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- Environment
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- Aviation/Transport
- Foreign Trade
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LAW

■ **Greenhouse Gas Emission Reductions**

EU Ministers discussed the legislative proposal for greenhouse gas emission reductions in sectors not covered by the ETS, such as transport, buildings, waste management and agriculture (non-CO2 emissions), the so called Effort-sharing regulation (ESR). The regulation sets out binding annual emissions targets for each Member State for the period 2021-2030. At the end of the debate, that focused mainly on the additional safety reserve and in particular on its size, the 28 Environment Ministers agreed on a general approach, which will constitute the Council’s position for negotiations with the European Parliament in the context of the ordinary legislative procedure. The EP voted in plenary on its position on ESR in June and now that the Council has agreed on its general approach, negotiations can begin. However, the first inter-institutional meeting has yet to be arranged.

In July 2016 the European Commission presented two legislative proposals on the contribution of the non-ETS sec-

tors towards the overall effort of greenhouse gas emission reductions: the Effort-sharing regulation (ESR) and the so called LULUCF, the proposal covering contributions to the emission reduction targets in the land use and forestry sector. The LULUCF is still under discussions at the Council level.

With regard to the proposal for a review of the ETS, five trilogues have already been held but it was not possible to reach an informal agreement during these inter-institutional meetings.

[Presidency compromise text on ESR](#)

■ **Banking Union**

The EC published a Communication calling on the EP and the Council to speed up the process for the finalisation of the Banking Union. In particular, the European executive intends to give new impetus to the negotiations on the single European Deposit Insurance Scheme (EDIS), in order to move forward on this sensitive file which remains one of

the missing pieces. The Commission plans to issue in December a comprehensive package of measures to strengthen the Economic and Monetary Union and for next Spring it is expected another package of measures to reduce the level of existing non-performing loans (NPLs) and prevent the build-up of NPLs in the future. For the European executive the necessary measures to complete the Banking Union must be agreed by the end of 2018.

[EC Communication](#)

■ Tax Disputes

The Council adopted a directive introducing new rules to resolve tax disputes within the EU, covering also issues related to double taxation. Member States will have until 30 June 2019 to transpose the directive into national laws.

[Council Directive on Tax Dispute Resolution Mechanisms](#)

■ Card-based Transactions

The European Commission published a delegated Regulation to update the technical standards in order to comply with the interchange-fee regulation for card-based transactions.

[Commission delegated Regulation](#)

■ Bank Capital Requirements

The Council decided not to object to Commission Regulation amending Regulation 575/2013 on bank capital requirements as regards the waiver on own funds requirements for certain covered bonds. The regulation can now enter into force, unless the EP objects.

[Commission delegated Regulation](#)

■ Markets in Financial Instruments

The Council decided not to object to Commission Regulation supplementing Regulation 600/2014 on markets in financial instruments with regard to package orders. It can now enter into force, unless the EP objects.

[Commission delegated Regulation](#)

The Council decided not to object to Commission Regulation supplementing Directives 2004/39/EC and 2014/65/EU on markets in financial instruments with regard to regulatory technical standards for an exhaustive list of information to be included in notifying a proposed acquisition of a qualifying holding in an investment firm. The regulation can now enter into force, unless the EP objects.

[Commission delegated Regulation](#)

■ EU Internet Connectivity

The Council adopted a regulation to promote internet connectivity. The regulation establishes a new scheme called WiFi4EU to sponsor free wireless internet access

points in local communities. The first call for projects is expected to be launched by the end of the year or at the beginning of next one.

[Regulation amending Regulations 1316/2013 and 283/2014 as regards the promotion of internet connectivity in local communities](#)

■ Gas Supply

The Council adopted a revised Regulation concerning measures to safeguard the security of gas supply. The legislative act introduces a solidarity mechanism; enhanced regional cooperation; mandatory regional preventive action plans and increased monitoring of provisions in the gas supply contracts. The regulation will enter into force four days after being published in the Official Journal.

[Regulation concerning measures to safeguard the security of gas supply and repealing Regulation 994/2010](#)

■ Electricity Balancing

The Council decided not to oppose the adoption of a Commission Regulation establishing a Guideline establishing an EU-wide set of technical, operational and market rules to govern the functioning of electricity balancing markets in order to ensure the optimal management and coordinated operation of the European electricity transmission system. The Commission may adopt the regulation, unless the EP objects.

[Commission Regulation establishing a Guideline on electricity balancing](#)

■ European Public Prosecutor's Office

The Council adopted the regulation establishing the European Public Prosecutor's Office (EPPO), which will be in charge to investigate and prosecute EU-fraud and other crimes affecting the Union's financial interests. In 2018 the European Commission will present next steps on a possible future extension of the tasks of the EPPO to include cross-border terrorist crimes. So far twenty Member States joined the enhance cooperation: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovenia, Slovakia and Spain. Other countries may join at any time. The EPPO is expected to be operational by early 2020. The final text will be available soon.

