



## Europaneews

### Regulatory & Governmental Affairs

Issue 44/2022. 28 November – 02 December 2022

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## / Main Topics

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

## / Law

### ■ Carbon Removals

The EC presented its proposal for a first EU-wide voluntary framework to certify high-quality carbon removals; in particular, the regulation will establish requirements for the third-party verification and certification of carbon removals, the management of certification schemes and the functioning of registries. The main target of the proposed regulation is to boost innovative carbon removal technologies and sustainable carbon farming solutions. The Commission with the support of experts will also develop tailored certification methods for carbon removal activities delivering on climate and other environmental objectives. The first meeting of the expert group is planned for the beginning of next year. The proposal will now be discussed by the European Parliament and the Council according to the ordinary legislative procedure.

[EC proposal for a regulation on an EU certification for carbon removals](#)

### ■ Packaging

The EC released its proposal to review the EU legislation on packaging and packaging waste, with the aim to restrict unnecessary packaging and promote reusable and refillable solutions. The final goal is to make all packaging on the EU market recyclable by 2030. The new rules will also introduce mandatory targets to reduce packaging waste and mandatory rates of recycled content for new plastic packaging; set design criteria for packaging; create mandatory deposit return systems for plastic bottles and aluminium cans. The proposal will now be submitted to the European Parliament and the Council according to the ordinary legislative procedure.

[EC proposal for a revision of EU legislation on Packaging and Packaging Waste](#)

The EC also presented a communication to bring clarity on biobased, compostable and biodegradable plastics and to guide future work on the topic.

[EC Communication EU policy framework on biobased, biodegradable and compostable plastics](#)

## ■ ■ CO2 Emissions

Commission Implementing Decision of 28 November 2022 on the publication of a list indicating certain CO2 emissions values per manufacturer as well as average specific CO2 emissions of all new heavy-duty vehicles registered in the Union pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the council for the reporting period of the year 2020 has been published in the EU Official Journal.

[Commission Implementing Decision 2022/2336](#)

## ■ ■ Foreign Subsidies

The Council gave its final approval to the Foreign Subsidy Regulation, which addresses distortions created by subsidies granted by non-EU countries operating on the EU single market. More precisely, the regulation proposes three tools to investigate financial contributions by a public authority in non-EU country in the context of large concentrations and public procurement procedures. The regulation will soon be published in the EU Official Journal and will enter into force on the 20<sup>th</sup> day following its publication.

[Regulation on Foreign Subsidies Distorting the Internal Market](#)

## ■ Corporate Sustainability Reporting

The Council approved the Corporate Sustainability Reporting Directive (CSRD), which amends the Non-financial Reporting Directive of 2014 and requires companies to publish detailed information on sustainability matters. The application of the new rules will take place in four phases starting from 2025. The directive will soon be published in the EU Official Journal and will enter into force 20 days afterwards. Member States will have 18 months to implement the new rules.

[Corporate Sustainability Reporting Directive](#)

## ■ Corporate Sustainability Due Diligence

The Council adopted its position, so-called general approach on the proposal for a directive on corporate sustainability due diligence (CSDD), which lays down rules for large companies regarding the impacts on human rights and the environment by their own operations, those of their subsidiaries and those carried out by their business partners. Inter-institutional negotiations with the European Parliament with a view to agree on a final text will start once the Parliament has adopted its position, most likely next Spring.

[Council general approach](#)

## ■ Sanctions

The Council adopted a decision to add the violation of restrictive measures to the list of EU crimes included in the Treaty on the Functioning of the EU. Following this adoption, the EC will present a proposal for a directive containing minimum rules concerning the definition of criminal offences and penalties for the violation of EU restrictive measures.

[Council decision](#)

## ■ EU-UK Relations

Negotiators of the Council and the European Parliament reached a provisional agreement on a regulation on autonomous measures, which will allow the EU to ensure a timely and effective exercise of its rights in enforcing and implementing the Withdrawal Agreement and the Trade and Cooperation Agreement. The text needs to be approved by the Council and the European Parliament. The provisional agreement will be available soon.

