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**Main Topics**

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

**LAW**

■ ■ **Aviation Emissions**

The co-legislators reached a provisional agreement on the regulation to extend existing provisions covering aviation activities in the EU emissions trading system regulation beyond 2016 and to prepare to implement a global market-based measure from 2021. This new regulation follows the agreement within ICAO to introduce a global market-based measure from 2021 in order to regulate international aviation emissions through an offsetting system, the so called CORSIA (Carbon Offsetting and Reduction Scheme for International Aviation). The text will now be submitted to Coreper for political endorsement, then it can be officially adopted by the Council and the EP. The new regulation will enter into force on the day of its publication in the EU Official Journal. The European Commission expects the legislative process to be completed by the end of 2017, so that the regulation can enter into force in 2018, avoiding any legal gap.

The provisional agreement maintains current limitations within the scope of the EU ETS, prolonging the derogation for non-intra EEA flights until December 2021; it establishes provisions for a review and foresees the application of the Linear Reduction Factor from 2021 onwards. The final text will be available soon.

[Proposal in four column table](#)

■ **Non-ETS Sectors**

The Council agreed its negotiating position on the regulation on land use, land-use change and forestry (LULUCF). Negotiations with the EP can now start with the aim of reaching an agreement on the final text. The piece of legislation will establish new accounting rules and binding commitments for Member States to ensure that the use of lands and forests is sustainable over the period 2021-2030. The Council’s position supports the main elements of the original proposal of the European Commission and includes a new managed forest land flexibility in the form of a compensation mechanism of up to 360 million tonnes of

CO2 equivalent over 10 years. Inter-institutional negotiations will soon start also with regard to the other proposal on the contribution of the non ETS sectors towards the overall effort of greenhouse gas emission reductions, the Effort Sharing Regulation.

[Council general approach](#)

#### ■ Carbon Leakage List

The EC published its impact assessment on the Decision determining a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, for the period 2021 to 2030. Stakeholders can submit their feedback until 13 November. A preliminary list is expected to be published next Spring.

[EC dedicated page](#)

#### ■ e-Privacy

The Committee on Civil Liberties, Justice and Home Affairs of the EP voted on the proposal for a regulation concerning the respect for private life and the protection of personal data in electronic communications, repealing Directive 2002/58/EC. The report was adopted, even if centre-right MEPs rejected the bill. Before it can enter into effect, the legislation must be approved by both co-legislators in inter-institutional negotiations. The adopted text will be available soon.

[Draft report](#)

The European Data Protection Supervisor released recommendations on specific aspects of the proposed e-Privacy regulation.

[EDPS recommendations](#)

#### ■ Single Supervisory Mechanism

The European Commission's Report on the Single Supervisory Mechanism established pursuant to Regulation 1024/2013 has been released.

[Report – EC Staff Working Document](#)

#### ■ EU-Mexico Trade Agreement

The EC published a report on the progress made during the latest negotiating round of the EU-Mexico trade agreement together with three text proposals submitted by the Commission to Mexico. The proposals concern wine and spirits, motor vehicles and the usual exceptions that can be invoked to restrict trade. The sixth round will take place at the end of November. The Commission aims at reaching an agreement by the end of the year.

[Report – EU proposal on wine and spirits – EU proposal on motor vehicles – EU proposal on exceptions](#)

#### ■ Aluminium in Toys

The EC's independent scientific committee published its final Opinion on tolerable intake of aluminium with regards to adapting the migration limits for aluminium in toys, as laid down in the Toy Safety Directive of 2009.

[SCHEER Final Opinion](#)

#### ■ 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

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#### ■ EU Personal Data in the US

The EC published the first annual report on the functioning of the EU-US Privacy Shield, the arrangement for protecting personal data transferred from the EU to the US for commercial purposes. The report shows that the arrangement ensures an adequate level of protection. It also contains some recommendations in order to improve its practical implementation. The report will be sent to the EP, the Council, the Article 29 Working Party and to the US authorities for follow-up actions.

[Report on the Privacy Shield Annual Review](#)

#### ■ General Data Protection Regulation

The Article 29 Working Party opened a public consultation on the Guidelines on data breach notification and on automated individual decision-making and profiling. Contributions can be submitted until 28 November.

[Dedicated page](#)

#### ■ OTC Derivatives Contracts

It has been published the opinion of the European Central Bank on a proposal for a regulation amending Regulation 648/2012 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivatives contracts not cleared by a central counterparty, the registra-

tion and supervision of trade repositories and the requirements for trade repositories.

