



Europaneews

Regulatory & Governmental Affairs

Issue 46/2022. 12 – 16 December 2022

/ Content

Law.....	1
Politics/General	3
Decisions.....	3
From the OJEU.....	5
Brussels intern	6
Contact	6

/ Main Topics

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

/ Law

■ Carbon Border Adjustment Mechanism

Negotiators of the Council and the European Parliament reached a provisional agreement on the proposal for a Carbon Border Adjustment Mechanism. The deal is dependent on the on-going negotiations on the EU Emissions Trading System and it can be formally adopted only once the elements relevant for CBAM are agreed in the other dossier. The CBAM will initially cover a number of specific products in some of the most carbon-intensive sectors: iron and steel, cement, fertilisers, aluminium, electricity and hydrogen, as well as some precursors and a limited number of downstream products. Indirect emissions would also be included in the regulation in a circumscribed manner. Under the provisional agreement, CBAM will begin to operate from October 2023 onwards. It would be phased in gradually, in parallel to a phasing out of the free allowances. The agreed text will be available soon.

■ Batteries

The Council and the European Parliament reached a provisional agreement on a proposal to strengthen sustainability rules for batteries and waste batteries, which will replace the current directive of 2006 and for the first time will regulate the entire life cycle of a battery. The regulation also introduces labelling and information requirements. The provisional deal now needs to be endorsed and formally adopted by both institutions. The agreed text will be available soon.

■ Environmental Crime

The Council adopted its general approach on the proposal for a directive on the protection of environment through criminal law. In particular, the directive aims to improve the investigation and prosecution of environmental crime offences, it adds new types of offences and harmonises the level of penalties for natural persons and for legal persons.

Negotiations with the European Parliament to agree on a final text will now start.

[Council general approach](#)

■ International Taxation

The Council reached an agreement on the directive on ensuring a global minimum level of taxation for multinational groups in the Union, which will transpose into EU law part of the agreement by the OECD/G20 Inclusive Framework on base erosion and profit shifting (BEPS), which provides for a global two-pillar reform of the rules on international corporate taxation. The profit of the large multinational and domestic groups or companies with a combined annual turnover of at least 750 million euro will be taxed at a minimum rate of 15%. The directive has to be transposed into by Member States by the end of 2023.

[Council directive](#)

■ Digital Markets Act

The EC launched a public consultation on the implementation of the Digital Markets Act, which entered into force last November 2022 and will start applying on 2 May 2023. The Commission is collecting feedback on the draft implementing regulation regarding procedural aspects of the DMA enforcement. Contributions can be submitted until 09 January 2023.

[EC consultation page](#)

■ State Aid – Broadband Guidelines

The EC adopted a revised Communication on State aid for broadband networks, which lays down the rules under which the Commission will assess the measures notified by Member States to support the deployment and take-up of broadband networks, in the light of the market developments and the current digital transition.

[EC dedicated page](#)

■ State Aid – SGEI

The EC launched a consultation on the review of the rules on exemptions for small amounts of aid to services of general economic interest (SGEI) de minimis regulation. On the basis of the outcome of this evaluation, the Commission will consider whether the exempted amounts should be amended. Contributions can be submitted until 09 January.

[EC dedicated page](#)

■ State Aid – Agriculture & Fishery

The EC adopted revised State aid rules for the agricultural, forestry and fishery and aquaculture sectors.

[EC dedicated page agriculture](#) – [EC dedicated page fishery](#)

■ EU Priorities

The President of the European Commission, the President of the European Parliament and the Presidency of the Council signed a joint declaration on EU legislative priorities for 2023 and 2024.

[Joint Declaration – Working document](#)

■ Machinery Regulation

The European Parliament and the Council reached a political agreement on the proposal for a new Machinery Regulation, which will revise the existing directive and adapt the rules to the challenges posed by new technologies. The deal now needs to be formally adopted by the two institutions and it will enter into force on the 20th day following that of its publication in the EU Official Journal. It will apply four years after the date of its entry into force. 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

■ Securitisation

The three European Supervisory Authorities (EBA, EIOPA, and ESMA) published a joint advice in response to the call for advice of the EC on the review of the securitisation prudential framework. The advice consists of two parts: the assessment of the recent performance and appropriateness of the rules on capital and liquidity requirements for banks and the review of the securitisation capital framework applicable to insurers.

[Advice on banking](#) – [Advice on insurance](#)

■ Sustainable Finance

The European Banking Authority published its roadmap which lays down its comprehensive approach over the next three years to integrate environmental, social and governance (ESG) risk considerations in the banking framework.

[EBA roadmap](#)

/ Decision

EC Decision of 15 December – ISG / EEP / BSG

■ Production of electricity; steam and air conditioning supply

The EC approved the creation of a joint venture by InfraServ GmbH & Co. Gendorf KG (“ISG”) and E.ON Energy Projects GmbH (“EEP”).

[Case information](#)

EC Decision of 15 December – BMWK / SEFE

■ Distribution of gaseous fuels; trade of gas; transport via pipeline; wholesale of solid, liquid and gaseous fuels and related products

The EC approved the acquisition of SEFE Securing Energy for Europe GmbH (“SEFE”) by the Federal Republic of Germany, represented by the German Federal Ministry of Economic Affairs and Climate Action (“BMWK”).

[Case information](#)

EC Decision of 15 December – BMF / Uniper

■ Manufacture of gas; distribution of gaseous fuels through mains

The EC approved the acquisition of Uniper SE by the Federal Republic of Germany, represented by the German Federal Ministry of Finance (“BMF”).

[Case information](#)

EC Decision of 14 December – ZF / Hella / NGK / Clarios / Ahead JV

■ Maintenance and repair of motor vehicles; other information service activities n.e.c.

