



Content

LAW	1
POLITICS/GENERAL	3
DECISIONS	4
FROM THE OJEU	6
BRUSSELS INTERN	6

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 Permanent Representatives Committee of the Council agreed on a general approach and to mandate the Presidency to launch inter-institutional negotiations with the European Parliament on the proposal to remove unjustified restrictions on the geographical location for data storing and processing. Negotiations will start as soon as the Parliament adopts its position, most likely early next year.

According to the Council's position, Member States are allowed to impose data localisation requirements only when these are justified on grounds of public security, with an obligation to notify them to the Commission.

The European Commission published its proposal last September and in few months Member States agreed on a common position. EU leaders during the European Council meeting of last October called for co-legislators to reach an agreement on this dossier by June 2018. The free-flow of non-personal data regulation is key for completing the Digital Single Market, a top priority for Juncker Commission.

[General approach](#)

■ Cross-border Provision of Online Services

The Permanent Representatives Committee agreed on the Council's position on 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 co-legislator, the European Parliament, already adopted its position; therefore, inter-institutional negotiations will start early next year.

[Presidency compromise proposal](#)

■ Clean Energy Package

The Council agreed its negotiating positions on four legislative proposals of the Clean Energy Package, presented by the European Commission in November 2016.

Internal Electricity Market – Regulation

The proposed regulation is the cornerstone of the new electricity market and it has been a priority for the Presidency of the Council. Inter-institutional negotiations with the European Parliament will start early next year, as soon as the latter adopts its position on the file. Key elements of the proposal are regional cooperation of the transmission system operators; balancing and dispatching rules; network codes update process; but the two most sensitive topics have been the definition of the bidding zones and the capacity mechanisms.

[General approach – Annex](#)

Internal Electricity Market – Directive

The general approach reached by the Council allows starting negotiations with the European Parliament as early as possible next year. The proposed directive sets out common rules for the internal electricity market. Key elements of the proposal are interconnectors with third countries; ownership of energy storage facilities by DSOs and TSOs; and market-based supply prices.

[General approach – Annex](#)

Renewable Energy

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 as soon as the Parliament has decided on its negotiating mandate, most likely in the beginning of next year. The EU is committed to reach a target of at least 27% renewable energy of its overall energy consumption by 2030; in the transport sector the target is 14% for each Member State.

[General approach – Annex](#)

Governance of the Energy Union

The proposed regulation on the governance of the Energy Union integrates climate and energy planning into a single framework. In particular it will establish a cooperation and control mechanism on the implementation of the 2030 targets with regard renewables, energy efficiency, interconnections and greenhouse gas emissions. The lead Committee at the European Parliament adopted the report on 7 December. The assembly in plenary is expected to vote on the text in January. Afterwards trilogue negotiations can start.

[General approach – Annex](#)

■ Energy Efficiency

The Council reached a provisional agreement with the European Parliament on a revised Directive on the energy performance of buildings. The final approval of the agreement is expected to take place at the beginning of next

year. Once endorsed by both co-legislators, the new directive will be published in the Official Journal of the EU and will enter into force 20 days after publication. The agreed text will be available soon.

[Council general approach](#)

■ Effort Sharing Emissions

The Presidency of the Council and the European Parliament reached a provisional agreement on the Effort Sharing Regulation, which ensures emission reductions for the period 2021-2030 in sectors outside the scope of the ETS, including buildings, agriculture, waste management, transport (with the exception of aviation and shipping) and industry. The Permanent Representatives Committee is expected to analyse the text in January. The Council and the Parliament need to formally adopt the act. Once adopted by both co-legislators, the regulation will enter into force 20 days after its publication in the EU Official Journal. The agreed text will be available soon.

[Council general approach – EP position](#)

■ CO2 Emissions

The Permanent Representatives Committee of the Council agreed a mandate to begin informal negotiations with the European Parliament on new rules for the monitoring and reporting of CO2 emissions and fuel consumption of new heavy-duty vehicles. Inter-institutional negotiations will start once the Parliament has agreed its negotiating position, most likely in February next year.

