



Content

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

Main Topics

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

LAW

■ Free Flow of Data

The European Parliament adopted the report on the proposal for a regulation to facilitate the free flow of non-personal data in the EU, as agreed by the co-legislators last June after the so-called trilogue negotiations. The regulation sets out the principle that non-personal data is allowed to be located and processed anywhere in the Union, without unjustified restrictions, but with some exceptions on the grounds of public security. This is a key element of the EU Digital Single Market Strategy and it complements the General Data Protection Regulation, which guarantees the free flow of personal data within the EU. The Commission will soon publish guidelines on the interaction of this regulation with the GDPR.

The regulation will have to be formally endorsed by the Council, then it will be published in the EU Official Journal. It will enter into force twenty days after its publication and Member States will have six months to apply the new rules.

[EP resolution on the proposal for a regulation](#)

■ Audio-visual Media Services

The European Parliament in plenary approved the revised Audio-visual Media Services Directive. The new rules will strengthen the country of origin principle and extend the EU framework to on-demand services and video-sharing platforms.

Once formally adopted by the Council in the coming weeks, it will be published in the EU Official Journal. Member States will have then 21 months to transpose the new rules into their national legislation.

[EP resolution on the proposal for a directive](#)

■ VAT – Electronic Publications

The Council agreed a proposal for a directive that will allow Member States to apply reduced, super-reduced, or zero VAT rates to electronic publications, aligning VAT for electronic and physical publications. This directive is temporarily, since it will be replaced by the new VAT system.

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

■ **VAT – Generalised Reverse Charge Mechanism**

The Council agreed a common position on the proposal that will allow Member States to temporarily apply a generalised reversal of VAT liability, subject to strict safeguards, in order to prevent frauds. The directive will be formally adopted once the European Parliament has given its opinion.

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

■ **VAT – Administrative Cooperation**

The Council adopted a new regulation to strengthen administrative cooperation to tackle cross-border frauds. The regulation will enter into force twenty days after its publication in the EU Official Journal, with most of the provisions being applied as of 1 January 2020.

[Council Regulation amending Regulations 904/2010 and 2017/2454 as regards measures to strengthen administrative cooperation in the field of value added tax](#)

■ **VAT – Adjustments**

EU Member States agreed on four short-term adjustments to the current VAT framework, pending the introduction of the new system. These measures will apply from 1 January 2020. The Council will formally adopt the directive once the European Parliament has delivered its opinion.

[Council general approach](#)

■ **Cash Controls**

The Council adopted a regulation aimed at improving the existing system of controls on cash entering or leaving the European Union. The Council and the European Parliament will now sign the adopted regulation, then the text will be published in the EU Official Journal and it will enter into force on the 20th day following that of its publication. The text will be available soon.

■ **Emission Performance for Cars and Vans**

The European Parliament voted on the report on post-2020 emission performance standards for new passenger cars and vans. The report adopted by the lawmakers sets higher CO₂ targets than those proposed by the European Commission.

On 9 October, Environment Ministers of the EU Member States will discuss the regulation with the aim of reaching a general approach. Once adopted, inter-institutional negotiations will start.

[EP report](#)

■ **Ecolabel**

The Council decided not to oppose the adoption of a Commission's decision concerning the period of validity of the ecological criteria for the award of the EU Ecolabel for certain products. The Commission may now adopt the decision unless the European Parliament objects.

[Commission Decision](#)

■ **Anti-dumping Measures**

The EC decided to extend the existing anti-dumping measures on imported seamless pipes and tubes of iron and steel from Russia and Ukraine for another five years.

[Commission Implementing Regulation 2018/1469](#)

■ **Public Procurement Strategy**

The European Parliament voted on the report on the public procurement package, where the lawmakers highlight the necessary steps for the implementation of the EU legislation. In particular, the Parliament's report calls on the European Commission to improve the guides and all the other tools that are addressed to Member States.

[EP resolution on the Public Procurement Strategy](#)

■ **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

■ **Electricity and Natural Gas Markets**

The Agency for the Cooperation of Energy Regulators and the Council of European Energy Regulators published the first two volumes of the latest joint ACER-CEER Annual Re-

port on the results of monitoring the internal electricity and natural gas markets in 2017.

[Gas Wholesale Markets Volume](#) – [Electricity and Gas Retail Markets Volume](#)

■ Electricity Supply

The Agency for the Cooperation of Energy Regulators published a study on the Value of Lost Load in the electricity supply.

[ACER Report](#)

■ Gas Transport Contracts

The Agency for the Cooperation of Energy Regulators published its opinion on the draft template for the main terms and conditions in the gas transport contracts for bundled capacity products of the European Network of Transmission System Operators for gas.

[ACER Opinion](#)

■ Banking

The European Banking Authority published two reports which measure the impact of implementing Basel III reforms and monitor the current implementation of liquidity measures in the EU.

[Basel III Monitoring Exercise](#) – [Report on Liquidity Measures](#)

■ Solvency II

The European Insurance and Occupational Pensions Authority published the technical information on the symmetric adjustment of the equity capital charge for Solvency II with reference to the end of September.

[EIOPA dedicated page](#)

DECISIONS

EC Decision of 03 October – Regional investment aid to Jaguar Land Rover – LIP – SK

■ Manufacture of motor vehicles

The EC approved Slovakia's investment aid to Jaguar Land Rover.

[Case information](#)

EC Decision of 02 October – Bregal Unternehmerkapital / Trendtours Touristik

■ Tour operator activities

The EC approved the acquisition of trendtours Touristik GmbH and its sister company Bus und Service, Organisations- und Werbegesellschaft mbH by Bregal Unternehmerkapital II LP.

