



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

■ Online Platforms and Illegal Content

The EC presented a Communication with guidelines and principles for online platforms to increase the proactive prevention, detection and removal of illegal content inciting hatred, violence and terrorism online. Over the next months the Commission will monitor the progress made and by May 2018 it will present additional measures, including legislative initiatives, if needed.

[EC Communication “Tackling Illegal Content Online”](#)

■ Bank Capital Requirements

The Council decided not to object to Commission Regulations supplementing Regulation 575/2013 on bank capital requirements with regard to regulatory technical standards for disclosure of encumbered and unencumbered assets and amending Regulation 2017/565 on markets in financial instruments as regards the specification of the definition of systemic internalisers. The two regulations can now enter into force unless the EP objects.

[Delegated Regulation supplementing Regulation 575/2013 – Delegated Regulation amending Delegated Regulation 2017/565](#)

■ Dual-Use Items

The delegated regulation announcing the amendments of annex I, annexes II a) to II g) and annex IV to Council Regulation 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items has been published. The amendments concern the control parameters, the technical definitions and descriptions and the removal or addition of dual-use items.

[Commission delegated Regulation – Annex part 1 – Annex part 2](#)

■ Classification and Labelling of Chemicals

The Council decided not to oppose the adoption by the EC of a regulation amending Regulation 1272/2008 on classification, labelling and packaging of substances and mixtures

for the purposes of its adaptation to technical and scientific progress. The Commission may adopt the regulation unless the EP objects.

[Commission Regulation amending Regulation 1272/2008](#)

■ Rail Passenger Rights

The EC presented a proposal to update the existing rules on rail passenger rights. The proposal must now be examined and adopted by the EP and the Council before entering into force.

[Proposal for a Regulation on rail passengers' rights and obligations – Impact Assessment](#)

■ Drones

The EC announced a call for proposals to select one project demonstrating the active geo-fencing of drones, the key component of the so called U-space. In November 2016 the Commission presented its proposal to create an automated traffic management system for drones operating at low-level, the U-space. The European executive aims to create an EU-wide framework for drones as part of its Aviation Strategy, but its legislative proposal is still being examined by the co-legislators, the Council and the European Parliament.

[EC dedicated page – EC proposal for a Regulation on common rules in the field of civil aviation](#)

■ European Public Prosecutor Office

The Justice Committee of the European Parliament voted on the proposal to establish a European Public Prosecutor's Office (EPPO), which will be in charge of prosecuting offences affecting the EU budget and financial interests by combining European and national law enforcement efforts. The vote in plenary session is scheduled for 5 October. The EPPO will be set up in enhanced cooperation among 20 Member States and it will be based in Luxembourg. Once the EP has given its consent, the Council will formally adopt the regulation.

[EP draft Recommendation on the draft Council Regulation](#)

■ Dual Quality Food Products

The EC issued a set of guidelines on the application of EU food and consumer law to dual quality products. The Commission is also working on a methodology to improve food product comparative tests.

[EC Guidance on the Application of EU Food and Consumer Law](#)

■ 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

■ ACER Work Programme

The Agency for the Cooperation of Energy Regulators published its 2018 Work Programme. Top priorities will continue to be the completion of the Internal Energy Market, the infrastructure challenge and the monitoring of wholesale energy markets.

[ACER Programming Document](#)

■ VAT

The EC published the VAT Gap Study which includes for the first time revenues from rules for cross-border sales of e-services. In the coming weeks the Commission will present legislative proposals to re-establish the principle of charging VAT on cross-border trade within the EU.

[Study and Reports on the VAT Gap in the EU-28 Member States: 2017 Final Report](#)

■ Money Laundering

The Joint Committee of the European Supervisory Authorities (EBA, EIOPA and ESMA) published guidelines to prevent the abuse of funds transfers for terrorist financing and money laundering purposes.

[ESAs Joint guidelines](#)

■ Supervisory Disclosure

The European Banking Authority launched a consultation to amend the Implementing Technical Standards (ITS) on supervisory disclosure. Contributions can be submitted until 22 December.

[Consultation paper – EBA dedicated page](#)

■ Banks Internal Governance

The European Banking Authority published its revised Guidelines on Internal Governance under Directive 2013/36/EU.

[EBA Guidelines](#)

■ Banking

The European Banking Authority and the European Securities and Markets Authority published their joint Guidelines to assess the suitability of members of management bodies and key function holders under Directive 2013/36/EU and Directive 2014/65/EU.

[Joint ESMA and EBA Guidelines](#)

DECISION

EC Decision of 28 September – Appels d’offres pour installations énergie solaire et éolienne

■ Renewable energy

The EC approved four schemes to support electricity production from onshore wind and solar on buildings and on the ground in France.

