



Europaneews

Regulatory & Governmental Affairs

Issue 19/2022. 09 – 13 May 2022

/ Content

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

/ Main Topics

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

/ Law

■ Vertical Block Exemption Regulation

The EC adopted the new Vertical Block Exemption Regulation and the new Vertical Guidelines. The new rules will narrow the scope of the safe harbour as regards dual distribution and parity obligations and enlarge the scope of the safe harbour as regards certain restrictions and practices. Special attention has been dedicated to the assessment of online restrictions, vertical agreements in the platform economy and agreements that pursue sustainability objectives. The revised rules will enter into force on 1 June 2022.

[EC dedicated page – Explanatory note](#)

■ Merger Control

The EC launched a consultation on the proposed draft revised Merger Implementing Regulation and the Notice on Simplified Procedure. The aim of this process is to simplify the Commission’s merger process for

those cases that are unlikely to raise concerns. The new rules are planned to enter into force in 2023. Based on the comments received the Commission will finalise the drafts. The new rules are expected to enter into force in 2023.

[EC dedicated page](#)

■ State Aid

The EC decided not to extend the State Aid Temporary Framework first adopted in March 2020 in the context of the coronavirus pandemic. The current transition plan will allow Member States to provide specific investment and solvency support measures until 31 December 2022 and 31 December 2023 respectively.

[State Aid Temporary Framework](#)

■ Cybersecurity

Negotiators of the European Parliament and the Council reached a political agreement on the Directive on measures for a high common level of cybersecurity across the Union. The so-called NIS2 Directive will cover medium and large entities from more critical sectors, including providers of public electronic communications services, digital services and waste management. It will also strengthen cybersecurity requirements for companies. The agreement is now subject to formal approval by the two co-legislators. Member States will have 21 months from the entry into force of the directive to transpose it into national law. The agreed text will be available soon.

[EC proposal](#)

■ Gas Storage Proposal

The Council reached a mandate for negotiations with the European Parliament on a proposal on gas storage in order to improve EU security of supply in the current geopolitical context. The Presidency of the Council will now start negotiations with representatives of the European Parliament in order to agree on a final text.

[EC proposal](#)

■ CO2 Emission Standards for Cars and Vans

The Environment Committee of the European Parliament adopted its position on the proposed rules to revise the CO2 emission performance standards for new cars and vans. Now the Parliament in plenary in its session of 6/9 June needs to adopt the text. EU Member States are expected to adopt their position by the end of June, then inter-institutional negotiations on a final text of the proposal will start. The adopted report will be available soon.

[EP draft report on the proposal for a regulation amending Regulation 2019/631](#)

■ Environmental Liability Directive

The EC launched a consultation on the evaluation of the Environmental Liability Directive in order to assess whether it is still fit for purpose. Contributions can be submitted until 04 August.

[EC consultation page](#)

■ Circular Economy

The EC launched a call for evidence as part of the revision of the circular economy monitoring framework. Contributions can be submitted until 3 June.

[EC dedicated page](#)

■ Digital Finance

Negotiators of the Council and the European Parliament reached a provisional agreement on the Digital Operational Resilience Act (DORA), which will create a framework with uniform requirements for the security of network and information systems of companies and organisations operating in the financial sector and of third parties which provide ICT-related services to them. The agreement now needs to be formally adopted by the two co-legislators. The agreed text will be available soon.

[EC proposal for a Regulation on Digital Operational Resilience](#)

■ Payment Services Directive

The EC launched two consultations on the revised Payment Services Directive II in order to collect views on whether amendments are needed and also on the open finance framework and data sharing in the financial sector. Contributions to both can be submitted until 5 July.

[EC consultation page PSD2 – EC consultation page open finance framework](#)

■ Corporate Taxation

As part of the EU Strategy on business taxation, the EC presented its proposal for a debt-equity bias reduction allowance (DEBRA) to support businesses access the financing.

[EC proposal for a Council Directive](#)

■ Consumer Financial Services

The EC adopted a reform of the current rules on Distance Marketing of Consumer Financial Services, which aims to strengthen consumer rights and foster the cross-border provision of financial services in the single market. The proposal will now be discussed by the Council and the European Parliament.

[EC proposal](#)

■ Motor vehicles

Commission Implementing Decision of 6 May 2022 on the approval of a Smart Diesel Fuel Heater for use in

conventional combustion engine and certain hybrid electric passenger cars and light commercial vehicles as an innovative technology pursuant to Regulation 2019/631 has been published in the EU Official Journal.

