

Europeanews

Regulatory & Governmental Affairs

Issue 43/2023. 04 – 08 December 2023

Table of Contents

Law	1
Politics / General	3
Decision	4
From the OJEU	7
Brussels intern	8
Contact	8

Main Topics

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

Law

Eco-design Regulation

Negotiators of the European Parliament, the Council and the European Commission reached a provisional political agreement on the proposed regulation establishing a framework for setting eco-design requirements for sustainable products. The new regulation will replace the 2009 directive, expanding the scope of the current legislation to almost all categories of products. The provisional agreement now needs to be endorsed and formally adopted by the European Parliament and the Council. The agreed text will be available soon.

[EC proposal for a regulation establishing a framework for setting eco-design requirements for sustainable products](#)

EU-UK Electric Vehicles Rules of Origin

The EC presented its proposal for one-off extension until 31 December 2026 of the current rules of origin for electric vehicles and batteries under the EU-UK Trade and Cooperation Agreement. The text now needs to be discussed in the Council. In addition to that, the EC announced additional funding of up to 3 billion euro for three years to boost the European battery manufacturers.

[EC proposal](#) — [Annex](#)

Design Protection Package / Industrial Designs

Negotiators of the European Parliament, the Council and the European Commission reached a provisional agreement on the revision of the directive for the legal protection of designs and the regulation on Community designs. The new law will also introduce a “repair clause” with rules regarding exceptions from design protection for spare parts used for repair of complex products, such as cars. The provisional agreement now needs to be formally adopted by the European Parliament and the Council. The agreed text will be available soon.

[EC proposal on Community Designs Regulation](#) — [EC proposal on Directive on the legal protection of designs](#)

Digital Services Act

The EC launched a consultation on the Implementing Regulation on transparency reporting under the DSA. Interested parties shall submit their feedback by 24 January. The regulation is expected to be adopted in the beginning of 2024.

[EC dedicated page](#)

Net-Zero Industry Act

The Council adopted its position on the regulation establishing a framework of measures for strengthening Europe’s net-zero technology products manufacturing ecosystem, so-called Net-Zero Industry Act. Inter-institutional negotiations with the European Parliament on the final version of the law can now start.

[Council general approach](#)

EU Emissions Trading System

The EC is collecting feedback on the Commission delegated regulation amending Delegated Regulation 2019/331 as regards transitional Union-wide rules for harmonized free allocation of emission allowances.

Contributions can be submitted until 02 January.

[EC dedicated page](#)

Green Freight Package

The Council adopted its position on the proposal for a regulation on the accounting of greenhouse gas emissions of transport services, which aims to improve the calculation and information on the greenhouse gas emissions of transport services setting out a common regulatory framework. Once the European Parliament adopts its position, inter-institutional negotiations on the final shape of the law will start.

[Council general approach](#)

Antitrust

The EC adopted guidelines on how to design sustainability agreements in the field of agriculture, in the context of the Common Agricultural Policy Reform for 2023-2027.

[EC guidelines](#)

Chemical Substances

Negotiators of the European Parliament, the Council and the European Commission reached a deal on the regulation for classification, labelling and packaging of chemical substances (CLP regulation). The regulation updates the 2008 legislation, clarifying the rules on labelling chemical substances and the required information for chemicals sold online. The provisional agreement now needs to be formally adopted by the European Parliament and the Council. The agreed text will be available soon.

[EC proposal on classification, labelling and packaging of substances and mixtures](#)

Chemicals Assessment Reform

The EC presented three legislative proposals on the assessments of chemicals across the European legislation, strengthening cooperation and scientific work on chemicals and ensuring early detection and action on emerging chemical risks. The three proposals will now be examined by the European Parliament and the Council under the ordinary legislative procedure.

[EC proposal for a Regulation establishing a common data platform on chemicals](#)

[EC proposal for a Regulation on the re-attribution of scientific and technical tasks and improving cooperation among Union agencies in the area of chemicals](#)

[EC proposal for a Directive on the re-attribution of scientific and technical tasks to the European Chemicals Agency](#)

Persistent Organic Pollutants

The EC is collecting feedback on the Commission delegated regulation which will amend Regulation (EU) 2019/1021 as regards perfluorooctane sulfonic acid and its derivatives. Contributions can be submitted until 01 December.

[EC dedicated page](#)

Gigabit Infrastructure

The Council adopted its position on the gigabit infrastructure act (GIA), which will replace the 2014 broadband cost-reducing directive. Inter-institutional negotiations with the European Parliament on the final shape of the law will soon start.