[EC proposal](#)

■ Waste Package

The Council and the European Parliament reached provisional agreement on four legislative proposals of the Waste Package, amending the Waste Framework Directive, Packaging Waste Directive, Landfill Directive, Directives on Electrical and Electronic Waste, on End-of-life Vehicles, and on Batteries and Accumulators. In addition to clearer definition of key waste concepts, the agreed texts establish new binding targets for waste reduction. The formal approval is planned for the first quarter of 2018. The agreed texts will be available soon.

[EC proposal on Waste framework directive – EC proposal on Landfill directive – EC proposal on Packaging directive – EC proposal on Electrical and electronic waste](#)

■ Eco-innovation

The Council adopted conclusions on eco-innovation which will enable the transition towards a circular economy. In particular, Member States ask for a comprehensive policy that would cover the whole life cycle of products.

[Council conclusions](#)

■ Capital Markets Union

The EC published two proposals to amend the current prudential framework for investment firms set out in the Capital Requirements Directive and Regulation and in the Markets in Financial Instruments Directive and Regulation.

[EC proposal for a Regulation on the prudential requirements of investment firms](#) – [EC proposal for a Directive on the prudential supervisions of investment firms](#)

■ Insurance Distribution Directive

The EC proposed to postpone the application date of the Insurance Distribution Directive and two delegated regulations to 1 October 2018. However, the transposition date for Member States will not change, it remains 23 February 2018. The Council and the European Parliament needs to agree on the new date.

[EC dedicated page](#)

■ Money Laundering

The Permanent Representatives Committee of the Council confirmed the political agreement reached between the Presidency and the EP on a proposed directive that aims to strengthen transparency rules in order to prevent money laundering and terrorist financing. The new rules will amend Directive 2015/849. Before entering into effect, the text has to be formally adopted by the Parliament and the Council.

[Final compromise text](#)

■ MiFID II

The EC recognised trading venues in Switzerland as eligible for compliance with the trading obligation for shares set out in the new Markets in Financial Instruments Directive and Regulation.

[EC implementing Decision](#) – [Annex](#)

■ EU Trade Defence Legislation

On the occasion of the entry into force of the new trade defence legislation, which introduces a new way of calculating dumping, the EC published its first country report on state-induced distortions in China. The next country report will concern Russia.

[Regulation 2017/2321](#) – [Report](#)

■ Trading Safe Products

The EC presented two legislative proposals which aim to make it easier for companies to sell their products across the EU thanks to the application of the mutual recognition principle and a voluntary declaration, and to strengthen national authorities' controls on the safety of products. On that regard, the Commission proposes a European Union network of market surveillance authorities. This proposal does not concern market surveillance for food products. The draft regulations will now be sent to the EP and Council for adoption.

[EC proposal for a Regulation on the mutual recognition of goods](#) – [EC proposal for a Regulation on compliance and enforcement](#)

■ 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

■ Telecoms Regulation

The EC published a roadmap for new Guidelines on the calculation of a reasonable rate of return in the context of regulatory decisions falling under article 7 of the Regulatory Framework for electronic communications in the EU. Interested parties can submit their feedback until 11 January.

[Roadmap](#)

■ Capital Markets Union

The EC is asking for input on access to public markets for SMEs. The consultation will run until 26 February.

[EC dedicated page](#)

■ European Market Infrastructure Regulation

The European Supervisory Authorities (EBA, EIOPA, ESMA) published their jointly final draft Regulatory Technical Standards amending the margin requirements for non-centrally cleared OTC derivatives.

[Draft Regulatory Technical Standards](#)

■ Securitisation

The European Banking Authority launched a public consultation on draft Regulatory Technical Standards specifying a set of criteria for the underlying exposures in securitisation to be deemed homogeneous, as part of the requirements under the new EU securitisation framework. Contributions can be submitted until 15 March.

[EBA consultation paper](#)

■ Capital Requirements Regulation

The European Banking Authority published its 4th impact assessment Report for the liquidity coverage ratio (LCR), in accordance with the Capital Requirements Regulation.

