

Regulatory & Governmental Affairs

Issue 12/2024. 25 - 29 March 2024

Table of Contents

Aviation/Transport

Healthcare

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

Foreign Trade Energy Compliance

Food/Tobacco



Law

Digital Markets Act

The EC opened non-compliance probes into Apple, Meta and Google over the Digital Markets Act. The Commission intends to conclude the proceedings within twelve months. In case of an infringement, the European executive can impose fines up to 10% of the company's total worldwide turnover.

EC dedicated page

Foreign Subsidies Regulation

Following the withdrawal by the Chinese firm CRRC Qingdao Sifang Locomotive Co. Ltd. from a public procurement tender organized by the Bulgarian Ministry of Transport and Communications, the EC decided to close the in-depth investigation opened last February under the EU's Foreign Subsidies Regulation.

EC dedicated page

Trade Remedies

Notice of initiation of an anti-subsidy proceeding concerning imports of mobile access equipment ("MAE"), originating in the People's Republic of China has been published in the EU Official Journal.

Notice of initiation

Customs Enforcement

Interested parties can submit until 24 April their feedback on the European Commission's proposed implementing regulation establishing the forms concerning customs enforcement of intellectual property rights.

EC dedicated page

Environmental Crime

The Council formally adopted a directive on the protection of the environment through criminal law, which will establish EU-wide minimum rules on the definition of criminal offences and penalties. The new rules will apply only to offences committed within the Union. Among the new conducts that will constitute a criminal offence there are timber trafficking, illegal recycling of polluting components of ships and serious breaches of legislation on chemicals. The directive will soon be published in the EU Official Journal; Member States have two years from the entry into force of the directive to adapt to the new rules.

Directive on the protection of the environment through criminal law

Waste Shipments

The Council adopted the revised regulation on shipments of waste, which will ban the shipments of all waste destined for disposal within the EU, except if agreed and authorised under prior written notification and consent procedure. The regulation will soon be published in the EU Official Journal and enter into force on the twentieth day following publication.

Regulation on shipments of waste



Daisy Chains

The Council adopted the directive which will amend the Bank Recovery and Resolution Directive and the Single Resolution Mechanism Regulation in order to include targeted proportionality requirements to the treatment of "internal MREL" in bank resolution groups. The text will soon be published in the EU Official Journal and enter into force twenty days later.

Directive as regards certain aspects of the minimum requirement for own funds and eligible liabilities

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

Markets in Crypto-Assets Regulation

The European Securities and Markets Authority launched its third consultation under the Markets in Crypto-Assets Regulation, covering in particular suitability requirements for certain crypto-asset services, ICT operational resilience for certain entities, policies and procedures for crypto-asset transfer services. Contributions can be submitted until 25 June.

ESMA dedicated page

The European Securities and Markets Authority published the first final report under the Markets in Crypto-Assets Regulation.

ESMA report

Decision

EC Investigation – Zoetis / Librela Manufacture of basic pharmaceutical products and preparations

The EC opened a formal investigation to assess whether Zoetis breached competition rules by preventing the market launch of a competing novel biologic medicine used to treat chronic pain in dogs.

Case information



EC Decision of 25 March – TA Associates / SSCP / Macquarie / Byggfakta Group

Data processing, hosting and related activities; other information service activities

The EC approved the acquisition of joint control of Byggfakta Group Nordic Holdco AB by TA Associates Management L.P., Stirling Square Capital Partners Management Limited ("SSCP") and Macquarie European Investment Holdings Limited ("MEIHL").

Case information

EC Decision of 25 March – AGCO / Trimble / JV Manufacture of electronic components; manufacture of communication equipment; manufacture of agricultural and forestry machinery

The EC approved the creation of a joint venture, Trimble Solutions LLC, by AGCO Corporation and Trimble Inc.

Case information

EC Decision of 22 March – Pfeifer & Langen IHKG Group / Rügenwalder

Manufacture of other food products n.e.c.; processing and preserving of meat and production of meat products

The EC approved the acquisition of sole control of Rügenwalder Mühle Carl Müller GmbH & Co. KG and RM Vermögensverwaltungs GmbH & Co. KG by Pfeifer & Langen Industrie- und Handels- KG. Case information

EC Decision of 22 March – CIP / MIESCOR / PHPL / PHC Architectural and engineering activities and related technical consultancy

The EC approved the creation of a joint venture by Connect Infrastructure Pte. Limited ("CIP"), PTCI Holdings Pte. Limited ("PHPL") and Meralco Industrial Engineering Services Corporation ("MIESCOR"). Case information

EC Investigation – Deutsche Lufthansa / MEF / ITA Retail sale of automotive fuel; wholesale of solid, liquid and gaseous fuels and related products

The EC sent Statement of Objections over proposed acquisition of a stake in ITA Airways by Lufthansa. Case information



From the OJEU

Non-opposition to concentrations

Non-opposition to the notified concentration DWS / Galaxy / Flow Traders / JV – Case M.11439 has been published.

Document C/2024/2469 - Case information

Non-opposition to the notified concentration SMRP / SAS Autosystemtechnik – Case M.11084 has been published.

<u>Document C/2024/2459</u> – <u>Case information</u>

Non-opposition to the notified concentration OJI / Walki - Case M.11397 has been published.

Document C/2024/2372 - Case information

Non-opposition to the notified concentration Hitachi Rail / Ground Transportation Systems Business of Thales – Case M.10507 has been published.

<u>Document C/2024/2365</u> – <u>Case information</u>

Prior notification of concentrations

Prior notification of the concentration CKI / CKA / Phoenix Energy - Case M.11517 has been published.

Document C/2024/2462 - Case information

Prior notification of the concentration Worxinvest / GIMV - Case M.11450 has been published.

Document C/2024/2367 - Case information

Brussels intern

Waste Framework Directive

EU Member States' climate and environment ministers held a debate on the Commission's proposal to revise the Waste Framework Directive. In particular, they discussed the level of ambition of the 2030 food waste reduction objectives and the effectiveness of the extended responsibility of textile producers to counter the environmental impact of textile waste. The Council is still finalising its position on the proposal, however Member States welcomed the objectives of the text both with regard to food and textile waste.



Contact

For suggestions, comments please contact: Noerr Partnerschaftsgesellschaft mbB Rechtsanwälte Steuerberater Wirtschaftsprüfer

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

Co-Head of Regulatory & Governmental Affairs



Christian A. Mayer Partner

T +49 89 28628233 christian.mayer@noerr.com

Co-Head of Regulatory & Governmental Affairs



Dr. Alexander Birnstiel Partner

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



Regulatory Affairs Advisor



Giovanna Ventura Legal Advisor

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