



Content

LAW	1
POLITICS/GENERAL	2
DECISIONS	3
FROM THE OJEU	4
BRUSSELS INTERN	5

Main Topics

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

LAW

■ Conflict Minerals Regulation

The EP adopted the law that will introduce a legal mandatory system for the traceability of certain minerals (tin, tungsten, tantalum and gold). As a consequence of that, EU importers will be obliged to do due diligence checks on their suppliers; recycled materials and small importers will be exempted. Member States' authorities will be responsible for ensuring companies' compliance with the system. The regulation will have to be reviewed regularly by the European Commission, in order to maintain its effectiveness. The Council is expected to approve the legislative act in the coming weeks. After the regulation is formally adopted by both co-legislators, it will be published in the Official Journal and it will enter into force 20 days after. While the regulation will take effect one month after its entry into force, the compliance and reporting provisions will become applicable only on 1 January 2021.

[EP Resolution on the proposal for a regulation](#) – [Council text](#)

■ Antitrust – National Competition Authorities

The EC proposed new rules to make national competition authorities more effective when enforcing EU antitrust rules. With this proposal the Commission intends to empower Member States' competition authorities with a minimum common toolkit and effective enforcement powers, creating a sort of common competition enforcement area. The proposed Directive has been sent to the EP and the Council for adoption.

[Commission proposal](#) – [Impact assessment](#)

■ Antitrust Whistleblower Tool

The EC launched a new tool to alert it about secret cartels and other antitrust violations while maintaining anonymity. It will complement the existing leniency programme.

[EC dedicated page](#)

■ Medical Devices

The Environment and Public Health Committee of the EP adopted the new rules for medical devices regulations. The texts will be debated and voted for second reading during the plenary session of the first week of April.

[Text adopted 1st reading \(medical devices\)](#) – [Text adopted 1st reading \(in vitro diagnostic medical devices\)](#)

■ International Energy Contracts

The Council adopted a decision on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy. After being signed by the Presidents of the EP and of the Council, the legislative act will be published in the Official Journal of the EU.

The final text will be available soon.

■ Energy Labelling

The Council reached a provisional agreement with the EP on the Regulation setting a framework for energy efficiency labelling. The proposed regulation will replace Directive 2010/30/EU. The political agreement covers the following elements: definitions, market surveillance, harmonised standards, rescaling and product database. If the Parliament adopts at its plenary session the compromise text as approved by the Coreper, the Council will adopt the text in first reading without amendments. Once endorsed by both co-legislators, the revised Energy Efficiency Labelling Regulation will be published in the Official Journal of the EU.

The text will be available soon.

■ Environmental Performance

The Council decided not to oppose the adoption of a Commission Regulation concerning the EU's eco-management and audit scheme (EMAS), which amends annexes I, II and III to Regulation 1221/2009. The Commission may now adopt it unless the EP objects. The EU's eco-management and audit scheme is a management instrument for companies and other organisations to evaluate, report and improve their environmental performance.

[Commission Regulation](#) – [Annexes](#) – [Add](#)

■ E-commerce

The Internal Market Committee of the EP adopted its position on the proposal for new rules on the enforcement of consumer protection laws, which repeal Regulation 2006/2004. The Committee also gave a mandate to its negotiating team to start informal discussions with the Council and the Commission in order to reach a final agreement on the law. This draft empowers national enforcement authorities with a set of tools to protect consumers across the EU, strengthening cross-border cooperation in the area.

The text will be available soon.

[EC Legislative Proposal](#)

■ 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

■ VAT for Electronic Publications

The Council discussed the proposal that would allow non-standard VAT rates for electronic publications, aligning the rules for e-publication on those for physical publications, and the proposal for a generalised reversal of VAT liability to prevent fraud. The debate focused on the possibility of applying not only reduced VAT rates but also super-reduced and zero rates to electronic publications. The Presidency of the Council intends to reach an agreement on the two proposals before the end of June.

[Presidency compromise proposal](#)

■ Financial Services

The EC presented an Action Plan on consumer financial services, focusing on technology. One of the Commission's intention is to reduce legal and regulatory obstacles affecting businesses that want to expand abroad; therefore the European executive will present proposals on common creditworthiness assessment criteria and to facilitate the exchange of data between credit registers. The Commission invites all stakeholders to express their views on the impact of new technology on the entire financial sector.

[EC Action Plan](#) – [EC consultation page](#)

■ Money Laundering

The EC published its roadmap on EU Supranational Risk Assessment on money laundering and terrorist financing affecting the internal market and relating to cross-border activities. Stakeholders can give their feedback on the roadmap which aims to inform about the Commission's work.

[EC dedicated page](#)

■ European Supervisory Authorities

The EC launched a public consultation on the operation of the European Supervisory Authorities (ESAs). These are the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities and Markets Authority (ESMA). The Commission intends to identify areas where the effectiveness and efficiency of the ESAs can be improved. Contributions can be submitted until 16 May.

[EC dedicated page](#)

■ EU Supervisory Colleges

The European Banking Authority published its 2016 annual assessment of EU supervisory colleges for 2016.

[EBA report](#)

■ European Network of Transmission System Operators

The Agency for the Cooperation of Energy Regulators published its Opinion on the European Network of Transmission System Operators for Gas (ENTSO-G) draft Ten-Year Network Development Plan for 2017.

[ACER Opinion](#)

DECISIONS

EC Decision of 23 March – Mitsubishi Chemical Group / PTT Public Company Group / JV

■ Manufacture of plastic products

The EC approved the acquisition of joint control by the Mitsubishi Chemical Group and the PTT Public Company Group over PTTMCC Biochem Company Limited.

