

Europeanews

Regulatory & Governmental Affairs

Issue 41/2023. 20 – 24 November 2023

Table of Contents

Law	1
Politics / General	3
Decision	3
From the OJEU	5
Brussels intern	6
Contact	7

Main Topics

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

Law

Electrical and Electronic Equipment Waste

Negotiators of the European Parliament, the Council and the European Commission reached a provisional political agreement on proposed amendments to EU law on the collection and management of waste from electrical and electronic equipment, which will cover a range of products such as computers, fridges and photovoltaic panels. The provisional agreement now needs to be formally adopted by both the European Parliament and the Council before it can be published in the EU Official Journal and enter into force. The agreed text will be available soon.

[EC proposal for a Directive amending Directive 2012/19/EU on waste electrical and electronic equipment \(WEEE\)](#)

Right to Repair

Both the Council and the European Parliament adopted their respective positions on the proposal for a directive on common rules promoting the repair of goods, which will impose new obligations on companies involved in the production, sale or repair of goods. Inter-institutional negotiations on the final version of the law can now start and a first meeting is scheduled on 7 December.

[EP Adopted text](#) - [Council position](#)

Packaging of Waste

The European Parliament adopted its position on the proposed regulation on EU-wide rules on packaging and packaging waste, which will amend the current framework. In particular, the new rules require that all packaging should be recyclable, fulfilling strict criteria to be defined through secondary legislation, with certain temporary exemptions, for example for wood and wax food packaging. Inter-institutional negotiations on the final version of the regulation will start once the Council has adopted its position.

[Adopted text](#)

Net Zero Industry Act

The European Parliament adopted its position on the proposal for a regulation on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem, so-called Net Zero Industry Act. Once Council has also adopted its position, negotiations on the final shape of the law will start.

[Adopted text](#)

CO2 Emission Reduction Targets

The European Parliament adopted its amendments on the proposal for a regulation on CO2 emission performance standards for new heavy-duty vehicles, which will amend Regulation 2019/1242. Inter-institutional negotiations with the Council and the European Commission on the final shape of the legislation will soon start.

[Adopted text](#)

Certification Framework for Carbon Removals

Both the European Parliament and the Council adopted their respective positions on the proposal for a regulation establishing the first EU-level certification framework for carbon removals. Inter-institutional negotiations on the text will soon start.

[EP Adopted text](#) - [Council mandate](#)

Labelling Fertilizing Products

The Council adopted its position on the proposed regulation on digital labelling of EU fertilizing products, which will amend Regulation 2019/1009. Negotiations with the European Parliament on the final shape of the law will start as soon as the European Parliament adopts its position.

[Council mandate](#)

Banking Union

The Council adopted a mandate to start negotiations with the European Parliament and the European Commission on the final version of the so-called Daisy Chains proposal, which is a targeted amendment of the Bank Recovery and Resolution Directive (BRRD) and the Single Resolution Mechanism Regulation (SRMR) with the aim to address certain issues in relation to the treatment of “internal MREL” in bank resolution groups.

[Council negotiating mandate](#)

State Aid

The EC adopted an amendment to the State aid Temporary Crisis and Transition Framework to prolong by six months certain sections of the Framework.

[EC dedicated page](#)

Anti-dumping

Commission Implementing Regulation of 22 November 2023 amending Implementing Regulation (EU) 2022/926 imposing a definitive anti-dumping duty on imports of tubes and pipes of ductile cast iron originating in India, following a partial interim review has been published in the EU Official Journal.

[Commission Implementing Regulation \(EU\) 2023/2605](#)

Energy Labelling

Commission Delegated Regulation of 13 July 2023 supplementing Regulation (EU) 2017/1369 with regard to energy labelling of household tumble dryers and repealing Commission Delegated Regulation (EU) 392/2012 has been published in the EU Official Journal.

[Commission Delegated Regulation \(EU\) 2023/2534](#)

Ecodesign Requirements

Commission Regulation of 17 November 2023 implementing Directive 2009/125/EC with regard to ecodesign requirements for household tumble dryers, amending Commission Regulation (EU) 2023/826 and repealing Commission Regulation (EU) No 932/2012 has been published in the EU Official Journal.

[Commission Regulation \(EU\) 2023/2533](#)

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

Banking

The European Banking Authority published its final draft Regulatory Technical Standards on the assessment methodology under which competent authorities verify the compliance of the institutions with the requirements applicable to their internal models under the Fundamental Review of the Trading Book (FRTB) rules.

[EBA final report](#)

Decision

EC Decision of 23 November – BFM / SP / Brasol Electric power generation, transmission and distribution

The EC approved the acquisition of joint control of Brasol Participacoes e Empreendimentos S.A. (“Brasol”) by BlackRock Financial Management Inc. (“BFM”) and Siemens Participacoes LTDA. (“SP”).

[Case information](#)

EC Decision of 22 November – Euro denominated bonds Activity auxiliary to financial services and insurance activities

The EC fined Rabobank for participating in a cartel concerning the trading of certain Euro-denominated bonds together with Deutsche Bank, which was not fined as it revealed the cartel.

[Case information](#)

EC Decision of 21 November – TJC / Warburg Pincus / iNRCORE

Manufacture of electronic components

The EC approved the acquisition of joint control of iNRCORE LLC by Warburg Pincus LLC and TJC LP.

[Case information](#)

EC Decision of 21 November – Prax / OIL! Retail sale of automotive fuel; other retail sale

The EC approved the acquisition of sole control of OIL! Tankstellen GmbH by Prax Limited.

[Case information](#)

EC Decision of 21 November – WHP / G-Star Wholesale of clothing and footwear; retail sale of footwear and clothing; leasing of intellectual property and similar products

The EC approved the acquisition of sole control of the intellectual property rights of G-Star and the acquisition of joint control of its operational assets by WHP Investments (“WHP”).