[EBA report](#)

■ MKR and CCR Revised Standards

The European Banking Authority published a discussion paper on the implementation of the revised market risk and counterparty credit risk frameworks, i.e. the Fundamental Review of the Trading Book (FRTB) and the Standardised Approach for Counterparty Credit Risk (SA-CCR). Interested parties can submit their feedback until 15 March.

[EBA discussion paper](#)

■ Payment Services Directive

The European Banking Authority published its Opinion on the transition from the Payment Services Directive I to the revised Directive.

[EBA Opinion](#)

■ REMIT

The Agency for the Cooperation of Energy Regulators launched an upgraded version of the REMIT Notification Platform.

[ACER dedicated page](#)

■ Plastics

The EC launched a public consultation to collect input for the preparation of follow-up to the Plastics Strategy in relation to marine litter, with a special focus on single-use plastic items and fishing gear. The consultation will run until 12 February.

[EC dedicated page](#)

DECISIONS

EC Decision of 21 December – Lufthansa / Certain Air Berlin Assets

■ Passenger air transport

The EC approved the proposed acquisition of certain Air Berlin assets by Luftfahrtgesellschaft Walter GmbH (LGW), subject to conditions.

[Case information](#)

ECJ Judgment of 20 December – Asociacion Profesional Elite Taxi v Uber Systems Spain SL

■ Passenger transport

The Court of Justice of the EU ruled that Uber must be classified as a “service in the field of transport” and each Member State can regulate the conditions for providing that service. The Services Directive and the Directive on Electronic Commerce are not applicable.

[Case information C-434/15](#) – [Press release](#)

EC Investigation – Tronox / Cristal

■ Manufacture of chemicals

The EC opened in-depth investigation into proposed acquisition of Cristal by Tronox.

[Case information](#)

EC Decision of 20 December – CVC / Teva’s women’s health business

■ Manufacture of basic pharmaceutical products and pharmaceutical preparations

The EC approved the acquisition of the International Women’s Health Business of Teva by the CVC Group.

[Case information](#)

EC Decision of 20 December – CK Hutchison / TMA Holding / TMA Logistics

■ Cargo handling

The EC approved the acquisition of TMA Logistics B.V. by Hutchison Ports Netherlands B.V. (“HPN”) and TMA Holding B.V.

[Case information](#)

EC Decision of 20 December – Alleged aid for Ilva in A.S.

■ Manufacture of basic iron and steel and of ferro-alloys

The EC ordered recovery on two Italian support measures to ILVA S.p.a.

[Case information](#)

EC Decision of 20 December – Safran / Zodiac Aerospace

■ Manufacture of air and spacecraft and related machinery

The EC approved the acquisition of Zodiac Aerospace by Safran.

[Case information](#)

EC Decision of 19 December – CPPIB / Allianz / GNF / GNDB

■ Distribution of gaseous fuels; wholesale of solid, liquid and gaseous fuels

The EC approved the acquisition of joint control by CPPIB Europe (controlled by CPPIB, Allianz Infrastructure and Gas Natural of Spain) over Gas Natural Fenosa Generacion Nuclear S.L and Holding Negocios Regulados Gas Natural S.A.

[Case information](#)

EC Decision of 18 December – Reduced surcharge for self-generation under EEG 2017

■ Environment and energy

The EC approved German plans to progressively apply renewable energy surcharges to certain self-suppliers of electricity.

[Case information](#)

EC Decision of 18 December – SME-focussed, share-based incentive scheme – Key Employee Engagement Programme

■ Tax advantage or tax exemption

The EC approved Irish support scheme to reduce the taxation of employee share options for SMEs.

[Case information](#)

EC Investigation – Inter IKEA / Netherlands

■ Taxation

The EC opened in-depth investigation into the Netherlands' tax treatment of Inter IKEA.