The EC approved the creation of a joint venture by ZF Friedrichshafen AG, Hella GmbH & Co. KGaA, NGK Spark Plug Europe GmbH and Clarios Germany GmbH & Co. KG.

[Case information](#)

EC Decision of 14 December – CPPIB / Montagu / Universal Investment / JV

■ Fund management activities; business and other management consultancy activities; rental and operating of own or leased real estate

The EC approved the acquisition of joint control of Universal Investment GmbH by Canada Pension Plan Investment Board (“CPPIB”) and Montagu Private Equity LLP.

[Case information](#)

EC Decision of 14 December – Infrastructure for Electric Vehicles

■ Economic support

The EC approved the German scheme to support the roll out high power charging (“HPC”) infrastructure for electric vehicles.

[Case information SA.104749](#)

EC Decision of 13 December – Tokyu / Marubeni / Orix / Fujitsu / JV

■ Construction of other civil engineering projects n.e.c.

The EC approved the creation of a joint venture by Tokyu, Fujitsu, Marubeni and Orix.

[Case information](#)

EC Decision of 13 December – Marcegaglia Steel / Olpuk / OSB / FSAB

■ Manufacture of basic iron and steel and of ferro-alloys; cold drawing of bars

The EC approved the acquisition of Outokumpu Long Products Limited, Outokumpu Stainless Bar and Fagersta Stainless by Marcegaglia Steel.

[Case information](#)

EC Decision of 09 December – Irish Life Wellbeing / Centric Health Primary Care / Carepath Connect

■ Human health activities

The EC approved the creation of a joint venture by Irish Life Wellbeing Limited (“ILW”) and Centric Health Primary Care Limited (“CH”).

[Case information](#)

EC Decision of 09 December – NBIM / PSPIB / Capital Park

■ Real estate activities

The EC approved the acquisition of Longfellow Strategic Value UK I LP (“CPC Partnership”) and Longfellow Strategic Value UK II LP (“NewCo”) by Norges Bank Investment Management (“NBIM”) and Public Sector Pension Investment Board (“PSPIB”).

[Case information](#)

EC Decision of 09 December – SADCO / HACP / JV

■ Computer programming, consultancy and related activities

The EC approved the creation of a joint venture by Saudi Aramco Development Co Ltd. and Honeywell Automation and Control Products Ltd. (“HACP”).

[Case information](#)

/ From the OJEU

■ Non-opposition to concentrations

Non-opposition to the notified concentration Post / BGL / BCEE / BIL / BDL / i-HUB – Case M.10930 has been published.

[Document 2022/C 478/01 – Case information](#)

Non-opposition to the notified concentration SNAM / ENI / JV – Case M.10619 has been published.

[Document 2022/C 476/02 – Case information](#)

Non-opposition to the notified concentration Opentext / Micro Focus – Case M.10931 has been published.

[Document 2022/C 474/07 – Case information](#)

Non-opposition to the notified concentration Kirk / LFI / ATP / Ferrosan Medical Devices – Case M.10955 has been published.

[Document 2022/C 474/06 – Case information](#)

Non-opposition to the notified concentration Enel / CVC Capital Partners / Gridspertise – Case M.10943 has been published.

[Document 2022/C 474/05 – Case information](#)

Non-opposition to the notified concentration Predica / Vauban / Telefonica / Bluevia – Case M.10897 has been published.

[Document 2022/C 474/04 – Case information](#)

Non-opposition to the notified concentration Ahlsell / Sanistal – Case M.10800 has been published.

[Document 2022/C 474/03 – Case information](#)

Non-opposition to the notified concentration Amazon / MGM – Case M.10349 has been published.

[Document 2022/C 474/02 – Case information](#)

Non-opposition to the notified concentration SE AG / SEC / SEPG – Case M.10580 has been published.

[Document 2022/C 471/06 – Case information](#)

Non-opposition to the notified concentration Generali Real Estate / Munich Re / Saxon Land – Case M.10929 has been published.

[Document 2022/C 471/05 – Case information](#)

Non-opposition to the notified concentration Aurelius Investment Lux Seven / Sappi Finland One / Sappi Finland Operations / Sappi Maastricht Real Estate / Sappi Stockstadt – Case M.10956 has been published.

[Document 2022/C 471/04 – Case information](#)

Non-opposition to the notified concentration CD & R / Atalian – Case M.10912 has been published.

[Document 2022/C 471/03 – Case information](#)

Non-opposition to the notified concentration Vinci Energies / Kontron IT Service Companies – Case M.10934 has been published.

[Document 2022/C 471/02 – Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration Circle K / Schibsted / Elton Mobility – Case M.10903 has been published.

[Document 2022/C 474/14 – Case information](#)

Prior notification of the concentration EDF Deutschland / Hazwei / Hypion Motion Neumünster JV – Case M.10937 has been published.

[Document 2022/C 471/10 – Case information](#)

/ Brussels intern

■ State Aid

The European Commissioner for Competition affirmed that the EU State-aid rules will be adapted in the coming weeks in order to react to the new US subsidies and to the rise in energy prices. In the meanwhile, the European Commission is consulting Member States on targeted amendments to the temporary framework introduced after the invasion of Ukraine by Russia.

■ European Sovereignty Fund

The European Commission intends to work on a proposal for a European Sovereignty Fund to support European industry's green and digital transition, which shall be presented in the Summer.

■ Swedish Presidency

In January Sweden will take the helm of the EU Council for the six-month rotating Presidency. Special attention will be dedicated to the digital policies (Artificial Intelligence, Data Act, cyber-security, e-privacy).

/ 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