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Main Topics

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

LAW

■ Intellectual Property Rights Enforcement

The EC presented a set of measures to improve the way Intellectual Property Rights are applied and enforced across the Union. The package contains:

- a Communication on IP enforcement;
- new Guidance to provide clarification on issues that have arisen in the application of the Directive on the enforcement of IPRs (IPRED);
- a report on the evaluation of IPRED;
- a Communication on Standards Essential Patents (SEPs);
- a report on the functioning of the Memorandum of Understanding on the sale of counterfeit goods via the internet;

The Commission intends to support industry-led initiatives to combat IP infringements, including voluntary agreements on advertising on websites, on payment services

and on transport and shipping; and it will continue working closely with national experts.

The Commission also proposes to reinforce cooperation programmes with China, South-East Asia, Latin America and it will publish an updated report on IPR enforcement in third countries.

Last but not least, the European executive will set up an IP Markets Watch List to identify online and physical markets outside the EU that are reported to engage in, or facilitate, substantial IPR infringements. The Commission will launch a public consultation to collect information on these markets and it intends to publish the first list in the second half of 2018.

On SEPs, the Commission will launch a pilot project on the evaluation of their essentiality in selected technologies. It will also closely monitor the SEP licensing markets with a particular focus on IoT technologies. The Commission will take stock of progress achieved and assess the need for further measures.

[EC Communication](#) – [Guidance on certain aspects of Directive 2004/48/EC](#) – [Report on the evaluation of IPRED](#) –

[Communication on SEPs – Report on the functioning of MoU on counterfeit-goods](#)

■ Consumer Protection Cooperation

The Council formally adopted the agreement reached with the European Parliament last June on the regulation to strengthen cooperation between EU national authorities responsible for the enforcement of consumer protection laws. The new regulation replaces Regulation 2006/2004 and modernises cooperation mechanisms in cross-border infringements.

[Regulation on cooperation between national authorities responsible for the enforcement of consumer protection laws](#)

■ Geo-blocking

The Committee of Permanent Representatives of the Council confirmed the agreement reached between the negotiators of the Council and the European Parliament to ban unjustified geo-blocking. The agreement still needs to be formally adopted by the Council and the Parliament. The Regulation will be applicable nine months after its publication. The agreed text will be available soon.

[Council general approach – EP report](#)

■ Clean Energy Package – Energy Efficiency and Renewables

The Industry, Research and Energy Committee of the European Parliament voted on two proposals of the Clean Energy Package, namely the proposals on promoting the use of energy from renewable sources and on energy efficiency.

With regard to the review of the Energy Efficiency Directive, the Council already agreed on its general approach; therefore, trilogue negotiations on the proposal are expected to take place early next year.

On renewables, the Members of the Parliament voted to increase targets on renewable energy. The Renewable Energy Directive will be discussed by the Council on 18 December, when Member States are expected to reach a general approach; then trilogue negotiations can start.

[Draft report on the proposal for a directive on energy efficiency – Draft report on the proposal for a directive on the promotion of the use of energy from renewable sources](#)

■ VAT Cooperation

The EC presented a proposal to enhance VAT cooperation between Member States' tax authorities, other national law enforcement bodies and law enforcement authorities at EU level. The Commission also proposes to put in place

an online system within the EU's network of anti-fraud experts Eurofisc. These measures were announced in April 2016 as part of the VAT Action Plan of the Commission. The proposal, which will amend Regulation 904/2010, will now be submitted to the European Parliament for consultation and to the Council for adoption.

[EC proposal for a Council Regulation](#)

■ Payment Services

The EC adopted new rules with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication to implement the Payment Services Directive 2. The revised Payment Service Directive will enter into application on 13 January 2018, except for the security measures outlined in the regulatory technical standards (RTS). Following the adoption of the RTS by the Commission, the EP and the Council have three months to scrutinise them. Afterwards, the new rules will be published in the Official Journal of the EU and they will become applicable only after 18 months.

[Commission delegated Regulation supplementing Directive 2015/2366 – Annex](#)

■ Bank Creditor Hierarchy

The European Parliament in plenary voted on the agreement reached with the Council on the Directive on the ranking of unsecured debt instruments in insolvency proceedings, which amends Directive 2014/59/EU. Now the text will be submitted to the Council for formal adoption.