[Case information SA.46470](#)

EC Decision of 15 December – BC Partners / Ceramtec

■ Manufacture of other technical ceramic products

The EC approved the acquisition of sole control by BC Partners Holdings Limited, through the fund BC European Capital X, over CeramTec Holding GmbH.

[Case information](#)

EC Decision of 15 December – ENGIE / IPM Energy Trading / International Power Fuel Company

■ Production of electricity; trade of electricity and gas

The EC approved the acquisition of sole control of IPM Energy Trading Limited (IPMETL) and International Power Fuel Company Limited (IPFC) by Engie S.A. Actuellement, Engie et Mitsui Co. Ltd.

[Case information](#)

EC Decision of 15 December – WME IMG / Perform / PIMGSA

■ Television programming and broadcasting activities

The EC approved the creation of the joint venture PIMGSA by Perform Group Limited and WME Entertainment Parent LLC.

[Case information](#)

EC Decision of 15 December – Prolongation of biofuel support scheme

■ Environment and energy

The EC approved Lithuanian scheme supporting certain biofuels.

[Case information](#)

EC Decision of 15 December – Modernisation of Debrecen International Airport

■ Passenger air transport

The EC approved Hungarian plans to grant investment aid to modernise the infrastructure of Debrecen International Airport.

[Case information](#)

EC Decision of 15 December – Tax incentives for the production of cinematographic and of audiovisual works

■ Video and television programme activities

The EC approved two Italian tax incentives for the production of cinematographic and non-cinematographic audio-

visual works.

[Case information SA.49294](#) – [Case information SA.49296](#)

FROM THE OJEU

■ Non-opposition to concentrations

Non-opposition to the notified concentration BC Partners / Ceramtec – Case M.8705 has been published.

[Document 2017/C 441/03](#) – [Case information](#)

Non-opposition to the notified concentration Engie / IPM Energy Trading / International Power Fuel Company – Case M.8717 has been published.

[Document 2017/C 441/02](#) – [Case information](#)

Non-opposition to the notified concentration Bain Capital / Toshiba Memory Corporation – Case M.8680 has been published.

[Document 2017/C 441/01](#) – [Case information](#)

Non-opposition to the notified concentration Imerys / Kerneos – Case M.8360 has been published.

[Document 2017/C 440/04](#) – [Case information](#)

Non-opposition to the notified concentration CVC / Providence / Skybox – Case M.8706 has been published.

[Document 2017/C 440/03](#) – [Case information](#)

Non-opposition to the notified concentration Fonciere des Regions / Marriott International / Le Meridien Hotel in Nice – Case M.8685 has been published.

[Document 2017/C 440/02](#) – [Case information](#)

Non-opposition to the notified concentration Blackstone / Banco Popular Real Estate Business – Case M.8679 has been published.

[Document 2017/C 439/02](#) – [Case information](#)

Non-opposition to the notified concentration EQT Fund Management / G+E Getec Holding – Case M.8729 has been published.

[Document 2017/C 438/03](#) – [Case information](#)

Non-opposition to the notified concentration Porsche Digital / Axel Springer / JV – Case M.8703 has been published.

[Document 2017/C 438/02](#) – [Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration CEFC / Rockaway Capital / European Bridge Travel – Case M.8759 has been published.

[Document 2017/C 441/14](#) – [Case information](#)

Prior notification of the concentration APG / Ardian / Portfolio – Case M.8597 has been published.

[Document 2017/C 440/13](#) – [Case information](#)

Prior notification of the concentration Jones Lang LaSalle / Intu properties / The Chapelfield Partnership – Case M.8720 has been published.

[Document 2017/C 440/12](#) – [Case information](#)

Prior notification of the concentration Tronox / Cristal – Case M.8451 has been published.

[Document 2017/C 438/13](#) – [Case information](#)

BRUSSELS INTERN

■ Trade Defence Instruments

The lead Committee of the European Parliament is expected to vote on the proposed regulation that amends the existing anti-dumping and anti-subsidies regulation on 23 January. Last 5 December the Presidency of the Council and the Parliament reached an agreement on the text. The formal adoption process shall be concluded by the first half of next year.

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