[EC dedicated page](#)

■ Anti-dumping

The Committee of the Permanent Representatives of the Council endorsed the political agreement reached between the Presidency and the EP on a proposed methodology for assessing market distortions in third countries. The text will now have to be formally adopted by the

Council and the EP in the coming weeks. The regulation will then enter into force on the day following its publication in the Official Journal of the EU. The text will be available soon.

■ Acrylamide in Food

The Council decided not to oppose the adoption of Commission Regulation establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.

[Commission Regulation](#) – [Annex](#)

■ Pet Food

The Council decided not to oppose the adoption of Commission Regulation amending Annexes II, IV, VI, VII and VIII to Regulation 767/2009 on the placing on the market and use of feed for food-producing animals or pets, as well as labelling, packaging and presentation requirements.

[Commission Regulation](#) – [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

■ Electricity Transmission Rights

The Agency for the Cooperation of Energy Regulators published its Decision on the Electricity Transmission System Operators' proposal for harmonised allocation rules for long-term transmission rights.

[ACER Decision](#) – [Annexes](#)

■ Electronic Invoicing

The EC published its report on the assessment of the European standard on electronic invoicing, according to Directive 2014/55/EU.

[EC Report](#)

■ Recovery and Resolution of Credit Institutions

The European Banking Authority launched a consultation to amend the Implementing Technical Standards on the information which institutions must provide to resolution authorities for the purpose of drawing up and implementing resolution plans. Contributions can be submitted until 11 December. The new framework is expected to be operational in 2019.

[EBA consultation paper](#)

■ Brexit

The European Banking Authority published an Opinion on issues related to the departure of the UK from the EU. Among them there are topics relating to authorisations, the prudential regulation and supervision of investment firms, internal models, outsourcing, internal governance and resolution and deposit guarantee scheme.

[EBA Opinion](#)

■ Solvency II

The European Insurance and Occupational Pensions Authority published technical information on the relevant risk free interest rate term structures with reference to the end of September.

[EIOPA dedicated page](#)

The Authority also 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 12 October – Valeo / FTE Group

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

The EC approved the proposed acquisition of FTE by Valeo, conditional on the divestment of Valeo's passive hydraulic actuators business to the supplier Raicam.

[Case information](#)

EC Decision of 12 October – Warburg Pincus / Tata Motors / Tata Technologies

■ **Computer programming, consultancy and related activities**

The EC approved the acquisition of joint control of Tata Technologies by Warburg Pincus and Tata Motors.

[Case information](#)

EC Decision of 12 October – Atlantia / Abertis Infraestructuras

■ **Service activities incidental to land transportation**

The EC approved the proposed acquisition of Abertis by Atlantia.

[Case information](#)

EC Decision of 10 October – Sale of Novo Banco with additional aid in the context of the 2014 Resolution of Banco Espirito Santo

■ **Financial service activities**

The EC approved Portuguese aid for the sale of Novo Banco.

[Case information](#)

EC Decision of 11 October – Denmark rail

■ **Transport**

The EC approved the prolongation of a Danish scheme to encourage a shift of freight transport from road to rail.

[Case information SA.48634](#)

EC Decision of 10 October – Sale of Novo Banco with additional aid in the context of the 2014 Resolution of Banco Espirito Santo

■ **Financial service activities**

The EC approved Portuguese aid for the sale of Novo Banco.

[Case information](#)

EC Decision of 10 October – Eneco / Renault / Jedlix

■ **Other retail sale not in stores, stalls or markets**

The EC approved the acquisition of joint control over Jedlix B.V. by Eneco Smart Energy B.V. and Renault Venture Capital S.A.S.

[Case information](#)

EC Decision of 09 October – Sogecap / Cardif / Diversipierre / Horizon

■ **Real estate activities**

The EC approved the acquisition of joint control of Horizon Development GmbH by Sogecap S.A., Cardif Assurance Vie S.A. and Diversipierre Germany GmbH.

[Case information](#)

EC Decision of 09 October – Michael Kors / Jimmy Choo

■ **Retail sale of footwear and leather goods in specialised stores**

The EC approved the acquisition of Jimmy Choo PLC by Michael Kors Holdings Limited.

[Case information](#)

EC Decision of 09 October – Advent / Williams Lea

■ **Advertising**

The EC approved the acquisition of Williams Lea Tag GmbH, Williams Lea Holdings Inc. and Williams Lea Holdings Limited by Advent International.

[Case information](#)

EC Decision of 09 October – AES / Siemens / Fluence Energy / JV

■ **Electric power generation, transmission and distribution**

The EC approved the creation of a joint venture by AES Corporation Inc. and Siemens AG.

[Case information](#)

FROM THE OJEU

■ Withdrawal of notification of concentrations

Withdrawal of notification of the concentration Avantor / VWR – Case M.8522 has been published.