[EP resolution](#)

■ Food Contact Materials

The EC published its roadmap for the Evaluation of legislation on Food Contact Materials, Regulation 1935/2004. Interested parties can submit their feedback until 26 December. The purpose of this evaluation is to assess whether the current EU legislative framework for FCMs is fit for purpose and delivers as expected.

[EC dedicated page](#)

■ 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

■ UBER INVESTIGATION

The Article 29 Working Party established a taskforce to investigate on the UBER data-breach case. It will be composed of representatives from the Belgium, French, German, Italian, Spanish and British Data Protection Authorities and it will be led by the Dutch.

[Article 29 WP page](#)

■ EU-Mercosur Trade Agreement

The EC published the report on the progress made during last round of talks for the EU-Mercosur trade agreement.

[Report](#) – [EC dedicated page](#)

DECISIONS

EC Decision of 30 November – Cariparma / Caricesena / Carim / Carismi

■ Financial service activities

The EC approved the acquisition of three Italian savings banks by Credit Agricole Cariparma Spa.

[Case information](#)

EC Decision of 30 November – OMV / VERBUND / SMATRICS / E-MOBILITY PROVIDER

■ Service activities incidental to land transportation

The EC approved the acquisition of joint control over SMATRICS GmbH & Co KG and E-Mobility Provider Austria GmbH by VERBUND AG and OMV Aktiengesellschaft.

[Case information](#)

EC Decision of 28 November – Total / Maersk Olie Og Gas

■ Extraction of crude petroleum and natural gas

The EC approved the acquisition of Maersk Olie og Gas A/S by Total S.A.

[Case information](#)

EC Decision of 28 November – EQT / Curaeos Holding

■ Hospital activities

The EC approved the acquisition of Curaeos Holding B.V. by EQT Fund Management Sarl.

[Case information](#)

EC Decision of 28 November – DIF / CDC / ADTIM

■ Telecommunications

The EC approved the acquisition of joint control of ADTIM by DIF Management Holding B.V and Caisse des Depots et Consignations.

[Case information](#)

EC Decision of 17 November – Environmental protection through residual CO2 delivery to greenhouse horticulture

■ Electricity, gas, steam and air conditioning supply

The EC approved Dutch public support to the company OCAP CO2B for the construction of CO2 transport infrastructure in Prima, in the Greenport of Aalsmeer.

[Case information](#)

EC Investigation – Environmental incentive for coal-fired power plants

■ Production of electricity

The EC opened in-depth investigation into Spain's support for coal power plants

[Case information](#)

EC Decision of 24 November – Deutsche Alternative Asset Management / M&G Alternatives Investment Management / JV

■ Manufacture of railway locomotives and rolling stock; passenger rail transport

The EC approved the acquisition of joint control over Belmond JV by Deutsche Alternative Asset Management (Global) Limited (DAAM) and M&G Alternatives Investment Management Limited (MAGAIM).

[Case information](#)

EC Decision of 24 November – Der Touristik Deutschland / EXIM

■ Travel agency activities

The EC approved the acquisition of sole control over EXIM Holding A.S by Der Touristik Deutschland GmbH.

[Case information](#)

FROM THE OJEU

■ Non-opposition to concentrations

Non-opposition to the notified concentration Deutsche Alternative Asset Management / M&G Alternatives Investment Management / JV – Case M.8667 has been published.

[Document 2017/C 409/02](#) – [Case information](#)

Non-opposition to the notified concentration CDPQ / GE / JV – Case M.8670 has been published.

[Document 2017/C 409/01](#) – [Case information](#)

Non-opposition to the notified concentration Oaktree / PIMCO / Real Estate Portfolio – Case M.8661 has been published.

[Document 2017/C 406/02](#) – [Case information](#)

Non-opposition to the notified concentration Der Touristik / EXIM – Case M.8668 has been published.

[Document 2017/C 406/01](#) – [Case information](#)

Non-opposition to the notified concentration Continental Automotive / Alstom / Easy Mile – Case M.8588 has been published.

[Document 2017/C 403/02](#) – [Case information](#)

Non-opposition to the notified concentration Allianz / LV general insurance businesses – Case M.8617 has been published.

