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- Bank/Insurance/Tax
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- Aviation
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- Food

LAW

■ RAPEX Weekly Report

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

[This Week's Report](#)

■ In-vitro medical devices

The Council received for evaluation the Commission Delegated Directive amending Annex IV to Directive 2011/65/EU as regards an exemption for lead in polyvinyl chloride sensors in in-vitro diagnostic medical devices and its Annex.

[Commission Delegated Directive – Annex to Commission Delegated Directive](#)

The Council received for evaluation the Commission Delegated Directive amending Annex IV to Directive 2011/65/EU as regards an exemption for mercury in intravascular ultrasound imaging systems and its Annex.

[Commission Delegated Directive – Annex](#)

■ Pan-Euro-Mediterranean rules of origin

The Council released its Decision on the position to be adopted on behalf of the EU as regards the replacement of Protocol 4 to the EEA Agreement on rules of origin by a new Protocol in line with the Regional Convention on pan-Euro-Mediterranean preferential rules of origin.

[Council Decision](#)

■ EFTA Guidelines on Technology Transfer

The European Free Trade Association Surveillance Authority adopted new guidelines for the assessment of technology transfer agreements, the so called Technology Transfer Block Exemption Regulation.

[EFTA Guidelines](#)

■ Delegated Regulation – Alternative Investment Fund Managers

The Council does not intend to raise objections to the delegated act on the information to be provided by competent authorities to the European Securities and Markets Authority pursuant to Article 67(3) of Directive 2011/61/EU of the EP and of the Council.

[Commission Delegated Regulation](#)

POLITICS/GENERAL

■ Solvency II

The European Insurance and Occupational Pensions Authority published the final report of the public consultation on the Guidelines on the System of Governance and the Own Risk and Solvency Assessment (ORSA). The guidelines will become applicable on 1 January 2016.

[EIOPA Final Report](#)

EIOPA also released Set 1 of its Solvency II Guidelines, which are addressed to National Competent Authorities or Financial Institutions.

[EIOPA Guidelines](#)

EIOPA published the technical information on the symmetric adjustment of the equity capital charge for Solvency II. The file includes data for 31 December 2014 and 31 January 2015. From March the publication will be updated on a monthly basis.

[EIOPA Document](#)

■ Market Abuse Regulation

The European Securities and Markets Authority published its technical advice on possible delegated acts regarding the new Market Abuse Regulation. The regulatory technical standards will be delivered in July.

[ESMA technical advice](#)

■ EIOPA Conflicts of interest distribution of insurance-based investment products

The European Insurance and Occupational Pensions Authority released its advice to the EC on conflicts of interest in the context of the distribution of insurance-based investment products.

[EIOPA Technical Advice](#)

■ EP Special Committee on tax rulings

The leaders of the political groups of the European Parliament agreed to endorse the creation of a Special Committee to propose measures to combat tax evasion in Europe and to examine alleged breaches by Member States. The plenary will vote on its mandate.

■ Anti-dumping Report

The Council received from the Commission the 32nd Annual Report on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities.

[EC Report](#) – [EC Working document accompanying the report](#)

■ Pension funds exemption from central clearing requirements

In a recently published report, the EC recommends granting pension funds a two-year exemption from central clearing requirements for their over-the-counter (OTC) derivative transactions.

[Text of the Report](#) – [Executive Summary](#) – [Full external study](#)

DECISIONS

EC, Decision of 4 Feb. – BAIN CAPITAL/IBSTOCK GROUP

■ **Manufacture of products for construction**

The EC approved the acquisition of the UK and US brick businesses of CRH of Ireland by Bain Capital Investors of the US, a private equity firm.

[Case information](#)

EC, Decision of 4 Feb. – ICAP

■ **Yen interest rate derivatives**

The EC imposed a fine to the UK base broker ICAP for having breached EU antitrust rules by facilitating several cartels in the sector of Yen interest rate derivatives (YIRD).