[Case information](#)

EC Decision of 02 October – Gauselmann / Novomatic / Spielbank Bad Neuenahr / Spielbank Mainz JV

■ Gambling and betting activities

The EC approved the acquisition of Spielbank Mainz GmbH & Co. KG and Spielbank Mainz Beteiligungsgesellschaft GmbH by Gauselmann Spielbanken Beteiligungs GmbH, Novomatic Spielbanken Holding Deutschland GmbH and Spielbank Bad Neuenahr GmbH & Co. KG.

[Case information](#)

EC Decision of 02 October – ExxonMobil / Qatar Petroleum / ExxonMobil Exploration Argentina / Mobil Argentina

■ Extraction of crude petroleum and of natural gas

The EC approved the proposed acquisition of joint control over ExxonMobil Exploration Argentina S.r.l and Mobil Argentina S.A. by ExxonMobil of the US and Qatar Petroleum.

[Case information](#)

EC Decision of 02 October – Synnex / Convergys

■ Computer programming, consultancy and related activities

The EC approved the acquisition of Convergys Corporation ("Convergys") by Synnex Corporation ("Synnex").

[Case information](#)

EC Decision of 01 October – Boeing / KLX

■ Manufacture of air and spacecraft and related machinery; wholesale of other machinery, equipment and supplies

The EC approved the acquisition of KLX Inc. by The Boeing Company.

[Case information](#)

EC Decision of 01 October – Alphabet / Resmed / JV

■ Other human health activities

The EC approved the acquisition of control over a newly created joint venture by Verily Life Sciences, belonging to Alphabet, and ResMed.

[Case information](#)

EC Decision of 01 October – Cinven / Generali Lebensversicherung

■ Insurance, reinsurance and pension funding

The EC approved the acquisition of sole control by Cinven over Generali Lebensversicherung Aktiengesellschaft.

[Case information](#)

EC Decision of 28 September – MAGNA / OLSA

■ Sale of motor vehicle parts and accessories

The EC approved the proposed acquisition of sole control by Magna Closures S.p.a. (“MAGNA”) over OLSA S.p.a..

[Case information](#)

EC Decision of 28 September – KKR / TPG Asia / KMK / Square Peg / PropertyGuru

■ Advertising

The EC approved the acquisition of joint control over PropertyGuru by KKR, TPG Asia, PT Kreatif Media Karya and Square Peg.

[Case information](#)

FROM THE OJEU

■ Non-opposition to concentrations

Non-opposition to the notified concentration Vossloh Rail Services / Rhomberg Sersa Rail Holding / Rhomberg Sersa Vossloh (JV) – Case M.8236 has been published.

[Document 2018/C 359/03](#) – [Case information](#)

Non-opposition to the notified concentration PSPIB / BCI / Island Timberlands – Case M.9090 has been published.

[Document 2018/C 359/02](#) – [Case information](#)

Non-opposition to the notified concentration Teva / PGT OTC Assets – Case M.8889 has been published.

[Document 2018/C 359/01](#) – [Case information](#)

Non-opposition to the notified concentration Oetker / Henkell / Freixenet – Case M.8880 has been published.

[Document 2018/C 355/01](#) – [Case information](#)

Non-opposition to the notified concentration Kirin / Mitsui / Thorne – Case M.9052 has been published.

[Document 2018/C 351/01](#) – [Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration Jin Jiang / Radisson – Case M.9099 has been published.

[Document 2018/C 359/06](#) – [Case information](#)

Prior notification of the concentration Takeda / Shire – Case M.8955 has been published.

[Document 2018/C 355/05](#) – [Case information](#)

Prior notification of the concentration Tata Steel / Thyssenkrupp / JV – Case M.8713 has been published.

[Document 2018/C 354/04](#) – [Case information](#)

Prior notification of the concentration DS Smith / Europac – Case M.8915 has been published.

[Document 2018/C 353/03](#) – [Case information](#)

Prior notification of the concentration Sony / EMI Music Publishing – Case M.8989 has been published.

[Document 2018/C 353/02](#) – [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

■ Clean Vehicles

On 10 October the Environment Committee of the European Parliament will vote on the proposal for a directive on the promotion of clean, energy-efficient road vehicles, which amends Directive 2009/33/EC widening its scope. In the Council, the proposal is currently being discussed in the working party.

[Committee draft report](#)

■ Energy Union

The Energy Working Party of the Council will discuss on 8 October the proposal for a Regulation establishing a European Union Agency for the Cooperation of Energy Regulators. This regulation will reform the existing framework, setting out new rules for the establishment and functioning of the Agency and of the European Network of Transmission System Operators for Electricity. Inter-institutional negotiations amongst the EU institutions are currently ongoing with a view to reach an agreement on the final text by the end of the year.

[Presidency compromise proposals](#)

■ Directive on Insolvency

The Council is expected to adopt its general approach on the directive on insolvency and restructuring, which amends Directive 2012/30/EU. The European Parliament already adopted its report, therefore inter-institutional negotiations can start as soon as the Council has agreed on its position.

[Draft general approach](#)

■ Artificial Intelligence

EU Member States asked the High Level Working Group on Competitiveness and Growth of the Council to prepare a discussion paper on a coordinated action plan on artificial intelligence for the beginning of next year.

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

Head of Antitrust & Competition Law



Dr. Alexander Birnstiel
T +49 89 28628 241
alexander.birnstiel@noerr.com

Regulatory Affairs Advisor



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

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

© Noerr LLP 2018
www.noerr.com