[Document 2017/C 343/04](#) – [Case information](#)

■ Non-opposition to concentrations

Non-opposition to the notified concentration Segro / PSPIB / Selp / Morgane Portfolio – Case M.8528 has been published.

[Document 2017/C 343/03](#) – [Case information](#)

Non-opposition to the notified concentration AES / Siemens / Fluence Energy / JV – Case M.8555 has been published.

[Document 2017/C 343/02](#) – [Case information](#)

Non-opposition to the notified concentration KKR / Q Park – Case M.8561 has been published.

[Document 2017/C 343/01](#) – [Case information](#)

Non-opposition to the notified concentration APG / Portfolio – Case M.8567 has been published.

[Document 2017/C 341/03](#) – [Case information](#)

Non-opposition to the notified concentration Axis / Novae – Case M.8585 has been published.

[Document 2017/C 341/02](#) – [Case information](#)

Non-opposition to the notified concentration DB / PSPIB / TIAA / Vantage Data Centres – Case M.8558 has been published.

[Document 2017/C 341/01](#) – [Case information](#)

Non-opposition to the notified concentration Wietersdorfer / Amiantit / Hobas JV – Case M.8356 has been published.

[Document 2017/C 337/06](#) – [Case information](#)

Non-opposition to the notified concentration Artsana / Prenatal Retail Group – Case M.8600 has been published.

[Document 2017/C 337/05](#) – [Case information](#)

Non-opposition to the notified concentration Volvo Car Corporation / First Rent A Car – Case M.8309 has been published.

[Document 2017/C 337/04](#) – [Case information](#)

Non-opposition to the notified concentration Heidelberg Cement / Italcementi – Case M.7744 has been published.

[Document 2017/C 337/03](#) – [Case information](#)

Non-opposition to the notified concentration NorgesGruppen / Axfood / Eurocash – Case M.8468 has been published.

[Document 2017/C 337/02](#) – [Case information](#)

Non-opposition to the notified concentration Blackstone / MassMutual / Cambourne Life Investment / Rothesay – Case M.8630 has been published.

[Document 2017/C 337/01](#) – [Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration Bosch / HASCO / ASCN – Case M.8651 has been published.

[Document 2017/C 341/08](#) – [Case information](#)

Prior notification of the concentration The Carlyle Group / CVC / China Investment Corporation / ENGIE E&P International – Case M.8542 has been published.

[Document 2017/C 341/07](#) – [Case information](#)

Prior notification of the concentration GETEC / Briva / JV – Case M.8627 has been published.

[Document 2017/C 340/08](#) – [Case information](#)

BRUSSELS INTERN

■ State Aid Rules for Research and Innovation

The European Commission is about to launch a targeted study to collect evidence on how state aid rules affect public support for research and innovation. The results of the study will be relevant for possible further improvements or simplification of the rules.

■ European Electronic Communications Code

A first exploratory inter-institutional meeting (so called trilogue) between negotiators of the Council, the European

Parliament and the Commission on new rules for the electronic communications sector is expected to take place by the end of the month. The Presidency of the Council is determined to make good progress on the file by the end of its term in December.

■ ePrivacy

On 18 October the Council Working Party on Telecommunications will examine the Presidency text on the proposal for a Regulation concerning the respect for private life and the protection of personal data in electronic communica-

tions. Particular attention will be paid to articles 1 to 5 and the related recitals.

[Presidency text](#)

The Justice Committee of the European Parliament is expected to adopt its draft report on the proposal on 19 October and to give its consent to enter inter-institutional negotiations, which will start as soon as the Council has decided on its position.

■ Copyright

On 17/18 October the Intellectual Property Working Party of the Council will discuss the proposal for a Regulation laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes. The legislative proposal has been under discussion in the Council since last November. The vote of the European Parliament report by the lead Committee is scheduled for this November.

[Presidency compromise proposal](#)

■ Data Protection

The Article 29 Working Party at its October plenary meeting adopted guidelines on Data Breach Notifications and Profiling. They will be soon open for public consultation before their final adoption. Guidelines on Certification are expected to be adopted in February.

■ Online Sales of Goods

The European Commission is considering to amend the proposal for a Directive on certain aspects concerning contracts for the online and other distance sales of goods, extending the scope of the new rules in order to cover also offline sales. The amended proposal will be accompanied by a comprehensive overview of the possible impact of harmonised rules on consumer contracts for the online and offline sale of goods. A decision is expected by the end of the month.

■ Internal Market for Electricity

The Industry Committee of the European Parliament is analysing three thousand amendments on the proposals of the Energy Package. In particular, with regard to the proposal for a new Regulation on the internal market for electricity, the Members of the European Parliament are mainly concerned about the following issues: interconnections, fair energy transition, price regulation and if market design should be technology neutral. On 11 December the Committee will vote on the proposal.

■ Plastic Strategy

The European Commission's new Circular Economy Package is expected to be adopted by the end of the year and it

will include a strategy on plastics. The European executive intends to set tougher standards for plastic products and packaging.

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