[Document 2017/C 403/01](#) – [Case information](#)

Non-opposition to the notified concentration Nippon Yusen Kabushiki Kaisha / Mitsui Osk Lines / Kawasaki Kisen Kaisha / JV – Case M.8472 has been published.

[Document 2017/C 401/05](#) – [Case information](#)

Non-opposition to the notified concentration Apollo Capital Management / Intertoys Holding – Case M.8683 has been published.

[Document 2017/C 401/04](#) – [Case information](#)

Non-opposition to the notified concentration APG / Hines / JV – Case M.8637 has been published.

[Document 2017/C 401/03](#) – [Case information](#)

Non-opposition to the notified concentration HP / Printer business of Samsung Electronics – Case M.8254 has been published.

[Document 2017/C 401/02](#) – [Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration BC Partners / CeramTec – Case M.8705 has been published.

[Document 2017/C 409/07](#) – [Case information](#)

Prior notification of the concentration Värde / Fraikin – Case M.8647 has been published.

[Document 2017/C 406/06](#) – [Case information](#)

Prior notification of the concentration WME IMG / Perform / PIMGSA – Case M.8664 has been published.

[Document 2017/C 406/05](#) – [Case information](#)

Prior notification of the concentration Engie / IPM Energy Trading / International Power Fuel Company – Case M.8717 has been published.

[Document 2017/C 406/04](#) – [Case information](#)

Prior notification of the concentration Bain Capital / Toshiba Memory Corporation – Case M.8680 has been published.

[Document 2017/C 404/06](#) – [Case information](#)

Prior notification of the concentration EQT Fund Management / G+E GETEC Holding – Case M.8729 has been published.

[Document 2017/C 403/09](#) – [Case information](#)

Prior notification of the concentration CEPSA / CEPSA Gas Comercializadora – Case M.8699 has been published.

[Document 2017/C 403/08](#) – [Case information](#)

Prior notification of the concentration CK Hutchison / TMA Holding / TMA Logistics – Case M.8654 has been published.

[Document 2017/C 403/07](#) – [Case information](#)

Prior notification of the concentration Porsche Digital / Axel Springer / JV – Case M.8703 has been published.

[Document 2017/C 401/11](#) – [Case information](#)

Prior notification of the concentration CVC / Providence / Skybox – Case M.8706 has been published.

[Document 2017/C 401/10](#) – [Case information](#)

Prior notification of the concentration Rubis / Phillips 66 / Zeller & Cie – Case M.8689 has been published.

[Document 2017/C 401/09](#) – [Case information](#)

Prior notification of the concentration Blackstone / Banco Popular real estate business – Case M.8679 has been published.

[Document 2017/C 401/08](#) – [Case information](#)

BRUSSELS INTERN

■ Copyright

The Council Working Party on Intellectual Property will discuss on 4 and 5 December the revised presidency compromise proposal on articles 3 and 6 and relevant recitals and the proposal on article 9a and relevant recitals for a directive on copyright.

[Revised compromise proposal \(articles 3-6\)](#) – [Revised compromise proposal \(article 9a\)](#)

■ Electronic Communications Code

A second trilogue on the proposal is expected to take place on 6 December with a special focus on the general objectives and spectrum provisions. The new Directive will combine four existing directives: Framework, Authorisation, Access and Universal Services.

■ ECN+

The Council Working Party on Competition will discuss on 8 December the presidency compromise proposal for a Directive to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market. Special attention will be dedicated to recitals 29-34 and articles 12-15.

[Presidency compromise text](#)

■ Competition in Air transport

On 5 December the Council will look at the progress made on the proposed regulation on safeguarding competition in air transport.

■ Banking Union

The Presidency of the Council prepared a progress report on the legislative proposals related to the Banking Union.

[Progress report](#)

■ Electricity Market

At the Council meeting on 18 December Member States will try to reach a general approach on the proposal for a Directive on common rules for the internal market in electricity. The lead committee of the European Parliament is expected to adopt its opinion in December.

[Presidency compromise proposal](#) – [Annexes](#)

■ Medicines Package Leaflets

The European Medicines Agency together with the EC will organise a multi-stakeholder workshop in third quarter of

2018 to develop key principles for the use of package leaflets in electronic formats.

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