[Case information](#)

EC Decision of 20 November – AviAlliance / AIA Service activities incidental to air transportation

The EC approved the acquisition of sole control of Athens International Airport S.A. by AviAlliance GmbH.

[Case information](#)

EC Decision of 20 November – Cinven / Synlab Human health activities

The EC approved the acquisition of sole control of SYNLAB AG by Cinven Capital Management (V) General Partner Limited (“Cinven”).

[Case information](#)

EC Decision of 17 November – Warburg / Brookfield / Everise Data processing; computer programming; activities auxiliary to financial services

The EC approved the acquisition of joint control of Epassi Group Oy by TA Associates Management L.P. (“TA Associates”) and Warburg Pincus LLC.

[Case information](#)

EC Statement of Objections of 17 November – Adobe / Figma Software publishing

The EC sent Statement of Objectives to Adobe over its proposed acquisition of Figma.

[Case information](#)

From the OJEU

Non-opposition to concentrations

Non-opposition to the notified concentration QIA / OIA / Aasaal International Investment – Case M.11191 has been published.

[Document C/2023/1246](#) – [Case information](#)

Non-opposition to the notified concentration Advent / GFK – Case M.10860 has been published.

[Document C/2023/1244](#) – [Case information](#)

Non-opposition to the notified concentration TJC / Warburg Pincus / iNRCORE – Case M.11304 has been published.

[Document C/2023/1239](#) – [Case information](#)

Non-opposition to the notified concentration KIA / OTPP / Seacube – Case M.11329 has been published.

[Document C/2023/1210](#) – [Case information](#)

Non-opposition to the notified concentration BSA (Lactalis) / Ambrosi – Case M.10876 has been published.

[Document C/2023/1194](#) – [Case information](#)

Non-opposition to the notified concentration Renault / Geely / JV – Case M.11230 has been published.

[Document C/2023/1098](#) – [Case information](#)

Prior notification of concentrations

Prior notification of the concentration EQT / Dechra – Case M.11186 has been published.

[Document C/2023/1209](#) – [Case information](#)

Prior notification of the concentration Framatome / Naval Group / Jeumont Electric – Case M.11262 has been published.

[Document C/2023/1208](#) – [Case information](#)

Prior notification of the concentration XXXLutz / Conforama Espana / Conforama Portugal – Case M.11328 has been published.

[Document C/2023/1200](#) – [Case information](#)

Prior notification of the concentration Taiyo Nippon Sanso / Astomos Energy / Astomos Retailing – Case M.11291 has been published.

[Document C/2023/1196](#) – [Case information](#)

Prior notification of the concentration Towerbrook / Team Eiffel – Case M.11353 has been published.

[Document C/2023/1095](#) – [Case information](#)

Prior notification of the concentration Carrier / Viessmann Climate Solutions – Case M.11160 has been published.

[Document C/2023/1096](#) – [Case information](#)

Prior notification of the concentration Smartseller / FNSG / Smartseller FN (JV) – Case M.11306 has been published.

[Document C/2023/1089](#) – [Case information](#)

Prior notification of the concentration Würth / Drees / LCM (JV) – Case M.11301 has been published.

[Document C/2023/1088](#) – [Case information](#)

Prior notification of the concentration Platinum Compass / DigitalBridge / Landmark Dividend – Case M.11312 has been published.

[Document C/2023/1052](#) – [Case information](#)

Prior notification of the concentration Musashi / Delta / Toyota / JV – Case M.11337 has been published.

[Document C/2023/1051](#) – [Case information](#)

Brussels intern

Artificial Intelligence Act

Inter-institutional negotiations on the so-called Artificial Intelligence Act are currently at a standstill over a section of the draft regarding foundation models. The European Parliament intends to regulate them, while at the Council different Member States are of a different opinion. In particular, France, Germany and Italy call

for a review of that part of the law. The Presidency of the Council is working on a new compromise text before next trilogue meeting on 6 December.

Product Liability

Inter-institutional negotiations on the final version of the proposed Product Liability Directive are still ongoing, next meeting is planned on 14 December.

Contact

For suggestions, comments please contact:

Noerr Partnerschaftsgesellschaft mbB Rechtsanwälte Steuerberater Wirtschaftsprüfer
Rue Guimard 9
1040 Brussels
Belgium

Co-Head of Regulatory & Governmental Affairs



Dr. Holger Schmitz
Partner

T +49 30 20942160
holger.schmitz@noerr.com

Co-Head of Regulatory & Governmental Affairs



Dr. Alexander Birnstiel
Partner

T +49 89 28628241
alexander.birnstiel@noerr.com

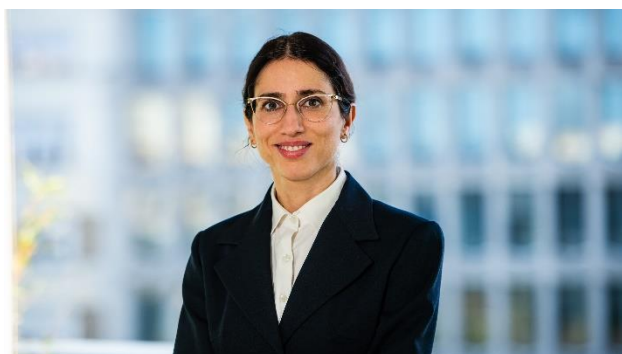
Associated Partner



Dr. Dr. Claus Zimmermann
Associated Partner

T +32 4 91905460
claus.zimmermann@noerr.com

Regulatory Affairs Advisor



Giovanna Ventura
Legal Advisor

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