## ■ State Aid

The EC published a Staff Working Document which summarises the results of the evaluation of the European State aid rules for services of general economic interest (SGEI) applicable to health and social services and to small amounts of aid. The exercise confirms that the existing rules are still fit for purpose.

[EC dedicated page](#)

## ■ Chips Act

The Council adopted its position, so-called general approach, on the proposed regulation establishing a framework for measures to strengthen Europe's semiconductor ecosystem, known as the Chips Act. The regulation aims to improve the EU's security of supply, resilience and technological sovereignty in the field of semiconductor applications and technologies; in particular the EU aims to double its global market share in semiconductors from 10% to at least 20% by 2030. Inter-institutional negotiations with the European Parliament will start once the latter has adopted its position.

#### [Council general approach](#)

#### ■ Cyber-security

The Council adopted the revised directive for a high common level of cyber-security across the Union, so-called NIS2, which will replace the current directive on security of network and information systems. The NIS2 establishes minimum requirements, lays down mechanisms for effective cooperation among Member States, updates the list of sectors and activities subject to cyber-security obligations and provides for remedies and sanctions. The directive will be published in the EU Official Journal in the coming days and will enter into force on the 20<sup>th</sup> day following this publication. Member States will have 21 months from the entry into force of the directive to transpose the new rules.

#### [Proposal for a directive for a high common level of cyber-security across the Union](#)

#### ■ Intellectual Property

The EC adopted its proposal to review the regulation and directive on industrial design framework, with the aim to simplify the procedure for the EU-wide registration of a design, harmonise the procedures and allow the reproduction of original designs for repair purposes of complex products. The two proposals will be discussed by the European Parliament and the Council.

#### [EC proposal for a Regulation on Community designs – EC proposal for a Directive on the legal protection of designs](#)

#### ■ Digital Finance

The Council adopted the Digital Operational Resilience Act, which will set uniform requirements for the security of network and information systems of companies operating in the financial sector and critical third parties which provide ICT-related services to them.

#### [Regulation on digital operational resilience for the financial sector – Directive on digital operational resilience for the financial sector](#)

#### ■ High-risk Chemicals

The EC launched a public consultation on the new rules on the marketing and use of high-risk chemicals. Contributions can be submitted until 20 February. The results will feed into the work of the Commission in preparation for the upcoming proposal to regulate access to high-risk chemicals that could be used by terrorists and other malicious actors.

#### [EC consultation page](#)

#### ■ Product Safety Rules

The Council and the European Parliament reached a provisional agreement on the proposal for a General Product Safety Regulation, which will provide due diligence obligations for products sold both online and offline in the European single market. The provisional agreement is subject to approval by the Council and the European Parliament. The agreed text will be available soon.

#### ■ 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

### ■ Single Resolution Board

The European Court of Auditors published a report on any contingent liabilities arising as a result of the performance by the Single Resolution Board, the

Council or the Commission of their tasks under this Regulation for the 2021 financial year.

[Report](#)

## / Decision

**EC Decision of 01 December – Aurelius Investment Lux Seven / Sappi Finland One / Sappi Finland Operations / Sappi Maastricht Real Estate / Sappi Stockstadt**

### ■ Manufacture of paper and paper products

The EC approved the acquisition of Sappi Finland Oy and Sappi Finland Operations Oy, Sappi Maastricht Real Estate B.V. and Sappi Stockstadt GmbH by Aurelius Investment Lux Seven S.a.r.l.

[Case information](#)

**EC Decision of 29 November – PHO P / Stora Enso Maxau**

### ■ Manufacture of pulp, paper and paperboard

The EC approved the acquisition of Stora Enso Maxau GmbH by PHO P GmbH.

[Case information](#)

**EC Decision of 29 November – Carlyle / Garnica**

### ■ Manufacture of veneer sheets and wood-based panels

The EC approved the acquisition of Grupo Garnica Plywood by the Carlyle Group.

[Case information](#)

**EC Decision of 28 November – Stora Enso / De Jong Papier Holding / DJV Holding**

### ■ Manufacture of corrugated paper and paperboard and of containers of paper and paperboard

The EC approved the acquisition of De Jong Papier Holding and DJV Holding by Stora Enso AB.

