



## Content

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

## Main Topics

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

## LAW

### ■ Aviation in the ETS

The Council adopted a regulation extending existing provisions covering aviation activities in the EU emissions trading system regulation beyond 2016 and preparing for the implementation of the global market-based measure as of 2021. The legislative act will enter into force on the day of its publication in the Official Journal of the EU.

[Regulation amending Directive 2003/87/EC](#)

### ■ Land Use and GHG Emissions

The Council and the European Parliament reached a provisional agreement on the proposal for a regulation on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework (so called LULUCF). The proposal was presented by the Commission in 2016 as part of the low-carbon economy package. The provisional agreement needs now to be formally approved by the EP and Council. Following approval, the regulation will be pub-

lished in the Official Journal of the EU and enter into force 20 days later. For the first time the land-use sector will be formally included in EU climate policy.

[Council general approach – EP report](#)

### ■ Parcel Delivery Market

The Presidency of the Council reached a provisional agreement with the European Parliament on new rules on cross-border parcel delivery. The proposed regulation is part of the EU initiative on e-commerce. The provisional agreement needs to be finally approved by the two co-legislators, the Parliament and the Council. It is expected to formally enter into force at the beginning of next year and it will be fully applicable in 2019. The agreed text will be available soon.

[Council general approach – EP report](#)

## ■ MiFID II

The EC adopted implementing decisions on the equivalence of the legal and supervisory framework applicable to recognised exchange companies in Australia, Hong Kong and the US.

[EC implementing decision Australia – Annex](#) – [EC implementing decision Hong Kong – Annex](#) – [EC implementing decision US – Annex](#)

## ■ Capital Markets Union

The EC presented new guidelines on withholding taxes. The new code of conduct offers solutions for cross-border investors. Its implementation is voluntary for Member States.

[Code of Conduct on Withholding Tax](#)

## ■ EU Legislative Priorities

The Council approved the EU's legislative priorities for 2018-2019. The list has already been agreed with the EP and the Commission and it sets out seven priority areas. Among the most prominent issues there is modernisation of the framework for the electronic communications sector, implementation of the climate and energy framework and modernisation of EU trade defence instrument.

[Joint declaration](#)

## ■ Register of Delegated Acts

A new online common register of delegated acts has been launched. The register offers a complete overview of the entire cycle of the process related to delegated acts, which are used to supplement or amend EU laws. The register aims to increase transparency of the decision-making process.

[Inter-institutional register of delegated acts](#)

## ■ Tobacco Products

The EC adopted the measures that Member States and economic operators must take in order to establish the new track and trace system to ensure that tobacco products in the EU are easily traceable with a unique identifier for each product. The new system is expected to be in place by 20 May 2019 for cigarettes and roll-your-own tobacco and by 20 May 2024 for all other tobacco products.

[Commission Implementing Regulation on technical standards for the establishment and operation of a traceability system – Annex I – Annex II](#)

## ■ 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

---

## ■ Payment Services Directive

The European Banking Authority published its final guidelines on security measures for operational and security risks of payments services under the revised PSD2.

[EBA Guidelines](#)

The Authority also issued its final draft regulatory technical standards (RTS) and implementing technical standards (ITS) on the EBA electronic central register under the PSD2.

[EBA Final Report](#)

## ■ Clean Economy

The EC announced a series of measures for a modern and clean economy. The Action Plan contains ten initiatives for the ecological transition and modernisation of the economy, such as investment support for cities and islands, support action for coal and carbon intensive regions, innovation and modernisation funds. The Commission intends to present a comprehensive action plan next March with initiatives to stimulate the market for sustainable financial products.

[EU Ten initiatives for a modern and clean economy](#)

## DECISIONS

---

### EC Decision of 14 December – Bain Capital / Toshiba Memory Corporation

---

#### ■ Financial service activities; manufacture of electronic components

The EC approved the acquisition of Toshiba Memory Corporation (TMC) by Bain Capital Investors LLC.

[Case information](#)

### EC Decision of 14 December – CEPSA / CEPSA Gas Comercializadora

---

#### ■ Production of electricity; wholesale of gaseous fuels; distribution of gaseous fuels

The EC approved the proposed acquisition of sole control over CEPSA Gas Comercializadora S.A. by Compania Espanola de Petroleos S.A.U.

[Case information](#)

### EC Decision of 13 December – EQT Fund Management / G+E Getec Holding

---

#### ■ Electricity, gas, steam and air conditioning supply

The EC approved the proposed acquisition of sole control over the Getec Energie companies by EQT Fund Management S.a.r.l.

[Case information](#)

### EC Decision of 13 December – Blackstone / Banco Popular Real Estate Business

---

#### ■ Renting and operating of own or leased real estate

The EC approved the acquisition of control by The Blackstone Group L.P. over the real estate business of Banco Popular Espanol S.A.

[Case information](#)

### EC Decision of 12 December – Polish support scheme for RES and relief for energy-intensive users

---

#### ■ Production of electricity

The EC approved a Polish renewable energy scheme and a reduced levy to finance the scheme for energy-intensive users.

[Case information](#)

### EC Decision of 12 December – Porsche Digital / Axel Springer / JV

---

#### ■ Activities of holding companies

The EC approved the acquisition of joint control over a newly established joint venture company by Porsche Digital GmbH, wholly owned by Dr. Ing. h.c.F. Porsche Aktiengesellschaft and Axel Springer Digital Ventures GmbH (“ASDV”), wholly owned by Axel Springer SE.