[Council general approach](#)

Capital Markets Union

The Council adopted its position on the review of the European market infrastructure regulation and directive. Inter-institutional negotiations with the European Parliament on the final version of the law will soon start.

[Council negotiating mandate on EMIR Regulation](#) — [Council negotiating mandate on EMIR Directive](#)

Daisy Chains

Negotiators of the Council and the European Parliament reached a provisional political agreement on the Daisy Chains proposal, which is a targeted amendment of the Bank Recovery and Resolution Directive (BRRD) and the Single Resolution Mechanism Regulation (SRMR). The agreement needs to be formally adopted by the European Parliament and the Council. The agreed text will be available soon.

[EC proposal on BRRD](#) - [EC proposal on SRMR](#)

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

Financial Sector Sustainability Disclosures

The three European Supervisory Authorities (EBA, EIOPA and ESMA) published their final report amending the draft Regulatory Technical Standards to the delegated Regulation supplementing the Sustainable Finance Disclosure Regulation (SFDR).

[Final Report](#)

Foreign Direct Investment

The European Court of Auditors published a detailed report on the EU's control measures for foreign direct investments entering the Union. In acknowledging the appropriate steps taken by the European Commission, the Court underlines the significant limitations that reduce the effectiveness and efficiency of the framework at preventing security and public-order risks.

[ECA special report](#)

Public Procurement

The European Court of Auditors issued a special report on public procurement in the EU.

[ECA special report](#)

Decision

EC Decision of 07 December – TowerBrook / Team EIFFEL Temporary employment agency activities; business and other management consultancy activities

The EC approved the acquisition of sole control of Team EIFFEL B.V. by TowerBrook Capital Partners L.P. (“TowerBrook”).

[Case information](#)

EC Decision of 07 December – Macquarie / UBS / RHP / JV Real estate activities; rental and operating of own or leased real estate

The EC approved the creation of a joint venture by RHP Partners-Managers GP LLC (“RHP Partners-Manager”), Macquarie Real Estate Investments Holdings (“Macquarie”) and UBS Group AG (“UBS”).

[Case information](#)

EC Decision of 06 December – Smartseller / FNSG / Smartseller FN (JV)

Food and beverage service activities; retail sale

The EC approved the creation of a joint venture by Smartseller GmbH & Co. KG and Flughafen Nürnberg Service Gesellschaft (“FNSG”).

[Case information](#)

EC Decision of 06 December – Würth / Drees / LCM (JV) Engineering activities and related technical consultancy; computer programming, consultancy and related activities

The EC approved the acquisition of joint control of LCM Digital GmbH (“LCM”) by Adolf Würth GmbH & Co. KG (“Würth”) and Drees & Sommer SE (“Drees”).

[Case information](#)

EC Decision of 06 December – Vodafone UK / Three UK / Vodafone UK Holdings

Wireless telecommunications activities

The EC approved the creation of a joint venture by CK Hutchison Group Telecom Holdings Limited (“CK Hutchison”) and Vodafone Group Plc.

[Case information](#)

EC Decision of 06 December – Erneuerbare Energien Gesetz Production of electricity

The EC approved two German measures to support the production of electricity from biomass and biogas.
[Case information SA.108070](#)

EC Decision of 06 December – Ethanol Benchmarks Wholesale of solid, liquid and gaseous fuels and related products

The EC fined Lantmännen ek för and its subsidiary Lantmännen Biorefineries AB for participating in a cartel concerning the wholesale price formation mechanism for ethanol in Europe.
[Case information](#)

EC Decision of 05 December – Contemporary Amperex Technology / Aneka Tambang / Feni Haltim / HPAL Joint Venture

Manufacture of batteries and accumulators; mining of metal ores and of non-ferrous metal ores

The EC approved the acquisition of joint control of Feni Haltim and the creation of a joint venture by Contemporary Amperex Technology and Aneka Tambang.
[Case information](#)

EC Decision of 05 December – Taiyo Nippon Sanso / Astomos Energy / Astomos Retailing

Retail sale of automotive fuel in specialized stores; wholesale of solid, liquid and gaseous fuels and related products

The EC approved the creation of a joint venture by Idemitsu Kosan Co. Ltd. and Mitsubishi Chemical Group Corporation.
[Case information](#)

EC Decision of 05 December – Platinum Compass / DigitalBridge / Landmark Dividend

