



## Content

LAW	1
POLITICS/GENERAL	2
DECISIONS	3
FROM THE OJEU	4
DEADLINES/EVENTS	5
BRUSSELS INTERN	5

## Main Topics

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

## LAW

### ■ State Aid

The EC adopted a new Best Practices Code for State Aid Control, which provides guidance to the Commission, Member States and other stakeholders on the day-to-day conduct of State aid procedures.

[Code of Best Practices for the conduct of State aid control procedures](#)

### ■ EU-Japan Economic Partnership Agreement

The EU and Japan signed the Economic Partnership Agreement, which will remove the vast majority of export duties and other regulatory barriers. The agreement also opens up services markets, in particular financial services, e-commerce, telecommunications and transport; it addresses specific sensitivities in the EU, such as the automotive sector. Among other things, the agreement will guarantee EU companies access to the procurement markets of

48 large Japanese cities and remove obstacles to procurement in the railway sector at national level.

The agreement, which is the biggest ever negotiated by the EU, is now awaiting ratification by both Parliaments, the European and the Japanese, and it should enter into force in 2019. In the meanwhile, negotiations will continue on investment protection standards and investment protection dispute resolution.

[EPA text – EC dedicated page](#)

### ■ Imports of Steel Products

The EC imposed provisional safeguard measures on imports of steel products. The provisional measures concern 23 steel product categories and will take the form of a Tariff Rate Quota. For each of the 23 categories, tariffs of 25% will only be imposed once imports exceed the average of imports over the last three years.

[Commission Implementing Regulation 2018/1013](#)

### ■ Adequacy Decisions EU-Japan

The European Commissioner for Justice concluded discussions with the Japanese Commissioner of the Personal Information Protection Commission on the so called adequacy decision, which recognises each other's personal data protection systems as equivalent, allowing data to freely and safely flow between the EU and Japan. The EC shall adopt the decision this Autumn.

[EC dedicated page](#)

### ■ Capital Markets Union

The EC issued guidance on protection of cross-border EU investments. The Communication aims to prevent Member States from adopting measures against EU law, help legal practitioners to apply the rules and assist investors in invoking their rights before administrations and national courts.

[EC Communication "Protection of intra-EU investment"](#)

### ■ VAT Rates for Electronic Publications

The Council discussed a proposal allowing Member States to apply reduced VAT rates to electronic publications. EU Ministers did not reach an agreement on the text, which will be discussed again at the October Ecofin meeting.

[Presidency note on the draft directive amending Directive 2006/112/EC](#)

### ■ VAT Fraud – Reverse Charge Mechanism

The Council discussed a proposal that would allow Member States to apply temporarily a generalised reversal of VAT liability in order to better prevent VAT fraud. EU Ministers could not reach an agreement on the text. The Council needs unanimity to adopt the directive, after consulting the European Parliament. The EP has not yet delivered its opinion and the Council will discuss again the dossier in October at the Ecofin meeting.

[Presidency note on the proposal for a Council Directive amending Directive 2006/112/EC](#)

### ■ REACH

The Council did not oppose the adoption by the Commission of regulations amending some annexes of the REACH Regulation, in particular on nanofoms and dangerous substances used in the manufacturing of clothing, textiles and footwear. The draft Commission regulations are subject to the regulatory procedure with scrutiny.

[Commission regulation on nanofoms – Annex – Commission regulation as regards certain dangerous substances – Annex](#)

### ■ 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

---

### ■ EU-China Summit

The EU and China held their 20<sup>th</sup> Summit and released a general joint statement. In addition to that, the two parties agreed on a statement on climate change and clean energy; a memorandum of understanding on circular economy cooperation; a memorandum of understanding to enhance cooperation on emissions trading and an action plan concerning China-EU customs cooperation on intellectual property rights.

[Joint Statement – Statement on Climate Change and Clean Energy – MoU on Circular Economy Cooperation – MoU on Emissions Trading – Action Plan on Customs Cooperation on IPRs – EC dedicated page](#)

### ■ Online Disinformation

The Working Group of the multi-stakeholder forum on online disinformation released a draft Code of Practice with self-regulatory measures for online platforms and ad-

vertising industry to address the spread of online disinformation. The final version of the code is expected by the end of September, while by December the European Commission will report on the progress made.

[Draft Code of Practice – Annex](#)

### ■ Payment Services Directive II

The European Banking Authority published its final Guidelines on fraud reporting under the revised Payment Services Directive. These guidelines aim at enhancing the security of retail payments in the EU.