[Case information](#)

**EC Decision of 28 November – Styrene Monomer**

### ■ Manufacture of plastics in primary forms

The EC fined Sunpor, Synbra, Synthomer, Synthos and Trinseo for participating in a cartel concerning purchases on the styrene monomer merchant market.

[Case information](#)

**EC Decision of 25 November – German Deutsche Bahn**

### ■ Remedy for a serious disturbance in the economy

The EC approved the German support to compensate Deutsche Bahn for damaged suffered by its subsidiary DB Fernverkehr due to the coronavirus pandemic.

[Case information SA.100323](#)

**EC Decision of 25 November – ALD / LeasePlan**

### ■ Rental and leasing of motor vehicles

The EC approved the proposed acquisition of LeasePlan by ALD, subject to conditions.

[Case information](#)

## / From the OJEU

### ■ Non-opposition to concentrations

Non-opposition to the notified concentration Atlas Arteria / OTPP / Skyway Concession Company – Case M.10947 has been published.

[Document 2022/C 459/02 – Case information](#)

Non-opposition to the notified concentration Biscuit Holding / Continental Bakeries Holding – Case M.10543 has been published.

[Document 2022/C 459/01 – Case information](#)

Non-opposition to the notified concentration Petronas / Durio / Orim Holding – Case M.10918 has been published.

[Document 2022/C 450/01 – Case information](#)

### ■ Prior notification of concentrations

Prior notification of the concentration DSM / Fonterra / Tasman – Case M.10874 has been published.

[Document 2022/C 458/09 – Case information](#)

Prior notification of the concentration Advent / DEM Business / HPM Business – Case M.10817 has been published.

[Document 2022/C 458/08 – Case information](#)

Prior notification of the concentration Marcegaglia Steel / Olpuk / OSB / FSAB – Case M.10890 has been published.

[Document 2022/C 458/07 – Case information](#)

Prior notification of the concentration CPPIB / Montagu / Universal Investment / JV – Case M.10940 has been published.

[Document 2022/C 454/07 – Case information](#)

Prior notification of the concentration ZF / Hella / NGK / Clarios / Ahead JV – Case M.10932 has been published.

[Document 2022/C 454/06 – Case information](#)

Prior notification of the concentration Mitsubishi / Here – Case M.10944 has been published.

[Document 2022/C 452/12 – Case information](#)

Prior notification of the concentration Airbus / Safran / TAC / Aubert & Duval – Case M.10760 has been published.

[Document 2022/C 452/11 – Case information](#)

Prior notification of the concentration BMWK / SEFE – Case M.10963 has been published.

[Document 2022/C 452/10 – Case information](#)

Prior notification of the concentration Tokyu / Marubeni / Orix / Fujitsu / JV – Case M.10980 has been published.

[Document 2022/C 450/10 – Case information](#)

Prior notification of the concentration BNP Paribas / Caceis / JV – Case M.10786 has been published.

[Document 2022/C 450/09 – Case information](#)

## / Brussels intern

### ■ ■ Battery Regulation

Negotiators of the European Parliament and the Council intends to reach an agreement on the EU Battery Regulation during next trilogue meeting of December 9<sup>th</sup>, even if there are still some divergences on several issues such as due diligence for raw material supply chains and recovery and recycling requirements.

The information in this newsletter does not replace advice in any particular case.

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### ■ ■ Alternative Fuels Infrastructure Regulation

Representatives of the European Parliament, the Council and the European Commission shall meet for the inter-institutional negotiations meeting on the proposal for Alternative Fuels Infrastructure Regulation on December 13<sup>th</sup>; however an agreement on the

proposed regulation is expected only for the beginning of next year.

EU negotiators shall reach an agreement on the so-called CBAM during next meeting of December 16<sup>th</sup>-17<sup>th</sup>. The same is expected for the proposal to review the EU Emissions Trading System.

#### ■ Carbon Border Adjustment Mechanism

## / Contact

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