Rental and operating of own or leased real estate

The EC approved the acquisition of joint control of Landmark Dividend LLC by Platinum Compass B 2018 RSC Limited and DigitalBridge Group Inc.
[Case information](#)

EC Decision of 04 December – IPCEI Next Generation Cloud Infrastructure and Services

Advanced clouds and edge computing technologies

The EC approved an Important Project of Common European Interest (“IPCEI”) to support research, development and first industrial deployment of advanced cloud and edge computing technologies across multiple providers in Europe. The project was jointly notified by France, Germany, Hungary, Italy, the Netherlands, Poland and Spain. The non-confidential version of the decisions will be made available under the case numbers SA.102498 (France), SA.102517 (Germany), SA.102520 (Hungary), SA.102519 (Italy),

SA.102516 (The Netherlands), SA.102527 (Poland) and SA.102514 (Spain).

[Case information](#)

EC Decision of 04 December – Musashi / Delta / Toyota / JV Manufacture of electrical and electronic equipment for motor vehicles

The EC approved the creation of a joint venture by Musashi Auto Parts India private limited (“Musashi”), Delta Electronics Inc. (“Delta”) and Toyota Tsusho Corporation.

[Case information](#)

EC Decision of 04 December – SVP / APCOA Support activities for transportation; service activities incidental to land transportation

The EC approved the acquisition of sole control of APCOA Parking Holdings GmbH (“APCOA”) by Strategic Value Partners LLC (“SVP”).

[Case information](#)

EC Decision of 04 December – GI Group / European Staffing Business of Kelly Temporary employment agency activities; activities of employment placement agencies

The EC approved the acquisition of sole control of Kelly Services Management Sarl (i.e. the European Staffing Business of Kelly Services Inc.) by GI Group Holding Spa.

[Case information](#)

EC Decision of 01 December – I Squared Capital / TDR Capital / Applus Business and other management consultancy activities; technical testing and analysis

The EC approved the acquisition of joint control of Applus Services S.A. by I Squared Capital Advisors LLC and TDR Capital LLP.

[Case information](#)

From the OJEU

Non-opposition to concentrations

Non-opposition to the notified concentration Kingspan / Steico – Case M.11248 has been published.

[Document C/2023/1450](#) – [Case information](#)

Non-opposition to the notified concentration PAI Partners / Savory Solutions Group – Case M.11050 has been published.

[Document C/2023/1449](#) – [Case information](#)

Non-opposition to the notified concentration Dachser / Dachser & Fercam Italia – Case M.11252 has been published.

[Document C/2023/1421](#) – [Case information](#)

Non-opposition to the notified concentration Grain / BAM / Blackstone / PTI – Case M.11354 has been published.

[Document C/2023/1420](#) – [Case information](#)

Non-opposition to the notified concentration Triton / Caverion – Case M.11049 has been published.

[Document C/2023/1391](#) – [Case information](#)

Non-opposition to the notified concentration BFM / SP / Brasol – Case M.11341 has been published.

[Document C/2023/1422](#) – [Case information](#)

Non-opposition to the notified concentration Warburg / Brookfield / Everise – Case M.11324 has been published.

[Document C/2023/1364](#) – [Case information](#)

Prior notification of concentrations

Prior notification of the concentration Platinum / Bain Capital / US LBM – Case M.11356 has been published.

[Document C/2023/1456](#) – [Case information](#)

Prior notification of the concentration PSP Fund VI / BCI / Driscolls / Costa – Case M.11322 has been published.

[Document C/2023/1455](#) – [Case information](#)

Prior notification of the concentration Deutsche Lufthansa / MEF / ITA – Case M.11071 has been published.

[Document C/2023/1454](#) – [Case information](#)

Prior notification of the concentration CEVA Logistics / FNAC Darty / JV – Case M.11333 has been published.

[Document C/2023/1452](#) – [Case information](#)

Prior notification of the concentration EPEI / Casino – Case M.11319 has been published.

[Document C/2023/1477](#) – [Case information](#)

Brussels intern

Packaging

The Council is expected to agree on its position on the proposal for a regulation on packaging and packaging waste on 18 December. Inter-institutional negotiations with the European Parliament on the final version of the law will then start.

Competition – Article 102 TFEU

The European Commission plans to launch a public consultation by mid-2024 on new guidelines on exclusionary abuses, which will be based on EU Courts case law and the Commission practice. The aim is to adopt them in 2025.

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