



Content

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

Main Topics

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

LAW

■ Pastics Strategy

The EC adopted its Strategy for Plastics. In particular it consists of:

- a communication on a European strategy for plastics in a Circular Economy;
- a communication on the interface between chemicals, products and waste;
- a monitoring framework on the circular economy;
- a proposal for a new Directive on port reception facilities;
- a report on critical raw materials;
- a report on oxo-plastics.

According to the EC's intentions, all plastic packaging on the EU market shall be recyclable by 2030, the consumption of single-use plastics shall be reduced and the use of micro-plastics restricted.

In the first quarter of the year, the Commission will initiate work on the revision of the Packaging and Packaging

Waste Directive and on the development of harmonised rules on defining and labelling compostable and biodegradable plastics. Guidelines on separate collection and sorting of waste shall be issued in 2019. The Commission also intends to improve monitoring and mapping of marine litter, including micro-plastics, on the basis of EU harmonised methods and to adopt other actions to curb micro-plastic pollution.

By mid-2019 the Commission will examine, with key stakeholders, the feasibility of a private-led fund for financing investment in innovative solutions and new technologies in order to reduce impacts of primary plastic production.

The Commission also recommended a list of measures to national authorities and industry.

[Communication Strategy for Plastics](#) – [Annex](#) – [Communication on the implementation of the circular economy package](#) – [Communication on a monitoring framework for the circular economy](#) – [Proposal for a Directive on port reception facilities](#) – [Raw Materials Report](#) – [Report on Oxo-plastics](#)

■ Effort Sharing Regulation

The Permanent Representatives Committee of the Council endorsed the provisional agreement reached last December between the Estonian Presidency and the EP on the Effort Sharing Regulation, which sets out binding emission reduction targets in sectors outside the scope of the EU ETS for the period 2021-2030. Now the text has to be approved by the EP in plenary and formally adopted by the Council. Afterwards it can be published in the EU Official Journal and it will enter into force twenty days following its publication. The agreed text will be available soon.

[Council general approach](#)

■ Energy Legislation

The EP voted on three main proposals of the energy package.

The proposal for a Directive amending Directive 2012/27/EU on energy efficiency is a key element of the Energy Union. The text will have to be negotiated with the Council before becoming law.

[EP adopted text](#) – [Council general approach](#)

The co-legislators, the Council and the European Parliament will enter into inter-institutional negotiations on the final text on the directive on the promotion of the use of energy from renewable sources very soon. However negotiations are expected to be not easy since the divergence in the target: 35% of renewables by 2030 for the Parliament, while 27% for the Council.

[EP adopted text](#) – [Council general approach](#) – [Annex](#)

Trilogue negotiations on the proposed regulation on the governance of the Energy Union can now start, since the Council adopted its negotiating position last December.

[EP adopted text](#) – [Council general approach](#) – [Annex](#)

■ Dual-use Export control

The EP adopted the proposed text that recasts Regulation 428/2009, setting up a renewed EU control of export, transfer, brokering, technical assistance and transit of dual-use items. The legislation need to be approved in inter-institutional negotiations between the Council and the Parliament before it can enter into effect.

[EP adopted text](#)

■ Competition in the Card Payment Market

The EC published its delegated Regulation introducing new requirements to ensure functional independence of payment card schemes and processing entities. The new rules, which supplement Regulation 2015/751 on interchange fees for card-based payment transactions, will enter into force on 7 February.

[Commission delegated Regulation 2018/72](#)

■ Telecoms and Competition

The EC found not compatible with the European rules on telecommunications and the principles of competition law plans presented by Austrian broadcasting regulator, KommAustria, for continued regulation of the wholesale market for analogue terrestrial radio broadcasting transmission.

[EC dedicated page](#)

■ VAT Rates

The EC presented two proposals to amend Directive 2006/112/EC in order to give Member States more flexibility to set VAT rates and to extend VAT exemptions to small companies trading cross-border. Both proposals will be submitted to the EP for consultation and to the Council for adoption.

[EC proposal for a Council Directive on rates of value added tax – Annex](#) – [EC proposal for a Council Directive on a special scheme for small enterprises](#)

■ Food Legislation

The EC published a Staff Working Document on the Fitness Check of the General Food Law. According to this evaluation, there are still national differences in the implementation and enforcement of the EU legislative framework.

[Evaluation of the GFL Regulation](#) – [Executive Summary of the Evaluation](#)

■ 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

■ Banking

The European Banking Authority published its final Guidelines on disclosure requirements of IFRS9 or analogous expected credit losses transitional arrangements.

[EBA Final report](#)

■ EU Funds

The EC launched consultations on EU funds in the area of strategic infrastructure and in the area of investment, research & innovation and single market. Contributions can be submitted until 8 March and they will be taken into account by the Commission when designing the proposals for the post-2020 Multiannual Financial Framework and other financial programmes.

[EC dedicated page](#) – [EC dedicated page](#)

■ Solvency II

The European Insurance and Occupational Pensions Authority published technical information on the relevant risk free interest rate term structures (RFR) with reference to the end of December 2017.

[EIOPA dedicated page](#)

The Authority also published the technical information on the symmetric adjustment of the equity capital charge with reference to the end of last December.