ECJ, Opinion of 3 Feb. – Kernkraftwerke Lippe-Ems GmbH v Hauptzollamt Osnabrück (Case C-5/14)

■ **Taxation on nuclear fuel in Germany**

The ECJ released an opinion saying that taxing nuclear fuel does not give an unfair advantage to non-nuclear electricity producers.

[Case information](#) – [Opinion](#)

EC, Decision of 12 Nov 2014 – ALCOA/FIRTH RIXSON

■ **Aluminium production**

The EC released the public version of its decision to allow the merger of metals manufacturer Alcoa with engineered-products manufacturer Firth Rixson.

[Decision](#) – [Case information](#)

EC, Investigation open 3 Feb. – Case SA.37667

■ **State aid - Belgian “excess profit” ruling system**

The EC opened an in-depth investigation into a system of tax exemptions offered by the Belgian administration, which allows group companies to substantially reduce their corporation tax liability in Belgium on the basis of so-called “excess profit” tax rulings.

[Case information](#)

EC, Decision of 3 Feb. – LIXIL/GROHE

■ **Installation of industrial machinery/ Manufacture of ceramic sanitary fixtures**

The EC approved the acquisition of sole control over Grohe Group of Luxembourg by LIXIL Group Corporation of Japan.

[Case information](#)

FROM THE OJEU

■ **Comments State Aid Case – Luxembourg/Amazon**

The invitation to submit comments pursuant to Article 108(2) of the Treaty on the Functioning of the EU on the State Aid case SA.38944 – Alleged aid to Amazon has been published.

[Document 2015/C 044/02](#)

■ **Import guar gum from India**

Commission Implementing Regulation (EU) 2015/175 of 5 February 2015 laying down special conditions applicable to the import of guar gum originating in or consigned from India due to contamination risks by pentachlorophenol and dioxins has been published.

[Commission Implementing Regulation 2015/175](#)

■ **Plastic materials and food**

Commission Regulation (EU) 2015/174 of 5 February 2015 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food has been published.

[Commission Regulation 2015/174](#)

■ **Import from China**

Commission Implementing Regulation (EU) 2015/170 of 4 February 2015 repealing Regulation (EC) No 1135/2009 imposing special conditions governing the import of certain products originating in or consigned from China has been published.

[Commission Implementing Regulation 2015/170](#)

■ Use of euro by paying agencies and other bodies

Commission Delegated Regulation (EU) 2015/160 of 28 November 2014 amending Delegated Regulation (EU) No 907/2014 supplementing Regulation (EU) No 1306/2013 of the EP and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro has been published.

[Commission Delegated Regulation 2015/160](#)

■ Robert Bosch GmbH alternators

Commission Implementing Decision (EU) 2015/158 of 30 January 2015 on the approval of two Robert Bosch GmbH high efficient alternators as the innovative technologies for reducing CO2 emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the EP and of the Council has been published.

[Commission Implementing Decision 2015/158](#)

■ ECB Powers to impose sanctions

Council Regulation (EU) 2015/159 of 27 January 2015 amending Regulation (EC) No 2532/98 concerning the powers of the European Central Bank to impose sanctions has been published.

[Council Regulation 2015/159](#)

■ Prior notification of concentrations

Prior notification of the concentration Daimler/Kamaz/JV – Case M.7497 has been published.

[Document 2015/C 39/05](#)

■ Non-opposition to concentration

The Non-opposition to the notified concentration KKR/Allianz/Selecta – Case M.7319 has been published.

[Document 2015/C 39/01](#)

BRUSSELS INTERN

■ Net neutrality

Member States' experts will meet on 10 February to discuss the amended Presidency text on net neutrality, which takes into account the outcome of the previous debate and the written contributions presented by National Governments.

[Presidency text](#) – [Previous Public Presidency Text](#)

■ TTIP – Transatlantic Trade and Investment Partnership

EU-US negotiators met this week in Brussels for a new round of talks, which focused mainly on tariffs and regulatory cooperation. The intention is to remove almost all of the remaining tariffs and the non-customs obstacles to trade. According to the EU Commissioner for Trade, the target is to make regulation more compatible, without lowering standards on health, safety, environment or consumer protection.