[EBA Guidelines on fraud reporting under the PSD2](#)

### ■ Insurance

The European Insurance and Occupational Pensions Authority published a report on "Failures and near misses in insurance: overview of the causes and early identification".

The report aims at enhancing supervisory knowledge of the prevention and management of insurance failures.

[EIOPA report](#)

#### ■ Banking

The European Banking Authority published the periodical update to its Risk Dashboard on the main risks and vulnerabilities in the EU banking sector.

[EBA Risk Dashboard](#)

#### ■ Supervisory Review and Examination Process

The European Banking Authority published its final revised Guidelines aimed at further enhancing institutions' risk management and supervisory convergence in the supervisory review and examination process (SREP). The publication includes revised guidelines on SREP and supervisory stress testing, on the management of interest rate risk arising from non-trading activities (IRRBB) and on institutions' stress testing.

[Guidelines on SREP](#) – [IRRBB Guidelines](#) – [Guidelines on institutions' stress testing](#)

#### ■ Projects of Common Interest

The Council of European Energy Regulators published its Conclusions Paper on Flexibility Use at Distribution Level.

[CEER Conclusions Paper](#)

#### ■ Brexit

The EC adopted a Communication on the work to be done in order to prepare for all outcomes of the UK's withdrawal from the EU.

[EC Communication – Annex](#)

#### ■ Dieselgate Scandal

The EC and national consumer authorities published their conclusions on the car recalls made by the Volkswagen group after the "dieselgate" scandal. Further actions by enforcement authorities at national level are not excluded.

[EC dedicated page](#)

## DECISIONS

---

### EC Decision of 18 July – Google Android

---

#### ■ Computer programming activities; software publishing

The EC fined Google 4.3 billion euro for imposing restrictive terms on smartphone makers that use its open-source operating system to cement its dominance in Internet search. Google already announced that it would appeal the decision.

[Case information](#)

### EC Decision of 18 July – PUIG / BSH / Noustique

---

#### ■ Manufacture of perfumes and toilet preparations

The EC approved the acquisition of joint control over Noustique Perfumes S.L by Puig International S.A. and BHS Hausgeräte GmbH.

[Case information](#)

### EC Decision of 18 July – LG Electronics / ZKW Holding / Mommert Gewerbeimmobilien

---

#### ■ Manufacture of electrical and electronic equipment for motor vehicles

The EC approved the acquisition of ZKW Holding GmbH and Mommert Gewerbeimmobilien Verwaltungs GmbH by LG Electronics Inc.

[Case information](#)

### EC Decision of 17 July – Lindsay Goldberg / Coveris Rigid

---

#### ■ Manufacture of plastic packing goods

The EC approved the acquisition of control of the rigid plastic packaging business of Coveris Group by Goldberg, Lindsay & Co. LLC.

[Case information](#)

### EC Decision of 17 July – Whirlpool / Elica / Elica PB India Private Limited

---

#### ■ Manufacture of domestic appliances; wholesale of electrical household appliances

The EC approved the acquisition of joint control over Elica PB India Private Limited by Elica S.p.a. and Whirlpool Corporation.

[Case information](#)

### EC Decision of 16 July – BGZ BNP Paribas / Parts of Raiffeisen Bank Polska

---

### ■ Financial and insurance activities

The EC approved the acquisition of sole control over the core bank business of Raiffeisen Bank Polska S.A. by BGZ BNP Paribas S.A.

[Case information](#)

### EC Decision of 13 July – GBT / HRG

---

#### ■ Travel agency activities

The EC approved the acquisition of Hogg Robinson Group Plc (“HRG”) by GBT III B.V. (“GBT”), a full-function joint venture controlled by American Express Company and Qatar Holding LLC.

[Case information](#)

### EC Decision of 13 July – SNAM / DESFA

---

#### ■ Distribution of gaseous fuels through mains; transport via pipeline

The EC approved the acquisition of DESFA by Snam.

[Case information](#)

### EC Decision of 13 July – CVC Capital Partners / Mehiläinen Holding

---

#### ■ General medical and dental practice activities; hospital activities; residential care activities

The EC approved the acquisition of Mehiläinen Holding AB by CVC Capital Partners SICAV-FIS S.A (“CVC”).