[ECB Opinion](#)

#### ■ **Supervisory Reporting Requirements**

The EC published a roadmap on fitness check of EU reporting requirements in the financial sector. Interested parties can submit feedback until 14 November.

[EC dedicated page](#)

#### ■ **Payment Services Directive II**

The European Banking Authority published its final Guidelines on complaints procedures that competent authorities have to follow to ensure and monitor effective compliance by payment service providers according to Payment Services Directive II.

[EBA Guidelines](#)

#### ■ **Capital Requirements Regulation**

The European Banking Authority published an updated list of public sector entities that can be treated as regional government, local authorities or central governments for the calculation of capital requirements.

[EBA dedicated page](#)

#### ■ **Automotive Industry**

The High Level Group on the Competitiveness and Sustainable Growth of the Automotive Industry in the EU published its final report. The EC will now assess policy options to address the recommendations contained in the report.

[GEAR 2030 Report](#)

#### ■ **Anti-dumping Report**

The EC published the 35<sup>th</sup> annual Report on the EU's Anti-dumping, Anti-subsidy and Safeguard activities for the year 2016.

[EC Report – EC Staff Working Document](#)

#### ■ **High-performance Computing**

The EC published the first results of the public consultation on high-performance computing. The results of this exercise will help the Commission to define a new legal instrument by the end of the year.

[EC dedicated page](#)

## DECISIONS

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### **EC Decision of 18 October – Allianz / LV General Insurance Businesses**

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#### ■ **Non-life insurance**

The EC approved the acquisition by Allianz SE of the UK general non-life insurance businesses of Liverpool Victoria Friendly Society Limited (“LV”).

[Case information](#)

### **EC Decision of 18 October – BD / BARD**

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#### ■ **Manufacture of medical and dental instruments and supplies**

The EC approved the acquisition of Bard by BD, subject to conditions.

[Case information](#)

### **EC Decision of 17 October – Borealis / OTPP / SSE / Maple**

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#### ■ **Financial leasing; trade of electricity and gas**

The EC approved the acquisition of joint control over Maple Topco Limited by Borealis European Holdings B.V, ultimately controlled by the Omers Administration Corporation, Ontario Teacher’s Pension Plan Board (OTPP) and SSE Plc.

[Case information](#)

### **EC Investigation – Celanese / Blackstone / JV**

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#### ■ **Manufacture of chemicals and chemical products**

The EC opened an in-depth investigation to assess the proposed creation of an acetate flake and acetate tow joint venture by Celanese and Blackstone.

[Case information](#)

### **EC Decision of 16 October – Platinum / Pattonair**

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#### ■ **Service activities incidental to air transportation**

The EC approved the acquisition of Pattonair Holdings Limited by Platinum Equity Group.

[Case information](#)

## EC Decision of 13 October – Greenergy / Inver

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### ■ Wholesale of solid, liquid and gaseous fuels and related products

The EC approved the acquisition of Inver Energy Limited by Greenergy International Limited.

[Case information](#)

## EC Decision of 13 October – Nestle / BPW

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### ■ Manufacture of soft drinks; production of mineral waters and other bottled waters

The EC approved the acquisition of sole control by Nestlé over NIESTEA Business.

[Case information](#)

## FROM THE OJEU

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### ■ Withdrawal of notification of concentrations

Withdrawal of notification of the concentration Shell Midstream Partners / Crestwood Permian Basin Holdings / Crestwood Permian Basin – Case M.8638 has been published.

[Document 2017/C 348/01](#) – [Case information](#)

### ■ Non-opposition to concentrations

Non-opposition to the notified concentration Lonza Group / Capsugel – Case M.8362 has been published.

[Document 2017/C 353/01](#) – [Case information](#)

Non-opposition to the notified concentration Konica Minolta / Innovation Network Corporation of Japan / Ambry Genetics – Case M.8613 has been published.

[Document 2017/C 351/01](#) – [Case information](#)

Non-opposition to the notified concentration Nordic Capital / Intrum Justitia – Case M.8287 has been published.

[Document 2017/C 350/02](#) – [Case information](#)

Non-opposition to the notified concentration Advent / Williams Lea – Case M.8645 has been published.

[Document 2017/C 350/01](#) – [Case information](#)

Non-opposition to the notified concentration Cinven / CPPIB / GTA – Case M.8520 has been published.