[Case information](#)

### EC Decision of 12 December – EasyJet / Certain Air Berlin Assets

---

#### ■ Passenger air transport

The EC approved the proposed acquisition of certain assets of Air Berlin by easyJet.

[Case information](#)

### EC Decision of 11 December – CVC / Providence / Skybox

---

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

The EC approved the acquisition of joint control by CVC Capital Partners SICAV-FIS S.A. (“CVC”) and Providence Equity Partners L.L.C. (“Providence”) over Skybox Security Inc.

[Case information](#)

### EC Decision of 08 December – Omers / Thames Water

---

#### ■ Water collection, treatment and supply

The EC approved the proposed acquisition of Thames Water by Omers Administration Corporation (“OMERS”).

[Case information](#)

## FROM THE OJEU

---

#### ■ Non-opposition to concentrations

Non-opposition to the notified concentration KKR / Pelican Rouge – Case M.8454 has been published.

[Document 2017/C 431/03 – Case information](#)

Non-opposition to the notified concentration Cargill / Facenda Investments / JV – Case M.8562 has been published.

[Document 2017/C 429/03 – Case information](#)

Non-opposition to the notified concentration Endowment Strategies / Benvic Europe – Case M.8681 has been published.

[Document 2017/C 429/02 – Case information](#)

Non-opposition to the notified concentration Omers / Thames Water – Case M.8722 has been published.

[Document 2017/C 429/01 – Case information](#)

Non-opposition to the notified concentration Lufthansa Technik / Pepperl+Fuchs / JV – Case M.8583 has been published.

[Document 2017/C 428/08 – Case information](#)

Non-opposition to the notified concentration Engie / Omnes Capital / Predica Prevoyance / Target – Case M.8700 has been published.

[Document 2017/C 428/07 – Case information](#)

Non-opposition to the notified concentration Macquarie / Oiltanking / Oiltanking Odjell Terminal Singapore – Case M.8711 has been published.

[Document 2017/C 428/06 – Case information](#)

Non-opposition to the notified concentration Zukunft Ventures / Gustav Magenwirth / Brake Force One / Unicorn Energy / JV – Case M.8478 has been published.

[Document 2017/C 428/05 – Case information](#)

Non-opposition to the notified concentration AXA / Unibail-Rodamco / Paunsdorf Center – Case M.8615 has been published.

[Document 2017/C 428/04 – Case information](#)

Non-opposition to the notified concentration CZ / DT / Carl Zeiss Smart Optics – Case M.8612 has been published.

[Document 2017/C 428/03 – Case information](#)

Non-opposition to the notified concentration CGE / EDPR / TrustWind / DGE / Repsol / WindPlus – Case M.8727 has been published.

[Document 2017/C 428/02 – Case information](#)

Non-opposition to the notified concentration NKT Holding A/S / ABB High Voltage Cable Business – Case M.8239 has been published.

[Document 2017/C 425/02 – Case information](#)

Non-opposition to the notified concentration EQT / Curaeos Holding – Case M.8698 has been published.

[Document 2017/C 423/03 – Case information](#)

Non-opposition to the notified concentration Innogy / European Energy Exchange / JV – Case M.8691 has been published.

[Document 2017/C 423/02 – Case information](#)

■ **Prior notification of concentrations**

Prior notification of the concentration Discovery / Scripps – Case M.8665 has been published.

[Document 2017/C 431/06 – Case information](#)

Prior notification of the concentration JD / Sonae MC / Balaiko / JDSH / Sport Zone – Case M.8710 has been published.

[Document 2017/C 429/14 – Case information](#)

Prior notification of the concentration Mirova / GE / Idesamgar / Idesamgar 1 – Case M.8716 has been published.

[Document 2017/C 428/15 – Case information](#)

Prior notification of the concentration Starwood Capital Group / Accor / Sofitel Budapest Chain Bridge Hotel – Case M.8718 has been published.

[Document 2017/C 428/14 – Case information](#)

## BRUSSELS INTERN

---

■ **Copyright Reform**

The Presidency of the Council drafted a document outlining the state of play of the discussions on the proposal for a new directive on copyright. The document also contains the latest compromise proposal prepared by the Presidency. Further discussions may still be needed on press publishers' rights, user uploaded content platform, optional exception on text and data mining and collective licensing.

[Presidency proposal](#)

The Presidency of the Council aims to agree on a general approach on the proposal for a regulation laying down rules on the exercise of copyright and related rights appli-

cable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes. The Estonian delegation asked the EU ambassadors to agree on the two remaining points on which discussions are still on-going: scope of application of the country of origin principle and the choice of legal instrument. The negotiations among the co-legislators can start once the EU Ministers approve the general approach and the Parliament in plenary gives its green light. The European Commission is sceptical about the position of the lead Committee of the Parliament and it hopes that during inter-institutional negotiations the co-legislators can make more content available online across the Union.

[Presidency compromise proposal](#)

## ■ EU-Japan Data Flows

The European Commission aims to reach an adequacy decision on the data protection with Japan at the beginning of 2018. The adequacy decision allows for the free flow of personal data to countries with essential equivalent data protection rules to those in the Union.

### For suggestions, comments please contact:

Noerr LLP  
Boulevard du Régent 47-48  
1000 Brüssel  
Belgien

### 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 2017  
[www.noerr.com](http://www.noerr.com)