

Regulatory & Governmental Affairs

Issue 10/2023. 20 - 24 March 2023

Table of Contents

Aviation/Transport

Healthcare

Law					1
Politics / General					2
Decisio	n				2
From the OJEU					4
Brussels intern					5
Contact					5
Main Topics					
Law	Bank/Insurance/Tax	Environment	Media/Telecom	Competition/SA	

Foreign Trade Energy Compliance

Food/Tobacco



Law

Right to Repair

The EC presented its proposal for a Directive on common rules promoting the repair of consumer goods, both within and beyond the legal guarantee. In order to ensure that more products are repaired and to promote sustainable consumption, the proposal foresees a new set of rights for consumers to make repair easier and cheaper. The proposal will have to be discussed and adopted by the European Parliament and the Council.

EC proposal

European Green Claims

The EC published its proposal to address greenwashing by tackling misleading environmental claims and the proliferation of environmental labels. The proposed directive will have to be discussed and adopted by the European Parliament and the Council, according to the ordinary legislative procedure.

EC proposal

Maritime Transport Emissions

Negotiators of the European Parliament and the Council reached a political agreement on the so-called FuelEU Maritime, the proposed regulation to cut maritime transport emissions by promoting sustainable fuels for the shipping sector. The agreement now needs to be formally adopted by the two co-legislators; then the new rules will be published in the EU Official Journal and enter into force 20 days afterwards.

EC proposal for a Regulation

Public Procurement

The EC is collecting feedback on Directive 2014/55/EU, the European rules on electronic invoicing in public procurement. Contributions can be submitted until 14 April; the results of the evaluation will feed into a report to the European Parliament and the Council.

EC consultation page

Hazardous Chemicals

The EC is collecting feedback on the update of the annexes I and V of the Regulation 649/2012 which implements rules on international trade in hazardous chemicals. Comments can be submitted until 17 April.

EC consultation page



Hazardous Waste

The EC published in the EU Official Journal the implementation report of the Waste Shipment Regulation for the years 2016 to 2019 with data and analysis on the control of shipments of waste both inside the EU and with third countries.

EC report

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

Digital Markets Act

The EC decided to establish a High-Level Group on the Digital Markets Act to provide advice and expertise for a coherent implementation of the DMA. The group will have a mandate of two years and will meet at least once per year.

EC dedicated page

Energy Infrastructure

The EU Agency for the Cooperation of Energy Regulators published its position paper "Towards greater consistency of cost benefit analysis methodologies".

ACER position paper

Decision

EC Decision of 22 March – ITOCHU / AMCI / Fitzroy QLD Resources

Mining of hard coal

The EC approved the acquisition of joint control of Fitzroy QLD Resources Limited by ITOCHU Corporation and AMCI Group LLC.

Case information



EC Decision of 22 March – Verdane Capital 2020 / FSN Capital VI / Polytech Group

Manufacture of electronic components and boards; technical testing and analysis; engineering activities

The EC approved the acquisition of joint control of Polytech Group by Verdane Capital 2020 and FSN Capital VI.

Case information

EC Decision of 20 March – Macquarie Group / WPD / Luwei Wind Power / Chungwei Wind Power / Tongwei Wind Power / Chinfeng Wind Power / Anwei Wind Power Electric power generation, transmission and distribution

The EC approved the acquisition of joint control of Luwei Wind Power Co. Ltd., Chungwei Wind Power Co. Ltd., Tongwei Wind Power Co. Ltd., Chinfeng Wind Power Co. Ltd. and Anwei Wind Power by Macquarie Group Limited of Australia and WPD AG of Germany.

Case information

EC Decision of 20 March – Mitsubishi Corporation / Mitsubishi HC Capital / JV

Rental and leasing of motor vehicles

The EC approved the creation of a joint venture by Mitsubishi Corporation ("MC") and Mitsubishi HC Capital Inc. ("MHC").

Case information

EC Decision of 17 March – EP Power Europe / Camden Distribution of gaseous fuels through mains; electric power generation, transmission and distribution

The EC approved the acquisition of sole control of Camden B.V. by EP Power Europe a.s. ("EPPE").

Case information

EC Decision of 17 March – Berkshire Partners / GTCR / Point Broadband

Telecommunications; wired and wireless telecommunications activities

The EC approved the acquisition of joint control of Point Broadband Holdings LLC by Berkshire Partners LLC and GTCR LLC.

Case information



EC Decision of 17 March – Orange / VOO / Brutele Motion picture, video and television program activities; telecommunications activities

The EC approved the proposed acquisition of joint VOO and Brutele by Orange, subject to conditions.

Case information

From the OJEU

Non-opposition to concentrations

Non-opposition to the notified concentration Group Agricole / Michelin / Watea – Case M.11053 has been published.

Document 2023/C 106/01 - Case information

Non-opposition to the notified concentration Abu Dhabi Ports Company / Noatum Holdings – Case M.11014 has been published.

Document 2023/C 105/03 - Case information

Non-opposition to the notified concentration Geodis International / Trans-O-Flex Express – Case M.11024 has been published.

Document 2023/C 105/02 - Case information

Non-opposition to the notified concentration BMHC / ALD / JV – Case M.10985 has been published.

Document 2023/C 105/01 - Case information

Prior notification of concentrations

Prior notification of the concentration LEAR / IG BAUERHIN - Case M.10738 has been published.

Document 2023/C 107/07 - Case information

Prior notification of the concentration Marcegaglia Carbon Steel / SIA Severstal Distribution – Case M.11081 has been published.

Document 2023/C 106/04 - Case information



Brussels intern

CO2 Emissions and Cars

The European Commission is considering a proposal which will allow car manufacturers to sell new cars with internal combustion engines after 2035, but they will run only on carbon neutral fuels. The intention is to convince Germany, and other countries, to vote in favour of the formal adoption of the agreement on the CO2 emission standards for new cars and vans from 2035.

EU State Aid and Tax

According to Commissioner Vestager, the in-depth inquiry conducted by DG Competition into tax ruling practices in all Member States for the period 2014-2018 will lead to new investigations on aggressive tax planning in certain EU countries.

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