[Document 2017/C 348/05](#) – [Case information](#)

Non-opposition to the notified concentration Peugeot / BNP Paribas / Opel Vauxhall Finco – Case M.8460 has been published.

[Document 2017/C 348/04](#) – [Case information](#)

Non-opposition to the notified concentration Michael Kors / Jimmy Choo – Case M.8624 has been published.

[Document 2017/C 348/03](#) – [Case information](#)

Non-opposition to the notified concentration Thermo Fisher Scientific / Patheon – Case M.8541 has been published.

[Document 2017/C 348/02](#) – [Case information](#)

Non-opposition to the notified concentration IFM / PSA / Mersin – Case M.8631 has been published.

[Document 2017/C 346/06](#) – [Case information](#)

Non-opposition to the notified concentration Sogecap / Cardiff / Diversipierre / Horizon – Case M.8590 has been published.

[Document 2017/C 346/05](#) – [Case information](#)

Non-opposition to the notified concentration Unibail-Rodamco / Commerz Real Investmentgesellschaft / CGI Metropole – Case M.8622 has been published.

[Document 2017/C 346/04](#) – [Case information](#)

Non-opposition to the notified concentration Eneco / Renault / Jedlix – Case M.8628 has been published.

[Document 2017/C 346/03](#) – [Case information](#)

Non-opposition to the notified concentration KKR / WBA / PharMerica – Case M.8620 has been published.

[Document 2017/C 346/02](#) – [Case information](#)

Non-opposition to the notified concentration Aunde / Barder / JV – Case M.8559 has been published.

[Document 2017/C 346/01](#) – [Case information](#)

### ■ Prior notification of concentrations

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

[Document 2017/C 353/07](#) – [Case information](#)

Prior notification of the concentration Abellio / Mitsui / EJR / West Midlands Passenger Rail Franchise – Case M.8636 has been published.

[Document 2017/C 351/07](#) – [Case information](#)

Prior notification of the concentration ATP / OTP / Copenhagen Airports – Case M.8634 has been published.

[Document 2017/C 350/09](#) – [Case information](#)

Prior notification of the concentration Legend Holdings Corporation / Banque Internationale a Luxembourg – Case M.8643 has been published.

[Document 2017/C 348/11](#) – [Case information](#)

Prior notification of the concentration CNP Assurances / Macquarie / Predica / Pisto – Case M.8663 has been published.

[Document 2017/C 348/10](#) – [Case information](#)

## BRUSSELS INTERN

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### ■ Digital Single Market Strategy at the EU Summit

Completing the Digital Single Market Strategy by the end of 2018 is crucial for EU heads of government and state. During the EU Summit of 19-20 October, EU leaders established that agreement between the co-legislators on geo-blocking, audio-visual media services and parcel delivery should be reached by the end of the year; while by June 2018 they should agree on the free flow of non-personal data proposal and on the electronic communications code. They also underlined the necessity of increased transparency in platforms' practices. A point of discussion was also the taxation of the digital companies. France, Italy, Spain and Germany pushed for a European proposal on taxing tech giants, but some countries opposed. In the Conclusions of the Summit, EU leaders call for a Commission proposal on this sensitive issue by early 2018.

### ■ Digital Single Market Strategy

The European Commission is expected to present by June next year a set of initiatives on enforcement of intellectual property rights, publicly funded data, procurement framework for supercomputing, unfair practices in platform-to-businesses relations and modernisation of the company law framework.

### ■ Electronic Communications

The Council Working Party on Telecommunications will hold a discussion on the proposal for a Regulation establishing the Body of European Regulators for Electronic Communications, with a special focus on the legal personality and the structure. The Presidency of the Council aims for a general approach on the BEREC Regulation by December.

[Presidency text](#)

### ■ ePrivacy

On 25 October the Council Working Party on Telecommunications will discuss the presidency text of the proposal for a Regulation concerning the respect for private life and the protection of personal data in electronic communications, focusing on articles 12 to 20 and the related recitals. The Presidency of the Council aims for a progress report on the file at the December Telecommunications Council meeting.

[Presidency text](#)

### ■ Energy Update

The Estonian Presidency aims to reach a general approach on all the Clean Energy Package files by the end of the year.

### ■ Nord Stream 2

The European Commission is expected to present a proposal in order to bring the Nord Stream 2 gas pipeline under EU jurisdiction within next month. The aim of the European executive is to have a mandate for negotiations with Russia.

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