

[Document 2019/C 179/10 – Case information](#)

Prior notification of the concentration EPPL / APG / KRC / CitizenM – Case M.9365 has been published.

[Document 2019/C 179/09 – Case information](#)

Prior notification of the concentration Platinum Equity Group / Multi-Color Corporation – Case M.9328 has been published.

[Document 2019/C 177/07 – Case information](#)

Prior notification of the concentration RheinEnergie / SPIE / TankE – Case M.9323 has been published.

[Document 2019/C 177/06 – Case information](#)

Prior notification of the concentration Apax Partners / GNB – Case M.9378 has been published.

[Document 2019/C 176/09 – Case information](#)

Prior notification of the concentration Santander Group / Mapfre Group / JV – Case M.9350 has been published.

[Document 2019/C 176/08 – Case information](#)

Prior notification of the concentration Connect Airways / Flybe – Case M.9287 has been published.

[Document 2019/C 171/07 – Case information](#)

/ Brussels intern

■ EU Commission

The new European Commission will most likely remain a team of 28 members (27 once the UK leaves the EU). The EU treaty says that the Commission shall include a number of Commissioners corresponding to two-thirds of the number of EU countries, unless the European Council unanimously decides to alter this number and a majority of Member States recently expressed their support to the current number.

■ China

The EU institutions are working in order to hold the EU-China High-Level Economic and Trade Dialogue in September.

■ European Transport Network

Discussions are still on-going at technical level on the proposal for a Regulation on streamlining measures for advancing the realization of the trans-European transport network which will simplify permit-granting rules.

[Presidency proposal](#)

/ Contact

For suggestions, comments please contact:

Noerr LLP
Boulevard du Régent 47-48
1000 Brussels
Belgium

Head of Regulatory & Governmental Affairs



Dr. Holger Schmitz
T +49 30 20942160
holger.schmitz@noerr.com

Co-Head of Regulatory & Governmental Affairs



Dr. Alexander Birnstiel
T +49 89 28628241
alexander.birnstiel@noerr.com

Regulatory Affairs Advisor



Giovanna Ventura
T +32 2 2745573
giovanna.ventura@noerr.com