[Case information SA.46552 / SA.47753 / SA.48066 / SA.48238](#)

EC Investigation – Essilor / Luxottica

■ Manufacture and sale of glass, optical instruments

The EC opened in-depth investigation into proposed merger between Essilor and Luxottica.

[Case information](#)

EC Decision of 26 September – Trucks

■ Manufacture of motor vehicles

The EC fined Scania for participating in trucks cartel.

[Case information](#)

EC Decision of 22 September – Artsana / Prenatal Retail Group

■ Manufacture of wearing apparel and accessories; retail sale of games and toys

The EC approved the acquisition of sole control of Prenatal Retail Group by Artsana.

[Case information](#)

EC Decision of 22 September – Denso / Fujitsu Ten

■ Manufacture of electrical and electronic equipment for motor vehicles

The EC approved the acquisition of sole control over Fujitsu Ten Limited by DENSO Corporation.

[Case information](#)

EC Decision of 22 September – Bridgepoint / Miller Homes

■ Real estate activities

The EC approved the acquisition of Miller Homes Holdings Limited by Bridgepoint Group Limited.

[Case information](#)

FROM THE OJEU

■ Dual quality of products

Commission Notice on the application of EU food and consumer protection law to issues of Dual Quality of products has been published.

[Document 2017/C 327/01](#)

■ Non-opposition to concentrations

Non-opposition to the notified concentration Triton / Unihold / Unica Group – Case M.8609 has been published.

[Document 2017/C 320/01](#) – [Case information](#)

Non-opposition to the notified concentration GE / Baker Hughes – Case M.8297 has been published.

[Document 2017/C 317/01](#) – [Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration Borealis / OTPP / SSE / Maple – Case M.8623 has been published.

[Document 2017/C 327/05](#) – [Case information](#)

Prior notification of the concentration Jacobs Engineering Group / CH2M Hill Companies – Case M.8641 has been published.

[Document 2017/C 320/10](#) – [Case information](#)

Prior notification of the concentration Warburg Pincus / Tata Motors / Tata Technologies – Case M.8607 has been published.

[Document 2017/C 320/09](#) – [Case information](#)

Prior notification of the concentration Platinum / Pattonair – Case M.8646 has been published.

[Document 2017/C 319/05](#) – [Case information](#)

Prior notification of the concentration Eneco / Renault / Jedlix – Case M.8628 has been published.

[Document 2017/C 319/04](#) – [Case information](#)

Prior notification of the concentration AES / Siemens / Fluence Energy / JV – Case M.8555 has been published.

[Document 2017/C 317/04](#) – [Case information](#)

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

[Document 2017/C 317/03](#) – [Case information](#)

BRUSSELS INTERN

■ Digital Summit

On 28 and 29 September EU leaders and representatives of the EU institutions gathered in Tallinn for the Informal Digital Summit. They discussed the recent proposals of the European Commission on cyber-security, e-government, technology infrastructure, investment and, in particular, on taxation of the digital economy.

In order to complete the Digital Single Market by 2018, as announced by the Commission, the EU legislators need to adopt 18 legislative proposals, out of 24 in total presented by the European executive since 2015. Among them there are the initiatives on digital contract rules, on unjustified geo-blocking, on the revision of the Audio-visual Media Services Directive, on copyright, on the new European Electronic Communications Code, on ePrivacy and on the free flow of non-personal data.

By the end of the year the EC will update the European guidelines that help national telecoms regulators decide when to intervene in markets.

[Tallinn Digital Summit Background Paper](#)

■ Electronic Communications Code

The Industry Committee of the European Parliament will approve the updated Electronic Communications Code at an extraordinary meeting on 2 October.

■ Copyright

The latest compromise proposal for a Directive on copyright has been released by the Council. At the meeting of the Working Party on Intellectual Property of 3 and 4 October, EU experts will discuss in particular articles 2 to 9. The Legal Affairs Committee of the European Parliament, which has the lead on the file, will vote on the proposal on 10 October.

[Presidency compromise proposal](#)

■ Encryption

The European Commission intends to publish a report on encryption technologies on 18 October. Together with this proposal there will be an initiative to counter terrorist activity and financing and guidance on data retention.

■ EU Climate and Energy Policies

The European Commission is working to update its Low-Carbon Economy Roadmap for 2050. A public consultation will be launched in the coming months.

■ Internal Market in Electricity – Recast

Member States' representatives at the Council are still divided on the 550g proposal, making more difficult to reach a general approach by the end of the year. Also at the Eu-

European Parliament the text has been hardly debated, with over 2000 amendments which have been presented. While the two co-legislators are still discussing their positions, the European Commission is pushing to launch inter-institutional negotiations early next year.

■ Energy from Renewables

EU experts of the Energy Working Party of the Council are still discussing the proposal for a Directive on the promotion of the use of energy from renewable sources.

[Proposal](#)

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

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 2017
www.noerr.com