[EIOPA dedicated page](#)

DECISIONS

EC Decision of 18 January – BUNGE / IOI / LODERS

■ Manufacture of vegetable and animal oils and fats

The EC approved the acquisition of joint control over Loders Croklaan Group B.V. by Koninklijke Bunge B.V and IOI Corporation Berhad.

[Case information](#)

EC Decision of 18 January – Qualcomm / NXP Semiconductors

■ Manufacture of electronic components; other information technology and computer service activities

The EC approved the proposed acquisition of NXP by Qualcomm.

[Case information](#)

EC Decision of 17 January – JD / Sonae MC / Balaiko / JDSH / Sport Zone

■ Retail sale of clothing, footwear and sporting equipment in specialised stores

The EC approved the acquisition of SDSR – Sports Division SR, S.A. (“Sport Zone”) by JD Sprinter Holdings 2010, SL

(“JDSH”) and the simultaneous acquisition of joint control of JDSH by JD Sports Fashion Plc (“JD”), Balaiko Firaja Invest, S.L (“Balaiko”) and Sonae MC – Modelo Continente, SGPS, S.A. (“Sonae MC”).

[Case information](#)

EC Decision of 16 January – CEFC / Rockaway Capital / European Bridge Travel

■ Travel agency activities

The EC approved the acquisition of joint control by CEFC Group Company a.s and Rockaway Capital SE. over European Bridge Travel a.s.

[Case information](#)

EC Decision of 15 January – State aid scheme for regional investments of SMEs in the shipbuilding sector

■ Building of ships and boats

The EC approved Polish support to small and medium-sized enterprises in the shipbuilding sector.

[Case information](#)

FROM THE OJEU

■ Non-opposition to concentrations

Non-opposition to the notified concentration Jones Lang LaSalle / Intu Properties / The Chapelfield Partnership – Case M.8720 has been published.

[Document 2018/C 19/01](#) – [Case information](#)

Non-opposition to the notified concentration Starwood Capital Group / Accor / Sofitel Budapest Chain Bridge Hotel – Case M.8718 has been published.

[Document 2018/C 14/01](#) – [Case information](#)

Non-opposition to the notified concentration La Poste / Generali / Malakoff Mederic / EAP France – Case M.8684 has been published.

[Document 2018/C 12/04](#) – [Case information](#)

Non-opposition to the notified concentration CVC / Blackstone / Paysafe – Case M.8640 has been published.

[Document 2018/C 12/03](#) – [Case information](#)

Non-opposition to the notified concentration Avantor / VWR – Case M.8522 has been published.

[Document 2018/C 12/02](#) – [Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration PSA / TIL / PPIT – Case M.8695 has been published.

[Document 2018/C 19/09](#) – [Case information](#)

Prior notification of the concentration Praxair / Linde – Case M.8480 has been published.

[Document 2018/C 19/08](#) – [Case information](#)

Prior notification of the concentration Avis Budget Group / Koc Holding / Olympic Commercial and Tourist Enterprises – Case M.8756 has been published.

[Document 2018/C 19/07](#) – [Case information](#)

Prior notification of the concentration Kuehne + Nagel / Kuehne + Nagel Drinksflow Logistics – Case M.8540 has been published.

[Document 2018/C 19/06](#) – [Case information](#)

Prior notification of the concentration Ivanhoe Cambridge / QuadReal Property Group / JV – Case M.8774 has been published.

[Document 2018/C 19/05](#) – [Case information](#)

Prior notification of the concentration Waterland / De Nederlandse Energie Maatschappij – Case M.8781 has been published.

[Document 2018/C 16/06](#) – [Case information](#)

Prior notification of the concentration Nordic Capital / Alloheim – Case M.8757 has been published.

[Document 2018/C 16/05](#) – [Case information](#)

Prior notification of the concentration EDF / Canadian Solar / JV – Case M.8693 has been published.

[Document 2018/C 14/10](#) – [Case information](#)

Prior notification of the concentration Toohil Telecom / Eircom – Case M.8736 has been published.

[Document 2018/C 14/09](#) – [Case information](#)

BRUSSELS INTERN

■ Digital Single Market

The EC is expected to present a legislative proposal on fairness in platform-to-business relations in April. For the same month it is also scheduled the publication of a strategy on artificial intelligence.

■ Future EU Energy and Climate Policy

The EC plans to publish a communication on the future of the European Energy and Climate Policy next June.

■ Antitrust Powers

The lead Committee of the European Parliament is supposed to vote on the proposal to empower competition authorities of the Member States in February. The ECN+

proposal aims to provide NCAs with all the necessary tools to implement more effectively EU competition rules.

■ Taxation

The Council plans to remove Barbados, Grenada, the Republic of Korea, Macao SAR, Mongolia, Panama, Tunisia and the United Arab Emirates from the list of non-cooperative jurisdictions with regard taxation.

■ Pesticides

During the February plenary session, the European Parliament is expected to adopt the final decision on the setting up of a special committee on pesticides. The committee will be responsible of authorisation procedures at EU level.

For suggestions, comments please contact:

Noerr LLP
Boulevard du Régent 47-48
1000 Brussels
Belgium

Head of Regulatory & Governmental Affairs



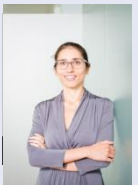
Dr. Holger Schmitz
T +49 30 2094 2160
holger.schmitz@noerr.com

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