Effective regulatory provisions in TTIP will include both horizontal and meaningful sector-specific commitments (automotive, chemicals, cosmetics, medical devices, pharmaceuticals). Therefore the respective regulatory bodies would assess, sector by sector, whether or not mutual recognition is conceivable. In presenting a draft text outlining ways to encourage regulators to cooperate in the future and how that work can be coordinated, the EU Commissioner confirmed that regulatory cooperation would be

possible only for those standards which are deemed equivalent.

The regulatory cooperation remains the most controversial area of the TTIP; while several industries support a regulatory convergence between EU-US, NGOs are worried about possible negative consequences.

Representatives of European industries called for harmonisation of labelling, for simplification of preferential rules of origin, harmonisation of product safety legislations, etc. For them the reduction of the so called non-trade barriers is the top priority. Some of them asked also the establishment of a Regulatory Cooperation Body.

Special mention to the energy and raw materials chapter. The negotiators discussed how to face the challenge presented by the EU dependence on Russian energy and how to remove the legal obstacles to US exports to the EU.

The decision to include, or not, financial services and the opening of public procurement at the Federal and State levels has been postponed to a later date. The EC decided also to temporarily put aside the controversial clause of the Investor-State Dispute Settlement (ISDS), even though this is an essential element of the agreement for the US.

Last point on data flow. Discussions on that issue have been put on stand-by; lots will depend on the developments with regard the Safe Harbour Agreement. The EC will soon publish a report on the future of Safe Harbour clarifying the next steps and in May there will be the EU-US Ministerial Conference.

■ EU Energy Policy

The EU Commissioners had a first debate on the Energy Union Framework Strategy, which is scheduled for adoption on 25 February. The document will be accompanied by the Communication on EU's progress towards the minimum electricity interconnection target of 10%. At the same time, EU Energy Ministers met in Riga for the Energy Union Conference, the first official step towards the Energy Union.

The energy security remains a top priority on the EU agenda and the EC plans to deliver a multi approach strategy which includes the revision of the Regulation on Security of Supply of Gas and Electricity; a new LNG Strategy; strengthening alliance with Turkey and the Energy Community; accelerating progress on a Mediterranean Gas Hub and delivering a Strategic Energy Partnership with Algeria; promoting domestic resources (including progress on shale gas based on a European science and technology network on unconventional hydrocarbon extraction). With regard the so called "common gas purchasing option", further discussions are needed in order to define a system which is in line with EU legislations and WTO rules. However, it seems that many west European countries are against the possibility of acting as a single buyer, while for some analysts, this would accelerate the creation of a single European supervisor for energy.

The Commissioner for Climate Action and Energy stressed the importance to move on with the revision of the Eco-design, labelling, buildings and energy efficiency directives, and the definition of a new strategy on heating and cooling. He stressed the importance of further develop and promote electro-mobility; on that regards the EC will promote a Smart Cities and Communities initiative. The Commissioner confirmed the role of ETS as the major instrument helping the energy sector to decarbonise.

Next steps:

- 5 March, 1st formal Ministerial discussion;
- 19-20 March, adoption of the European Council Conclusions;
- 8 June, adoption of the Council Conclusions.

The package will involve concrete proposals, including legislation, decisions and analysis. A total of 14 Commissioner are working together to deliver this holistic approach.

For suggestions, comments please contact:

Noerr LLP
Boulevard du Régent 47-48
1000 Brüssel
Belgien

Head of Regulatory & Governmental Affairs



Dr. Holger Schmitz
T +49 30 2094 2160
holger.schmitz@noerr.com

Head of Antitrust & Competition Law



Dr. Alexander Birnstiel
T +49 89 28628 241
alexander.birnstiel@noerr.com

Regulatory Affairs Advisor



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

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