[Case information](#)

EC Decision of 22 March – Thyssenkrupp Technologies / Thyssenkrupp / Atlas Elektronik

■ Manufacture of electrical equipment, weapons and ammunition

The EC approved the acquisition by Thyssenkrupp Technologies Beteiligungen GmbH of the remaining shares in Atlas Elektronik GmbH.

[Case information](#)

EC Decision of 22 March – Qatar Airways / Alisarda / Meridiana

■ Air transport

The EC approved the acquisition of joint control over Meridiana fly Spa by Qatar Airways and Alisarda.

[Case information](#)

EC Decision of 22 March – Europa Capital / Rezidor / PHD Polska

■ Hotels and similar accommodation

The EC approved the acquisition of joint control over PHD Polska sp. z.o.o by Europe Capital LLP and Rezidor Hotels APS Danmark.

[Case information](#)

EC Decision of 22 March – Bridgepoint / Zenith

■ Renting, leasing and sale of cars and light motor vehicles

The EC approved the acquisition of Zenith by Bridgepoint.

[Case information](#)

EC Decision of 21 March – AMC / Nordic Cinema Group

■ Motion picture, video and television programme production

The EC approved the proposed acquisition of Nordic Cinema Group Holding AB ("NCG") by AMC Entertainment Holdings, Inc.

[Case information](#)

EC Decision of 21 March – OTPP / OGF Group

■ Funeral and related activities

The EC approved the acquisition of the Group OGF by OTPP.

[Case information](#)

EC Decision of 20 March – Motherson Sumi Systems / PKC Group

■ Manufacture of electrical and electronic equipment for motor vehicles

The EC approved the proposed acquisition of sole control over PKC Group OYJ (“PKC”) by Motherson Sumi Systems Limited (“MSSL”).

[Case information](#)

EC Decision of 20 March – Sumitomo / Musashi Semitsu Industry / Hay Holding

■ Manufacture of basic iron and steel; manufacture of parts and accessories for motor vehicles

The EC approved the acquisition of joint control of Hay by Sumitomo and Musashi Semitsu Industry (“MSI”).

[Case information](#)

EC Decision of 20 March – SPIE / SAG

■ Electric power generation, transmission and distribution

The EC approved the acquisition of SAG by SPIE.

[Case information](#)

EC Decision of 20 March – General Electric Company / LM Wind Power Holding

■ Manufacture of engines and turbines

The EC approved the acquisition of LM Wind Power by General Electric Company.

[Case information](#)

FROM THE OJEU

■ Euro

Guideline (EU) 2017/469 of the European Central Bank of 7 February 2017 amending Guideline ECB/2008/8 on data collection regarding the euro and the operation of the Currency Information System 2 has been published.

[ECB/2017/7](#)

■ Non-opposition to concentrations

The non-opposition to the concentration Sumitomo / Musashi Semitsu Industry / Hay Holding – Case M.8403 has been published.

[Document 2017/C 90/03](#) – [Case information](#)

The non-opposition to the concentration AT&T / Time Warner – Case M.8323 has been published.

[Document 2017/C 90/02](#) – [Case information](#)

The non-opposition to the concentration Swiss Post / SBB / SwissSign – Case M.8365 has been published.

[Document 2017/C 90/01](#) – [Case information](#)

The non-opposition to the concentration Johnson & Johnson / Abbott Medical Optics – Case M.8237 has been published.

[Document 2017/C 87/06](#) – [Case information](#)

The non-opposition to the concentration Dong Energy / Macquarie / Swancor / Formosa 1 Wind Power – Case M.8343 has been published.

[Document 2017/C 87/05](#) – [Case information](#)

The non-opposition to the concentration Rheinmetall / Zhejan Yinlun Machinery / JV – Case M.8227 has been published.

[Document 2017/C 87/04](#) – [Case information](#)

The non-opposition to the concentration CPPIB / Hammerston / Grand Central KKR / Calsonic Kansei Case M.8317 has been published.

[Document 2017/C 87/03](#) – [Case information](#)

The non-opposition to the concentration Groupe HIG / Guillaume Dauphin / Ecore – Case M.8259 has been published.

[Document 2017/C 87/02](#) – [Case information](#)

■ Prior notification of concentrations

Prior notification of the concentration Bolloré / Vivendi – Case M.8392 has been published.

[Document 2017/C 89/09](#) – [Case information](#)

Prior notification of the concentration ENGIE Services Holding UK / Keepmoat Regeneration Holdings – Case M.8412 has been published.

[Document 2017/C 87/12](#) – [Case information](#)

BRUSSELS INTERN

■ E-privacy Directive

The European Parliament intends to reach a deal on the new rules of the ePrivacy Directive by October. The revision of the directive aims at extending its scope to all electronic communications providers. The European institutions would like to ensure the final adoption of the new rules by 25 May 2018, when the General Data Protection Regulation will enter into application.

■ Security of Gas Supply

The Presidency of the Council asked a revised mandate on the entire proposal for the regulation concerning measures to safeguard the security of gas supply and repealing Regulation 994/2010.

[Presidency proposal for a revised mandate](#)

■ Better Regulation Agenda

In the coming weeks the European Commission will consider amendments to the rules on EU-wide authorisation procedures in certain sensitive sectors. The Commission's intention is to ensure that in the future the European executive is not alone in assuming the responsibility to act where Member States do not have the right to give an opinion.

■ Transparency

The European Parliament is working on a resolution according to which EU lobbyists will have to sign the transparency register to be allowed to enter the Parliament's premises.

In order to improve transparency, the European Commission will propose new rules for the Transparency Register to cover stakeholder interactions with the EP, Council and Commission.

■ Brexit

A special European Council Summit will be held on 29 April in order to issue the first Brexit negotiating guidelines.

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