[Case information](#)

### EC Decision of 13 July – Cinven / Partner in Pet Foods Holdings

---

#### ■ Manufacture of other food products; retail sale; web portals

The EC approved the acquisition of Partner in Pet Foods Hungaria Kft by funds belonging to the Cinven group.

[Case information](#)

### EC Investigation – Siemens / Alstom

---

#### ■ Manufacture of electrical equipment; manufacture of engines and turbines

The EC opened an in-depth investigation to assess the proposed acquisition of Alstom by Siemens.

[Case information](#)

### EC Decision of 12 July – Ryanair / LaudaMotion

---

#### ■ Passenger air transport

The EC approved the proposed acquisition of LaudaMotion by Ryanair.

[Case information](#)

## FROM THE OJEU

---

### ■ Non-opposition to concentrations

Non-opposition to the notified concentration BPEA / PAI / WFC – Case M.8954 has been published.

[Document 2018/C 255/01](#) – [Case information](#)

Non-opposition to the notified concentration Bouygues / Alpiq InTec and Kraftanlagen München – Case M.8910 has been published.

[Document 2018/C 251/02](#) – [Case information](#)

Non-opposition to the notified concentration Goodyear / Bridgestone / TireHub – Case M.8906 has been published.

[Document 2018/C 251/01](#) – [Case information](#)

Non-opposition to the notified concentration HIG Capital / INEOS (Baleycourt business & ICT business) – Case M.8968 has been published.

[Document 2018/C 250/02](#) – [Case information](#)

Non-opposition to the notified concentration Samvardhana Moterson Automotive Systems / Reydel Automotive – Case M.8911 has been published.

[Document 2018/C 250/01](#) – [Case information](#)

Non-opposition to the notified concentration Kaiser+Kraft / Hoffmann / Simple System – Case M.8850 has been published.

[Document 2018/C 248/01](#) – [Case information](#)

### ■ Prior notification of concentrations

Prior notification of the concentration Watling Street Capital Partners / Sisaho International – Case M.9022 has been published.

[Document 2018/C 255/08](#) – [Case information](#)

Prior notification of the concentration Cerberus Group / WFS Global Holding – Case M.9018 has been published.

[Document 2018/C 255/07](#) – [Case information](#)

Prior notification of the concentration OMERS / DV4 / QIA / ABP / Real Estate JV – Case M.8786 has been published.

[Document 2018/C 255/06](#) – [Case information](#)

Prior notification of the concentration Hutchison / Wind Tre – Case M.9041 has been published.

[Document 2018/C 253/11](#) – [Case information](#)

Prior notification of the concentration Clearlake Capital Group / Vista / Eagleview Technology Corporation – Case M.9033 has been published.

[Document 2018/C 253/10](#) – [Case information](#)

Prior notification of the concentration Hisense / Gorenje – Case M.8976 has been published.

[Document 2018/C 248/05](#) – [Case information](#)

## DEADLINES/EVENTS

### ■ European Agenda

For an overview of coming events in Brussels, or “European related”, please see the agenda attached to the email. Each cell will provide you with the main details of the

event; further information can be found by clicking on the cell.

## BRUSSELS INTERN

### ■ Long-term Transit of Gas

Representatives of Russia, Ukraine and the EU had a trilateral ministerial meeting on the long-term transit of gas to Europe. Experts of the three sides will now work on certified transmission system operator and tariffs. Next trilateral meeting should take place in October.

### ■ Consumer Protection

The EC and European consumer authorities called on Airbnb to align their terms and conditions with EU legislation. The company has until the end of August to present its proposals otherwise it could risk an enforcement action.

[Common position of national authorities](#)

### For suggestions, comments please contact:

Noerr LLP  
Boulevard du Régent 47-48  
1000 Brussels  
Belgium

### Head of Regulatory & Governmental Affairs



Dr. Holger Schmitz  
T +49 30 2094 2160  
[holger.schmitz@noerr.com](mailto:holger.schmitz@noerr.com)

### Head of Antitrust & Competition Law



Dr. Alexander Birnstiel  
T +49 89 28628 241  
[alexander.birnstiel@noerr.com](mailto:alexander.birnstiel@noerr.com)

### Regulatory Affairs Advisor



Giovanna Ventura  
T +32 2 2745573  
[giovanna.ventura@noerr.com](mailto:giovanna.ventura@noerr.com)

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

© Noerr LLP 2018  
[www.noerr.com](http://www.noerr.com)