[Commission Implementing Decision 2022/716](#)

■ 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

■ Electricity Grid Connection Network Codes

The EU Agency for the Cooperation of Energy Regulators and the Council of European Energy Regulators launched a public consultation in preparation for the joint paper on the revision of the Electricity Grid Connection Network Codes. Contributions can be submitted until 10 June.

[Consultation page](#)

■ Cybersecurity

The EC and the EU Agency for Cybersecurity published a report on the cybersecurity of Open RAN, which contains a series of recommendations to improve the security of this new type of 5G network architecture.

[EC dedicated page](#)

■ Data Act

The European Data Protection Board and the European Data Protection Supervisor issued a joint opinion on the European Commission's proposal "Data Act".

[Joint Opinion](#)

■ Data Protection

The European Data Protection Board released its annual report for the year 2021 on data protection.

[EDPB Annual Report](#)

/ Decision

EC Decision of 12 May – HAL Investments / Royal Boskalis Westminster

■ Sea and coastal freight water transport; construction and civil engineering

The EC approved the acquisition of sole control of Royal Boskalis Westminster N.V. by HAL Investments B.V.

[Case information](#)

EC Decision of 10 May – HSBC Singapore / Temasek / JV

■ Credit granting

The EC approved the creation of a new joint venture by HSBC Bank Limited (“HSBC Singapore”) and Temasek Holdings (Private) Limited.

[Case information](#)

EC Decision of 11 May – Selfinvest / LLG / Selected Car Group JV

■ Financial leasing

The EC approved the creation of a joint venture by Selfinvest ApS and LLG A/S.

[Case information](#)

EC Decision of 11 May – Valeo / VSEA

■ Manufacture of electric motors, generators and transformers

The EC approved the acquisition of Valeo Siemens eAutomotive GmbH (“VSEA”) by Valeo SE.

[Case information](#)

/ From the OJEU

■ Non-opposition to concentrations

Non-opposition to the notified concentration Nordic Capital / Ellos Group – Case M.10690 has been published.

[Document 2022/C 195/01 – Case information](#)

Non-opposition to the notified concentration Brookfield / Telia Company / Telia Towers Sweden – Case M.10666 has been published.

[Document 2022/C 192/01 – Case information](#)

Non-opposition to the notified concentration PLD / NBIM / Target Asset Bleiswijk – Case M.10716 has been published.

[Document 2022/C 189/05 – Case information](#)

Non-opposition to the notified concentration Egeria / Isoplus Group / Brugg / Isoplus JV – Case M.10650 has been published.

[Document 2022/C 189/04 – Case information](#)

Non-opposition to the notified concentration Macquarie / BCI / Reden Holding and Reden Holding 2020 – Case M.10707 has been published.

[Document 2022/C 189/03 – Case information](#)

Non-opposition to the notified concentration Next / WP / Pink – Case M.10676 has been published.

[Document 2022/C 189/02 – Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration Itochu / Isuzu Motors / JV – Case M.10736 has been published.

[Document 2022/C 193/06 – Case information](#)

Prior notification of the concentration Pon Holdings / Autohaus Adelbert Moll / Flexxdrive – Case M.10579 has been published.

[Document 2022/C 193/05 – Case information](#)

Prior notification of the concentration CAF / Coradia Polyvalent Business / Talent 3 Business – Case M.10616 has been published.

/ Brussels intern

■ Fossil Fuels

The European Commission is finalising its RePowerEU plan which will be released on 18 May. Among the different measures there should be provisions to increase the European's renewable energy target for 2030.

■ Banking Union

European Ministers for Finance are working on a plan to complete the Banking Union, which shall be presented at next Eurozone Summit in June. The plan is expected to include new measures on crisis management, depositor protection, the single market for banking services and national bank insolvency procedures across Europe.

/ Contact

For suggestions, comments please contact:

Noerr Partnerschaftsgesellschaft mbB Rechtsanwälte Steuerberater Wirtschaftsprüfer
Boulevard du Régent 47-48
1000 Brussels
Belgium

Co-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

Associated Partner



Dr. Dr. Claus Zimmermann
T +32 491 90 54 60
claus.zimmermann@noerr.com

Regulatory Affairs Advisor



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